
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, January 14, 1992

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

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
His Honour T. C. ESTWICK, B.Sc., LL.B., (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)

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

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

Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of Public Works, Communications and Transportation and Leader of the House)

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

Hon. 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. I. I. BRATHWAITE, J.P., (Chairman of Committees)

Hon. E. E. GREAVES, G.C.M., B.A., Ed.M., (Minister of Housing and Lands)

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

Mr. C. LeR. TROTMAN, M.A.

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

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

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

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

Miss B. A. MILLER

Mr. DeL. O. BRADSHAW

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

Mr. J. O. TUDOR

Mr. D. W. BOWEN

Mr. G. W. PAYNE

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

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of the Meeting of Tuesday, 17th December, 1991.

Hon. P. M. GREAVES: Mr. Speaker, the Minutes for the Meeting held on Tuesday the 17th December, 1991 have been circulated and I therefore move, Sir, that they be taken as read and confirmed.

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

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

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I am to announce that I am in receipt of the Accounts and Statements for the month of October, 1991 as prepared by the Accountant General. Also the Report of the Auditor-General for the year ended 31st March, 1991.

PAPERS

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

The Rate of Interest (Amendment) Order, 1991.

The Rate of Interest (Section 4 Exemption) (Amendment) Order, 1991.

The Duties, Taxes and Other Payments (Exemption) (No. 5) Order, 1991.

The Rate of Interest (Exemption) (No. 2) Order, 1991.

The Duties, Taxes and Other Payments (Exemption) (No. 10) Order, 1991.

The Duties, Taxes and Other Payments (Exemption) (No. 13) Order, 1991.

Hon. P. M. GREAVES: I am commanded to lay:

The Annual Reports and Financial Statements of the Barbados Agricultural Development Corporation for the years 1985-86, 1986-87 and 1987-88.

In fact, Sir, it should be Barbados Agricultural Development Corporation but I see here, Sir, on my document as well as on this other document "Barbados Agricultural Corporation." Anyway it is the Barbados Agricultural Development Corporation.

REPORTS FROM SELECT COMMITTEES

His Honour T. C. ESTWICK: I beg, Sir, to report the passing of the following Bills in Committee:

The Domestic Violence (Protection Orders) Bill, 1991.

The Sexual Offences Bill, 1991.

The Praedial Larceny Bill, 1991.

Also, a Minority Report on the said Bills.

Mr. SPEAKER: I would assume that that Report is also laid on the Table as well.

FIRST READINGS OF BILLS

Hon. P. M. GREAVES: Mr. Speaker, I move, Sir, that the Bill entitled the Mutual Assistance in Criminal Matters Bill, 1992 be read a first time.

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

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

Hon. P. M. GREAVES: I move, Mr. Speaker that the Road Traffic (Road Tax, Registration Fee and Permits) (Validation) Bill, 1992 be read a first time.

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

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

Hon. P. M. GREAVES: I beg to move, Mr. Speaker that the Road Traffic (Amendment) Bill, 1992 be read a first time.

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

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

OBITUARY SPEECHES

Mr. H. deB. FORDE: Mr. Speaker, Sir, it is my painful task to ask this House to express their deepest condolence at the passing of the son of the Honourable Member for St Michael South East. All of us were astounded at the tragic news which reached us in which we learnt of the untimely departure of Tony DeLisle Bradshaw.

It is painful, Mr. Speaker, on any occasion to know of the death of any close friends or relatives or the relatives of our friends but it is even more painful and tragic when the person is a person in the prime of his youth.

Tony Bradshaw in his short period on earth endeared himself to many people. He showed sterling qualities. He was an intelligent young man. He showed deep loyalty and friendship and was outstanding both in athletics and in his work.

I knew him, Sir, as a young child growing up in Des Gardens, although unlike his dad, the Honourable Member for St. Michael South East and our friend the Honourable Member for St. Michael West Central, I did not reside physically in the area. I was an honorary resident of the area, Sir, and I would frequently witness him visiting some of the houses that I visited in that district. Unlike the young boy and girls of his day, he was always extremely respectful and extremely obedient and indeed extremely lovable.
12.30 p.m.

We regret very much his passing. We have already by our presence and by our words, expressed to his parents our sympathy and our condolences. We would not wish to prolong for them the agony which they must obviously feel from such an occasion. I think we would all in this

House, Sir, wish that his passing be noted and that the House express to his mother and to his father and other relatives the deep felt sorrow which has engulfed us all on an occasion such as this. I would ask therefore, Sir, that the usual Resolution be passed and forwarded in the usual manner.

Hon. W. W. HALL: Mr. Speaker, we on this side would like to associate ourselves with the kind words and condolences offered by the Honourable Leader of the Opposition and personally, Sir, I would like to say just a few words surrounding the demise of the young Tony Bradshaw.

Like the Leader of the Opposition, Sir, I have lived in Deal Gardens, only a stone's throw away from young Tony and had the opportunity to observe his development with pride. He was the product of a decent family whose guidance moulded him into a young man of exemplary character and therefore, I feel that we on this side would also like to take this opportunity to offer our condolences.

I do not wish to be long for obvious reasons, Sir, but I merely wish to say that we never overcome the sharpness of death. What passes really is the sorrow but the memory of Tony will be there and it will be ours to keep. I would therefore like to say, Sir, to recognise that he was a young man in the prime of his life, just married and equipoised for a take off in this wonderful world, when we witnessed his sad demise.

I therefore would like to take this opportunity on behalf of the Members on this side and indeed on behalf of the thousands of youngsters who knew him very well, to say to his father, my great friend, that I personally would like to offer condolences, but I would like to congratulate him on the great way he has taken this burden, because, Sir, as I said, we never can overcome the sharpness of death. Therefore, Sir, I would like to thank you very much for the wonderful way you have borne this great loss and to say that we on this side offer all our condolences.

Ms. SPEAKER: On behalf of myself and my family we too would like to extend our deepest sympathy to you and hope that in this time of your loss you will find consolation in your own Creator as the people would say.

As a mark of passing to you and your family this motion before the House, I should ask us all to stand for one minute silence.

ORAL REPLIES TO QUESTIONS

Hon. P. M. GREAVES: Mr. Speaker, replies to Parliamentary Questions, Numbers 4 and 5, asked by the Honourable Member for St. Peter and Number 16 asked by the Honourable Member for St. Michael South East, are ready.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I am commanded to state that replies to the following Parliamentary Questions are ready, namely:

Reply to Parliamentary Question Number 24 asked by the Honourable Member for the City of Bridgetown.

Reply to Parliamentary Question Number 25 asked by the Honourable Member for St. Andrew.

Reply to Parliamentary Question Number 35 asked by the Honourable Member for the City.

Reply to Parliamentary Question Number 31^e asked by the Honourable Member for St. Andrew.

Replies to Parliamentary Questions Numbers 7 and 8 asked by the Honourable Member for St. Peter.

Reply to Parliamentary Question Number 17 asked by the Honourable Member for St. Michael South East.

SUSPENSION OF STANDING ORDERS

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

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

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

ORDERS OF THE DAY

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

ROAD TRAFFIC (ROAD TAX, REGISTRATION FEE AND PERMITS) (VALIDATION) BILL, 1992

Order No. 7 - To move the Second Reading of the Road Traffic (Road Tax, Registration Fee and Permits) (Validation) Bill, 1992.

Hon. P. M. GREAVES: Mr. Speaker, this, Sir, is a very short Bill. In July 1986 the then Minister of Finance during the Financial Statement and Budgetary Proposals made certain proposals for the reduction of fees payable by certain public service vehicles. As a matter of fact, that was quite in keeping at the time, as far as I can remember, with a Manifesto promise of the Democratic Labour Party in 1986 that those fees would be halved. The then Minister of Finance did just that and he stated that from 1st January, 1987 a new regime of fees would be brought in, bringing into force that promise, which was 50% of the fees payable to that time.

12.40 p.m.

It would appear, Sir, that the officer who had been working on that particular order was transferred out of the Ministry of Finance in January 1987 and for some reason the matter was not worked on and the new fees were not gazetted.

Throughout the period from 1st January, 1987 up until now the fees were payable at the lower rates but the proper legal document to give effect to this had not been gazetted. It is therefore necessary for this Validation Bill in order to validate the collection of those reduced fees that were payable during this period.

I move, Sir, that this Bill, which does just that, be read a Second time.

Hon. M. A. KING: I beg second that, Mr. Speaker, and reserve my right to speak.

Mr. H. deB. FORDE: Mr. Speaker, I believe you, like myself, have been in this House for some considerable time and would have heard debates taking place, particularly during the years 1986 and 1987, concerning Validation Bills which were coming before this House. Sir, I know that you have a very good memory and you will not forget the severe strictures which the Democratic Labour Party in its pristine glory, in the halcyon days of 1986, would heap on the Barbados Labour Party. They would accuse us then of collecting money without legislation being in place, of constitutional misbehaviour, of incompetence in Government. Any pejorative term that you could think of, which had the most sinister and disastrous connotations and interpretations, was heaped on our heads in those days.

We simply did the correct thing and pointed out to the Government that there are times when at an administrative level omissions occur despite the fact that policy decisions have been taken. The Barbados Labour Party has never shirked its constitutional or collective responsibility for anything that went wrong in our Departments, but the allegation of sinister action on our part was absolutely misplaced and incorrect.

What is even more pertinent, Mr. Speaker, is that on those occasions I warned this Government, particularly the 1986 to 1991 Government, that it would not be long before I would find the Government coming to the House *ex post facto*, long after events, to validate action that should have been taken. I have had the unfortunate experience of seeing validation legislation passed of a retroactive character and which has had deleterious effects on the economy of the country, and I refer of course to the legislation amending the Central Bank Act which was passed in the last Parliament permitting the Minister to validate his unconstitutional breaking of the Central Bank Act to have money from the Central Bank over and above the then existing limits.

But of this legislation, let me remind the Government, Sir, I have to remind them in this case, because if their allegations were true, and I do not believe they were true about us, they would be equally true of this. I am glad the Government is beginning to learn from experience that there are times that things can go wrong in Departments at an administrative level, and that is really what the Minister who introduced this Bill has said. I am not going to be as uncharitable as the Democratic Labour Party is wont to be to the Barbados Labour Party and accuse the Government of incompetence and unconstitutional behaviour because of this piece of legislation. I hope, however, they would, as we have said when we were confronted with such a situation, accept the normal ministerial responsibility of a collective nature that must be shared in such circumstances.

I hope they will accept that, Sir, because obviously the Minister cannot say why the omission was not discovered until so many years after. We really do not know why it has taken so long for the matter to come to light. I think since then there had been at least two Ministers with responsibility in the Ministry of International Transport, Communications and Works, so that I cannot understand. The Minister has given no explanation of why the matter was not seen before. I was listening to him, Sir, he said the officer was transferred out. He must have been replaced in the Ministry of Finance. What I do understand is that the fault is at the Ministry of Finance and not at the Ministry of Communications and Works.

Sir, we must devise a better monitoring system for seeing that proposals made in Financial Statements are followed through and implemented. I remember I once suggested, when I was Attorney General, that any budgetary statements made should immediately be followed up with a Finance Bill and they all be implemented on the Finance Bill which would be introduced at the same time. It would call for a certain trust between the Ministry of Finance and the Ministry of the Attorney General. We still have the archaic view that budgetary measures remain in the breast of Ministers of Finance, and only at the last minute Cabinet is told of them because somebody is going to be talking the secrets out, or somehow it would get into the Press beforehand. However, the better practice is for measures, which have implications by way of legislation, whether it is substantive legislation by way of amending existing legislation or new legislation or whether it is legislation by way of the subsidiary process, to be brought and laid the very same day on which the Minister of Finance makes his statement. It is obvious that that was not done on this occasion. I am not going to prolong the agony for the Government on this matter except to say we told you so. I knew that I would be in this House long enough to repeat my warnings to the Government then. Experience is a good teacher and time shows up these sorts of things in the system. I hope we can now put in place the

administrative steps so that no Government, whether this or succeeding Governments, will be confronted with this type of delay.

12.50 p.m.

Hon. H. B. St. JOHN: Five years is a long period to discover a mistake. I am not going to repeat the statements made by the Honourable Leader of the Opposition. This is obviously a matter of great pain – embarrassment – because you have to come here and confess to your own lack of diligence in your administration.

Sir, I would have hoped that instead of just coming here with a plea *ad misericordiam*, the Honourable Member would have told this House what steps the Government is going to put in place to ensure that such an occurrence does not recur. It is the responsibility of the functioning head of the relevant Ministry which financial legislation affects to ensure that every part of a budget which affects revenue collection in his Ministry is carried into effect by subsequent legislation.

As a person who has held ministerial office in this country, I am one of those who believe that on occasions such as this we must let those functionaries know that they have a responsibility to the public to be efficient. People can't come in here debating this matter in the light of the fact that they can escape a public debate with impunity. So, in addition to the charge of negligence that we levy against the particular Minister, we want the functionaries to know that we are not so foolish as not to appreciate that this is nothing but gross negligence from the P.S. down. That is an important point that we have to get established. I hope the Government has decided in its mind that it would have in internal enquiry as to the level of the competence of the people involved. It is very important because whatever we in here say, whatever we do, we have to take the responsibility, and I am always in favour of that. When the evidence is abundantly clear that there are functionaries who are not functioning properly their conduct must be called into question.

I am surprised that the Honourable Member on the other side has not told this House what steps the Government has done or has taken to deal with this matter at that level. A little later, Sir, we will have another opportunity to deal with this same department and to deal with other conduct because there is a companion bill which will indicate something far more serious. Now, the Honourable Minister – perhaps I should not be surprised...

Mr. SPEAKER: I hope the Honourable Member is not anticipating the bill to come.

Hon. H. B. St. JOHN: Sir, I am past that. I didn't know your Honour had just got to that.

Mr. SPEAKER: You know, I always take my time.

Hon. H. B. St. JOHN: I am dealing with the Honourable Minister because the Honourable Minister was the Minister responsible during this time, as I understand it. I seem to remember that the Honourable Minister who introduced this measure was at some time Minister responsible for road traffic matters in Barbados subsequent to May 1986. If I am wrong, I stand to be corrected. I don't want to say anything if it is wrong. I would be glad if the Honourable Minister would get up because if he is silent it means that what I have said is correct and therefore he himself must take part of the blame. I would like him to tell us what he is going to do or what has he done, what investigation has been undertaken? What recommendations has he made to Cabinet to ensure that this doesn't occur in the future? That is the responsibility of a Minister under our system. The responsibility of a Minister under our system is to ensure that these kinds of mistakes do not occur in the future. On that, Sir, I am going to sit and await the reply of the Honourable Minister who is in a unique position because it is a department which fell under him at some time or the other, if it doesn't fall under him now.

Mr. D. A. C. SIMMONS: Once again we have a glaring example of the incompetence of the Ministry of Finance, headed by the Honourable Prime Minister. Once again, for the second time in less than two years, Government has been found guilty of doing something unlawful and having to come in here after the fact to validate. The first instance was when without let or hindrance they burst the overdraft of the Central Bank to Government under that Minister of Finance. At the end of 1990, he came in here and made as though nothing had happened because Parliament can do anything except make a man a woman and a woman a man, and brought a piece of validating legislation to smooth over the lawlessness that emanated from the Ministry of Finance.

When we looked at this Bill, yesterday evening we thought that this was the problem originating from the Ministry of Transport and Works, but we have been enlightened today that for the second time, the incompetence of the Ministry of Finance has been highlighted, that since January 1987 until January 1992 – five years' fees in respect of public service vehicles have been collected from the public of Barbados without proper, lawful authority. It is a disgrace. It is the height of maladministration and exemplifies in the most stark way the attitude of the present Government and the Ministry of Finance to the administration of the people's business.

1.00 p.m.

It should never have happened, Sir. I will tell you why. I remember in 1986, recorded in the House of Assembly Debates for the said year at page 241, an Act

was brought to this House with a name very similar to today's. That Act was then entitled "The Road Traffic (Registration Fee) (Validation) Act, 1986". They were trying to validate something that we had omitted. This was to correct something that had happened between 1984 and the change of Government in 1986. The then Minister of Finance, Dr. Haynes began this way, Sir:

"Mr. Speaker", you were then in the Chair, Sir, "once again I rise to defend the integrity of our legislative system and to correct the errors of omissions of the previous administration.

Indeed, Sir, when one considers the much vaunted legislative and administrative ability of the "Great Combination" which has now been split up, one begins to wonder what was the basis even of the assumption of any kind of administrative competence on the part of the last Government.

In these circumstances, I am constrained to move the Second Reading of a Bill to validate, that is, to make lawful, the collection of registration fees respecting certain motor vehicles."

Sir, I want to draw the analogy before I come to the Honourable Minister of Health's contribution. Where I want to draw the analogy is that they found in 1986 that in respect of the collection of registration fees for certain types of vehicles we had omitted to pass the relevant legislation for two years. That should have been a salutary experience for them on that side. But they have done the same thing, only worse. For five years, and not in respect of private vehicles but in respect of public service vehicles, they have allowed this thing to continue. They have not even had the ability to learn from the mistakes of a previous government.

I now turn, Sir, to the Honourable Minister of Health. I am not too sure what he was then. He has been shifted about so much that I have lost track of what was his status. At page 245 he delivered himself of these choice phrases which I think are most apt for today:

"We are saying", and I want to say it with the kind of emphasis that he would have had in his voice at the time "that this is symptomatic of the mal-administration, the massive mal-administration which can be found throughout the length and breadth of the administrative system in the country today. We are saying, Mr. Speaker," and I adopt all of these words as my own today, "that there was a casualness about the way in which the people's business was conducted. That casualness extends to the point where the Honourable Member can come in here and say that not all Ministers did what he pointed out that the Honourable Member for St. Michael South does."

Sir, I think I have made the point with enough emphasis. I am not going to accept that this matter should be blamed on the transfer of an operative in the Ministry of Finance. If one goes another should come. The collection of fees in respect of public service vehicles is an important matter bearing on the revenue of Government. It should therefore be a matter that is kept constantly under review. If the Minister of Finance as the political head of that department was doing his job in such a way as to ensure that Government's revenues were not only being collected but were being collected with the legal authority that subsumes their collectability, he ought to have picked up too that within his Ministry for five years there were deficiencies in the system. He ought to have dealt with it before.

I think I have said enough but I share the concern of the Honourable Member for Christ Church South that this must be a matter of some pain for the Government. But I am not going to exempt them on the ground that it is painful for them to come and validate the collection of these fees. I am not going to exempt them from the strictures which must be part of this debate that somewhere in the Ministry of Finance, more than likely at the head, there has been the greatest incompetence. If he would have only transferred some of the proper responsibility to the Minister of State in the Ministry of Finance and given him something worthwhile, to do instead of having him languishing there not doing anything and not even speaking to him, this situation may not have arisen.

Aside.

Mr. D. A. C. SIMMONS: It would have arisen but we would have dealt with it a year ago. The Honourable Member for St. Philip South has been there since January 22, last year being by-passed and ignored, a man who has a contribution to make, treated almost as though he is being constructively dismissed, given nothing to do so as to engender frustration to the point he would say "You are giving me nothing? I am finished with that." He then goes home. That is what is happening but we will come to those political matters another time.

Thank you Sir.

Hon. P. M. GREAVES: I do not think the Honourable Member can be allowed to get away with this. When I introduced the Bill I stated that this has been an omission on the part of the Government. But do not come in here and just cite one example as though you have a little example of two years. I could see the *modus operandi* on the part of the other side. They cite one example of a collection of fees I have plenty books here to deal with you all. First of all, Sir, they came in here and cited one example of the Road Traffic (Registration Fee) (Validation) 1986-19 and then made a speech on that as though to give the impression to those persons who were not in here at

the time during the last session, during the 1986-91 session and other persons who might be in our hearing – I am not referring to the Gallery, Sir, because there is no Gallery. I am referring to the Clerks because they may not have been here at that time – that was the only occasion on which they had that problem. That is far from the **truth**. I could cite examples here on a very quick research.
1.10 p.m.

Mr. D. A. C. SIMMONS: On a point of order, Mr. Speaker. The Honourable Leader of the House has impugned my veracity by saying that that is far from the truth, that I gave an impression. Mr. Speaker, I referred to one Bill as I said, by analogy, a similar validating Bill collecting fees. I did not deal with any other validation matters at all.

Aside.

Mr. D. A. C. SIMMONS: I believe the Honourable Leader of the Opposition said that they validated a number of things that they found. But he is saying it is far from the truth.

Mr. SPEAKER: The point of order has been made.

Hon. P. M. GREAVES: I am saying it is far from the truth is or if anyone gets the impression that that was the only occasion that that would be far from the truth because that is not the case. Because 1986-19 deals with the validation of collection of certain fees with respect to motor vehicles. Yes, that is the one he dealt with. That is the one he chose to deal with, Sir. But two Acts later came an Act to validate certain charges relating to television licences levied under the Wireless Telegraphy Act 1986-21. No mention was made of that, Sir. But do you know why, Sir? I can tell you why no mention was made of that because that was validating acts and omissions committed for six years not five. From the 15th August, 1980, look at section 3 of that particular Bill, and you are coming here now...

Aside.

Hon. P. M. GREAVES: That is right. Yes, he was Chairman of the Board. That same Member who just spoke. I have it here, Sir.

Asides.

Mr. D. A. C. SIMMONS: On a point of order, Sir. They are so intent...

Mr. SPEAKER: Make the point of order.

Mr. D. A. C. SIMMONS: Sir, they are so intent on not telling the truth today.

Mr. SPEAKER: You make the point.

Mr. D. A. C. SIMMONS: Sir, 1 resigned as Chairman of CBC in March, 1981.

Hon. P. M. GREAVES: Sir, on the 15th August, 1980 he had not yet resigned. The 15th August 1980, eight zero. He resigned in 1981. Fees were collected without due authority, illegally, in a very cavalier manner, Sir, without due respect to the law, for six years. Not only was that done for six years. It required this Administration to come in and set it right. They themselves could not even find it. We find our errors and our omissions. They never found theirs, Sir. They are too incompetent even to find theirs. That is the problem. That is not the only one, Sir. I have here another one. I do not have to call any more. The Fiscal Incentives (Validation of Benefits) Act, 1987-38 is another one that we passed to validate some of what they had done dating back to 1984. Again 1988-22, another one. We will go through this on a yearly basis, an annual basis. We are validating these acts and omissions and they come in here and accuse us of doing certain things and saying certain things. You were incompetent. Yes, you were incompetent. Your Administration was incompetent and we had to validate those acts and omissions. That is what happened.

Mr. Speaker, Sir, at this point, there is a slight amendment to this particular Bill in Committee. I am just letting the Honourable Members know in advance.

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

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Asides.

Mr. CHAIRMAN: Can we have some order?

Clause 2 was called.

Hon. B. M. TAITT: Mr. Chairman, before I move that Clause 2 stand part, I am moving that in line 3 of Clause 2 the word denoted "2nd" be deleted and the word "15th" be substituted for the word "2nd", Sir. With that

amendment, Sir, I move that Clause 2, as amended, stand part.

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

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

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported the passing of one Bill with an amendment in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, the Bill, as amended, was read a third time.
1.20 p.m.

On the separate motions of Hon. P. M. GREAVES, seconded by the Hon. B. M. TAITT, the Bill was read a third time as amended and passed and cited as the Road Traffic (Road Tax, Registration Fee and Permits) (Validation) Act, 1992.

ROAD TRAFFIC (AMENDMENT) BILL, 1992

Order No. 8 - To move the Second Reading of the Road Traffic (Amendment) Bill, 1992.

Hon. P. M. GREAVES: Mr. Speaker, let me begin by saying that there will be again, here in this Bill, certain amendments which I will move in committee. For one thing I will move that Clause 2 be deleted and that certain changes, as a result, be made in this particular Bill. I will probably during the course of my presentation make some reference to that and give at this time, during my second reading, the reasons why I am moving the deletion of Clause 2.

Clause 2 mainly deals with the renaming of the Licencing Authority as the Licensing Department. Sir, that can be done administratively without getting into dealing with it in this way, but if it does, it will create certain problems in relation to the Licensing Authority because the Licensing Authority in law is the Chief Technical Officer at the Ministry of Public Works as it stands at the moment.

Ever since the Government in 1978 took over the buses and became responsible for the public transportation system in Barbados, Government became, in fact, the leading player in delivery of public transportation services in this country. Sir, along with that went certain problems and unsavoury practices and from that time, Sir, a lot of indiscipline and disorder crept into the operations of the public transportation system in Barbados. This is not to say, Sir, that there was not some indiscipline even before that but in fact it increased and greatly proliferated since the taking over of public transport by the Government from those private concessionaires who operated omnibuses.

When that was taken over those problems increased considerably because almost at the time coinciding with the take over, there was a proliferation of various means of forms of transport in Barbados. A number of mini-buses licences were issued shortly after that.

The operations of the mini-buses at that time left a lot to be desired and the manner in which they conducted themselves went on for many years until probably in recent years when we can say, because they have now been taken over by a different form of transport, that they now appear to be children in terms of their behaviour in the transportation system in Barbados.

As a matter of fact, Sir, I now hear it said that the mini-buses are very well behaved which I would not have believed I would hear during my time. Sir, the form of transport that came on subsequently, and I am referring to the ZMs and in particular those little Z vans, means that we have had almost a chaotic situation in our transportation system.

Sir, the purpose of this Bill, hopefully, is to bring back some form of discipline and some form of order in the operations of public transport in Barbados.

The form of public transport that we now have is the Transport Board buses which is referred to as the BM vehicles, the mini-buses referred to as the Bs and then we have the ZMs which operate illegally and we have the Zs. Those are the designations. There are some little vans with the designation on their Registration Number as Z. They also operate illegally on the road. According to the law, Sir, the ZM vehicles should be kept in a particular place, whether it be in a garage, at the airport or at the seaport or what have you and only move out on call to transport passengers who have called them for that purpose. That has not been happening in terms of a number of those ZM vehicles.

Sir, we have 176 licensed ZM vehicles, and 66 or thereabouts of those registered vehicles operate on the routes illegally as a form of public transportation. That is roughly one third, I believe, if I am right in my arithmetic. Not quite one-third - probably about 30 per cent - of those ZM vehicles operate illegally in Barbados.

I understand, Sir, that some time around 1989 or thereabout the Z vans came along. Now the designation of Z, Sir, is really reserved for taxis, so any time one sees a Z on the road, and one is thinking it is operating legally one would believe that it is a normal taxi on the road, but chances are that where those vans are concerned, chances are that they are not. There are 271 such vehicles operating on the roads in Barbados illegally. The Z is supposed to be reserved for taxis. Taxis are not supposed to be plying the routes driving down Bay Street or any street in Barbado stopping to pick up people as they hail with other

persons already in the vehicles, so they have been operating illegally. It is well known, Sir, that they are operating illegally.

1.30 p.m.

I have seen some of those Z vans not only operating illegally, but also parked illegally and dangerously. Pay a visit to the Fairchild Street/Independence Square/Probyn Street junction, Sir, and look southwards. If you are at that junction, look westwards too, Sir, and you are likely to see some of those same Z vehicles stopped – I would have to say parked – of course the drivers are usually still in the vans – along Independence Square in a right turning lane. You go further on and you turn right on to Probyn Street and you are likely to see some Z vans again parked illegally along Probyn Street, sometimes two abreast. I can see it and I believe the law enforcement officers can see it too, but I have seen it. You go further on, Sir, and you see that they are parked in a way to impede the ready exit of Fire Service tenders along the same Probyn Street. They are parked in a way that the tenders cannot easily manoeuvre and get out of the Fire Station in order to attend a fire. These things are seen.

Only on Sunday, Sir, I have seen one of those same vehicles drive up Collymore Rock to the roundabout where if one turns left one goes down Pine Road, if one turns right one goes into Culloden Road and if one carries straight on one goes to the top of Collymore Rock. One vehicle came up Collymore Rock, made a semicircle in the roundabout and stopped right in the roundabout and discharged passengers, some on the left of the vehicle and some on the right of the vehicle. These are some of the problems which we have to grapple with. We cannot sit and allow those things to continue.

Let me say this, Sir. I have issued directions in my Ministry that no further licences must be issued for that class of vehicle, because they are dangerous. I am not talking about the operations of it now, they are in themselves dangerous because there is very little separating them on impact if there is an accident threatening serious injury, because only a flimsy sheet of metal would be separating them from the impact, whatever impacts on that vehicle, and whenever there is an impact. That is possible, Sir. They are dangerous and it is my belief that if one wants to operate these vehicles and carry numbers of the public on the streets of this country, they should be carried in a safe way. If that is not done, I believe we have to provide for the safety of those passengers.

I myself wonder what would be the position, but also what has been the position, of those persons who would be injured and those persons who have been injured as a result of being conveyed in one of those mini-vans illegally on the roads of Barbados. What is the insurance position, Sir? We have to take steps here to bring some security to the travelling public of Barbados.

The position is that we are going to bring them into the system legally and I hope when we have done this, their illegal operations, if they persist, or any other illegal operations or operators that may come on the scene in Barbados, I am hoping they will be dealt with according to the law. I heard the Honourable Member for Christ Church South saying they never will be, but that does not mean we must put our hands in the air and do nothing about it. We have to try. There may always be that lawless element among us, I agree, but we have to minimise it, we have to reduce it and deal with them. Again, I repeat, I hope the law we are hopefully passing here will be able to deal with those operators after we have passed this legislation.

One of the problems in operating these Z vehicles, and I will give you a little example. A visitor to Barbados takes a Z van say from St. Lawrence Gap to Bridgetown and pays \$1.00 – \$1.50 as the fare. That van is designated "Z" and "Taxi". That same visitor the following day hails another Z vehicle, this time it is not a van, it is a motor car with the "Taxi" designation on the roof. At the end of the journey the driver of the taxi says the fee is \$15. The visitor had paid \$1.50 the day before in a vehicle designated "Z" and "Taxi" but today he is paying a fare of \$15 with a vehicle also designated "Z" and "Taxi" and, as has happened, that visitor claims he is being ripped off, which is not the case. What has happened is that he has legitimately stopped a normal taxi and the taxi has stopped for him and transported him to Bridgetown where he wanted to go and he has been charged what should be the normal fee, which is \$15, but the Z vehicle operating illegally has charged him \$1.50. and they have never been able to understand this.

These are some of the problems we have to deal with in terms of the operation of these vehicles. I want to see them stop at the bus-stops. I want to see that enforced. I want to see them use the laybys. I want to see that enforced. I do not want to see these or any other vehicles stop in bends in the road and at roundabouts. When I held responsibility some years ago for that Ministry, I would report to the Chief Licensing Officer all of those vehicles I saw operating in that illegal way. I would mark the time, the number and the date, and I would report it to the Chief Licensing Officer and instruct him to write the owner of the vehicles and let them understand that they have been operating illegally and dangerously and that repetition of it might very well bring some disciplinary action. In fact, in some cases that happened when I was the Minister. I believe, Sir, that we have to do some of these things again.

1.40 p.m.

In this Act, we have also taken the opportunity to deal with other matters in relation to this Bill and I would like specifically to refer to section 9 of the Bill which when amended becomes section 8. I am referring to the fixed penalties section. Under the current legislation now in

force there are five offences and those offences are repeated here in this Bill at numbers (a) to (e). They were fixed penalties which could be done in a summary way and for which the police officers or the road traffic wardens would be able, if there is a breach of the laws as ascribed by these five offences, to affix a ticket to the windscreen of the offending vehicle and the driver of that vehicle was required to go to the Courts and pay \$25 in full discharge for the offence for which he has committed. If the \$25 was not paid within 21 days as required by the law then it became an offence triable by the magistrate.

We have taken the opportunity to extend this. Sir, those listed from (f) to (p) are new offences. I particularly want to say a little about (f):-

"Having been loaded with industrial materials or domestic waste and spilling its load on a highway;"

On the ABC Highway, on any morning, one can travel there and see the amount of litter that is on the road. Some thrown deliberately off vehicles and some having fallen off vehicles that were not properly loaded. This will now become one of those offences for which tickets can be issued but we are making regulations to require that such vehicles have their loads covered. If those loads are not covered, that will be an offence.

The Bill also makes provision for the appointments of examiners as well as was done before, of inspectors. Each one will have his own responsibility and there will also be testers of persons testing for driver licences. The examiners will be people as set out in section 3(1) of the Bill. They will examine vehicles to determine their roadworthiness as well as examine the vehicles at the behest of the police. The inspectors will monitor and report on ground transportation systems to ensure that owners and drivers of motor vehicles conform to provisions of the Act and regulations in respect of the operation and the licensing of motor vehicles.

It is, Sir, the intention of the Ministry that this Bill should have general application in terms of all forms of public service transport in Barbados. I have no doubt that Honourable Members might raise certain issues which will merit responses and I believe that this is a Bill that is very necessary. I want to repeat what I said at the beginning. It is the intention to bring some law and order into the public transport system in Barbados.

With those words, Sir, I move that this Bill be read a second time.

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

Mr. DeL. O. BRADSHAW: Mr. Speaker, I have listened to the Minister who introduced this measure and I

am at a loss as to why, first of all, it took so long to come with these amendments and secondly, why the Government and the same Minister in Cabinet, allowed these additional permits to be issued? Why did the Government sit idly by and see the Transport Board and the entire transport system break down like it is today. I want to say that no amount of law passed here or anywhere can control what is going on because laws were passed before and the people ignored them. I will hope that the Minister addresses the very critical question of policing to make sure that people are abiding by the laws passed by this Parliament. No amount of words, of levelling accusations or talking or rehearsing of the problems will address the problem.

I want to put a recommendation to the Minister because I am not yet heard. I want the Minister to take this as number one recommendation: look into the possibility of having a proper inspectorate system, not in the Licensing Authority itself but on the road to ensure that these people abide by the law.

Asides.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I also want to tell the Minister to make sure that he has a proper transportation study – a comprehensive one. You must also have inputs from the travelling public as well as the private operators of these and other vehicles. I want the Minister also in his study to make sure that Government decides in its mind what role the Transport Board will play in the whole scheme of things. You can take these notes. Unless you understand what is going on we are going to have these problems.

1.50 p.m.

If everything was functioning well and efficiently you would not have had these problems with the Transport Board. That is why I say that you need an indepth study in order to find out what the Transport Board is doing. The Transport Board, for instance, finds itself discontinuing services on particular routes. But, at the same time, Government is not introducing a system or mode of transport in order to take up the slack. That is why you have the illegally operated ZM and Z vans because they recognise that the Government is not fully aware of the situation. Therefore, they are taking up the slack.

I have heard as early as May 1991 the Ministry of Transport saying that Z vans are unsafe. I want to ask the Minister, his Ministry or an official from his Ministry having said that, why is he coming in here to legalise them? I just want to know where we stand on this. We cannot have the two. You are blowing hot and cold. You have to be consistent in what you say and do.

I am saying that you have a Chief Technical Officer whose job is by law to decide what is safe and unsafe. He also advises the Government on the capacity, the

engineering aspects and all these things. This is what the Chief Technical Officer under the laws of Barbados is supposed to do, not the Licensing Authority. You may have your inspectors inside there doing that but what is the role of the Chief Technical Officer? There is some confusion there. The Government has to sort that out, not the Licensing Authority. The Licensing Authority cannot decide that a bus is unworthy. It can examine it but it is the Chief Technical Officer who has to say that. Look and see that there is some problem with this particular legislation.

What I am saying, Mr. Speaker, is that over the past years, and this has to stop, we have been creating problems for our successors. We have sat down and allowed some Ministers to do everything that is wrong and we say nothing. Today the Minister has to correct what he sees is going wrong, not yesterday. Remember the question of collective responsibility. No one over there can seek to exonerate himself from this. It is a strange game. While I want to support the Minister in having the guts to bring this, I want to say that it has lots of loopholes. It is not going to be sufficient. This thing need not have happened.

The Minister is talking about the Z vans parking in front of the Fire Station. I agree it is dangerous. It impedes the flow of vehicles coming out of the Fire Station. But do not forget that it was this Government that issued the permits that saw them there. It was only after the Barbados National Bank made a noise that these people moved. The Government did not move in to solve the problem.

I want to say to the Minister that I cannot understand how he can come here today and say that they are creating problems when at the same time they have given them parking not too far away from the same Fire Station. What I am going to call on the Minister today to do is to provide proper parking facilities including a bus shed for these people because the people who catch these minibuses are commuters. It is the Barbadian public paying taxes. Do not punish them because of some irregular thing a fellow may do. These are the poor people. I want the Minister of any Government in that matter in drafting any sort of policy to make sure that they take into consideration the poor and the disadvantaged people. I say poor and disadvantaged because people like myself and most of us in here do not travel on buses and we do not understand what people who travel on the buses are looking for.

We feel when we come in here that we have all the answers. The Minister thinks that this is the answer. I will say it is not the answer to the problems out there. The Minister and the Government must now ask themselves of the type of buses that the Transport Board has at the moment and have brought in here: are those the type of buses that should be used? I want that to be addressed. They are totally irrelevant to the Barbados situation, but it is going to cause the taxpayers some money.

They have made us ashamed. They have embarrassed us – those things that you went and spent a lot of money on to bring here into Barbados. It is said that they are not suitable for the roads. I want to know what kind of policy you have? What are we doing? The commuters do not want them. They are not comfortable. My understanding is that the latest buses are too high for one to step up in the back. It is too tall. I want to know how the Government got into this.

This transport problem needs a more serious input. It needs to be professionally addressed. There is not anything that is working. There is no cohesion. It is not effective. It is not efficient. Everybody is doing everything. They take on skiff in 1990 and 1991. There were these batches of people becoming conductors and drivers. Government sat down and saw that and the buses were not increased. So you find yourself with more conductors and more drivers yet at the same time fewer buses. I would hope that the Minister addresses this if he does not know.

Some 24 buses cannot pass inspection at the Transport Board. What are you doing about those? Nobody ever hears about them. I can tell you they are there. This is causing a lot of problems in there. When you are talking even about laying off for two and three days, that was not necessary. The problem could have been addressed and solved long ago if the Cabinet had the guts to stand up to one of their colleagues and tell him he was overloading in the Transport Board. They have to live with that. It is time that Ministers, or any Government understand that they should follow the rules and the law. Colleagues within the Cabinet should speak out. What are we doing? Should I be in here today passing something that we sat down and saw all along?

I remember hearing the promise just before the Elections that they were going to allow standing passengers but even while you have permitted standing passengers, at the same time I have never heard and I know there is no policy in place, to make sure that the buses meet a particular specification for standing. People get permits and the people are standing. You must ensure that they are safe. If you are talking about the Z vans and their safety and lack of safety then you have to think in terms of whether these people who have got permission to carry the standing passengers are safe enough. What I am saying is that until you put these laws in place you must have an inspectorate system to meet these buses on the road and challenge them as it used to be done when I was a youngster going school. They used to have inspectors and Cyrus would make sure that they stopped. This is not happening.
2.00 p.m.

Mr. Speaker, this is a very serious matter. The Government, as I said, needs to sit down and look closely. It is time for us to revise the road traffic laws and come

up with a more comprehensive and relevant piece of legislation. We need to do that. Go at it piecemeal. You see what has happened, when the pressures come people do things that are illegal. Then we have to come in here to regularize. This should not be. You should not operate like that.

If the present Government had insisted that people comply with the 1984 laws and amendment then we would not have had all of these problems. You see the influx of ZM vans, the whole thing is in disarray. There is utter confusion. You cannot on the one hand with the ZM vans in particular tell the operators yes, you can change from a motor car and replace it with a vehicle, a van from Simpson Motors or somewhere else and before they get inspection you make it a condition, a requirement that they have to put in a seat. Yes, it was the Government that insisted that an extra seat be put in, the seat costing \$800 that people have to buy and put in. But do you know what is happening now? The same Ministry is saying to the people: take back out the seat. It is a fact. Do not even challenge me over there. You see you do not understand what is going on.

There are people operating at the Port, Mr. Minister, if you want to hear, with the same Z vans, who are not allowed to carry more than three passengers. But those same people were told by your Ministry, the Ministry of Transport to put in the extra seat and now the people are told to take them out. There has to be confusion. Let me say to you that to say that in order to get a taxi permit you need to have a high top that is sheer foolishness. It is rubbish. If the Z vans are unsafe, they are all Z vans irrespective of the top. I have never heard that because you have a higher top or you have an oval top that that constitutes safety. That is foolishness.

I would say this to the Government, if you want to help and encourage Barbadians and to curb the recklessness of people in regard to the law I want the Government to consider having proper PR programmes so that you can educate the people. I feel that any Ministry who sees, for instance, the ZM vans and says that they are unsafe should have a policy of telling the people up front before they go and borrow money that they are unsafe and also recommend to the people the type of vehicles that would meet with approval, not only to condemn them. We are too quick to condemn people. I said most of these things happened because nobody had the guts to go out there and try to find out what in fact are the problems. There is chaos in MTW, absolute chaos. It is not going to work.

Another question I must ask is about the permits. When permits were granted to taxi owners and the ZM vans, it was done with the intention of letting the holders sell. It was sort of an asset. If they wanted to get rid of it

like in the Bahamas they can do so. But what are you having? The Ministry is refusing to transfer the permits and is forcing people to engage in another illegal activity. So do you know what they are doing? They are going and sitting down and making arrangements in the attorney's office. I can tell you about it, because they need to have a legal document. I would challenge the legality of them because I do not know how the insurance company can insure one thing and then the Ministry of Transport has a different policy. As I said you are asking the question and I am asking it too.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I am grateful to the Honourable Member for St. Michael South East who has given way only to permit me to move the suspension of this sitting which I now do, Sir, until 3.00 p.m. today, Sir.

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

RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Mr. DeL. O. BRADSHAW: Before the break I did mention the question of permits and this is an area which the Government needs to look at carefully and have a very clear policy on because when the Barbados Labour Party Government decided to issue permits to persons to operate these ZM vehicles, the Z taxis and the minibuses, they did so with the understanding that the permits would be used as a sort of security. They were an asset and therefore the thought behind it was, in case these operators, when they got old or in difficulty wanted to come out of the business, they could sell the permits and have some money back. Such is the system in the Bahamas.

What we are seeing is that persons who want to relinquish their permits cannot do so and if they do so, or if they transfer it or attempt to allow someone to use it they are in breach of the law. It happens, Mr. Speaker, and it continues to happen. What I would like the Government to do is to have a clear policy on this and allow for the transfer of these permits, not allow it as it stands for the Ministry to call them in and then decide whether or not they should sell them. The intention was you could sell to anyone. A could sell to B and all that would happen is that you would notify the Ministry of Transport. That is all that was necessary.

I am very concerned about this and I am going to use a case in point so you will understand what is

happening. There is a particular operator who wanted to use a permit from a holder who did not have a vehicle. He went into his attorney and made some arrangement that the permit holder would allow the bus holder to use the permit. So said so done. In the meantime one of the finance companies gave a loan in the magnitude of over \$100 000 based on the premiss that the permit was valid and therefore there was no problem. What happened two years later is that the permit holder said that he wanted back his permit leaving the bus holder out in the cold. Now that is a matter which is to and fro and not yet resolved between the parties. I am saying that situation should not have been allowed to occur in the first place because if there was a policy put in place to deal with that you would just have a matter of a man selling a permit, and there would be an agreement that he sold the permit and everything would be settled.

I hope the Government would understand this is a problem. I know of cases where people have got permits and they are speculating on them, selling them for a lot of money. How they get these permits I don't know but we have to understand and address ...

Aside.

Mr. DeL. O. BRADSHAW: Not only transfers. Before your time, permits were granted and fellows never had buses but they got permits so they can turn around now and sell. We have to look at that because it should not be allowed. If they are granted a permit there should be a time factor to qualify or to get a vehicle and if you do not have a vehicle up to that time then the permit can be automatically cancelled. These are things the Ministry is aware of because the Ministry has made some statements from time to time on the whole matter and I am sure the Minister is aware or should be aware that there are questions like these in his Ministry that need to be resolved and we have to look at it.

Now, I also feel that we have to look at the rural areas, St. Andrew, St. John, St. Joseph, St. Lucy. When we talk about an influx of these vehicles plying in the St. Michael area we know why. They are lucrative and short. But in any national policy you have to take into consideration servicing the people in the rural areas and people have been complaining from time to time because we have not addressed that. The Transport Board may say, okay we are going to send a bus every hour or every three hours, that is not enough.

The Government must, and I am making this recommendation to the Minister, in issuing these permits make sure to issue them on condition that the people ply the rural areas as well. If you don't do it you are wasting time. Don't waste my time in here on anything. Don't

waste the time of the House if you can't look at that because, if you have a policy, you are saying to people who are on the routes in St. Michael that you cannot tell them there are too many people here and you will have to take some of the bitter with the sweet.

I will also say this too: This foolish talk that you are hearing that you can't make money on the rural routes is a joke. When I was a youngster going to school, Mr. Speaker, there was a fellow called Kenneth Gill and even John Yearwood who was a Member of this Honourable Chamber. John Yearwood became popular because he used to ply the route from Sargeant Street in St. John right through Pool and Golden Ridge and he made money. Kenneth Gill is still in business making money. There are people who are plying routes in the country and I am asking the Minister and the Government to consider those persons. After all it is not fair to them. They can't get transportation and jobs are hard to come by and employers will look for the flimsiest of reasons to dismiss them and if they come in late ...

This is a very serious point because I have seen of late in the paper where people are giving a points system and they are saying you were late and absent. Let me say this: I come from the country and I know that some people have to miss the bus because the bus is full and the drivers don't want to risk getting a report. Since there is no timing of the system I can see all of these things need to be addressed by the Government, whether it be private or public transport.

Where there is a set time when the bus moves off at 8.30 and it is going from point A to point R, if it leaves Sargeant's Street, St. John and it comes to Four Roads this would take about fifteen minutes and the bus should set down there until ... It should not pass and go along because some of the drivers speed up because they may have engagements and they want to get into town fast so therefore they deny the people.

Now here it is you have a twin problem. The Transport Board buses can't make any money and at the same time there is confusion because people cannot get to work, and that person could very well lose his job due to no fault of his or hers.

We have to look at that so I am begging the Minister because you have to beg for these things. I am putting in a case for them. In granting the permits make sure that some of them go out there and you will kill two birds with one stone, you will solve the problem that I am concerned about and you will also solve the problem of the congestion of all of these people operating on the profitable routes. If they can't ply out there well that is too bad for them. You will now know who is greedy and who is prepared to make the sacrifice in this country.

I am saying you mix it and at the same time, if you want to take the burden off the taxpayers, I am going to recommend that the Transport Board get buses similar to the mini-buses and compete like with like. Look at that and see whether you can look at a bus that is compatible with the particular area and put it on there, not the clumsy ones that can't go down the hills. There are some of them that can't go. You have to make sure that you do that.

If you are going to talk about the one-man bus operation let me tell you, that is fraught with problems too. I have heard about cases, recently where people have attacked a driver because he was by himself and carried away the money. In these days I am going to advise the Government to go slowly on that. It is alright to come with a blanket policy about a one-man operation. It sounds pretty but I will tell you there are problems. I did some conducting in England and I know what is involved. The conductor's duty is not only to conduct the fares but his or her duty is to ensure that he can see the little problems – helping the old lady on to the bus, or a child that suffers from some disability. That is the role of the conductor and if you have a one-man operation, you have to look at the problem, look at what is happening, he is there just to collect fares and he can't see everything. When he is going to turn around who is going to direct him. I would like to know if you are really serious. You are leaving a man with a big bus with 40 people or so to tell me it is a one-man operation. You have to think about that. It is like turning around a lorry ... All of these buses and you do not have any turntables. You go to the destination and turn around. I am therefore saying that you have to look at that.

Now the question of the music. We have come in here from time to time. We have heard questions on radio, complaints about music on the vans. There is something I would like the Minister to address. Now that you have got a category of people plying you must amend the law to bring them in and the adjustment has to be made. I don't know when you are going to bring it in but it has to be as soon as possible.

3.20 p.m.

I know that on the Z vans they are told to turn it down, but on the ZM vans there is none. I do not see any regulations, I am only telling you what to put in. I am not in the Government, I am telling you what should be in and I hope that your officers will listen and put them in. If that is the case, all is well with me, because you have to do that.

I am going to say this. I feel the policy should be based on the fact that people who are now operating should be given priority. I do not want to hear that a fellow comes tomorrow morning and gets a permit from the Ministry to operate. That is not fair. If you do that, you are defeating the whole purpose. Try to regularise the position, in other

words. Offer the people who are there first. They are on the route, they have elected to be there. Regularise them and you can tell them "off this route on to another." If they do it they cannot complain to me or to anybody. I think that is what you have to do.

I am going a bit further too. The time has come when we must think about a proper mode of dress. It is important. You are driving on buses where there is a little sloppiness in dress and we need to address ourselves to that. That does something for us. The same way you can have the Transport Board issuing uniforms, I think that even if they do not have uniforms – and the regulations do not say there must be uniforms – there should be some proper mode of dress.

I am saying too there is the question of training, because all these problems are going to occur and recur if we do not address them now. We have a Transport Levy, use part of that Transport Levy to train these people. They need to be trained. You have to have seminars. The Board of Tourism has organised a couple of seminars for their taxi operators and I am glad that that is done, but you have a situation where people are driving.... The Transport Board carries out training, but for this new category of people I have not seen any provision or anything coming out from the Ministry to say that they will have to be trained. I am going to recommend that you have a training course for them, even if it is about three months, and they will have to sit a test and pass like anybody else, so that they will have a PSV (Public Service Vehicle) badge and they will respect that. But if you are going to take everybody and pelt in there to drive and to conduct, you are asking for trouble. You cannot have any discipline. These are things you have to look at.

We have an opportunity to do it now. We have to get in there and be bold enough to take these steps. Training for the conductors and the drivers is necessary, because you are going to regularise them. It is your duty as Government if you are going to do something to have the backup. That is what you are supposed to do, do not just put it on the book. As I said, it cannot work. You put them out there and the police are fighting crime on the beach? They will still break the law.. There must be a proper mode of dress and we will know them, they will have to respect themselves. There should not be any leniency shown towards them when they bring the occupation into disrepute. I am sure that they will recognise how important they are.

My aim is to make sure that people who are at the bottom rung of the ladder feel like people too. They like to have a badge showing that they belong to something. At the same time you would not hear about people with unkempt hair and all that sort of thing, we have to bring a sort of discipline to this whole question of transport.

Mr. Speaker, what I am saying is, I want the Government to understand that this is not a matter where they can sit down and just draft regulations. Most of the time the regulations are drafted but nobody gets to know, and sometimes amendments are made, for instance, the P.R. is very, very bad, because we came in here some time last year, we made some amendment giving the minibuses the right to carry in excess of 25 passengers. I can see the connection here, but do you see what I mean by piecemeal legislation? Something should have been done at that time. The officers in the Ministry of Transport need to be told this. The Minister cannot see all, but they should have put forward these proposals and brought all at one time. You would not have a piece then and a piece now, this is wasting Parliamentary time. This is not all finished, because you have to have regulations now. We need to come here with a revision of the whole road traffic law.

