THE

House of Assembly Debates

(O F F I C I A L R E P O R T)

FIRST SESSION 1991 - 96

HOUSE OF ASSEMBLY

Tuesday, February 22, 1994

Pursuant to the adjournment, the House of Assembly met at 12.25 p.m. o'clock on Tuesday, February 22, 1994.

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 Economic Affairs, Tourism and Minister for the Civil Service)
Hon. B. M. TAITT, B.A. (Hons.),. M.P.A., LL.B. (Hons.), (Minister of Foreign Affairs and Deputy Leader of the House)
Hon. M. A. KING, Q.C., LL.B., (Attorney General, Minister of Justice and Minister for CARICOM Affairs)
Hon. W. 0. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Trade, Industry and Commerce)
Mr. H. A. BLACKMAN, B.Sc. (E c o n .)
Mr. 0. S. ARTHUR, M.Sc. (Econ.), (Leader of the Opposition)
Mr. D. A. C. SIMMONS, Q.C., LL.M.
Hon. C. N. WALKER, J.P., (Minister of Health) Mr. L . L. BRATHWAITE, J.P., (Chairman of Committees)
Hon. W. W. HALL, G.C.M., H.B.M., J.P., (Minister of Labour, Public Works, Community Development and Sports)
Mr. C. LeR. TROTMAN, M.A.
Mr. R. L. MORRIS, B.A., Cert. Ed.
Hon. D. J. H. THOMPSON, LL.B. (lions.), (Minister of Finance)
Hon. H. B. St. JOHN, Q.C., LL.B.
Mr. L. R. TULL, Q.C., M.A.
Mr. DeL. O. BRADSHAW, B.Sc. (Hons.), J.P.
Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.)
Mr. J. 0. TUDOR, J.P.
Hon. D. W. BOWEN (Minister of Agriculture, Food and Fisheries)
Mr. G. W. PAYNE
Mr. R. C. EASTMOND, B.A., LL.B.

Prayers were led by, Rev. Father Ivan Harewood.

MINUTES

Mr. SPEAKER: The House is in session. The Minutes of the Meeting of Tuesday, February 15, 1994

Hon. B. M. TAITT: Mr. Speaker, Sir, the Minutes of Tuesday, February 15 have been circulated. Honourable Members would have read them and I beg to move that the Minutes be now confirmed.

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

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

.PAPERS

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

> The Twenty-fourth Annual Report and Financial Statement of the Barbados Development Bank for the year ended March 31, 1993.

Hon. B. M. TAITT: Mr. Speaker, Sir, on behalf of the Minister of Labour, Public Works, Community Development and Sports, I beg to lay:

The instruments adopted by the International Conference at its Eightieth Session held in Geneva in June, 1993.

Mr. Speaker, I beg to give notice of:

The Barbados Foreign Sales Corporation (Amendment) Bill, 1994.

I also beg to give notice of:

The Shipping Bill, 1994.

I also beg to give notice of the Shipping Oil Pollution Bill, 1994.

FIRST READING OF BILLS

Hon. B. M. TAITT: Mr. Speaker, Sir, I beg to move that the Barbados Foreign Sales Corporation (Amendment) Bill, 1994 be read a first time.

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

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

Hon. B. M. TAITT: Mr. Speaker, Sir, I beg to move that the Shipping Bill be now read a first time.

I beg to second that, Sir.

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

Hon. B. M. TAITT: I beg to move, Sir, that the Shipping Oil Pollution Bill, 1994 be now read a first time.

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

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

OBITUARY SPEECHES

Hon. B. M. TAITT: Mr. Speaker, Sir, I rise on this occasion to begin to pay tribute to a great Barbadian whom we laid to rest last Saturday afternoon. I think that it would be fair to say that there is hardly anyone in Barbados who is not now aware that the late Neville Boxill had passed away. And indeed there is hardly anyone who has not heard or read some significant eulogy about this very important Barbadian. But it is the custom and it is necessary for posterity that we who have the honour to sit in this Honourable House should pay our tribute in our special way to someone who had adorned these halls and whose reputation has become and did become legendary even before his passing.

The late Neville Boxill was a Member of this House from 1961 for 10 years representing with distinction the people of St. Thomas. A lot has been said about the simplicity which Neville Boxill brought to the things he did and even more has been spoken about the sincerity with which he approached any task which he was called to perform. But nowhere was his simplicity and sincerity cemented as firmly as in the halls of this Honourable House.

He was one of the group of representatives who brought what has been described as the new era of thinking in politics to Barbados. He came together with a number of great representatives — almost all of them have left the scene now — at a time when Barbados was just getting ready to move from one state, as it were, into another; when Barbados was just getting ready to be transformed from being a mere territory into nationhood. He came in 1961 when the country having tasted briefly of the joys of Adult Suffrage stood poised to gallop into political, economic and social maturity. He came at a time when our people would not yet have been fully seized of the rights and privileges which could have been their's.

Neville Boxill was part of that group of men and women in the early 60s who literally set the course which Barbados would follow; and together with Errol Barrow, Cameron Tudor and a host of other well-known Barbadians, Neville Boxill represented what has been euphemistically called the small man and small woman in this Community. Everyone has spoken about how frank he was and certainly his eulogy delivered meticulously and honestly by his son on Saturday afternoon gave those of us who shared that moment the opportunity to reflect on what a full and complete life this simple man had lived. But it is only when one has had the opportunity to share in his actual work or indeed when one grasps the opportunity to read the Hansard and thereby to live out the debates in which the late gentleman participated that one can see clearly the quality of what Father Lawrence Small described as the "Call to Duty", in some ways a "call to Christian Duty" by a politician as a representative.
12.35 p.m.

I share the view which was expressed by Father Small that representation is probably the highest form in which a human can serve. But representation does not necessarily have to be in the Parliament. To the extent that any man or woman allows his fellow man or fellow woman to represent him or her, he who is called has been given a noble task. And when the person called cannot boast of great letters, numerous degrees or substantial formal tutoring, and when that person can yet stand in a place like this, this Honourable House, and not only hold his own but surpass many of his colleagues on both sides of the House, such representation is indeed worthy of being described as a call from God.

Neville Boxill was a very serious person as we have heard and he demonstrated this seriousness in a manner of speech which betrayed the manner of thought that had no time for fluff but allowed only for the getting to the heart of the matter and dealing honestly, both intellectually and spiritually with the issues at hand.

I did not have the privilege of serving with the late Neville Boxill for all of his career. I came at a time when he was, not on the way out so much as on the way aside. But I did have the opportunity, from time to time, to serve with him in the Cabinet. More particularly in the latter years, I had the opportunity to share my Ministry with him on those occasions when he would act for me. But even at that late stage and without the benefit of many years in the Ministry, he could and did bring a freshness to the Ministry which lead to pall of sadness throughout the entire group of people who made up that Ministry. As one public health inspector said to me, "he was so knowledgeable about so many things and understood the Ministry of Health and the Ministry of Communications and Works so much better than anyone had a right to expect at his time of life".

Mr. Speaker, he was also very keen about individual health. I recall, if I may be permitted to mention, his suggesting to me a way in which I could improve my own health. Having decided that I should accept for the sake of discussion what he was saying, I thought nothing more of it until the following week when he turned up with no less than, and I would have to describe it as, "a paper bag full of pills". When I queried him as to where he had got the pills from he told me, and I quote him, "I was a seaman so I have a lot of pills put down".

Mr. Speaker, the important thing is that he wanted to impress upon me that it was important that a certain type of medication which was in danger of being removed from the formulary was desirable not only because of its intrinsic value but because ordinary people would not have access to that medication, were it to be removed from the formulary. And in that episode he manifested, in my view, something which I had heard about and observed about Neville Boxill: that he constantly, wherever he was, thought more of other people than he did of himself.

He was a giant of a man, even though in stature he was not 6 feet tall. He was a giant of a man because not only did he maintain the common touch but he had no fear of anyone anywhere. Indeed some of his best times, I believe, came when he was able to best some of the other people *with* better qualifications in argumentation. Anyone who has ever had an argument with Neville Boxill will know the classic position he would take as he won the argument in his mind and moved away without further discussion.

I believe there are two Honourable Members here who would have served with him and I have no doubt they will recollect their own experiences with him. But I think that when one listened to the programme, "Looking Back", on the Thursday morning after he passed away, one heard the calls coming from all parts of Barbados, each call in its *own way making* separate testimony to the quality of life which Neville Boxill had led. We in this Honourable Chamber can be proud of the fact that we were able, in some way, to serve with him. I certainly, Sir, am pleased and I know that all of my colleagues on this side are pleased that it was our good fortune to have sat with him in various and sundry:places. I certainly remember with joy his activities as a raconteur in the political party. I also remember, with a certain glee his activities in the hustings. I well remember, Sir, and I am sure the Honourable for St. Peter will remember, the activities which Neville Boxill and a couple of others engaged in during a very famous by-election in which he played the game exactly as it should be played and in the end he was *pro tern* a victor.

Mr. Speaker, it is not often that one can say it is a joy to participate in an activity which is really speaking of the passing of someone else but in a sense Neville Boxill would have wanted us not to sorrow as men without hope as St. Paul has put it. He would have wanted us to recognise that he lived a full and complete life. He would have wanted us never to forget our reason for being in this Honourable House. And I am sure, to the extent that we are able to emulate his life that we too, when our time would come, will gain the attributes and the hurrahs of the ordinary people.

So, Sir, it is with deep sorrow that I am offering condolences to all of his relatives and his many friends, in particular the Honourable Member for St. Michael North, who is not now in his place, because he is not feeling well and who would have been doing this particular tribute, had he been here. I am sure though had he been here he would have wanted to speak of the great relationship which developed and which remained *up until the end* between himself and the late Neville Boxill.

12.45 p.m.

Neville Boxill was born in 1919. He was a Member of Parliament from 1961 until 1971. He was Parliamentary Secretary, Minister of Communications and Works, Minister of Labour, National Insurance and Housing. He was a Senator from 1980–81 and again 1986—90. As I said, during 1988 he held office as a temporary Minister. Those who have had the privilege of rubbing shoulders with "Prophet" will miss him. His legacy and his memory *will* remain as an adornment on this Honourable House and may he find a place in the "Great Parliament" where he can continue the work. May he rest in peace.

Hon. H. B. St. JOHN: Mr. Speaker, I rise to associate myself on behalf of the Opposition with the remarks

made by the Honourable Member for St. Michael West. I had the pleasure of serving in this Parliament in the Session 1966—71 with the late Neville Boxill. He was at that time a Minister responsible for Public Works which Ministry was in charge of the Water Works Department. The late Neville Boxill also was a formidable political campaigner and I can recall his performance both in this Honourable Chamber and in the huskings where he engaged in a fight with no less a person than former Prime Minister Tom Adams. Indeed, it was that seat in St. Thomas that became very famous in the rigorous campaign of 1976. I also recall, Sir, his wit and his courage. In this very Chamber, there was a particular occasion that I think it is fit that I should recall because it illustrates how in the "hurly-burly" of debate it is possible for the participants to rise to exceptional verbal heights. I remember that he had a clash in here with the late Sir Grantley Adams and it went on for some particular period of time. He thought that he was getting the better of the debate and he was performing very well. But he was silenced when the late Sir Grantley replied that all he could say was at that time that when Barbados got its National Zoo the Honourable Member would find his rightful place.

Despite the fact that those clashes appeared to be very strong, the late Mr. Boxill was a fast friend of both Sir Grantley and Tom. Indeed, one recalls a moving tribute he paid in here when in very unfortunate circumstances the grandmother of Tom Adams died. We did not know then that Mr. Boxill or "Prophet", as he was called, was a great friend of this old lady and he explained the friendship, that he lived in Dayrells Road and she had a house in St. Matthias and he used to pass there going to the sea. On those occasions he would always engage conversation with her.

He took his job as a Minister very seriously and he was not afraid of doing things which he regarded as the right thing to do and to face the political consequences. A story is told and he himself in here vouched for the story that he was once driving and saw someone wasting water at a standpipe. He stopped his car, took the number of the standpipe, and when he went back to the Ministry he ordered the standpipe to be turned off. It happened to have been in a part of a constituency that I had an interest and I had to beg him to put it back on. He was adamant that he was not going to put it back on for a particular period of time. I understand that that was not the only constituency that he did that. Because he felt that people should recognize that Governments were really there to provide services for the people but they were not to abuse the services that were provided. I believe that he had a similar attitude in many other areas of his portfolio which were there to provide services for the people.

I also recall too, Sir, that he had a great sense of fair play. I remember too in the Session 1966—71 that the people of Amity Lodge wanted to have their roads repaired. In those days when one petitioned the Ministry, one expected that one would get some response. Quite different from today, Sir, because we know that little response is forthcoming today. In Amity Lodge he was not afraid to say that, despite the fact that those people were not supporters of the Democratic Labour Party, he was going to see to it that they got roads because he did not want them to feel that the Democratic Labour Party would discriminate against them. He did honour his commitment and he made his promise.

Such was the man, Sir, that we are talking about. I think that he exemplified something about Barbadians which we should all be proud of. Neville Boxill had the courage, commitment and the capacity to rise. He himself spoke of his humble beginning but he did not allow that to deter him. As those who have paid tribute to him and his good friends have testified, he was a great voracious reader and he obviously had great intellect for he was able to absorb a great deal of what he read and turned it into good use. I think Barbados is poorer for his passing, Sir, and I would like to join with others in expressing our condolences to his family and his other relatives.

12.55 p.m.

Mr. C. LeR. TROTMAN: Mr. Speaker, in many ways it is true for us to say that an era has passed, an era which has been some time in passing but is passing nonetheless, and to some extent maybe we in This Place are responsible. The era I refer to is the era of very long and exciting speakers who would be able to hold large groups of people enthralled as they were able for hours on end to speak to issues of national importance. In fact, during the late 50's and 60's people had two pastimes, both of which they seem to take great pleasure in, one of which was unfortunate and we hope that we will continue to see a reduction in the use of that pastime — that first one being going to cane fires at this time of the year. I recall in Eagle Hall when asked where they would go for the evening some people responding: "I don't know, I think I will go to a cane fire". So was the misinformed position of the time and the misadventure that there was, that that was a pastime. We will hope that that could be corrected, as I said before.

The main area of entertainment for our people in the 50's, because we did not then have the benefit of the television and the video, was for people to go to public meetings and to hear their favourite speakers, be it then Sir Grantley or Errol Barrow, or in later times Tom Adams or Neville Boxill, Wynter Crawford earlier, whoever the people were whom they were going to hear. It was more than likely that several of the people who went to those public meetings tried at some point or other in their lives to emulate the particular person whose style of speaking they preferred and whose mannerisms they found most in

sync with their own way of presentation. So that at the end of the day we had a number of persons who themselves might not have risen to positions in which they would get to Parliament or in which they would get to be leaders, who would still be able in their own parliaments by the corner to hold crowds by their capacity to emulate the leaders of the day.