I would like the Minister to understand what is going on. If you are saying the Z vans are unsafe, then they must be phased out, you cannot take them off. You are not going to have my support, I am going to be on the Government's back if I hear them say they are going to have an abrupt policy tomorrow morning instituting measures to put them off the road. Those people have loans to pay and if they have gone that way, they have misunderstood the Government's policy and the Government could have something to explain it to them, so it is for you now to correct that.

I would like to see more dialogue between the private operators and the Government – the Ministry. A lot of these problems can be resolved, but the Ministry up there is making one statement, the Minister sometimes is not making any, but he is saying things in the Press. One fellow said they are unsafe, but I have not heard the Minister say so. These are things you have to address and let us understand that all these people that operate the Z vans are people too and are prepared to make an honest living and we have to accommodate them. I am fully supportive of that. They should not be harassed. I do not believe there is harassment if they break the law. If you feel they are congesting the road, find somewhere for them. There is a lot of room all over the place, like in Temple Yard. Find some place for them and you will have your problem solved.

In the light of the housing developments in Barbados – that is why I said a comprehensive study has got to be taken – the shift in population and the new developments across the country, you now have to think in terms of where people have no motor cars, and even when they have motor cars whether they need transportation. That is why the minibuses and this new category of vehicular traffic must come in.

I would want to support the aim or the intention of this, but there are still a lot of loopholes. There are still a

lot of loopholes. How soon are the regulations going to be out? The public needs to know that. For too long we sat down and drafted these regulations. When we say, "that was the law", the public doesn't know. Print the regulations and invite the operators' association to get a copy. Let them reprint it so that they and their members will know the regulations. The Government shouldn't be struggling with their conduct, but it has to encourage the associations and it must have meaningful consultation. Let them have some degree of authority because sometimes these meetings are set up under an officer who can't do anything because he has to wait to see the Minister. I would like to see that some attempt is made to have an inspectorate system at the Licensing Authority. If this can be done, I think we will go a long way towards solving our problems.
3.30 p.m.

Get that study done. It has to be done right. It must not be sitting in Cabinet or in a Ministry. Get it out there and let the people have inputs into it so that we would have most of our problems with our transport solved.

Mr. Speaker, I hope that some of the concerns I have expressed and some of the recommendations that I have made will be taken by this Government. The problems are there and I don't want to be coming back here to ask why this has not been done? Somebody sits down and allows everything to happen and we are faced with this problem. The Government was aware – and I am not making any wild statement because you can look in the *Nation Newspaper* of May 15, 1991 where they were talking about the Z vans' lack of safety. More accidents have occurred. From May you will see the Ministry of Transport and Works made a statement saying that they are unsafe and they are not going to issue any further permits yet it has taken some 8 months to come before this Chamber with this legislation. That can't be right. How many people would have lost their lives in so-called "unsafe" transportation.

With regard to the strict adherence to stopping at bus stops, there are some cases which you have to allow where people go into certain developments and there are no bus-stops. I hope that will be clearly spelt out. Nothing would be better for Barbados. We have to look at it in view of the economic situation. We have to make sure that whatever policy is devised as far as transportation is concerned reflects service and efficiency to all Barbadian commuters.

I think the time is right for the Ministry to move ahead in the new year and do justice to the travelling public of Barbados. Mr. Speaker, I thank you.

Mr. C. LeR. TROTMAN: Mr. Speaker, I think that whenever we speak about public transport we will need to find ourselves recognising the significance this has for the vast majority of the masses of the people in Barbados. It is

because those people who can afford to do so own their own cars and those who use the public transport system are the poorer people who cannot afford to have any other form of transport that we need to be particularly careful with whatever plans we have for transportation and whatever arrangements we make for road traffic regulations as they relate to public transport. For that reason, Sir, I am all in favour of any call that would be made for a comprehensive transport plan and I would wish to indicate what I am thinking of when I make such a statement. Within such an arrangement I would want it to be very clear that I do not support and cannot support any suggestion coming from any source that would seek to have a totally privatised transport system.

Transport as it stands is vital for the development of industry whether in the manufacturing or tourism industry or any other sector of our economic development. It is vital in an area where those people who have to get to and from work, to and from school, and to and from leisure are the ones who cannot afford to have a system that is totally privatised. I would think that we need to recognise that within a totally privatised system the discretion of the owner would be almost absolute even though there may be some degree of influence by a regulatory system. I think Mr. Speaker, that it is important for us to recognise that as far as the social engineering required for Barbados now and required for Barbados tomorrow goes there must be a public transport system which endeavours to meet the major areas where people are living and working in this country. Within that comprehensive transport plan, therefore, Mr. Speaker, I envisage an arrangement where there will be a facility for public transport and where there will be an equal facility for private transport. Whether we like it or not, we now have a situation today where there is in fact a private transport organisation in Barbados.

I think it is necessary for us to recognise that there is that private transport institution and to endeavour to order that private transport system, to regulate it and to institutionalise it in such a way that it embraces not only the public but the private transport arrangements that we have, using the resources that are available to the greater benefit of the total benefit of the masses of our people. I would think that within that arrangement we ought to be able, not now, not piecemeal, but in a manner that is done at one time and as quickly as we can set the system in motion – and I believe that we have the technocrats that can do that – to devise a routing system which will allow provision to be made for the private transport institution and an equally fair routing arrangement for the public transport institution. I think it is fairly counter productive and wasteful and I have said this before now for us to have a public transport system leaving Bridgetown as a case in point and going to any place you choose to call it, Silver Sands, the Pine or elsewhere, and then within five minutes either before or after the private transport system leaves the same departure point, and travels to the same destination

using the same route. We have been doing this over and over again in a cut-throat competitive system which, in my view, has done much to lead to the indiscipline of which we are speaking today, in a way that has led in great measure to the level of accidents that we are speaking about today, and has led in very great measure to the degree of disregard for the law that exists today.

It would seem to me, Sir, that if we were to discuss with the mini-bus owners and private bus owners' associations and to arrive after consultation at a systematised comprehensive plan where agreements are arrived at, commitments are arrived at and where it is clearly understood not only where the privileges lie, but also where the responsibilities lie, we can devise a plan that endeavours to reduce the level of unsafeness on the road and can endeavour to arrive at a system where we increase the level of orderliness on the road while arranging for a more structured system that can get people to and from their jobs in relevant safety. Then we can get people to their jobs and from their jobs without the fears created now by these rockings of the boats and whatever other systems of disorderliness that one is hearing about on the streets today.

3.40 p.m.

Aside.

Mr. C. LeR. TROTMAN: It is rocking the cradle and not the boat? I am not too sure what rocks, Mr. Speaker: I suppose I am getting a little too old for this rocking thing.

I think, Mr. Speaker, that it is important for us to endeavour to come to grips with those things that have been addressed by the Leader of the House when he introduced the Resolution. It is necessary for us, wherever indiscipline appears, to come to grips with that indiscipline within our society and, however popular or unpopular it may appear to be, to make it clear that this society cannot withstand and tolerate indiscipline within our society.

I believe, Mr. Speaker, that dealing with that matter of indiscipline, although we have to deal with it at the level of this particular problem, it has to be a matter that we address much more deeply and comprehensively. It is necessary, even at the same time that we are going to look to correct the problems on the road, that we endeavour to address those areas where that indiscipline could have been corrected and where because of another kind of indiscipline there is no correction.

I do not believe, Mr. Speaker, that it is true for us to be able to say in here that we recognise these areas where there is failure to observe the regulations, observe the laws, matters of courtesy on the road and at the same time we do not accept that there are already in place some means

by which some of these matters can be addressed. It seems to me that there is a level of indifference within the society itself that allows indiscipline to be treated as though it was something to be applauded.

We have to be able as leaders and role models where we are role models and as leaders of our society to be able to call a spade a spade. If there are situations where the people who are supposed to keep the peace are not keeping it, we tell them they are not keeping the peace. If there are situations where inspectors are not inspecting, then we have to tell them so even if it is at the level of the hierarchy at the Ministry of Transport and Works. If the public at large is allowing indiscipline at the level of drivers and conductors within the bus system and they are applauding that without due regard for the welfare of their children and their grandchildren on the buses, we have to appeal to them to understand what they are playing with.

Amidst all of this, Sir, we ourselves have to recognise that indiscipline on a bus does not exist in a vacuum. Where we are having levels of indiscipline either on a public transport bus of the Transport Board or in a public transport vehicle in the private system I am suggesting that in very great measure that is a reflection of a wider level of indiscipline and callousness in the society at large.

As leaders within this community we have to start coming to grips with that problem and ask the people of Barbados to understand that we are swiftly destroying this rock. Unless we go back to first principles, unless we recognise that values must count for something, then this rock is going to become not a rock anymore but shifting ground in which all of us are going to lose our positions of respect and eminence, and we are all going to drown together. The leadership within the country must be able to make calls like that because we must be able to make them from stands of uprightness and integrity and because we ourselves are seeking to set examples which others can follow in the way of discipline and orderliness.

I believe, Mr. Speaker, that much of what we are seeking to address is very outstanding and long overdue and that to a very great extent we ought to have been able before now to recognise the danger that is involved and that surrounds some of those smaller vehicles that ply the routes in public transport. It is unfortunate that such large numbers of them are part of the system today. It is equally unfortunate that it is the poor people who have invested some of their pittances and life savings in having these small transport vehicles as part of the system.

There must be something that must be done even while we endeavour to phase out these vehicles. I am wondering whether with the amount of engineering talent which we have at the Ministry of Transport and Works whether there is not some means by which they can bring

their skills to bear to make those vehicles structured in such a way as to shift the weight within the vehicles in such a manner as to make them less unsafe.

Now, I do not claim to have any skills in that area but it seems to me that part of the problem with these vehicles is that the centre or the balance is not properly structured within the vehicles. Given the level of work that they have to do, given the fact that they are being used commercially in a system where the payment is on the dollar collected, we accept that even with the best will in the world sometimes accidents will occur. I will not for the minute subscribe to the view that the accidents in every case occur because people are being reckless or careless. From all accounts that I have been able to find it seems to me that sometimes even the most careful driver on careful application of the brakes finds himself in one of these vehicles having the vehicle run out of control. There must be something which, in consultation with engineers either here or elsewhere, can be done while we endeavour to find a way to phase out this kind of vehicle.

While we speak to the private system, Sir, I would want us to recognise that we as well will have a statement to make on the public system. The public transport system over many years has endeavoured to answer the needs which exist to cater to people both in peak times and in times that are not regular peak periods. A public transport system in those circumstances has to be recognised as part of the social commitment of the Government of the day and of the people of the day, to the masses of the country.

Whereas, Mr. Speaker, we would want to see a public transport system make a profit, whereas we would want to see it maximise the level of efficiency that exists, I think we would have to recognise that a public transport system has in very great measure to be part of what the Government of the day would put in place as a means of servicing the community in which we operate. For that reason I would feel that it is important even in strict times and under austere times for us to endeavour to make a demographic study again of our peoples to recognise where the shifts have come and where people are living in the built-up of areas and to endeavour, wherever possible, not to reduce the amount of public transport that goes out to the masses of the people but rather even within these times to endeavour to cater via the public transport system to the peoples who need that transport most.

If at the same time as we are increasing the level of obligation of the worker through levies and taxation, if at the same time as we are increasing his expenditure at the supermarket and reducing his purchasing power we are removing his capacity to get to and from work where he has work, then we are going further to erode the possibility of the working man and working woman being able to fulfil obligations to the job. And when the working man cannot fulfil his obligations to his job, when he cannot

fulfil his obligations to his family and when he cannot be a useful participant within the society we are trying so hard to build, I urge the Minister, I urge the Government in those circumstances, whatever the position at the Transport Board may appear to be in terms of the difficulties for financing, to recognize that within the current system of transport it would not be in the best interests of the people of Barbados to reduce the transport fleet within Barbados. Far from that, it is necessary to keep that level of fleet as high as is possible. It is also necessary to keep the number within the work force within that system as high as is possible.

3.50 p.m.

It may be necessary in order to fulfil certain obligations to look at the levels of workers and the numbers within certain categories within that arrangement. But even where that is attempted care must be taken for us not to embark on a programme which at the same time as it may look beautiful on the surface may serve to be counter productive when carefully examined more deeply and more comprehensively. What I am saying in short, Sir, is that it would not make a lot of sense, for example, in the area of the workshop at the Transport Board where workers are trained to work on the buses that we now have, it would not make a lot of sense to remove those workers from the Transport Board to satisfy a particular agenda and then find ourselves having to pay even more for farming out that labour outside of the Transport Board thereby becoming counter productive.

I am therefore urging that we review the transport system as I would urge – if I were dealing with it today – that we review any system for things like health or for education which may in fact have the effect of reducing the level of service to the masses of people of our country. These are austere times and nobody will deny that. These are therefore times in which people will no longer derive all of the benefits which they derived before and will no longer derive them in the same way. We are not therefore saying that willy nilly we must behave as though the situation was the way it was before.

But the point I am trying to make is that in some very critical areas where the service is not only important in itself and also is important when it contributes to other aspects of our industry or our development, very great care must be taken in what we do and how we do it. The transport system is one of those because people do not just move from point to point for the sake of having a drive but they move from point to point to achieve very specific objectives, to go to school, to go to the doctor, to go to work, to go to church. All of those kinds of movements, Mr. Speaker, are significant elements of our social development which would be very sadly reduced or displaced if we are not careful to recognize that at the level of the transport system we have a responsibility to build and not to contain at this time.

I am pleased, Sir, that we are finding that there is an interest on all sides in looking to cater to an arrangement which will reduce the level of accidents on the road and which will reduce the degree of wastefulness therefore in human life. To that extent I am interested and supportive of the comments which I have been making in some areas regarding the need to look at how we approach the matter of the private transport system.

I would wish in closing to say that, while we do that, we must not do that as persons believing that a system which we now have has grown out of nothing. We should look at the system which there is, for where it has come from and what it has done. We should endeavour via consultation to arrange a system of transport that would allow for the greater benefit of the people of Barbados and at the same time does not remove the initiative which private enterprise might wish to have in matters of this sort.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I am a little bit surprised that this debate has so far taken place without much reference being made to what I regard as a fundamental problem which is in existence in Barbados in relation to the transport industry.

As I listened to the Honourable Minister introducing this matter, I was amazed to say the least that he had the audacity in his introduction to seek, in a veiled manner, to suggest that the problems which this Bill seeks to alleviate are problems which arose as a result of a decision taken by the Opposition when in Government in 1979 to assume control via the Transport Board for all public transport in Barbados. The impression was clearly given to us on this side that a new reign of chaos and illegality, lawlessness and inefficiency in the transport system was ushered in as a result of that decision.

Mr. Speaker, Sir, for the benefit of those who have only recently paid attention to public affairs in this country, it seems to me that it is very necessary to remind this Honourable House that the question of the regulation of entities indulging in public transport has engaged on repeated occasions the attention of Honourable Members. Indeed so chaotic was the situation in the 1970s that the then Minister of Communications and Works appointed a Committee on October 3, 1972 with the following terms of reference:

"To enquire into the entire transport system for the island including the use of minibuses and to make recommendations for its complete reorganization and improvement."

That Committee was headed by a Mr. J. C. King, there was a Mr. W. E. Armstrong, Mr. Henry A. Cuke, Mr. N. O. Harper, Mr. H. R. Hunt, Mr. William A. Johnson and there was a secretary Mr. C. E. Worrell. Sir, a perusal of

that Report shows that at that time transport was provided to the public by a number of concessionaires who were allocated various routes in various parts of the island and they were under the control of the Chief Technical Officer as the licensing authority and a fixing structure was under the jurisdiction of the Public Utilities Board. What is equally important is that at that particular period of time, in addition to these concessionaires there were in existence a number of other buses called pirate buses. Some of them were licensed and some were not licensed. Indeed, in the body of the Report it was made clear on page 5 that on the 31st December, 1972 there were 55 pirates or minibuses operating with a Ministry licence and it is estimated that a further 100 were operating without the appropriate licence. From 1972, in existence in Barbados there was a dual system of transport in operation.

4.00 p.m.

Now, Sir, I remember very well that some of the recommendations of the King Committee were accepted by the Government prior to 1976 and in particular the most significant recommendation that was accepted by them was that there should be a single uniform fare to be in existence throughout Barbados. If you go back in the Debates you will recall that the then Minister of Finance, the late Honourable Member for St. John, in introducing it said it would have financial implications of the order of some \$2 million. The King Report itself said that it would cost \$700 000 net.

It was also recommended that there should be a transfer system so that you would have an integrated transport service. It also recommended that there should be supplementary service provided by minibuses for those routes, where, because of the nature of the terrain or because of the fact that the population in those areas was small they would not be attractive to the Transport Board. So that the question of an integrated transport system was not something that the Labour Party, after it assumed office in 1976, embarked upon without giving careful consideration to the recommendations of the Committee.

In 1979, Sir, the decision was taken in view of the unsafe state of some of the buses that were operated by the private concessionaires. Let us not forget that concessionaires were giving up buses because of the fare structures. They were saying they were uneconomic. There were very few left, I think they were the Rocklyn and the Elite Bus Companies. It was decided that you could not have a parallel system of public transport carried on by buses some of which were very superior and some of which were inferior.

I make no apologies for the fact that the Government of the day was wise enough, sensible enough and committed enough to a philosophy that it was its duty to provide for the general mass of the people of Barbados, a

high standard of public transport as a public utility service. The Government took that decision. At the same time steps were taken to ensure that the transport system as provided by the Transport Board be upgraded and that the best possible equipment be given to the Transport Board. That is what was the prime objective of the Government.

I remember we came in here and we borrowed money to equip the Transport Board. I remember that. I remember the criticisms of the Democratic Labour Party. In those days Ms. Rock used to be a powerful instrument in the Democratic Labour Party. I remember that. A lot of people around here do not understand the fact that a critical examination of the conduct of the Democratic Labour Party will show that, of all the political parties, it is a political party that says one thing and does something different. It is devoid of any consistency at all when it comes to political philosophy. That is a fact.

Sir, I must take objection today to the suggestion that the fact that you agreed to take over public transport and run it as a public utility service is the causative factor of the ills that we have today. That cannot be true. Your own committee, that is what the Honourable Minister said in his introduction, your own committee, set up by you, the King Committee made a recommendation that you should have one entity. Indeed, Sir, that Committee had also made a recommendation that preparation should be made for the introduction in Barbados of buses which would be operated by one man. The King Committee recommended that as long ago as 1970.

Hon. P. M. GREAVES: Mr. Speaker, Sir, on a point of elucidation, if the Honourable Member would give way. Mr. Speaker, I never said what the Honourable Member is saying I said, neither did I imply it. What I did say was that the indiscipline really started from the proliferation of the licences given to minibuses, not from the taking over of the transport system. Frankly I have a feeling that we might have done a similar thing if we had been there but I can't be sure about this. But it did not start from the taking over by the Government, so I want to make that point clear, Sir. I never said that. I did not even imply it.

Hon. H. B. St. JOHN: Sir, you know the Democratic Labour Party and its spokesmen really sometimes amaze me.

Aside.

Hon. H. B. St. JOHN Sensitive? Of all the people to be talking about sensitive. You would have done the same thing in taking over the transport? You had from 1972 when King reported right up to 1976 and you did not take it over. You had no intention of doing that at that time. The Government at that time did not want to offend Mrs. Rock. You know that too. The former Senator **Rock**,

the lady who used to finance the Democratic Labour Party, particularly in St. Andrew.

Now, Sir, as I was saying, Sir, I want to carry you through this historical development in transport so that the King Report ...

Aside.

Hon. H. B. St. JOHN: I am not cursing, Mrs. Bourne was a woman in public life too. We have an honourable lady in here.

Now, Sir, the 1972 Report envisaged the development of a transport policy in which public transport was to be provided as a public utility. Now, I would be the first to admit, Sir, that in Barbados we are unfortunate that many of the good intentions of the Government in power are frustrated by the fact that in the implementation of these good ideas there seems to be a tendency for perversion to take over and the Transport Board is one of those entities that has suffered from that.

I remember, and I am sorry that the Honourable Member for St. Michael Central is not in here, I am sorry, because I am going to say a few things. I am going to say also that the failure of some of the representatives of the people who have worked in transport for a number of years to acknowledge and to recognise that Barbados is subject to the same law of economics as anywhere else in the world has helped to prevent the implementation of an adequate Transport Board policy.
4.10 p.m.

The obstruction that the Government encountered from the Union in implementing the one-man bus in Barbados, in my opinion, was to the detriment of the development of transport and of the interests of people who work in transport who are members of the Union. We are here today, Sir, and I say without fear of contradiction that now that the Government has placed this country in the hands of the International Monetary Fund, whether they like it or they do not like it, you shall have a privatised Transport Board system. You know that too. You know that one of the essential conditions of the IMF, the World Bank and others is that the drain the Transport Board causes in the form of the \$20 million in subsidy annually has got to stop. You know that too, do not let anybody fool you about that. Do not let us fool ourselves, let us let the public know that the \$20 million in subsidy that the Government's coffers have to pay to the Transport Board will mean that under your present economic conditions you have to accept the dictates of your new boss, not the electorate of Barbados, but those who come down here from Washington. That is the reality of the position.

Aside.

Hon. H. B. St. JOHN: Different situation. We went in and came back out and we still had the Transport Board. I dare you to be in that position.

Now, Sir, this is a very serious matter, because I am very concerned that we are debating in here a fundamental problem in relation to the Transport Board and we are skirting the problems. The fundamental problem is that the economics of how your transport is conducted today is conducted in such a way that it is totally unprofitable. It is illegal – the Honourable Minister who introduced it said it is illegal – it is unsafe and the introduction of these measures will not change it, because rather than face the issue of how many units we need to provide for the transport demands in Barbados, what is the most economic form of doing that, rather than face the issue as to whether that is to be provided by the Government wholly or by the Government partially, or a combination of both, we are not facing that issue at all.

Let us look at the facts. The Honourable Member does not face these matters, the Honourable Member has read a brief that has been given to him, but the fundamental question the Honourable Member must face is this. You cannot have a Transport Board together with 200 minibuses and 272 Z vans. If you doubt it, look at the Minutes of the Transport Board for the last four years under the signature – for a great period of time of your own bosom friend – and see what they have said. The Transport Board has been complaining repeatedly about the competition that has been provided by the minibuses and by the Z vans. I want to go further.

I well recall during the periods of time when there was no competition on the lucrative routes of the Transport Board, particularly Route 13 and a number of other routes. Today I live on Route 13 and I counted no less than 30 Z vans operating on Route 13, together with 25 ZM vans and an unlimited number of minibuses.

Aside.

Hon. H. B. St. JOHN: I counted at Oistin, do not tell me that, where you buy the paper every morning and I can tell you that. As the Honourable Minister says, all of them are operating illegally, except the Transport Board. This is where I want to show the difference. We suffered greatly from the political posturing of the Democratic Labour Party in this respect, but there is a good Lord in heaven and all of the political posturing that you indulged in, now you have to remedy the situation which has been created by the political posturing. You now have to face up to the facts. The truth will come home to you, because the minibuses had routes assigned to them. As a result of the lax administration since 1986 the minibuses do as they like.

Hon. P. M. GREAVES: On a point of order, Mr. Speaker. The Honourable Member is misleading this Chamber. The minibuses have routes assigned to them and minibuses have lost their licences for going off routes.

Hon. H. B. St. JOHN: The Honourable Minister is so out of touch with reality that he does not know that that law is observed more in its breach. The minibuses go where they like. Secondly, Sir, this is what is incontrovertible, the capacity by which the seating offered to the public has been increased with the introduction of these illegal operators – those are not my words, the Honourable Minister said that they are illegally operating, 272 of them – Z vans and ZM vans. What I want to know is this. What is the Government's policy in relation to that? Are you saying to me that from now on after this law is passed you will be putting restrictions on a number of these? How many do you envisage is necessary to supplement the existing services provided by the Transport Board? Nobody tells you? I would like to know where is the comparable study to that which was done and informed the decisions in relation to the King report? Why is it? In this matter of major importance, and do not let us fool ourselves, \$20 million a year is the subsidy.

Harrison resigned because he said he was fed up with their indecision. The Chairman of the Transport Board, the Honourable Member's political friend and my social friend,... the Honourable Member would know that the Transport Board has been persistently stating that the viability of the Transport Board has been seriously affected. Comissioning, a former member of the Board, has openly said that it is lunacy to permit these supplementary units to operate as they have been operating and it will lead to the death of the Transport Board. That is economic reality. We are talking about economic reality.

What is the Government's policy in relation to the number of people who are going to man a bus? I know that we started to implement the question of fare boxes in Barbados, over the stiffest opposition from the Union, but you would live to see sometimes postures are taken that you end up not having any members, because if you drive the people who pay for the members into the economic ground, you will end up having a lot of members but no dues. I would have thought that with the introduction of this Bill the Honourable Minister would have taken the opportunity to enlighten the House and the public.....

Aside.

Hon. H. E. St. JOHN: Well, he had better try and find out what the dictates of the IMF are. What is the policy in relation to the number of buses? What is the policy in relation to the number of units? The Honourable Member for St. Michael South East made a very valid point. It used to be the policy of the Government to permit

part of the transport fleet to be built in Barbados. I am proud of a couple of things. I am proud that the former Honourable Member for St. Joseph was able in 1981 to persuade this House, against a lot of opposition, that it was necessary to amend the Road Traffic Act to introduce a regime of licensing for public service vehicles in which there were minibuses, Z vans, 7M vans, and that there were definite standards. I remember that when the Honourable Member introduced the thought that you had to have Transport Board buses in their national colours, that minibuses would be the reverse of the national colours, that you had to emphasise more the yellow than the blue... it was the opposite. I know that taxis had to put an illuminated sign "taxis".

The poor Labour Party members for that courageous decision received abuse, led, no doubt, by some on the other side. I remember all of these things. It was a significant contribution to the regularisation both visually and otherwise to the development of transport in Barbados. Therefore, a blind man could have seen a taxi whether it was operating or not as a taxi. The only body who couldn't see it was those responsible for law enforcement. That is one of the most amazing things about Barbados. A big sign is on top of every vehicle in Barbados – "Taxi". The law says that a taxi cannot pick up passengers at points yet all day long 270 vehicles are doing that from six o'clock in the morning right up to nine o'clock in the night in a small area of Barbados. Everybody can see it and nobody will do anything about it. That shows the state of rottenness that this society has come to. It is a real problem that worries me very deeply that a society could become so degenerate and contemptuous of anything to do with law and order.

4.20 p.m.

This is beyond party politics. It is a matter of deep concern that there could be such an obvious breach of the law and nothing is done. What is the Government's answer to that? This is a deep moral issue. This is an ethical matter. Either we are devoid of any kind of ethical considerations or what are we going to do about it? Don't tell me that you are going to come in here and change the whole definition of what you have now and introduce a new thing called a route taxi. That is a single contribution to this act of lawlessness that the Government is doing in bringing in a definition of route taxi.

"Section 2(b) 'route taxi' means a motor vehicle that is constructed or adapted to carry not less than 5 and not more than 15 passengers and is used for hire or reward to transport passengers on a specified route;"

Explain what you mean here now. This new concept of route taxi. Those vans carry six and as I understand it, you say that is unsafe, so all they have to do is to put in that back seat. There is one next to the driver then you will have three and three – six, and one makes seven. Surely we deserve a little bit more in the introduction of this

Bill because we are dealing with a very fundamental problem. I am all in favour of Government doing what the Labour Party said should be done. The Government need not worry. The Labour Party is a very responsible political party. We know that it is necessary in the context of Barbados to have a transport system to cater to the needs of the people. We know also that Barbados is no different from anywhere else and that the laws of economics must apply in Barbados and that you cannot run a viable transport system where you have one entity paying reasonable wages, good conditions of service... I have no problem – the Honourable Member is going to take his kudos for negotiating that. I accept that. During our time he used to try to string us up if we didn't give the wages that they wanted. Strike. If you say anything about anybody, strike. They are very lucky today. The Honourable Member is on the front bench and such considerations do not apply to them. They are very lucky. That's the distinction between us. We have to face things but they don't have to face things.

The point is this, how can you have that operating and the competitors to that are operating on the basis that whatever revenue comes in only twenty-five per cent goes back out? That is unequal competition. I say this, everybody who is concerned about transport in Barbados has to have a view as to whether I am right or wrong. I have absolutely no doubt that the laws of economics are going to operate and either something is done about the terms and conditions of operation of competitors or the Transport Board will go right out of existence. As far as the IMF and others are concerned, let them understand that whether it is run by the private sector or by the Government sector so long as the conditions of employment and the cost of operation are different between the competitors, the law of the fittest will survive.

Hon. P. M. GREAVES: It doesn't appear as though there will be any other speeches on this matter.

By way of response to those Honourable Members who have spoken – the Honourable Members for St. Michael South East, St. Michael Central and Christ Church South, first in the order of which they have spoken. We do have severe problems in terms of ensuring that all the things we have done and have set out to do are done. Those are some of the problems. It is all very well and good for us to come here and pass nice laws, laws which we believe at the time when we pass them if put into effect will have the desired effect of control that we want to impose on the Transport Board. That is all very good. Those controls cannot be effective unless the laws of the country are properly policed and unless effect is given to the intent of the provisions that we enact here. That is the first thing that I want to say.

The Honourable Member for St. Michael South East, as indeed the Honourable Member for Christ Church South,

has raised the question of the policing of these provisions, and in this particular matter I am in agreement with both of these Honourable Members who have spoken. We cannot get anywhere unless these laws are properly policed. I cannot say for sure why they are not properly policed because they are not. I do not know the reason why they are not. I know that they are not and I know that we are frustrated. This Parliament is frustrated. This country is frustrated in being able to deliver the kind of service that we would like to deliver because of the fact that we cannot get things done properly. Policing does not necessarily only mean the law enforcement officer. It even goes beyond the law enforcement officers. It is an attitudinal problem that we seem to have developed in Barbados today that we seem unable to do the things that we know ought to be done.

4.30 p.m.

Aside.

Hon. P. M. GREAVES: Policing of these provisions now will be in the hands not only of the Royal Barbados Police Force but in a sense too, Sir, it will be in the hands of an inspectorate attached to the Licensing Department of the Ministry of Public Works.

When the Honourable Member for St. Michael South East suggests that the inspectors should not only have a place in the Department but should be in the place outside, that is the precise intention of the Bill that we should have an inspector that monitors the provisions of the Bill and reports on the operation of the public service vehicles whether they are operating within the terms of the licences, of their permits, or whether they are operating outside the terms of the licences of their permits. That is the intention of the Act.

We are trying to attack this problem in a different way now. That is why we have separated the responsibilities of the examiner and the inspector. The examiner and the inspector up until now is one and the same person. We are going to give them completely different roles and functions within this Act. The inspector has his function which I believe is supplementary to the function of the law enforcement officer in his way. But, **certainly**, there will be things that he cannot do. He can touch lawlessness in a limited way only. He cannot touch lawlessness in the sense of criminal activity although if the operator of a vehicle is involved in criminal activity, and I do not just mean a crime that has been made a crime by the Road Traffic Act then, of course, that inspector can also report on it. The authority resides with the Chief Licensing Officer to revoke the licences and permits of those persons who offend in that way. That is the first thing I would like to say about this.

We have had numerous studies on the Transport Board, not one, two or three. The study which the

Honourable Member for Christ South has been alluding to with great regularity, the J.C. King Study, is one that we had commissioned when we were in the Government in the early 1970s. We are about to have two more, one funded by the EEC. We have already appointed the agency to carry out that study. I can say it is the London Transport International that has been appointed to carry out that study on the Transport Board. Included among the terms of reference, indeed, will be the privatisation of the Transport Board. We are not excluding anything. We are looking at the transport system as a whole and that whole includes privatisation. It includes the incorporation of the other public service vehicles and I am referring now to the ZM, the Z and the minibuses into a total transport system for Barbados.

It includes the divestment of some of the assets of the Transport Board into the hands of private individuals and that will be examined as well. These are ongoing studies which it is intended we would look at and which would inform us on any decisions that we would be taking in terms of the operations of the Transport Board. I have stated here that the Z vans are operating not only illegally but in an unsafe environment in relation to the persons who travel in those vehicles.

The question was asked why should we legalise those vehicles when in fact they are still operating while unsafe and at the same time the same person says that we must phase them out and I agree with that. I did not say we were going to phase them out but I said no more licences would be issued for vehicles of that kind to operate for the transportation and conveyance of passengers in that way which means phasing out. They will not be cut off and that is the end of the matter. They will be phased out because they are not operating in a safe way.

The question of the permits. The Honourable Member for St. Michael South East has put in a sterling plea for the transfer of permits. That is something with which I can agree. That will be fully examined within the Ministry. I will look at it very carefully because I honestly believe that the question of the transfer of permits has some merit and can, at the same time, maybe cut out some of the racketeering that has been going on. There has been racketeering going on in terms of public service vehicle permits.

As I said earlier concerning the music on the transport vehicles, that will be dealt with within the Regulations. The Regulations have already been drafted. We cannot bring them here until this Act has passed Parliament. As soon as this Act has passed Parliament, the Regulations will be brought and laid before Parliament as is required by law.

Sir, I did say that the Honourable Member for Christ Church South was too sensitive and I maintain that position. Any time one mentions a date and that date

happens to coincide with the time that they happened to be the Government then the Honourable Member for Christ Church South sees red. There is no need to. It is only a historical landmark. That had no other significance beyond that. That was the point with which I had been dealing.

Mr. Speaker, I think we are sufficiently agreed that these matters are necessary to control the operation of the public service vehicles in the country. I am not saying that this will be the cure or remedy for everything. In fact, Sir, I think we should make a start. I believe this will assist greatly. Let us face it. The question is asked what would be the economic impact of licensing these vehicles here legally? What will be the economic impact then on the operation of the Transport Board? The fact is, Sir, that they are operating now and impacting on the revenue of the Transport Board but they would be doing the same thing, impacting the same way, no differently. In a controlled way they will be operating.

The Transport Board has been operating under severe constraints. The competition is fierce. The kind of pressure that the Transport Board has been feeling over the past 14 years from the minibuses I can say now that the minibuses over the past three years are feeling the same pressure from the Z and ZM vans. That is the nature of the game. So their operations economically too are being impacted upon, not only the Transport Board.

4.30 p.m.

The operations are also being impacted upon by the presence on the roads of Barbados of the ZM vehicles and the Z vans. But that is the situation which we have. I suppose like the Honourable Member said the fittest will survive. At the moment we have to transfer considerable sums to the Transport Board, to ensure that it stays alive. We cannot continue that kind of transfer at that level. This year it was \$10 million. We do not expect to come for a supplementary. That \$10 million was directed to the Transport Board. But there were other transfers from other agencies of Government to the Transport Board of which Honourable Members must know because they started it like the Police, Education and the Welfare. I did not say it was a subsidy. I said it was started by the Honourable Members on the other side. I did not say it was a subsidy. That was not included in the \$10 million. It is not. It is not any \$20 million. It might be \$20 million in arrears. That is a different matter altogether. What we are getting is \$10 million in subsidy for the Transport Board. That is the position. We cannot continue that way. It is impossible for our country to continue that way. Something drastic has got to be done and something will be done. That is my position here, Sir.

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

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

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Hon. P. M. GREAVES: I beg to move, Mr. Chairman, that Clause 2 be deleted, all the words in Clause 2 be deleted from the Bill.

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

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

Clause 3 was called.

Hon. P. M. GREAVES: Mr. Chairman, I move that consequent upon the deletion of Clause 2 that there should be consequential renumbering of the clauses of this Bill, Sir.

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

The question that consequent upon the deletion of Clause 2 that there be consequential changes from Clause 3 onwards was put and resolved in the affirmative without division.

Hon. H. B. St. JOHN: The numbering of Clause 3 to Clause 2 and then we are dealing with the substantive 2 now which will begin "Section 2 of the principal Act is amended".

Aside.

Hon. H. B. St. JOHN: You have not. That is what I thought.

The new Clause 2 was called.

Hon. P. M. GREAVES: In the new Clause 2, Mr. Chairman, I am moving that in subclause 2(a) following the definition of maxi-taxi the word "more" appearing in line 1 be deleted and "not less" be substituted, and in the following line the second word "but" be deleted, the word "and" be there inserted so that that subclause would read:

" "maxi-taxi" means a motor vehicle

- (a) constructed or adapted to carry not less than 5 passengers and not more than 10 passengers." "

I am also moving that wherever the word "department" appears in this Bill, and it appears in this clause in the definition of "testing officer" at the beginning of line 2 thereof that that should be "Authority", "Licensing Authority" rather than "Licensing Department."

With those amendments, Sir, I beg to move that this clause stand part.

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

Hon. H. B. St. JOHN: This is the one that has the point of principle, Sir. As I understand it, dealing with the impact of this Bill on existing vehicles, it means that a fundamental change has been introduced and ZM vans, if they wish to operate in the manner in which they operated now will automatically have to apply for a route taxi licence.

Aside.

Hon. H. B. St. JOHN: Okay. In other words those ZM vans which do not operate now as genuine taxis – because we have them at the airport, we have them at the seaport, some of them transport tourists from a hotel. You bring them and they come and stay at the hotel at your invitation – they will have to apply for a route taxi licence.

It is envisaged, as I understand it, that they will be in exactly the same position as the Z vans which operate now, who are licensed as taxis but operate as a small minibus. So that the category of vehicles that we will have in the future will be a bus, a minibus and a route taxi catering to the public and not be specialised. I just want to make that clear. The maxi-taxis will no longer – those ZM vehicles now that pick up people at the bus stops – will no longer be doing that, they will have to have a new designation. Is it the intention of the Honourable Minister that all the existing people have to reapply? What I want to know, Sir, is it the intention of categorizing those vehicles, in addition to the letters assigned to them, to do what in my opinion was a very useful thing and that is to try and insist that they all carry particular colours, that they are all painted in a particular colour? I think it is a good thing, Sir, if you have them because people know very clearly what vehicles there are that are authorised to do that. I think it is a good thing, Sir. People look there and they say, a bus and you see a minibus.

4.50 p.m.

Aside.

Hon. H. B. St. JOHN: I am not interested in that. Now, this is the whole point. We are dealing now with a fundamental point. I am not saying that you are to

deprive them of their existence. I just want to know whether the point that was made very effectively by a former Minister of Communications and Works will be taken that in Barbados there is some element of discipline which is implied in the fact that if you are holding yourself out as a public service vehicle transporting the public and that you should be painted in colours approved by the Licensing Authority. That is all I wanted to say.

The question that the new Clause 2 as amended stand part was put and resolved in the affirmative without division.

New Clause 3 as amended was called.

Hon. P. M. GREAVES: I move, Sir, that the new Clause 3 as amended, and it is amended in the following ways, Sir, that wherever the "Department" appears in that clause, and it appears in that clause in three different places, that the word "Department" should be replaced by the word "Authority". I move, Sir, with that amendment that clause 3 stand part.

The question that the new clause 3 as amended stand part was put and resolved in the affirmative without division.

New Clause 4 as amended was called.

Hon. P. M. GREAVES: Mr. Chairman, I move that new Clause 4 as amended, and I don't want to keep repeating that wherever the word "Department" occurs it should be replaced by the word "Authority", but that is the case in this particular clause and it is the case in some other clauses and I move, Sir, that clause 4 as amended stand part.

The question that the new clause 4 as amended stand part was put and resolved in the affirmative without division.

New Clause 5 as amended was called.

Hon. P. M. GREAVES: Mr. Chairman, I move that new Clause 5 as amended stand part, Sir. Just a minute, Sir, there are further amendments to Clause 5.

Mr. Chairman, There will be further amendments to Clause 5 and the Attorney General will deal with those amendments.

Hon. M. A. KING: Mr. Chairman, Clause 5(3) is as follows:

"Where a driver or owner of a public service vehicle is convicted of an offence in contravention of any of the provisions of this Act or any enactment made hereunder or is in breach of the conditions of a

permit granted under any such enactment ~ h e Licensing Authority may revoke the licence in respect of that public service vehicle and remove the registration number plates therefrom."

What that subsection (3) does is to deal in essence with legal proceedings in respect of the operation of a public service vehicle.

Now, in essence, Mr. Chairman, legal proceedings, suspension, cancellation and endorsement of driving licences, those issues are dealt with in Part P of the Road Traffic Act and at section 104 the Licensing Authority has the authority to issue permits authorising the use of a vehicle as a public service vehicle and may at any time review its decision to issue or refuse a permit or it may revoke a permit which it has issued so that in section 104 provision already exist in the law for revoking a permit in relation to a public service vehicle.

Now subsection (3) does no more than that except that it grants the Licensing Authority the power, in revoking a permit also, to remove the registration licence plates from the vehicle. It seems to me, Mr. Chairman, that it would be much more tidy to remove subsection (3) from this clause where it now stands and to make an appropriate adjustment to section 104 and deal with the issue contemplated by subsection (3) in relation to the moving of the registration number plates from the vehicle at section 104. What I am going to propose in relation to this, Mr. Chairman, is that sub-clause 3 of this amendment be deleted and that we make an appropriate adjustment to section 104. When we come to 104 I am going to include a reference to 104. Mr. Chairman, I move that clause 5 as amended, with the deletion of sub-clause 3 stand part.

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

The question that new clause 5 as amended stand part was put to the Committee and resolved in the affirmative without division.

The new clause 6 as amended was called.

Hon. P. M. GREAVES: I move that clause 6 as amended in the way in which I had earlier indicated by substituting "Authority" for "Department" wherever they occur, stand part.

The question that new clause 6 as amended stand part was put to the Committee and resolved in the affirmative without division.

New clause 7 was called and passed.
5.00 p.m.

Hon. P. M. GREAVES: First of all, Sir, the Attorney General will be dealing with this matter, but we will be moving a completely new clause 8, at this point before the old clause 9, as an amendment to section 104 of the Road Traffic Act.

Hon. M. A. KING: Mr. Chairman, I move that the new clause 8 read as follows:

"Section 104 of the principal Act is amended by adding thereto immediately after subsection (1) the following new subsection:

1. (a) Where the Licensing Authority revokes a permit pursuant to subsection (1), the Licensing Authority may remove the registration number plate from the public service vehicle."

What we are doing is just putting all the provisions for legal proceedings and procedures in the same section.

With that amendment, I move that the new clause 8 stand part.

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

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

Clauses 9 to 11 were called and passed.

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

On the separate motions of Hon. P. M. GREAVES, seconded by Hon. M. A. KING, the Bill was read a third time and passed and cited as the Road Traffic (Amendment) Act, 1992.

GOVERNMENT NOTICES

Mr. SPEAKER: There is a request to recommit Government Notices. If there is no objection, then that Item will be recommitted.

Hon. P. M. GREAVES: Mr. Speaker, I give notice of a Resolution to approve the sale of a parcel of land at Prescod Boulevard to Chefette Restaurant Limited.

REPLIES TO PARLIAMENTARY QUESTIONS

Mr. SPEAKER: Question No. 24, the Honourable Member for the City.

Miss B. A. MILLER: Question No. 24, Mr. Speaker, reads as follows:

To ask the Prime Minister:

1. Will the Prime Minister state whether the Barbados Delegation for the Meeting of Commonwealth Heads of Government in Harare, Zimbabwe, October 1991 has been selected and, if so, who are the Members of the delegation?
2. Will the Prime Minister state the budgetted costs of (1) travel, (2) accommodation, (3) subsistence and (4) other expenses for the Meeting?

Asides.

5.10 p.m.

Mr. SPEAKER: The Honourable Member is not in his place at this time. The Honourable Minister for Public Works, Telecommunications and Transportation indicates he will answer the question to him. That is question No. 4.

Hon. P. M. GREAVES: Mr. Speaker, the answer to Parliamentary Question No. 4 is as follows:

Yes. The roads listed will be considered for maintenance by the Ministry subject to the availability of funds.

Mr. O. S. ARTHUR: Mr. Speaker, on the presumption that funds will be available and are always available to Government, can the Minister therefore say that these roads will be done during the course of the next financial year?

Hon. P. M. GREAVES: I cannot say, Sir, if funds will be available in the next financial year. They may even be done during this financial year if funds are available.

Mr. SPEAKER: Any other supplementary? Question No. 5 by the same Honourable Member.

Hon. P. M. GREAVES: The Reply to Question No. 5 is as follows:

Roebuck Tenantry is adequately lit. The Government has been advised by the Barbados Light and Power Co. Ltd. Church Hill Road and Douglas Development will be included in the Ministry's streetlighting programme subject to the availability of funds.

Mr. SPEAKER: Any supplementaries?

Mr. O. S. ARTHUR: Mr. Speaker, Sir, a supplementary question. Will the Minister undertake to have a study independent of that done by the Barbados Light and Power?

Mr. SPEAKER: You are asking another question.

Mr. O. S. ARTHUR: This is a supplementary question to verify in point in fact that there is a segment of Roebuck Tenantry which is provided with street lights.

Mr. SPEAKER: That is a question.

Mr. O. S. ARTHUR: Mr. Speaker, I am challenging what the Minister said.

Hon. P. M. GREAVES: Mr. Speaker, I cannot say we are going to be carrying out an independent study because what we have done is to ask the Barbados Light and Power to look at it. They were requested to survey the areas listed and advise on the lighting requirements. The report by the company recommended the installation of a seventh light at Douglas Development and Church Hill to light those areas adequately. There was no need for additional lighting at Roebuck Tenantry. That was a study done independently of Government. So, I cannot say I can go ahead now and start to do something else.

Mr. H. deB. FORDE: Will the Minister please state how many street lights are on Roebuck Tenantry?

Hon. P. M. GREAVES: I do not know. Let me repeat, the response was done on the advice and the survey carried out by the Barbados Light and Power Co. Ltd. They are the best authority on street lighting in Barbados.

Mr. SPEAKER: That seems to be the end of Parliamentary Questions and Replies. The Rt. Honourable Prime Minister is not here to answer the questions.

Hon. P. M. GREAVES: The response to No. 16 is herewith tabled.

Mr. SPEAKER: End of Parliamentary Questions unless the Honourable Member for the City would request... I don't know if your questions were written or oral. Otherwise I can ask that the question be laid on the Table for you if it is written.

The Rt. Honourable Prime Minister is not in his place and therefore it is difficult for anyone to answer that question for him.

Miss B. A. MILLER: But there are supplementaries that I want to ask him.

Mr. SPEAKER: Then, you will have to put it back until later.

Asides.

Mr. SPEAKER: The Honourable Member has indicated that she would prefer to have them answered by the Prime Minister.

That brings us to the end of Question Time.

Any other business?

Hon. P. M. GREAVES: Early in the day, Mr. Speaker, the Deputy Speaker who was the Chairman of the Joint Committee of both Houses set up to consider three particular Bills, indicated to this Honourable Chamber that the report was ready. I do not know if he has any different information at this time to give to the Chamber. I have myself received a report a little while ago which I believe is the report of the Committee dealing with the three Bills. I don't know if the Honourable Members are in a position now to deal with them.

Mr. SPEAKER: Can I have an indication?

Hon. P. M. GREAVES: Sir, you indicated that Question Time has concluded and I had indicated that we are ready to consider Government business, particularly reports from the Joint Select Committee. I understand that some Members on the other side may want to say something about this.

Mr. H. deB. FORDE: The report was handed to me late.

Mr. SPEAKER: There are three reports.

Mr. H. deB. FORDE: What I have in my hand is headed Report of the Joint Select Committee. It is on three Bills and there is a Minority Report on the Sexual Offences Bill. That's all that we seem to have gotten.

The way in which the Committee dealt with the matter was clause by clause and it has certain suggestions – certainly on two of the three Bills – so that it makes sense to Honourable Members as to the substance of the recommendations. It would be necessary for Honourable Members to look at the Bill as amended and it has not been possible to do that here.

The substance of the minority report is very clearly stated. I understand that a couple of Honourable Members may have collaborated on that report and I am glad to see that one Honourable Member in particular has the courage of his convictions to sign his name to it.

I would say for us to make any worthwhile contribution we wish some further time to look at the Report and therefore I am requesting that the matter be postponed, particularly since all three of the Bills have certain very serious implications for fundamental rights

and Members have reservations on certain areas. There is a division even within Parliament on certain parts of the Bills and how they should be handled. I would ask then that consideration of the Report of the Joint Committee be postponed until the next sitting.

Hon. P. M. GREAVES: Mr. Speaker, Sir, the request by the Honourable Leader of the Opposition in my opinion is not unreasonable. These reports have been circulated quite late and I think those of us who want to take them seriously will have to look again at the Bills and at the Report and see in what way the one is purporting to amend the other. It is possible, Sir, that Honourable Members of both sides might be in a similar position not having been able to study the report that has been presented. I am, myself, minded to postpone further consideration of this particular matter and deal with it at the next sitting of the House of Assembly. Is that in order?

Asides.

Hon. P. M. GREAVES: Sir, the Government does not intend to proceed with consideration of this report on this day.

Mr. SPEAKER: Of course, it is good to remember that the Bill dealing with Domestic Violence was not read a second time. It has only been moved and sent to the Joint Committee. So, there will still have to be a consideration on that particular Bill but the other two Bills have already had second readings.

Hon. P. M. GREAVES: I move, Sir, that the Bill be read a second time.
5.20 p.m.

Mr. SPEAKER: Further consideration of the Bill was asked for. At the same time it was referred to the Joint Committee so that it was never read a second time.

Hon. B. M. TAITT: Sir, with all due respect. I am not sure what this new procedure would have been in which a Bill could be referred to a Select Committee and not read a second time.

Mr. SPEAKER: That is what actually took place whereas in the other two Bills those Bills were read a second time and then sent to the Select Committee.

Hon. B. M. TAITT: Clearly, Sir, that would have to be an error in what you are looking at. It could not be an error of procedure. It must be a typographical error.

Hon. H. B. St. JOHN: Mr. Speaker, On a point of order. The Order Paper states that the Bill was read a second time. It says:—

"GOVERNMENT BUSINESS

Hon. M. A. KING: To move the resumption of further consideration of the Second Reading of a Bill entitled the Domestic Violence (Protection Orders) Bill, 1991.

On 12th March, 1991 Hon. M. A. King spoke and moved seconded by Hon. E. E. Greaves that the Bill be read a second time.

Mr. D. A. C. Simmons spoke.

Hon. D. J. H. Thompson spoke.

Mr. L. R. Tull spoke.

Further consideration of the Bill was then postponed."

Mr. SPEAKER: It was read a second time which means that it was not fully concluded. If you look at the other one, Praedial Larceny was read a second time so it was inconclusive.

Hon. H. B. St. JOHN: So all we have to do is recommit it?

Mr. SPEAKER: And just read it a second time. That would put it right.

Hon. H. B. St. JOHN: And that the Committee's Report be taken as the Report of the Committee. What are you going to do about that?

Mr. SPEAKER: Order No. 1.

RESUMPTION OF FURTHER CONSIDERATION OF THE DOMESTIC VIOLENCE (PROTECTION ORDERS) BILL, 1991

Mr. SPEAKER: All I need to say is that this Bill be read a second time. That is all that is required now.

Asides.

Mr. H. deB. FORDE: I am just seeking your guidance, Sir. I would expect that the original Bill that is being read a second time and then the Report of the Committee would come to us in normal course. We should then have another resolution after this is read a second time that the Committee which was appointed on the Bill remain as the Committee.

Mr. SPEAKER: The question is that the Domestic Violence (Protection Orders) Bill, 1991 be read a second time.

Let us conclude that, put it in its right order so that the Bill would come back with the Report. The Bill with the Report will be read a third time but the Report itself may be discussed.

Asides.

Mr. SPEAKER: I have already put the question.

The question that the Domestic Violence (Protection Orders) Bill, 1991 be read a second time was put and resolved in the affirmative without division.

Mr. SPEAKER: That makes the procedure correct now.
5.30 p.m.

Mr. SPEAKER: Standing Order 62. 4.

"A Bill reported from a Select Committee, together with report on the Bill, shall be ordered to lie upon the Table without question put. The report shall be ordered to be taken into consideration upon such day as the House may determine."

That is what will happen, that you will now determine another day to look at the report and the rest is obvious. If the Report is adopted without any dissent well then it goes to a third reading.

Hon. P. M. GREAVES: I am seeking, Sir, to have Question Time recommitted because there are some questions for which the replies are available. They were not given during Question Time. I am moving now that Question Time be recommitted, Sir.

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

Mr. SPEAKER: If there is no objection Oral Replies to Questions is now recommitted. Question No. 7.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the reply to Parliamentary Question No.7 is as follows:

"The Oil Refinery in Barbados has been operating on the basis of an agreement between Mobil (Barbados) Limited and the Government of Barbados. The Agreement commenced on May 17, 1965 and was for a period of twenty-five years with an option to renew for a period of ten years.

Prior to the expiry of the twenty-five year period on May 16, 1990, Mobil (Barbados) Limited commenced negotiations with the Government to secure an agreement for a further period of twenty-five years with a ten year renewal option. Very careful consideration is being given to the matter.

Meanwhile, through an exchange of letters the Government has agreed to allow the operations of the Agreement to continue under the same terms and conditions until such time as a new Agreement may be concluded."

Mr. SPEAKER: Supplementary.

Mr. O. S. ARTHUR: Supplementary, Sir. Will the Minister indicate whether Government has had any studies done of the performance of Mobil under their initial agreement so as to justify Government entering an undertaking with Mobil to have the company operate in the interim on the same terms as in the initial Agreement?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the Government, through the Ministry responsible for energy matters, keeps the Agreement under consideration and observation and it is on the basis of that that both sides have agreed that the existing arrangements would continue until we can negotiate a new Agreement.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, will the Honourable Prime Minister and Minister of Energy state whether the exchange of letters contains any specific date by which the negotiations are to be concluded?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, there is no specific date indicated by which an Agreement might be concluded.

Miss B. A. MILLER: Mr. Speaker, will the Right Honourable Prime Minister say if any such date is anticipated, is contemplated? If not specified, is one contemplated?

Rt. Hon. L. E. SANDIFORD: Sir, the response to that supplementary is we had anticipated that agreement would already have been reached on this matter. But we are working because of the very complex nature of the matters involved and we are trying to get an agreement concluded as soon as possible.

Mr. H. deB. FORDE: Mr. Speaker, Sir, will the Minister please state whether the Government has any alternative arrangements being worked on or in place in case satisfactory arrangements and a satisfactory Agreement cannot be reached with Mobil?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, if satisfactory Agreement of arrangements cannot be made with Mobil obviously alternative arrangements would have to be made.

Mr. H. deB. FORDE: Mr. Speaker, Sir, will the Minister please state whether any steps have been taken to interest alternative bidders in the operations of the refinery?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the Government is negotiating and discussing in good faith and we have not set out to interest other bidders in these particular matters. We are seeking to reach an amicable agreement with Mobil that would be in the national interest and if we cannot reach such an agreement we will take steps to put in place some alternative arrangement that would satisfy that national interest.

Hon. H. B. St. JOHN: Mr. Speaker, will the Minister agree that the existing Agreement which is the subject of an exchange of letters for extension does provide an element of protection to Mobil in the form of a surcharge on all imports of fuel? In the light of the statements made by the Minister in his capacity of Minister of Finance of the need to remove protection under the terms of the Letter of Intent which the Honourable Minister in his capacity of Minister of Finance has indicated to this Honourable House he has sent to the IMF, will the Minister tell us how he is going to square the two positions which are inconsistent?

Rt. Hon. L. E. SANDIFORD: I think it is true to say, Mr. Speaker, that the Agreement did include an incentive to the refinery in the form of a consumption tax which was imposed on all petroleum products imported into Barbados for consumption. The purpose of this was to encourage all the marketing companies to purchase their requirements of petroleum products from the refinery. That is a fact, Sir. This is one of the areas for which consideration would be given. We will have to take that matter into account as we negotiate the new Agreement.

Mr. O. S. ARTHUR: Will that Minister please state, Sir, if there are any reasons why the exchange of letters should not be laid on the Table of the House, Sir and if there are no reasons why not, will the Minister give an assurance that those letters will be so laid?

Rt. Hon. L. E. SANDIFORD: I am under your guidance, Sir. I will not wish to comment on that but if this is ruled as an appropriate supplementary I will reply. I have great doubts.

Mr. SPEAKER: I am acting in good faith and that is I take the Honourable Member's substance to be one, not other than what he intended to ask. It is left to the Prime Minister now to determine what he wants to do.
5.40 p.m.

Rt. Hon. L. E. SANDIFORD: What I would say, Sir, is if the Honourable Member would wish to see a copy of the exchange I think we can arrange for that to happen.

Mr. O. S. ARTHUR: Supplementary. To the extent that the letters exchanged between Mobil and the Government constitutes the legal basis from which Mobil

is now presently operating a refinery in Barbados, will the Minister give the House the assurance that those letters will be laid before this House?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I will give the assurance. I will lay the letters in the House if the Member so requires.

Mr. SPEAKER: Question No. 8. I would like the supplementaries to be more specific in their terms, rather than dilatory.

Rt. Hon. L. E. SANDIFORD: Reply to Parliamentary Question No. 8 is as follows, Sir:

"In pursuance of Government's objective to ensure that the agricultural sector should make a greater contribution to the economy, legislation was enacted to remove import duty, consumption tax and stamp duty from the under-mentioned classes of inputs for use by registered farmers and fishermen in agriculture and fisheries, respectively, as follows:

Materials and other supplies for use in agriculture and fisheries, including motor vehicles approved by the Ministries of Finance and Agriculture, Food and Fisheries. Machinery, equipment, appliances, apparatus, boat engines for commercial fishing, boat equipment, boat fittings, fishing gear, marine engines and spare parts, fertilisers, insecticides, fungicides, weedicides, agricultural chemicals, veterinary medicaments.

The Scheme was administered by the Permanent Secretary, Ministry of Agriculture, Food and Fisheries who put in place the following procedures for its administration:

- (a) agriculture items
- (b) vehicles

Farm vehicles on which duty had been refunded by the Ministry of Finance had to be registered in the name of the farmer and kept for a period of five years. The Chief Licensing Officer was informed that the vehicle was not to be registered in another person's name within five years from the date of the concession.

The amount of duty and tax forgone is **\$69 682 644.87** made up as follows:

Import Duty:	\$21.3 million
Consumption Tax:	\$29.9 million
Stamp Duty:	\$18.5 million"

These are rounded figures and that would give \$69.7 million.

Mr. O. S. ARTHUR: Will the Minister please state, Sir, if any problems were encountered in the administration of the scheme specifically pertaining to the grant of concessions for the importation of vehicles and if so, Sir, the nature of those problems and the steps taken by Government to remedy them.

Rt. Hon. L. E. SANDIFORD: I think, Mr. Speaker, some problems were encountered and the nature of one problem that I can recall is that some persons attempted to, or were importing vehicles under the guise of use for agriculture but the main purpose seemed to be other than agriculture and that was one of the problems encountered. We are trying to deal with that. Sir, this was becoming more and more widespread and we decided to put an end to the scheme.

Hon. H. B. St. JOHN: Will the Minister state the value of the imports against which the respective stamp duty, consumption tax and import duty was applied. I want to get the gross value, then I want the proportion that was stamp duty, the proportion that was consumption tax and the proportion that was import duty, in respect of each category. If we have \$69 million even at a 10 per cent rate of taxation that would have to be \$690 million in imports. The total imports in Barbados are only \$1 billion.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I don't have the information being requested, by the Honourable Member to hand ...

Hon. H. B. St. JOHN: We want the gross value of the imports and then we will be able to apply the duties ourselves and the consumption tax.

Rt. Hon. L. E. SANDIFORD: I do not have that information to hand, Sir, but if the Honourable Member would let me have the information I will seek to respond to him on that particular matter.

Mr. H. deB. FORDE: Is the Minister in the position to give us the categories of goods in respect of which these duties were remitted? The Minister mentioned only vehicles. We would wish the value in respect of each and the Minister may not have the information. Could he give an undertaking to let us have the information.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, we are very co-operative. If the Honourable Member would write to me on the matter I will seek to supply the information that is being requested.

Mr. SPEAKER: I think I need to say something at this stage. The whole purpose of a Parliamentary Question is to seek information from the Minister but it must also be the type of information that is relevant to the question that has been asked, but not at the same time requesting the

Minister to be in a position to be able to answer any question ad lib. This is the reason why we ask that the questions be written so that the replies can be given in relation to the question asked.

I am very liberal but at the same time I would request Members not to put the kind of information that would defeat the very purpose of asking a question.
5.50 p.m.

Mr. O. S. ARTHUR: Will the Minister agree that it is inconsistent, confusing and conflicting.....?

Mr. SPEAKER: That is a very interesting way of asking a question.

Mr. O. S. ARTHUR: Suppose he was in the House of Commons at Question Time?

Asides.

Mr. O. S. ARTHUR: Will the Minister agree that it is inconsistent, confusing and conflicting for the same Government....?

Mr. SPEAKER: That is exactly what I was trying to point out. That is not a legitimate question. It is not a proper question. You cannot say you agree to something to answer a question. Seek the information that you want in the way it should be recorded.

Mr. O. S. ARTHUR: Will the Minister agree that it is a measure designed to undermine agricultural production for the same Government which in 1989 extended concessions to agriculture through an incentive programme to be the same Government in 1991 to withdraw those same concessions?

Mr. SPEAKER: I would only say to the Minister if he feels disposed to answer, so he can, but to my mind I do not think it is necessary.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I have tried to be very co-operative with the Member and I certainly am not disposed to answer that question. It is not a supplementary anyhow.

Mr. SPEAKER: Any other supplementaries? We go on to the next Reply. The Honourable Member for St. Michael South East, Question No. 17.

Mr. DeL. O. BRADSHAW: Mr. Speaker, Question No. 17 reads as follows:

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?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the Reply to Parliamentary Question No. 17 is as follows:

"The maximum period within which a supply is connected" - and this refers to natural gas - "after application is approximately four (4) weeks, provided that the applicant has completed all the requirements of the National Petroleum Corporation, including payment of fees and the laying of the internal service. The job is normally done within two (2) weeks.

Natural Gas Services are available to the residents of Parkinson Field. As at 19th December, 1991 there were forty-five (45) applications for service in the single units, all of which have been installed. There were three (3) outstanding applications for service in the multiple housing units owned by the National Housing Corporation from whom permission has been sought by the National Petroleum Corporation but the matter of meter position had not yet been resolved."

Mr. SPEAKER: Any supplementaries?

Mr. DeL. O. BRADSHAW: Is the Minister in a position to say how soon the matter of the permission for which the National Petroleum Corporation is applying will be resolved?

Rt. Hon. L. E. SANDIFORD: I am not in a position, Mr. Speaker, to give a time for that, but I expect that the two corporations will seek to resolve this matter at the very earliest time so that the supply can be provided to the residents in the multiple units.

Mr. H. deB. FORDE: Will the Minister please state how many of those installations on which he reported as having taken place by the 28th December, 1991 were installed between 28th May, 1991, after the Honourable Member asked the question, and the end of December, 1991?

Rt. Hon. L. E. SANDIFORD: If the Member wishes that information I will seek to find it out from the appropriate corporation.

Mr. SPEAKER: Question No. 24.

Miss B. A. MILLER: Question No. 24, Mr. Speaker, reads as follows:

To ask the Prime Minister:

1. Will the Prime Minister state whether the Barbados Delegation for the Meeting of Commonwealth Heads of Government in Harare, Zimbabwe, October 1991 has been selected and, if so, who are the Members of the delegation?
2. Will the Prime Minister state the budgetted costs of (1) travel, (2) accommodation, (3) subsistence and (4) other expenses for the Meeting?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the Reply to Parliamentary Question No. 24 is as follows:

1. The delegation which attended the Commonwealth Heads of Government Meeting in Harare, Zimbabwe, during October 1991, comprised the following seven persons:-
 - The Prime Minister, accompanied by Dr. Sandiford
 - The Minister of Foreign Affairs
 - The Permanent Secretary, Prime Minister's Office
 - The Permanent Secretary, Ministry of Foreign Affairs
 - The Chief Information Officer
 - The Senior Executive Secretary, Prime Minister's Office
2. The estimated cost of attendance at the meeting was \$103 141.50.

Miss B. A. MILLER: Will the Prime Minister please say what the actual cost was? This delegation having gone off in October, this now being January of the following year, can the Prime Minister please state what the actual cost was?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the actual cost would be within the figure that I gave and the only reason why I have not given, or am not in a position at

this time to give, the actual cost, is because for travel there was a difference because other meetings were being attended as well. For example, let me give you, in my case I attended a meeting not only in Zimbabwe but also in Kaula Lumpur and in Bangkok, and how you break down the travel to allocate a portion to Zimbabwe, a portion to Kaula Lumpur and a portion to Bangkok would be difficult, so I can only give an estimate on that.

Miss B. A. MILLER: Mr. Speaker, I too have sat in the Cabinet and I know how these things go back to Cabinet, and it can be extrapolated.

The supplementary, Mr. Speaker. I heard what the Prime Minister said about the actual size of the delegation, but we do not know of course whether the delegation was joined by people from London or from Brussels. Were there others from our Missions who joined the Barbados delegation at Harare?
6.00 p.m.

Mr. SPEAKER: That would better be asked in another question.

Miss B. A. MILLER: Sir, the Prime Minister has quite properly stated the members of the delegation who left Barbados. I think it is in order for me to ask if Barbadians from Missions abroad joined the delegation. If anybody from the London or Brussels Mission or any other Missions joined the Barbados delegation at Harare.

Mr. SPEAKER: That would better be asked in another question. The question about the delegation would be a separate and distinct question.

Miss B. A. MILLER: Rut, I have asked it. This question says, Sir, who are the members of the delegation. The Prime Minister has quite properly stated who the members of the delegation were leaving Barbados. I think that it is in order, with respect, Mr. Speaker, Sir, for me to ask as a supplementary if Barbadians from other Missions abroad joined the Barbados delegation at Harare, as sometimes happens. It may sound as though seven people went, but we may hear that 15 were at Harare.

Mr. SPEAKER: The position is...

Miss B. A. MILLER: This was the question asked. Their monies would be voted from different sources as well, Mr. Speaker. With respect, Mr. Speaker, Sir, this is germane and well within the ambit of the original question which asked who were the members of the delegation.

Mr. SPEAKER: The answer was given. I understood the Prime Minister to give the answer to the question that was asked. I am of the opinion that may need a separate and distinct question.

Miss B. A. MILLER: Do you mean that is not within the ambit of the question? I am prepared to ask the question as a separate question.

I have another supplementary. I have only asked two supplementaries so far and I am entitled to three.

Asides.

Rt. Hon. L. E. SANDIFORD: Sir, the Honourable Member is aware how these things are done, in her own words, she said that the matter was extrapolated. This answer is extrapolated on the basis of that kind of approach that you referred to, but if it is an extrapolation, it cannot be an accurate reply. That is why I said estimated cost. As far as the delegation is concerned there was no one else joining the delegation.

Mr. SPEAKER: I am not permitting any further discussion on that. I have already made the point.

Miss H. A. MILLER: May I ask my third and last supplementary?

Mr. SPEAKER: Sure. You can.

Miss B. A. MILLER: In my last question, Sir, I asked at No. 24:

Will the Prime Minister state the budgeted costs of (1) travel (2) accommodation, (3) subsistence and (4) other expenses for the Meeting?

I am still asking by way of supplementary, were there other expenses than travel, accommodation and subsistence? We know that those are usual expenses. You have to pay airlines, hotels. However, the Prime Minister and Dr. Mrs. Sandiford would have been the guests of the Zimbabwe Government and we know that they get a subsistence. I want to know if there were other expenses.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I have given the cost of attendance at this particular meeting and that cost I said is estimated at \$103,000. It is still not as high, Sir, as the cost in 1981 to the delegation to New Delhi - \$118,699.

Miss B. A. MILLER: Sir, on a point of order. What is now within the ambit of this... He can tell me what happened in 1970-something, but he can't tell me what the actual cost is for today?

Rt. Hon. L. E. SANDIFORD: ... Eleven people, not to mention three others who came in...

Mr. SPEAKER: Two Honourable Members are on their feet.

Miss B. A. MILLER: We weren't doing that at a time when Barbados was bankrupt.

Mr. SPEAKER: Now, the latter part of the Prime Minister's reply in my view was not relevant to the question. On the other hand, I do not think that the Honourable Member... If a Minister gives a reply and it seems inadequate, it is clear to me rather than trying to introduce the subject in a different way, it should be brought in a separate and distinct question. Then, the answer will be clearer. That is my position on the Supplementaries. They must be direct and to the point. I agree that the Minister should give as much information as possible, so, I do not accept the Prime Minister's latter statement.

Mr. H. deB. FORDE: Mr. Speaker, Sir, will the Prime Minister confirm that the delegation that went to Zimbabwe did not comprise as many persons as had been originally selected to be part of the delegation going to Zimbabwe, as at the 17th September, 1991 when this question was asked?

Mr. SPEAKER: The Minister is under no obligation if he doesn't feel to answer the question.

Mr. H. deB. FORDE: Is the Minister aware that no report on his visit to the Prime Ministers' Conference in Zimbabwe has been made to this House? Does the Minister not consider it but proper that an account should be given for his visit to Zimbabwe, having regard to the considerable cost incurred at the taxpayers' expense?

Rt. Hon. Honourable L. E. SANDIFORD: Mr. Speaker, I will certainly try to follow the best traditions and practices of this House and if I can find anywhere a report that in 1983, 1985 and 1981 that there were reports made to the House on those visits, I will take appropriate steps.

Mr. H. deB. FORDE: Will the Minister not be original enough and creative enough and understanding enough in being able to set proper precedents and traditions in the highest order by making such a statement?

Rt. Hon. Honourable L. E. SANDIFORD: Yes, Sir. I am certainly all of those things that the Leader of the Opposition says, but I will not be hypocritical enough in order to ask others to do what I myself did not do.

Mr. H. deB. FORDE: Mr. Speaker, Sir, is not the Minister aware that he has done so, having expended money and subsequently cutting the civil servants' salary?

Mr. SPEAKER: That's no question. That brings us to the end of that particular number.
6.10 p.m.

QUESTION NO. 25 – RE NUMBER OF PERSONS LAID OFF IN THE PUBLIC SERVICE AND STATUTORY CORPORATIONS

Mr. SPEAKER: Question No. 25 – the Honourable Member for St. Andrew.

Mr. G. W. PAYNE: Mr. Speaker, to ask the Right Honourable Prime Minister and Minister of the Civil Service: Will the Minister please state –

- (1) How many persons have been laid off from the Public Service and Statutory Boards since the 31st July, 1991?
- (2) The number of persons laid off from each Ministry and Statutory Board?
- (3) How many more persons are scheduled to be laid off from each department and statutory board?
- (4) Whether the formula "first in last out" is being used for these "layoffs" and if not what formula is being used; and
- (5) What principles are being applied to the termination of persons with over ten (10) year; service and the retention of persons with under five (5) years service?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the reply to Parliamentary Question No. 25 is as follows:–

"As part of its efforts to correct major problems and imbalances in the economy, the Government has developed a stabilisation programme in conjunction with the International Monetary Fund. That programme involves four components, namely, reduction in expenditure, increase in revenues, rebuilding the reserves and resuscitation of the productive sectors.

Under the reduction in expenditure component of the programme public expenditure must be cut by \$114.0 million, including a cut in wages and salaries of \$31.9 million and a reduction in current and capital transfers of \$35.4 million.

As a consequence, 1 791 persons have been laid off from the Civil Service and 912 persons from the Statutory Boards. It is projected that an additional 67 may be laid off from the Civil Service and 148 from the Statutory Boards. Details are set out in Appendices I and II.

The principle of "last in first out" is being generally applied.

Where persons with more than ten years' service are terminated in preference to those with less than five years' service it is as a result of those workers being pensionable or in a few cases the productivity records are very unsatisfactory."

Mr. G. W. PAYNE: Mr. Speaker, is it the intention of the Government to re-employ any of those persons who did not comply with the formula "first in last out" and who are not approaching pensionable age to which the Honourable Minister referred?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, my Government has set up a small committee to review any hardship cases that may be referred to it. If there are persons who fall into this category under the terms of the supplementary question being asked that matter can be referred to the committee for examination.

Hon. H. B. St. JOHN: Will the Minister state whether that small committee that has been set up includes workers' representatives?

Rt. Hon. L. E. SANDIFORD: No, Sir. It is those representatives who are expected to make the representations to the committee.

Mr. H. deB. FORDE: Will the Minister state what, if any, is the fundamental objection to having the workers' representatives on the committee?

Rt. Hon. L. E. SANDIFORD: I do not know why we have to speak in terms of fundamental objections. The structure of the committee does not include the representatives of the workers. They will be the parties, as I said, who are most likely to be making representations and speaking on behalf of workers to the committee. Certainly, we do not wish any conflicts of interest to arise in this particular matter.

Hon.-H. B. St. JOHN: Will the Minister state whether any mechanism has been devised to ensure that the information and the decisions of that committee are subject to review?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, this is the process of review, that is, decisions have been taken and a review of those decisions is now being made available. It goes to the committee for examination. If the Honourable Member has a hardship case he may refer it to the Permanent Secretary in the Ministry of the Civil Service who will place it before the committee for consideration.

Mr. H. deB. FORDE: Will the Minister state whether any representation has been made by any of the unions

representing workers who are being affected for they themselves to be represented on the committee?

Rt. Hon. L. E. SANDIFORD: I am not aware of any such representation.

Mr. H. deB. FORDE: Will the Minister then state if such representations are made that favourable consideration be given to those representations?

Aside.

Mr. SPEAKER: Ask the same question if you want to supplement it.

Miss. B. A. MILLER: I want to ask of the Prime Minister what about persons who are the sole earner in a family. I want to know if this is a consideration in the question of termination of persons no matter what length of service? Is it a consideration at all?

Rt. Hon. L. E. SANDIFORD: The position of a breadwinner who may be the head of a family or the only breadwinner would constitute a case for review. The answer is "Yes". That would be examined.

Mr. DeL. O. BRADSHAW: The Minister has given us some figures in relation to the persons laid off. Could the Minister tell us up to what date were those figures available?

Rt. Hon. L. E. SANDIFORD: I am seeking to understand the supplementary.

Mr. SPEAKER: When were they compiled?

Rt. Hon. L. E. SANDIFORD: Up to Monday of last week. They are very current.

Mr. DeL. O. BRADSHAW: Will the Minister tell this Honourable Chamber whether since that date further lay-offs took place? I am seeking to get the present number of persons being laid off.

Rt. Hon. L. E. SANDIFORD: I am not aware of any lay-offs after that date.

Mr. O. S. ARTHUR: Could the Minister please state the amount of money that has been saved to Government from the lay-offs of these unfortunate persons from the Public Service of Barbados?

Rt. Hon. L. E. SANDIFORD: That information is not currently available but I will seek, if necessary, to get the information for the Honourable Member.

Mr. DeL. O. BRADSHAW: Is the Minister aware that there was a report in the papers that persons were laid off from statutory corporations since Monday when this report was made, especially the National Housing Corporation?

Rt. Hon. L. E. SANDIFORD: I have already replied to that and I have said that I am not aware. If the Honourable Member wishes me to become aware and he can substantiate the information given I will seek to examine it.

PARLIAMENTARY QUESTION NO. 31 RE
NATURAL, GAS SUPPLY

Mr. SPEAKER: Parliamentary Question No. 31.

Mr. G. W. PAYNE: Mr. Speaker, to ask the Right Honourable Prime Minister and Minister of Finance and Economic Affairs:

"Will the Minister please state whether Government has plans to extend the natural gas supply to the residents in Hillaby and White Hill, Saint Andrew and Orange Hill, Saint James especially as those districts are in the vicinity of the natural gas pipeline?"

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the reply to Parliamentary Question No. 31 is as follows:-

"The National Petroleum Corporation proposes to include Mose Bottom and Mount Hillaby, St. Andrew and Orange Hill, St. James, for construction in its short term mains extension development programme. White Hill is not included in that plan but will be considered for a later programme. Actual scheduling of the proposed extensions will however be dependent upon the availability of funds."

Mr. G. W. PAYNE: Mr. Speaker, will the Honourable Minister please state how soon this funding will be available?

Kt. Hon. L. E. SANDIFORD: Mr. Speaker, certainly I would wish this to be as soon as possible.

PARLIAMENTARY QUESTION NO. 35 RE
GOVERNMENT'S OVERDRAFT
BALANCE WITH THE
CENTRAL BANK

Mr. SPEAKER: Question No. 35.

Miss B. A. MILLER: Mr. Speaker, to ask the Prime Minister and Minister of Finance and Economic Affairs:

"Will the Minister state the Government's overdraft balance with the Central Bank of Barbados at close of business on the 22nd November, 1991?"

Rt. Hon. L. E. SANDIFORD: Sir, the reply to Parliamentary Question No. 35 is as follows:-

"At the close of business on November 22, 1991, the Government's overdraft balance with the Central Bank of Barbados was \$191.2m."

Miss B. A. MILLER: Mr. Speaker, can the Prime Minister and Honourable Minister of Finance say whether the overdraft balance just stated as at November 22, 1991 is in excess of what we know to be the legal limit within the Financial Rules? If so, has it yet been reduced to the legal limits?
6.20 p.m.

Mr. SPEAKER: You see what we have to be careful with, as well are questions that answers can be found in official reports are not subject to this kind of exercise, once there is an official report that sets out in detail these matters then Members are entitled to use that.

Miss B. A. MILLER: There is no official report that can tell me whether at November 22, 1991 this figure would have been in excess of the legal limit within the financial rules.

Rt. Hon. L. E. SANDIFORD: The reply to that, Sir, is that the overdraft balance given is in excess of the stipulated limit.

Miss B. A. MILLER: I asked if it was in excess. He said yes. Then I asked if it was in excess, if it is still so. That is all I asked.

Aside.

Miss B. A. MILLER: How do you mean it is not a supplementary? You are doing a lot of ruling. I will be guided by the Chair, not by you. Yes, Sir, that is the question. I want to know if it is still in excess. That is all I am asking. That is my second supplementary.

Mr. O. S. ARTHUR: Is the Minister...

Mr. SPEAKER: Remember you only have three questions.

Miss B. A. MILLER: I only had two. Since he would not answer that question, will the Minister of Finance state what the overdraft balance is at today's date?

Mr. SPEAKER: That is what I am saying, that is a question. That cannot be seen in the light of a supplementary.

Mr. O. S. ARTHUR: Supplementary, Sir. Does the Minister recall that in December 1990 the Government gave the House the assurance that every effort would have been made to keep the overdraft within the legal limit and could the Minister therefore explain the circumstances which have caused Government to be put to the necessity of having the overdraft exceed the legal limit despite the assurances given to the House.

Mr. SPEAKER: That to my mind again falls within the same category. I will probably allow the Minister to determine whether... You see a supplementary question must not deviate from the original question. You have asked another question which in substance is a new question. Whether the Minister could reply or not I still am to state the guidelines for the supplementary questions. If in my view it is a new question then it is a new question.

Mr. H. deB. FORDE: Mr. Speaker, Sir, the Minister having confessed to this House that as at the 26th November, 1991 the overdraft limit of the Government at the Central Bank was in excess of its legal limit, will the Minister please state for how long this overdraft has remained in excess of the legal limit.

Mr. SPEAKER: That falls in the same category.

Mr. H. deB. FORDE: With respect, Mr. Speaker, Sir, that question arises completely out of the Minister's answer.

Mr. SPEAKER: To the extent that it involves a new question.

Mr. H. deB. FORDE: Mr. Speaker, Sir, it forms only a new question to the extent that it arises out of his answer and is supplemental thereto. It raises no new matter, Sir.

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

Mr. SPEAKER: I have ruled already. The question was asked up to the 22nd November, 1991. That is where I take the relevance of any question, up to that date. If you need new information after that date then that is quite in order.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, this is the supplementary question I am asking the Right Honourable Prime Minister and Minister of Finance, having discovered that on the particular day the law was broken, will the Honourable Prime Minister state, what steps he personally took to deal with the law breakers?

Mr. Speaker, Sir, I have three. Will the Prime Minister state – not having answered my question – will he agree that he is guilty of condoning a breach of the law?

Rt. Hon. L. E. SANDIFORD: Mr. Speaker I am following your ruling and like all Honourable Members we should be under your guidance. I know what action was taken by previous Finance Ministers in these areas when the law was broken in May and August 1981, in June and September 1982, in August and December, 1984.

Miss B. A. MILLER: Mr. Speaker, Sir, on a point of order. Your Honour has ruled that the ambit to this question, the relevant date be November 22, 1991. The Right Honourable Prime Minister cannot now defy Your Honour's ruling in this fashion.

Mr. SPEAKER: I have always listened to what people have to say before I make my ruling. The Right Honourable Prime Minister is under no influence of mine to give whatever answers he wants to give. But at the same time I would prefer questions and answers to be very closely related to the original question.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I wish to make it clear, Sir, I consider myself to be under your influence and under your guidance as well. Sir. The interruption from the Honourable Member prevented me from bringing my response as close as possible to the question that was asked. That is all that happened. That is the only point.

It is well known that those Ministers of Finance did not do anything to deal with the law breakers or anything like that. These circumstances are due to circumstances which are really not easy of correction and certainly not of correction in a very short time or immediately. We are certainly taking steps through our stabilisation programme to bring the matter under control. That is the whole purpose of the programme to reduce these kinds of imbalances and disequilibrium.

Mr. DeL. O. BRADSHAW: Will the Minister state what are the legal implications of the overdraft balance being in excess of the limit?

Asides.

Mr. SPEAKER: Are there any other supplementary questions to be asked on this particular item? If there are no more supplementary questions that brings us to the end of Oral Replies to Questions.

Hon. B. M. TAITT: Mr. Speaker, that brings us to the end of Government Business for the day.

It is now 6.30 p.m. and if the Honourable Leader of the Opposition or any other Member is minded to commence any matters of Private Members' Business at this time as a matter of fact, let me put it this way, Sir, I beg to move that Private Members' Business be taken now, Sir. I think that is probably the proper way to put it. 6.30 p.m.

Mr. SPEAKER: The Honourable Member has asked that Private Members Business be taken. I have not heard the seconder ...

Asides.

PRIVATE MEMBERS' BUSINESS

RESOLUTION OF THANKS AND APPRECIATION TO HER EXCELLENCY THE GOVERNOR-GENERAL FOR THE SPEECH DELIVERED BY HER EXCELLENCY DURING THE FIRST SITTING OF THE PARLIAMENT OF 1991 - 96

Mr. SPEAKER: Item No. 1. Does any other Member wish to speak on Item No. 1 which has been introduced? If there are no other Members who want to speak, let us get on to Item No. 2.

Hon. P. M. GREAVES: I am moving, Sir, that the Resolution as proposed by the Member for St. Michael Central be put.

Mr. SPEAKER: If no other Members want to speak on this Resolution it has been moved that it be passed.

The Question that Resolution No. 1 do now pass was put to the House and resolved in the affirmative, Members of Her Majesty's loyal Opposition voting in the negative.

Order No. 2 - To move the passing of a Resolution urging Government to ensure security of tenure for residents of Six Men's Tenantry, St. Peter.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, the matter before the House has to do with a request to get the support of the Government to regularising the status of the tenants of Six Men's Tenantry. However, Sir, I would prefer not to proceed with the matter at this time. I am asking that the matter be stood down for another occasion.

Mr. Speaker, the subject of this Resolution is a matter that Members would have seen appearing in the Press from time to time.

Mr. SPEAKER: Is the Honourable Member speaking on the Resolution?

Mr. O. S. ARTHUR: I will speak on the Resolution, Sir. The persons at Six Men's Tenantry are threatened with eviction from lands that they have occupied themselves, or their families have occupied, for generations. This matter was brought before the House in 1985. I will not be long, Sir, because I believe the House ...

Hon. B. M. TAITT: On a point of order. I do not know. I am seeking information but I get the feeling that the matter which the Honourable Member is raising is *sub judice*. I thought I read somewhere that this matter is in court. Would the Honourable Member wish to be aware that this is so? I thought I read that somewhere.

Aside.

Hon. B. M. TAITT: Well I don't know, that is why I am drawing it to your attention.

Mr. SPEAKER: I will caution the Honourable Member, if it is to his knowledge that the matter is *sub judice* then he should not proceed with it because it will be a breach of the Rules of this House and it will be a contemptuous matter.

If the Honourable Member is not sure I would suggest that he makes sure.

Mr. O. S. ARTHUR: Mr. Speaker, in response to the matter which you raised, Sir, it is within my knowledge that writs have been served on some tenants at Six Men's and not others. I therefore will have to be guided by you, whether in such circumstances the matter is *sub judice* or not and whether I can properly proceed with the matter.

Mr. Speaker, Sir, I ask for your ruling in the matter.

Mr. SPEAKER: I have a very clear ruling. Let me put it this way to you. I am not supposed to know everything that happens and Members are duty bound to assure the presiding officer as to the status of the case whereas for him to do so would be a very difficult matter. I would prefer the Honourable Member if he has knowledge of that, rather than to pursue it and to have a problem after, not to so do.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, I ask for leave for this matter to remain on the Order Paper.

Mr. SPEAKER: The Honourable Member has asked for postponement of the matter. Once it is postponed it will remain on the Order Paper. The matter has been postponed. If there are no objections then Order No. 2 is postponed and we will go on to Order No. 3.

Order No. 3 - To move the passing of a Resolution urging Government to establish a Commission of Inquiry into the motor insurance industry in Barbados and to consider and make recommendations on the concept of a system of no-fault insurance in Barbados.
6.40 p.m.

RESOLUTION URGING GOVERNMENT TO ESTABLISH A COMMISSION OF INQUIRY INTO THE MOTOR INSURANCE INDUSTRY IN BARBADOS AND TO CONSIDER AND MAKE RECOMMENDATIONS ON THE CONCEPT OF A SYSTEM OF NO-FAULT INSURANCE IN BARBADOS

Mr. L. L. BRATHWAITE: Mr. Speaker, this Resolution seeks, among other things, to effect some kind of order for the future of the motor insurance industry as it relates to the welfare of the travelling public. While appreciating the necessity for the solvency of the industry,

and to ensure that the public interest is being protected and that the image of the industry does not suffer. One recognises that it is important for this particular industry to function properly.

Motor insurance in Barbados today, Sir, seems to have developed into a kind of monopoly which allows extraordinarily high premiums, in my view, to be inflicted on persons who own and use motor vehicles, almost on an annual basis. The very severe increases of these premiums, to my mind, have been creating severe hardship on a number of persons in terms of their ability to meet the increased premiums that are surely not **budgetted** for by them but must be met if they are to be in the good books of the law as it is required. To maintain their status as legal and qualified drivers of motor vehicles on our roads is very important, because it affects the safety and the lives of persons using the road, and even using the vehicles which they operate.

Only today we have been dealing with matters relating to the Road Traffic Act and it seems to me that it becomes even more important for us to recognise that, since accidents have tended to become a way of life in our country now, that when persons are met with the kinds of injuries that are brought about by the accidents that occur, that we should have some form of early attention to the claims they have to make. I **am** saying, Sir, that the entire pedestrian population is at risk through no fault of their own. This is pushed to that point, as I said, because the owners of motor vehicles find it difficult to meet the increases that are not budgetted for, and therefore I believe that something should be done to alleviate the problems that persons who are involved in these accidents face from time to time. Long periods go by during which these persons who have suffered, wait to get settlement of their claims, albeit that they have medical expenses, they have injuries that need urgent medical attention, and as this attention is mostly not available unless they are able to pay for it, this increases the hardship they have to bear.

One recognises that there are some people who use motor **vehicles** who can be considered as bad risks and to some extent accident prone drivers. We therefore cannot ask that those persons should in any way be protected to continue to do those things or to **carry** out that kind of action on our roads. One feels that while we recognise the rate of accidents is high, persons who are not involved in the accidents should not be called upon to pay the price of those persons who are accident prone drivers.

Since the extent of hardships that these persons are called upon to bear because of these accidents impinges on the productivity of our country, in that if a person is involved in an accident and is delayed from going to their place of work, it reduces the level of activity, especially if they are injured to the point where they cannot have full use of their members, they then cannot be productive in our

society. If the ability to get back into the normal **stream** of things depends largely on the kind of compensation and the speed at which they get the compensation to assist them in overcoming the problem they have, then we feel that something must be done in this area.

I do not believe, Sir, that this **Resolution** should create any divisions, because in general there are complaints that there are problems in the motor insurance industry that need to be addressed, and all we are asking is for the Government to set up a commission of inquiry so that we can look at the motor insurance industry and arrive at some improvements for the industry so that there can be a better form of settlement.

It is recognised, Sir, that there is a system of no-fault insurance in some areas of the Commonwealth and I believe that we should be able to look at no-fault insurance and **try** to arrive at some measure of improvement in this regard. Therefore, this Resolution is asking the Government to establish a commission of inquiry into the motor insurance industry in Barbados and to consider and make recommendations on the concept of a system of no-fault insurance in Barbados.

I do not wish to go any further at this point, Sir, because I think that Honourable Members, especially those in the legal profession, may want to make their contributions on this matter. I believe all I can do now is to move that the resolution be passed. At the same time I am asking that urgent consideration be given to this matter because I think a lot depends on it, if people are not to suffer largely from these kinds of situations. I don't know that I need to spread this out any longer. I would like to move that this resolution do now pass.

6.50 p.m.

Mr. J. O. TUDOR: I beg to second that.

Miss B. A. MILLER: Mr. Speaker, I have long wanted to speak on this matter and I **am** a little **sorry** that I **am** being forced to speak on a day that I didn't anticipate because I had hoped to get from the relevant authorities certain figures.

I want to start off by saying that this whole concept of no-fault insurance is a vexed issue. Some people see it as forward looking, as indeed the Member for St. Michael North East does, and some others see it as **backward**-looking. It is a vexed question which exercises mostly people in the legal profession, which exercises people in the legislative **arm**, and, of course, the insurance industry itself. It has met – the whole concept of no-fault insurance – with a mixed reception.

A no-fault scheme to compensate the victims of road traffic accidents has been discussed in something known as

the Lord Chancellor's Consultation Paper on Compensation for Road Accidents. This concept for no-fault compensation is not a new idea. In fact, the origin of the scheme which I detect the Honourable Member for St. Michael North East is putting to this House would find its genesis in the Pearson Commission which reported its findings in 1979 in the United Kingdom. Pearson, at that time, called for a general no-fault scheme to compensate all victims of road traffic accidents funded by a levy on petrol. Now we know that we already have a **transport** levy in this country which itself is the subject of much vexed debate, as with other levies this Government sees fit to pay into the **Consolidated** Fund. So, we do not know in any wise, nor has any Honourable Minister vouchsafed to us, no matter how many parliamentary questions we ask, how much of the transport levy... We know what is the amount of any given year because we have the Estimates to tell us that, but we do not know how much of that is appropriated to fixing potholes in roads in Barbados, and there are some roads particularly on Highway 1, the most heavily used highway, which are much **potholed** at the moment. We are better than halfway through the financial year, but we don't know how much of the Transport Levy... We know how much goes to the Transport Board, because it is documented in the Estimates.

I do not think that in Barbados, not even the Honourable Member for St. Michael North East would want to suggest that this Compensation Fund would take the form of a levy on petrol. I would be interested to hear from the Government benches exactly how a compensation fund such as that, which would have of necessity to be part of a no-fault insurance scheme, would be funded.

Mr. Speaker, I heard the Honourable Member speak of what would happen in the event of a road accident. I don't know how well seized the Honourable Member is exactly what is the procedure when there is a road accident in Barbados. A no-fault insurance scheme would have to address many important particulars. For instance, we, in the legal profession, would want to know if there is a no-fault insurance scheme who would be responsible for collecting the evidence, whether the claimant or the person doing the compensating; whose responsibility would it be to obtain a police report and who would obtain the **medical** report and who would advise the claimant on the evidence or what the value of it is and how likely it is that a claim could be substantiated? A great deal goes into the processing of an insurance claim.

I would be interested to know in any no-fault insurance scheme that is devised by the Government from the claimant's point of view – the attorneys for the most part represent the claimants, while there are a few who do represent the insurance companies – would it replace the burden of proving fault with the burden of proving eligibility? Would you be eligible within this no-fault scheme?

The claimant would have also to show that the accident involved a motor vehicle, which has a very clear legal definition, as do so many other things in this whole **ambit** of insurance. These are not things to be guessed at. It is not as easy as some people think, you have a form and you fill it out, you meet at the scene of the accident, and on a knock for knock basis settle claims. Not every insurance company in Barbados will settle claims, not even out of Court, on a knock for knock basis.

Mr. Speaker, I would say with respect that the Honourable Member who has introduced this resolution would perhaps have been better served with a great deal more information than he obviously has at his disposal. He might have been far better briefed, perhaps, by somebody from the front benches than he has been. What we are doing here is exciting a debate before we are ready for it and forcing on a debate on a matter that needs very careful consideration.

If this is to go to a committee, as it is suggested that it should go to, there are so many matters to be considered. As recently as last year, 1991, in the United States, a no-fault Bill was blocked in their Senate. It had been presented with two competing car insurance bills. One, which was for a no-fault insurance and the other was a so-called no-cost policy for poor but good drivers. In the end, the no-fault Bill was defeated and those who brought it were challenged to **bring**, what in the United States was described as a "politically acceptable solution" to settle the stalemate – and this is the **nub** of it, Sir – between trial lawyers and other civil lawyers as well who opposed the whole concept of no-fault insurance, and the insurance industry which, in this particular state which was California, happened to support it.

It is my belief that in Barbados the insurance industry does not support the concept of no-fault insurance. Naturally, they will look to support what is in their interests. However, something has got to be done about the situation as it is in Barbados. Let me quote an example just to stretch out the scenario for you, Sir.

7.00 p.m.

We have a situation in Barbados where third party insurance is compulsory. Insurance premiums are high and growing higher every year as well as the number of people. We have many vehicles on our roads. Some people venture to suggest that like Bermuda we should begin to look at the question of limiting, perhaps, on a daily basis the number of vehicles which may be allowed to enter on to the highways or it could be looked at from another perspective, perhaps, of limiting the number of vehicles which are allowed to be imported. But we have a large number per capita of vehicles on our roads.

The majority of people to my knowledge and belief are covered only by third party insurance. It is a minority

of people who feel that they can afford to buy comprehensive insurance. Because of the escalating cost of premiums there are also a growing number of people, many of them young people, who are driving on our roads without any insurance at all. That is what has to be dealt with. I do not know that any no-fault insurance scheme could be designed to net these people and deal with them. Innocent persons, pedestrians, motorists, cyclists and donkey-cart men are at the mercy of these people. A lot of them move mostly by night thereby compounding the risk. You know what happens, Mr. Speaker?

I know whereof I speak because this happened to me only last year. Your client is driving a car which is insured. Somebody hits the car. That car is stationary. The question of liability is not an issue. Somebody drives up to this car and hits that car that is in a stationary position. That person has no insurance cover. The police may or may not prosecute. Their attitude is, and I have interviewed several policemen on this, that they are becoming fed up with a situation where they will prosecute a man who is driving without insurance cover and among many charges will be that of driving without insurance cover but the morning when he gets before the magistrate, all of a sudden, by magic, he produces a certificate to show that he had been covered. Obviously there has been some collusion between himself or herself and an insurance broker, insurance company or agent. The police are made to look like fools and the Magistrate throws it out. The police are getting to the stage now where they are not bothering.

Do you know what is going to happen one of these days if it has not already happened? Two persons neither of whom has insurance will crash and an innocent bystander will be killed or seriously injured. Speaking in specifically legal terms in this context you are better off dead, Sir. It is when you are crippled and badly crippled and have to have a series of operations and you are going to have pain and suffering until you die, and you are going to find yourself at 55 crippled with arthritis and all of the other things which are consequent upon road accidents, and nobody has insurance cover to cover you, that you are going to have to fall back upon the State, meaning the taxpayers, go to the Queen Elizabeth Hospital and hope that the operations can be carried out there where you cannot now hope that the Medical Aid Scheme can carry you abroad to do it. But there will never be compensation for loss of wages, loss of use of an arm or leg or whatever...

Aside

Miss B. A. MILLER: Loss of consortium, as the Honourable Leader of the House is saying, a very important thing.

Adde.

Miss B. A. MILLER: You may not get a replacement with the same kind of model that you had before, Sir, so there is still a loss. Sometimes you have to take a lesser model or sometimes you have to take a second-hand model.

The real damages in the profession which were referred to are the general damages, not the special damages which are the ones that you can quantify. You pay your special damages to your doctor. You get them for the pants that got ripped up, and so on. It is the general damages for pain and suffering which in an instance like that could never ever become payable to an innocent person. It is already happening. Am I running out of time Sir?

Mr. SPEAKER: Not yet.

Miss B. A. MILLER: If I may be permitted, Sir, there is a great deal I want to say on this matter. I have studied it carefully. I have a great deal of information at my disposal which I would want to make available to any committee or special task force.

Aside.

Miss B. A. MILLER: I am willing to do that, Sir, because then I would have statistics as to the number of road accidents etc. which I want to bring to this debate.

Hon. P. M. GREAVES: Sir, I move that further consideration of this matter be postponed.

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

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

ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, I am moving the adjournment of this House at this point to Tuesday January 28, 1992 at 12 o'clock noon.

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

The question that the House do now adjourn until Tuesday January 28, 1992 at 12 o'clock noon was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly. 7.10 p.m.

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- (a) give security of tenure to the residents of
Six Mens' Tenantry;
- (b) facilitate purchase of house spots in the
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- (c) facilitate the orderly development of the
tenantry, and
- (d) act to preserve the integrity and identity of
an established community.

RESOLUTION URGING GOVERNMENT TO
ESTABLISH A COMMISSION TO ENQUIRE
INTO THE MOTOR INSURANCE
INDUSTRY 1399

Mr. L. L. Brathwaite, 1399; Miss B. A. Miller,
1400.

SUSPENSION 1373

Hon. P. M. Greaves, 1373.

ADJOURNMENT 1302

Hon. P. M. Greaves, 1402.

SPEAKERS IN THIS ISSUE

ARTHUR, Mr. **O. S.** (St. Peter)
BRADSHAW, Mr. **DeL. O.** (St. Michael South East)
BRATHWAITE, Mr. L. L. (St. Michael North East)
ESTWICK, His Honour T. C. (Christ Church East)
FORDE, Mr. H. **deB.** (Christ Church West)
GREAVES, Hon. P. **M.** (St. Michael North)
HALL, Hon. W. W. (St. Michael North West)
KING, Hon. M. A. (Christ Church South West) ,
MILLER, Miss B. A. (City of Bridgetown)
PAYNE, Mr. G. **W.** (St. Andrew)
SANDIFORD, Rt. Hon. L. E. (St. Michael South)
ST. JOHN. Hon. H. B. (Christ Church South)
SIMMONS, Mr. D. A. C. (St. Thomas)
TAITT, Hon. B Mr. **O. S.** Arthur, 1399; Hon. B. M.
TROTMAN, Mr. C. **LeR.** (St. Michael Central)

THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, January 28, 1992

Pursuant to the adjournment, the House of Assembly met at 12.25 p.m. o'clock.

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
His Honour T. C. ESTWICK, B.Sc., LL.B., (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)
Mr. H. deB. FORDE, Q.C., M.A., LL.B., (Leader of the Opposition)
Hon. B. M. TAITT, B.A. (Hons.), M.P.A.,
LL.B.(Hons.), (Minister of Health)
Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of Public Works, Communications and Transportation and Leader of the House)
Hon. M. A. KING, Q.C., LL.B., (Attorney General and Minister of Foreign Affairs)
Hon. 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. 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, G.C.M., B.A., Ed.M., (Minister of Housing and Lands)
Hon. W. W. HALL, G.C.M., H.B.M. (Minister of Tourism and Sports)

Mr. R. L. MORRIS, B.A., Cert. Ed.
Hon. D. J. H. THOMPSON, LL.B. (Hons.) (Minister of Community Development and Culture)
Hon. H. B. St. JOHN, Q.C., LL.B.
Mr. L. R. TULL, Q.C., M.A.
Miss B. A. MILLER
Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.)
Mr. J. O. TUDOR
Mr. G. W. PAYNE
Mr. R. C. EASTMOND, B.A., LL.B.

Prayers were led by Fr. Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, 14th January, 1992.

Hon. P. M. GREAVES: Mr. Speaker, the Minutes of the Meeting held on 14th January have been circulated to Honourable Members of this House, I am informed. I therefore move that they be taken as read and that they be confirmed.

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

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

PAPERS

Hon. W. O. FRANKLIN: Mr. Speaker, I am commanded to lay Instruments adopted by the International Labour Conference at its 78th Session held in Geneva in June, 1991.

Instrument No. 172 – working conditions in hotels, restaurants and similar establishments – Convention 1991.

Instrument No. 179 – working conditions in hotels, restaurants and similar establishments – Recommendations 1991.

GOVERNMENT NOTICES

Hon. P. M. GREAVES: Mr. Speaker, I give notice of a Resolution to approve the lease of land at the Grantley Adams International Airport to British Airways, PLC.

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, at this point I beg to move the suspension of Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 for the remainder of the day's sitting.

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

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

GOVERNMENT BUSINESS

ORDERS OF THE DAY

ORDER NO. 7 – RESOLUTION TO APPROVE THE SALE OF A PARCEL OF LAND AT PRESCOD BOULEVARD TO CHEFETTE RESTAURANTS LIMITED

Hon. E. E. GREAVES: Mr. Speaker, this Resolution is a simple one. It seeks parliamentary approval for the sale of 458.6 square metres of land, which is owned by the Government at Prescod Boulevard, St. Michael, to Chefette Restaurants Ltd. for \$83,800.

The property, as I understand it, will be used for the construction of a main storeroom or bond. Permission from the Chief Town Planner has been obtained for the use of the land for this purpose and, having taken all the factors into consideration, Cabinet agreed to this sale. What we are seeking to do now is to obtain parliamentary approval for the sale of this 458.6 square metres of land to Chefette Restaurants Ltd. for the sum indicated.

A copy of the plan is available for Honourable Members.