Neville Boxill, Mr. Speaker, was one of those speakers. He was able to go on for hours on end and he had an inexhaustible supply of anecdotes with which he would punctuate any speeches he made. All those of us who have met with him and spoken to him from time to time have been able to note those stories and have been able to find that, although he was full of those stories, there was no rancour even when he became the butt of some of the jokes which there were.

He was for some time, Mr. Speaker, a Union organiser, serving under my predecessor General Secretary of the Barbados Workers' Union, and in that position as a member of staff of the Barbados Workers' Union he conducted himself with some distinction. He would want to record that part of his life and to express our appreciation for that service.

We have all been satisfied that though, as we have heard before, he was an unlettered person by the way in which society judges people, that yet all those who met him were satisfied that he had a doctorate in experience from the university of life. It was not the kind of training and education which he held lightly, but rather it was the kind of education which he was prepared to share with those people who met him, rubbed shoulders with him and benefited from him in the Trade Union Movement and outside of the Trade Union Movement. Those persons who remember those times will recall that he was friendly and always willing to offer assistance within the Movement and, as we have heard before, even as he served as a Minister of the Crown.

In later life he became an employer, working as the Chairman of a Statutory Board, and at that stage we also met him and found him then to be a rather tough employer. There is nothing wrong with having an employer who is a tough employer if the employer is approachable, fair and reasonable, and we would have to admit that although he was tough we were able to do business and continue in our effort to satisfy the needs of our constituents who served under him at the Barbados Water Authority.

Neville Boxill, Mr. Speaker, was a man who was a full Barbadian, known in every area of this country, respected in all areas of the country and now subsequently mourned by all areas in the country. Those relatives whom he left in the constituency of St. Michael Central know of the concern that we have now, and of our regret and the condolences we would want to express to them on this occasion of their bereavement, but the wider constituency of his relatives and friends throughout Barbados need equally to be able to understand and to recognise the tremendous respect in which we in the Barbados Workers' Union held him, and in which this speaker personally held him, and need to know, through this forum, of our regret at his passing and our wish that they will find strength in this their hour of need, strength which they can only get from the great giver of comfort, He who we know is able to give comfort and solace on occasions such as these.

I join with the others, Mr. Speaker, in wishing his family comfort and peace at this time of their bereavement.

Mr. L. L. BRATHWAITE: Mr. Speaker, I believe I would be failing in my duty to my family if I allow this occasion to pass without paying tribute to a man that has been a source of comfort to my mother when one of my younger brothers joined him aboard a Canadian vessel — I think it was called a merchant navy ship — and gave reports of this man whom he had met and who had treated him like a father and had pulled him to the ropes of the new field of endeavour which he had entered.
1.05 p.m.

I said that, Mr. Speaker, to say that long before I knew the late Neville Boxill I had heard and known of him. So sterling were the reports that were given by my brother whenever he came back to Barbados that I felt that whenever the opportunity arose I would want to meet this man who on meeting and knowing my brother for the first time was able to relate to him in such a way. That was long before the late Neville Boxill had become involved in the parliamentary life of this country. As most of us would recognise even before you come to Parliament you do become very much involved in the political atmosphere and life of your country.

I can boast of a membership of the Democratic Labour Party which began in 1958 and therefore when I understood that this Mr. Neville Boxill was to become a candidate in the 1961 General Elections I thought that the reputation that had been given to him by my brother demanded me to find out more about this man. It was during that election campaign that I actually met Mr. Neville Boxill within the party circles and recognised that everything that had been said of him I could then vouch for because ever since then we became very strong and honourable friends.

I am not going to try at this moment to add anything to what had been said of his political or parliamentary career but, as I said, I want to use the opportunity most forcibly to pay tribute to the quality of the man and his friendship to his fellow man and certainly to recognise having met him that he was the kind of person that you

would wish to emulate in almost any factor of life, as far as I know.

Even after he had left the House of Assembly he was still to me a source of strength in that anytime I had to discuss any political matter he was always willing and ready to give what he thought and what I found out later was very sound advice. After he went to head a statutory board there were a number of areas in which I found that it was necessary for me to ask him to make sure that certain things within the constituency was taken care of. This is when you found difficulty in getting through to some of the public servants in terms of their responses to the problems of constituents. At every turn, on every occasion, those requests bore fruit.

A country as small as ours is, can be and will be the poorer for the passing on of persons of that quality, especially when there is so little that is 'chronicled for coming generations to see of the work that persons have put in the service of their fellow men. It is sometimes left to the whimsical way in which some people put together little bits of history and possibly out of their own eyes. But I believe the time is coming very fast when we should look at chronicling the contributions which people make in the service of people so that generations long after would be able to have some... We keep talking about role models and we keep talking about the lack thereof but I believe that if the better things are chronicled and left for our generation to see that path that has been blazed before them they would be better off in molding and channelling their lives in a way of quality.

As I said, Sir, I believe sincerely that this country is poorer for his passing and I would like to join with all those who have spoken before me in wishing his relatives peace and comfort in these very trying times and hope that they will rely on God and their Master, the only source of which help, solace and consolation can come and that they will recognise that even in this period of passing he would have been called to higher service.

I wish that he rest in peace and all blessings will be bestowed upon them.

Mr. D. A. C. SIMMONS: Mr. Speaker, Sir, I wish to make my contribution to the tribute to the late Neville Boxill because, of course, before my time he had the honour of representing the people of the constituency of St.. Thomas and I wish to say at the outset that his loss is deeply felt in that constituency. On' behalf of the constituents of St. Thomas, I wish to tender condolences to his survivors.

Even though he has not been a representative of the constituency since 1971 he did not lose contact with the people in the constituency and he obviously still had a deep and abiding regard for his former constituents. On many occasions I have been fortunate to meet him in the constituency, particularly at the time of funerals of constituents who have passed on. As recently as early this year we were together at Holy Innocents Church.

I had the pleasure like many of us in here of having known Mr. Boxill and I would like to say quite well, at a very personal level. He was one who with almost ritualistic fervour used to attend the home of the Deputy Prime Minister every Friday night for — I came back to Barbados for 24 years — the last 24 years he attended at Southridge and played dominoes to past midnight. He was a very enthusiastic player and I liked to tease him that his zeal and enthusiasm for the game of dominoes was not matched by commensurate skill. He took these jibes in good humour. I believe that Neville Boxill - felt that life was not worth living and that you were less than a person unless you had an innate sense of humour and could appreciate humour. I do not think he had time for people who were without a sense of humour. He was at home with anybody else in teasing you as well as when he took the teasing himself.
1.15 p.m.

It has gone down in the annals of Barbadian political history that when Tom Adams defeated him his classic comment to the Press that night was that he would never tangle with Tom Adams again in a ring because he had beaten him worse than Mohammed Ali. That will be found in the pages of the *"Nation"*.

As a Minister of Government he brought to bear a zeal for office and a certain energy that endeared him to people who believed in the proper spending of Government's finances, but at the same time I suppose from time to time he incurred the wrath of those against whom his zeal was practised. I do not think that public officers working in MTW beside the road took too kindly when he passed and saw some hoes and pecks resting and the operators of these bits of equipment were somewhere else pouring a libation to Bacchus. But that was the kind of man he was. He felt that he had to supervise a Ministry and the operatives in the Ministry had to respond by being efficient. I suppose to some extent the purists would say that was not the purview of the Minister but he saw it as part and parcel of his own responsibilities. There is no doubt that he was an efficient and hardworking Minister and the records of this House should reflect that.

Mr. Boxill was a man of many parts and a person who had engaged in several different pursuits and exploits. We know officially that he had worked on steamships. I do not know if many know though that he was once a boxer who adopted the sobriquet of Shamus O'Brien. He was also a jockey. -His son Harry followed his footsteps and became a jockey. Harry had one winner in Barbados and I am proud to say that was one day on a very wet track when I

gave him the ride on my horse, "Floating Mohammed", 138 lbs, to claim his apprentice allowance and he duly won by about 5 lengths.

Prior to that, as I said, his father had been a jockey. He had one ride at the Garrison. He fell at the paddock turn, first time around, so he never completed the course as a jockey. When I first came back to Barbados attending races at the Garrison, he was there every Saturday religiously. In those days the present Minister of -Foreign Affairs used to come almost as religiously. I do not see him now. Mr. Boxill never lost his interest in horse racing.

I think he was, for all the little jokes and so on, a very serious-minded person who read widely and he would discuss with you what he was reading at the particular time. That was a trait that I think was worthy of commendation.

For all that he had achieved, Sir, rising to become a Minister in the Government of Barbados for many years, I think I could say however with Shakespeare that he never lost the common touch nor did he, having ascended the ladder of success, scorn the base degrees by which he did ascend. That quality of humility is one that ought to commend itself to many of us in public life. If his life means anything to us who continue on in politics, I think we should all learn from that humility that he brought to bear in his everyday existence.

Although Tom Adams and himself appeared to fight tough campaigns in St. Thomas, I think that both had a healthy respect for each other and it was with no difficulty that Tom Adams was able to sanction Neville Boxill's appointment as Head of the Cabinet when Mr. Boxill became Liaison Officer under the Farm Labour Programme that was operational in Canada at the time. Perhaps, as the Honourable Member for Christ Church South had indicated, that may have had also to do with the long friendship and family connection that existed between Mr. Boxill and the Adamses.

He died, Sir, and I never got the answer to one question that I asked him on more than one occasion. He ducked the question each time. He was known as "prophet" to all of us. I asked him one day for the spelling of "prophet". Was he "prophet" or "profit"? His retort to me was that "because he fat it does not mean that he fat with money too." I do not know if he gave me the answer in that one. He was probably trying to tell me that he was not "profit".

Sir, I know that in his last few years he had a few personal disappointments but he overcame those with the kind of stoic courage that always characterised his other years and his life generally. I think he was buoyed, notwithstanding those disappointments, by that innate sharpness of wit and sense of humour that was part of his personality.

Perhaps, I can sum it up by saying that politics in Barbados has lost a character, and the lore of politics is the poorer for his passing. I have no doubt that at lunch we will be able to share downstairs a number of the anecdotes which Mr. Boxill *has* left and *which I hope* we will never forget but will always think of him when politicians are gathered one among each other to reminisce. His was a good life. He made an outstanding contribution to Barbados and to the constituents in the parish of St. Thomas. I will miss his presence among us. For the time that I knew him my life was enriched by his presence.
1.25 p.m.

Mr. SPEAKER: My experience of the late Neville Boxill is of such that I can identify easily with no greater emphasis than the speeches I have heard this morning. Surely I would not want to repeat some of them. But it is certain that his contribution to the country as a whole has been recognized. Now that Parliament itself has paid tribute to him this morning in such glowing terms, I should ask Members to rise for one minute in silence as a resolution to his family which I would ask the Clerk to pass on at the end of the session.

Members stood in silence for one minute.

ORDERS OF THE DAY SUSPENSION

OF STANDING ORDERS

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

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

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

OWENCES AGAINST THE PERSON BILL, 1992

Mr. SPEAKER: Order No. 2.

Order No. 2 was called — To move the Second Reading of the Offences Against the Person Bill, 1992.

Hon. M. A. KING: Mr. Speaker, on the last occasion that this matter was dealt with, I had indicated that I thought it necessary to perhaps deal with the Bill Clause by Clause because that is the only way that one would get a clear understanding of what the amendments to the Bill would indicate. I believe I had reached as far as Clause 11.

I am going to move a bit more quickly today, if I can, because I think we have already spent some considerable time on this Bill.

Clause 11 creates the statutory offence — this was not a statutory offence before — the statutory offence of conspiracy to murder. It provides for a maximum penalty of fourteen years for conspiracy to murder. That will now be a statutory offence as distinct from being a common law offence.

Clause 12, under this Clause it would be an offence which is punishable by imprisonment for fourteen years, to aid, counsel and procure another to commit suicide. But proceedings under this particular Clause may only be instituted with the consent of the Director of Public Prosecutions. If one aids, counsels or procures another to commit suicide then proceedings may only be instituted in such a case if the Director of Public Prosecutions consents.

Clause 13 makes a change in the common law. Clause 13 deals with suicide pacts. The survivor of a suicide pact at common law would likely have been guilty of murder. But Clause 13 in this new Bill would create the offence of manslaughter where the survivor or survivors of a suicide pact would have been charged with murder of the deceased at common law. Where a person or persons have entered into a suicide pact and there are survivors, the survivor or survivors will be guilty of manslaughter. Of course the burden of proving that an accused was acting in pursuance of a suicide pact is on the defence to establish that this is so.

The Bill itself in Section 13(3) defines suicide pact:

> "For the purposes of this section "suicide pact" means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has the settled intention of dying in pursuance of the pact."

Those two sections 12 and 13 deal with the aiding in suicides and entering into suicide pacts.

Clause 14, Mr. Speaker, is a consolidation of the law in relation to the offence of infanticide. It does not make any substantial change to the law. A woman guilty of that offence will be punished as if she were guilty of manslaughter and consequential on this consolidation of the law the Infanticide Act would be repealed.

Clause 15 is a new one in that it creates the offence of preventing survival. Under the existing Clause and the Offences Against the Person Act, the offence of preventing survival related only to cases of shipwreck. But this offence under the existing Bill is wider than that under the old act in that it is not now limited to preventing survival in cases of shipwreck. The maximum penalty for this offence is life imprisonment.

Clauses 16 and 17 are a restatement of the old law in relation to wounding, causing grievous bodily harm and malicious wounding and inflicting bodily harm. These offences, as was the case previously, are triable on indictment or summarily. The difference is that in the new Bill the penalty for these offences on summary conviction is increases as is indicated in Clause 44. On a summary trial, the maximum penalty which a magistrate may now impose for these offences and for the assaults which previously carried fines of something like $24 dollars, the maximum penalty will now be two years or a fine of $2 500 or both.

In relation to Clauses 16 and 17 the offences of wounding and inflicting grievous bodily harm the only change and a substantial change is in relation to the penalty that may be imposed.

Clause 18 creates an offence of rendering or attempting to render a person incapable of resistance in order to commit an indictable offence. A person who is found guilty of this offence of rendering another person incapable of resistance so that the offender may commit an indictable offence, the penalty for that on conviction on indictment is life imprisonment as a maximum penalty.

Clause 19 again creates an offence of endangering life or safety. Clause 19 relates to endangering life or safety and states as follows:

> "Any person who unlawfully and maliciously or recklessly engages in conduct which places, or may place, another person in danger of death or serious bodily harm is guilty of an offence and is liable on conviction on indictment to imprisonment for life."

1.35 p.m.

Clauses 20, 21, 22 and 23 are a restatement of the existing law. Clauses 24, 25 and 26 as well deal with matters like endangering the health of apprentices and servants, exposing children whereby life is in danger, causing injury by use of explosives, placing explosives near buildings or ships with intent to do bodily harm. All those are offences which are retained in the existing law.

There is an old offence which is perhaps archaic and probably of not much use today but which is still retained in the law, injuring persons by furious driving. That has been re-enacted in the law as clause 26.

The offence of assault, occasioning bodily harm, is triable on indictment or summarily and is retained in the law.

Now in relation to the offence of assault, Mr. Speaker, which was the old section 35 of the Offences Against the Person Act, provisions are now contained in sections 25 to 29 of this Act. Section 25 retains the existing offence of common assault and this is triable on indictment or summarily.

Section 26 retains the offence of assault occasioning bodily harm, and Section 27 identifies particular types of assaults and identifies the punishment in relation to those assaults.

There is just one of the assaults mentioned in section 27, which during the course of the Committee I am going to seek the leave of the House to exclude 27(e) which perhaps is an old throw back from the old law.

The old Offences Against the Person Act does have in a number of archaic references. The existing 27(e) says: "Any person who, in pursuance of,

(i) any unlawful combination of conspiracy to raise the rate of wages, or

(ii) any unlawful combination or conspiracy respecting,
(A) any trade, business or manufacture, or

(B) any person concerned or employed therein, assaults another person;

is guilty of an offence which is triable on indictment or summarily."

Now, Mr. Speaker, this is part of the existing law and it clearly arose out of the environment, let us call it the social and political environment; at the time when the existing Offences Against the Person Act was originally passed in 1861. You will remember, in those days, Mr. Speaker, the Combination Acts had made combinations unlawful. But there has been, since then, considerable movement away from making combination of working people illegal and I believe that the Trade Union Act of 1964, Cap. 361, sections 4 and 5 modernised the law in this regard.

Sections 4 and 5, Mr. Speaker, of the Trade Union Act, Cap 361: Section 4 states:

'The purposes of any Trade Union shall not by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

(2) The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

5. (1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the Act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in this Island."

So that the whole idea of unlawful combinations or conspiracy to raise the rates of wages or unlawful combinations in respect of any trade, business or manufacture, the position is that the law does not now make those situations unlawful and, apart from everything else, the emphasis is on assaults. The sections says, any person who in pursuance of these things, assaults another, is guilty of an offence. So that the point I am making is this, that in any event you do not need to include any special circumstances in relation to an assault. The fact is, if one assaults another the regular law in relation to assault applies and that person who unlawfully assaults another is guilty of an offence and is liable on conviction to be punished as the law prescribes. So that in the Committee stage, with the leave of the House, and if there is no objection from this House, I will ask that Clause 27(e) be deleted.

The punishment for assault, Mr. Speaker, which in some cases was limited to a ridiculously figure of $25.00 will now under this legislation carry a maximum penalty of $2 500 and imprisonment for 2 years. The presiding judicial officer, of course, has a discretion to impose any penalty which the judicial officer thinks appropriate in the circumstances.

Now, sections 28 and 29 are a restatement of existing law in that they permit the courts to dismiss a complaint of common assault if the offence is not proved or trifling or is not justified.

Section 29 bars any further civil or criminal proceedings where the court discharges or convicts a person of a charge of common assault.

Clause 30 makes statutory — it was not so before — the offence of kidnapping. A person found guilty of this

statutory offence of kidnapping is liable on conviction to a maximum penalty of life imprisonment. 1.45 p.m.

Clause 31 creates the offence of wrongfully concealing or confining a kidnapped person and this offence is punishable in the same manner as the offence of kidnapping which is life imprisonment.

Clause 32 creates the offence of wrongful confinement and this is punishable either on indictment or summary. Offences in relation to abduction and defilement, Mr. Speaker, are removed from the Offences Against the Person Act as these have been re-enacted in the Sexual Offences Act which we passed in 1992.

Clause 33 retains an old offence of buying and selling slaves and it is re-enacted in this Bill.

Clause 34 creates the offence of unlawful compulsory labour.

Clause 35 is a restatement of existing law and so is Clause 36 in relation to bigamy and Clause 37 in relation to administering drugs or using instruments to procure abortion. Those are all restatements of existing law.

There are a number of clauses like 46, Mr. Speaker, which deals with alternative verdict which I need not dwell on. They relate to what a Court may do if you are charged with one offence and the Court finds that another offence is proven. The Court has the power to impose the appropriate penalty on an alternative verdict.

Clause 48 – In the Committee stage, I am going to ask that Clause 48 be taken out because Clause 48 deals with offences committed within the jurisdiction of the admiralty. Now we have passed in Barbados the Marine Boundaries and Jurisdiction Act which is now Chapter 387 and the Territorial Waters Act. These two bits of legislation, Mr. Speaker, provide for the maritime jurisdiction of the Barbados Courts.

So that Clause 48 which in its nature would have been a transitional provision, there is no need now for that as the jurisdiction of the Courts will be founded on these two bits of legislation and then there is the admiralty jurisdiction in any event. So that Clause 48 is not necessary and will be deleted subject to the approval of this House. We will seek leave to take out Clause 48 in the course of the Committee stage.

Mr. Speaker, those are the major adjustments in the Offences Against the Person Act which have been conditioned partially by the fact that the Sexual Offences Act is now a separate bit of legislation and has to be taken out from this. There are a number of other offences which have been refined and, as I indicated when I first introduced the Bill, the doctrine of constructive murder by this Bill will no longer be part of the law once that is passed.

So that with those comments, Mr. Speaker, I move that this Bill be now read a second time. If there are any matters which Honourable Members would wish to have clarified during the course of their presentation, I am only too willing to do so in reply.

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

Mr. D. A. C. SIMMONS: Mr. Speaker, I would only indicate having regard to the time that I would wish to speak first for the Opposition on the resumption.

SUSPENSION

Hon. B. M. TAITT: Sir, it is now five minutes to two and I do not think it would be fair to ask the Honourable Member to begin his address now. I beg to move that this House be now suspended until 3:00 p.m.

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

RESUMPTION

Mr. SPEAKER: The sitting is resumed.

Mr. D. A. C. SIMMONS: Mr. Speaker, the original Offences Against the Person Act goes back to the 19th century and it is remarkable that for over 100 years that bit of legislation has governed the criminal law in relation to offences against persons. In many Commonwealth jurisdictions similar legislation was upgraded and updated and the Barbados Labour Party, in my time, had had this Bill which is before us today in draft in the Ministry of the Attorney General. What is here now is an update of the draft brought by the present Government in pursuance of its policy to implement a series of enactments which had been left in that Ministry by myself and my predecessor, the Honourable Member for St. George South, when we had responsibility for the Ministry of the Attorney General.

Having regard to the history of this matter, you would expect of course that the Opposition will lend its support to the passage of this Bill. It is timely, Sir, even ff it is long in coming, because for some years now there has been an ever increasing rise in the incidence of crime in Barbados and the legislation has lagged behind the activities and the sophistication of the criminal, so that it is important that while other things are done to ensure that the process of detection of crime is improved, that the basic infrastructure of legislation should be put in place to modernise the

system as far as is possible and to lend legislative support to the uprooting of crime that there is in this country.

I have not seen any recent statistics of crime within the last six months, but I note that last week it was reported that there is a slight decrease in crime, but not having the benefit of up-to-date statistics I am not in a position to comment on the decrease, but I hope that during the Estimates debate I shall have that information which will then inform my contributions to that debate. Having regard, therefore, to the fact that we will soon be debating the Estimates, I will leave a lot of what I have to say for that occasion, Sir, and focus particularly on the Bill before us.

There are some changes recommended by this legislation which I think are going to put us in a position similar to other Caribbean countries and certainly similar to England when England legislated the Homicide Act of 1957. The first of those relates to the abolition of constructive malice. There are two views, Sir, about clause 3 of the Bill. Under the present law, where a person embarks on a crime of violence and during the course of or in furtherance of that crime kills somebody, he is liable to be charged and convicted for murder. That is in essence the rule of constructive malice. Progressive thought, on the other hand, has suggested that it is an unfair rule that transfers the malice that is necessary for murder from another offence to create the offence of murder. These problems have been discussed in hard cases, Sir, such as the famous case of Vickers and as a result of Vickers' case in England, England enacted the 1957 Homicide Act, as I mentioned earlier, to abolish the requirement of constructive malice as a doctrine which supplies intent for murder.

As I say, Sir, one school of thought is that it is an unfair and harsh rule, the rule of constructive malice, but we have had it here for so many years and I have had a lot of success with it in murder cases when I used to do them on a fairly regular basis, but the time has come when if we are not careful we will be the only jurisdiction left perhaps in the Commonwealth to continue this outmoded rule.
And so I have no difficulty in supporting the abolition of the constructive malice rule.

As to diminished responsibility in clause 4, that has been part of the law of Barbados for some time now, and similarly in relation to provocation. The interesting thing about provocation as we have here in clause 5 of the Bill is that it reproduces the classic definition of provocation; but i am not so sure that the clause captures the effect of the decision. I think it is in a case called DPP and Champlain. If I knew that the Bill was coming – I was not sure we would debate it today – I would have in fact had a look at Champlain again because I think, if my memory serves me right, it is a decision on by the House of Lords that says that in provocation you can also look at the specific attributes of the offender. So that Champlain for example – and I am speaking purely as a lawyer – would override...
3.15 p.m.

Asides.

Mr. D. A. C. SIMMONS: Champlain was a 1982 or 1983 case whereas Bedder established an objective test and said that even though the accused was a person who had personal idiosyncracies, that he was impotent and so on and was easily taunted by the prostitutes. Champlain, subject to memory, is now saying that that is wrongly decided and you must take into account how the acts or the words affect the persons subjectively.

I am not sure that we have captured that in clause 5.

Asides.

Mr. D. A. C. SIMMONS: There was a time when historically...

Asides.

Mr. D. A. C. SIMMONS: As far as I know, Champlain imports the test of subjectivity. I will send and get it from my chambers.

Asides.

Mr. D. A. C. SIMMONS: If we don't give effect to the shift in the law, what will happen is that a judge giving a direction to a jury in a summation will feel himself constrained to give the direction in terms of clause 5 without the gloss that has now been put on that by the case.

The Bill, Sir, makes specific reference to a number of other special offenses and we have no problem with those. Child stealing, assaults occasioning harm, placing explosives near building or ship with the intent to do bodily injury, endangering life or health of apprentices and servants – we have no quarrel with them. It is really just capturing a number of the offenses that presently exist. in Cap. 141 and modernising them and collecting them altogether in this new Bill.

I said, Sir, that I am going to leave other matters which are germane to this thing in a larger sense to the Estimates. Perhaps at some time the House will have to give consideration to the question of having 2 categories of murder, capital and non-capital, because that is the next step as it would seem to me if we are following the English legislation – they did that in 1967 also – to have a

set of offenses capital and non-capital... But in the present climate, of course, it may not be possible to tamper or introduce gradations in the kinds of capital offense.

Asides.

Mr. D. A. C. SIMMONS: It does not really matter to me, Sir, because my view is still what I expressed in this House for all the years I have been in here, that we must retain the death penalty but its use should depend upon the nature of the offense and the circumstances surrounding it. If somebody deliberately sets out with a shotgun terrorising the place and kills a few people there is no reason why once he has exhausted his appeal — this is a personal view. I do not speak for other people — that person should not be liable for the death penalty or should not have it imposed on him.

On the other hand, where 2 people suddenly get into an argument and there is some violence and they are probably under some liquor and one lands an unfortunate blow and kills the other there is scope for looking at that in a different light from the first one and not every murder should be punishable with death. That is why the law is lenient in respect to people who commit murder as a result of infidelity on the part of a partner and so on — crimes of passion and all these things we hear about.

Over and above that, I think we have to accept the evidence that there is now internationally, I say internationally because I include the Caribbean. There is international evidence including such studies as have been done in the Caribbean that show that the majority of crime is committed in a domestic or quasi-domestic situation, a man and his wife or a woman. They account for the vast majority of crimes. In some countries it is about 70%.

We have to understand that in those situations there are all kinds of variables and influences that may conduce ultimately to the use of violence which could be looked at sympathetically short of hanging the person.

I do make the distinction and I don't want to be misquoted. I make the point first of all that the death penalty must remain. Its exercise or use must depend upon a variety of circumstances and it should be reserved for the most heinous and outrageous crimes that affect and outrage the society.

That is all I wanted to say on this Bill.

3.25 p.m.

I want to make one other point, Sir, before I sit down. From time to time both in this House and on the call-in programmes, I have heard people criticize lawyers, and I really feel I have to say this today. I *will* read the actual part of the Code of Ethics later on if I can get my hand on it. I want to say this. I once heard the Honourable Member for Christ Church East Central suggest that lawyers who represented persons on drug charges should be ostracized and dealt with severely.

Aside.

Mr. D. A. C. SIMMONS: Yes, once in here. Not in this debate but he said it once in here. I have heard people on the call-in programmes criticise lawyers who do murder cases and who pursue human rights cases and so on. It is disgusting to hear this year in Trinidad with the calypsos the kinds of scathing attacks that are being levelled at lawyers in Trinidad who represent people for crimes and violence. All of that tells me that there is a great ignorance in the public domain about the role and function of lawyers. I know that in the last few years it has been open season to abuse lawyers. Because there may be one or two who have not lived up to the Code of Ethics everybody feels they can tarnish and taint lawyers.

Asides.

Mr. D. A. C. SIMMONS: Now that the Honourable Member has taken his seat, he is putting a gloss on it that he said that if a lawyer makes a habit of doing one particular type of case, that raises suspicions in the mind, but I am not dealing with that situation. I am dealing with the right of a lawyer to practise his profession. There are a number of things that are not understood.

When the Honourable Member for Christ Church South was doing the Telephone Co. enquiry last year he got a lot of criticism. We must understand that in a small society there will be skills which are limited and there will only be certain lawyers who specialise in certain types of cases. When a client has a particular type of case he will look for a lawyer or lawyers who practice in that area and who have experience on it who are skilled in it to help his particular cause.

I do not do divorces since 1987. I am not interested in them. I did 313 in my time and in 1987 when I moved I said that I was not touching another one. I do not do them. I do not do conveyancing. I do not know about drafting all these documents, conveyances and all these various things. I am not interested in that part so if somebody has a big property to sell they will go to a conveyancer, somebody who is skilled in that area. Nobody should be upset that a particular. client went to a particular lawyer whom he felt had an expertise in a particular area to assist him. He is entitled to do it. That is the first general point.

The second general point is that under the Code of Ethics — and lacer on in this debate I will read into the record, perhaps in Committee, the exact part of the Code — a lawyer cannot refuse a brief that is given to him, or offered to him, unless he has very special and exceptional

reasons. One of the reasons for that is that it is not only that we operate the cab rank system, that is, who comes to you first with the money like you go to a taxi driver. Whoever goes over by Nelson first with the money the taxi driver is there, the first fellow in line takes you. It is not only because of the cab rank system. It is because the lawyers are not the arbiters of the questions in issue. The lawyers are not the ones who determine whether A is right or B is right. That is the function of a judge in a civil case or the jury in a criminal case. We are only there to put the side of our respective clients. The Crown will put its case and should do so dispassionately. The defence in a criminal trial will put its case and you have a duty under the Code of Ethics to urge everything that can be urged by way of a defence on behalf of your client. That is written into the law of this country. Before it became the law of this country when it was enshrined in the Code of Ethics, it was what those of us who trained in England were taught as the ethics. You get your statement from your accused as to what happened and you must go into court and urge everything in that statement on behalf of the person. Whether the jury agrees or not is for them. You do not make that decision so that because you take a brief it does not mean that you necessarily believe that all the man has told you is absolutely true. It has to be tested in court.