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

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

Mr. L. R. TULL: Mr. Speaker, Sir, we support the Resolution. This procedure arises out of the historical position of the old Pelican Island. There was a division

between Fontabellè and the sea and when Pelican was taken over there was a position in which the buildings on Fontabelle were extended on the reclamation of the land. This process started some years ago to regularise the position in relation to all those properties that had a frontage on Fontabelle and backed on to Princess Alice Highway. A number of the buildings along that strip, Sir, from Mannings down at one end, almost up to Motor Services at the corner of Reef Road, have been regularised over time and I understand that this is the last of two to be completed.

We on this side, the Opposition, have no problem with it. We believe that it is essential to put these things in order and therefore the opposition is one of support on this occasion, Sir.

Miss B. A. MILLER: I would just like to say a few words in respect of this, Sir. It is interesting to see that the Honourable Member for St. George South on this side of the House gave a better introduction to the matter than the Honourable Minister. The shadow has overtaken the substantive person.

But, Mr. Speaker, Sir, the point I wish to speak to has to do with the condition of those lands and to say that I wish to support this measure. A lot of the small bits of land which the Government owned along there as a consequence of building the Deep Water Harbour used to be unkempt – I cannot say kept, because they were unkempt – were a harbouring ground for vermin and mosquitoes and really were a serious public health hazard. It is a compliment to most of the owners along that strip – Manning, Wilkinson and Challenor, The Nation, The Advocate, even to some extent the IDC, which owns a small block there, and in particular Chefette Restaurant and the Board of Tourism – that they have kept those edges in a proper and decent condition, and some people have gone to the extent of landscaping. I hope that the fact that we have noticed this in this Chamber that this would give encouragement to those owners along that whole strip of the highway and that they would take note and perhaps seek to upgrade the environment. We hope that this acquisition will be treated in the end in the same way as the rest of Chefette's outlet at that location which, really, like the Chefette outlets generally speaking are to be complimented for the way in which they and their surroundings are kept, even those which abut and abound on Government lands. Sometimes, people go out of their way to clean what is really the Government's property.
12.35 p.m.

Hon. H. B. St. JOHN: I just want to raise one query. My memory of the policy was that the land would have been offered to the original land owners who owned the land at Fontabelle. The Town Planner had suggested and it was agreed that no access at all was to be created on the Princess Alice Highway on to this land. You were never to be able to drive from that side, with the exception of one

original road, I believe, between where the Tourist Board is and the other area because that was a traditional road put in by contractors originally.

I notice in this plan that this land really is fronting on Fontabelle by N. E. Wilson. It is my memory as well that it was offered to him. I remember that everybody was offered. I hope that the policy of no access from the road is being taken.

Hon. E. E. GREAVES: Mr. Speaker, for the record. The Honourable Member enquired whether or not the area of land was offered to the original owner. I think that he did indicate that N. E. Wilson was the original owner of this land. Yes. The land was offered to N. E. Wilson, but he expressed no interest in it. As a result, the decision was taken to offer it to Chefette. Thank you.

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

ORDER NO. 1 – TO MOVE THE RESUMPTION OF
CONSIDERATION OF THE DOMESTIC
VIOLENCE (PROTECTION ORDERS)
BILL, 1991

Mr. H. deB. FORDE: The Joint Report of the Select Committee is a report made in relation to more than Item No. 1. It refers as well to items Nos. 2 and 3, so that what really we...

Asides.

Mr. SPEAKER: I think it is correct that the adoption for each would be individually.

Mr. H. deB. FORDE: Fine, once that's done.

The question that the Report be adopted was put and agreed to in the affirmative without division.

Hon. P. M. GREAVES: Mr. Speaker, I am advised the procedure to be adopted here is that this Bill go into Committee because it was a joint report from both Houses rather than a Committee of the House of Assembly. That being so, I am moving that the House go into Committee on this Bill. That would be done for each Bill separately.

Mr. SPEAKER: My understanding is then that no discussion will take place at this particular point but only in committee. Is that how you want to deal with the matter?

Hon. P. M. GREAVES: Yes, Sir, the question of the adoption of the report has been made and settled but I don't know if Honourable Members may want to say something in Committee. We cannot stop members from making comments but seeing that it has gone through

another Committee stage, I do not anticipate the question of a debate.

Mr. SPEAKER: I think that is a reasonable conclusion.
12.45 p.m.

COMMITTEE

Mr. CHAIRMAN: The House is in committee.

Clauses 1 – 23 inclusive were called and passed.

The Schedule was called and passed.

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

On the separate motions of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, the Bill was read a third time and passed

REPORT OF JOINT SELECT COMMITTEE

ORDER NO. 2 – PRAEDIAL LARCENY
PREVENTION BILL, 1991

His Honour T. C. ESTWICK: I beg, Sir, that the Report of that Committee be adopted.

Hon. M. A. KING: In seconding the adoption of the Report, I would just like to indicate to the Honourable House that there needs to be a slight adjustment in Clause 7. This is something which has obviously slipped through. A constable in the Bill in the definition section means a member of the Royal Barbados Police Force and includes a person appointed pursuant to the Parish Constables Act. Right through we have been using the term "a constable". There is nowhere where reference is made to "officer". Section 7 as it stands reads "Where a constable makes an arrest under section 6, the officer or constable may seize". The words "officer or" should come out. That should read "Where a constable makes an arrest under section 6, the constable may seize". I will formally move the adoption of that amendment in Committee. Subject to that I move the adoption of the Report.

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

Mr. H. deB. FORDE: Mr. Speaker, obviously our side has sat on the Joint Select Committee and I would not wish any remarks I make in any way to detract from the work done by that Committee. There are a few remarks I regret in a way that there was not a further amendment to the Clause relating to the making of regulations.

This is a very serious bit of legislation. We have all agreed both in the full House and in Committee that the legislation is necessary at this time in Barbados. But because of its very novelty in many respects, the legislation has inherent in it the possibility that we should be affecting people's fundamental rights in a very serious manner. I would hope, although we are adopting the Report of the Select Committee and will, no doubt, in Committee on the third reading, pass this Bill, that the Government would keep this legislation under constant review. It is the sort of legislation that we must always be cognisant of how it is working.

The effect of the Report would mean that now people who are carrying produce will find that they are under an onus to explain whether or not the produce is theirs and where they have got it from. Now, the Committee has obviously allowed the quantum of produce which will require such an explanation to be specified by regulations to be made by the Minister under section 12 of the Bill. Whether it is going to be 50 lbs., 10 lbs., 20 lbs. or 5 lbs., whatever amount of produce it will be, in my view it would still pose some difficulty.

Mr. Speaker, you could imagine the position which may occur if your constituent reaps some seasoning and various other crops and brings it for you to use and you were transporting it from your place of business to your home, the Police Constable could always ask for an explanation if it is over 50 lbs. This is a bit of legislation that has given the House a lot of trouble, no doubt, given the draughtsmen a lot of trouble and, no doubt, has posed problems in the Committee. Although in the Committee's Report we do not have the evidence in *toto* taken before the Committee with us now, I would believe that those were matters that concerned the Committee as well.

I want strongly to recommend that a constant watch be kept by both Ministries who would have some responsibility for the enforcement of this Act which would be the Ministry of Agriculture and the Ministry of the Attorney General, to see how this Act is working. If at all we see that it is working to the detriment of the innocent citizen then we should be prepared to come back to the House to put in certain important safeguards.

I would have wished as well, Sir, that as a result of the Committee's deliberations, there would have been a recommendation for the regulations to be subjected to negative resolution. I am not sure whether the Honourable Attorney General would be prepared in Committee stage to accept an amendment to section 12 so that we ourselves could have a constant scrutiny of the type of regulations which are being made under this type of legislation.

Those would be the comments that I make on the Bill. Although I can see the necessity for it I still feel that it is very important for us to monitor this legislation very carefully.

Miss B. A. MILLER: Sir, I wish to make just a few remarks really more to the overall recommendations of the Select Committee. I regret – this is the second time I am getting on my feet within the space of an hour – I have to express reservations about the way in which matters are introduced. I had hoped that the Honourable Member for Christ Church East who chaired this Select Committee might have been a little more expansive in the introduction and would have perhaps taken the time to have brought certain things to the attention of the House. When I looked at the Report of the Select Committee and saw those who attended in respect of the various pieces of legislation I saw that for instance, Mr. Speaker, Sir, in respect of praedial larceny that the only persons who attended and made submissions to the Committee on the **Praedial Larceny Bill** were Messrs. Patrick Bethel, Keith Laurie and Coleridge Pilgrim. We did not hear that any representatives of the small farmers or that any particular small farmer attended.

12.55 p.m.

We did not hear that representatives of any of the various committees to do with agriculture attended and gave evidence before the Select Committee. In respect of the other Bill, Sir, I am deeply concerned that only a Miss Elise Thompson attended the Committee on the Sexual Offences Bill and nobody in respect of domestic violence. Where was 'Women, Against Rape'? Where was the National Organization of Women and a whole host of other organizations to do with these matters?

It would have been interesting, Mr. Speaker, to hear from the Chairperson of the Select Committee which looked into these matters what were the Committee's feelings or what were his views at least, as a Chairman, as to the very poor attendance.

Mr. SPEAKER: Just one observation. I am sure it is not your intention to revert or to discuss a measure that has been passed before. I understand what you are trying to do.

Miss B. A. MILLER: Yes, Sir, but it is difficult when the Committee is sitting on all three matters and we have a report before us which deals with all three matters together.

Mr. SPEAKER: The understanding was that we will deal with them separately as we pass them along.

Miss B. A. MILLER: Yes, I understand that. I understand, Mr. Speaker, Sir, that you are trying to give me as much latitude as possible, in the circumstances.

But there are some matters, as I said at the beginning, which speak to all three. This has to do with the way in which the Select Committee conducted its business. What I am saying applies, according to the report, in all three

cases. I just happen to rise on this matter. I would like to speak when we come to the next matter. But I wanted to make this observation.

Aside.

Miss B. A. MILLER: What?

Aside,

Miss B. A. MILLER: Maybe that was not enough.

Hon. D. J. H. THOMPSON: Mr. Speaker, Sir, I think that some of the comments made by the Honourable Member for the City may be relevant in terms of the fact that many of the groups that one would have thought would wish to make submissions to this Committee did not do so.

We are dealing with the Praedial Larceny Bill. We listened very closely to the submissions which were made by the persons who appeared before the Committee who themselves suggested that they were representing a wide cross-section of farmers both of the small farming community and also as small producers of our major agricultural crop, sugar. So they dealt both historically and in the contemporary context with the problems related to praedial larceny. Of course the substance of the submission about the public not being involved in the work of the Select Committee is well appreciated. In fact it was so well appreciated by the Chairman that at one point he felt that the Committee should go in public, in other words, to a public place like Queen's Park or some other place.

But if you were to check very carefully with some of your own representatives on the Joint Select Committee you would discover that they were not in favour of taking these matters to the public because they felt that in large measure the public was not particularly interested in getting into the nitty gritty of legislation of this sort. I do not wish to single out anybody or be invidious so I speak for myself. I would leave them to explain why they felt the public was not interested in this legislation because they may in fact have a valid viewpoint on that. But I am not defending the Chairman because he can defend himself. But I am saying to you that it was the view of members of the Select Committee that this Committee should meet in public and hear the views of the public but they was a considerable view on the other hand which prevailed that the Committee should conduct its business as a Committee of Parliament and that persons should be invited to submit memoranda.

I am not going to comment on the way the Committee functioned because I feel that the Bills are good Bills and I am satisfied in large measure with the decisions that were made.

Regarding praedial larceny there has been a lot of debate over the years about it. Even listening to the persons

who came before the Committee did not add to the sum total of knowledge about problems that the farming community faces. They provided work sheets that had been in existence for decades on this problem.

But regarding some of the other Bills there were a couple of matters that I felt that the public perhaps in other fora should have had the opportunity to make their input. The point being – and I do not wish to stray too far either – that perhaps a formula, a clearer formula for how Committees of Parliament should conduct their business should be established which might include requiring the Committee to hear evidence in a public place relating to matters of legislation. Maybe that is part of the answer and certainly was one of the recommendations that was made.

The Committee did ensure that the proceedings were made known to the public. This is something that concerns me. I read editorials in the newspapers in this country and I saw comments by people who should know better and shall remain nameless that matters like rape – we are on praedial larceny so I will be specific, not about praedial larceny – about rape of the land. No, Sir. I understand why you were leaning forward. But about some of the matters that were dealt with in the legislation. People were writing editorials saying that parliamentarians are not interested in these matters. Up to two Saturdays ago an editorial was carried in the NATION newspaper – I am not referring to the actual editorial – and I wrote in response to indicate that the Select Committee had been meeting for nearly 8 months on this and yet the press did not seem to be aware that the Select Committee was meeting. The Praedial Larceny Bill is being discussed and supposedly intelligent Barbadians who went to some of our finest schools who write columns in the newspaper were saying that the Government is not interested in the farmers. They write comedy so I assume that may have been comedy. All of the time, one is of the view, during the course of these proceedings that the public was in fact either not interested or was not sensitised to the legislation. Those are the two options. One view was that it was not interested, the other view is that it was not sensitised. I am going to go with the view that the public was in fact not sensitised because I cannot imagine that people could be so puerile and jejune in their writing and indifferent to the fact as to write the kinds of things that they wrote about attitudes of parliamentarians to rape and the indifference of parliamentarians to the plight of the farmer when in fact these matters were engaging the attention of Parliament. 1.05 p.m.

One has to be careful with legislation of this type – all of it – that the rights of citizens are not infringed without also ensuring that they are entitled to vindicate those rights and this is why legislation of this sort goes to a Joint Select Committee. I hope that when the Committees meet in future that they will in fact sensitise the public more. That is the duty of the parliamentary officials to

indicate to the public that these matters are being discussed and that they are entitled to interact with their **Parliamentarians** here at Parliament or at some other public place to make their views known on these matters. Thank you.

His Hon. T. C. ESTWICK: I just rise to ...

Mr. SPEAKER: I think you introduced the Resolution. Let me find out if there are other people who wish to respond to anything in the Report. If there are no other contributors ... It does not appear as if there is any-one else.

His Hon. T. C. ESTWICK: Sir, I just want to reply to one or two of the comments made by the Honourable Member for the City. I had a quick check with the Clerks who indicated to me that numerous notices were sent to the Press inviting members of the public to come and air their views before the Committee. The fact that we spent some eight months in Committee indicates only too well that the Honourable Members from the other side who sat on the Committee were fully involved in the discussion.

Now, Sir, as Chairman of that Committee, even though I accept the fact and I too was astounded by the level of response by members of the public I still believe that the clauses of this Bill were thoroughly ventilated. I cannot at any time say that the Honourable Members from the Opposition did not fully participate because that would be untrue. They participated to the fullest and they argued out their points. On numerous occasions the Committee was adjourned to accommodate members of the public. I don't think, Sir, the Committee can be at fault for the fact that members of the public did not turn up. Adequate notices were sent out and on more than one occasion.

The other point raised by the Honourable Member was the fact that she finds some difficulty in...

Miss B. A. MILLER: Mr. Speaker, Sir, on a point of order, the Honourable Member for Christ Church East is, in the mode of the Government, seeking to blame somebody. I was not trying to blame anybody for the fact that the eight months of deliberations they listened to three people. I am not seeking to blame anybody. It was a Joint Select Committee of both sides. I was simply seeking to say that I am deeply concerned about what may or may not, in this case, have come before the Joint Select Committee when I look at the very poor attendance. The Honourable Member for St. John...

Mr. SPEAKER: That is going into a speech.

Miss B. A. MILLER: I am not making a speech, Sir, I am just trying to make the point that the Honourable Member is answering something that I have not raised.

Mr. SPEAKER: I think you have elucidated your point.

His Hon. T. C. ESTWICK: Mr. Speaker, I need not respond to that. The Honourable Member should refer to the Standing Orders and I think that would solve her concerns.

The other point I believe raised by the Honourable Member was the fact that there is some difficulty in understanding how she should refer the findings of the Committee to the Bills which are before her. I take responsibility for that. I have no problem with that. I am still at a loss as to why so much paper is used in Parliament. I will say that again. I gave the instruction to the Clerks who were working that there be as much saving of paper and whatever else that is humanly possible. I see no difficulty at all with the Report as is, if the Honourable Member had kept her original Bill and would take the time to do the cross referring for herself. I am not obligated to do that for her. I kept mine and all the other Honourable Members from this side kept theirs and they did their cross referring and we had no problems. In fact the Honourable Members on the other side never raised the issue at all at the Committee. The preliminary reports were brought out, the Minutes were done and everything was okay with them. I am saying, Sir, all Honourable Members should find no difficulty at all if the Bills are kept, the Reports are looked at and they can read, they will cross refer and the matter will be solved. There is no need for that. I take the responsibility for that, Sir. I did not consider it necessary to constantly reproduce a Bill with amendments as the Committee went on. I take full responsibility for that and it was a question of saving time and it was cost saving in terms of the amount of paper used and clerical staff. I see no problem with that. Thank you, Sir.

The question that the Report of the Joint Select Committee he adopted was put to the House and agreed to.

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

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 - 13 and the Schedule were called.

Hon. M. A. KING: Mr. Chairman, in moving Clauses 1 - 13 and the Schedule as they stand part, I had indicated during the course of the debate of the Report that there was a couple of words in clause 7 which need to be taken out. I am moving that in Clause 7, appearing in line 2, the words "officer or" be deleted and that clause 7 now read "Where a constable makes an arrest under section 6 the constable may seize etc."

Secondly, during the course of the debate at the report stage the Honourable Member for Christ Church West suggested that the regulations made under the Act by the Minister should be subject to negative resolution. We on this side, Mr. Speaker, and I certainly too, strongly believe that Parliament should always have the right to review and oversee and comment on any subsidiary legislation which is passed. I certainly have no difficulty whatsoever with that. I have no difficulty in inserting a sub-clause with regulations made under this Act subject to negative resolution. So I will move that in clause 12 we adjust that slightly to number the existing **clause** 12 as clause 12(1) and to insert a 12(2) as follows: "Regulations made under this Act shall be subject to negative resolution." Subject to those amendments, Mr. Chairman, I move that Clauses 1 to 13 of the Praedial Larceny Bill and the Schedule stand part. 1.15 p.m.

The question that Clauses 7 and 12 be amended as proposed by the Honourable Attorney General was put and resolved in the affirmative without division.

The question that Clauses 1 to 13 and the Schedule as amended stand part was put and resolved in the affirmative without division.

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

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

SEXUAL OFFENCES BILL, 1991 (RESUMED)

Order No. 3 – To move the Second Reading of the Sexual Offences Bill, 1991.

His Hon. T. C. ESTWICK: Sir, I move that the Report on the Sexual Offences Bill, 1991 be adopted.

Hon. M. A. KING: Mr. Speaker, in seconding the adoption of this Report, Your Honour will note there was a minority report which had been submitted on this matter in relation to Clause 30. That is the one which related to *in camera* hearings of sexual assault cases. The present Clause 13 as it stands in the Bill provides that where the complainant in the case under this Act is a minor, the evidence of the minor should be heard *in camera* unless the Court directs.

There was, Mr. Speaker, quite a lot of debate on this Clause and the minority's view was, as you will see from the minority report which has been submitted, that the evidence of all victims of sexual violence should be heard *in camera* but not that the whole trial should be heard *in*

camera. Even in relation to the trial where the principle complainant is a minor, the whole trial is not heard *in camera* but just the evidence of the victim.

Now what I am going to propose to the House in the course of the Committee session on this, Mr. Speaker, is an amendment which would deal to some extent with the problem of hearing *in camera* the victim of the sexual assault who is not a minor but is of full age. What I am going to propose is that where on the trial of an accused the complainant is of full age that the Court should have a discretion as to whether the evidence of the victim herself should be *in camera* or not and that the Court in considering whether that evidence should be taken in *camera* should take into account the likelihood that publicity of such evidence would prejudice the interest of justice, decency, or public morality or the effect that the giving of such evidence in open Court is likely to have on the complainant's state of mind.

This formulation, Mr. Speaker, offers an adjustment of the position which I have a feeling may be acceptable to all. So that in the course of the debate in Committee I will move that the amendment which has been circulated replace the existing Clause 13.

There is just another small point which I invite the House to look at and that is in relation to Clause 3, Sub-clause 4. Clause 4 says: "A husband commits the offence of rape where he has sexual intercourse with his wife without her consent by force or fear where there is in existence in relation to them a decree nisi of divorce, separation order within the meaning of the Family Law Act, or an order that the husband not molest his wife or have sexual intercourse with her." Then (e) was inserted during the course of the Committee hearings, an order under Section 91 of the Family Law Act which is in existence.

Aside.

Hon. M. A. KING: Yes, but I do not think that is necessary. I think all the contingencies would be covered by divorce, separation, and (e) talks about an order for the husband not to molest his wife or have sexual intercourse with her. I believe that in (e) the order under the Family Law Act was inserted, Mr. Speaker, when a suggestion was being made that the definition of spouse should extend beyond husband and wife and should include persons who were in a union other than marriage. So that once that was discounted and discarded, I think we should have also moved out this order under Section 91 of the Family Law Act.

I think that during the course of the Committee that is totally unnecessary and it does not apply in this clause. In the course of the Committee hearings, I will move that 4(e) be excluded. There is only one other clause in the Bill,

Mr. Speaker, about which I was a little concerned and that is in relation to Clause 37. There seemed to have been some difficulty in the Bills which were before the Committee. Some of the Bills apparently had in a clause relating to "whipping" and other Bills did not have in a clause in relation to "whipping". In fact, the Bill which I was using in the course of the Committee did not have in this clause relating to whipping and, therefore, it was not something which was present to my mind, so as far as I was concerned it seemed to have got into the Bill in the context where I had not seen it certainly in the Bill which I had before me, so the question is whether 37 on whipping is properly in or not.

1.25 p.m.

Subject to those comments, Mr. Speaker, I second the passing of the motion to adopt this report.

Hon. D. J. H. THOMPSON: Mr. Speaker, I was, and still am, one of those persons who formed part of the original minority which was in support of *in camera* hearing of the victim's evidence and the minority report sets out the reasons why the minority took the view that it took. I am assuming that the minority report forms part of the report on the Sexual Offences Bill, so I wish to deal with that. Those views were set out.

There is always a tendency, Sir, when attorneys are dealing with legislation to look at its impact only in relation to the question of the trial. In other words, as an attorney-at-law one is usually so caught up with the impact of legislation in the law courts, that we sometimes forget that legislation may have policy implications which override how the law is actually applied in the law court.

The purpose of lessening the impact of the trial is not to interfere with the rights of the accused, it is in fact to encourage those persons as much as you can who are presently avoiding reporting the incidents of rape and other sexual offences, in other words, reducing the impact of the trial, the traumatic impact of it on the victim is aimed at encouraging people, who have been deterred so far by the prospect of rough and rigorous cross-examination by an insensitive attorney-at-law or Queen's Counsel who are sensitive to their sexual history being paraded before the court and before all and sundry if they wish to hear it in an open court, persons who feel that other elements of the trial would otherwise discourage them can now rest assured that by this legislation it is hoped that the impact of the trial will be lessened.

I wish, however, to make the point that even with this legislation I do not know that I could convince anybody to go through the trauma of a rape, of giving evidence in the courts of law any part of the world where they are victims of sexual offences, because it is true – and there are many women who argue this point and there are men who argue it too – that justice is so male dominated in relation not

only to the personnel but to the attitudes in the courts and in the whole process leading up to the courts that to report an offence almost ends up being like slandering yourself rather than vindicating your own rights. That is why I am saying that with legislation like this, while you try to lessen the impact, you will never be able to achieve the ultimate goal.

However, I would like to commend this section on the *in camera* hearings of the victim's evidence to Members of the House. I hope they will support it, because I think that any step that Parliament takes to send a signal to Barbadians who are victims of sexual offences that we are lessening the impact of the trial on them is a step in the right direction. Now, that is on one hand, that relates to the victim.

In relation to the accused, Mr. Speaker, the penalties, I am also one of those persons who is not in favour of modern legislation emanating from this enlightened Parliament, a post independence Parliament, a post Constitution Parliament, setting out provisions that would invoke...

Aside.

Hon. D. J. H. THOMPSON: Do you mean we are not enlightened? I assumed we were an enlightened Parliament. At least the enlightenment on this side is proposing that the section relating to whipping, section 37, be excluded. I do not know if one really has to argue this point, I have already set the groundwork, but this is modern Barbados and I honestly think that if you want to impose rough penalties, give people long jail terms. That is my position. Make prison harder for them, but I do not think that the concept of corporal punishment, whipping and ripping people's flesh open with a cat-o-nine-tails, et cetera, can form part of a modern society. That is just my view, and I know that not everybody in here will share the view, but Members know that I have that view of it, so I am not in support of that section.

I am surprised that it is in, because in my draft that particular section was not in, and maybe that was a typographical error, but it has now been put in, which is obviously compounding the error and therefore I am not in favour. Since I did not have a chance to deal with this matter in Committee and give my views in Committee, I cannot support its inclusion in the Bill. I think Honourable Members should be conscious of the fact that the draft we dealt with in Committee did not have a provision relating to whipping and that if they want subsequently to debate that matter, somebody can bring a Resolution or a Bill relating to that, but that particular section should not form part of what is before us, according to my recollection and record of what transpired during the course of the Committee. I am not in favour of it.

I believe too that the victims have rights and this legislation seeks to lessen the impact of the trial, which is restoring their dignity to whatever extent is possible. But the accused also has rights – I accept that – and these rights extend from the beginning, from the time the charge is made against them or the information laid, right down to the punishment that is meted out to them. There is a lot of hysteria and unfortunately sometimes can respond to feelings of people in the community in a way that does not necessarily produce the best result and therefore Parliament has to set that particular agenda, and in this respect I believe that we should not leave the opportunity for anybody to respond to hysteria by imposing sanctions that are not permitted under the legislation, but which the society thinks in the short term are desirable.

I will support the Bill, therefore, with the amendment to section 30 relating to *in camera* hearings which is a victory, I think, for the many groups that have lobbied for this position or for a lessening of the impact of the trial. I would also like to say that section 37 should not stand part of this Bill. Thank you.

1.35 p.m.

Mr. L. L. BRATHWAITE: Mr. Speaker, I want briefly to comment on the suggestion of removing section 37. I am very conscious of the very narrow confines in which a person can find himself in terms of the charge of rape. However, there have been and I suppose there will be over time a continuum of persons who viciously and wickedly vent their feelings on the women of our country who can be our mothers, our sisters or our daughters. I would like to think, Sir, that no punishment is too great for a person who falls in that category.

The Courts of this country have had many cases in which they have used their discretion and I would certainly like the Courts to have discretion on the use of section 37, whether it is the cat or the rod, Sir. I would be satisfied to take that rather than what I normally have suggested. That, would be a watering down of what my concept of the punishment should be.

I want to say, Sir, that I will support the retention of section 37 in the Bill because everything must be done to reduce the impact of persons having this desire to walk about and destroy other people's lives. This is a lot to do with what can happen as a result of rape. You only have to look at the health statistics of this country and indeed, of the world in relation to the matter of AIDS. I am certain, Sir, that none of us would like any of our family or the women of this country to have contracted AIDS as a result of this kind of behaviour. I think it should be discouraged at every level. I would support the retention of section 37. Thank you, Sir.

Mr. J. O. TUDOR: I, too would welcome the fact that this Bill will provide for *in camera* hearings because I,

personally, have seen the damage that can be done to the extended family. I believe that sex between a man and a woman should be skilfully negotiated. It is always sad when we have situations where both male and female are subjected to force and different categories of intimidation, I think that we have to be very careful when not seeking to equate justice on those who have offended society. I, like my colleague from St. Michael North East, have no difficulty with the retention of section 37 which deals with whipping. I believe that if we have room for harsh punishment that people would think twice before they commit themselves to these kinds of offences.

I am glad that there is protection for women with *in camera* hearings. I support it and I will also be supporting the retention of section 37.

Hon. B. M. TAITT: Although I am a Member of the Committee, it is only after looking at the Bill which has come up to us that it occurred to me that there might be an omission in the Bill and after informal consultation with colleagues, I feel certain that it is an omission which we will have to look at.

Section 3 of the Bill deals with the question of consent. Section 3(2) begins:

"for the purposes of subsection (1), no consent is obtained where the complainant submits or does not resist by reason of"

From (a) to (f) a number of possibilities which would or not qualify as consent.

As you are aware, Mr. Speaker, under the Common Law if a person who was raped were found to have been intoxicated or otherwise under the influence of a substance where that substance was induced by the rapist that constituted no consent. The section as is now stands would not in fact capture that portion of the Common Law. So, I am proposing and we will during the committee stage introduce an additional subsection (2) which would read:

- (g) The administration or use of alcohol or any narcotic drug or psychotropic substance prohibited under the provisions of the Drug Abuse (Prevention and Control) Act Cap. 140A.

Asides.

Hon. B. M. TAITT: All we are seeking to do is that if someone drugs a lady then she is not capable of consent. It is not captured...

Asides.

Hon. R. M. TAITT: The Honourable Member for St. George South looks a little surprised but that is the position

in common law at the moment. If the woman or a man is deemed to be not capable by reason of intoxication of giving consent, then a person who rapes that person or has sexual intercourse with him or her will be deemed not to have had consent. Since we are now putting this into statute, we have to make sure that by statute we do not leave out any of the points that were taken by the common law.

1.45 p.m.

Aside.

Hon. B. M. TAITT: I will repeat the amendment. The Honourable Member did not hear:—

"(g) The administration or use of alcohol or any narcotic drug or psychotropic substance prohibited under the provisions of the Drug Abuse Prevention and Control Act, Cap. 140A."

Sir, when we go into committee we may refine it because when I was reading it I think we have to be careful that we make sure now we do not go to the other extreme where a woman having a little alcohol might be deemed not capable of giving consent which might be equally dangerous. I am just raising the point of principle so that when we go to committee by then we could look at the drafting and see whether there is a way in which we can capture it. It seems to me it is a matter that certainly applies to drugs. As a member of the profession, Sir, you are aware that there are certain substances which can be used to assist in the not so skilful negotiations of these favours. The reason why I am not as articulate in this matter as I could be is that I have no experience in the field of skilful negotiation.

In section 37 I am an unabashed believer in the principle that violence is a two way street, and that when violence is committed, and both the victim and he who commits the violence are sufferers. Therefore I have difficulty when the State is introducing aspects of behaviour which is condemned. Also section 37 is a very interesting one because while this Bill seeks to suggest that there can now be rape by the introduction of an object by any person, section 37 only talks about whipping the males. That is a very interesting phenomenon because this Bill widens the concept of who can rape. It is no longer that only men can rape but yet section 37 when it talks about whipping is saying that it is going to whip only the males.

Now, we have to be consistent. If we are going to whip we have to whip all those who commit whatever offence it is. A sexual offence here can be committed by anybody. So I am not in favour of that. I hope that we will be able to reach accommodation. You can lock them up for a long time. I do not mind paying taxes to feed them, Sir, and getting some rehabilitation. This business of whipping them and letting the people who do the actual beating get

the same satisfaction that the rapist got, I am not in that. You have to get somebody to do the whipping but that is another matter which one day we will debate in full. I am with the minority that feels that section should come out. I do not believe that will enhance us or the Bill any.

I think on the other hand that with the Bill out it will give the impression that we are taking a serious attitude towards finding solutions to this very impractical problem which dogs not only this society but societies anywhere. It is well known and well accepted that rape and other such actions have very little to do with sex. It is a violent crime. Therefore, if you are going to be whipping for violent crimes you have to whip for violent crimes period. But to single it out is not in my mind other than a knee jerk reaction. I think we should try and avoid knee jerk reactions. That is my contribution, Sir.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, before we finalise this matter I think that in the interest of clarity and understanding on this side the terms of the amendment should be circulated because this area of the amendment produced on the Floor of this House I am very uncertain as to whether I can support such an amendment.

As I understand it, even in normal cases a person is responsible for his action even if he is under the influence of alcohol or drugs unless the degree of the influence is such as to impair his judgement. It is very important that we make sure that in our amendment we set out clearly the circumstances under which there is the influence of drugs or alcohol and the degree of the influence.

Secondly, I believe that as it is drawn at the present moment that a person would be deemed to be under the influence irrespective of who administered it. Suppose a person does not know that the other party is under this influence? He may be perfectly normal. We have had many of these things before. As I understand it we are trying to ensure that the influence of the person who is guilty of rape is negatised and any consent given is negatised in given circumstances. You must set out precisely what the given circumstances are. I do not think we can finalise this today. There is always a good rule. Never draft legislation on your feet. I am not going to depart from my view that the existing law is not defective.

Hon. B. M. TAITT: On a point of order, Sir. I should not like to see this whole matter delayed because of this point. If there is some difficulty, I think we can pass it with the understanding that the Attorney General will bring an amendment if it is necessary.

Mr. D. A. C. SIMMONS: Mr. Speaker, I am at a little loss to understand the point being made by the Honourable Member for Christ Church South. Section 3, subsection 2 deals with the situation where the victim's consent has not been voluntarily given by reason of a

number of differing circumstances one of which is (Q) intimidation of any kind. Now, in (f) it does not say by whom. Obviously "by whom" is a question of evidence because what you would charge is that the accused without the consent of the victim committed rape. The particulars of that offence would then say in what way the consent was obtained or was not obtained. I do not see a problem with a general clause paragraph (g)...

Aside.

Mr. D. A. C. SIMMONS: Sir, I am being asked what about the degree of the drugs. The degree of the drugs would be a question of medical evidence. Let us put it in its true context by reference to a hypothetical situation. I have heard of something called "Spanish Fly". I do not know what it is. But it is some – I think the word is aphrodisiac – that can be put in drinks for women and it gets them high.

Aside.

Mr. D. A. C. SIMMONS: Fermento? The Honourable Leader of the Opposition has knowledge. He says fermento. It puts you in a state that your will is weakened and you are the more likely to succumb to entreaties for sex than if you had not taken this particular aphrodisiac.

1.55 p.m.

I think it is thoroughly wrong for anyone to induce sexual intercourse by means of these foreign substances which can overlay the individual's will. But whether a person has given her consent as a result of having been administered a drug is a question of medical evidence. When the woman finds that she has been defiled; and that she has been drinking two or three drinks with the male assailant, she is in a position to tell the police, upon investigation, that she was plied with this particular thing. If they can find it and they can have it tested and analysed it may prove that the woman was administered some portion which contained a substance that could have interfered with the free and voluntary exercise of her consent. All I am saying is that all of those are matters of evidence. Whether that drug was administered by the accused or himself and his friends or whatever, that is a matter of evidence. All the law is doing is setting the framework against which a person can be protected by reason of the several devices that are available to people who want to commit rape. We just say intimidation of any kind and we leave it to determine from case to case whether something was intimidation and who did the intimidating.

Sir, a very good point is raised by the Attorney-General. What about the situation where the drug or the alcohol is administered. I accept that. That is why we had a lot of difficulty with this in Select Committee and I insisted on corroboration being retained for this reason. It is entirely conceivable that a woman can take enough

alcohol and then get high, give it and then the next day regret having given it. But I think on general principle there is no part of the criminal law that I am aware of where a person can take the benefit of intoxication or drugs which have been administered by himself. I think the cases of either Bratty or the Attorney-General for Northern Ireland and Gallagher – I think it is Gallagher – made the point that where you commit a crime, and in that case I think it was murder, as a result of having drunk so much liquor that you then drummed up Dutch courage to enable you to go and commit murder, you could not subsequently rely on it.

Aside

Mr. D. A. C. SIMMONS: That is right. In the cases of Calwell and Lawrence, the cases on recklessness and so on the House of Lords have made that point again. You cannot rely on anything that is self-induced.

I think that it is arguable that as the draft is, when you say without the consent of the other person, if that other person can show that her consent was not truly given because of some external stimuli...

Aside.

Mr. D. A. C. SIMMONS: It is already. Again that is a question of evidence. Perhaps you do not need it. But it was a good point made by the Honourable Minister of Health and we have to be conscious of the use of drugs for all these various purposes.

Before I finish, Sir – I think we are going to suspend shortly – on the whipping, I want my position to be clear. There is no whip on this side on section 37. Whipping has always been part of the law of Barbados. It appears in other legislation. As a result of the Cadogan Committee that reported in 1948 on corporal punishment, it was abolished in England in 1948. I am very hesitant and find myself at variance very often with the Leader of the Opposition on borrowing concepts and legislation from developed countries and trying to implant them or transplant them into our situation. Because it is not everything that happens in England that we should necessarily import into Barbados because our societies have different cultures.

Aside.

Mr. D. A. C. SIMMONS: I am not concerned with England. That is them. They did a study. The Cadogan Committee was a Royal Commission – we have done nothing so – that took a lot of evidence.

Mr. H. deB. FORDE: On a point of order, Sir, if the Honourable Member would give way. The Honourable Member is absolutely mistaken. I will clarify his point. The

Delroy Chuck Committee whose Report was laid in this House adverted to those matters Sir. Unfortunately it was not debated by the House. The Honourable Member must not be misled by thinking that the matter has not been addressed.

Aside.

Mr. H. deB FORDE: Yes, here in Barbados.

Asides.

2.05 p.m.

Mr. D. A. C. SIMMONS: Sir, I am grateful. If there has been a lacuna in my knowledge I am grateful. I did not know we had set up, with public funds, a Delroy Chuck Committee or Commission to go about this country and take evidence from members of the public. I don't remember it. Alright let us assume that it did report. I believe, Sir, that each one of us in here, and certainly the Minister of Health and I can speak with authority because we both got lashes, as boys, from my father, Sir, attending Wesley Hall school. It has not made a difference to me at all, when my father was Headmaster at Wesley Hall. I got lashes at the Lodge School twice. I do not see any problem with a whipping. Where I draw the line is the type of whipping. There will be an argument and there is an argument which I can support that the use of the cat to cut you up may be cruel and inhumane punishment. I am not getting into a legal argument in here because that may be argued before the Court of Appeal shortly. It may be contrary to the Constitution to use that type of punishment and we have to be careful because whenever there is a spate of crime the society reacts, not in a very rational way, but in a very emotional way and calls for the most draconian measures to respond to the most ...

Aside.

Mr. D. A. C. SIMMONS: I am for the hanging, but I am making the point and I have put myself on record because I don't want any misquotation in the Press or anywhere. I want it clearly understood, whipping has always been part of the law. I am for whipping. I am not for use of the cat. We have used, over the years, since I have been in practice, the birch, the tamarind rod and they will not use the bamboo. The bamboo will turn you into a man. I do not think that we should be carried away, as representatives of the people, by making statements only designed to gain popularity. We have to be rational, Sir. We have to look at these matters objectively and dispassionately. I do not know of anyone who has complained about being whipped with the birch or with the bamboo.

Some on my side are hungry, Sir. Rather than let us whip them, Sir, I will curtail my speech at this time, Sir, so that the House may be suspended. I just want it clearly

understood, that it is a question, not of whipping, but it is a question of the type of corporal punishment that is administered and I am for the traditional forms that have been used since we got rid of the cat years ago in the sixties and substituted the tamarind rod and the birch. I feel that if you give a fellow ten, it does not harm him – ten with a bamboo or a tamarind rod – but when the society is going to take revenge in the same way as perhaps the offender who committed the act by cutting him up with the cat, that is where we are into the area of retribution which is anathema to the contemporary concepts of penology. It has a biblical foundation – an eye for an eye and a tooth for a tooth – the concept of retribution. I am against it.

Hon. B. M. TAITT: On a point of order, Sir, the Honourable Member's reference to the biblical might be misleading the House, because you must understand that that law was changed with the coming of Jesus. Let us get that clear.

Mr. D. A. C. SIMMONS: That, Sir, is B.C. The law of which the Honourable Member speaks is B.C., that is before Cathcart. So, Mr. Speaker, I am going to take my seat so that the Honourable Leader can move the suspension of the House, Sir.

SUSPENSION

Mr. SPEAKER: Before you move the suspension, am I to understand that you have concluded?

Hon. P. M. GREAVES: I move, Sir that the House be suspended until 3.00 p.m. today.

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

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

RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Mr. H. deB. FORDE: Mr. Speaker, I begin by saying that my credentials to speak on this Bill rest not on just being a lawyer but in the rights of women. Sir, I began with that up front because I believe that the time is right, as the Committee has found, to make changes to the legislation which governs sexual offences. The legislation has existed on our statute books for several years. I believe it is contained in Chapter 146 and has been on the statute books for close to 100 years. Since then, society has changed considerably. I believe, Sir, that some of the actions and acts that people would have got away with before in a society of about 100 years ago will not be condoned now as a satisfactory basis on which to legislate.

Obviously, there was great discrimination in those days against women. There is still discrimination against women and that discrimination manifests itself in various Acts of Parliament and, to the extent therefore that this legislation gets rid of discriminatory treatment against women and provides them with protection, it has my support.

Just as I have been adamant and strident in speaking out on matters which I believe passionately in so far as they affect fundamental rights, even if my voice is the voice of the minority in this country. I believe also that even if my voice is a minority I must also speak on other aspects of human rights that we tend sometimes to go overboard about. There are some features of the report and of the amended Bill that I would find rather difficult to agree with completely.

Let me say, Sir, that the Constitution guarantees that all trials of accused persons as a fundamental should be held in public. I refer, Mr. Speaker, to Section 18, Sub-section 9 of the Constitution of Barbados. It is a very important provision. The reason why public hearings particularly in respect of criminal charges have formed an important bulwark of the freedom of the individual is because historically we have known that wherever there is a secret trial or a trial not in public that people's rights have tended to be infringed. The worst example of that is in the 16th century with the famous Star Chamber, I believe, established in 1646. Therefore, persons who believe in freedom have always been adamant that a trial should be conducted in a public place.

There have also been exceptions, Mr. Speaker. In the case of a trial of a juvenile or minor for various reasons, one has had to make that exception and I think this is to bring balance and fairness into the procedure. I am deeply aware of the fact that there are some offences of gross indecency and rape, which is the most outstanding, where there is a hesitancy for people to come forward and give evidence. A rape trial is a traumatic event. As a matter of fact, Sir, sometimes it can leave a scar on the mind of the victim of rape that is rather difficult to erase. To the extent that the Minority Report seeks to reflect that balance, I will support the Minority Report and the consequential legislation that is resulting from it.

But I want to say this, Sir. That is why I began by saying what is my stand. I am normally for open trials and open courts where people can be seen and heard. But I do admit that there are some circumstances in which one has to restrict the glare of total public debate in some instances if one is to be technical and to get that balance. I believe that the Minority Report, to that extent, achieves that balance without throwing out the fundamental human rights. I would have been against the position where one had to have complete closed hearings for the whole trial and that has been my stand on the matter, because I would

find it very difficult to see whether it comes within Subsections 18(9) and (10) of the Constitution. I noticed that the draughtsmen, Sir, have paid regard to the exceptions contained in Subsection 10. I looked very carefully to see if the draft would offend the Constitution and it appears that the draft is well within the Constitution.

Let me however, Sir, turn to the other matter of whipping, Sir. I began by saying that the whip is not on any of us because this is a matter on which a person speaks according to conscience. One of the difficulties that we are having in our society at the moment is because we are in a period of very violent crime and bad behaviour. We are scared sometimes as legislators to take stances that are based on principle and I find it rather difficult even although I lead a party to renege from some of the things that I believe are fundamental to human existence.

I recall very well in the period of history – and this is not following an outside precedent as the Honourable Member for St. Thomas seems to think, here within Barbados after the settlement that a black man would be tied to the stocks for doing nothing other than going and getting a piece of cane. The justification then was that, if you did not teach these poor niggers and black people how to behave themselves by flogging them and making them scared, the people's property would not be sacrosanct. One must not be led away in a society by strident voices merely because voices are strident without examining things in their true entirety. Society at large is not only the society of England. Society here believed before that the answer to any crime is to cut off a hand. The Muslims still believe in that. If you steal something no matter how trivial the thing is, the act of stealing automatically brought the loss of a limb. So that human beings under the rubric thinking that they are maintaining proper law and order sometimes create the very condition which leads to the breakdown of law and order. One has always had to re-examine punishment and the manner of punishment in order to live in a civilized society.

I agree, Sir, that there will always be some form of punishment. But I cannot for the life and breath of me see in this day and age, Sir, that you will beat people and brutalize them with the cat o' nine tails and that sort of thing. I really cannot see it.
3.20 p.m.

I find it very difficult myself, Sir, and whether or not on principle I have to say it I will have to say it, that I prefer to err on the side of those people who would wish to examine the fundamental reasons why there is deviant behaviour and find a proper manner of dealing with deviant behaviour in the society. That is the stand I have always taken in the views I have always taken. My study of penology, like the Honourable Member's, leads me to those views. In fact, only this morning I was listening to the BBC and the President of the Howard Committee on penal

reform was **making** the point that in prison today in England there were more children under the age of 15 being incarcerated and England had become the biggest prisoner within the European Community. The reason is that wherever you get a lot of crime and you get these periods of increased crime, the society thinks that the answer to everything is to lock them up. That is not always the answer. There are sometimes very fundamental reasons why society behaves in these ways and we have a bounden duty to examine that and deal with it.

Let me illustrate what I mean, Sir. I think this is going to come as a shocker to the public. Barbados still has a provision in its laws in the Offences Against the Person Act which says that where a person is convicted of any offence on indictment where it is proved by the evidence adduced at the **trial** that the offender used a knife, razor or any other sharp or pointed instrument whatsoever made of steel, iron, brass or any metal whatever, likely to do any grievous harm, such offender shall, subject to subsection (2) – and I am going to take it, Sir – if a male, be whipped, and this is the one I want to score, Sir, because I defend women, if a female, to have her hair cut close on being committed to prison and kept close while undergoing imprisonment and until discharged **from** prison. Shave off the woman's hair because she may have been convicted of grievous bodily harm.

Aside.

Mr. H. **deB. FORDE**: Well, the Honourable Member for the City says a lot of men want to do that foolishness today. Now let us assume that the lady's religion says that she must wear her hair long.

Aside.

Mr. H. **deB. FORDE**: That is section 76 of the Act. The Honourable Member *sotto voce* says it is not used. The point is that there is a lot of the old forms of punishment put into the legislation without any proper consideration of it and my own view is **that** the Committee's recommendation to this House **should have** been a proper study of the legislation to look at the fundamental type of punishment that we have in Barbados. **Déroy** Chuck tried to **address** the issue and we have never dealt with it. Do not come and say merely because it has been in the law that it is good for ever, because I really find it difficult that in this day and age someone is going to believe that all forms of punishment willy nilly is good punishment.

I get the feeling that legislators are sometimes frightened for the people whom they represent. Certainly within my party, within my constituency, within my family and within my circle of friends I have many members who would like us to take people in Broad Street, string them up, shoot out a toe one day, pull out a toenail another. I have heard past Honourable Members in this House – a

former junior Member for St. **Thomas** and an Honourable Member who represented St. James North at one time – say give them the job to cut off a hand one day and a foot another....

Aside.

Mr. H. **deB. FORDE**: They probably have some in the House now, Sir. I believe that if those **Members** found us legislating in here for other crimes and put that type of form of punishment, they themselves would be amazed as to whether it is fair punishment. I really have to say in this instance, regardless of what it costs me, because I stand on principle, that one must be careful in bringing this legislation back that we are not sending the wrong signals.

The Honourable Member has drawn my attention to section 76(2) of the Offences Against the Person Act. The only way the lady cannot have her hair cut close is if she is going for capital punishment. We are archaic, so when the Honourable Member talks about the abolition in 1948 as a result of the Cadogan Report of whipping, it is not that I have recommended *ipso facto* that everything that happened in England should be automatically adopted in Barbados, what I am saying to Barbadians is that the issue of crime and punishment cannot be decided on emotional stances, nor should it be decided by those persons who are frightened for society and are prepared to just react and think that that is what the people want. We cannot always do it that way.

Mr. Speaker, you have no doubt in your mind **that** I am strongly against manifestations of cruelty by man to man, I am against people who use razors and instruments, I am against the foolish lawlessness that one sees in this society and we have to address those problems, but when we are addressing them let us also address them in rational, civil, sensible and humane ways. There **are** some of us in this House who feel that way, we have always said it and we will always say it. So I find section 37 in its entirety in the way in which it is drafted a very archaic way of dealing with the matter. I will tell you one of the reasons.

We **are** fortunate that our Constitution is so limited in the way we define discrimination. Do you know, Sir, you can 'pass any legislation in here that discriminates between the sexes without offending the fundamental rights? That is why you will see in these provisions that you can whip a man under section 37, but you cannot whip a woman. So that if a woman is convicted of rape in here, which she can be, you can whip the man but you cannot whip the woman. I do not know what is the principle. Either whipping is fundamentally wrong....

Aside.

Mr. H. **deB. FORDE**: According to the law she can. Those of us who believe in true equality believe that

there must be true equality. That is really what we believe in. We are fortunate, because if the section which defines discrimination in our Constitution, section 23, had been wider as it is in Trinidad and Tobago, and it said that you cannot discriminate against a person on the basis of sex, then that would never be possible. If Honourable Members had come in here then, to be within the Constitution, and use whipping against women it would send a message out to Barbadians and you would hear a hue and a cry. That's why I am saying to legislators we have sometimes to stand up and give the country... I would lead the women if you come and suggest that you should whip the women. Members have thrown in section 37 because it is in the old law but one Honourable Member says "Let's leave it. It's in the old law, so let's be good." Because you wouldn't get a hassle from your constituents or from your party members. Nobody is going to say that you are soft on crime.

3.30 p.m.

I do not believe that one is being soft on crime if one gets up in the House as a matter of principle and says that the punishment that Barbadians must give must be fair and humane punishment. I think it takes people who are bigger than being soft on crime to stand up on principle. That's the point I am making. It must be humane punishment and I do not know where in the world today you are finding that type of punishment being considered humane. Except in the Middle East or in Indonesia. If we want to set our standards by them, we will set our standards by them. So, Mr. Speaker, Sir, I could have kept quiet in the debate and I wouldn't get any hassle. I could have let the matter by-pass me. Nevertheless, Sir, I would much prefer to stand up and be judged in history on the fundamental beliefs that I have on these matters. I will always campaign for them because I believe that the true reformers are those of us who are big enough to lead and not to be lead by hysteria.

Let me not be mistaken. I think we have to deal firmly with deviant behaviour. We have to know their true causes. We have, however, always to deal humanely as well and within people's understanding today of civilisation..

I have seen hysteria and I have seen these narrow arguments used before against black people and poor people everywhere, justifying taking people and whipping them because of the colour of their skins, because they were poor, because they might have been hungry and took a sugar cane from the field. We must be very careful if in these very trying times in Barbados we yield merely to the quick solution which pleases a lot of people out there but at the same time is destructive of human nature and humanity.

That is my contribution, Sir.

Mr. SPEAKER: Does any other member want to contribute?

The question that the Report be adopted was put and resolved in the affirmative without division.

COMMITTEE

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

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 - 2 were called and passed.

Part I Clauses 3 - 22 were called.

Hon. M. A. KING: Mr. Chairman, before I formally move that this Part stand part, I move that clause 3, subclause (4) be amended by deleting paragraph (e) in subclause (4).