I just wanted to get those, points clear, Sir, because I think there has been a lot of unfair criticism of lawyers based on a misunderstanding of the role and function of lawyers in relation to briefs which they get. I think it is about time that one of us stood up and explained to the public what are the rules and the ethics of the profession.

I do not hear the kinds of criticisms levelled against doctors. I know I did a murder case two weeks ago and I had a lot of criticism from the people telling me "You still doing murder cases? You should. not be doing murder cases at your level". That is foolishness, with respect. I do not hear people criticise a doctor because he sees a patient suffering from AIDS or because he treats a homosexual, or something. Why? Why must you pick on lawyers? Because somebody comes to you with a brief and asks you "would you represent my son in this matter, he is charged for murder" and you accept the brief and say "Yes", or whatever offence it is, he is entitled to representation.

There is another point, Sir, that has just been made to me by my colleague on my left. It is related to the fact that a person has a constitutional right to counsel of his own choice.

3.35 p.m.

I see, Sir, that certain Members of the House want to treat another matter with a certain degree of levity. I would like to sit down, as I indicated earlier, and enjoy that little exchange.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, I support the movement for the modernization and reform of the law relating to Offences Against the Person. I believe in Barbados there is a Bill that was passed as long ago as the 1890s.

But I want to say specifically that I feel that a golden opportunity is being missed in this re-organization of the law to deal with the very serious problem of the crime of murder. The existing law is one which, we all know, does not accurately reflect the reality in relation to the offence of murder.

An analysis of the fate of murderers in Barbados over the last 20 years will reveal that, increasingly, the prerogative of mercy in Barbados has been used as the mechanism to mitigate the impact of the sentence of death. There is no doubt in my mind that at the present moment the popular viewpoint in Barbados is that that is wrong. I believe that a very large percentage, well over 75% of the people in Barbados do not subscribe to that view.

However I feel that, on sober reflection, that same majority would not wish all who are guilty of the crime of murder to be treated in exactly the same way. The doctrine of manslaughter has reduced 'a large category of offences and provides the means of differentiation between murder and manslaughter. But' also within the category of murder itself this Bill recognizes that an Amendment was necessary to 'deal specifically with the question of constructive malice. As I understand it this Bill seeks to abolish the doctrine of constructive malice.

But, also, as the Honourable Member for St. Thomas has said there are other categories of murder which the Bill does not deal with such as crimes of passion and other instances which now come under the law of murder where even when this Bill is passed there will be a substantial lobby for the mitigation power of the prerogative of mercy to be exercised. If that is so and we know that that is so, I think that the time has come in Barbados for us to bring the law in line with reality. I am one of those who believe that there are crimes of murder which should not befit and proper for the exercise of the prerogative of murder.

I believe the categories of premeditated murder in the form of poison, I believe that murder in the form of a law enforcement officer in the execution of his duty, I believe that murder in the course of armed robbery are categories which should be treated differently from the rest.

What I am appealing for is that some consideration should be given to differentiation between those in which there is a solid and definite view that the prerogative of mercy should be exercised and the others. So that the people will know both those who have to administer the prerogative of mercy as well as those who do not have to that we will know what is reflected in the law. We can

have a free debate on this, Sir. There is nothing wrong in having a free debate on this. But it is my opinion that if you draw the law in the present position, if you repeat the law as it is now, that you are really and truly evading the issue.

I believe that what the public wants is a general debate in here on the issue. I believe that it would be good in Barbados for there to be a debate on the issue so that once and for all one would have recorded the views of the people's representative as presently constituted on this important matter. I do not feel we should evade it because all of us here know that we passed this law and we know that this law is going to be enforced in a particular manner. We would know that section 2 of this law is not going to apply in all of the circumstances. Why do we not do what others have done? Make a distinction between those cases of murder in which there would be no use of the prerogative of mercy and those cases in which there will be use and we separate them and call them capital offences and non-capital offences. I do not think we can evade this any longer.

I know that this is going to be the subject of a lot of criticism. But I have passed the stage where, in the exercise of my rights in here and my duties and responsibilities in here I worry about the reaction outside, Sir. But I really feel we should not — We are being hypocritical. That is the truth. I think that all of us are being part of this hypocritical exercise when we pass a law when we know that it will not be administered in a manner in which the law says. That is all I would like to say.

His Honour T. C. ESTWICK: I want, Sir, to make a short intervention and I must readily associate myself with the words of the Honourable Member for St. Thomas as well as those of the Honourable Member for Christ Church South. I think we are behind the times internationally as far as laws in this respect are concerned and I think we are still behind the times in many respects. Before I get into any further argument, Mr. Speaker, I want to say up front, I am in total agreement with the Honourable Member who just spoke concerning the categorisation that he used in respect of murders for which hanging should be retained. If I can remember the three: poisoning in a most premeditated fashion, the murder of a police officer or any other person of that type in the execution of duty and murder in the pursuit of a felony ... Where anybody is in his house without inviting the intruder and if in the pursuit of robbery of that type there is a deliberate premeditation on the part of the breaker to kill, I agree that the penalty of hanging should be retained for those categories.

3.45 p.m.

I think, Sir, that those of us who are in the courts every day would know that there are many instances in Barbados, in fact in the majority of cases in Barbados, in which people are charged with murder that they should not be charged with murder in the first place and I want to really deal with that. Most of the cases coming before the courts in Barbados are fit cases for manslaughter and I disagree, Sir ...

Aside.

His Honour T. C. ESTWICK: That is the tragedy. I disagree with the across the board approach where everybody, once a life is taken the person who is accused of taking that life is charged with murder, put in Glendairy, sometimes goes free, sometimes without batting an eye a plea of manslaughter is accepted, et cetera. When the person goes to Glendairy without bail I have a difficulty with that because I believe, even though this Bill does not deal with the matter, I believe and I will be devil's advocate now because I know I will be disagreed with, I believe that when there is a death and this law exists, Sir, in places like Jamaica, when there is a death there is no necessity at all times for the person charged with the killing to be charged with murder and denied bail, once it is clear that it does not fall into the categories in which we just stated. I do agree with hanging and I do take a hard line with crime but you have to be realistic and practical. You have to be realistic about matters of this type. Not every person who kills another person is a fit person necessarily to be shut away from society and from their family. Not every person, who for whatever reason, kills somebody ought to be put in Glendairy for 2 years and then locked up for 3 or acquitted. But this is the mockery. This is where we have not gone far enough with this Bill as far as I am concerned.

All of the Honourable Members who spoke before spoke about categorising murders and if we are going to categorise murders, which we did not do in this Bill, unfortunately, then I am saying that there are still some categories where a person dies, that the person accused or charged with the killing ought not to be remanded in Glendairy prision to languish for 2 or 3 years without bail because somebody else died. We have to be fair, we have to be practical, we have to be realistic. I have always heard, "what aint pass a man aint ketch him", you never know.

I agree with the abolition of the constructive malice rule and it is a pity that we are this far behind. As the Honourable Member for St. Thomas said, this was abolished in England in 1957. We are much too far behind and unfortunately a lot of people would have gone to their graves or in Glendairy languishing now for such an event.

Sir, it is a simple thing. If 2 of us agree to snatch the Honourable Member's money and I, without your knowledge, have a knife and stab him, you are dead. That

was never fair, not in a modern society and I think we have to accept certain things. I am not dealing with any specific cases now, I am just using that as an example to get across the point in' simple terms. Any society, no matter how bad the crime situation is, Sir, yes we must have penalties, but any society which is caught up too much, or caught up totally in the issue of punishment, in the issue of confinement, in the issue of hanging left right and centre, and I agree with hanging for some murders, but any society which is too caught up with those issues is a society that is weakening itself by every day that passes.

Whenever we see penalties, maximum or minimum and we can only concentrate on committing a man to prison for life imprisonment, which to some people is ten years, 14 years, but we have judges nowadays that are giving 25 years. That is not slight. I really think, Sir, that we have to look very seriously at these issues. You are looking at committing a man, I believe, between the ages of 17 and 25 to 25 to 30 years imprisonment or to life imprisonment. When the man is in prison no remedial work of any type is done with that man's mind which will make him a better person when he leaves prison. The man is locked away, Sir, at times not in the best conditions and I believe one of the issues of punishment is that if you are not going to kill the person convicted then you are hoping to release to the society a better person than the person that went in.

Of necessity, Sir, I am hearing that that is a case for reforming the prison system. I agree but until such time as we have an entire package which will suit the needs of the society I do not believe that we need necessarily to rush off into believing that the only way society can deal with issues of this type is to go across the board confining people for 25 to 30 years. What do you put back into society a man or a beast? That is the issue. I think, Sir, that the world is replete with examples where prison reform has gone to a stage that Barbados can certainly look to 'improve the lot of many out there.

3.55 p.m.

One other issue that I want to deal with before I sit is the question of suicide and I will be deliberately provocative on this issue. I do not know, Mr. Speaker, and again we have to realize that we are not a society in the 1930's. This is 1994 in the year of our Lord and many of us will live into the year 2000 and beyond. I do not know, religion aside, that it is justified to jail a man or woman for 14 years if you aid somebody in their own suicide. I just do not know. There are many instances in the world such as the Kirvochian cases in the United States and many others throughout the European States. I honestly do not know, religion aside because that will be another argument altogether, that it makes sense because this would be to me retrograde. I believe life is sacred. We do not give it and justifiably we should not take it, but at the same time rational, logical human beings must have certain rights. They must have a right to decide certain things about themselves and about their own destiny. If religion itself says...

Aside.

His Honour T. C. ESTWICK: If the good Book says that you as a man are given the choice to do good or bad...

Aside.

His Honour T. C. ESTWICK: I said you do not give life or you cannot take it, but at least a man or woman is endowed with the ability to make up his or her mind as to what choices he or she is going to make. I think that this whole issue about how we are going to treat suicide and euthanasia in the future has to be looked at seriously by the country and it should be debated. I am not convinced that anybody, religion aside, ought to be given 14 years in prison...

Aside.

His Honour T. C. ESTWICK: Because religion takes it into a new ball game altogether.

Aside.

His Honour T. C. ESTWICK: Well, if you understood history, you would know. When the people of Masada saw the Romans coming, they had a suicide pact and killed everybody. Is that not religion?

Certain remarks of the Honourable Member for Christ Church East were ordered to be expunged from the record by Mr. SPEAKER;

His Honour T. C. ESTWICK: The point I am trying to make, Sir, in spite of all things is that the society as a whole, not only the twenty-eight Members in here, but the religious institutions as well as all other institutions in Barbados must regard these matters and discuss them honestly, fearlessly and truthfully because we are not going backward. We are actually going forward to a time in which medical science can do many things now. These issues will surface in Barbados sooner or later and we will have to be in a position to deal with them. I am not certain that a criminal sanction is the best way to deal with them.

Regarding the question of euthanasia, a doctor who is convinced that a patient can do no more or a patient who is convinced that he or he does not want to live any longer and speaks to his or her doctor and they decide to do whatever they decide is liable to prison for fourteen years. That is an issue that will face us sooner or later. It is not a matter that should be looked at lightly. I will set religion aside from the point of view that the Christian

religion from what I understand would never agree to any form of suicide assisted or otherwise. I think that nowadays, Sir, they still give you a church burial. Sometime ago you were left outside. Nowadays you are accepted. I do not know all of the church things but these are issues which the society as a whole must necessarily come to grips with as soon as possible and I for one do not believe that it is anything that a criminal sanction of 14 years or so...

Aside.

His Honour T. C. ESTWICK: I am not a heathen. That should not be on the statute books. I have been called a heathen, Sir. I am not a heathen. I am a deeply religious person. It is that I just do not go to church everyday.

Mr. SPEAKER: If you put it in the records, then it is your fault.

His Honour T. C. ESTWICK: I have no problem with that. I am not saying that I am a heathen. I am not a heathen, Sir. In fact, that is one of my areas of study, "Religions of The World". So I know what I am talking about.

I have already spoken on the issues of imprisonment. Another matter arising out of this that I think the society and the makers of the law must deal with is the compensation for persons imprisoned...I do not want to say wrongfully, but for want of a better word...wrongfully. Regarding a person charged and put in Glendairy, and is up there sometimes for 6 months up to a year and his case is withdrawn or not pursued with or, for that matter, I would even go so far in some instances when there is even an acquittal, how does society compensate somebody who has lost 3 or 4 years of their life? How is it possible to compensate somebody in that regard? How is a person compensated for the loss to themselves and their family in terms of their work, to their relationship with their friends and people in their village or community?

Sir, I will be frank. I agree with the Honourable Member for Christ Church South that we are by and large viewing many matters from a hypocritical perspective. I agree with him. I too think that these are issues that must be addressed in this country before too long. It is only a matter of time before they come to the fore with as much viciousness and venom and we may not be able to contain it at the time they arise. I believe that the time is either now or soon will be here when the state itself is going to have to seriously consider compensating persons who are put away wrongfully in the categories I outlined and matters of that type.

4.05 p.m.

I believe that. This is a country, Sir, small – I would say economically weak – but we have done well. We are a modem country and we are seeking to be even more modern. I think it makes no sense coming in here on Tuesdays and passing laws which keep us virtually in the Dark Ages. The evidence is there that we have to be looking down the road and I think it is our duty, even though some Honourable Members may not agree, to propel debate on many issues in this country which can only be for the good of the country in the long run.

All that I have said I am convinced about and I can defend anywhere. I disagree with the Honourable Attorney General in respect of the long sentences *which* he is bringing, because long sentences in prison without more cannot help anybody. In fact, Sir, long sentences in prison destroy the person who goes to prison and may well impact negatively on a family situation. It really does not help the victim or the victim's family. I agree it may well send a message to the society that this is something you should not do, but in truth and in fact the statistics indicate that it does not really work out that way.

I have said on many times, Sir, I am a hardliner on crime. I am. But whenever I go to Glendairy Prison and I see 400 or 500 young men up there doing absolutely nothing but languishing away their days, I have to wonder whether this thing makes sense. I have asked myself on numerous occasions, whenever I see it, what sort of society really are we building?

Aside.

His Honour T. C. ESTWICK: The hangers are talking, Sir, so I think I will take my seat and let the hangers talk.

Mr. SPEAKER: No, no, no. The Honourable Member has a half an hour to speak and no one will interrupt you.

His Honour T. C. ESTWICK: Thank you very much, Sir. As I said, I have made my position clear and I will defend anything I say anywhere. The society has to be prepared to deal with these issues and deal with them now before they become problems in the not too distant future. Laws of this type cannot exist by themselves, they have to exist within the continuum of a developing society which looks to North America, England and Europe for examples. The examples are already there and we cannot believe that we are back in 1842. This is 1994 and we are on the way to the year 2000 and matters of this type as outlined must be discussed and resolved before they become issues and problems in this country.

I thank you, Sir.

Mr. H. A. BLACKMAN: Mr. Speaker, I am not an attorney-at-law and I am not going to get into the legal matters because that is not up my street, but I am going to speak plainly. If for the longest time we have been hearing

about some ridiculous penalties in Barbados, one person knocking down another one with a car illegally and the maximum you can give them is 50 cents or $12.00 and the man has gone home. For all of these years we have been hearing that the penalties were too low. Now the Attorney General has decided that he is going to put, in the opinion of the Cabinet, what they consider to be reasonable penalties, we are hearing today that the penalties are too high.

Aside.

Mr. H. A. BLACKMAN: He said that was his view and I am sorry that was his view. That is all I can say. I am very sorry that was the view he held, because I believe that there is nothing wrong with high penalties. If you are going to argue that when you put someone in prison for 20 or 25 years, then the person languishes up there with nothing else to stir his mind, then that is a question of prison reform. What you need then is for the prison to have some sort of reform programme, but that certainly cannot be a case to say since you do not have the prison reform now only put him up there for a year when he should have 20. I cannot go along with that.

Aside.

Mr. H. A. BLACKMAN: That was the implication. That is what I understood you to say. You may not have said that.

Anyhow, Mr. Speaker, on the question of euthanasia, the helping of someone to take his or her life. How can I agree with that? The question is, where do you stop? I can understand, as was said by another Honourable Member, if a consortium of five or six doctors said a person is terminally ill and in extreme pain and a decision is made one way or the other, but if I as a person just decide to take someone's life, can you imagine how many lives I would be able to take? I would just be able to kill you and say he told me to kill him. Mr. Speaker, I think people have to be serious. You cannot allow one man to make that decision, a decision as to whether you are going to help someone to die will have to be made by a cadre of doctors who will determine that this person is terminally ill and is in extreme pain. But to think that someone will just decide to help somebody' to die is madness.

Mr. Speaker, I will now turn to the question of murder. I find it strange that whenever you come to this question of hanging the lawyers who do not want to hang people are in the majority. I do not know if it is because they come in contact with the murderers more often than anyone else, but I find it strange and interesting that those persons who seem to be against hanging, in the majority, are the attorneys. I am not going to get into the argument as to whether certain persons who have been convicted should not really have been convicted. The point I am making is that if someone wilfully kills another person and has exhausted all the avenues available to him or her, the law as it stands should be carried out. The law in Barbados says the penalty for murder is hanging and regardless of how any Cabinet Minister may feel about hanging, he has the responsibility and the duty to carry out the law.

Aside.

Mr. H. A. BLACKMAN: I am sorry. Not to carry out the law, because he cannot hang any person. Do not get me wrong.

4.15 p.m.

A Cabinet Minister cannot hang any person. Don't get me wrong. The point I am making is that regardless of how a Cabinet Minister may feel about hanging he has the responsibility to support the enforcement of the law. He has a responsibility to support the carrying out of the law and if the law says...

Asides.

Mr. H. A. BLACKMAN: Mr. Speaker, there is a feeling out there in the community — and I want to set this record straight — that there seems to be confusion with the politicians. That some of them are for it, some against it, and some of them sitting on the fence, total confusion in here. I want to let the people out there get the feel that regardless of how we may feel about capital punishment that we respect the law and that all of us support that carrying out of the law as it stands.

If we feel that strongly about capital punishment that it should be removed well, then, in a debate in here we should have a free vote and let those who believe that they are against punishment put their votes where their feelings are. And then let the people in this country who will vote also put their votes where their feelings are as well. That is the position I hold.

Mr. Speaker, the Honourable Member for St. Michael West seems to believe...

Mr. SPEAKER: Don't have any problem. The debate is open.

Mr. H. A. BLACKMAN: ... that I am telling people what to do. That is not true. Just as we in here are free to vote according to our conscience the people out there should be free to vote according to their conscience as well.

Hon B. M. TAITT: On a point of order, Sir, the Honourable Member mentioned the Member for St. Michael West and I believe that if not the Rule, the tradition of Hansard suggests that no Honourable Member ought to be hampered or in any way threatened in the

performance of his duty as a representative. The Honourable Member is suggesting that all those who would not vote the way he votes will be dealt with by the population. I am saying that that is not in here, Sir.

Mr. H. A. BLACKMAN: Mr. Speaker, in fact I do not think that I as yet said how I am going to vote. I do not know how the Honourable Member knows how I am going to vote.

Mr. SPEAKER: Why are you responding to the comment? I have not ruled on it. I did not think it was worthy of ruling on. The Honourable Member must speak his mind.

Mr. H. A. BLACKMAN: My position is clear with regard to hanging. I believe everyone in this Honourable Chamber understands my position. If someone is convicted of murder and they have exhausted all the avenues of appeal — and I have said this on many occasions — then the law should be carried out. The law says that the penalty is hanging and that should be carried out. That is my view and I am unswervingly committed to that view. As long as the law says that hanging is the penalty for murder and you have been convicted of murder and gone through the necessary appeals that you have to go through and that is the end of that, the law should be carried out.

Those people who feel too strongly against capital punishment should agitate to get the law changed if they so desire; but even then I would still vote against that agitation. Thank you, Mr. Speaker.

Hon. D. J. H. THOMPSON: Mr. Speaker, just let me clarify my understanding of this legislation. This is not a piece of legislation which is designed to be earth shattering or to pave a new path for criminal law in Barbados. This is essentially legislation which seeks to codify many of the offenses which already are part of the law of Barbados and also to establish the penalties which apply to those offenses.

It is true, Sir, that clause 2 indicates what the punishment is for murder which *is in* the existing law.

The Honourable Member for Christ Church South said that he felt the hypocrisy which presently exists — the penalty for murder is already provided for *in* clause 2 of the existing Offences Against the Person Act. So as I say, this is not any earth-shattering legislation. I hope nobody will leave here, whether in this Chamber or within earshot, with the view that the Government has come with legislation to change anything. Not that I would be opposed to legislation which' seeks to change some of the penalties that exist. That is my view.

Now, I want to make the point that the real issue which arises, even [in] legislation which seeks to set penalties, is the extent to which the will of the Court in imposing those penalties is being met. The British system from which we have borrowed a lot, a lot of it good and some of it bad, has gone through this exercise already. There has been a tremendous backlash because of the parole system in Britain which has essentially frustrated the decisions of the Court, particularly in relation to sentencing.

In recent criminal law reform committees have recommended that sentences of judges should be realistic and that the system of parole should be totally dismantled so that the *will* of the Court in imposing sentences should be carried to its natural conclusion.

There is no strong solution. But what the Honourable Member for Christ Church South is saying is that even though Barbados is a society which by its law believes in the death penalty, that because of the process and because of the way in which the prerogative of mercy is administered, very often the so-called will of the Court is frustrated. But the law provides for that and the persons who are charged with the requirement of advising the Governor General on the prerogative of mercy are acting within the law and are not acting illegally.

I want to make this point as I have made it in this Chamber already that it is not my job to see that anybody *in this country is* executed. If it were my job, I would decline. There is no Cabinet Minister who has any responsibility, as far as I know, to ensure that anybody is executed. I want to make this point because I always hear this talk about what the public out there feel. I was not sent here, in this Parliament, simply to be a messenger for anybody.
4.25 p.m.

I will surrender my viewpoints on issues *in* which I think there is particular parochial concern and *in which I* am required as a Member of Parliament to represent the views of those who sent me here from a district or an area, but I am not going to surrender my intellect, integrity, ability or my conscience to 99% or 100% of the *population. I want to make that* clear because the Barbadian society can at times adopt some strange positions.

Every evening on the radio you hear people saying that MPs do not speak their mind, that we are under the party whip. We do not want to give our views on issues, that we are frightened for this body. We are spineless. There are some people in here sometimes who believe that we are spineless. But on the very issues on which we seek to take an independent path people say, "Wait and see, try it and see what is going to happen out there". Try an independent path and see what is going to happen. That kind of hypocrisy and that kind of wishy-washy politics is not for me.

I know that there is nobody in Barbados who doubts what my view is on the death penalty. I also have the same view on abortion but I was not in here when the Abortion Bill came. If I was here I would have said what my view is. There is nobody who could force me or in any way inveigle me into voting in support of any abortion legislation. This is the law as it is but should somebody bring a resolution in here in which we have the major consideration being the death penalty, this does not alter what the law is now. I am not about to go into any big scenario of frustrating modernisation of the existing law.

When the debate comes in relation to the death penalty, I will express those views which I have. I am not surrendering those views to anybody. Those views have not been developed on the basis of any wishy-washy position. I was the President of Amnesty International at the University of the West Indies and I was proud and am still proud to be associated with that body. Not only because of what they did for political prisoners throughout the world, because, let me tell you something. Some of those people who have been locked up in these countries due to the ego of political leaders and due to tyrannical regimes throughout the world, the only contact they have ever had with the outside world is with the people who care, the people who work for Amnesty International for no reward via the urgent action committees writing to countries where they cannot even speak a word of their language.

I admire all of those people who write to me on a daily basis saying that we should change the law in Barbados. I am not going to surrender to them either if I do not think the law needs to be changed. But I write back to tell them and I tell them "Yes, your viewpoints coincide with mine but the people of Barbados do not appear, in my view, to be ready to change their viewpoint on this issue." I always make the point to them that if there is one issue on which Barbadians are almost *ad idem* it is the issue of the death penalty. I am not going to surrender to that.

The issue, Mr. Speaker, is an issue of the role of the state. The Honourable Member for St. Philip South asked a question about lawyers. There is a preponderance, in my view, of viewpoints among lawyers which tend to have doubts about the efficacy of the death penalty and there is a reason for that. I came into the legal profession with that view already but I am certain that those who changed their views when they became lawyers are aware that the legal system is not any lily-white system which cannot...

Aside.

Hon. D. J. H. THOMPSON: It is imperfect. There is no legal system that is perfect. Just as. persons who, in the back of one's mind, as the Honourable Member for St. Thomas skillfully articulated, one is clear that that person is guilty of something, something went on, you are also sure in some cases that there are people who may end up being punished for a crime they did not commit.

Now, that is not as common, in my view, in relation to murder cases as it may be in a range of other things. But the British legal system has been decimated by the cases of the Birmingham Five Pub Bombs, the Gilford 4, the Birmingham 6, all of those stories, the book written by Woffiden – I cannot remember what it was called – in which he carried out almost a single-handed campaign along with a few others to bring to the attention of the British legal system and at each time they were able to mount a successful challenge to the decisions of the court.

The Court of Appeal in England found all kinds of technical reasons not to accept that there should be a retrial. The Court of Appeal in England has even taken the obtuse position from time to time that it is not to enquire into the state of the mind of the jury, that it is to deal essentially with procedural matters and unless you can point to those procedural matters that is not the issue.

Those who want to walk around, Mr. Speaker, and made this death penalty issue a political issue for the sake of determining who should be in or out, I think they are doing a disservice to this country. I want to tell *you this* now. In the event that the death penalty is the issue *that is* going to make me in or out of the House let us have the debate soon because I want to speak on it. I would prefer not for my views to be put out in the public in some kind of loose offhand manner so that people categorise you as for or against, and those who are against it should suffer whereas those who are in favour are persons to be emulated and persons to be respected.

Now, I want to go on to talk about this question of aiding suicide which the Honourable Member for Christ Church East had raised.

Aside.

Hon. D. J. H. THOMPSON: No. I do not agree with you. Anybody who is involved in...

Aside.

Hon. D. J. H. THOMPSON: But it is not an in or out. Aiding suicide can be in or out? If I believe in the sanctity of life somebody who aids somebody else in suicide is wrong and should be punished. I have been anti-abortion, anti-hanging and I am anti-violence period. I am always and have always taken a position in favour of anti-state violence, anti any form of violence, and I will continue to take that position.

Aside.

Hon. D. J. H. THOMPSON: Any violence I do I may do by the word or pen but I am not doing physical violence and nobody can ever say of me that I have precipitated a physical fight or been involved in one in the 32 years of my life, never. It is not in my nature. I do not support it and I will not support a position in which a person who aids in a suicide is not culpable. That person should also bear penalties for assisting in what is a crime.

Now, Mr. Speaker, the last point then that I want to make is that this is a Government, in my view like all others, in relation to the death penalty that has respect for the law. Those who are convicted of committing murder are entitled to go through a legal process. That process must not be subverted by speeches of politicians at their annual conferences. That process must not be subverted by any individual politician. Each Barbadian who is convicted of a crime and who has rights of appeal, it is our duty as parliamentarians to defend them in relation to those rights which they have. If at the end of that process the appeals have been exhausted and part of the law is that they must suffer some penalty which exists in the law of Barbados now, then they should be dealt with according to law and I leave that to those who have to deal with them.

On the issue of the desirability of the death penalty as part of the laws of Barbados just as issues like whipping and so on, I long for that debate to take place so that I can place on record in a fuller way, or at least, more than I have done today in relation to this debate, my views on that issue. Those, as I say, who feel that they must answer that viewpoint by suggesting to you that they are going to wait until your mother gets rape, or wait until your wife gets killed and see if your views will change, will, in my view, understand more fully why persons like myself, the Honourable Member for Christ Church West Central and the Honourable Member for St. Michael West will support that particular viewpoint even in the face of that kind of adversity because it is simply not something, in my view, that is defensible on any moral or Christian grounds. I will not give my support to it when the time comes for that resolution to be brought.

4.35 p.m.

Hon. M. A. KING: Mr. Speaker, the Honourable Member for St. John has admirably expressed my views in relation to this whole concept of capital punishment.

I just want to deal with a couple of matters which have been raised in the debate before I come back to that issue. The Honourable Member for St. Thomas did raise a question in relation to the defence of provocation and wondered if the legislation, as presently before us, encompasses certain developments in the law as it developed in the United Kingdom. Just give me a minute, Mr. Speaker. I am just trying to find the section.

The position is, Mr. Speaker, that the way in which our legislation is drafted is stated as follows Section 5:

> "Where on a charge of murder there is evidence on which the jury can find that the accused was provoked, whether by things done or by things said or by 'both together, to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury; and in determining that question, the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man."

I am referring to a text on criminal law by Smith and Hogan which is one of the established works on criminal law. In analysing this particular section of the law, it says this at page 338:

> "It seems obviously to be the things done and said which may or may not have been a sufficient provocation at common law which the jury had found to have provoked the accused."