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

In seconding that, Sir, I want to draw to Your Honour's attention that during the second reading I intimated that I propose to move an amendment to take account of the absence from clause 3(2) of a sufficiency of guarantee; that failure of consent would include the administration of alcoholic beverages, alcohol, narcotic drugs or psychotropic substances, but in the light of the discomfiture which has been expressed as Honourable Members discuss the matter and take into account the need especially in criminal law to ensure that the clauses and statutes are as clear as possible, and notwithstanding my own feeling that the matter could have been dealt with, and in the light of the assurance which has been given to me by the Attorney General that he will examine this matter and if necessary bring an amendment, I think I would wish not to put the amendment.

In so doing, I have to take issue with the Honourable Member for Christ Church South who felt that this matter had to be put in such language as to be without any doubt. I agree with the Honourable Member for St. Thomas who pointed out that the relevant clauses from (a) to (f) are not drafted or founded in any specific language. All they do is outline the categories which would be brought to bear in any trial in which this matter was an issue. It is customary right now in common law and certainly in any statute and even in the Offences Against the Persons Act that the tendency is to draft such concepts in generalities because each single trial is determined by a set of peculiar circumstances and those peculiar circumstances as outlined by or adumbrated with the evidence determine to a large extent what conclusions are reached within the framework of common law.

I do not wish to argue this issue to the point where we cannot pass the legislation. Therefore, I do not seek to press my wish to have the amendment. I hope that the Attorney General will take the matter to heart because I feel that not long **from now** when this legislation is on the Statute Book that many a person will argue successfully that consent was given where a person might have been under the influence of an induced drug. I might make the point that there is no concern with a person who herself or himself as a victim takes alcohol or drugs because the act of taking in alcohol and the act of taking in drugs means that the victim by his or her reckless behaviour **could** be said to have given constructive consent.

3.40 p.m.

That could take a long argument but I think those who understand would understand what I am saying. It is the **administration** of a drug to cause a person to be in a position not to be able to give consent which would constitute in my mind reason for including a 3(2). A person who drops a little...

Aside.

Hon. B. M. TAITT: I am told incidentally the Honourable Member is getting on. He is middle aged now and he talked about Spanish Fly. I did some research during the luncheon interval and I discovered that Spanish Fly is a yesteryear. They do not use Spanish Fly now. In fact, they tell me they do it by music. To be honest, Mr. Chairman, I have forgotten the terms they gave me because my interest in it is not as high as it would have been a few years ago.

Seriously, I was concerned with the introduction of the foreign substance by he or she who would be the rapist as opposed to being the victim or in the words of a famous student I know, the "**rapee**". I am talking about the rapist. Therefore I felt that the use of the language administered would have taken account of that. But that will be an argument for another day. I thought I should have explained why, having promised Mr. Speaker that I would introduce an amendment, I have not now introduced it. That is the reason why, Mr. Chairman.

The question that Part I as amended stand part of the Bill was put and resolved in the affirmative without division.

Part II clauses 23 – 31 were called.

Hon. M. A. KING: Mr. Chairman, in moving that Part II, clauses 23 – 31 stand part of the Bill, I am going to move that clause 30 as it appears in the Bill be amended. An amended version of clause 30 has been circulated relating to hearings **in camera**.

I move that ~~the~~ amended clause 30 as circulated be clause 30.

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

Mr. L. R. TULL: Mr. Chairman, I am not quite sure what it is the Attorney General is recommending. Is he saying that there is in circulation an amendment for **in camera** hearings in respect of adult victims in sexual cases? Is that what we are talking about?

Hon. M. A. KING: The clause 30 which has been circulated deals with **in camera** hearings in relation to minors as well as adults.

Mr. L. R. TULL: **Mr. Chairman**, I have extreme difficulty in agreeing to **in camera** hearings in respect of adult victims. I was part of the committee that agreed to **in camera** hearings for the evidence of a complainant in the case of a minor and only the evidence of the complainant, not the whole trial. I have no difficulty with that part. However, what seems to be before the House is something omnibus which includes not only minors but adult-victims of sexual offences.

Asides.

Mr. L. R. TULL: I have listened to the Honourable Member for St. John **earlier** today arguing the case in the Minority Report for just the kind of provision that is being put before the Chamber at this moment. The difficulty I have with it is that there is no quintessential **difference** between a trial heard **in camera** and one heard in open court. Although I know that we are being exhorted from time to time to speak as citizens rather than as lawyers, I have very great difficulty in separating myself in those segments.

I have worked in the Criminal Courts for a long time and I deal with these kinds of matters. I operate as a citizen and as a legislator. I also operate as a father of two daughters of imminently "rapeable" age and looks. In that case I am dealing with the situation from a global perspective. I cannot deal with it as a lawyer. I cannot deal with it just as a citizen, or ~~as a~~ legislator, or as a father, or as a husband, or as a brother. I have to deal with it in its totality.

Aside.

Mr. L. R. TULL: And as a brother, and as a father of a son because all of that is included. I hear about beating and whipping for sexual offences. Buggery is involved in this legislation. Therefore the question of whipping relates also to those who are guilty of buggery, not only of offences against women. It reminds me of the relevance of the Marquis de Sade at this point because one understands that **there** is a great deal of masochism involved in the

infliction of beating of people and particularly with men. It is very possible, before I get back to the earlier point I was **making** that in some cases, particularly in the case of a man found guilty of buggery, that whipping may operate more as a sexual stimulation both of the person receiving the whipping and the one who is giving it.

Aside.

Mr. L. R. TULL: I am not saying anything new, Sir. The literature in relation to what some call perverted sex is replete with examples and instances of people who get a high and sexual stimulation from the infliction of pain, sadism and from those who receive, masochism. Mr. Chairman, I fall into the category of those who feel that there should be strong and severe penalties for men who inflict themselves on women, rape. I am also in the category of those who feel strongly that there should be severe penalties for young children who are the victims of sexual offences. Where I part company with those who say they feel the way as I do is in the nature of penalties because I believe that there can be greater creativity in coming up with strong and effective penalties in Barbados in 1992 than in whipping. Punish them. I have no problem with that, but this whipping, I have great difficulty with that.

Getting back to the *in camera* matter, I understand the thinking of those who ask for *in camera* hearings. But hear what happens *in camera*. This is meant to protect a complainant. We always hear it in terms of a female complainant. But the same is in the terms of a male complainant in a sexual offences matter that it is traumatic, difficult, embarrassing and so on for that victim to have to give his or her evidence before the public.

My experience, Sir, is that normally in one of these matters you find 20 odd people sitting in a court of law. That is my experience and I can speak with great authority on these things. If you go into Chambers, Sir, you are going to have a judge, 9 jurors, a court clerk, two shorthand reporters, a marshal, a court orderly, two prosecutors and at least one defence counsel. So you are talking in this *in camera* hearing of somebody who is giving evidence before 15 to 20 people. If you are in open court, you are talking about another 5, 10 or 15 more from my present experience. I do not really understand how someone could try to argue with me seriously that a complainant in a sexual matter will feel comfortable in front of 15 people in a way that they will not feel comfortable in front of 25.

3.50 p.m.

Although I understand the thinking behind those who recommend that matters be heard *in camera*, in my submission, the *in camera* hearing in the terms in which I have just described and that is the way it will happen makes no qualitative difference in terms of the

embarrassment, the exposure to a group of strangers listening than the existing situation.

If something else could come up that would reduce that kind of impact in in numbers *in camera* hearings I might be inclined to the view that perhaps we should try it. But it offends against other things, Sir. This is the crux of the matter.

Aside.

Mr. L. R. TULL: I am now being advised by the Minister of Women's Affairs who feels that he alone, by virtue of office, is concerned about women. It needs to be said that some of us have had intimate dealings with women for a far longer period than the Minister who speaks for women.

Asides.

Mr. CHAIRMAN: Can we have some order.

Mr. L. R. TULL: The Honourable Member must not feel that only by virtue of office that he has any greater concern about womanhood in this country than the rest of us.

I am not sure, Mr. Chairman, that with this *in camera* hearing in the terms in which this Bill spells it out is going to make a great deal of difference. It offends against – not that I am so reactionary that I do not believe that useful change must be made when it is **necessary**. I am no reactionary in these things and I would like to think that I am not reactionary in most things. Although the Constitution of Barbados makes provision for the hearing of criminal matters in public, that is what the Law of Barbados says, in public. Except....

Aside.

Mr. L. R. TULL: Do not give me the exceptions. The exceptions say in case of public security and gross indecency and that kind of thing. The exceptions do not apply in the case in which we are talking.

The Constitution of Barbados makes provision for the hearing of criminal cases in public. Although I know some Honourable Members do not like to hear the expression that one should benefit from the wisdom of the ages, it is important that the wisdom of the ages be considered because where we have reached in relation to a lot of our law and a lot of our procedures derive to a very large extent on our historical experiences.

Aside.

Mr. L. R. TULL: The imperialism of lawyers.

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

Mr. L. R. TULL: The situation in many cases as it evolved from experience. We had the same trouble in trying to convince some members of the Committee who were unfamiliar with these things that the question, for instance, of corroboration in sexual offences is something that had not dropped like a UFO suddenly one night but had emerged from the practice, the wisdom, the understanding of centuries of hearings of sexual offences.

I believe I have made my point. I really do not favour two things that have come into this particular section. I do not have the Bill immediately before me but one relates directly to the point made by the Attorney-General, that is to say, that there should be included within the ambit of this particular piece of legislation that the evidence of adult victims in sexual offences cases should be heard private. I am not so sure that I agree with that for the reasons that I have given.

Equally, Sir, while I am on my feet let me just throw my voice into those who think that this business of whipping and brutalizing people and so on is a good and fashionable thing to say in these days. I am not with it. I am not agreeing with it, Sir.

Mr. CHAIRMAN: Time.

Mr. L. R. TULL: Yes, Sir, one sentence. Every person has his own point of view. Mine is based on a principle that I cannot move away from and I am against that too.

Hon. M. A. KING: Mr. Chairman, the new section 30 which has been circulated deals with *in camera* hearings in relation to the evidence of a minor. I think it is worth just saying precisely what it says:

"Where on a trial of an accused for an offence under this Act the complainant is a minor the court shall hear the evidence of the minor *in camera*."

The first point to note is that the whole trial is not *in camera*. It is the evidence of the minor alone which is going to be *in camera*.

Where the complainant is of full age the court may, subject to this section, give leave for the evidence to be heard *in camera*. So that there is not an automatic entitlement to the hearing of the evidence of an adult complainant *in camera*. The court has a discretion whether it will hear that evidence *in camera* or not. The other point to bear in mind as well is that again the whole trial is not to be held *in camera*. It is just the evidence of the complainant who is the actual victim of the sexual assault. The court shall not give leave for the evidence to be heard

in camera unless at least 7 days before the commencement of the trial notice is given to the accused in writing that an application has been made for the complainant's evidence to be heard *in camera*. For the purpose of considering whether the court should give leave or not to hear the evidence *in camera*, the court shall take into account firstly the likelihood that publicity of such evidence would prejudice the interest of justice, decency of public morality or the effect that the giving of such evidence in open court is likely to have on the complainant's state of mind.

The Honourable Member for St. George South has made the point that the Constitution does provide that criminal trials should be in public. That is section 18 of the Constitution. But it also does provide at subsection 10 – Section 9 is the one that requires criminal trials to be heard in public – Section 18, subsection 9 says this:

"Except with the agreement of all parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other tribunal, including the announcement of the decision of the court or other tribunal, shall be held in public."

Section 10 goes on to provide the exceptions:

"Nothing in subsection (9) shall prevent the court or other tribunal from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other tribunal –

(a) may by law be empowered so to do and may consider necessary or expedient in circumstances where publicity would prejudice the interest of justice or in an interlocutory proceedings or in the interest of decency or public morality the welfare of persons under the age of 18 years old, or the protection of the private lives of persons concerned in the proceedings; and

(b) may by law be required to do so in the interest of defence, public safety and public order."

4.00 p.m.

Now, the sub-section of the section that relates to the evidence of minor *in camera* can be founded directly on this exception – the welfare of persons under the age of 18 years. That is a minor. So that hearing of the evidence of the minor *in camera* which nobody seems to be quarrelling about is clearly written there in the exception provided.

Secondly, in relation to the adult complainant, who is a victim, the Constitution provides that exceptions to the requirement for public trial may be made where it is considered necessary or expedient to do so in

circumstances where publicity would prejudice the interest of justice. That is one of the circumstances.

You will note that in the amendment one of the things that the court is required to take into account is the likelihood that such evidence would prejudice the interest of justice, decency or public morality. The interest of justice can certainly be prejudiced if a complainant who is a victim of violence, for fear of the trauma which she can go through in the course of a trial is unwilling to go ahead and give the evidence. Now the interest of justice would surely be prejudiced if a complainant, because of that fear is not willing to give evidence. The question you have to ask yourselves is, is it in the interest of justice that a complainant should be put through that trauma and thereby not proceed to give her evidence in the court. The words are taken exactly from the Constitution. Only in those circumstances where the likelihood of the publicity prejudicing the interest of justice, it is only in that circumstance, if the court is satisfied with that, and the court has the discretion, if the court finds that the publicity is likely to prejudice the interest of justice and only in that situation would the court order that the hearing be held in *camera*. Apart from the situation where the court is satisfied that the interest of justice would be prejudiced, if that condition does not exist then the evidence of an adult complainant who is a victim of violence will be given in open court and the judge should not exercise a discretion to hear that evidence in *camera* unless he is satisfied that the interest of justice would be prejudiced.

In my view, **Mr. Chairman**, the amended draft does within its very framework contain adequate safeguards for the protection of what the Constitution describes as those provisions to secure the protection of law.

The Honourable Member for Christ Church West, although he did not support the proposed amendment which is coming here, did make the point that the idea that trials should be public derived from the problems of the sixteenth century where trials were held in secret in those temple courts of High Commission and Star Chamber presided over by Judge Jeffries, I think it was, at some times.

Jeffries was a Judge who had a terrible character and what one has to remember is that in those times the Courts of High Commission and Star Chamber were courts where trials were done by a Judge alone, there was no idea of a jury being present to pronounce on sentences. What made High Commission and Star Chamber so heinous was that those trials were held in secret and were presided over by a judge himself who usually acted as judge, as prosecutor and...

Aside.

Hon. M. A. KING: Judges in those courts acted as prosecutor, as jury, as judge and everything. The fact that

those trials were held in secret were all the more contrary to our principles of human rights. The same application can't be made in relation to trials today where trials are held now before a judge and jury.

As the Honourable Member for St. George South has made the point, and it is a point which one cannot ignore, is that even where trials are ordered to be in *camera* there is still a substantial number of persons who are going to be present in the Court to hear the actual trial itself, so that the problems which would have derived from a Court of High Commission or Star Chamber presided over by Judge Jeffries in the context of the way how trials are done today where trial by jury is part of the system to secure the protection of law one has to recognise that against that background and in that context the same objections cannot be sustained. So that what I suggest, Mr. Chairman, is that the amendment which is now before us is a reasonable compromise which in all of the circumstances we should support.

Miss B. A. MILLER: Mr. Chairman, Sir, I have several serious reservations about this legislation. Those reservations start with one which I have made earlier and I really am deeply concerned that the Joint Select Committee just failed to attract the Child Care Board, the National Organisation of Women, Women Against Rape... I am making the point, your Report did not reflect it.

Mr. CHAIRMAN: Order.

Miss B. A. MILLER: It is not enough to say that Carmeta, whoever she is, was there. If Senator Fraser was there she was there in a capacity other than that of the representative of the National Organisation of Women. I am talking about bringing to the Select Committee, Sir, a body of opinion and experience tried and tested in this matter which would have done much to inform the deliberations of the Select Committee. I am deeply concerned about that. I am deeply concerned, too, listening to Honourable Members in here this afternoon with what appears to be emerging as a misconception that crimes such as rape and other sexual crimes are more about sex than violence. The great weight of opinion of psychologists, criminologists, and the like has long been stated. Rape and other sexual crimes are about violence and not so much about sex.

4.10 p.m.

Mr. Chairman, Sir, I have reservations about the recognition of the social realities of life in Barbados. I spoke to this before in the Select Committee and I had hoped that there were certain things that they would take into account. I am not so certain not only in respect to this of sexual crimes but in respect of domestic violence. The whole concept of powers of arrest given to the police without warrant in a situation where people are apparently residence somewhere or ordinary residence somewhere in

a social context like Barbados, where two and three generations live under the same roof, where people who are not blood related to each other and who are blood related to each other in all sorts of different degrees, and who visit and who live and so on, the definitions are not at all precise. I think that there is going to be a lot of difficulty with the actual administering of this legislation.

Aside.

Miss B. A. MILLER: No, you have not passed it. That is my problem. You have overlooked too much. But coming to the Sexual Crimes Act, I am also concerned with this whole question of punishment. Much has been said about whipping. I am against corporal punishment of any kind. But I feel that we need to look at a punishment policy not only in respect of these sexual crimes generally speaking, but particularly in respect of the sexual crimes there are ways and means of sentencing people to punishment other than corporal punishment. In my view, there are lots of people who come before the Courts when found guilty deserve for instance, Mr. Chairman, to be convicted to cleaning the sludge at the Sewerage Plant, of moping up the vomit in the Casualty at the Queen Elizabeth Hospital on a daily basis, and to cleaning the Careenage. They should be banished to...I was going to say to St. Lucy. But the Honourable Member for St. Lucy is not here. They should be banished to a far place.

Aside.

Miss B. A. MILLER: No, no, in this jurisdiction. The punishment could be made to fit the crime. But there is something which has not been addressed which I feel that I want to raise. I am conscious when I say this that I am the only woman in here at this time. We talk about an enmity of the complainant. How is it that by the same token, if we are going to be fair and we are here to represent the interest of all, we do not address the question of enmity of the accused person and I do not know if the Committee addressed this at all? In our system you are innocent until you are proven guilty. That is the legal system. If we are not going to make an ass of the law and if we are going to...

Aside.

Miss B. A. MILLER: The nature of sexual crimes, Sir, and particularly rape is such that once you are accused even if you are found not to be guilty by our legal system it is very difficult in our social environment to shake off that. For many years you will hear persons referred to as "He is the one who got charged for X, Y, or Z". We are either going to respect the system and the system is going to serve all equally or we are going to be in a situation where some are more equal under the law than others. It cannot work two ways.

I heard the Honourable Member for St. John argue that there is a pro-male bias. I have heard other members argue that there is an anti-male bias. But we are all expected to come equally before the law. This is partly the difficulty that I have with this whole business of hearings *in camera* as well. You cannot have one law for the Medes and another one for the Persians especially when it is coming all within the same piece of legislation. If you have to protect the identity of the complainant, I do not understand why by the same token we would not want to protect the identity of the accused until the accused is proven guilty. We have to respect the fact that on the basic premise under our law you are innocent until you are proven guilty. I hear mumblings over on the other side, Sir.

Mr. CHAIRMAN: You really should not.

Miss B. A. MILLER: I should not but the ears can hear. The Chairman of Committee is suggesting that he may be overruled by his own Committee on this.

Mr. CHAIRMAN: The Chairman of Committee has not yet spoken in Committee.

Miss B. A. MILLER: Yes, Sir, and not likely to do so. Mr. Chairman, this goes back to my initial point. I began to have serious reservations and concerns about the grasp of this matter when it was in the Select Committee. I wonder if the Committee may not have been too narrow in its considerations. There are so many matters left unsaid.

Now it is interesting that this whole question of hearing *in camera* should have come from the Minority Report and it is a fairly substantial minority – 1, 2, 3, 4, 5 including the Honourable Attorney General – on this question of hearings *in camera*. Again, I have difficulty. We cannot be speaking with two sides of our mouth on this issue. The Honourable Attorney General has made the point that nobody has quarrelled up to now with Clause 31, that is that the Court should hear evidence of a minor *in camera*. He recognises that minors have to be protected and minors under the law are deemed not to be in a position to give consent in these matters. But then it goes on to suggest that where the complainant is of full age you are now going to leave it up to the discretion of the judge.

Now this whole business of hearing *in camera*, Mr. Chairman, goes to the very heart of our legal system. I am very fearful, particularly in criminal matters, but also in civil and other matters that come before the Court of hearings *in camera*. When you now want to suggest to me that it should be up to the discretion of a judge, that means in one case you might get a hearing *in camera*, in another case you might not, depending on how the judge feels, what the judge interprets in a particular context in which the thing is being heard to be, the state of digestion of a

particular judge or who the judge might be or who the complainant might be or the accused might be.
4.20 p. m.

Discretion is far too subjective a criteria to apply in matters dealing with whether trials of adult persons who are capable of giving their consent should be heard in *camera* or not. I have a lot of difficulty with that. I honestly do not understand how the minority in this Report, which includes the Honourable Attorney General, can be making guesses. He is supposed to be the leader of the Bar. I would expect the Honourable Attorney General to be the most lucid, with a well considered view of these matters, but this amendment that I see here at clause 30 is speaking with two tongues. He is supposed to lead and give guidance and advice.

Mr. CHAIRMAN: There are interruptions across the table.

Miss B. A. MILLER: You either agree with the principle of a matter or you don't. You either agree with the principle of hearing *in camera* or you don't. You are going to a very fundamental issue when you deal with the matter of hearings *in camera*.

I don't understand how people of adult and consenting age could be left to the discretion of a judge on the question of *in camera* hearings. I have a lot of difficulty with it. I have a lot of difficulty, Mr. Chairman, with the fact that we are possibly setting a dangerous precedent. This can be the thin edge of the wedge. Then, at the end of the year you will hear you should add this to the list of those matters to be heard *in camera* and next year you will hear that perhaps you should add that to the list of those matters.

Asides.

Miss B. A. MILLER: I don't mind the hecklers on those benches.

Mr. CHAIRMAN: Can we have some order.

Miss B. A. MILLER: We heard that kind of heckling when the Government was warned about the possibility of structural adjustment some time back.

Mr. CHAIRMAN: I would say that the Honourable Member must know that there cannot be heckling.

Miss B. A. MILLER: What I am saying, Sir, Mr. Chairman, is this: a year from now we will hear a case being put in here for other crimes to join this one and those in which hearings for adults should be heard in *camera*. This is how it begins.

Mr. CHAIRMAN: The Member has one minute to conclude.

Miss B. A. MILLER: This is how you begin to whittle away at a basic fundamental principle.

Mr. CHAIRMAN: Order.

Miss B. A. MILLER: I have difficulty with it. I am telling that to the Chair. Mr. Chairman, I have other serious reservations about this legislation on the whole. I have difficulty with the piecemeal way in which we are doing this. In very recent times, in Barbados... Can you hear me, Mr. Chairman?

Mr. CHAIRMAN: The Member has about fifteen seconds.

Miss B. A. MILLER: I want to conic to a very recent matter which came before Barbadians where for gross indecency with a minor, an adult person was sentenced to what is the maximum sentence of that kind of assault to a period of two years. All of these things need to be reviewed in a comprehensive manner. We have to be very mindful...

Asides.

Miss B. A. MILLER: It was a sexual crime. I am dealing with a sexual crimes bill.

Mr. CHAIRMAN: The Honourable Member must conclude now.

Miss B. A. MILLER: This happened during the course of time when the Select Committee was meeting.

Hon. M. A. KING: Sir, on a point of order. The Bill does address that problem as Section 12:

- (1) A person who commits an act of serious indecency on or towards another or incites another to commit that act with the person...
- (2) ... under the age of sixteen or incites the child under that age to such an act with him or another, is guilty of an offence and is liable on conviction to imprisonment for a term of fifteen years.

Miss B. A. MILLER: I am not saying it was not done. Mr. Chairman, Sir, this is really a point of disruption. I was not allowed to finish my sentence. I am saying that there are other matters which have not been dealt with, so, we have not dealt with this whole question of sentencing, particularly, for sexual crimes, in a comprehensive manner. That is what I was saying and if they did not interrupt me

and let me finish my sentence, you would have heard it before now.

Hon. D. J. H. THOMPSON: Mr. Chairman, we have heard two remarkable speeches delivered by Members of the Opposition in respect of the proposed amendments to the Bill which is now before you. First of all, the Honourable Member for St. George South bases his assertion on the concept of the "wisdom of the ages" – a phrase which he has coined or borrowed from the voluminous legal luminary, the Honourable Member for St. Joseph, even though he would not admit it. The "wisdom of the ages" has done some terrible things to justice. It put five people in England recently behind bars for a protracted period, – the Birmingham Pub Bomb Case. It has put a whole series...

Mr. CHAIRMAN: Can we have some order.

Asides.

Mr. CHAIRMAN: The Honourable Member for St. John, give way a minute! We are having far too many interruptions across the Table for the debate to be as smooth as it should be. Please desist from it!

Hon. D. J. H. THOMPSON: The "wisdom of the ages" is no fall-back position. It is no prescription and it certainly is not the basis of my concept of my role as a legislator. I have already said that I dispute many of the contentions of lawyers who make assertions about legislation wholly from the perspective of a court trial. Let us look at some of the assertions that have been made.

The first assertion that was made by the Honourable Member for St. George South is that there will be no qualitative difference in the trial whether thirty people are present or eighteen people are present. This is a remarkable assertion because he has totally ignored the fact that the Press is also going to be excluded. Now, the Press is in that thirty and the Press is not limited in its coverage to the thirty people in the courtroom, but it comes the following day and it reports the evidence given by the accused person for all and sundry to read and who doesn't know who it is, they call their friend, who is a court marshal or a clerk or a lawyer and find out who the victim of the trial was. Obviously, the issue of qualitative difference in relation to thirty or eighteen people in a trial is a non-issue. We are not addressing that. We are not saying that open court is simply a matter of the persons who are present in the courtroom. We have a wider perspective and I thought you did too of the concept of open court.

4.30 p.m.

Mr. L. R. TULL: On a point of elucidation, Sir. In respect of the point the Honourable Member is making, and I thought he understood this, the point I made is if the evidence of a victim is heard *in camera*, counsel and the

judge, when the case is no longer *in camera*, can and will make full reference to all that has taken place *in camera*. At that point it is there for the whole world. You think you could restrict a man in his address before a jury in that kind of thing? If you do not know, keep quiet.

Hon. D. J. H. THOMPSON: I have made my point. Anybody who reads or understands the English Language will come to the relevant conclusion.

Aside.

Hon. D. J. H. THOMPSON: The Honourable Member for St. George South also goes on oblivious to the provisions of the Constitution and indicates that there seems to be some very narrow category of circumstances which would entitle a judge to presently under the Constitution exclude the public from a trial when, in fact, the categories are quite wide and are consonant with this legislation. In other words, what this legislation is doing is, in fact, in relation to sexual offences, setting out clearly for the benefit of the judge of the court the circumstances in which the public might be excluded.

The likelihood that publicity of such evidence would prejudice the interest of justice, decency, public morality or the effect that the giving of such evidence in open court is likely to have on the complainant's state of mind these are already part of the exceptions under section 18 of the Constitution. They are already the law. He is making a big fuss about a matter that already falls within the provisions of the Constitution.

The point is, Sir, that I unreservedly support this particular provision. The issue is not the way the trial is conducted *per se*. The aim of this legislation is to encourage victims of sexual offences to report the offence and to feel reasonably comfortable in giving evidence in a court in Barbados without the full glare of the public, under heavy cross-examination by indiscreet lawyers from time to time, under pressure of having the sexual history paraded before the courts from time to time and under a whole range of other disabilities that presently militate against victims of sexual offences wanting to give evidence in trials. That is the aim of the legislation. This is as perfect as we can come to lessening the impact of a trial on the victim. That is all it is.

Now, the Honourable Member is saying that the fact that there is no qualitative difference in the trial and the fact that these exceptions seem to be, I would assume liberal, or more liberal than the Constitution which is really not so, that is his suggestion when, in fact, these fall squarely within section 18 (1). But the point is that these do not at the end of the day make the difference between the important fact that few victims of sexual offences are likely to report the offence unless the nature of the trial is

either watered down or controlled in some way to make it less traumatic on the victim.

Now the Honourable Member for the City has made some astounding assertions. The first is that she states that there are many groups that did not appear before the Committee. That is quite true. I agree with that up front. However, she should not be so slick to draw conclusions from the fact that they did not participate. Now it would have been ideal if they had participated but you cannot draw that conclusion automatically because in the draft stages of the Bill the Bureau of Women's Affairs contributed, the National Organisation of Women, the National Advisory Council on Women, the Business and Professional Women's Club of Barbados, the Welfare Department, the Child Care Board and evidence was given by Miss Elise Thompson who was questioned.

Miss B. A. MILLER: Mr. Speaker, on a point of order. We know that. The point is he is saying these people were given the draft. The Select Committee moved away from the draft on important matters.

Aside.

Miss B. A. MILLER: They can only come if you invite them. Is it too much to send a note to these places to say please be informed that the Committee is sitting?

Hon. D. J. H. THOMPSON: The precise point, Mr. Chairman, is the way that we moved away was the way they wanted us to move away. In fact, based on what representations they had made on the file the draft that came here was not in consonance with those representations. The Joint Select Committee moved in the direction in which the Women's organisations wanted us to move in relation to the in camera hearings, the last lingering insult to women which is the issue of corroboration, as they put it, and the range of other things like sexual experience. Those were some of the things that the legislation sought to move towards. I am saying to you, yes, it would have been great if they had come and given evidence and had the courage of their convictions to come and put their position to Parliament. I agree with you. But I am saying to you that we in the end moved towards a position...

Mr. CHAIRMAN: Can we have some order.

Hon. D. J. H. THOMPSON: But originally when this legislation was first brought here we were accused of pandering to a woman's lobby. It was the Honourable Member for St. George South who said a man's home is his castle. He said in this House that the Attorney General was pandering to a women's lobby in this country. Now, the Honourable Member for the City is mixing the whole thing up and saying not only did we pander to them but they should also have come and given more evidence and

thrown more of the confusion into the whole pot and we would not be here today. We would still be listening to more evidence all like now.

Aside.

Hon. D. J. H. THOMPSON: If I have made an error in respect of attributing it to you, you know I would gracefully withdraw it. But I am certain that an honourable member over there, and my recollection was that it was you – only you and the Honourable Member for St. Thomas

Mr. CHAIRMAN: I wish the Honourable Member would address the Chair.

Hon. D. J. H. THOMPSON: Yes, Sir. The Honourable Member for St. George South and the Honourable Member for St. Thomas spoke. One of them – I am certain the Honourable Member for St. George South said a man's home is his castle. But one or the other said that we were pandering to a woman's lobby. I believe it was the Honourable Member for St. George South.

Now, the groups, therefore, have made their representation. The Honourable Member says sexual crimes are more crimes of violence than crimes of sex as though that makes some qualitative difference in relation to the evidence of the victim. It is not only the issue of telling the tale of violence. It is telling that tale of violence in the presence of the alleged perpetrator, the person who inflicted that violence. It is the way in which that violence must be told and it is the manner of peripheral issues that must be raised when those matters are being put to the court. That is the issue. It does not matter if it is a crime of sex, violence or sexual violence involving both elements. In all of those cases there must be a stage at which the issue of the act of penetration and the whole range of other issues must come up. The question of skilful negotiation is going to arise. A whole range of other things are going to arise.

Now, we have the question of anonymity of the complainant. The Honourable Member for the City has said that the victim should receive no greater treatment in the court or better treatment than the accused.

4.40 p.m.

That is a moot point. I have not heard of it before except a recommendation in passing by somebody. It is not something that came before the Committee. The Honourable Member for the City knew the Committee was meeting and if this was a matter that the Committee should have discussed she too should have raised it. It is not to say that because a Joint Committee meets that it discusses every issue that arises.

Aside.

Hon. D. J. H. THOMPSON: I did not realize that. I do not think it is an issue now. It is not a policy initiative that we are pursuing. We are pursuing the question of vying to encourage more victims of sexual offences to come forward and give evidence of the offence.

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

Hon. D. J. H. THOMPSON: This legislation is not more left to the caprice of a judge, as the Honourable Member for the City suggests, than section 18 of the Constitution. It is no different from what is in section 18. The judge has that power now and there is no additional provision. All categories that have been introduced by the legislation.

The last point I want to make is that it is a crying shame that when that case was finished in the Assizes with the gentleman who had interfered with a young child and got two years in prison, it is a crying shame that people who knew that this Sexual Offences Bill was being debated did not take the opportunity to indicate to the press or the press themselves did not investigate the initiative of this Government and the Joint Committee of Parliament in seeking to upgrade the penalties and make changes to the sexual offences legislation in Barbados. They went around....

Mr. D. A. C. SIMMONS: On a point of order, Mr. Chairman, I think it would be unfair for the Honourable Member to use a blanket condemnation of the press like that. At about the time of the conviction *Voice of Barbados* was doing a Tell It Like It Is programme with Mr. Ellis, a lawyer and a couple of other people. Mr. Ellis did call me and ask me what was the position and I told him that the penalty had been increased to 15 years. He searched it out himself. The rest do not do anything like that. You have to spoon feed them.

Hon. D. J. H. THOMPSON: We have to ensure that the public knows what we are doing in here. The means that we use is our business. I blame us – and I am going to be very clear about that – in letting that information be out there spreading doubt that the Government was committed to making changes to legislation in this regard. It is a reflection on Parliament itself that such an important deliberation was taking place which would have changed and increased the penalties by more than 700% from two years to 15 years, and that the impression was being given in the public that Parliamentarians were indifferent, disregarded it and that there was no attempt by the Government to increase the penalties or to address this issue. That is a very important point. Even people writing in the newspapers who you think would know better, as I have said already columnists, and there was an editor's note that I read in one newspaper and they failed to indicate that these matters were being dealt with. So I can

only blame us for obviously not helping the public to know what is on the legislative agenda in this country.

Mr. CHAIRMAN: Time.

Hon. D. J. H. THOMPSON: But the Committee did all that it could do in the circumstances. I think that these amendments will augur well for the future. If the Honourable Member has any additions that she wishes to make, in due course we can examine them over time.

Thank you.

Mr. CHAIRMAN: The Honourable Member for St. Michael West.

Asides.

Mr. CHAIRMAN: Can we have some order.

Hon. B. M. TAITT: Sir, I believe the Honourable Member who is bringing that information should herself get knocked for calling that a religious column.

Mr. CHAIRMAN: The only Honourable Member speaking is the Honourable Member for St. Michael West.

Hon. h. M. TAITT: I cannot hear you, Sir.

Mr. CHAIRMAN: The only Honourable Member speaking is the Member for St. Michael West.

Hon. B. M. TAITT: Sir, I wish to make a contribution to this debate because the matter we are discussing is of serious import and it ought not to be dealt with in a partisan manner. I believe that this is a matter which requires every single Honourable Member of this House to bring to bear his or her wisdom, to the extent that he or she can, to assist us in formulating legislation in an area that is extremely difficult and that has proved quite intractable in the face of some very emotional positions pro and con the issue of how to deal with rape and its attending difficulties in the dispensation of justice. I believe that the most important factor here is justice and that both the victim and the accused should feel, at the end of the day, that in Barbados there is some element of justice that will come to him or her when they come within the ambit of the courts.

Mr. Chairman, my position on *in camera* hearings is very straightforward. Fortunately or unfortunately I have had the benefit of some very long and intricate examination of matters to do with criminal law and it has fallen to me from time to time to have to share that with some young potential criminal lawyers, the result of which is that one has to study these matters perhaps a little more closely than being a mere legislator. So I speak both as a legislator and as a teacher of criminal law.

I want to say that the question of *in camera* hearings has dogged civilized society from time immemorial. The preponderance of views seem to be that an *in camera* hearing is inherently unjustified in a system that calls for justice. Because an *in camera* hearing is contrary to the principle and the concept of being tried by your peers in a society. An *in camera* hearing is contrary to all that the system we have requires. That system requires that when you are accused you must be faced by your accuser and you must be faced in the presence of your peers and that you must be judged by your peers, sentenced by your peers and punished, in the final analysis, by your peers. That justice must prevail, that justice must be done and must been seen to be done requires that those who do the seeing see.

Sometimes based on – I am not going to repeat what Honourable Members have said – but history is replete with persons and potentates and others who have used power to ensure that people do not get justice even though the facade of a court was the framework within which justice was not meted out. In the United States in the deep south over many years, indeed there are some who would say even now it was possible for a young man to be hanged for alleged rape on the statement of a woman having been caught by her husband if she was of a different race and her husband came to the conclusion that she had slept with a man who was black, that man subsequently was hanged, in a court of law, because he was said to have raped somebody. If there is anyone who doubts that, anyone who is jumping up and shouting about justice as we hear from time to time let them understand that was a normal pattern in a substantial part of the freest country in the world. The United States is said to be the freest country in the world and many people believe that. 4.50 p.m.

The concept of hearing *in camera* does violence to the concept of freedom so I do not believe that there should be, under normal circumstances, any trials *in camera*. I come down on the side of those who are unhappy, concerned, worried, not too pleased about the concept of a trial *in camera*. When the minority put in their report I was one of those persons who said I could not agree with the minority report. The arguments of the minority are well fashioned, as well they might be, such eminent persons signed the minority report as my friend and colleague the Attorney General and the distinguished Member for St. John and the Senators. These are persons who believe and who are able to fashion their belief in language that is acceptable but it is the basic principle, not the arguments. I do not quarrel with their arguments, but the basic principle I do not agree with.

In the light of my own reaction to their minority report the members of the minority have fashioned an amendment which I believe, given all the circumstances, this Honourable House can accept. We do not accept them

because it is perfect but we accept it because if we believe in the rule of law we have to assume that the judge in a trial is all that we say a judge should be.

Now I do not have the experience as a number of honourable members who practise daily in the Law Courts but I have the belief that the Law Courts in Barbados are no different from the Law Courts in England in so far as the quality of our judges are concerned. I base that on the readings which I have seen, the judgments which I have noted, generally across the board in the West Indies where the judgments made by judges in the United Kingdom are no better or no worse than judgments made by judges in the Caribbean. I make the assumption that while there may be instances where persons do not get full justice because of some technicality or some error on the part of some judge – because that is a point which needs to be made – sometimes in Barbados and in other Caribbean jurisdictions judges make errors in law, errors in procedure ... I am saying, if that were not so we would not have appeal cases being changed, we would not have cases being changed in Britain. Judges everywhere make errors. My basic point, Mr. Chairman, is that the judges in Barbados, I assume to be no worse than judges anywhere else and indeed in many respects they are better than judges everywhere.

Now, what this amendment does is to put the gravamen of decision about *in camera* hearings for evidence in the hands of the judge. This means from what I understand of the new 31, is that both the advocate who is representing the accused and those who are prosecuting for the complainant are in a position to raise questions about the exercise of the discretion of the judge because even in this situation a judge is not given absolute discretion, and where, it seems to me, a particular judge decided to have a hearing *in camera* and the circumstances did not suggest that the framework outlined here was adhered to, it seems to me that that in itself would be a ground to be raised in a different court at a higher level.

In all of the circumstances therefore, I feel able – despite my strong belief that *in camera* hearings are inherently wrong – to accept this amendment because it gives a judge that discretion which is necessary sometimes. There are certain kinds of offences, certain times when evidence will not come forth unless that evidence is being given in an environment perceived by him or her who would give the evidence as an acceptable environment.

Sir, I believe that this is a good amendment. I believe it is an amendment that has been put forward in good faith by those who wish to compromise and I would appeal to the Honourable Member for the City, the Honourable Member for St. George South and any other Honourable Member who feels as I do about *in camera* hearings, that they could accept this amendment as a genuine attempt to bring the legislation into force and to provide an opportunity for the courts in Barbados to move beyond the

point where they are now, and at the same time to give the population in Barbados, especially the female population an opportunity to feel more secure. That is really the merit of the legislation, to give our female members of the population a sense of security in coming forward when they have been heinously afflicted by some of the sicker people in our society.

I feel we can take this amendment and see how it works and we can watch how it goes. It is a far improvement over what we have and in those circumstances and since we cannot get a perfect Bill I would suggest to the Honourable Members that we live with it.

I don't think that there is any quarrelling or question with any of the points raised on either side by Honourable Members. I think the Honourable Member for the City was not as clear in her understanding of how the Committee approached the question of sentencing for interference with minors, but you know, in the final analysis the sentencing policy is not going to be determined by this legislation.

A sentencing policy cannot be decided by law. It will be decided by law only if the law decides to make a sentence mandatory and we had a mandatory gun law in Jamaica and it did not work. It did not work because it was mandatory. I am not one who would ever agree to any mandatory sentences because judges have to have discretion. Inherent in the concept of judgment is a discretion and if you do not give the judges some discretion ... You have to appoint judges of quality, that is the answer. You can't appoint jokers as judges and then expect to have proper courts. You appoint people of quality as judges and you leave the judges to make judgment, to do the work, and when that happens then you can be certain that you have got a court that is addressing the issues. If you appoint judges that are not worthwhile that can happen. Fortunately in Barbados that has not been the case up to now.
5.00 p.m.

Mr. CHAIRMAN: The member has one minute.

Aside.

Hon. B. M. TAITT: When you are in the House of Assembly, you do not need a thing especially when you did not come in in a box-cart. Therefore, you do not have to fear anybody or anything, especially when you are speaking on matters on which you feel very strongly. I do not have anybody to question me on these matters on which I am speaking now. The point I am making is that if you have proper judges you have to give them discretion. Even if you do not have proper judges, you have to give them discretion. In order to ensure that you have proper discretion, you have to have proper judges. But once you

have proper judges you have to give them something to chew on. You cannot legislate for them what they must do.

Mr. CHAIRMAN: Time.

Hon. B. M. TAITT: Let me finish the sentence, Sir. Much has been made about the two year sentence which was in existence before the change to fifteen years. I hope that persons do not believe that because we are now changing it to fifteen years that this is an automatic signal to judges that persons who are found guilty of that particular offence must be given fifteen years. Each individual must be treated according to the circumstances. A sentencing policy is useless and worthless unless it addresses the total circumstances and it makes provision preferably for punishment and rehabilitation.

Mr. Chairman, I am grateful to you.

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

The question that Part 2 as amended stand-part was put and resolved in the affirmative without division.

Part 3 was called.

Hon. M. A. KING: Mr. Chairman, in moving that Part 3 stand part, Clause 37 has provoked some discussion in relation to the legislation.

Hon. B. M. TAITT: I beg to move that Clause 37 be deleted. I now withdraw that, Sir.

The question that Part 3 stand part was put and resolved in the affirmative without division.

The Schedule of the Bill was called and passed.

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

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

ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, Sir, we are not proposing to do anymore business for the day. I hope Honourable Members will be prepared on the next time we meet to consider and debate the Mutual Assistance Bill. We are not doing it today because we have been asked by the Leader of the Opposition to give him some more time to study it, Sir. We did this last time. It was on the Order

Paper before. Anyway, Sir, we are prepared to give extra time to the Opposition to look again at that particular matter.

I, therefore, move that this House do now adjourn until Tuesday, February 11, 1992 at 12 o'clock noon.

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

Mr. H. deB. FORDE: Sir, just to respond to the point which the Honourable Member has made. This Bill is coming out of a recommendation from the Commonwealth Conference of Attorneys General in 1983. There is a lot of literature on it, Sir. I would hope that the Attorney General can make **part** of the literature out of the Commonwealth

Secretariat available. We have been trying to get some of that literature and one of the reasons why the Honourable Member for St. Thomas, who is leading for us, wanted some time was to get hold of the literature. Perhaps if the literature is made available it would facilitate for all of the members of the House, because it is not the son of measure I think is partisan in that sense, so that we will be able to deliberate on it.

The question that the House do now adjourn until Tuesday, February 11, 1992 at 12 o'clock noon was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the sitting accordingly.
5.12 p.m.

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THE House of Assembly, Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, February 11, 1992

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

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
His Honour T. C. ESTWICK, B.Sc., LL.B., (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)

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

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

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

Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Labour, Consumer Affairs and the Environment)

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, G.C.M., B.A., Ed.M., (Minister of Housing and Lands)

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

Mr. C. LeR. TROTMAN, M.A.

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

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

Hon. 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, Q.C., M.A., M.Sc. (Econ.)

Mr. J. O. TUDOR

Mr. D. W. BOWEN

Mr. G. W. PAYNE

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

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, January 28, 1992.

Hon. B. M. TAITT: Mr. Speaker, the Minutes of Tuesday, January 28, 1992 have been circulated. I take it that they have been read. There are no corrections as far as I know. I beg to move that these Minutes be now confirmed.

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

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

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I just want to make an announcement. This morning I received from PAHO a monitor and a set of health literature which can be used for educational purposes and for information as well. I think

Members would like to be able to make use of that facility which they so kindly gave us this morning.

My understanding as well is that we would be linked up with some of the overseas organisations in which we would be able to get up-to-date information in respect of health matters. I believe that further information can be given. I just wanted to make that announcement. I thanked them on behalf of you the Members of this House for that generous gift as well.

PAPERS

Hon. B. M. TAITT: Mr. Speaker, Sir, I am commanded to lay the Annual Report and Financial Statements of the Barbados National Standards Institution for the years 1986-87, and 1987-88.

FIRST READING OF BILLS

On the motion of Hon. B. M. TAITT, seconded by Hon. M. A. KING, a Bill to amend the Customs Act, Cap 66 was read a first time.

Hon. B. M. TAITT: Mr. Speaker, may I say with regard to that Bill that because of its nature we would like to deal with it today in all of its stages.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

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

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

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

GOVERNMENT BUSINESS

Mr. SPEAKER: Order No. 4.

RESOLUTION TO APPROVE THE LEASE OF LANDS AT GRANTLEY ADAMS INTERNATIONAL AIRPORT TO BRITISH AIRWAYS, PLC

Hon. E. E. GREAVES: Mr. Speaker, this Resolution seeks to lease 2 465 square metres of land at Grantley Adams International Airport to British Airways, PLC. This airline requested the Government some time ago to lease this land to them for the purposes of the construction of an engineering facility. This facility would provide for aircraft maintenance, ancillary offices and storage space. You may be aware of the fact that some time ago a development plan was prepared for the Government under the auspices of the Caribbean Airports Projects of Canada. Basically this plan seeks to set out the kind of development which could

take place on lands owned by the Government at Grantley Adams International Airport. This parcel of land is situated to the west of the parcel on which the asphalt plant was located.

I would hasten to add, Sir, that when the approach was made and Cabinet had approved the request, British Airways asked for permission to enter the land to begin construction of the facility. This permission was granted and the facility has been constructed. It is not unusual. It has happened in the past. We are now seeking parliamentary approval on the conditions which are set out in the Addendum to this Resolution.

Basically the proposal is a lease agreement for a period of 15 years with an option to renew for a further period of 15 years subject to terms and conditions being agreed to. The rental value of this area of land is \$9 600 per annum and the rent is subject to review every five years. The area of land in question, as I said, is 2,465 square metres. It is made up of an area of 2,132 square metres and an access road of 333 square metres. The Land Tax Department was consulted on the amount of rent which would accrue to this particular facility and they recommended the amount which we have here, that is, \$9,600. The agreement basically would also mean that as far as the access road is concerned British Airways would be responsible for constructing the road and also for keeping it properly maintained and repaired. British Airways would be responsible for taxes and charges and payments arising out of this arrangement and on termination of the lease the building on the site will revert to the Crown for nil consideration.

12.30 p.m.

Basically, Sir, that is the information surrounding this resolution on the lease of this land of 2,465 square metres situated at Grantley Adams International Airport to British Airways, PLC.

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. L. R. TULL: Mr. Speaker, Sir, the Honourable Minister of Housing and Lands who has just introduced this resolution is a little bit stingy with the information that he is vouchsafing to this Chamber. We have to say this from time to time because we know a lot of important things are happening in relation to the airport and things attendant thereto. We are talking about the development of tourism, the civil aviation policy, and I believe some more information could have been given to us.

One of the things that, perhaps, is not out of the way, Sir – and I am going to make sure that I do not disturb Your Honour by going outside the bounds of the resolution... But certainly, in recent times there has been

a lot of discussion about the appropriateness of certain sections of the airport and whether the maximum use was being made of the facilities there. Only in the last few days, I have heard someone who is very competent and experienced in the area of civil aviation expressing the view as an example that the old airport building could be used as a terminal for chartered flights, thereby freeing up the new and substantial part of the airport for better utilisation by the scheduled airlines.

We have a problem, Sir. Ever since 1986, the Government seems to have no coherent civil aviation policy. We have had debates in this Chamber on a number of occasions during those last five years and although there has been the expression of opinions in relation to particular matters relating to civil aviation, an overall plan of civil aviation is not part of the Government's priority, or indeed, if it is considered part of their priority they have not come out with enough information and details to make those who are looking on feel comfortable that something is going.

For instance, Sir, we have the confused policy on Caribbean Airways. At one time immediately after the Government came into power after 1986...

Aside.

Mr. L. R. TULL: I am being heckled, Sir. ... we had one policy articulated on...

Mr. SPEAKER: You need not worry. There are certain resolutions which I believe I can give some room.

Asides.

Mr. L. R. TULL: I don't know how you can talk about the airport without civil aviation, but they know, Sir.

Asides.

Mr. L. R. TULL: There has been no coherent policy and the way that the Government has stepped back and forward in relation to Caribbean Airways is just one indication of this lack of policy.

I used to hear, like all Barbadians, that there was a problem with a shortage of airline seats to Barbados. The Tourist Board has not been as efficient... I am sorry the Minister of Tourism is not in his place because there was a time when the Minister of Tourism was crowing in this Chamber. He would push his chest up as if he was about to deliver a bouncer, the same way that he used to do it, and crow over what he considered the tremendous success of the Board of Tourism and the Ministry of Tourism in relation to the number of visitors coming to this country. Now, all of that has changed. There has been a catastrophic drop in the number of visitors to Barbados, and the

Minister – I would not like to say he is hiding – is not here to give us some more information on a number of important areas, and a lot will come from this side, Sir. British Airways has been coming into Barbados in recent weeks with a lot of spare capacity. The numbers are dropping just like the airlines are dropping. The point I was making earlier, is that the Board used to complain that there were not enough airline seats, but in recent times a number of airlines have stopped coming to Barbados and still the flights are coming into Barbados with very low occupancy. All through December, January and right now in the middle of February aircraft are coming into Barbados half full or half empty.

What troubles me even more, Sir, is what is going on between the Government and some of its prodigal sons because I understand that the Government is now going into a tricky deal with Trump Airlines. Tricky does not mean that the Government's behaviour is deceitful. It may be deceptive but I am not saying it is deceitful. Inscrutable is a good word too. The word is, Sir, that the Government is paying Trump Airlines \$1.2 million to fly into Barbados. That is really sphinx-like. It is not only inscrutable but it defies common sense for two reasons. One is that it is common knowledge – and those who keep abreast of these things know that the Trump Airlines like the Trump empire is impermanent and mercurial. Therefore, for the Government of Barbados to be engaged in serious business with Trump Airlines at this time, particularly when it has to put out \$1.2 million, is embarrassing to Barbadians. It may not be embarrassing to the Government. The Government seems not to be embarrassed by anything. But it is embarrassing to Barbadians that we should have to pay Trump Airlines \$1.2 million to fly irregularly into Barbados without full capacity and just as bad, Sir, flying some aeroplanes that should be transporting cattle. Trump Airlines is using the derelict Eastern Airlines planes to fly people into Barbados.