The Section goes on to direct the jury that the jury shall take into account everything both done and said according to the effect which in their opinion it would have on a reasonable man. There are some words italicized in this quote:

> "Shall take into account everything" is

italicized:

> "which in their opinion"

"in their opinion" is italicized.

The text goes on to state:

> "The words which we have italicized are inconsistent with the continuance of Bedder as a Rule of Law."

In essence those words which are italicized are contained in the formulation of the defence of provocation as exists in this Bill.

Concluding from the quotation I have just made from the text, the defence of provocation does encompass the developments in the defence which have taken place in the law.

The Honourable Member for Christ Church South was concerned that this legislation did not go far enough, that we should categorize murders and he felt that murders done by poisoning which he thought was highly premeditated, murder of a law enforcement officer in the execution of duty and murder in pursuance of a felonious act should

always be the types of murders which would carry the death sentence and went on to make the point that some consideration should be given to differentiating between the types of murder.

I believe that in Jamaica, at the moment, if they have not yet concluded legislation they are in the process of getting legislation through Parliament which would categorize murders. In the United kingdom there was a categorization of murder ' in 1957 by the Homicide Act. When one reads the commentaries on that development of the law, one saw how unsatisfactory that categorization was.

I was at University at -the time when that Act was passed and there is one thing which I would never forget, the Professor who taught us criminal law making the observation that what Parliament was against was noisy murders because murder carried out by a gun carried capital punishment whilst in Britain under the Homicide Act, I believe that poisoning did not carry the death penalty. He felt that murders by noise, if you committed a noisy murder, you were liable to be executed whilst if you did it quietly and sedately with poison or with a knife that you were not liable to be executed.

This categorization of murders in my view does not take the issue very far. But calls have been made for a debate to take place on the whole issue of capital punishment. I have no difficulty with that. I think we should address the issue full square on. I am not afraid to say what my views are on the matter. I believe I did say so on one occasion in this House before the last election and I remember campaigning through the last election, the difficulty and the attacks which were levelled at me throughout various parts of my constituency. But that Mr. Speaker, as I always said to people is not going to change my mind. For me this issue is a matter of conscience and I said that if I had to leave public life on that issue I would do so and that is still my position. I have no difficulty debating this issue and letting my views be know as to precisely where I stand on this issue.

A point has been made by the Honourable Member for Christ Church East that many cases which have been brought before the courts where persons are charged with murder, they should not be charged at all with murder. That is not a matter which can be addressed by this legislation. It is not a matter which I would deal with. It is a matter for the prosecuting authorities to use their discretion and their judgement based on the evidence they have.

Asides.

Hon. M. A. KING: Have you read the Constitution of Barbados that the Attorney General cannot give directions to anybody in the prosecution of *the criminal law? The Director of Public Prosecutions, according to the Constitution of Barbados, has total discretion in this matter which is unfettered by anyone except perhaps on the judicial review process, except in a number of specialized cases in respect of which the Attorney General can direct the Director of Public Prosecutions.

The Honourable Member for Christ Church East has made the point that sentences have been excessive. 4.45 p.m.

I am not dealing at the moment with the position of the judges. I am dealing purely with the legislation and as to the penalties which have been legislated. Now, in many cases, the penalties are existing penalties. It is true that in some cases the penalties have been increased, like for instance in the case of penalties for assaults where the maximum which used to be $25.00 is now $2,500.00 by virtue of this amendment.

There have been many complaints that sentences have been archaic, they need revising upwards. May I just say, Mr. Speaker, that the sentences which are provided for in the law are maximum sentences and these maximum sentences always provide for a discretion for judges to exercise when considering any particular case. A judge may impose anything less than the maximum which has been provided for.

In some cases the suggestion has been made that there should be mandatory sentences for particular offences where no discretion is left with the judge. Now I am not one of those persons who approve of mandatory sentences because I don't believe that we, as legislators, have any right to decide on what sentences should be in particular cases which are brought before the court. We set the maximum and say to the Judge, you are the person who has heard the case, you are aware of all that has taken place, you will know whether there are any mitigating circumstances which will permit you to take into account, those circumstances, and award less than a maximum penalty.

In the proper administration of justice, Mr. Speaker, I am strongly of the view that that discretion should remain with the judicial officer who is trying the case and who has the opportunity, far better than any of us, who sit a long distance away from the actual trial who have the opportunity and the authority to decide in any particular case what is an appropriate and reasonable sentence to be imposed. So I do not think that we as legislators should be condemned for fixing the sentences at a maximum. You have to put the maximum sentence so that in the worst case scenario that that sentence is available for the worst kinds of offenders. But within the discretion which is provided

for, in the law, the presiding officer should use discretion and provide for the appropriate sentence. If one is dissatisfied with the sentence fixed by a presiding officer the Appeal Court is there and that is one of the reasons for having a system of appeals in recognition that at first instance one does not necessarily always get a decision which is necessarily the correct or appropriate one.

I do not think there is any other issue which has been raised on which I need to respond. With that, Mr. Speaker, I conclude this presentation.

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

On the motion of Hon. M. A. KING, 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.

COMMI`ITrEE

Mr. CHAIRMAN: The House is in Committee.

Hon. M. A. KING: Mr. Chairman, I would like to move that this Bill be taken in parts.

Clause 1 was called and passed.

Part 1 was called.

Hon. M. A. KING: Mr. Chairman, I beg to move that Part 1 stand part.

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

Mr. D. A. C. SIMMONS: Clause 5 of Part 1, Sir. The point that I made in the Second Reading, I do not think has been appreciated and it is this, and I dwell on this because this business of provocation is a matter that arises every assizes and I think we owe it to the country to try and get the defmition right. Now the definition of provocation here in clause 5 is the precise definition that was introduced in England in 1957 where what they did was to extend the concept of provocation to include words. It moved from acts or conduct to words so that in 1957 you had the law providing that everything said or done could amount to provocation. Our Clause 5 lifts that defmition wholesale from England and what I am submitting, Sir, is that Clause 5 does not take- account of the refinements that have been put on the definition of provocation as recently as 1978 by Kaplin because the test here is still objective without importing any notion of subjectivity which Kaplin called for in the direction.

Now, let me explain, Sir. I am going to use the same text that the Honourable Attorney General used, that is Smith and Hogan. Mine is the Sixth Edition. At page 338. What the authors were there pointing out is that the Kaplin case as been virtually followed in New Zealand or to put it another way, New Zealand had an Act in 1961 and what the House of Lords did in Kaplin in 1978 was to extend the Common Law of England to bring it within the scope of the New Zealand Act. So that they say at page 338: The result of Kaplin as Lord Simon pointed out is to bring the common law as modified by the Homicide Act into line with the New Zealand Crimes Act 1961.

Section 169(2) of this says, and this is their definition of provocation in New Zealand.

"Anything done or said may be provocation if

(a) in the circumstances of the case it was sufficient to deprive a person, having the power of self-control of an ordinary person but otherwise having the characteristics of the offender ...".

Now, that is the difference. That is where the subjectivity comes in. "But otherwise having the characteristics of the offender of the power of self-control" and (b) it did in fact deprive the offender of the power of self-control and thereby inducing him to commit the act of homicide. Then he goes on to comment on that section to say that the reasonable man must now be endowed with sex and other personal characteristics of the accused whether normal or abnormal. The characteristics may be taken into account by the jury both in accessing the gravity of the provocation addressed to the accused and in determining what degree of self-control can be expected of him.

4.55 p.m.

They then continue to say that, as was said in the case of Kaplan in a citation of the judgment, the judge should state what the question is using the very terms of the section. He should then explain that the reasonable man referred to in the question is a person having the power of self-control to be expected of an ordinary person of the sex and age of the accused but in other respects sharing such of the accused characteristics as they think would affect the gravity of the provocation to him and the question is not merely whether such a person would in like circumstances be provoked to lose his self-control but also would react to the provocation as the accused did. Well, we are focusing on the special characteristics or attributes of the accused man. That is the effect of Kaplan which I have said has been captured in the New Zealand Crime Journal of 1961, but in so far as our Section 5 is concerned we do not go that far. We are still back in 1957 and I am recommending that we include words such as New Zealand has in their definition but otherwise having the characteristics of the offender. Because you take account of the specific personal idiosyncracies or whatever of the particular accused. It is

all right for the average man to lose self-control, but would a man who was impotent? Remember Bedder. In Bedder's case, it was that they applied the objective test to him even though he was impotent and so on. They said that they did not have anything to do with that. That is a special characteristic. Now Better has been overruled to say that if a person is young or if the person is a man or woman that age, sex and so on should be taken into account in determining how the provocative acts could have affected a person with those particular attributes.

That is the comment I wanted to make in respect to Clause 5 of the Bill. Then I had also promised, Sir, during my speech to give the actual language of the Code of Ethics in relation to the duties of an attorney-at-law in relation to his client. Rule 24 of the Code says:

> "An attorney-at-law shall always act in the best interest of his client, represent him honestly, competently and zealously and endeavour by all fair and honourable means to obtain for him the benefit of any and every remedy and defence which is authorised by law steadfastly bearing in mind that the duties and responsibilities of the attorney-at-law are to be carried within and not without the bowels of the law."

In the interest of his client and the excellencies of the administration of justice should always be the first concern of an attorney-at-law and rank before his right for compensation for his services.

Rule 11 also says: "An attorney-at-law shall defend the interest of his client without fail of judicial favour or public unpopularity and without regard to any unpleasant consequences to himself or to any other person. He is obliged to act either as advisor or advocate in the field he proposes to practice for every person who may wish to become his client on payment of the professional fee charged in accordance with Rule 68."

That is only to say that there are people who criticize lawyers for taking particular types of cases and I think that those criticisms are unmerited and founded in emotion and founded upon great ignorance or innocence of the rights and duties of an attorney are unfair. I just wanted to put that clearly *in the* record in *the* hope that if it is published at anytime the public will then appreciate what are the rules and duties of attorneys in relation .to their clients by law.

Hon. M. A. KING: Sir, just let me respond to that. Mr. Chairman, the Honourable Member for St. Thomas read from the Smith & Logan on Criminal Law. The result of Kaplan, as Lord Simon pointed out, is to bring the common law modified by the Homicide Act into line with the New Zealand Crimes Act, 1961. He then went on to read the rest of it which indicated how the New Zealand Courts dealt with the position. Kaplan was decided in 1978 subsequent to the formulation of the Rule in 1957 by the Homicide Act. If the 'House of Lords regarding Kaplan in 1978 is saying that the result of Kaplan is to bring the common law, as modified by the Homicide Act into line with the New Zealand Crimes Act, we are saying in essence to the formulation that we have is the effect of Kaplan. I am sure the Courts in Barbados will follow this analysis of the issue that the result of Kaplan is to bring the common law as modified by Section 5 of our Offence Against the Person Act into line with the New Zealand Crimes Act.

Aside.

Hon. M. A. KING: Well, that must be so. Well, why not? Kaplan was decided after the Homicide Act. The English Act has not been changed. Provocation was a common law offence before in Barbados. So that if we have the same formulation now as in the Homicide Act and the decision of the Courts is that formulation in that regard is to capture the very essence of the New Zealand Crimes Act. That is what it says.

Mr. D. A. C. SIMMONS: Sir, on a point of order. I just would like to explain something. There was an argument after the Homicide Act as to what extent the law, especially the criminal law, should apply a subjective test,. Remember all the argument in murder and question of subjective test in relation to intent with Smith and the DPP and_ the academic criticism which was subsequently captured when they amended the law in England which I think was Section 8 of the Criminal Justice Act, 1967 to say that the test is subjective when you look at this accused, not the reasonable man. There was always this argument between the, academic profession and the practicing profession as to what test you should apply. The history is well set out in there. Kaplan applied, if you like, the test of academia and for the first time then the judges accepted that the test included reference to the accused personal idiosyncracies.

Aside.

Mr. D. A. C. SIMMONS: In England, it was Kaplan in Section 3 of the Homicide Act. Now what they could not have done in Kaplan was to have overruled Section 3. What they did was to give an interpretation of it which now appears in the report which says that the direction of a judge must now include a subjective test. So what England has not done is to have amended the 1957 Act to take account with Kaplan, but in the meantime New Zealand in 1961 was ahead of England. That is all that means.

Aside.

Mr. CHAIRMAN: The Honourable Member was on a point of order.

Hon. B. M. TAITT: Mr. Chairman, Sir, I have formed the impression that the Honourable Member for St. Thomas is suggesting that the section which we are now bringing ought to be expanded to include reference to the subjective test. Am I correct? Yes: I do not have any difficulty of what he is suggesting. I understand him to be suggesting this out of an abundance of caution for those judges who might not be sufficiently seized of the intricacies which he has just identified. I take that point. I would make bold to say however that, where such a judge was not seized of the nuisances of the argumentation in these issues, it would be extremely difficult to find a form of words that would solve the problem which the Honourable Member has raised.
5.05 p.m.

Lord Diplock, in the Champlain case, did in fact lay down a form of direction which the judge should give. If that direction is properly given, it would convey to the jury – sorry, not direction – suggestion as to allow the jury to understand that it should bring it to its contemplation, when it is reaching its conclusion, the cirucmstances of the particular case. Now there is no way you can legislate for that.

Asides.

Hon. B. M. TAITT: I do not think we need to amend on the Floor now becasue it requires some very serious examination. I would suggest to my colleague, the Attorney General, that the point the Honourable Member is making is a valid point to be raised in these circumstances to be taken into consideration for future examination of the issue. What we are doing now has brought us far away from where we were...

Asides.

Hon. B. M. TAITT: When I say far away from where we were since I do not practise at the Bar I have to be very careful how I appear to be unnecessarily critical of certain decisions which are made. But provocation in the Caribbean has had some very interesting interpretations in different jurisdictions as you know. In Barbados provocation has had a generous interpretation. It seems to me that juries have not had difficulty understanding how provocation should be interpreted. This is the practice.

Asides.

Hon. B. M. TAITT: What the Attorney General is doing is putting it in the Offences Against the Person Act so that those persons who look for the offences against the person will find it.

Mr. L. R. TULL: I want to support the position of my colleague, the Honourable Member for St. Thomas. I think the problem here is not whether the decisions of the Champlain case will be taken in conjunction with the position of the law in Barbados. A change has taken place in the law which has an impact on what should be in the legislation.

We have at the moment and this is used constantly, assizes after assizes, by judges in summations where the test of the reasonable man is applied.... The reasonable man for lawyers is the man of the city, on the bus, the man walking through Fairchild Street. He is the reasonable man. This means very little and I have heard judges in summation, one judge in particular, who when he is dealing with what to my view should be a subjective application in relation to a particular accused who is in the dock says that in looking at the issue of provocation this man comes from St Andrew and he is 35 years old, short, black and has rasta hair so you think of how a man who is from St. Andrew and is short and black and has rasta hair how he would behave and therefore you apply this same test in relation to the man before you.

I am saying, Mr. Chairman, that the test has to be subjective. If the learned Attorney General is inclined to accept the subjective test then I am suggesting that the matter be recommitted, if he accepts that principle, and have a form of words included in the legislation that will capture it. Persons of weak intellect – that is the classic example, Sir – not the irascible ones or the ones who have short tempers, persons of weak intellect are quite often to my experience the victims of a law in relation to provocation that covers the reasonable man. The law mentions persons of that ilk.

There are persons who are not morons but their intellects are weak and they respond to words and actions in a different way from the reasonable man. If the Attorney General is accepting that as I am understanding him to be saying then I believe he should take this legislation back and take another look at section 5 to determine whether a form of words could not be put in to capture exactly what all of us seem to be agreed on.

Hon. M. A. KING: Mr. Chairman, I have given the assurance that I will have the matter looked at and re-examined in the fullness of time; but I suggest that there might not be a reason to hold it up at this time. I am not going to be doing any drafting on my feet. Let me say that if there is a clear understanding of the direction which the judges should give in relation to provocation on these cases on the existing law there should not be a problem in the application of the principles in Champlain. There should not be a problem.

You want a statutory formulation as in the New Zealand Act but what I am saying is that the formulation

of the law as it stands with the application of Champlain should give the desired results.

I move that Part I stand part and give the assurance that we will look at it in the very near future.

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

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

Part II was called.

Hon. M. A. KING: I move that Part II stand part.

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

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

Part III was called.

Hon. M. A. KING: In moving that Part III stand part I am moving that clause 27 be amended to delete paragraph (e). Subject to that I move that Part III stand part.

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

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

5.15 p.m.

Part IV was called.

Hon. M. A. KING: I beg to move that Part IV stand part, Sir.

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

Mr. L. R. TULL: Part III, Sir.

Mr. CHAIRMAN: Except that Part III has already been passed.

Hon. B. M. TAITT: I beg to move that Part III be recommitted.

His Honour T. C. ESTWICK: I beg to second that.

Mr. L. R. TULL: In respect of section 27, re assaults: Under (b) "Any person who assaults, resists or wilfully obstructs any police officer in the execution of his duty or any person acting in aid of such officer is guilty of an offence" – that is already captured in the Police Act. I was looking in the Schedule to see whether it was one that was repealed. I believe you have to look at this again because there would be two separate Acts with the identical provision.

I believe that the penalty is different. One police officer can bring you in for resisting or assaulting on Broad Street and under the Police Act you are liable to one penalty. Another Police officer 5 minutes later can bring in another man for the identical offence, charge him under this Act and he gets a completely different penalty. I think you should take a look at it.

Mr. D. A. C. SIMMONS: Sir, just let me say this before the Attorney General replies. It is important that we make up our minds on which of these Acts is going to be predominant. The point is we are having the same offence in two pieces of legislation. There is an oversight obviously.

I will tell you why this is important, Sir. The lawyers will know that every weekend there- are 4 charges which are put on people. It is of such regularity as to exclude any consideration of coincidence or accident. Indecent language. Somebody always curses when he obstructs the policeman, when he resists and he assaults or uses insulting language. Those 4, every weekend...

Aside.

Mr. D. A. C. SIMMONS: I do not know. You say it is a fact but it is very unusual. A policeman will bring in somebody off the street there, he would have insulted, abused or used indecent language and he will, for good measure, also have assaulted, obstructed and resisted. I do not think that we should have two codes dealing' with the same offence. The Attorney General could respond.

Hon. M. A. KING: I think, Mr. Chairman, that the Honourable Member for St. Thomas knows why the police do charge with a substantive offence even if it is no more than the using of a little bad language because you cannot get a conviction for resisting in the execution of duty or assaulting in the execution of duty if you cannot first establish the breach of some other basic rule of law. The policeman just cannot go and arrest people or pick them up so. You first have to establish that the police officer was acting in the execution of his duty so it is usual.

Aside.

Hon. M. A. KING: But you have to assault him in the execution of his duty. It is a different assault though.

Now, the Police Act, Mr. Chairman, at section 62 does provide for:

(a) "Any person who assaults, obstructs or resists; or

(b) uses any abusive or insulting language to; or

(c) aids or incites any person to assault, obstruct or resists, any member of the Force in the execution of his duty or any person acting in aid of any such member of the Force shall be liable on conviction by a court of summary jurisdiction to a fine of one thousand dollars or to imprisonment for twelve months:

Provided that if the magistrate is of the opinion that the matter is a fit subject for a, prosecution by indictment, he shall commit the offender to stand trial at the High Court sitting for the trial of criminal offences."

The penalty for the assault in the Police Act is on conviction by a court of summary jurisdiction $1 000 or imprisonment for 12 months, and the penalty provided under the Offences Against the Person Act is a penalty of $2 500 and imprisonment for 2 years and not life imprisonment as suggested by the Honourable Member for Christ Church East.

I think, Mr. Chairman, that the law in relation to assaults perhaps needs to be consolidated and codified in one area. The most appropriate place might be the Offences Against the Person Act. I have not made a final judgment on that. Perhaps the Police Act needs to be amended by taking that out once we have it in the Offences Against the Person Act but I will give the Honourable Members the assurance that I will look at that as well with a view to rationalising and sorting it out.

Mr. L. R. TULL: Mr. Chairman, I would suggest to the Attorney General that the law in respect of assaults to police officers in the execution of their duty remain in the Police Act. Anything that has to do with the police in the execution of their work should be under the Police Act, Cap. 167. To take this section on assault and hide it away, so to speak, in the Offences Against the Person Act is, in a way, to truncate the Police Act in a way in which it should not be done.

You will note, Sir, that this is the only section in this whole Act that deals with the police. There is assault, resisting and obstruction. My suggestion is it should be taken out of this Act and increase the fine in the Police Act to the $2 500 or 2 years imprisonment.

Hon.. M. A. KING: Mr. Chairman, I have said to Honourable Members that I will give the assurance that I will address the issue. The Honourable Member for St. George South has just made the point that the fine in the Police Act should be increased to $2 500 or 2 years. In my view, this is the appropriate penalty which should apply so that until the appropriate amendment is made to the Police Act, I think that we should approve the clause as it stands with the assurance that we will address that issue very shortly.

The question that Part III stand part, as amended, was put and resolved in the affirmative without division.

Part IV was called.

The question that Part IV stand part was put and resolved in the affirmative without division. 5.25 p.m.

Part V was called and passed.

Part VI was called and passed.

Part VII was called.

Hon. M. A. KING: I beg to move that Part VII stand part, Sir.

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

Mr. L. R. TULL: With respect to clause 38, when one looks at the heading of Part VII it says "Abortion and Concealment of Birth". There is already an Abortion Act called the Medical Termination of Pregnancy Act. I believe that Clause 38 conflicts, in some measure, with the "Medical Termination of Pregnancy Act". It would be useful then for the Attorney General to advert to Clause 38 and see how it relates to the provisions of the Medical Termination of Pregnancy Act to see whether this Clause should stand at all.

I am a little concerned too about Clause 39 because Clause 39 would fall under the same kind of consideration as that relating to Clause 38. For instance, Sir, in Clause 40 it says:

"Any person who unlawfully supplies or procures."

But no such word "unlawfully" apply in Clause 38 or 39. I am suggesting to the Attorney General that both these Clauses may, to some measure — In fact Clause 38 definitely conflicts with the Medical Termination of Pregnancy Act.

Hon. B. M. TAITT: I think the Honourable Member for St. George South has a concern and I think the

Attorney General is looking at it. But I suspect what happened, and this is a personal suspicion, Sir, is that in the process of drafting this legislation we would have been making reference to the old Offences Against the Person Act. Termination of Pregnancy would have been dealt with in that whole Act without reference to the fact that we had moved ahead to a Medical Termination of Pregnancy. And, therefore, this reappears as a manifestation of keeping that offence as an offence. But the Medical Termination of Pregnancy Act, I submit, has a progressively better formulation than what now occurs on the Offences Against the Person Act. Of course it could also be surmised that this has been very cleverly reintroduced as a defence against as perceived by someone. Since the Attorney General is not of that nature and intent, I would suggest that this may have been an inadvertence rather than anything else. I certainly agree that its formulation...

Aside.

Hon. B. M. TAITT: Yes, yes. The Medical Termination of Pregnancy Act is a progressive piece of legislation irrespective of how persons feel about it. I have spoken on this before. My position is very clear on it. It liberates the woman of Barbados in a way that persons in the United States are only now striving to be liberated. I remember very well when it was brought here that one of my colleagues of that date could not, in conscience, vote for it and spoke very emotionally about it. But the truth is that if you represent poor people in the constituencies like the one I represent, you cannot fail to recognize the inherent fairness of that legislation which gives the individual the right to make a personal decision about her body.

I would suggest that this matter...

Aside.

Hon. B. M. TAITT: No, no. No, no. The issue which the Honourable Member for St. John relates to is a different issue. And so I would suggest that the Attorney General take a look at this, Sir.

Hon. M. A. KING: Mr. Chairman, the Medical Termination of Pregnancy Act passed on 10th May, 1983. At Section 3 it says:

> "Notwithstanding Sections 61 and 62 of the Offences Against the Person Act, the treatment for determination of pregnancy is lawful if administered in accordance with this Act."

The 61 and 62 referred to in the Medical Termination of Pregnancy Act is a restatement of the law as enacted. Sections 61 and 62 referred to in the Medical Termination of Pregnancy Act is re-enacted in Sections 37 and 40.

I do not know that we need to tamper with the basic law in relation to abortion as encompassed in the Offences Against the Person Act.

What I am suggesting, Mr. Speaker, is that there has to be a consequential Amendment to the Medical Termination of Pregnancy Act which will change the sections referred to in Section 3. It says:

"Notwithstanding Sections 37 and 40"

or whatever Sections are appropriate. That will maintain the Medical Termination of Pregnancy Act in its entirety. What I will need to , 'do for the purpose of ensuring that the consequential legislation is brought in time is perhaps to add, at the end of this Bill, just a Clause bringing this Bill into force by proclamation.

Hon. B. M. TAITT: Mr. Chairman, Sir, I am satisfied with the answer given by the Attorney General because what he is saying is that there will be a consequential Amendment to the Medical Termination of Pregnancy Act to take account of the point raised. But the "Killing unborn child" and "Surgical operation" in 38 and 39 when once they are read carefully will not hinder the Medical Termination of Pregnancy Act because this deals with another kind of criminal act and will not interfere with a doctor or medical practitioner who is lawfully performing. This deals with when a woman who is about to be delivered of a child prevents the child from being born alive.
5.35 pan.

I have just one philosophical question about this. There is an issue which is not often discussed where this applies and for that reason it may be desirable to hold this section 38.

I am told that from time to time in the business of abortion that there are some sharp practices that occur which this particular section might help to curb. I do not want to go into great detail but these sharp practices are sufficiently immoral as to warrant legislation to curb them.

Mr. Chairman, I think that delicacy and decency require me not to go into any detail but I know, and I will discuss with Honourable Members afterwards, that from time to time, persons who feel very aggrieved that the foetus which is aborted is in fact many times older than the record suggests that it might be. I will leave it at that. This section may in fact help to bring some level of morality to the issue of abortion.

Abortion has two sides, Sir, and I take one position but I respect the views of those who take the other position and to some extent those views need the assistance of a

section like this. So I am inclined to temper my initial statement with an understanding of how this may be used. I will leave it at that point, Sir.

Mr. D. A. C. SIMMONS: In the light of some information that I read in the press within the last week, I do not suppose that the eating of papaws will be considered the administration of a noxious thing which might conduce to abortion because there is now good solid medical evidence, particularly in India, that if you eat papaws for a certain period of time, like two weeks or so, that that will procure the abortion for you without having to go to any back door doctor. It was in both sections of the press. They call it papaya but it is papaw they are talking about. They say it has tremendous properties. We know it is a softener. We know it is a tenderiser very much in use in Africa. I am serious. According to the Press research has found that. So all the fellows who used to use the gin and the hot baths, they do not have to do anything so crude now they can use some papaw.

The question that Part 7 stand part was put and resolved in the affirmative without division.

Part 8 was called and passed.

Part 9 was called.

Hon. M. A. KING: Mr. Chairman, in moving that Part 9 stand part I first of all move that Clause 48 be deleted. I had referred to this in the Second Reading speech, bearing in mind that the Marine Boundaries and Jurisdiction Act and the Territorial Waters Act now provide the jurisdiction of the Barbados Coasts there is no need really for the inclusion of clause 48 and there will be a consequential renumbering of the clauses following.

Mr. CHAIRMAN: I am having difficulty hearing the Honourable Member.

Hon. M. A. KING: So that clause 49 becomes clause 48 and clause 50 becomes 49. I am asking that a new clause 50 be included so that this Act comes into effect on a date to be fixed by proclamation.

Subject to that, Mr. Chairman, I move that Part 9, as amended, stand part.

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

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

Hon. M. A. KING: Mr. Chairman, I move that the Schedule be the Schedule to the Bill.

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

The question that the Schedule be the Schedule to the Bill 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 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. M. A. KING, seconded by Hon. B. M. TAITT, the Bill was read a third time and passed and cited as the Offences against the Person Act, 1992.

Hon. B. M. TAITT: Mr. Speaker, I would be grateful if Your Honour would allow us to revert to Documents to be laid.

Mr. SPEAKER: A request is made to revert to the Item, Documents to be Laid. If there is no objection, then leave is granted.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I am commanded to lay the Barbados Development Plan 1993 to the year 2000.

Hon. B. M. TAITT: Could we now, please Sir, have Statements by Ministers?

Mr. SPEAKER: If there is no objection, Statements by Ministers.

STATEMENTS BY MINISTERS

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, the Barbados Development Plan for the period 1993 to the year 2000 which has just been laid is the Sixth Development Plan for Barbados since our country attained independence in 1966 and the second under my administration. It succeeds the 1988—93 Development Plan which expired on March 31, 1993. The 1993—2000 Development Plan with its theme 'Prosperity Through Increased Productivity" represents a point of departure from previous plans in that the economy in the coming years has to adopt a new strategy of one that is more export oriented and that relies more on increasing the productivity of the Barbadian people. The main thrust of the Plan is to increase productivity and thereby to improve export competitiveness and restore real growth in the economy through higher levels of domestic and foreign investment.
5.45 p.m.

My Government firmly believes that if we in Barbados are to transform this country from a developing to that of a developed country then our productivity must

increase substantially. We must be able to produce quality goods and services at competitive prices for both the domestic and international market. The new Plan sets out in a concise form the Government's development objectives, strategies, projects and programmes for Barbados for the period April 1993 to March 2000. It seeks to translate into concrete action my Government's political mandate and commitment to a process of economic transformation and social justice that will take Barbados into the 21st century.