12.40 p.m.

Sir, I am prepared to be challenged on it. That is the information. If the Government has better information than that they can give it while I sit down for a moment or they can give it after I sit down. It does not matter to me.

Sir, Trump Airlines has brought flights to Barbados and then the poor aircraft that brought them in was not even able to make its way back to the United States of America.

Hon. B. M. TAITT: Sir, on a point of order, I am loath to interrupt the Honourable Member because I do not wish him to say that he was saying something and I did not want to hear it. Sir, I am not sure how Trump Airlines and the acquisition of a piece of land are connected. I know I am not the Speaker, but I am rising because in order to respond to what the Honourable Member is saying,

somebody on this side will have to respond. I want to know, Mr. Speaker, is this debate being widened to include Pan American ... I would just like to know, Sir.

Mr. SPEAKER: I think I can make my position clear. I did indicate that some Resolutions I would give some scope to but the Honourable Member for St. Thomas helped me. He said he was only circling. Now if he is only circling on the Resolution, I hope he does not make the circle much wider. Maybe he should come in to land if that is it. That is how I would interpret the Resolution. I will give that room but ...

Mr. D. A. C. SIMMONS: Mr. Speaker, Sir, on a point of privilege, I have not yet spoken in this debate, Sir, and you dragged me into it. I think you are being unfair to me, Sir. An apology is in order.

Mr. SPEAKER: I always do not hear asides, but some are very helpful and this one is very helpful. I think the Honourable Member will understand where I stand.

Mr. L. R. TULL: Mr. Speaker, the Honourable Member for St. Thomas may have talked about circling. Not me, Sir, I am now ready to take off.

Mr. SPEAKER: Well you had better take off on British Airways.

Mr. L. R. TULL: I will be far more comfortable on British Airways than on Trump Airlines.

I was making the point that some of the prodigal sons of the Democratic Labour Party are now engaged in a war with the Government. The people behind the Trump Airlines are people who are anathema to the Government, that is why I was hoping they would support me in this. Apparently they are speaking from the point of view of ignorance. I do not mean to be offensive, I mean by ignorance, ignorantia, lack of knowledge. That is what I am talking about, not *bajan* ignorance.

I thought, Sir, that the Members of the Government would have found common cause with me in this particular issue because there are former friends of the Members of their party who are now getting involved in something in which they should not get involved in. That is my view, Sir. We are getting confused over all this business about privatisation and we do not understand how we do things decently *anymore*. I am glad to see that the Right Honourable Prime Minister is beginning to look up. I can pass my notes to him if he wants them, but there are people who are working against the interest of Barbados in an important area of our economy such as tourism.

I am not going to call any names, Sir. The Standing Orders tell me that if I am going to attack any of the private citizens I must...

Aside.

Mr. L. R. TULL: That is the situation, Sir, where private individuals are getting in the way of the Government and causing problems in the Civil Aviation industry and in the Tourism industry. Sir, it cannot continue. If the Government came straight with us, we on this side are loyal and patriotic citizens and we will work with the Government on a matter *as* important as tourism because we want Barbadians to keep their jobs in the tourist industry and we want the important foreign earnings derived from that industry.

I am going to make just one other point, Sir. Secondly, the Members on the other side want to hear me. All of a sudden now they want to hear me. The Honourable Member for St. Michael West Central is here. The Tourist Board needs some looking into. There is too much nepotism abroad in some of the Government agencies and the Board of Tourism is no exception. I do not make any idle charges and I am sure the Minister knows what I am talking about and if he does not know we will pass the information.

The Government has to realise that in *as* important an industry as tourism that the giving of cheques to the Party should not be a criterion for determining who should manage the industry. It is too important for that. I want Honourable Members on the other side to realise that I am not *talking* in the dark. They have to get to the bottom of all these deals that are done, all the petty squabbling of which the Minister is very well aware but he must do something about it because the industry is grinding to a halt. You have people in *the* industry, in the Board of Tourism, who are doing private deals with private individuals in relation to their tourism duties. These are things that need to be looked into and no more so than at this stage when we have reached our nadir in tourism in this country. It has not been so bad for many years.

Do not get around to blaming any recession. Recession what! The aeroplanes are coming in and going on to St. Lucia and filling up St. Lucia with tourists. There is no point saying that it is the victim of recession because what we are losing St. Lucia and other countries in the *Caribbean* are gaining. The recession argument is an easy way out, but is not acceptable in the circumstances.

Mr. Speaker, I am going to leave it at that, Sir, but I do want the Minister of Housing, because we are talking about civil aviation and he is just dealing with the buying and selling the land; he comes in here with *ex post facto* resolutions. Long after the land has been leased out and long after permanent buildings have been constructed on the land the Minister of Housing comes to a rubber stamp Parliament and asks us to rubber stamp something that is *fait accompli*. That is most unsatisfactory. In times when

a Government is busy and when there is a great deal of Government activity, one can excuse that kind of delinquency. But for a Government that has been **as** idle and inactive as this one, Sir...

12.50 p.m.

Aside.

Mr. L. R. TULL: ...Doing nothing - a do nothing Government, Sir. This kind of measure should not be coming before Parliament long after it has finished asking for a rubber stamp. That is most unsatisfactory. That is most unsatisfactory and I feel that I could not, Mr. Speaker, take my seat before I made my point extremely clear on that matter. Thank you, Sir.

Miss B. A. MILLER: Mr. Speaker, Sir, I wish to speak in support of this. But there are other matters that I want to address which have to do with British Airways. Mr. Speaker, we keep hearing and saying that tourism is our major foreign exchange earner. British Airways is **an** important part of our tourism product and we have watched over the years **as** our visitor arrivals decrease year after year. British Airways brings some of these arrivals, Sir. The Government sought to blame the Gulf War. Even before there was a Gulf War, they were saying that that is the reason why we saw declines when in other Caribbean destinations we were seeing increased arrivals. The Gulf War has come and gone; Government is still blaming the Gulf War. They are blaming the recession in North America. They are blaming everything except themselves as is the Government's determined policy. We have watched Barbados fall. It is almost like a pattern now.

We were told that this winter of 1991-1992 was going to be a magnificent winter and all of these wonderful things were going to happen. February which traditionally used to be the peak month for the winter season is no longer so. I was away last week in Kenya, Sir, with a small group looking at the attempt of that country to move to a multi-party democracy. I came back on British Airways to Barbados on a 747. I could not count every single one, Sir, but easily - more than two-thirds of the passengers who came down on that flight on Sunday evening were going on to St. Lucia. The number who got off here to stay for vacation, business, or whatever in Barbados was not much more than one-third from what I could tell by casual observation. Upon enquiry, it turned out that this has been an increasing trend in this winter season.

Mr. Speaker, Sir, our visitor arrivals from Europe depend very much on British Airways as a scheduled carrier. There are a few charters coming out of Europe. They account for somewhere between, I think, twelve or thirteen per cent of the arrivals out of Europe. We really depend on British Airways almost entirely for our **arrivals** out of Europe and to a lesser extent British West Indian

Airways, particularly since the Government saw fit to ground Caribbean Airways.

Mr. Speaker, we hear a great deal about what is going to happen in this year of 1992 in Europe and there are fears within the Caribbean from those who are interested in civil aviation, which does not include the Barbados Government unhappily, and those who **are** interested in tourism because these two areas dominate life certainly not only in the English speaking Caribbean but in the Francophone Caribbean as well. There are those who **think**, for instance, that with a new unified Europe in 1992 that European carriers other than British Airways such as Air France, may begin to take on a new lease on life looking at the possibility of hubs say in **Martinique** and Guadeloupe and in other **Francophone** destinations. There are destinations such as **Aruba**, Curacao, and Bonaire served by **KLM**.

What I am trying to say, Sir, is this. Those of us in the English speaking **Caribbean** need to look very carefully at what the future for British **Airways** can be. That is why I am interested to hear that, although **as** the **Honourable** Member for **St. George South** has said, this is a **fait accompli** that the Government has sought to bring before us today. At least it is something pointing in the direction that British Airways would **be** considering an expansion rather than a contraction of their operation in Barbados.

Mr. Speaker, arrivals in the Caribbean from Europe and the Americas, I am speaking mostly for the English and French speaking Caribbean, are estimated to be in excess of seven million from the Americas and well in excess of one million from Europe. I am concerned, Sir, especially since British Airways was privatised some years ago...I think 1987 or 1988; I cannot quite remember. This carrier should be looking to be doing greater and perhaps a more diverse kind of business in our part of the world. But I am not hearing any of that either coming from the Minister into whose portfolio Civil Aviation falls or from the Minister into whose portfolio Tourism falls.

Mr. Speaker, I hope that we are not going to find ourselves facing a situation with British Airways. We hear that there is this lease, as the Government said, for 15 years with an option to renew for a further 15 years and to be reviewed every 5 years which is now being negotiated with British Airways.

Aside.

Miss B. A. MILLER: Very well. Negotiated, settled and rents are being paid. You are now confirming what the Honourable Member for St. George South said - that you are coming here for us to rubber stamp it after the fact. But this is the same British Airways, PLC which has withdrawn services from Nassau, Bahamas and which has reduced

services in other parts of the Eastern Caribbean. In Barbados, we have seen the cessation of Eastern Airlines, Pan' Am, and a host of other charter services which used to be and now are no more. There has been a lot of what the Honourable Member for St. George South just described as **trickery** attending negotiations between...

Aside.

Miss B. A. MILLER: I have not said between whom yet, Mr. Speaker... **parties** of various civil aviation agreements.
1.00 p.m.

I **hope** that we don't ever live to hear that Barbados' reputation would ever be soiled or tarnished by anything of that kind - I **am** choosing my words carefully, Mr. Speaker - but I am hoping that possibly before this particular debate on this matter before the House now concludes, possibly before the day's debate is finished, that the Minister into whose portfolio tourism falls, who happens to be in his seat at this time, would perhaps shed a little light on the immediate, or the medium term, or even the long term future of British Airways and tourism in Barbados, because there are no guarantees in this business. You are flying today and tomorrow you are grounded. As the song says, you are flying high today, and tomorrow you are shot down.

I think that this Honourable House, not having heard anything in this connection for a very long time, at least a year... I see that Your Honour is disposed to be generous in this debate, but I think that particularly at this time when the season is not looking good for us as it is for other Caribbean neighbours, when the number of charters is not what it was a few years ago, when even the number of scheduled flights - because I gather that the Concorde is not coming back to Barbados again for this season - its last flight out, I believe, was last week, the 7th February - but you see, Mr. Speaker, Sir, they are not going to fly half empty and one third empty if other destinations can fill up their seats. At this time they should have been coming full. You hear that when you go to make your reservations, that all classes are showing full, and then when you get to the airport and you get aboard it is a different kettle of fish, both at Grantley and at **Heathrow** and **Gatwick**. Part of that problem has to do with the quality of the marketing that we are doing in Europe.

I keep making the point, and I am going to make it again here now, that people forget that the Honourable Member for St. Michael West was a Minister of Tourism. It is possible that he was the most disastrous Minister of Tourism, only to be outstripped now by the present Minister of Tourism, who is leaving his seat and leaving this Chamber at the moment. We are hoping that he will come back. People forget that the Honourable Member for

St. Michael West was the Minister of Tourism who dismantled every single tourist office that Barbados had outside, which tourist offices, particularly the one...

Hon. B. M. TAITT: On a point of order, Sir. The Honourable Member is misleading the House. The Honourable Member has stated that the Member for St. Michael West dismantled every tourist office that Barbados had. Sir, the offices are still intact, they are still functioning. The Honourable Member is misleading the House. Sir, I ask **the** Honourable Member to withdraw that.

Miss B. A. MILLER: Mr. Speaker, Sir, particularly the tourist office at London.

Mr. SPEAKER: You said I was generous, you know.

Miss B. A. MILLER: Yes, Sir. I may be trying to tax your generosity at the moment, Sir.

Mr. SPEAKER: Try not to.

Miss B. A. MILLER: Well, to get back to British Airways, whose headquarters in London, where the Barbados tourist office also is headquartered, and which was one dismantled by the Honourable Member for St. Michael West, the fact is that these tourist offices, particularly the ones in Europe, have never been properly put together again. They are like humpty dumpty.

Hon. B. M. TAITT: On a point of order, Sir. I asked the Honourable Member to withdraw "dismantled". The Honourable Member stated that I dismantled every tourist office. I say that is categorically untrue, and the Honourable Member should withdraw it.

Mr. SPEAKER: What I would like to do at this point is to tighten my... I was hoping that we would stay very close to what we are discussing, but if we are going to go too deeply into tourism - now I **am** coming directly to the point - it is not really a debate on tourism, but I allowed it because I figured it had some relevance to the debate, but I am not going to permit a full scale argument.

Miss B. A. MILLER: Yes, Sir. What I am saying is **that** it is impossible to discuss anything to do with British Airways without tourism being a part of your discussion. That is the virtual **raison d'être** for British Airways.

Mr. SPEAKER: Yes, but it has its limitations as well, it cannot be exclusive.

Miss B. A. MILLER: I am trying very hard to stay within...

Mr. SPEAKER: I am trying to accommodate the Member, you realise that, but at the same time I do not

want to give the Rules of the House that kind of interpretation.

Miss B. A. MILLER: I am much obliged to Your Honour, but what I want to say is this.

Hon. B. M. TAITT: Sir, on a point of order.

Mr. SPEAKER: Two Members are on their feet. Will they both sit?

Hon. B. M. TAITT: If the Honourable Member's statement is allowed to remain in the record it will then be able to be used by anybody – Nepcha, **Kiah**, Sam Couch and the duppy. I want it struck from the record, Sir.

Mr. SPEAKER: What I will say is this. If an Honourable Member objects to a statement and the person persists with that statement, and the Honourable Member objects again, then I have no way of knowing the truth of the statement. Having not known how to deal with that statement, I would prefer to have it not placed in the record as part of the debate. The Honourable Member objected to it and if the Honourable Member does not want to withdraw it I will have it removed from the record. Since he is very strong that it is not, I will take that point. So if the Honourable Member is not withdrawing, I will take it from the record, since he has strongly denied the argument. That statement will be taken from the record.

Miss B. A. MILLER: I am not unwilling to withdraw the word "dismantled". Shall I say that he emasculated, devastated, brought close to destruction?

Mr. SPEAKER: I have already ruled on that and so we shall move on. I have already ruled on the "dismantled". Let us move on.

Miss B. A. MILLER: The point is this, Sir.

Aside.

Mr. SPEAKER: I am not going to allow Members to interrupt the Member who is speaking. I think we are very capable of getting our business done without that kind of interference. I would like the Honourable Member now to be more precise on the Resolution.

Miss B. A. MILLER: Yes, Sir. I am in London at British Airways. What I am saying, Sir, is that without a good marketing policy in Europe, and particularly in the United Kingdom, British Airways will find itself flying with more and more empty seats than it now is. If British Airways finds itself carrying to this part of the Caribbean more passengers into St. Lucia, which has an international airport, than into Barbados, and St. Lucia is not lacking in the kind of facilities that a carrier like British Airways

would want. Are we going to wake up one morning and hear that they have transferred their operations to St. Lucia as a base rather than to Barbados as a base? These couple of thousand metres are neither here nor there. That is what we want to hear from over there and from the Minister of Tourism who is in the lobby hiding.

1.10 p.m.

Mr. SPEAKER: I am getting the feeling the Honourable Minister forgets that she is in a Parliament that is governed by Rules. You just can't make that statement.

Miss B. A. MILLER: I withdraw that. ... who is not now in his seat. The Honourable Member for St. Michael West has a vested interest in disrupting this debate because the Government wants to hide from the facts.

Hon. B. M. TAITT: On a point of order, Sir, how can the Honourable Member say that the Member for St. Michael West has a vested interest in disrupting the debate while you are in the Chair, Sir? I have not disrupted any debate. I have not been disorderly. I have not disrupted.

Miss B. A. MILLER: These are the assurances which I am seeking in respect of British Airways. It is more than just the land which has been leased. It is in the interest of all Barbadians for us to know all that pertains to the usage and the occupancy of this land. In my submission, Sir, it is not sufficient for the Honourable Minister of Housing to get up in here and just introduce this lease, in a connection vital to our tourist industry and vital to the earning of our foreign exchange, and not give other assurances or other information. The Honourable Member for St. George South described it as stingy. It is skimpy. In my view, it borders on irresponsible to come in here and not give a full briefing to this House as to all of the surrounding circumstances attached to this lease.

I don't think it is too much to expect us to hear from the Minister of Tourism as to whatever he might want to be able to tell us in respect of British Airways and this lease. This lease is only a launching pad for what ought to be an in-depth debate for discussion on tourism as it relates to British Airways, Civil Aviation and **the role** that British Airways plays in it, in Barbados and in this south eastern part of the Caribbean. All of these matters ought to be discussed in here. I cannot imagine why the Government should be shy or afraid or want to...

Hon. B. M. TAITT: On a point of order, Sir, the Government is not afraid to discuss tourism. It has discussed tourism constantly. What sort of foolishness is this? I submit that the Honourable Member is misleading the House saying that the Government is afraid to discuss tourism. The Government has discussed tourism *ad infinitum*.

Asides.

Mr. SPEAKER: I have a difficulty. When the word "government" is used in this context one has to be very careful you are not speaking of elected Honourable Members in the House. If you are speaking of the elected Members in this House, then that way of describing government is contrary because Members of Parliament are not supposed to be cowards. They are not to be afraid.

Miss B. A. MILLER: I did not say that, Mr. Speaker.

Mr. SPEAKER: They are not to be defined in that way.

Miss B. A. MILLER: I said that I hope that they would not be.

Asides.

Miss B. A. MILLER: The record is there.

Mr. SPEAKER: I am not going to have any cross-talk. I am just telling the Honourable Member how I perceive this statement.

Miss B. A. MILLER: I didn't say that they were. I put it in a form of a question, as I recall, that I would hope that the Government would not be afraid.

Mr. SPEAKER: I think we can get away from that kind of language and move on to something else.'

Miss B. A. MILLER: What I am calling for – Sir, I am going to take my seat now – is more information coming from that front bench on all of the implications or at least some of the implications, which can flow from the fact that this is a lease to British Airways and that it touches very much... It is not really a housing matter as such but it touches directly at the heart of whatever is the Government's policy on civil aviation or whatever is the Government's policy on aviation.

Thank you, Mr. Speaker.

Dr. R. L. CHELTENHAM: Mr. Speaker, Sir, I must agree with my learned friend, the Honourable Member for the City who has just taken her seat that this is an important debate. The resolution to approve a lease of additional space at the airport to British Airways provides a timely and golden opportunity for discussion of the use of the airport facilities, the maximum and proper use of the facilities at the airport, including Terminal 2, the old airport; and for discussion, too, on the air transport policy of the Government. This is particularly necessary in the light of what has happened to Eastern Airlines which has ceased operation around the world including Barbados, and Pan Am. In the light too, Sir, of the uncertainty which surrounds Trump and U.S. Air, because U.S. Air will really be responsible for the so-called Trump operations.

However, U.S. Air is itself in difficulty and these things ought to be known and there ought to be a very well thought out and flexible policy with respect to attracting carriers to Barbados. We need really a judicious mix of scheduled airlines and charters. However, we have to be very careful about the status and the likely longevity of those with whom we are teaming up.

Barbados has been the hub of aviation activities in the Eastern Caribbean,, in particular Grenada and the Grenadines and St. Vincent have been largely dependent on the Barbados operation. The point ought to be made, Mr. Speaker, that St. Lucia at Hewanora is rapidly emerging as a major competitor and we have got to make sure that we do things at the airport that will strengthen the present lead Barbados has and ensure that we continue to be the hub of operations in civil aviation in the Eastern Caribbean. These activities in maintenance and engineering are important because they will strengthen the general aviation facilities which we offer in Barbados and strengthen the appeal of Barbados as a centre for light aircraft activity.

It is important, Sir, that we try to develop the light aircraft operation at the airport and that we develop also the high grade skills which will go with having an engineering and maintenance facility at the airport such as B.A. is introducing or has introduced. However, there are other ways in which we must strengthen the appeal of the airport. It is believed that our counter space, for example, the long halls we enter, is not as effectively used as it could be and should be. A study should be undertaken as to how we may better use the counter space facilities at the airport. It must be particularly borne in mind, Mr. Speaker, that the expansion of the airport to the east, which is virtually the only way in which it can be expanded, is going to be prohibitively costly and so, we have in our present financial environment to delay as long as we can any future expansion of the airport to the east. That means that we have to make the most effective use of existing facilities at the airport.

1.20 p.m.

We have to look to see too, how the old airport, sometimes referred to as Terminal 2, can be tied in to general aviation activities. It has been suggested, and I think with good reason, that we should use Terminal 2 not only for charter operations but we should use it more and more and whenever convenient for intransit passengers. For a long time St. Vincent, in particular, has complained that its nationals have not been properly treated in the intransit facilities at the airport. One way of ensuring that we provide better transiting facilities is to look at the use of Terminal 2. Also, we should look to the use of Terminal 2 in relation to charters. At present Terminal 2 is under-used. There is some manufacturing related activity there but more effective use of Terminal 2 can be made. We can use it for duty-free shops. We can use it too for the display of manufactured items in Barbados including, in particular,

our arts and crafts. But there is a case for linking Terminal 2 with the present airport facilities and for the more effective use of Terminal 2.

Now, as I said at the outset, Sir, the collapse of Eastern, Pan Am and the general uncertainty surrounding almost all of the international carriers has caused us to look very seriously at our air transport policy. I think it is fair to say that the Government has emerged as not having any air transport policy at all or they seem to be reacting to events which they should long have anticipated and have had a policy in place.

One does not have to be a Lou Dobbs, Mr. Speaker, an outstanding financial analyst of CNN, in order to have known long in advance that Eastern would have collapsed and that Pan Am was in great difficulty in the same way that other airlines are currently in difficulty including the one that will take over the Trump operations, U.S. Air. That was really the old Allegheny that was married to Piedmont, two airlines in the Mountain State region and the Mid West. They were successful on their own but since the marriage it is fair to say that the airline has not been successful. Even though there is no fear that U.S. Air will drop out of the skies overnight, it is fair to say that general uncertainty about its future surrounds U.S. Air.

Now, I am told, Mr. Speaker, that there is a private sector/public sector group that is currently meeting and trying to fashion out a policy in respect of these matters. But that is really for the Government to have abandoned its responsibility. We are at least three years behind in having in place a flexible policy, well thought-out in relation to these civil aviation matters particularly when, without going to Jesus College or anything of the sort, and the average man on the street listening to CNN News could long have anticipated that the difficulties which we are having resulted from the collapse of Pan Am and Eastern we would have been confronted with.

Pan Am, Mr. Speaker, has been responsible for 12% of the arrivals here. When we lost that facility it created a major gap in the transport of visitors from the U.S. which is our principal market to Barbados. The fact that the Minister of Tourism, accompanied by others, went and spoke to Delta and others and have not thus far been successful, relates to the fact that these major airlines need lead time of at least 15 – 18 months before they can come to a new destination. That is only to emphasise the point that I am making that if, as a competent Government, which they are not, as an alert Government, which they are not, as a farsighted rather than a nearsighted Government, they would not have been having discussions bearing in mind that these major carriers need lead time of a minimum of 12 – 18 months before they can move to new destinations.

Now, there is something else. The major airlines; even though they are contracting in numbers, would long have been approaching the Barbados Government if Barbados was a proper destination and if Barbados was attractive. We have a fundamental problem that we have to address. Rather than our going to them and telling them that we would like them to come to Barbados – they have their analysts looking all around – they would have been approaching us saying that they would have liked to come to Barbados. The truth is that Barbados is no longer attractive to a large number of people out there in the marketplace, including the airlines, as a tourist destination. The product is not saleable in the marketplace in the way that it used to be.

The airlines do not find Barbados attractive either because the handling costs are high or the tax is high. The fares are reasonably high and you do not have a high profit margin on them. It seems that you have to arrive at an incentive package in relation to the airlines in order to get them here. You have to look at your landing fees, handling costs, the cost of servicing and the speed of turn around. All of these factors you have to look at. You may have to waive certain charges, provide certain incentives to ensure that Barbados can be attractive to the major carriers which are declining in number.

The other problem has to do with the fact that they cannot fill their planes in coming into Barbados. Something is fundamentally wrong with our product. Maybe it is the way it is being marketed. Whenever I am travelling abroad I am struck with the fact that I always seem to see the islands around me being advertised and promoted but I do not seem to see or hear of Barbados being promoted. When I check the major papers particularly on weekends where they devote a lot of time to leisure matters and travel, I seem to see a lot of the Bahamas, St. Lucia more and more, Aruba and Grenada, Jamaica for sure, but I am not seeing Barbados with the same prominence.

Marketing seems to be a problem. Perhaps we have been misplacing our concentration because we have done a lot of work in the eastern seaboard states but perhaps we have not done enough work in the sun belt in the United States of America. I know that the U.S. is not, perhaps, British Airways Mr. Speaker, but it remains our major market. We must make sure that we do everything to bring it back to high prominence.

We have to attack the Government, Mr. Speaker, for the mistaken policy of collapsing Caribbean Airways. Caribbean Airways, even though it costs the Government – I will not be long on this, Mr. Speaker...

Mr. SPEAKER: I am looking at the Addendum. It says "In accordance with section 5 of the Crown Lands (Vesting and Disposal) Act, Cap. 225 it is proposed,

subject to the approval of **Parliament** to lease to British Airways, PLC the parcel of land described in the Schedule to the Resolution for the purpose of the construction of an engineering facility to provide aircraft maintenance and ancillary office and storage space." In my view, yes, I could allow the kind of introduction but it is not fair to the Resolution itself. I **am** sure you are aware of the contents of the Resolution.

Dr. R. L. CHELTENHAM: I **am** grateful of the reminder, Sir, relating to the wording of the **Resolution**. It seems to me that there is some relationship between British Airways, and Caribbean Airways when both of them brought traffic from Europe. Now we are left with only British Airways which also brings traffic to Trinidad and Tobago, to St. Lucia and to Antigua – not to Barbados exclusively – and with British West Indian Airways. The point I make, Sir, is that it was a mistake for Barbados not to have kept Caribbean Airways in the air. It brought 50,000 visitors from Europe, and even though it cost us \$68 million a year by way of subsidy, it was a small price to pay for having some control of the movement of the traffic that came to Barbados. There is a strong case for Barbados to get a partner of international stature who already has a large experience and something to offer in that field, or alternatively, we have to start back Caribbean Airways. The policy in relation to civil aviation has been a bankrupt one. It reflects a lack of far-sightedness on the part of the Government and the fact that they have not been planning and have not been sensitive and alert to the developments that were long on the horizon and every schoolboy knew were likely to take place.

1.30 p.m.

Mr. Speaker, I am taking this opportunity to call for the Government to put in place a plan that will attract additional airlines to Barbados, a plan that will provide incentives and make Barbados attractive as a destination to major carriers. I am calling for the Government to announce a policy that will ensure that we have a judicious mix of charter operations and scheduled airlines. I am calling for the Government to revive Caribbean Airways or alternatively to get itself involved in some arrangement with a major carrier such as would allow us to have some control over the movement of passengers to Barbados rather than having to rely exclusively, and in the present environment, on others.

We on this side, Mr. Speaker, support this resolution but we feel, as I said at the outset, that a lot more needs to be done to make the airport attractive to use the space, both at Terminal 2 and at the present airport, to maximum advantage to delay the cost and the time when we will have to work on expanding the present airport.

I just want to make one final point before I sit down, Mr. Speaker, and it has got to do with the workers at the airport. It is a fact, Sir, that a large number of maids found employment at the airport in 1978 or thereabouts when the new facility was opened. Unfortunately, they were not appointed. They were **permanent/casuals** and that expression has come to be known in Barbados. For reasons unrelated to the demand for their services – **and** I notice that the Unions do not have anything to say about these matters – for reasons totally unrelated to the competence and efficiency of the workers and for the demand for their services at the airport, they have been kicked out and they **have** been replaced by others known to be close to and partial to the Democratic Labour Party, some of them after twelve years working at the airport. That is a cruel...

Asides.

Dr. R. L. CHELTENHAM: ... nobody was dismissed. There was need for new numbers in 1978. It is unfair and I am disappointed that the Honourable Member for St. Lucy should appear while sitting in his seat to be defending it. It is indefensible. I thought I would take this opportunity to speak up on behalf of those maids who in a dignified and honest way were earning their pay and supporting their families and who have been kicked out of the airport for reasons unrelated to their competence and the continuing demand for their services.

I thank you, Mr. Speaker.

Asides.

Hon. W. W. HALL: Mr. Speaker, Sir....

Mr. SPEAKER: Order, please, Order, please. Order, please. Have you risen to speak?

Asides.

Mr. SPEAKER: Just one moment. Can I have some silence, please. The Honourable Minister.

Hon. W. W. HALL: Mr. Speaker, first of all I rise to support this resolution and indeed, I think that some Members of the Opposition have given support for it. So, it seems to be non-contentious. This, however, is an opportunity for Members of the Opposition to talk about tourism. It seems to me, Sir, that for the past five years they have been unable to say anything about tourism except that it has been a good product. I believe that that could be understood by all and sundry. Simply, as I have said before, between 1979 and 1985 there was absolutely no growth in tourism in Barbados.

Miss B. A. MILLER: Mr. Speaker, Sir, I wouldn't like' the Honourable Minister to start off by misleading

this House. I can remember myself quoting the visitor arrival figures in this Honourable House time and time again showing the decrease. So it is not...

Asides.

Mr. SPEAKER: Order, please.

Miss B. A. MILLER: ... the decrease in the arrivals in Barbados. It is not that we have never said from this side anything, except about the product. We have talked about numbers in here time and time again.

Hon. W. W. HALL: Sir, the Shadow Minister for Tourism, as I was walking out, said words to the effect that we have had failures in tourism and made comparisons. In my view, Sir, comparisons are odious. I do not particularly have to make them. If you are going to mislead all of Barbados, I would then have to say that anyone with a modicum of commonsense could go and read, check the figures and they will see the story of tourism as it has unfolded for the last ten years. Anyone only has to read because as I understand it about 369,000 long-stay people came to Barbados in 1979 and by 1985 when I said there was no growth there were about 368,000. Since then...

Asides.

Hon. W. W. HALL: Let me tell you. I can give you the figures.

Mr. SPEAKER: No shouting across the Chamber.

Hon. W. W. HALL: Sir, in 1986, 369,790 long-stay visitors came here. I will get to the cruise ship too. In 1987, 421,000 came, in 1989 461,000, in 1990, 431,000 and in 1991, 394,000 came to Barbados. Never in the history of tourism under that Administration, Sir, has 394,000 people come here. It is analogous to a batsman getting 120, 120, 130 and 140 and because he made 102 the fifth time he is a failure. It is foolishness, Sir. I am saying that a Barbados Labour Party Administration has never been in power when they had the same amount of 394,000 people that we had last year.
1.40 p.m.

If I would turn to the cruise ships, Sir, by 1985 one hundred and twelve thousand short stay visitors came here and there has been an increase throughout this administration, Sir. Go and check them, I don't have to check them. They reached three hundred and ninety-two thousand people by 1991 and three hundred and sixty-two thousand by 1990. They are there and I am only just saying, Sir, that since they said that I was a failure I am just giving an account of my stewardship.

Look, let me tell you something. I can go anywhere including home. I don't have to pamper to anybody about

a job. Do you know who you are talking to? I have to let everybody know that. You are not talking to me. Sir, it is the quintessence of ignorance to say that the Gulf War did not affect, not only Barbados, but Caribbean people. We are not looking for excuses but it is a fact that:

- (a) the Gulf War,
- (b) the vagaries of the International economic order with recessions,
- (c) problems with airlifts, and I can enunciate these fully for days and months...

We can have problems with crime, reports of crime, headlines that say cholera, headlines that show crime all over the front pages, not recognising that these pages are faxed to the major capitals of the world. Because, Sir, there is an eight percent decline in the last year, they are talking about a chaotic situation in tourism.

Sir, just let me say this. In reply to the notion that we have not talked to airlines, just let me say that there is hardly a reputable airline that we, the Government of Barbados, have not spoken to. We have spoken to Lufthansa, we have spoken to Condor, we have spoken to Air France, we have spoken to US Air, we have spoken to Delta, to United Air, to BWIA, to BA. We have spoken to the lot but if you go to have discussions with them you hear your detractors saying you are out of the island too long. What have you gone for? Anytime, anyone who has had discussions with the airline principles ... The last time we went to Atlanta to speak to Delta someone wrote in the paper, ill-informed of course, that big boys went. Sir, when you are speaking to the principals of airlines they like to speak to people who have sufficient clout to make decisions.

Aside.

Hon. W. W. HALL: I can make decisions as they affect me, not as they affect him. I make the decisions that I have to make but there are certain decisions that you cannot make that you should make. When he was Prime Minister he was too tired. I often remark on how well he looks now he is out there languishing in the Opposition. He now looks good enough to heckle me, Sir. When he was Prime Minister he did not look good enough for...

Mr. SPEAKER: I would not consider that anyone heckles anybody in here. This is not a public meeting where people can heckle. I want you to understand that clearly. Anyone who heckles is in violation of the rules of this House and I will ask them to go. There cannot be any heckling.

Hon. W. W. HALL: Sir, I can hardly hear myself as I speak. I can hear from across the table, words that seem to...

Mr. SPEAKER: I quite agree with you and it is about time that Members start to observe the kind of decorum that is necessary and the kind of observance of behaviour patterns in a Chamber such as this. I agree with you. I am having difficulty myself in hearing you.

Hon. W. W. HALL: Sir, I am grateful for your comments because as a man who has sprung from the proletariat and has aspired to do some work on behalf of the people of Barbados and come into this august Chamber, sometimes I marvel at the things I hear spoken in aside. I know you may not hear, but I hear it down this end. Sir, I just wish to say that it is not true to say that the product in Barbados is a bad product.

Sir, as I have travelled I have seen and I have been living in hotels for a long time. It is an issue, because if you were to go to a place like **Aruba** where the hotel plant is a new one, it is planned and therefore they are able to do the things that are necessary.

In a plant like Barbados with 135 hotels, highly diversified, and Sir, let me say this to you that if you were to look at the South Coast Hotels – and I grew up in that area, Sir – very few of them were built as hotels, they were all houses. Even Southern Palms, Southern Palms was built by the Manager of Graeme Hall, it was one large house turned into a hotel and that is what has happened. We have had to spend a massive amount of money on the renovation and to make the product a worthwhile one.

Sir, it is not only a pretty hotel, it is not only a new hotel that is important in this industry. What is important is the quality of service. It is important when you give people value for money, the friendliness of the people, those are the things that are important.

Sir, it grieves me when I hear people, in trying to make a political point, just because there is an eight per cent decline in tourism arrivals long **stay** to talk about marketing and that there is trickery. I do not know anything about trickery, Sir, that has not been in my vocabulary since I was born. I don't know anything about trickery, trickery what. The problem is this, Sir, that whenever you go to talk to airlines you have to go into an agreement with them where there is some cooperative agreement, maybe they might put down a terminal as they did in Grenada. Maybe you would have to do cooperative advertising with them, things like this.

When we went into negotiations with Trump, it was imperative that we did that, simply because the demise of Eastern saw us losing fifty-one thousand seats. The

subsequent demise of Pan Am, another one hundred and thirty-six thousand seats. That is one hundred and eighty-one thousand non-stop seats. With only American Airlines who have one hundred and twenty-seven thousand seats, Sir, and British West Indian Airways with about fifty-one thousand seats it is obvious that if the Government did not seek to negotiate with some airlines or a series of airlines we would be in a position that if American Airlines ever had a strike we would be in real trouble. It is so obvious, Sir, and we proceeded to have discussion with Delta which I shall get to and now with Trump Airlines.

i.50 p.m.

Sir, as I said, I do not know about thirty-three. One point two million dollars – yes, that is true also \$600,000 by the Board of Tourism, the Government of Barbados \$300,000, \$300,000 by the Hotel Association and \$300,000 by TDC. Sir, even the Letter of Intent, Paragraph 30 said that there should be some consultation between private and public sector, Sir, within the Letter of Intent. Sir, in the last two years, the Barbados Hotel Association, TDC, and all of our social partners, people in the ancillary services and wherever, Sir, we have had the utmost cooperation from them. That is the way I think Barbados should be marketed by a combined effort between the public and private sector, Sir. If that is trickery then, Sir, well so let it be. But I know of no such thing, Sir. Six hundred thousand dollars, as it were, were split into three with the Government sort of paying half and the other two paying their half combined.

I just wish to say, Sir, as people open their mouths in terms of speaking things tourism, they think that it is a **numbers** game. You think that it is a numbers game, so that if ten people less came last year...

Aside.

Hon. W. W. HALL: No, no, I think that it has something to do with services. No, I go deeper than that, Sir. I do not think that because ten people came last year more than this year that the product is bad or the marketing **procedures** are bad. We have a planned strategy here that I can speak to with great authority. It is not to say that we have nothing to show. It is not to say that we have no creativity or no imagination. It is not that at all, Sir. If you telephoned British Airways or BWIA and you wish to go to any part of the world, the odds are that they may say they are full. You may go to the airport and be on **standby**. That does not necessarily mean, Sir, that is only coming out of Barbados. This is happening in Puerto Rico too in coming to Barbados. What happens is that when you get there 80 seats are free. Sir, can that be my fault? This has happened. It is happening all over the world. Those of us who travel, Sir, see this happening all of the time, that you phone up and they say to you that you can come along.

Listen, Sir, when British Airways has too many people travelling they will offer would-be travellers 250 pounds sterling plus accommodation for the night, Sir. That is what they do. They have to do these things to keep competitive, Sir. Over the years we have sharpened our competitive edge. I can tell you, Sir, that we have done that. We have actually embarked on a programme where we have involved the private sector. Never has the cooperation between public and private sector in the tourism industry been this good, Sir. Therefore, Sir, I think that it is unfair and opportunism for people sometimes to make statements that are not really in the interest of progress.

Talking about Trump, Sir, I have been told that Trump operates a 727 Boeing. They passed all the international transport tests that I know of, Sir. They seem to fly up-market people or top business people, Sir. This is my information. You have yours and I have mine. I do not understand that. They fly up-market people that are called "Yuppies". It is not my terminology. I am not that way inclined in calling people things. Sir, their average income is about \$105,000 and the average age is about 47. I say that, Sir, because I wish to paint a picture in your minds exactly the type of people that fly. That is what has been told to me, Sir.

Aside.

Hon. W. W. HALL: If they gamble, they gamble. If they go to Atlantic City to gamble, Sir, I am not aware. I do not know why they travel. We do not have any questionnaire here to ask people why they come to Barbados, although I have said why I think they should come, because we are friendly people and we are giving them good value for money. They are always saying, Sir, that whenever they come on a plane ten people get off here and a million go to St. Lucia. I have heard it said thousands of times, Sir. Yet, Sir, when you listen to those sentences, you would not believe that in 1990 159,000 long stay people went to St. Lucia and in 1991 164,000 people. We had 394,000 people, Sir. Look at our plant. Look at our infrastructure. Look at the training that we have done in the hotel sector, Sir. Look at the training that we have done from the top to the bottom. We are training in middle management and in all ancillary sectors.

Aside.

Mr. SPEAKER: Order please.

Hon. W. W. HALL: The Board of Tourism only today won a top award for training. Sir, we train in many areas in Barbadian and international cuisine. We train people in terms of front room and reception, in your area, Sir, in housekeeping, and junior and upper management. The tourism plant has had myriad problems.

Aside.

Hon. W. W. HALL: I have always been a big problem to you. Sir, I am saying that it is ridiculous for people to say the things that they say just because they feel that it sounds nice today, February 11, 1992.

Sir, I shall now wind up but I will just say that we are putting in place now a marketing plan. I tell you, Sir, that two years ago I came in here with a 17 point marketing plan that nobody has touched. Even they editorialized it and said that there is nothing that you can say about it. The only thing is to put it in place. Sometimes we cannot put things in place because we have not got the money, Sir. That is the point. But it is not true to say that we do not spend any money. Last year we spent \$4 million in advertising in the United States, Sir.

Aside.

Hon. W. W. HALL: I know it is not a lot, Mr. Speaker. I know that it is not a lot. I am aware that it is not a lot because Saddles in Jamaica spent U.S. \$12 million and he only has three hotels, Sir. So what do you want me to do for \$12 million? Do you want me to walk the streets? Mr. Speaker, Sir, during Estimates we come in here year after year and we talk of the monies that are voted for Tourism. Sir, we need the money. They have 18 offices in the United States.

Aside.

Mr. SPEAKER: I cannot accept Members' behaviour like that.

Hon. W. W. HALL: Sir, I do not know but I attract the Honourable Member for the City as honey attracts a bee.

Mr. SPEAKER: Two Honourable Members are on their feet.

Miss B. A. MILLER: On a point of order, Sir. He cannot help it. I know that he loves me. But he cannot hide from this back page in the newspaper today.
2.00 p.m.

Hon. W. W. HALL: I hoped that she would not go into that trap, Sir.

Mr. SPEAKER: The Honourable Member.

Hon. W. W. HALL: I had hoped that the Honourable Member for the City would not allude to the back page headline.

Mr. SPEAKER: She cannot allude, she cannot use it as evidence in this Chamber.

Hon. W. W. HALL: I agree, Sir. It is a pity that one has not got a few hours...

Mr. SPEAKER: No, because I have already said that I will not allow the debate to go beyond the questions that were asked, which I allowed the Honourable Members on the other side to ask.

Hon. W. W. HALL: I am winding up, Sir, by simply saying that it is not to say that we are ignorant, as someone said. In fact, in things tourism, in the state of the art, we are rather enlightened. What is more, people look to the leadership of Barbados in many fora throughout the world. They do, Sir, in things tourism. I can only talk about tourism, Sir. We have broad objectives, we have specific objectives, we have short term, medium term or long term objectives, and what is more, as I said earlier, a place like the Bahamas with 18 offices – we may have five or six people – ...

Asides.

Hon. W. W. HALL: Sir, I cannot hear again. I am now attracting men. I don't understand it, Sir. We will get into the non-traditional areas, we will continue to go into the traditional areas, for instance, like the north east corner of the United States, we will go into Canada, we will go into Europe which is one place where Barbados is a leader. I will say this, we will penetrate continental Europe and others will follow.

It is true that airlift has been our problem, and the Opposition knows that. I shall not go into any arguments that delve into the realms of mediocrity, I am not getting into that sort of mediocre argument, I am talking about something enlightened. I am saying that airlift has been a problem in Barbados for many years. Having said that, I just wish to say that we will continue to pursue the bold policy initiatives which will move Barbados away from an island that used to think in terms of sun, sand and surf. We will go into the bold policy initiatives of golf, marinas and business incentive groups. These are very enlightened areas, I say, they will not really entertain your mind. Golf courses and things like that do not come within a month, Sir, there is land use policy that must be understood.

Asides.

Hon. W. W. HALL: Sir, I have never been known to do anything else but talk sense, and therefore I say a land use policy in terms of golf courses and things like that you do not get in one day or two months. These are the areas that we will continue to pursue, these are the areas that will continue to make Barbados the number one destination in

the Caribbean, and definitely one of the best destinations in the world.

I am so sorry I have no more time, but at any given time I will stand ready to explain exactly these initiatives that we have here spelt out. What is more, I will give the Opposition a copy of the marketing strategy of the Government of Barbados as it relates to tourism..

I have little difficulty, Sir, in supporting the Resolution.

Mr. SPEAKER: I just want to warn Honourable Members. The Minister cannot speak again, the Minister cannot speak twice in a debate. It is clear that I will not be allowing the debate to go beyond where it has gone, since the Minister cannot speak twice. I think this is fair.

Mr. H. deB. FORDE: Mr. Speaker, am I understanding you to be saying that the Minister was winding up?

Mr. SPEAKER: No, I am not saying that. What I was saying is that it appears to me the scope I gave in the debate tended to be to the Minister in that respect.

Mr. H. deB. FORDE: Sir, this is very important for the conduct of the debate after lunch. The fact that the Minister chose to *spea*k then, with all due respect, cannot limit the freedom of persons to speak.

Mr. SPEAKER: I am not saying that, what I am saying is I want Members to remember that so that I will have in my mind the context of the Resolution before me. That is all I am saying.

Mr. H. deB. FORDE: Yes, but the Minister has to be replied to, and will be replied to.

Hon. B. M. TAITT: Sir, the time is now five minutes past 2.00 o'clock. I understand Your Honour to be saying that having allowed the debate on the acquisition of land to extend to areas that included tourism, you find it was only fair that the Minister should have had a chance to speak, but that when we come back we will be reconfined to Grantley Adams Airport. That is my understanding, Sir.

Mr. SPEAKER: I don't think that is what I intended to say.

SUSPENSION OF SITTING

Hon. B. M. TAITT: Sir, I beg to move that this sitting be now suspended until 3.00 o'clock.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

2.08 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Hon. H. B. ST. JOHN: Mr. Speaker, Sir, no discussion on the lease of land at Grantley Adams International Airport can take place without an examination of the importance of civil aviation in the economy of Barbados and by extension tourism and its role in the economy. Grantley Adams International Airport represents a tremendous amount of public investment on the part of successive governments in Barbados, and it is appropriate at this particular period of time that the Government and this House, and indeed, the population as a whole, pay some regard to the future role that this public investment is likely to play in the last part of this century. I hope that I will not hear that the advocates of privatisation have won the day in this respect and that Grantley Adams International Airport and the land surrounding it goes on the auction block in the same manner in which other government assets go.

Today, it is important that a policy be announced that it is the view of the Government of Barbados that this is one area of the economy which should not in the national interest be placed on the auction block. That is not to say, Sir, that there is not a major role for private enterprise to play in the delivery of services which an international airport complex of the kind that we have at Grantley Adams International Airport is required to provide. Indeed, the **infrastructural** development that has taken place there has been predicated upon the assumption that there will be users of the facilities who in turn will pay rents or fees to the Government and at the same time carry on activities which permit them to sell services to other people who are in need of services. Hence, at the airport you will find that there are a large number of enterprises which provide these services, not only in handling of aircraft, in the selling of goods and services to passengers but in a variety of other areas.

It is important too, that we recognise that it is likely to be highly improbable that any future government would undertake to build a terminal building in the same manner as previous governments have had to do when they built the new terminal at the airport. I think the time has come when the airport is sufficiently well known internationally and the demand for it is sufficient that in future we would be able to do like many other cities and countries in the world, that is, to offer land space for airlines themselves to build such terminal buildings as they want. This is not a new position, but this is a position that was well taken in

the other branch of the legislature as long ago as, I believe, in the period 1971 to 1976.

The report that the Honourable Minister adverted to in his opening remarks unfortunately is not a public document. There has not been much circulation given to the viewpoints that are expressed in the **report**. I have never seen one, but quite apart from that fact, Sir, today, having reached the stage we have reached, we have to consider whether it is not in our best interests that we decide to let it be known to one and all that Barbados is of the view that if new **terminal** space is to be built from scratch as opposed to conversion of existing terminal space that that will be the responsibility of the airlines whether singly or collectively. That is an important point that we have to decide upon.

I know, Sir, that I certainly have been a strong advocate of the view that we have been slow to market some of the virtues and some of the attractions of the airport internationally. Today the civil aviation authorities and airport owners all over the world market their airports and facilities as part and parcel of a business effort to attract customers to the airport. I believe that, given the scenario that is developing in the world airline industry in which once again we are moving in a position in which in many countries of the world there will be a relatively small number of what are called **mega-carriers** in existence as opposed to the situation in which there is a large number of carriers in each country, that more and more there will be competition to attract these airlines to the particular areas.

Barbados stands out in the eastern Caribbean as being an ideal location for being a hub despite all that has been said, despite all the investments that have taken place. The truth of the fact is that Barbados in the eastern Caribbean is a true and genuine, attractive, international hub. That means also in the context of changes that are taking place in the aviation business that a policy has to be developed to ensure that the maximum use is made of the airport. I know, Sir, that an aviation policy has therefore got to undergo a change. There was a time when it was the policy of the Governments of Barbados to **make** sure that a maximum level of protection was given either to the national carrier or to the regional carriers that Barbados had an investment in, either directly or indirectly, namely LIAT, in which we have a direct investment and BWIA in which we have an indirect investment. I am all in favour of a reasonable measure of protection in this area.

However, I want to make it clear, Sir, that I feel that in the discussion of our aviation policy and the discussion of utilisation of the land at the airport that it must be well known that this policy of providing this special protection is under review. I believe that consideration should be given, given the intimate dependence that we in

Barbados have on tourism and in turn its dependence on aviation, to the question of whether we are not going to adopt what is called an open sky policy, that is, that we are not going to try to exploit to the hilt our geographical connection and our facilities that we have already invested in and that we are going to permit as many airlines to use those facilities from Barbados as possible. The way how development is taking place now, there is interest in Barbados, not only from within the Caribbean but there is interest from Europe, from parts of North America and above all there has got to be interest from South America.

So, our policy in relation to protection has now to be redefined in the light of these new matters. As the Honourable Member for the City has said, with a unified Europe, in which all of the barriers, all of the cabotage rules and all of the rules of protection within the national barriers that under the competition rules of Europe now have been removed, there is freedom to compete, freedom to merge and things of that kind, and there is likely to emerge an aviation scenario in which there are few major European carriers fighting for the market share. It is in our interest to ensure that we attract as many of them as possible.

I hope that the aviation authorities in Barbados will make it their business to market the facilities at the airport in much the same way as they try to market the facilities at the port and in much the same way as they try to market the facilities in the hotel sector in Barbados.
3.25 p.m.

The other area that I want to talk about is how this is going to impinge upon the carriers in the Caribbean, that is, LIAT and BWIA. I know today it is now increasingly recognised that it is impossible for us to have that degree of control over the tourist industry in Barbados and in the Caribbean that we would like without the Governments in the area having some interest in some kind of an airline to ensure that when the situation develops like what has developed recently in relation to North America, that we do not find ourselves in a position in which we have to go out and attract at the last minute replacements for the seats that we have lost. That means that we have to be able to make up our minds that this area of the economy is one in which, despite all of the current theories about the role of Government, it is vital to the economic survival of these countries. Investments may well have to take place in this area of ensuring that there is an adequate transport mechanism in the form of airlines to ensure that we get tourists to our island.

No one can take that decision for you. That is a decision that the Government has to take in the light of the dependence that our economies have now on the tourist industry. There is no question or doubt about it, that whenever there is a decline in tourism there is a decline in

foreign exchange in the country, unemployment and the standard of living. The situation is worse now because whereas before the role of tourism was to some extent not as great as it is now, because with agriculture and manufacturing exports being reduced to the level that they have reached, the role of tourism has increased tremendously. That is why when I hear the Honourable Minister of Tourism making a statement about the numbers and how great the numbers are, I say, yes, but underlying it all the impact of the reduction in the numbers is more pervasive today than it ever was. That is a very important point.

The second point is, and this is very important, this is the first time that we find ourselves in a position in which we are losing visitors from North America, Canada and the United States when our currency which is tied to that was always regarded as not affecting our capacity to sell in those territories. In the earlier periods of the 1980s when we had our difficulties we knew that the rise in the American dollar made it more expensive for the Europeans to come here. Now with the drop in the American dollar we are getting more Europeans but at the same time we are losing people from North America. That is a matter that has to be studied.

I also want to emphasise that while we are supporting this Resolution to lease this land to British Airways, we on this side have very clear and definite ideas about the importance of the airport and the surrounding areas in the scheme of foreign exchange earning capacity of Barbados. We also want to make it clear that we have very definite ideas about the role of the Government and investment in the expansion of facilities there.

We have very clear and definite ideas about private enterprise having a major role to play in the provision of services there. But we also understand in the context of these economies that this is an area that is so important to us all that we still recognise that there is a role for Government to play in ensuring that Barbados has adequate seat capacity available from the source of our visitors to Barbados.

Now, Sir, that brings me to the last point that I want to make. I am surprised that so far in the debate in our circling this matter, little attention has been paid to the fact that it would have been possible for us to get better value for the money that we have expended in getting airline capacity from North America. I cannot understand why it was impossible for us, with that \$1.2 million which was admitted on the Floor of this House to have been spent, to have made a deal with BWIA to get better capacity. I do not understand that. Here it is we have an airline which uses the Airport and has over the course of the last three or four years at long last understood that its viability is dependent upon a very close working relationship with

Barbados, and that both the Government and the private sector of Barbados also are dependent upon them. They have also understood that with all of the efforts made to promote this concept of the Eastern Caribbean as a genuine airline hub, from Antigua down – when I talk about the Eastern Caribbean I exclude Jamaica – it means that unless we have in existence a viable, well-managed and well-equipped airline company, we cannot possibly expect to compete with the rest of our competitors in the Caribbean, that is mostly Jamaica, the Dominican Republic and all, who have their own machinery. We must have in existence such a company to ensure that our tourist industry is not as dependent upon foreign carriers as it is, that unless we can move towards that – I hope that the Honourable Minister will make it clear, together with the Minister of Civil Aviation, that these are matters to which there is almost a bipartisan approach; and now we have said what our position is I would like to hear the Honourable Minister or somebody from the other side say what their position is – I really want to know, Sir, how it is we could not make a deal on this thing. When you hear and think that we are going to be using for \$1.2 million an airline company which has no reputation as an international carrier and is known as a domestic shuttle carrier, that is what puzzles me.

3.35 p.m.

I heard that we had lost a number of seats with the collapse of PAN AM, both from Miami and from New York. This is what really disturbs me. When I heard that this successor was going to come direct from New York, little did I then know that this is not coming direct from New York. This is coming New York/Miami/Barbados. This is what amazes me. This is not coming New York/Barbados and Miami/Barbados. That is what puzzles me about it. Because it seems to me, that for \$1.2 million, it would have paid us better to see if we could have made arrangements whereby, instead of having a stretched DC9 coming direct from New York to Barbados, we could have arranged, on a joint lease basis, to have a larger BWIA aircraft coming direct to Barbados from New York and a larger aircraft from Miami to Barbados.

When the Opposition says that we find some of their policies and decisions inscrutable, that is what we are talking about. We find that difficult to understand. I agree that this is not the appropriate occasion for us to debate aviation. I would not want to do so without the Minister of Aviation being present. I want the opportunity to debate aviation when the Minister of Aviation is present. I really want that opportunity.

But I want to say, Sir, that we could not allow this occasion to pass without making these points because they are of importance and we wish to let it be known very clearly that this Opposition has very clear and definite

ideas as to where it wants to see the aviation industry in Barbados and the policies that we would like to have.

Mr. H. deB. FORDE: Mr. Speaker, Sir, there is no doubt that the Opposition would support any measure which is calculated to strengthen the service sectors of the economy. We hold a view that the service sectors offer at this time in particular the best opportunity for earning foreign exchange hastily and unless we earn foreign exchange in greater measure and at a greater pace, the economic future of Barbados for the balance of this century will be grim indeed. Therefore the Opposition is supporting the measure to give the assurance to a major international airline that it can develop its business in Barbados well knowing that if there is a change of Government, it will not be carted out from the Grantley Adams International Airport. So that the measure has bi-partisan support.

When we are talking about the future of aviation, we would do best to look back very quickly at what has happened with international air services in the last few years. The Act of 1978 of the Federal Government of the United States signalled for most international air carriers that the period of deregulation had arrived. But I think that the goals envisaged by the persons who brought that legislation on to the statute book of the United States have not been achieved between 1978 and now. Instead of their being a larger number of carriers one has witnessed a merger of airlines both in the United States and elsewhere and particularly of the larger air carriers. One has also witnessed the significant increase in the number of passengers being carried by major airlines and the death of smaller air carriers and indeed also the fall-off in the number of passengers they have carried. The changes have also not always seen the decrease in air fares that one had hoped would have occurred from a rationalization and deregulation of the airline industry. These changes have a significant development for Barbados. I have often had the impression in this House, in the last few years, that the Government of the day has not monitored properly the changes and that at times not given a timely response to the changes that were taking place and have often not recognized the necessity for a revamping of policy, by the Government, and the taking of quick action to deal with the problems that have occurred.

Sir, this is particularly illustrated by the panic reaction coming from the Government with the collapse of Pan American Airways recently. In fact I listened very carefully to the Minister of Tourism when he spoke about what the Government was doing and he said that himself and the Minister of Aviation and what he called the big boys had run up to the States and had spoken to Air France, Delta, BWIA and what not. But when did they speak? How did they forecast and could foresee what was going on in this field and took preventative action rather than reacting later in the day to the events that have already occurred?

People knew that Eastern was on its last breath for many years and the signals for PAN AM were there to be seen for many years, and a well justified stricture of this Government is that very little was done within that time to look for alternative carriers and actively to promote a wider position to the open style, a change in policy about open style.

In fact, I must again attack the Minister, on the basis that running to Trump was a last minute reaction on his part and on the part of the Government. These are justified criticisms. The Government cannot be a Government in this very vital area that acts on the spur of the moment only after events have occurred. Tourism is too vital to the future for the Government not to be ahead in the marketplace in all aspects of tourism. The sad picture is that it is not. The Minister is not going to get away with it by merely citing figures that say in the last few years, other than in the last two years, he had a significant increase in numbers and boasting that at no time during the Labour Party Government were 394 000 tourists brought to the island, as though this is a big achievement. If the Honourable Member knew how to use statistics properly he would note that there were periods of increase and growth in the pattern of Barbados' tourist arrivals over a period of time. What is significant is that we have not got our fair share of the market in the Caribbean. Indeed we have lost market share and particularly in the two most important parts of our market – United States and Canada. One of the significant reasons why we have lost market share in that area is because our promotion and marketing efforts have not been up to scratch.

3.45 p.m.

Likewise, Mr. Speaker, we have failed miserably in monitoring the development of Civil Aviation changes within that market. The Honourable Member in the Government should be happy that they have been the beneficiaries of two significant developments. One is the foresight of the Honourable Member for Christ Church South and his then Parliamentary Secretary, Mr. Leroy Sissett in developing and promoting the cruise ship industry.

The Honourable Minister just throws out figures without recognising that that calls for planning and foresight and he is now the beneficiary of that. The other thing he is the beneficiary of, Sir, he is the beneficiary of the fact that our currency as against European currencies has fallen and therefore the significant increase in tourist numbers has been out of Europe. We must really analyse these factors to see how well we have done. There is no point coming in here and boasting of numbers without analysing the statistics and a cold analysis of the statistics shows that the Honourable Member has been lucky. He has sat down and things have fallen into his hands but he really has not developed, in his Ministry, any proper policy or

long term policy 'in linking civil aviation into tourism promotion.

The Government cannot get away with just figures and saying how well we have done. They must understand that, Sir. I am saying that whilst we have been the beneficiaries of these two sets of circumstances, those circumstances are changing and changing significantly. I would have expected the Government, in this debate, to have taken the opportunity at least to have outlined Government's thinking and policy in relation to the events in Europe and its significance for tourism and for Civil Aviation in Barbados.

One thing which is certain, Sir, is that Martinique and Guadeloupe and the other departments of European territories will become of increasing importance for European airlines. These airlines will be seeking to establish direct services to the Caribbean, using their overseas territories as hubs. I would expect that France's first choice would be Martinique or Guadeloupe. I would expect that KLM's first choice would be Curacao or Aruba. Nothing is wrong with that, to answer the Honourable Member for St. Lucy. Nothing new, except the Government can't see it and can't read its significance. He has asked what is new.

Sir, it is also significant that in the context of United States, American's first choice is Puerto Rico and the Government must therefore have been very active in trying to promote Barbados as a hub for airlines with whom we have had long association. In this regard British Airways comes to mind, but also we must at the same time, support very strongly the retention, expansion, recapitalisation and development of British West Indian Airways. We must be in a position as well, Mr. Speaker, to make use of the fact that European Airlines may well use countries around and near us as central points for distributing passengers throughout the region. Therefore our infrastructural and other arrangements at Grantley Adams must be in place and up to scratch to have the benefit of the developments in Europe.

Sir, roughly 14 per cent of the tourist coming to the Caribbean are out of Europe. It is a growing percentage. I would say that with a single European market it would have to grow significantly to be as much as 25 per cent, by the turn of the century, of all tourists coming into the Caribbean. We must be ahead of this. We also must recognise that unless we are actively promoting ourselves as a likely hub that we will lose out to our main competitors in the English speaking Caribbean.

Honourable Members who have spoken on this side have emphasised that St. Lucia is a prime competitor but it is not only St. Lucia; there is Antigua and Barbuda as well. What is significant is that Antigua and Barbuda are

at present attracting more international carriers than we have been able to maintain at Grantley Adams, despite the fact that Grantley Adams infrastructurally is better run than Vere Bird International. We must ask ourselves why. American Airlines, Lufthansa, Continental, to name only three and Air Canada of course is their fourth. They are ahead of us in this promotion game and we either are going to be a step ahead of them or we are going to use the opportunity to go for marketing the Caribbean as a whole and look for the spin off benefits.

We must also be conscious, 'Sir, that if we are dependent only on a limited number of airlines we are vulnerable whenever an airline folds up or ceases to service the particular destination.

The Honourable Member for the City has cited the case of British Airways ceasing service in the Bahamas. There is also the example of the American Airlines ceasing to service Curacao, and then there is the example of the American Airlines now using Puerto Rico as a hub and stopping direct flights into Barbados. There are lessons from these things for us and one of the lessons we must draw is that within the Caribbean we have to rationalise our own carriers, we have to recapitalise them, and we have to manage them better.

The Honourable Member said *sotto voce*, "And make them truly caribbean carriers". I agree with that. This is not the time nor the opportunity for me to expand this debate.

Mr. SPEAKER: I was waiting for the Honourable Member to remind me, as well. I am sure you are reminding yourself. I have never had much problems with your cooperation but I think you can keep a little closer to the debate.

Mr. H. deB. FORDE: No, Sir, it is not the time for me to expand for an attack on the Heads of Government but I will do that in due course, Sir, because we are dilly dallying too much in the Caribbean with dealing with vital sectors that are affecting the livelihood of people and Civil Aviation is one.
3.55 p.m.

Civil aviation is a very serious one, Sir, that we have to deal with. I am concerned, Sir, about the growing dominance which a few carriers are having on the market place and the fact that unless we are able to plan against this we are going to find our vital industry in the hands of one or two external carriers who could hold us up to ransom, Sir.

I want a moment, Sir, to challenge the Government on this issue. The Government is making a song and dance about running to Trump. Other Members have spoken about Trump. I am not going to go again over what they

have said. I will focus however on the difference in the Government's approach to Trump and its reaction to the legitimate request of British West Indian Airways.

Mr. SPEAKER: I do not think that this is an opportune time for that kind of debate.

Mr. H. deB. FORDE: Well, I am going to do it in relation to British Airways, Sir.

Mr. SPEAKER: I would like you to do it in relation to BA.

Mr. H. deB. FORDE: Well, I am doing it in relation to that, Mr. Speaker. Do not anticipate me with respect, Sir.

Mr. SPEAKER: No, I am not anticipating you. But I am just making sure.

Mr. H. deB. FORDE: Well, Mr. Speaker, you must not anticipate me. I have been in the House long enough to understand the Rules, Sir.

Aside.

Mr. SPEAKER: No, I can come to his rescue. I think he will get marks for that. But I am sure that we do not want to get into that kind of debate at this particular point in time.

Mr. H. deB. FORDE: Mr. Speaker, the Government will come with this Resolution to provide space for British Airways at the airport. The Government had a request from British West Indian Airways for additional counter space with the folding up of Pan Am. Ask the Government if it has reacted yet to that request. The point is space at Grantley Adams International Airport, Sir. The point is, ask the Government.

It is a fact that BWIA, the regional airline, would have been glad to have responded rapidly to the void being left by the folding up of Pan Am and others.

Aside.

Mr. H. deB. FORDE: Sir, as compared with BA and others, they still have the biggest market shares as a carrier from overseas into this market and they still concentrate on this market. The Government must also tell what incentives and facilities it was prepared to make available to the regional carrier in order to give us an advantage at this time, Sir.

I make no boast in saying that I prefer the home drums that will beat for us. Members may agree with that or not. That is one of the reasons why I say that we have

to be ahead in policy in deciding whether there is not a role, not only for the extra regional carriers such as British Airways to play at the airport, but a very vital and important role for the other carriers, particularly our own domestic carriers to play as well in the future of maintaining a proper level of space for those people who have to come to Barbados either on holiday or to do business here in Barbados as well, Sir.

The final point that I want to make, Sir, relates to the facilities at the airport in general. Sometimes I am not sure about how we are rationalising not only the use of the land, if the Honourable Member wants to place that within the context of land, on which we have built the airport but also the land surrounding the airport. Let me give you an example, Mr. Speaker. Last year and I think it may be the year before, the Government was announcing plans to construct a factory for gin and cotton to the east of the airport in what is obviously from a land use position our future development of Grantley Adams International Airport. Ask the Government if it has any long term planning for this. This is a fact. The Honourable Member is laughing. You all did not know that. The Honourable Member for St. Michael West is asking the Minister of Housing to inform him, Sir. You see he does not know what is going on.

Hon. B. M. TAITT: On a point of order, Sir. The Honourable Member is misleading the House. We know that he has powers of imagination but they do not stretch that far. He does not know what I am discussing, Sir. I did not ask the Minister anything about any lease, Sir. I am not listening to him, Sir.

Mr. H. deB. FORDE: The Honourable Member might be protesting, Sir, but it could be heard quite loudly even outside on the loud speakers coming right back here in the House. But for his information so that he will know, this was a definite proposal and, indeed were it not for the untimely intervention of one particular Minister, they would have gone ahead spending money on constructing a factory in an area that was obviously needed for the future development of the airport. Now the error was even compounded when the Right Honourable Member for St. Michael South spoke of how they had these plans for the development of cotton and what not. It shows that the Government's planning is slipshod. We must make sure that the Spencers area and the areas surrounding the Grantley Adams International Airport are not going to be crowded out with usages that are not civil aviation and tourism related. Whatever we do, that should be a basic land use policy because we have to look not to just next year or the year after, but we have to have a vision for Barbados down through the centuries. If we have chosen to put such a tremendous investment at the Grantley Adams International Airport, then any use around there must be compatible with that primary use. It is my submission that

to talk about the construction of a factory for ginning cotton or anything on that side of the airport would be a mistake.

I am glad that the planning has reversed that situation now and I understand that it is now made quite clear that that use will be maintained. I hope that we will not have these types of proposals which will confuse the tremendous potential use of that area for the future development of civil aviation, Sir.

4.05 p.m.

The Government is now inviting tenders, I believe, for a feasibility study, Mr. Speaker, for the future expansion of the Grantley Adams International Airport. I believe that the funds are to be provided by the Caribbean Development Bank and the first phase of the feasibility study should be done in the next year to 18 months. I would hope that that study would advert to some of the points which have come out of this debate and some of the substantive arguments put up by Honourable Members on this side for the rationalisation of civil aviation and for the future development of the tourist sector in so far as Grantley Adams International Airport has a role to play in that development.

Whilst we are supporting the Resolution, we are doing so against the background in which we are saying that more timely action is called for on the part of the Government, that the Government needs to have a wider perspective for the future development of civil aviation and tourism in the area and that our internal structures must be brought up to date and streamlined, whether it is in the area of transit arrangements, whether it is in the area of servicing aircraft or whether it is even in the area of our immigration procedures. Barbados, to be ahead, must look ahead, get ahead and stay ahead. If we can't do that, Sir, I regret that we would be on the back burner at the turn of the century.

Hon. B. M. TAITT: Mr. Speaker, Sir, I am going to join this debate not to speak at length because it is only the acquisition or lease or a bit of land to British Airways, but enough has been said. I am grateful to the Honourable Member for Christ Church South for bringing the debate back on course. I have been in Parliament with him for a very long time and it is not difficult to recognise when he makes a contribution that is valid, so I am grateful to him for bringing the debate back on course and particularly for recognising that it is not proper to have a civil aviation debate when the Minister responsible for civil aviation is not in his chair. So I do not propose to use your good offices to extend this debate. I have no doubt whatsoever that at the appropriate time, and not long from now, that the substantive Minister will welcome a debate of civil aviation in Barbados because it is important to the livelihood and well-being of this country as we move

toward the end of this century and look toward the 21st century.

What can be said, however, is that in making these facilities available to British Airways, Barbados is recognising its responsibility to that airline and understanding the point that has been made, or attempted to be made, that we have to cater to those few airlines that are left, thanks to the attitude of the United States authorities who, in a knee jerk reaction, in a wild moment of the worshipping of a particular philosophy, **deregularised** everything in sight and they now are able to recognise the full fruits of what has happened, and when you have an institution like Pan American Airways – because Pan American Airways was an institution of the western world – having a cropper in such a sudden and untimely manner. Even though the signals had been sent and the signs might have been there that the airline was faltering, the fact is that private sector organisations in the United States have faltered in the past and had been propped up by the United States Government, and so the full extent of their inefficiency had not been brought to bear in the real world. On this occasion, because of what had passed in the months before and the years before, and because of the deep recession that is very near a depression that is now going on in the United States, it was not possible for the United States Government to come to the rescue of Pan American Airways because, Sir, they have committed themselves massively to bail out **another** private sector organisation in what has been dubbed by the pundits as the S & L scandal.

This whole question of what will happen to airlines is not a matter for speculation by us in Barbados, who have a tendency from time to time to feel that the sun rises and sets around Barbados and therefore we are the only ones who have views on what matters. The truth is, Sir, that as we discovered with Caribbean Airways – and I allude very lightly to what the Honourable Member for St. Joseph had to say – Caribbean Airways formed the basis of a sustained attack on the squandering of funds in this country. Many of those persons who hold themselves up to be the paragons of journalistic virtue use Caribbean Airways as an indication of how money ought not to be spent by the Government, and it is passing strange that we would hear today, in an almost schizophrenic misunderstanding, or perhaps understanding, of the issue, deliberately to forget that the massive amount of money expended to keep Caribbean Airways as an entity **has** been the basis of substantial argument and debate in this country. The decision to bring Caribbean Airways to a blessed end after the dispensation of some \$70 million was welcomed by all and sundry who participate in what is euphemistically called the economic debate in Barbados.

Let us get our position straight. Caribbean Airways is about aeroplanes. Barbados does not manufacture

aeroplanes, as indeed Trinidad and Tobago does not manufacture aeroplanes, and therefore in order to provide the transport service that would be of assistance to our tourism industry in the macro economy of Barbados, or in the case of Trinidad and Tobago using BWIA, it must be understood by the polity that a substantial loss in numbers must occur. If we are to have an **airline-over** which we have jurisdiction, it can only occur as happens in Jamaica where the Government of Jamaica has consciously decided that the numbers in the profit and loss account will not be taken per se but would be related to the total economy of the country'. Unless there is going to be bipartisan understanding that the revival of Caribbean Airways will not be a football to be used by those who are in the private sector, who can only see in black and white and do not always understand how important and how intricate are some of the decisions which have to be made. Unless that is understood and unless there is a kind of creed that is going to announce to the world that we are going to be reviving this for the purpose of our tourism industry only, then it is small **talk** only to talk about the revival of Caribbean Airways.

4.15 p.m.

On the question of BWIA, Sir, the difference is not far. BWIA is an airline that has had \$100 million in debt as part of its baggage whenever there is a discussion of BWIA. When the Honourable Leader of the Opposition talks about BWIA as the regional carrier, he has to also acknowledge that BWIA can say how much they wish to fill the void left by Pan American airlines but that is all they can do. BWIA has in many respects put itself into areas to provide services which if one looks at its equipment one will know that it will only fulfil those services with the best luck in the world and even then, only sometimes. It is one thing to say that you would like to have a particular route. It is another thing to have the equipment to service that route. Hence, those persons who might quarrel about the coming of Trump, who raise questions about the kind of equipment that Trump has, those persons can raise those questions legitimately. However, what has to be recognised is that when Pan American left Barbados it was important that the authorities in the Government seek to find a way to give persons the ability to come to Barbados and if Trump was the only viable moving airline that could fulfil part of that void whatever may be the shortcomings of the decision it has to be accepted that it was and is an attempt to satisfy a need that is not only perceived but is **real**. So, if Trump is using 727s to come into Barbados, as the Honourable Member said, those 727s nonetheless are 727s that would have been approved by the Civil Aeronautics Board and all of the other agencies that have to give authority to an airline flying a route such as the one between the United States - New York – and Barbados.

Mr. Speaker, I want to concentrate, however, on the issue of the attractiveness of the airport. It is important

that the Government accepts the responsibility to make the airport as attractive as possible to potential users of the airport whether those users **are** the tourists who are coming through, whether there are new airlines or old airlines which we wish to **stay** here or whether it is some combination thereof. I suspect that the Government has been manfully trying to fulfil this commitment. I do not accept the suggestion that Terminal 2 should be used in the way which was suggested by Honourable Members although I think their right to recommend that is not in question. The problem with the suggestions for using Terminal 2 for passengers who are coming by charter is that there is a fallacy in its argument because the passengers who arrive by charter are no less passengers than those who come by scheduled airlines. In fact, the people who come by charter are to be wooed even more than those who come by scheduled airlines.

The salvation of Barbados over the next five to fifteen years relies in some very well organised charters coming into this country from selected markets over time. I recall very well that when we first explored the possibility of bringing Air Tours Charter here that there were some well-meaning people, most of them, who wondered at the quality of person we would bring. But the truth is that many of the discerning travellers in the United States, United Kingdom and the other serious markets prefer to spend their money at the destination and to use as little of it for transportation as possible. That is why even during the winter, the Honourable Member, the Minister of Tourism, has been able to attract charters out of Italy, charters out of Germany, charters of a very high level - high quality tourists who are prepared to pay small monies to visit Barbados and use the monies which they have, and many of them are well-heeled, to enjoy a quality of life for the two or four weeks, or in some cases six weeks which they spend here.

What we have to do is to enhance the quality of the airport itself not only in terms of the physical arrangements but in terms of the people who work there, whether they work as red caps, whether they work as customs people, whether they work as immigration people. We have to spend time upgrading the quality of those persons so that people who come to the airport can **feel** that Barbados is genuinely interested in welcoming them and having them come back again. I fear, Mr. Speaker, that that is not always the case. There is a very sad situation in this country where people call for discipline but any time that someone has to be disciplined, an almost contretemps must arise - a hue and cry.

Asides.

Hon. B. M. TAITT: ... or to be even more accurate, a human cry. Anytime you have to do anything that is going to discommode some individual or to remove some

"perk" which **someone** perceived was his or hers, then there is a massive change of direction and everybody turns on him or her who inflicts the so-called punishment. The truth is that we are going to have to put some discipline in the airport. If we do not put some strong discipline in the airport or increase the discipline in the airport we are going to find that all of the other measures we take, all the marketing we do overseas, all the money which the Minister of Tourism spends in advertising, that people see and don't recognise, that they do not understand and quarrel about, all of that will come to nought if people arrive at the airport and within the first two hours of their arrival in Barbados they have a perception that it is not a warm place.

In that connection, some of the people who function in the airport - and I am not only talking about public officers, I am talking about the ones who function in the airlines themselves, I am talking about the ones who have the counter space which the Honourable Member was talking about - have to start understanding that they form part of the agencies of the country that must attract tourism. There is some misbegotten idea that only the Board of Tourism and the Minister of Tourism is responsible for attracting people to Barbados. It is my contention that every single Barbadian has a stake in attracting people to Barbados. Therefore, when you look at some of the attitudes which you find behind some of the counters in the so-called private sector of the airport, when you look at some of the attitudes which we find there perhaps we should start discussing how we may improve that quality.

I want to touch, Sir, on the \$1.2 million that is alleged to be paid to Trump. It must be understood that this is not, what they call in Nigeria, "dache". I think that the Honourable Members in discussing this may have left the impression with the unsuspecting that this \$1.2 million is some kind of cheque that you hand to Trump and say, "We will give you this \$1.2 million if you will come." It doesn't work like that. It is that if you are going to get an airline to come to Barbados, whether it is Trump, Delta, United Airlines or U.S. Air or whatever name you call, they will not consider discussing the matter with you unless you are going to assist them in their start-up costs, that is to say, the advertising.

4.25 p.m.

If a new airline is going to be doing a new route then the owners of that airline, the managers and the investors will have to spend a substantial amount of money to promote the airline because the people will not automatically fly Trump, so you have to attract people. What Trump, Delta or United Airlines will say to you is that you have to share in the cost of advertising this new airline coming into this new route. The \$1.2 million or

whatever it is is an investment in promotion and advertising of the new arrangement. That has to be systematically understood. The point has to be made and remade. Frankly \$1.2 million seems to me to be fairly small because Bds. \$1.2 million is only U.S. \$600 000. U.S. \$600 000 is equivalent to about two full pages in the "Time Magazine" or the "New York Times". Do not let us get here and give anybody the impression that we are talking about any massive amount of money. We are talking, however, about using this money among the travel agencies to let them know in Boston, Washington, New York and Miami that there is a new method for travelling to Barbados.

All of this is not to derogate from any legitimate criticism which persons might have of the arrangement. They have to understand that the arrangement is new, that it may, in fact, have some flaws, but if it does, such flaws as it has would have been created as part of any new enterprise which is being embarked upon in good faith.

Aside.

Hon. B. M. TAITT: The Honourable Member says desperately. Possibly but that is not the point. When Pan American folded up I had the distinction of having travelled on the last Sunday on Pan Am Flight 346 which left Barbados. I was on that flight on my way to Washington. Fortunately, I always take the precaution of making sure I come back home by BWIA because I know that once a BWIA plane is in New York it has to come back home. They know the route fairly well. That is my personal conviction. I travel on BWIA because I believe the pilots know the road better than anybody else. I recommend it to anybody else. It is no secret. I am not the best traveller in the world. I choose my airlines very carefully.

Aside.

Hon. B. M. TAITT: Scared? Maybe scared. I do not travel very well. When I am in New York and I am coming back home, if BWIA is travelling, I would even wait an extra day because I believe that BWIA pilots know every single iota of atom that is up there. Nobody can accuse me of being anti-BWIA although I have had to say to them on more than one occasion that they are not living up to scratch. Recently just before the last election, every Trinidadian working at any level beyond manager was dismissed and a whole host of Americans was employed. All of the marketing people in North America now are Americans. We have come full circle where there is some feeling now that the only people who can market for the Americans are Americans. We saw that happen with the Caribbean Tourism Organisation. They felt that only an American could do the job up there and you see what happened.

Aside.

Hon. B. M. TAITT: You know, Sir, there are some times when you used to see Sir Frank Worrell at the wicket and you would see him take his bat and lift it and let that one pass under. Well I am Sir Frank today, Sir. Let that pass under. That is a different kind of ball. We will play that on a different day.

Quite seriously, it is very difficult in this debate not to wax emotionally because we are dealing with the livelihood of the country for years to come. We have to be extremely careful what we do and how we do it. The Government has to get the credit for trying something. The Government has to get credit for finding Trump because if Trump comes half empty each time, as the Honourable Member says, and they run for three months, three months of a half empty plane with Trump will bring more tourists than no Trump at all. From that point of view I have no difficulty at all with Trump. I feel that the Minister should be complimented for having found something.

I want to finish, Mr. Speaker, on this question of going to have a discussion with Delta and United Airlines. Having discussions with North American businessmen especially is a very difficult proposition for officials and other persons who come from countries like ours. Some of the Honourable Members over there know that because they participated in these discussions when they were in Government.

Those people in North America believe that all of the people down here are at the highest semi-literate, sub-normal, cannot understand the high level of existence which they have and not schooled in the art of business. It is only when they come face to face with some very articulate and bright West Indians that they become aware of the quality of government which exists in the Caribbean.

Now, I would say that on balance Barbados has had a higher quality of government over the 25 years it was independent than in 99% of the jurisdictions including the Federal Government of the United States. I make bold to say that, based on my experience, knowledge and expertise. I am making that point to say that when the Deputy Prime Minister and the Minister of Tourism from this Government go to talks with officials in the United States, it cannot be assumed that there is a disparity between the parties. The level at which the discussion would occur would be a level that would be acceptable to anyone who takes a critical look.

Now, when Pan American folded as it did, because everybody now says that the fact that Pan American was going to fold was a foregone conclusion which could have been seen by a blind man on a trotting horse, yet they traded Pan American right up to the end. There were

people who got promoted. There were all kinds of things that happened within Pan American itself just a couple of days before Chapter 11 within the context of the United States Bankruptcy Laws was brought to an end. 4.35 p.m.

I would make the point that whereas Pan American had demonstrated that it had weaknesses in its management structure, Pan Am itself announced to the world that it had taken steps to shed its load, that it now had a leaner and meaner organisation and that the Caribbean and Latin American wean of Pan American was so strong that there was no danger of its coming to an end, only two weeks before a definitive statement had been made about PAN AM. It is not vain glorious to say that the Government was in no worse position than most of the financial analysts in the United States who were trying to predict what would happen with Pan American. But even so when you wish to discuss airlines coming to your country – one Honourable Member said that we should be in a position to have the airlines saying they want to come to our country. I think the Leader of the Opposition said that we should be in a position where people want to come to Barbados. I think that that is an optimal position that we can all take when having a nice discussion. But the reality is that there are no airlines out there who take a look at the loads which come to Barbados over a period of time, over the last ten years, where Barbados has done extremely well in terms of numbers, when they look at how we were being **served** by PAN AM, by BWIA, by American Airlines. There was no rush by any other major airline to see that they are going to try to break into that market. In Atlanta, United Air is able to make as much with their aircraft not travelling the long distance to Barbados and have a **turnaround** with their aircraft, one aircraft twice in a day. If they come to Barbados that turnaround is once in a day. I do not want to go into any detail about that, Sir, because I do not have enough time but those persons who understand the airline industry know what I am talking about.

Therefore, Delta or United Airlines do not have any interest in flying to Barbados for the sake of flying to Barbados. They have to be persuaded that the market which exists, not the potential over the next 25 years, is such that with Pan American going, with American Airlines going and with BWIA that it would be worth their while to get involved. It is only at the point when Pan American actually folded that that possibility becomes a probability and that they are open to persuasion and to discussion.

Aside.

Hon. B. M. TAITT: Pan American and Eastern. It is only at that point that they would know that the possibility has now become a probability. And it is at that stage that discussions can be entered into, both sides.

It cannot be that the Honourable Members on the other side are not aware that discussions with both of the major airlines United and Delta would have been engaged in at some level, at some stage in the years before. As far back as when I was working for Barbados 25 years ago, when I was working in New York, I had discussions with Delta about coming to Barbados. I think that – I am not **calling** his name pejoratively – Tony Vanterpool can confirm that we have had discussions with **United** about coming to Barbados.

Asides.

Hon. B. M. TAITT: Yes. When he was Public Relations Officer for the IDC. He did an effective job. He was a good Public Relations Officer.

Aside.

Hon. B. M. TAITT: I do not have any experience in his subsequent capacity.

Mr. D. A. C. SIMMONS: On a point of order, Sir. It is very funny that I was just reading in the 1987 debates where the late Honourable Mr. Barrow said of the Honourable Member:

"Take the Minister of Industry, do you think he needs an Information Service? He is his own Information Service."

How appropriate, Sir.

Hon. B. M. TAITT: Sir, there was no question of the perspicacity of the **late** leader and if he said that, you can take it as gospel. Even now, I do not need any information service.

Asides.

Hon. B. M. TAITT: But I was making the point – You will recall, Sir, that I only imported Mr. Vanterpool to verify a fact; that is all – that discussion with those airlines about coming to Barbados has been going on for a substantially long time.

The other thing is that the airlines themselves change executives fairly frequently and one of the things that has to be known is that you could be having a high level discussion with an executive at the highest level, let us say Executive Vice President and you are having discussions that are going down a particular road and suddenly the hierarchy changes in that company and all bets are off. Sir, it must be understood that in the United States especially, being Chief Executive does not immerse you in any fire proof material. Chief Executives are as vulnerable as almost anybody else. Sometimes discussions that were

held with one set of people go to naught because the new regime or the new administration wishes to start from scratch. We are all familiar with that particular phenomenon. Therefore there should be no implied or explicit suggestion that this Government was caught napping. The Government of the day must keep its finger on all of the pies that are being moved in terms of investment. Sometimes, **as** the Honourable Member for St. George South well knows, you hit pay dirt and sometimes you have to wait longer. I do not think that we should let it pass without comment any suggestion that the **two** Ministers run hot and sweaty to **talk to** these airlines in the United States. Because the discussions with United out of Chicago had been going on long before then and I am sure is still going on.

Mr. Speaker, I do not believe that anybody was serious when they said that the Government must have been very active in promoting Barbados as a hub. The decision of American Airlines to put their hub in Puerto Rico was decided about 15 years ago. One of the reasons and the major reason is that they got a massive **tax** incentive. They got a tax write-off, they got almost everything that is possible for American industry to get.

The decision by the French to locate in Martinique and Guadeloupe is a local decision because they perceive Martinique and Guadeloupe as part of their entity. And similarly with the Netherlands. Barbados is an independent country and its relationship with British Airways is not and cannot be seen in the same context. British Airways has and would like to use St. Lucia, Barbados, Antigua and Barbuda and any other territory in the Caribbean as points that they may use against each other in a negotiation. British Airways is not going to be operating *vis-a-vis* Barbados in the way that Air France operates with Martinique or American Airlines operates with Puerto Rico. Let us not have that kind of facile suggestion resting in the air while we are discussing this matter seriously.

Barbados has in fact done extremely well in terms of getting its capacity as a hub for the other islands in the Eastern Caribbean over a fairly long time. But those islands are developing and growing and we cannot expect St. Vincent and the Grenadines, St. Lucia and Grenada to go on being what they perceive as appendages of the growth of Barbados. They too will want to have their own place in the sun. That is why St. Lucia built the new airport and that is why St. Lucia is aggressive and sometimes so aggressive that they are offensive in their competition to get things that Barbados either has or is in danger of getting.

We have a responsibility therefore to maintain our position. But we cannot be like the Honourable Member was suggesting. I hope that when we come to do the debate

that we will have a wider and better opportunity to discuss tourism.

I really will end by saying that if there is an entity that has lost the right to criticize a Government about its tourism policy it is the Barbados Labour Party because the Barbados Labour Party has its record **very clear**, that it had a **peak** year in 1979 and after that it was all down hill. When we got the Government in 1986 we found tourism on the floor like a man that had been knocked out by a punch. It was hit by a hurricane you will remember and tourism **was** down on its knees and crawling and we took it, Sir, we revived it, we breathed life into it, we gave it open heart surgery, we ran it around the **pasture**, we trained it, we did everything possible that you can do to an industry and we brought it back and it has life, so much life that even the Labour Party can criticise it now.
4.45 p.m.

Aside.

Hon. B. M. TAITT: That is what happened to the Labour Party. The operation was not successful so the patient died. It was still-born, but, Sir, that is my time.

Hon. E. E. GREAVES: Mr. Speaker, through your generosity this debate ranged far and wide. I do not propose to respond since I am not holding a brief for the Minister responsible for Civil Aviation. As the Honourable Minister of Health has indicated, I am sure that the Minister who holds that substantive portfolio will welcome a debate on that matter at any time.

On the question of tourism the Government's position has been quite ably defended and enunciated by the Minister responsible for Tourism and the Honourable Minister of Health who was a former Minister of Tourism so I need not go into any responses to any charges which have been made and coming from the other side.

Let me just therefore concentrate on some of the substantive points which have been made by some of the other speakers relating to the whole question of the development of the airport, particularly the land space at the Grantley **Adams** International Airport. I would say, and this is for the record, that since the Honourable Member for St. George South and the Honourable Leader of the Opposition raised the question of counter space at the airport, let me say that really falls under the responsibility of the Ministry of Civil Aviation. I think that the Airport Manager controls that particular aspect so that really does not fall into my Ministerial responsibilities.

Certainly the points which have been made about the utilisation of space within the airport is something which this administration has been looking at. I am sure that

those points to a large extent accord with some of the positions which this Party has arrived at in terms of reorganising the space at the airport, but I would want to say that I am sure the substantive Minister would be able to expand on those at an appropriate time.

The Honourable Member for St. Joseph and the Honourable Member for Christ Church South made the very salient point about the importance of Grantley Adams International Airport as a hub for the Eastern Caribbean. I think it is generally agreed that both parties agree that is the position and are working towards that particular area.

Under the former administration I think that Barbados was part of a Caribbean Airports project study which was funded by CIDA. Like the Honourable Member for Christ Church South, I myself, do not recall seeing a copy of that study but I am sure that it is not a secret document and I believe that the findings of that, since it was regional project, would be made available and could be made available to the Honourable Member. I will promise the Honourable Member that I will raise the matter with the Minister responsible for Civil Aviation and secure a copy for him since obviously he is the main spokesman for Civil Aviation on that side, so that this matter could be given wide circulation.

We in this Government believe there is considerable potential in the development of the Airport and we are proceeding along that particular line. The fact that we have made this land available under the conditions which have been stipulated in the Resolution, some of the other points outlined by me when I made the presentation indicates that we recognise the potential for that development and that this development must take place in collaboration and indeed in conjunction with the private sector. Again I think that we are agreed on that.

It is a fact, what the Honourable Member for St. Joseph has said, that this facility which has been established by British Airways would strengthen the appeal of Barbados but we are not stopping there. There are a number of other requests which have been made about the development for the land area at the airport and I just want to indicate for example that we see the Grantley Adams International Airport developing also a facility for a hub for private aircraft and for smaller type aircraft operations. In this respect, Sir, we have, with which we will soon be coming to Parliament, a measure relating to the renewal of the lease to the Barbados Light Aeroplane Club and there is a provision in that for subletting to Air Services Barbados Limited. Caribbean Airways has approached the Ministry for some area of land and that is now being processed.

There was an approach from Airline Freight Services but they are not proceeding with that at the moment.

Aircraft Services Limited which is now merged with Seawell Air Services, there is a proposal for packing purposes and Cabinet has agreed on that for a lease of land space there for a ten year period to do aircraft related services.

Cabinet also gave approval recently to Simpson Incorporated, and this is a local company which is a joint venture between a local company and an overseas company, for the development of a facility at the Airport which will accommodate private aircraft and a number of other related activities.

Right now I understand there is an international company operating out of the United States of America which collects weather information and it is channelled through here and sent out to different parts of the Caribbean and South America. There are four sets of other services related to that kind of operation where the development will incorporate that kind of activity.

I think one has to understand very clearly the way in which the Government is proceeding on this matter. I think this accords very much with the position which the Honourable Member for Christ Church South made in terms of how we see the Airport developing. The land is there and we are making sure that the development which takes place is done in collaboration with the private sector and further enhances Barbados as a hub for the Eastern Caribbean, providing a range of services which will have spin-off effects within the Barbados economy.

As I understand it, part of the things which Simpson Incorporated would want to do here would be servicing aircraft and reconditioning them as they may require from time to time, handling, of course, private jets which are attracted to Barbados. I am told a number of private jets come here and stop over before going on to South America and other parts of the Caribbean. So we are very conscious of this and are developing it along that particular line.

Of course there are other areas out there which are leased out and on which we are renewing the leases but from time to time they will be coming here to let you understand that. But just from the point of view of a broad outline, I would want to say that we are thoroughly agreed and are pursuing the positions which have been enunciated by the two Honourable Members that I am talking about.

Now the Honourable Leader of the Opposition made reference to the rationalisation and the utilisation of land at the Airport. I think the Government is generally agreed that the lands surrounding the Airport should be used mainly for airport development. As I understand it the fence to the East and the West of the Airport has to be extended.

4.55 p.m.

One problem which has developed and for which action will have to be taken is the whole question of the flight path for landing. I do not remember the technical term. But a number of aircraft have been complaining about their equipment being crowded in the area by radio and television interference and all sorts of problems. We have got to take a decision about clearing that particular path. Already the Chief Town Planner has indicated very clearly that no further building will be taking place within a certain radius of the airport. It is very important both from the point of view of safety if an aircraft has to land in emergency and certainly to ensure that the equipment is not interfered with when they approach Barbados.

I think that one would very clearly understand that we are not just sitting down on this particular matter. I regret, Mr. Speaker, that we were not able to get this matter to Parliament before now. Suffice it to say that Cabinet took a decision to lease this land to British Airways in 1989 and once that situation was taken approval was given for them to go ahead and construct the facility. It was anticipated that we would have gotten the information to Parliament for approval. Because of some bureaucratic flaws we were not able to do so before now.

I think that one point which has to be gotten across to public servants in this country is that Barbados is in a very competitive situation with other countries in the Caribbean. The facilities which we can offer, as the Honourable Members for Christ Church West and St. Joseph have indicated, St. Lucia or Grenada can offer. It means that we have to be very clear and very alert in the way in which we relate to requests which are made from time to time and the way in which we deal with matters. Because one of the problems which always arises when people come to do business in Barbados is that they become frustrated with the overwhelming bureaucracy and the time in which it takes to do things in this country. I would like to think that everybody will recognise that this is a national effort and we should therefore try to work as efficiently and effectively as possible. In the final analysis, this will redound to the benefit of Barbados because nobody is sitting down out there saying that Barbados is next to heaven and therefore we will come to Barbados. St. Lucia is competing with Barbados, Grenada is competing with Barbados and a whole host of other countries in the region can offer facilities just as good and maybe sometimes will even go the extra mile in offering conditions which might be even better. I think that Honourable Members will understand of what I am speaking.

So that our reputation, therefore, must be based on efficiency and effectively handling requests which are made from time to time. Let me say we will ensure that the development which will take place at Grantley Adams

International Airport will redound to the credit of this country because we recognise the potential which there is for development.

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.

STATEMENTS BY MINISTERS

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I am pleased to announce to this Honourable House of Assembly that the requests by Barbados to the International Monetary Fund for a **Standby** Arrangement and for a Purchase under the Compensatory and Contingency Financing Facility have been approved by the Executive Board of the Fund.

It will be recalled that during the month of October 1991 the Government embarked on an economic stabilisation programme in consultation with the International Monetary Fund.

The programme was set out in a Letter of Intent dated 25th October, 1991 and which was amended by a supplemental letter dated 6 December, 1991 in order to accommodate certain representations which were made by the trade unions and the business community.

The economic stabilisation programme is aimed at restoring financial stability and improving conditions for the resumption of sustainable economic growth. Its major objectives as outlined in the Letter of Intent are as follows:

- (1) to reduce the fiscal deficit to one per cent of GDP by 31st March, 1992 and to have a balanced budget by 31st March, 1993;
- (2) to contain the fall in total output in 1991-1992 to around 3 per cent;
- (3) to attain a rate of economic growth of about 2 per cent with the expected recovery of the tourist sector in 1992/93 and to maintain an annual rate of growth of about 3 per cent thereafter;
- (4) to contain inflation to a rate below that of Barbados' trading partners;
- (5) to increase net international reserves by at least U.S. \$27.0 million in the second half of 1991/92 and by U.S. \$40.0 million in 1992/93;
- (6) to bring gross liquid reserves up to a level of 3 months of imports by the mid-1990s.

In order to deal with the problems in the internal and external sectors, to restore stability to the economy and to achieve the objectives of the Letter of Intent, the Government has implemented a series of austerity measures. These include:

- (1) the imposition of revenue raising measures;
- (2) the reduction of expenditure by \$114.0 million;
- (3) the sale of certain assets;
- (4) credit restrictions;
- (5) an increase in interest rates,

In support of the Economic Stabilisation Programme, the Government requested from the Fund a **standby** arrangement and a purchase under the Compensatory and Contingency Financing Facility. The requests were approved by the Fund's Executive Board on February 7, 1992 and details are as follows.
5.05 p.m.

The programme will run from February 7, 1992 to May 31, 1993. During the period an amount equivalent to SDRs 23.89 million or approximately US\$33.64 million under a Stand-by arrangement, and a purchase under the Compensatory and Contingency Financing Facility of SDRs 22.17 million or US\$31.23 million, making a total of SDRs 46.06 million or US\$64.87 million will be made available to Barbados in support of the agreed objectives and policies.

In accordance with the schedule of disbursements, Barbados will have access during this month of February to SDRs 30.70 million or US\$43.23 million. The remainder will be made available in 5 equal tranches between May, 1992 and May, 1993.

As a result of the co-operation of persons in the public and private sectors and the country as a whole, at 31st December, 1991 Barbados was able to meet the agreed performance criteria.

We have made considerable progress to date, and I wish to thank all concerned for their understanding and support. But there is still much to be done, which will require continuing understanding, patience, steadfastness and co-operation from all Barbadians. I therefore appeal to all Barbadians to remain committed to the economic recovery programme and keep it on track, so that at the end of the stabilisation period, our country will be leaner but stronger, and poised to benefit from the recovery in the international economy to which we are all looking forward.

Mr. H. deB. FORDE: On a point of order, Sir. Mr. Speaker, it is not possible under our Rules to debate ministerial statements without the necessary resolution. I wonder whether the Minister would give us the assurance

that he would bring a resolution to note his statement so that we can debate his statements.

Mr. SPEAKER: That is not a point of order.

ORDER NO. 7 – TO MOVE THE PASSING OF A RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT HAGGATT HALL, SAINT MICHAEL FOR THE PURPOSE OF ROAD IMPROVEMENT

Hon. E. E. GREAVES: Mr. Speaker, this matter is hopefully a matter which should not occasion much debate. Really it is a resolution which seeks to regularise utilisation by Government of three parcels of land at Haggatt Hall, Saint Michael for the purpose of road improvement.

It was discovered when we were trying to complete the formalities for the acquisition that three parcels of land measuring 2812 sq. metres, 6194 sq. metres and 128.4 sq. metres owned by the estate of C.A. Dowding were utilised along with several other parcels in the course of road improvement works carried out in the Haggatt Hall area. They were initially accounted for among the parcels proposed and approved for acquisition. What we are trying to do after all of the legal formalities have been gone through and the publication of notices is to try to get this matter finalised. Really we are seeking to regularise this matter by going through with the acquisition of these three parcels of land which have already been utilised for road improvement.

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

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

Mr. L. R. TULL: Mr. Speaker, Sir, I am agreeing with the Honourable Member that we need to regularise these things but there are one or two other things that need to be regularised also. I have a responsibility for keeping a close watch on the Ministry of Housing as spokesman in this area, and what I would like to see regularised, Sir, as we look at this plan of Haggatt Hall, is the two houses that cost over \$100,000 each to repair at Haggatt Hall or thereabouts.

Mr. SPEAKER: I don't think that there is a resolution for "thereabouts." There is a specific resolution and I may say that I am not going to allow a kind of expansionary debate outside of the resolution.

Mr. L. R. TULL: I am not going outside the resolution. I don't understand why everybody is sniggering. This is important business. Two houses in the Ministry of Housing, my understanding is that their location is in

that area. It is not for me to tell. It is for the Government to get up and explain these things and I don't understand why I keep getting interrupted by Members on the other side. Two hundred thousand dollars was the cost of relocating two chattel houses. The Minister of Housing had said he was setting up an investigation in his Ministry and I, with many other Barbadians, am anxious to find out the result of that enquiry. I have nothing more to say about Haggatt Hall at this time. I would like the Honourable Minister to give us an answer about that particular investigation.

Mr. DeL. O. BRADSHAW: Mr. Speaker, the Minister said that this resolution is to regularise an acquisition in this Haggatt Hall area. I think I am on record as saying that as far as possible Government should try to avoid this particular state of affairs. Ever so often we come in here to regularise, and I would hope that...

Aside.

Mr. DeL. O. BRADSHAW: What I would like the Minister to understand is that I am not concerned about what happened in 1981, 1982 or any time whatsoever. I am interested in what is happening now. I think the Government would be best advised to listen. People want to know about now, and the future of Barbados, and stop harping on what happened in the past. What was a bad policy then, should not be a guideline for a government that is looking forward to the future.

I am concerned that at that roundabout in Haggatt Hall, contiguous to this particular area of land, it floods whenever there is a little bit of rain. That roundabout is called the Bussa roundabout. I am asking the Minister and the Government to consider having proper drainage at that roundabout. When you have to come down Mapp Hill on to that roundabout, Mr. Speaker, whenever there is a little bit of rain – I am not talking about any inch of rain – you cannot pass. Children have to travel from Mapp Hill in my constituency to attend the school at St. Barnabas and parents are finding it very difficult. Sometimes, it is almost impassable and the children have to wait until the rain stops to go to school and thus get to school late.
5.15 p.m.

I am calling on the Government to consider an adequate foot-path for the people who use the Mapp Hill Road stretching from the top of the gas station right down to the Bussa Roundabout. It is very dangerous. It is no sense sitting in here and talking about the Government does not have money. This is an area that the Government should spend money on rather than building Sherbourne. This is serious because you have a foot path from Sherbourne down to Ilaro Court. I see no reason why you should not have one in an area where the lives of the children are threatened. There has been more than one

accident occurring in that particular area. I am asking the Government to consider the safety of those children. It is very difficult for them to even cross the road going to church or going to school. I think this is one of the areas that should be looked at.

At the same time to cross that area, the same area of land that was acquired by Government, it floods. There is not enough proper drainage in that area. You can hardly pass from there to cut across into the other highway by Bird's Hill. The Government must look at these things. There is no sense coming in here regularising an area of land that was used in 1981 and at the same time ignoring the fact that you need to acquire a further portion of land to provide adequate drainage for the road.

I am asking the Government to consider the people in St. Michael South East. If the Honourable Member for St. Michael West is not interested in the people in St. Michael West, I am concerned about the people that I have the honour to represent, Mr. Speaker. I am hoping that the Government will find the money and have it done so that the people in Cutting Road that were moved, there are on the same piece of land, those who were moved from the Belle, Licorish Village and My Lord's Hill can now have a proper foot-path and they would not have to pass through these puddles and sometimes stop their children from going to school. Those are the people I really want to represent and I am asking for these things on their behalf.

Thank you, Mr. Speaker.

Hon. E. E. GREAVES: Mr. Speaker, it is really amazing to hear some of our members get up and intervene in debates. One would get the impression that sometimes their mouths get into gear before their brains because I said very clearly that this Resolution is seeking to regularise an acquisition which was made. Indeed, the road has been constructed a long time ago. Since June 1981 and September 1982 these lands were acquired and utilised for road improvement.

The Honourable Member says he does not want us to go back to 1981 and 1982. It was because the Barbados Labour Party was so careless that they did not see they had used three areas of land but had not gone through the acquisition process that we are in here today now. This is the whole point. The Honourable Member does not want us to go back. It is for that reason that we are now doing this because they did not do it. The Honourable Member does not want us to do the work properly and to regularise this?

As far as flooding is concerned, I would get the impression from listening to the Honourable Member that in 1981, 1982, 1983, 1984 right down until the present day that they have not had rain and flooding in that particular area. Flooding has just started in this particular year. It

has just started. All I am saying is, if it is a problem it will be looked at in due course.

I am not aware, Mr. Speaker, of any houses in the Haggatt Hall area or ~~thereabouts~~ – my understanding of thereabouts is somewhere in that particular area – which have been relocated at a cost of \$200 000. It is a fact that the National Housing Corporation is investigating some particular development in another constituency. I do not want to introduce that in this debate at this particular point. I am sure that whensoever that matter is properly completed that the public and the Honourable Rouse will get an opportunity to hear about the results.

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

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

Mr. SPEAKER: Order No. 5.

ORDER NO. 5 – COMMITTEE OF SUPPLY

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

SUPPLEMENTARY ESTIMATES 1991–92, No. 2

HEAD 28 – MINISTRY OF JUSTICE AND PUBLIC SAFETY – SUB-PROGRAMME 01: MAGISTRATES' COURTS – \$800 000

Hon. M. A. KING: Mr. Chairman, in the absence of the Minister of Justice and Public Safety, I rise to move this Resolution which seeks parliamentary approval for supplementary provision of \$800 000 to meet part of the cost of construction work and material on the site for the Hometown Project.

Originally, the sum of \$1.9 million had been provided in the 1991/92 Estimates under Head 28 – Ministry of Justice and Public Safety, Programme 4. Expenditure on the Hometown Project as at December 31, 1991 was \$1 898 464.85 which means that there is only a balance remaining in that vote of some \$1 535. Supplementary provision is needed in respect of this Head.

5.25 p.m.

What is proposed, Mr. Chairman, is that the unexpended monies on a number of other projects which had been approved in the current Estimates be applied to this project. Projects which had been approved and for which provision had been made included the Government Industrial Schools, the Forensic Laboratory, the public

mortuary, and the judicial centre. Work on most of these had not in fact been started. Some work had been done but much of the work had not been started. On this basis it meant that there was a considerable amount of unexpended monies in relation to these particular programmes. So that the \$800 000 which it is now sought to appropriate for the Hometown Project is derived from the unexpended monies in relation to the other projects which had been approved.

Mr. Chairman, Honourable Members would recall that the estimated construction cost of the Hometown Project was some \$7.5 million, the period of construction was estimated to be 64 weeks and the work in fact began on June 10, 1991. Because of the current economic circumstances, Mr. Chairman, work on a number of projects have in fact been stopped. This is one of the projects in respect of which work is not presently continuing but the contractors and other persons who have done work on the project have to be paid. The purpose of this supplementary is to obtain the necessary funds to meet part of the cost of the work which has been done so far on the Hometown Project.

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

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

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

Mr. D. A. C. SIMMONS: Mr. Chairman, Sir, what I am not clear about in the presentation of the Honourable Attorney-General is whether this supplementary of \$800 000 is needed to pay old debts.

Asides.

Mr. CHAIRMAN: Can I have some order, please.

Mr. D. A. C. SIMMONS: As I understand it, you are taking it from savings to be effected from the closure or abandonment of projects for which parliamentary approval was given last year. Will this sum of \$800 000 completely exhaust all the claims in respect of the Hometown Project up to date or do we expect that additional funds will have to be voted to clear off the indebtedness of Government to the various persons associated with the contract? I want to hear all of that, Sir, which leads to a second consideration. Is it intended that this project should continue in the new Financial Year or can we expect that work on the Hometown Project will be further suspended until say, after the period of austerity ending in May 1993, according to the Prime Minister's own sense of optimism?

I would like to know, for example, how much work has been done so far on the Hometown Project and what Government anticipates will be the start-up cost on

the **Holetown** Project, if and when it gets going again? In the Estimates we will have a lot of interesting things to share in here, particularly the Minister of Education. You come prepared. I am warning you now. You will have to answer a lot about the school in St. Thomas and all about Sherbourne, all of that.

It is really remarkable, I cannot believe – and I am going to reserve a lot of what I have to say until March this year and April this year – that a Government would have started this project for \$7.75 million in June last year, well knowing by June last year the state of the economy and Government's fiscal position. This, Sir, is not disastrous ... I am not going to accuse the Government of being deceitful or as one Honourable Member said today practising deception. I will accuse the Government of simple ignorance. Sir, by June last year all of us were aware, having regard to the stringency of the Budget in April, all of us were aware that we would be in for hard times and Government would be obliged to trim capital expenditure. And the Minister of Finance authorized the spending of this money well knowing even as at June what was the current state of the economy and what was the projected state of the economy because by then he well knew that we would have to go into an IMF programme. I am charging the Prime Minister and Minister of Finance with knowledge, as at June last year, that we would have to go into an IMF programme. Well knowing that, he starts the **Holetown** Project to fool the police, nobody else, that something was happening for them. If it is not appropriate and it is imputing motives, Sir, I will withdraw it. I withdraw it. It is imputing motives. But he started the **Holetown** Project for whatever purpose.

The problem that Barbados faces now is that all of these projects which have to come to a closure because of the financial situation whenever they restart will be restarted at a tremendous additional cost to the taxpayers of this country. The start-up cost, the steel buildings that are exposed to the elements, only God will be able to tell you what the condition of those will be when you are ready to restart. We have always from this side accused this Government of bad planning, shoddy planning and this is a glaring example. Here you are virtually in the mouth of the IMF and you are giving approval to start a project for \$7.75 million to have a span of construction over a 64 week period, more than a year. You know that you cannot do it but yet...

Aside.

Mr. D. A. C. SIMMONS: The road? The road to get to **Holetown**? The youngsters would say that is something else. Not only the coast road, the Highway 2A if you approach **Holetown** from Arch Hall. It is a disgrace. Some of this money that I charge has been wasted so far on the **Holetown** Project could have been used towards the

rehabilitation of the two roads, the coast road and the top road that would get you to **Holetown** Station. It would have been better spent.

5.35 p.m.

Sir, I believe that what was envisaged for **Holetown** was both a Police Station and a Magistrates Court. Both are very desirable projects. The Honourable Attorney-General knows that when he had responsibility for these areas that it had always been the intention of Government to do a development at District E, **Holetown** as well as one at District B. There was a shift of priorities and I do not blame anybody for that. I have said in here that the now Attorney General was entitled to reorder the priorities if he felt that he should have gone to **Holetown** first rather than to do the District B Station. That was a matter of emphasis between the two Governments. We thought Boarded Hall was to be turned into a centre for a Fire Station and we would do the development at Charles Rowe Bridge or the Glebe as it is called and then go to **Holetown**. This Government thinks otherwise.

The reality is that the conditions that will be available to the Police and the Magistrates will persist and continue to be in a state of the gravest disrepair for some very considerable time. I don't mean six months, I mean like more in excess of years.

Boarded Hall Police Station. I don't do a lot of Magistrates Court running around now but I happened to be at Boarded Hall this morning. That is a disgrace. It is going to fall down. If they are not careful the first high wind you get later on this year it is going to fall down on the police up there. In fact piece fell off and hit the Sergeant's car recently. That is what is happening under this Government. A door fell off the CID and hit a policeman on his instep. He now has, of course, to retire through the negligence of the Government. It has cost a pretty penny so far and it will cost you a prettier penny later on this year.

I wish to hear, but perhaps I had better wait until Estimates, because by then the Prime Minister and Minister of Finance ought to have a clear perspective as to how he intends in the next year, or certainly in the next two years, perhaps, to spend the paltry resources of the Government in doing necessary ongoing and preventative maintenance for the very many government buildings and departments.

I want to hear what programme they have, where they are going to find the money from, how they are going to do it, because if you are telling the workers of this country, don't ask for any increases, you will have to concede that if they can't get money you will have to attend to their other needs and improve conditions under which public workers serve. So some attention will have to be given as a matter of planning to upgrading or maintaining, in

an acceptable state, the physical conditions under which public workers are asked to exist. I am serving notice now that when we come to Estimates next month I will want chapter and verse on each Ministry and how they intend to make the lives and conditions of the workers in the various Government departments more commodious.

I also wish to say that it is not good enough for Government, through the Prime Minister to be beating its chest and saying that it is pleased to announce that it has entered into an IMF Programme, a DLP Prime Minister saying the first words, "I am pleased that I got you in the IMF". I want him to understand that is not good enough. He said so. He began by saying he is pleased. You weren't listening or what?

Mr. CHAIRMAN: Is the Honourable Member seeking to debate the Ministerial Statement under this Head?

Aside.

Mr. D. A. C. SIMMONS: We will deal with that later on. That can't hide. That **B** in the record permanently. "I am pleased."

I don't think this is anything for anyone to take pleasure for, that we met all of the performance targets, we met the performance targets referred to by the Honourable Prime Minister. For example with the **Holetown** project that I am dealing with, he had to shut it down. Not **only** that you had to deny some of the workers in the public service. In the court system there are allowances to which they have been accustomed – some have not got for November yet – but you are pleased to have met your performance test and targets. Try and give the people their money. I am dealing with the real world in here. I have not come in here to make an intellectual speech. I am dealing with the real world.

Mr. CHAIRMAN: The Honourable Member has two minutes.

Mr. D. A. C. SIMMONS: I will stop at this stage and if necessary I will return but I want some answers to the questions that I asked earlier.

Hon. M. A. KING: Mr. Chairman, it is ironic that Honourable Members on the other side, who down through the years have been calling for the expenditure of money in relation to repairs of public service buildings, police stations, schools, should now be adopting this kind of attitude.

The fact that it was necessary to spend money rebuilding **Holetown** and spend money on police buildings and school buildings was clearly because a lot of work

needed to be done on them because of the dilapidated state in which this Democratic Labour Party Government found them.

Mr. CHAIRMAN: I am not going to tolerate **interruptions** when an Honourable Member is on his feet.

Hon. M. A. KING: Mr. Chairman, you will remember how often Members on the other side exploited the concerns of the police, and the police articulation of wanting all the work done on their buildings all in a hurry. They went to town on it. Spend the money, spend the **money**, spend the money.

Aside.

Hon. M. A. KING: How do you mean that we still have not done it? The Honourable Member demonstrates a certain lack of understanding of what has been done. A whole lot of money has been spent on police buildings. Every time I come in here talking about this I recite the work which has been done. Oh come on, the **Holetown** project is one of them. **Work** was done on the Airport Police Station, work was done on getting the...

Aside.

Mr. CHAIRMAN: The Honourable Member for Bridgetown.

Hon. M. A. KING: What nonsense is that? Of course you have not spoken yet. You said that no work was **done** on police buildings.

Aside.

Hon. M. A. KING: Yes. How do you mean not you?

The point I was making is that a whole lot of work has been done on police buildings over a wide range of areas throughout the country and the **Holetown** project is only just another of the projects on which the Democratic Labour Party Government has embarked. Because of the economic situation the work on the **Holetown** project has to be discontinued for the time being.

The Honourable Member for St. Thomas asked the question whether this amount is in **respect** of payment for work already done or to be done. This is in respect of payment for work which has already been done.

The other question which the Honourable Member for St. Thomas asked is, whether work on the project would be resumed within the next financial year. My response to that is that the Ministry of Finance is presently settling the allocations for the Capital Estimates and, when the allocations are sorted and settled, we will know how

soon work on this project can begin again. But let me also say that it is the intention of this Government to recommence work on the **Holetown** Project at the earliest possible opportunity and it can reasonably be done and completed within the next financial year. Every effort will be made to do that. It is highly desirable that the work on this project be completed because it is from our particular point of view an important project and a project which needs to be completed at the earliest possible opportunity. 5.45 p.m.

Mr. O. S. ARTHUR: Mr. Speaker, the Honourable Member was good enough to indicate that the House is being called upon to vote a sum of money to pay for work that has already been done. I rise, Sir, on that particular point to say a number of things. I am not at all happy with the way in which virtually compliance and acquiescence of the House itself, the role of this Parliament as regarding the public purse, is being emasculated. This Parliament, Sir, must in every respect exercise itself with being in control of the public purse. We are beginning to accept in this country a lot of extraordinary things which ought to have no place in a properly functioning **democracy**. Parliament must approve expenditure, Sir. We must approve the voting of public funds and, if a Ministry is in danger of running out of funds to meet its obligations, the proper way is for that Ministry to approach this **Parliament** and ask for funds to spend.

I am not opposed, Mr. Speaker, to supplementaries. In point of fact, Sir, I hope the Government of Barbados will not be so intimidated by the prospects of an IMF Programme that if there are matters of urgent public importance that it will reside from its responsibility to bring those matters to this House and have us vote monies for them. The IMF would have to understand, Sir, that we are responsible people. On any matter that any reasonable person can see requires public funds to be voted for in this House, I think the House must live up to its responsibility and vote those funds. But at the same time, Sir, we must not sit down and acquiesce in bad practice and bad precept. I must speak against it on every occasion when this matter arises. Parliament must in every instance be seen to be approving public expenditure and this business about rubber stamping Parliament and having us come to this House to rubber stamp the voting of monies that have already been committed and spent, Sir, is really not only putting Parliament in a subordinate role but it is setting up a bad precedent. I am violently opposed to it, Sir. But mind you, we are only talking about \$800,000 in this instance, Sir. We can end up creating a precedent that some other Parliament can abuse. It may be \$800,000 today but it can be larger sums sometime in the future.

I am asking this Government to put back Parliament in the primary role of being that entity in this country which must approve as Section 6 of the Financial

Administration Audit Act states. It is very clear in relation to how this matter must be proceeded with. This Parliament votes a sum of money and that sum of money is the money that ordinarily should be for the financial year. If the Ministry needs more, come and ask. As I said, Sir, I wanted to make that point.

I also want to say as well for the Government as a whole that this recessionary dependent psychology that seems to be overtaking Barbados must be brought to an end. Barbados must go on despite the fact that we are under an IMF programme and, if there are matters of urgent public importance, I would expect that Parliament cannot at all resile from its responsibility to vote funds.

The IMF Programme that we are under, Sir, has in it a thing called "contingency financing". It is understood that if, for example, the micro-economic performance of the country is affected by developments that were not foreseen that the targets would have to be adjusted to accommodate those developments. We understand that from this side, Sir. But the Barbados Labour Party will not have it said about Barbados that this country had to be brought totally to a standstill so as to pass tests. That is what is happening to Barbados, Sir. It is as if you cut off a man's hand and feet and you have brought him to a state of rest. Government is prepared to close down this country so that it can pass the tests. I really do not like that approach to the management of the affairs of the country. This recessionary psychology which is so deep now in the minds of the Democratic Labour Party has to be put to an end.

On the question of this supplementary in so far as it allows us to deal with the administration of public finances in general, Sir, I am still at a loss as to how within the context of a financial year that this supplementary is to clear arrears. I am still at a loss, Sir, as to how in the course of a financial year **Government** accumulated arrears. I have never heard it adequately explained to me, Mr. Speaker, how a Government of Barbados accumulated arrears and accumulated arrears during the course of a financial year. I have always understood, Sir, that the House votes **money** by the end of the financial year. Let us say 1990–1991, Sir, you settle all your accounts and go forward into a new financial year. That is how the administration of this country's affairs has always been under a Barbados Labour Party. We always did our books by the end of March. This business, Sir, about clearing arrears is something that offends my understanding of financial management, Sir, and to be more to the point I do not understand how you build arrears during the course of a financial year itself. The House starts in March voting money – \$1.9 million. I do not understand how between the start of the financial year and the end of the financial year that you can accumulate arrears. I, therefore, do not understand how you can have a situation where a

country can be part of an IMF Programme committed to clearing arrears. In 1982, we went through an IMF Programme where there was no such business about clearing arrears.

Sir, I therefore want to put this thing in its broader perspective for in this House we very often, if we are dealing with a land acquisition, have to stay within the very four narrow boundaries which, in my view, I think very often reduces the role of Parliament because we can see the trees but we cannot see the woods, Sir. But that is a different point. In relation to this **Supplementary**, Mr. Speaker, I only want to ensure that proper financial practice is followed. We on this side, Sir, have been the Government for many years. The Barbados Labour Party not only by way of precept but by way of practice, Sir, has subscribed to the principles of the Financial Administration and Audit Act and I am submitting to the House that there can be no set of circumstances that can be sufficiently extraordinary as to cause this Parliament to operate outside of the boundaries of the Financial Administration and Audit Act.

Having said all that, Sir, I want to hear the Government speak more on this Resolution. I am concerned on the question of justice and public safety with some of the developments that I have been hearing of. I would like to hear the Government speak about that. For example, it is purported that the Minister of Justice and Public Safety called the Chief Justice of this country to give directions in relation to putting shackles on prisoners. That concerns me fundamentally. I really would like to know...
5.55 p.m.

Hon. B. M. TAITT: On a point of order, Sir. Two things, Sir, that is what was reported in the newspaper and the Minister of Justice is not here. I think in fairness that that comment should be raised when the Minister is here so that he can...

Aside.

Hon. B. M. TAITT: He is not well. The point is that he is not in his seat. He is talking about a specific utterance reported by a person. I feel that it is **only** fair that that should be dealt with when the Honourable Member is here.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, I understand and appreciate the loyalty of the Member for St. Michael West to his colleague. He really is the Defender of the Faithful for the Democratic Labour Party. I am pleased and proud for him in the manner in which he rises to the stout defence of any cause of the Democratic Labour Party, however lost that cause may be. In this particular matter, this is a point of principle that a government must answer, whether the substantive Minister is in his place or not. It must be a matter of concern.

Hon. B. M. TAITT: If the Honourable Member will give way, Sir. The Government's position is that there is a specific separation of the judiciary and the executive. That is the Government's position. The Government, therefore, will not indicate that it has at any time or even now or in the future will attempt to give the judiciary any direction.

Mr. O. S. ARTHUR: Mr. Speaker, I am glad that the Member for St. Michael West so wants to put a distance between himself and the substantive Minister, but I could not let this debate pass, as a Barbadian, without registering my deepest concern that a Minister of the Crown feels that he has the prerogative to call the Chief Justice of this country and give him any direction on matters and speak to him. We may then start with the shackling of prisoners, but who can say where it might end? It may end in such matters as the searching of houses of opposition parliamentarians for guns that may be used in the committal of larceny or matters of that character, Mr. Speaker. I am concerned about these things, Sir, just as I am concerned – and I want to say this, I am really concerned – about the way in which the Minister of Justice went on record, in my view, of deprecating the role of policemen in this country in offensive remarks that meant policemen with "O" levels and "A" levels want to be...

Mr. D. A. C. SIMMONS: On a point of elucidation, since I was there. In truth, Sir, what the Minister did say was that he thinks that the recruitment policies of the Police Force today are completely wrong. You shouldn't be recruiting people with "O" levels and "A" levels **because** they don't want to go on the beat **anymore**. This coming from a Minister of a DLP Government which boasts of having given people free secondary education was such a revelation that I just drew to one side and said, "Talk, boy! Go down the wicket!"

Mr. CHAIRMAN: I think that should put an end to that particular trend.

Mr. O. S. ARTHUR: I am not finished, Sir. I want to register that I was shaken that in the year 1992 that we could have such a completely backward and unenlightened approach by a Minister who has been **entrusted** with the responsibility of administering such a sensitive matter as public affairs. The notion that we must not have a police force of persons with "O" levels and "A" levels! I would hope that is meant to imply that you are looking for graduates, and one must interpret it in **that** very charitable light. Since he is not here I might want to give him the benefit of the doubt but it really cannot fall properly from the mouth of a Minister of the Crown, Sir, to treat even the possession of a basic secondary education as being a disqualification for holding a post.

Hon. M. A. KING: The Honourable Member is misrepresenting the Minister of Justice and Public

Safety. The point that the Minister of Justice and Public Safety was trying to make was that he wanted to avoid a situation where you had policemen with "O" levels and "A" levels who were not willing to do police work but who wanted to confine themselves to a very narrow area of political activity.

It was not a question of attacking "A" and "O" level persons per se. It was that combined with the unwillingness to want to do the real hard work which policemen do. So you shouldn't just quote one part.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, I have made my point on that particular matter and I know that even as the words were falling from his mouth that he was regretting the folly that forms the substance of the matter.

In relation to this project, I think the Government has to be really castigated. There is nothing in my view that looks worse than to have a country's landscape dotted with a lot of projects that have obviously been started before the civil authorities were ready for them. We have managed in this country, Sir, to... Barbados has been good enough to manage its public affairs that the eyesores of other countries have not been our affliction. A large number of unfinished things scattered across a small country suggests that the Government does not know what it is about. It must properly be said in this House that across Barbados now there are too many things like the unfinished Police Station at Hometown. The Government must agree that the state of the Sherbourne Complex is a disgrace. In fact, it might well be appropriate that the first thing the Prime Minister sees each morning is the unfinished structure at Sherbourne.

Mr. CHAIRMAN: I honestly don't think the Honourable Member will have enough time to get from Hometown to Sherbourne because his time is up.

Mr. O. S. ARTHUR: I just want to wrap up on this point. This country now has too many unfinished projects. It does not look good. It suggests a people that are not in charge of their responsibilities. The Government may not want to agree with me, but I feel so very strongly. I would like to hear the Government speak clearly on the question as to whether or not it is going to finish any or all of these things. We, this Parliament, are supposed to be in charge of this country's affairs and Sherbourne, the Polyclinic in St. John, the St. Thomas Secondary School, the half-finished or three-quarters finished Hometown project. We cannot run a country in this way and I don't want to be a part of a Parliament which acquiesces in this foolishness and I would be glad if the Government through one of its spokesmen could tell us really what is going to be the immediate future of this project and is it likely to be completed within a predictable planning cycle. I am obliged to you, Mr. Chairman.

Miss B. A. MILLER: Mr. Chairman, Sir, I have also grave concerns about this matter. I share the concern of the Honourable Member for St. Peter about the bad financial practice. I am beginning now to have serious reservations about what I see written in the addenda coming down here for various bits of legislation in the same way that I have reservations now about figures that I see printed in the Central Bank Report. There was a time when you trusted these things implicitly, Mr. Chairman, but not anymore.

Asides.

Miss B. A. MILLER: Not anymore. I read this agenda with care. It says that the balance remaining under this object number 623 – Structures, is inadequate to meet commitments. I believe that.

In paragraph 2, now, "a supplementary provision of \$800,000 is required to meet part of the cost of the construction work and material on site for the Hometown Project... and this sum is available from savings under other items under this Ministry's control." Now, I have difficulty with the figure. I live near to Hometown. This was an ill-conceived project from the beginning. It was felt that the site at Hometown was no longer the appropriate site for the services which the Government is attempting. I have to say, "it is attempting", because the project has come to a halt and we do not know when it will begin. I think the Honourable Attorney General is full of wishful thinking to suggest that it could be restarted in this financial year. I do not believe it. It is as simple as that.
6.05 p.m.

Mr. Chairman, Sir, I am concerned about the figures. It speaks of work. I assume that is work done and material on site. The way in which these things are properly done money has to be advanced. There are start-up costs. The work has to be certified by certain construction specialists such as quantity surveyors, architects, etc. before monies can be drawn down. We all know what these procedures are. I have a lot of difficulty literally in believing or accepting what I see before me. Nothing that the Minister has said has allayed doubts that I might have or has enlightened me in respect of any of the reservations that I have.

Nobody has addressed this sum being available from savings under other items under this Ministry's control. I am reading from the Barbados Estimates, 1991/92, a document of this House, Head 28 – Ministry of Justice and Public Safety. There are many sub-programmes under this Ministry. I would be interested to know where these savings have come from. Is it the Central Emergency Relief Organisation, CERO?

Aside.

Miss B. A. MILLER: He said where they came from? Let me hear.

Asides.

Miss B. A. MILLER: All those things? The Savings were realised from those? Because the work has not started? I am sorry. That is where the savings were said to have come from.

I too want to have some information. What is happening at the Holatown project now that it has come to a halt? It is really a terrible blotch on the landscape at Holatown which is supposed to be one of our major tourist attractions. You have now yards and yards of boarding hiding one of the interesting monuments that tourists go to Holatown to see. This boarding is now unsightly and dirty right at the beach front at a major tourist site. We are to understand now, Sir, that for months on end, or possibly years, that people are to live with this unsightliness.

I also wish to draw to the Honourable Attorney General's attention since the Minister of Justice and Public Safety is not here, that the Police who formerly worked at Holatown and who are now temporarily operating out of an old school site, the old St. John The Baptist school site up at Holder's Hill, are themselves making the point that it is a far better location of them as a police station and that it is, in their opinion, an area better suited for the permanent siting of a police post.

As the Honourable Member for St. George South is murmuring here, in the long run it is going to be virtually impossible, if not totally impossible, for that station to be abandoned and closed off. It is in the heart of a densely populated area right at the centre of the constituency of the said Minister of Justice and Public Safety. It will be very difficult to remove it. I would want at this stage, since no major work has been done as far as the siting of the police station is concerned there at Holatown – barely works are coming out of the ground, no major work has been done – this may well be a blessing in disguise to provide an opportunity for the Government to look again at this question of what is the best location for the resiting of the Holatown Police Station.

There are some who had thought that further down near Porters, on the land side of the road, not on expensive up market beach front property would have been, perhaps, a better location. As I have said, Sir, the police themselves now are saying that where by pure happenstance because it has just happened that the school, thanks to the Barbados Labour Party, has been resited in new premises somewhere else and the old building – this is the whole story of the Police Force being moved from one old building to be resited and thrown into another old building, they are

saying now in their mature and professional judgement that it is, for sure, not perhaps, a much better place.

I would like to urge upon the Minister of Public Safety and Justice, the Attorney General, the Minister of Finance and all of those other Ministries, Housing and Lands whose portfolio impinge on this matter, to let this be an occasion to rethink this project. Something has to be done at Holatown. We know that it is a building which has to be preserved but it could be another Government office of some kind or for some other function. It does not have to be Government. Something else can be housed behind the facade of that old and historic building at Holatown. It really still is not the place best suited. A whole bunch of money has already been wasted.

The Honourable Member for St. Thomas has made the point that when the restart costs come, there is going to be the expenditure of more money again. The worst thing you can do on a construction project is to stop and start. Money is wasting anyhow. Perhaps, we might in the long run save more money if we use this as an opportunity to look again at where is the best place to site the new Holatown Police Station.

The question that Head 24 stand part was put and resolved in the affirmative without division.

On motion of Hon. B. M. TAITT, seconded by Hon. M. A. KING, Mr. CHAIRMAN reported to His Honour, Mr. SPEAKER, the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly. 6.15 p.m.

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

Mr. SPEAKER: Order No. 6.

CUSTOMS (AMENDMENT) ACT, 1992

Order No. 6 was called – To move the Second Reading of a Bill to amend the Customs Act, Cap. 66.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, Governments from earliest times have imposed some form of customs duties on goods entering their countries or crossing their borders and from those times officials have been charged with the responsibility of collecting the ancient and rightful customs from those authorities. Barbados is no exception to all of this. From the foundation of the settlement of Barbados, Customs Duties have been collected, but down through the years too the economic conditions have changed with different products, different goods and services entering into the trading regime and different methods for identifying, classifying, valuing

and collecting the duties have been applied. For example, different considerations have to be taken into account depending on whether the jurisdiction is a unitary state, a unit territory, whether it is part of a customs area or whether it is part of a single market.

All of this is very pertinent to the present situation in Barbados and the CARICOM area. The objective that beckons Barbados and the CARICOM countries is to create not just a free trade area but a genuinely integrated economic region based on a single market with the free movement of goods and services within its borders and a Common External Tariff and common external trade policies. Hopefully the single market will also include movement of trained labour, of capital and other resources, or factors of production.

Let me state again, the objective of CARICOM is to create a common market regime, a single market with no internal tariffs and a single external tariff; in other words, free trade within the community and a common tariff against third countries. What this involves and will continue to involve is the harmonization of the fiscal incentives and other arrangements, common rules of origin and a common system of customs valuation. This Bill, the Customs (Amendment) Bill, 1992 arose out of a decision taken by the Common Market Council of Ministers at its 34th Meeting held in July 1989. That decision was based on the objective that the member states should implement the provision of the General Agreement of Tariffs and Trade, Customs Valuation Code when seeking to determine the customs value of any item imported into their respective countries. In pursuance of this the Council recommended that draft model legislation for use by member states in preparing national legislation providing for customs valuation provisions based on the GATT Customs Code.

In October 1990 the draft model legislation was circulated for discussion among certain Ministries and Departments of Government, revisions were made and then a revised draft was finally put forward. The Ministry of Finance commented on those particular provisions and meetings and discussions were held with the various agencies and departments and the guidelines for a final draft was then prepared for consideration and preparation by the office of the Attorney-General. That draft was again circulated and indeed amendments to the drafts until agreement was finally reached. This final form of the Bill therefore reflects that process of consideration, that process of dialogue leading to the final agreement.

The objective of the Customs (Amendment) Bill, 1992 is to amend the Customs Act, Cap. 66 in order to provide for customs valuation based on the GATT Customs Valuation Code. As far as the scope of the Bill is

concerned it seeks to repeal and replace section 117 of the Customs Act, Cap. 66 to change the method used by the Customs Department to value imported goods from the Convention on valuation of goods for customs purposes more commonly known as the Brussels Definition of Value to that system used under the GATT. Consequently this Bill also repeals section 119 and 120 of the Act as well. There are differences between the two systems and the basic difference is that the Definition uses the notional concept of value, that is, the price payable for the goods in the open market while the Agreement takes the price actually paid for the goods, that is, the transactional value. While goods will still be valued on the cost, insurance and freight basis, the Customs Department will not be able to add additional charges to what may be stated in the shipping invoice without following a set of guidelines as set out in the Schedule to the Bill. Although the two systems have differences since they are both emanations of the broad principles laid down in the General Agreement on Tariffs and Trade. Invariably, in the majority of cases, they will lead to virtually the same results. It is therefore not anticipated that there will be any substantial loss in revenue on implementation of the new method per se. This Bill, if passed by this Honourable House, will bring Barbados in line with the changes taking place in the international trading community and within certain countries of CARICOM. A large number of those countries have adopted this method of valuation as the preferred system.

6.25 p.m.

Mr. Speaker, I believe that this is a measure that will find acceptance in this House. I believe it is one that we are all committed, by our actions, to the development of a regime within Caricom to make provision for the attainment of 'the objectives of the Treaty of Chaguaramus.

With those words I beg to move that this Bill be now read a second time.

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

Hon. H. B. St. JOHN: Mr. Speaker, the provision of legislation to implement an agreement solemnly entered into by Barbados' representative at any Conference of Caricom is a matter which will not receive objection by the Barbados Labour Party. The implementation of a decision to take the Caribbean Economic Community a step further towards the objective of a unified Common Market is one to which we have devoted a considerable amount of our time and energy. It is one that we view as being highly desirable and necessary if we, in Barbados, are to attain the degree of economic development that is necessary for us to sustain and improve our standard of living.

We are well aware of the fact that in the international trading system, new methods of describing goods and valuing goods for customs purposes has been agreed to.

As the Honourable Minister of Finance has said, this Bill in effect seeks to implement, not only the Caricom decision to implement the international agreement reached in the GATT for the new nomenclature and for new methods of valuation, but we have some very serious reservations about Barbados' position in respect of the implementation of decisions at Caricom level.

It is a matter of great concern to us that while on the one hand we preach openly our desire to implement agreements reached at the Caricom level, while we state openly that we are in the vanguard of the movement to ensure that there is a free movement of trade in goods and services within the Caricom **area**, on the other hand we take 'specific steps in the implementation of other agreements which are inconsistent with our obligations. That is one of the difficulties that we find ourselves in.

I want to repeat it because we on this side take very seriously our obligations under the Caricom Agreement and we feel that every effort should be made to explain carefully and in precise language, to all and sundry, including multilateral agencies such **as** the World Bank and the International Monetary Fund, that we regard any attempt by them to impose on Barbados terms and conditions which they have not imposed on other member states who are in a similar position to us today where we are all under the yoke of **standby** agreements and compensatory and contingency financing agreements that we regard that conduct as being something that we cannot subscribe to.

Barbados finds itself in a position **today** that on the one hand the Honourable Minister of Finance is introducing this Bill to implement a decision reached at Caricom Heads of Government Conference and on the other hand he has already signed away in the agreements with the International Monetary Fund and in understandings with the World Bank, which understandings were embodied in *aide memoire*, written **as** long ago as November 1990, which resulted in an agreement by this Government to replace the customs duty exemptions for a whole mass of manufacturing activity which takes place in Barbados in consonance with a harmonised regime of fiscal incentives, solemnly agreed to at Caricom level and to replace that by surcharges and customs and special taxes.

Special stamp taxes, special dispensation surcharges are to be introduced on manufacturers who import raw materials for domestic consumption. They will be able to get a rebate when they send it down to Caricom because that is export. When they sell to local consumers they have to pay these taxes and what is more, to equalise the position, the Government has to break its solemn undertaking to fellow Caricom Member Governments and put on a special tax as outlined very carefully and very clearly in the September Budget last year by the

Honourable Minister of Finance. A special regime of taxes has to be applied to Caricom goods for those countries that continue to honour the **harmonisation** of fiscal incentives and grant their manufacturers duty free import of inputs of raw material.

Now, Sir, that is the problem. When I listened to the Minister of **Finance** saying how he is carrying out this noble objective of implementing these **Caricom** decisions, that is the problem I have. It is a very serious problem that I have, Sir. It is a problem that I am here presented with a situation in which the Minister of Finance is blowing hot and cold on the one hand and on the other hand.

Now this is a very, very, serious and fundamental matter. You cannot carry out the objectives of a single unified market in the Caribbean Economic Community when the Governments pursue agreements with the International Monetary Fund and with the World Bank which are different in essence from the ones that other member states of the Community have entered into and that is what I want to find out about. That is the important point, Sir.

I know, Sir, that as part and parcel of all of these arrangements that the Government committed itself to macro economic conditionalities.
6.35 p.m.

The Government committed itself not today, not yesterday, not in 1991 to the amazement of the other Side. All of these policies about overall fiscal surplus and the change in the customs and surcharge, and all of that were discussed as long ago as 1990. That is a fact. All of that took place.

Sir, the implications of this is very serious and I do not wish to minimize this matter, because the Customs in the administration of this Act and in the administration of the inconsistent policies are going to find themselves in a lot of difficulty. We have here, Sir, a Customs Tariff (Amendment) Order 1991 which was passed by this Honourable House and we were told that this large document was the result of an agreement reached at CARICOM to implement another aspect of this overall agreement and that this was the implementation document of that part of the agreement that related to the new tariffs. It has in it the rules for Interpretation. It has the specific sections in the Appendix dealing with the rules for Interpretation of certain matters and, in addition to that, it has in the various conditional duty exemptions list. It has in it all of the industries. Part 2(a) page 753 had in the list of items on which the Minister responsible for Finance may grant conditional duty exemptions. It went through all of those. It also has in it Part 2(b) the Table of Exemptions. That is a long list of goods that successive Ministers

of Finance and Trade and Industry worked out after years of lobbying and years of detailed consideration for their impact upon the economy and the suitability of the types of industry and the similarity in other countries in CARICOM. With that, a lot of them have been swept away.

So that, Sir, I want this to be understood. I want all Honourable Members to understand in this House that we are dealing in an area in which there are grave and serious changes taking place which are fundamentally inconsistent with the noble objectives of the implementation of the kind of CARICOM that we all in here thought we were talking about. That is a regime with a common Customs Law dealing with value, a common external tariff dealing with **rates** of duty, a harmonized list of goods that could be granted duty free for manufacturers, a harmonized regime of incentives for manufacturers. Sir, that is what we are departing from in many respects in relation to the programme that we have. That is why I want to know about this. We cannot hide this **anymore**. It cannot be hidden **anymore**, Sir, and I welcome the opportunity for the Minister of Finance to respond. He said it here when he read out what we are going to do to ensure that we implement our agreement.

Now the Central Bank, Sir, wrote a letter on March 8, 1990 to the World Bank and in that letter they reaffirmed their agreement that the Government would eliminate non-tariff barriers **and** they would replace the non-tariff barriers. All the licences are built up so elaborately since 1986. All of those new things you put back on licence. You said that you would replace all of them. All of the lists of the other NTB's, non-tariff barriers, that you had in and the prohibitions for imports and things of that kind, were to be replaced with a surcharge. It hurts me to think that such a fundamental change of policy took place.

Aside.

Hon. H. B. St. JOHN: I do not **even** bother with the electorate. We live in an era, Sir, in which there are people who believe that smart politicians are the best politicians. We live in that era. People will write and say that you are a great man if you can trick the electorate. I do not bother with that, Sir. What I am worried about and profoundly worried about, Sir, is the fact that this whole community has not yet been given the **opportunity** of a debate on that fundamental change of policy. This whole community, this House, political agencies, or social partners have not been given an opportunity to debate this great commitment made by the Central Bank of Barbados in a letter dated March 8, 1990 to the World Bank.

Aside.

Hon. H. B. St. JOHN: They re-affirmed the commitment of the Government of Barbados to the World

Bank's view that you must eliminate all **NTB's**. Now, Sir, that is a matter I would welcome the opportunity to debate – the non-tariff barriers, the licences, the prohibitions, the quotas, the things that you do to ensure that there is no competition domestically, whether against CARICOM or coming from outside. These are matters fundamental to trade policy. We must have the debate and we want to know why the Government changed its mind on this. We want to know whether this is part and parcel of an agreement reached at CARICOM level. On the one hand, you can't say that you are going to pursue that rigid objective of this single unified market, the preconditions of which is an agreement on all of these matters.

6.45 p.m.

I am in favour of a common protective policy running right through the Caribbean, but I want the regime to be known and understood. I do not want Barbados pursuing one agreement, Jamaica another, Trinidad & Tobago another and the OECS having their own. I want to know that if we are genuinely going to have the advantages of a single market that the terms and conditions under which we are going to operate are agreed and are **common** to everybody. That's what I want to know. That is why every time we have had the opportunity in here to speak on this matter this matter has been raised because the words coming from the lips of the Minister of Finance do not square with the reality of the actions and the policies that are implemented.

Sir, there is a new concept now about anti-export bias; that it is no longer viable to encourage manufacturers to indulge in import substitution. If that is being forced down the throats of Barbados that may be one thing, but I well recall during my period of time as Minister of Trade representing Barbados at Ministers of Trade Council Meetings between 1976 and 1985 that we had to give consideration to a report which made recommendations about drastically reducing the level of existing protection in certain areas for certain industries.

Barbados did an analysis – a very careful analysis in the Ministry of Trade and the Ministry of Finance – of its views of the **Ranace** Report and we came to the conclusion that it may well be in the interest of the Caribbean Economic Community to reduce some of the levels of protection for some products which had an historical level of protection and against which the consumers have consistently been crying out and saying that they were not getting good value for their money. There was no objection to an analysis of each and every product area and methods of protection. We came up with a common viewpoint in Nassau in 1984. That is exactly what it was about. We came up with a common viewpoint that we were not going to go forward on an individual island basis; that we would go forward on a common basis because we wanted to

have a common market. That is why, Sir, you will see at page 753, Part 11-A, a list of the Customs Tariff (Amendment) Order, 1991 which sets out the measures that can be dealt with from Industry, Agriculture, Fisheries, Forestry, Mining, and it goes right through, So, that is the position.

It is not to say that this matter has not been the subject of intimate study. It is the departure from the agreed norm of behaviour that concerns me. That is where I say that Barbados has been shortchanged because the Minister of Finance has not had the benefit of the advice or of a major debate all over Barbados on this matter. I want to say this, no Minister of Finance is so intimately acquainted with the terms and conditions of production in all of the industries in Barbados that he would not benefit from the experience and the de facto day-to-day knowledge of the manufacturers or importers or other people involved in particular areas.

You must always try when you are dealing with these matters to get the benefit of the factual experience of the people involved. I remember the printing industry clearly. I think I see now the printers in the Ministry of Trade in Fontabelle clamouring for an element of help, pointing out to us that if they were given an element of help in the form of duty free importation of certain inks and things of that kind that they could build up a printing industry here that could service not only Barbados' requirements but they could replace a lot of foreign exchange which went abroad for the printing of brochures and things of that kind. I remember that. We even went so far as to be able to get an American company from Flower City - anybody who knows about colour printing will know about Flower City, Rochester, in New York, in the United States, the home of this industry. They came down here and they set up here in Barbados and built up an industry where brochures for the hotels could be done almost 100 per cent here in Barbados. To my horror, Mr. Speaker, Sir, I read that all of that effort was wasted and now people in Trinidad & Tobago are saying, "Your's gone. But, send them down here. We will do it down here for you." They are even taking ads now in the *Advocate* and around telling you, "Don't mind your plant has gone. Send them down here. We will deal with them next door here." Trinidad has a structural adjustment programme with the World Bank. That is what galls me. It predates ours. Jamaica has one. As a matter of fact, Jamaica always has a programme with somebody for the last fifteen years. Guyana has a programme. This is the mystery to me. I am mystified by this because I can't follow it. I would like to know whether a study has been done. I don't bother about the Central Bank. I want to know whether a study has been done in the Ministry of Finance and the Ministry of Trade and the Ministry of Agriculture about the effect of the structural adjustments programmes and the terms and conditions of

those programmes in all of the other NDCs. I would like to know whether this comparative study was done.

The debate is only now coming out in the open after the agreement was entered into and the commitments given. Commitments have been given to the World Bank. I mean, you would have thought that the Letter of Intent was the origin. I was naive enough to believe that what the Rt. Honourable Prime Minister told us here in April and in September about the need for a macro economic conditionality in the form of an overall budget surplus, a reduction in the Central Bank's net credit balance to the public sector passed through - listen to this - all in increases in petroleum prices. A pass-through. I thought this was part of the Letter of Intent of the International Monetary Fund, and you had to adopt policies to keep public sector wage increases below the rate of domestic inflation.

6.55 p.m.

I am sure the Honourable Members on the other side thought so too. Was it IMF unreasonableness that caused this? No, Sir. There are proposals that have been put to the Government of Barbados as long ago as between November 5-19, 1990. What is more, Sir, if you think they were not serious in their proposals, they had in a memoir a statement to this effect that these measures would be conditions for Board presentation. In other words do not think that these are negotiable. If you want to get the proposed export development project loan from the World Bank component, these are the conditions.

All of these things are in the Maxwell Stamp Report. The Maxwell Stamp Report was published. I have never seen a GIS statement or a statement from any Ministry in Barbados setting out in detail the Government's views on the Maxwell Stamp Report. I know this. The Central Bank sent a letter to the World Bank about it. That is a fact. The deceit that has been practised on Barbadians is so obvious when you look in every document that has been published by the Central Bank and you see no reference to that. Every man has his day. Some things you can tolerate. Ignorance is one but deliberate deceit is another thing. That cannot be tolerated at all. You have to be brought to book for that because there is absolutely nothing that prevents a Government from changing its policy.

I want to tell you something about the Customs too, Sir. We have to streamline Customs procedures. Every now and again I see a little report published by the GIS, part of the propaganda you get saying how they are training these Customs Officers. I well recall a very elaborate scheme which was proposed and approved by the Ministry of Finance as long ago as 1986 to train a large number of Customs people. I commended the Government for implementing, continuing and following up with

that programme of updating the Customs people in modern computerised methods and the use of computers in relation to Customs.

I was amazed and ashamed when I read this paragraph. There was a report on the streamlining of Customs procedures. This is by a man called Mr. Rick Dale. He was an official of the Canadian Customs Services. He came here and did a report called "An Analysis of Customs Import and Export Procedures" dated September 1989. This is what the World Bank found in November. Listen to this.

"The mission met with officials of the Customs Service and the Ministry of Finance but was unable to identify any officials who had seen the Report entitled "Analysis of Customs Import and Export Procedures" dated September 1989 prepared by Mr. Rick Dale, an official of the Canadian Customs Services seconded to a previous World Bank mission.

The mission recommends that the Report receive wide circulation for a serious review of its recommendations and that the implementation of relevant recommendations be monitored closely."

How can you make progress? The profundity of that statement is something all of us in here should study. Do you mean to tell me that we are in here and in Barbados so competent and so efficient that we bring an expert in to make a report on an important area of analysis of the Customs imports and export procedures, something that has been the subject of debate and criticism?

The rum industry says that the red tape associated with the bottling of rum is so strong, the manufacturing industry tell you that the red tape at the Port of Bridgetown is such that it has increased the cost of Barbados. It has made us uncompetitive vis-a-vis the rest of the Caribbean. Many other people tell you that if you have to apply for duty-free waiver on imports for exports, as a constituent of mine only-last week complained to me that three weeks ago they applied for duty-free on boxes to put potatoes in for export and after 21 days they still have not got back a reply from the Ministry of Finance. They want to export sweet potatoes from Barbados. Now, this is what this was all about, the bottleneck in our existing procedures how you can computerise it. All of these things are there and you are going to tell me that after one year you cannot find a single individual in the Customs or the Ministry of Finance who has ever seen this Report?

Aside.

Hon. H. B. St. JOHN: I am finishing now, Sir. I want it to receive the widest circulation. Like the World Bank I feel all of these documents should receive a wide

circulation. I believe you have an input to make on this too because I do not believe the Honourable Member appreciates the impact of all the effort that he has put in with those that he was down there with which has been thrown through the window by this newfangled policy. I do not believe it. There is a place and time, and it is right too, for reduction in **non-tariff** barriers. ■

The Barbados Labour Party came in and they had a long list. The Honourable Member left us with a long list. The Honourable Member every Monday morning used to decide what was the price of sardines. That is correct. He was proud of the fact that every Monday morning he used to dictate what was the price of sardines, corned beef, yams, sweet potatoes, everything. Now, we swept away all of that. The Honourable Member for St. Lucy came in and he saw that there was something in the method how the Honourable Member for St. Michael West used to operate. He reintroduced a measure of price controls with licensing in particular. The significant thing is that he abolished that mechanism for protection of the integrity of the regime that we had in place, that is, the ability to appeal against the decision of the official and the Minister. He has swept that aside.

Aside.

Hon. H. B. St. JOHN: No. The World Bank and all of them believe that in the developing world the grant of licences is a source of political corruption. That is a fact. 7.05 p.m.

That is so. It does not matter in the United Kingdom you have to have licences or in the Common Market they have levies or in Japan you have or in the United States of America that you have, all of those things. It does not matter that you can have countervailing duties to ensure protection. You can protect agriculture, you can protect the garment industry in the big countries but not the little countries.

Sir, this is an area where I am **very, very** glad that this opportunity came because the whole thing has to be debated. Because you will not get the confidence that the Honourable Minister of Finance is asking for. You cannot get the confidence of the productive sector in Barbados if you are changing the rules of the game and they did not know anything about it. Because sometimes you have to explain these things to the people like children.

Sir, while I support every effort that is made to establish a genuine regime within the Caribbean for free trade and a genuine customs union I want to make it clear that the conditions which bind Barbados must be the same conditions that bind each and every member of the rest of the Community. That is what I want to ensure, that we

do not have differential conditions and different agreements. And no World Bank and no International Monetary Fund, I believe, will resist a common agreed approach on this because they know that the integration movement is the only hope for many of these small independent territories who do not have large domestic markets and who have a history of co-operation in economic affairs which is, after all for some of us, only prelude to something bigger and deeper.

SUSPENSION OF SITTING

Hon. B. M. TAITT: Mr. Speaker, Sir, it is five past seven. I beg to move that this sitting be now suspended until 8.00 o'clock.

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

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly at 7.10 p.m.

ON RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, Sir, I really do not have any serious quarrels with the statements which were made by the Honourable Member for Christ Church South. What he said was well said even though it had nothing at all to do with the measure that we were dealing with. But I will admit that he said it very well and there was a certain amount of conviction in what he was saying.

What this particular measure is dealing with is a change of one system of customs valuation to another change of customs valuation. Most of the industrialized countries and a large number of the developing countries have implemented this system and all of the countries of CARICOM, to the best of my knowledge, except Antigua and Barbados have moved towards this particular thing. What we are trying to do is to come into compliance on this particular matter and I think it is appropriate that we should be doing that at this particular time.

The other matters, Sir,...

Asides.

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

Rt. Hon. L. E. SANDIFORD: I do not think there is very much to respond to. We heard a lot about some Rick Dale analysis of Customs Import and Export Procedures. I will admit I have not seen the document. I am not a

customs technician and I do not have to read those documents.

But my information is that some sixteen recommendations were made in that particular report. Twelve of them have been implemented by the Customs administration and four of them are under review. I can give some **examples** if you want them but maybe this is a debate for another time. But to give the impression that here was a report, it got lost, nobody knows anything about it, nobody is doing anything about it, it is languishing somewhere or another, according to the information available to me that is not in accordance....

Mr. D. A. C. SIMMONS: Mr. Speaker, Sir, on a point of order. That is a distortion of what the Honourable Member for Christ Church South said and to that extent he is misleading.

What the Honourable Member for Christ Church South was quoting was the World Bank Report that the Rick Dale analysis was done in 1989 and at November 1990 when they were here, up to that point in time no one in the Customs or in the hierarchy of Government has seen and dealt with it, among the large number of people that they met, Sir.

Rt. Hon. L. E. SANDIFORD: I have not set out to distort anything. If there was a misunderstanding on my part I am perfectly willing to admit that but what I am saying is that the impression I received was that there was a report that people had not done anything about.
8.10 p.m.

I don't know if there was really anything else to respond to in this matter. I believe there is agreement that we are implementing something that the previous administration and the present one are both committed to and that we will move forward on that. There is nothing. As far as the concessions are concerned, we have had full debates on those through the Letter of Intent and I believe, again, Sir, that is something if we wish to revisit it there is no reason why we cannot find opportunities so to do. I am very happy that there is agreement that these measures should be approved by this Honourable House even though there may be differences over certain subsidiary matters.

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

On the motion of Rt. Hon. L. E. SANDIFORD, seconded by Hon. B. M. TAITT, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 to 5 were called and passed.

The Schedule was called.

Rt. Hon. L. E. SANDIFORD: Mr. Chairman, I beg to move that this be the Schedule to the Bill.

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

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

On the motion of Rt. Hon. L. E. SANDIFORD, seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

*On the separate motions of Rt. Hon. L. E. SANDIFORD, seconded by the Hon. B. M. TAITT, the **Bill** was read a third time and passed and cited as the Customs (Amendment) Act, 1992.*

ADJOURNMENT •

Hon. B. M. TAITT: Mr. Speaker, that brings us to the end of Government Business for today. I don't know if the others are ready with Private Members' Business, Sir.

Sir, I beg to move that this House do now adjourn until Tuesday, February 25, 1992 at 12 o'clock noon.

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

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

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