The goals of the Plan are to achieve balanced and sustainable economic growth and development and to create a more equitable and cohesive society so that all Barbadians can participate in the main stream of economic activity. The Plan's main objectives will be to return the economy to a path of sustainable growth through improved export performance, forge increased linkages between all sectors of the economy, reduce unemployment to a socially acceptable and economically sustainable level, improve the country's international competitiveness, promote economic democracy through the reduction of social and economic inequalities in the country, correct the structural rigidities in the economy so as to increase its capacity to respond readily to changing external conditions, put the delivery of social services on a cost effective basis so as to ensure that the level, quality and equity can be maintained, promote and encourage our human resource development in order to create and produce a productive and discipline labour force, reform and equip the Public Sector to perform more effectively in implementing the country's development strategy, conserve and protect the environment, advance science and technology as an integral part of socio-economic development but not at the expense of the arts and develop the society in which all citizens will be imbued with desirable social and spiritual values and develop an increased sense of national.pride.

A major imperative for Barbados is the formulation and implementation of a set of complimentary micro-economic policies and strategies conducive to restoring the international competitiveness of the economy, recovering adequate rates of real growth, reducing the level of unemployment and reversing the rate of environmental degradation.

Accordingly, my Government will pursue an appropriate mix of fiscal, monetary, financial and trade policies. The Plan will be implemented in two phases. The first phase covers the 4 year period 1993–94 to 1996–97 which will be characterized by structural adjustments and expected real growth rates of 2 per cent to 3.5 per cent. The second phase 1997–98 to 1999–2000 should see a return to the relative growth rate of between 3.6 per cent to 4 per cent. The principal strategy of the Plan continues to assign a leading role to the Private Sector in productive activities. The Government will limit itself mainly to the provision of goods and services necessary to meet the social and infrastructural needs. of the population within a framework of economic stability, equity and social welfare. The Private Sector will be facilitated through the provision of stronger incentives for private investment. In addition, those laws and regulations which tend to impede rather than advance economic activity will be reviewed and appropriately revised.

Services, especially tourism, will be the main thrust of this export led growth. However, emphasis will also be placed on export diversification through expansion of the other export producing sectors, namely agriculture, manufacturing and international business and financial services.

The Plan contains some 25 Chapters. Chapter 1 of the Plan provides an introduction and summary of the Plan while Chapter 2 reviews the performance of the last Plan. Chapter 3 outlines the strategy to be pursued which is then followed by Chapters 4 to 24 which set out the sectoral programmes and the Public Sector Investment Programme. The successful implementation of the Plan, especially the structural adjustment strategy, will require vigorous and sustained efforts on the part of the entire Barbadian society of the Government, private sector, labour movement and the community. Technical and financial assistance from external sources will also be needed.

In the past, the Barbados economy and people have shown remarkable resilience in recovering from economic shock. While there is no denying that the present situation poses an enormous challenge, Barbadians must remain confident that this country with its political and social stability and willingness to adjust can once again emerge successful from an economic crisis into a period of sustained prosperity.

Mr. Speaker, Sir, I commend the Barbados Development Plan 1993—2000 to all Honourable Members. I thank you.

Hon. B. M. TAITT: Mr. Speaker, Sir, that brings us to the end of Government Business. *5.55* p.m.

Mr. Speaker, before we go, Your Honour will have noticed from the Order Paper that there is the Barbados Foreign Sales Corporation (Amendment) Bill and you will have noticed that a new Bill has been circulated with Your Honour's permission. I am seeking permission on behalf of the Minister to withdraw that Order No. 3 in the name of the Rt. Honourable L. E. Sandiford to move the Second Reading of the Barbados Foreign Sales Corporation (Amendment) Bill, 1992 to withdraw that Item and to

include in its place the new Bill which would have been circulated today.

ADJOURNMENT

Hon. B. M. TAITT: I beg to move that the House do now adjourn until Tuesday, March 1, 1994 at 12 o'clock noon.

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

The question was put and resolved in the affirmative without division and Mr. Speaker adjourned the House accordingly.

5.58 p.m.

.CONTENTS

MINUTES

Hon. B. M. TAITT 4321

Confirmation of Minutes of Tuesday, 15th February, 1994.

PAPERS

Rt. Hon. L. E. SANDIFORD 4321

Twenty-fourth Annual Report and Financial Statement of the Barbados Development Bank for the year ended March 31, 1993.

Hon. B. M. TAITT 4321

Instruments adopted by the International Labour Conference at its 80th session held in Geneva in June, 1993.

GOVERNMENT NOTICES

Hon. B. M. TAITT 4322

Barbados Foreign Sales Corporation (Amendment) Bill, 1994.

The Shipping Bill, 1994.

The Shipping (Oil Pollution) Bill, 1994.

FIRST READING OF BILLS

Hon. B. M. TAITT 4322

Barbados Foreign Sales Corporation (Amendment) Bill, 1994.

The Shipping Bill, 1994.

The Shipping (Oil Pollution) Bill, 1994.

OBITUARY SPEECHES

Hon. B. M. TAITT 4322

Tribute to the late Neville W. Boxill, former Member of Parliament. Condolences to his family.

Hon. H. B. St. John, 4323; Mr. C. LeR. Trotman, 4324; Mr. L. L. Brathwaite, 4325; Mr. D. A. C. Simmons, 4326; Mr. Speaker, 4327.

SUSPENSION OF STANDING ORDERS

Hon. B. M. TAITT 4327

Suspension of Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 for the remainder of the sitting.

GOVERNMENT BUSINESS

ORDER NO. 2 — OFFENCES AGAINST THE PERSON BILL, 1992 4327

Hon. M. A. King, 4327, 4340, 4341.

RESUMPTION ORDER

NO. 2 (resumed)

Mr. D. A. C. Simmons, 4330, 4331, 4332, 4342; Hon. H. B. St. John, 4333; His Honour T. C. Estwick, 4334, 4335, 4336; Mr. H. A. Blackman, 4336, 4337, 4338; Hon. B. M. Taitt, 4344, 4347; Hon. D. J. H. Thompson, 4338, 4339; Mr. L. R. Tull, 4344.

PAPERS

Rt. Hon. L. E. SANDIFORD 4348

The Development Plan 1993-2000.

STATEMENTS BY MINISTERS

Rt. Hon. L. E. SANDIFORD 4348

Statement re the Barbados Development Plan 1993-2000.

Hon. B. M. TAITT 4349

Withdrawal of the Foreign Sales Corporation (Amendment) Bill, 1992 and substitution of the Foreign Sales Corporation (Amendment) Bill, 1994 under No. 3 of Government Business.

SUSPENSION 4330

ADJOURNMENT 4350

Hon. B. M. Taitt, 4350.

SPEAKERS IN THIS ISSUE

BLACKMAN, Mr. H. A. (St. Philip South)
BRATHWAITE, Mr. L. L. (St. Michael North East)

ESTWICK, His Honour T. C. (Christ Church East)
KING, Hon. M. A. (Christ Church West Central)
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. M' (St. Michael West) THOMPSON, Hon. D. J. H. (St. John) TROTMAN, Mr. C. LeR. (St. Michael Central) TULL, Mr. L. R. (St. George South)

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991- 96

HOUSE OF ASSEMBLY

Tuesday, March 1, 1994.

Pursuant to the adjournment, the House of Assembly met at 12:15 p.m. on Tuesday, March 1, 1994.

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., MA., (Econ.), J.P., (Prime Minister, Minister of Economic Affairs, Tourism, International Transport and Minister for the Civil Service)
Hon. B. M. TAITT, B.A. (Hons.), M.P.A., LLB. (Hons.), (Minister of Foreign Affairs)
Hon. M. A. KING, Q.C., LL.B., (Attorney General, Minister of Justice and Minister for CARICOM Affairs)
_ Hon. W. 0. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Trade, Industry and Commerce)
Hon. N. K. SIMMONS, (Minister of Education and Culture)
Mr. H. A. BLACKMAN, B.Sc. (Econ.)
Mr. 0. S. ARTHUR, M.Sc. (Econ.), (Leader of the Opposition)
Mr. D. A. C. SIMMONS, Q.C., LL.M.
Hon. C. V. WALKER, (Minister of Health)
Mr. L. L. BRATHW J.P., (Chairman of Committees)
Mr. E. E. GREAVES, G.C.M., B.A., Ed.M.
Mr. W. W. HALL, G.C.M., H.B.M.
Hon. D. J. H. THOMPSON, LL.B. (Hons.), (Minister of Finance)
Hon. H. B. St. JOHN, Q.C., LL.B.
Mr. L. R. TULL, Q.C., M.A.
Mr. DeL. 0. BRADSHAW, B.Sc. (Hons.), J.P.
Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.)
Hon. J. O. TUDOR, J.P., (Minister of Labour, Public Works, Community Development and Sports)
Hon. D. W. BOWEN (Minister of Agriculture, Food and Fisheries)
Mr. G. W. PAYNE
Mr. R. C. EASTMOND, B.A., LLB.
Hon. T. C. ESTWICK, B.Sc., LL.B. (Minister of State, Ministry of Education and Culture)

Prayers were led by Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of February 22, 1994.

Hon. B. M. TAUT: Mr. Speaker, Sir, the Minutes of the last sitting of this Honourable House have been circulated and I have had no indication that any Honourable Member has any difficulty. I beg to move that the Minutes of Tuesday, February 22, 1994 be taken as read and be now confirmed.

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

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

ANNOUNCEMENTS BY HIS HONOUR

"February 28, 1994
His Honour the SPEAKER,
House of Assembly, Parliament Buildings, Bridgetown

Dear Sir:

Effective the 28th of February, 1994, I hereby tender my resignation as Deputy Speaker of the House of Assembly.

I am exceedingly grateful for all the help and assistance I have received from you in the past and I look forward to our continued pleasant and cordial relationship.

Yours faithfully,

Tyrone Estwick"

FIRST READING OF BILLS

Hon. B. M. TAITT: Mr. Speaker, Sir, I beg to move , that a Bill to grant the sum of $4 155 994 out of the Consolidated Fund and to appropriate the same for the service of Barbados for the year ending 31st March, 1994 be read a first time.

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

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

OBITUARY SPEECHES

Hon. B. M. TAITI': Mr. Speaker, Sir, on February 16th one of the great Barbadians passed this life. The person of whom I speak is Owen Taylor Allder, a recipient of the Silver Crown of Merit, a Justice of the Peace and a member of this Honourable House for the constituency of St. John from 1948 until 1956.

Mr. Speaker, Sir, in St. Mary's Church another former member of this Honourable House eulogized the late Owen Taylor Allder in a manner that was sufficiently lucid, clear and honest as to win the plaudits of all who heard his eulogy. But it is the custom, Mr. Speaker, that where former Honourable Members of this House pass this life that we go on record — "we" meaning those of us on whose shoulders the great honour of representing people falls.

Mr. Speaker, "Owen T" as he was familiarly known was, as I said at the beginning, a great Barbadian. There is no one who is involved or has been involved in politics in Barbados who has not at sometime or other benefited from their knowledge of an acquaintanceship with the late Owen T; Allder. I remember him as a shopkeeper when I was barely able to walk and to stand. I remember him as a man who had the most distinctive voice that anyone could hear at anytime. It was impossible to be in the company or in the vicinity of Owen T. Allder and not detect or hear that distinctive voice of his which invariably was delivering some truth in the manner that only Owen T. Allder could.

Mr. Speaker, anyone who has read the debates of yesteryear of this Honourable House cannot but be impressed with the fact that Owen T. Allder was one of the great debaters of all time in this Honourable House. Indeed, Sir, I would say that it is instructive and should be required reading for all who would enter this Honourable Chamber and all those who would aspire to enter this Honourable Chamber to spend some considerable time looking at the debates during the period in which such luminaries as Owen T. Allder and his cohalts debated in this Chamber. In those days, Mr. Speaker, the debates were not curtailed by time and one could speak at will and at length. Debates were interrupted from time to time by Honourable Members and it was the custom or graciousness to prevail or when Honourable Members would always give way to an Honourable Member who would rise.

Mr. Speaker, because of the amount of time available and the ease with which a person could speak, there was copious information delivered by the various members of the House. But even within that situation the quality of the debate was of such a nature that without reference to the fact that it was the House of Assembly, those speeches would be required reading if for nothing other than the content and the context in which debate was carried on. But Owen T. Allder had practised debating long before he came to this Honourable House. It is not too well known except for those who live in the general vicinity of Richmond Gap and Eagle Hall that Owen T. Allder formed a debating club called Belvedaire and it is within that debating club that many of those who even today write articles participate as what are now described as "social commentators". Many of them learned the art of debate in the early days of the Belvedere Club.

Owen T. Allder is known in that vicinity for his great interest in young people and there are many who eventually played football for Barbados who had their first pair of football boots compliments of Owen T. Allder. Indeed, it is fair to say that many of the now not so young men of Barbados who participated in sports fifty years ago or so saw their first real football when Owen T. Allder donated football and other gear to those persons who otherwise would not have been able to afford them. In his interest in the use of language extended to ensuring that people who did not have the facility of electricity could come to his makeshift library, a very good library, which he founded in that humble neighbourhood and which he made available to all who would wish to come and read anything from the classics to the newspapers of the day. He took time to share his tremendous talent and skill with many of the young people of his day, and that was his mark throughout a very long and rewarding life.
12.25 p.m.

Mr. Speaker, I shall miss him from another point of view. Any of us who have participated in elections at the level *of strategy can vouch for* Owen T. Allder's generous spirit in the sharing of information and ideas about the strategies for particular elections. He did not give of his generosity only to the party of his choice, he on

more than one occasion has been known to give advice to all parties in a particular election.

I recall very well during a famous by-election in St. Peter when he used to give daily advice on strategies that ought to be followed. I recall one morning when he suggested a particular strategy and I indicated that I did not think the Democratic Labour Party would want to follow that strategy for the next few days. He suggested firmly that we had better follow it because he had already given the advice to the Barbados Labour Party and he was sure they were going to be following it.

I think, Sir, he enjoyed the struggle of politics. He was, and has been described as, the most independent of the independents. He was a man who has served in every political party in Barbados, and indeed was one of the founder members of the Democratic Labour Party, and as I understand was one of the founder members of other political parties, but he enjoyed political activity and from what I hear followed it right up to the day before he entered hospital for an operation, from which he never recovered.

Mr. Speaker, almost every day someone loses a friend or a member of the family and so periodically we lose some of the real heroes of Barbados, but I think in the nation building which has. occurred in this country, especially during the last 50 years, there are some people who stand out as heroes, as outstanding contributors to the development of the country. I believe that claim can be laid for Owen Taylor *Allder to be* numbered among that outstanding group, and it' is in that context that I have the honour to rise" in the usual manner to offer tribute to a statesman, a friend, a good family provider and a late Honourable Member of this Honourable Chamber.

I hope that Honourable Members will be able to join in the usual way of paying tribute .to those who fall before us.

Hon. H. B. St. JOHN: Mr. Speaker, on behalf of the Opposition I would ,like to associate myself with the remarks of the Honourable Member who spoke on behalf of the Government.

I knew the late Owen T. Allder for all of the years that I participated in political life in Barbados. One can say without hesitation that Owen T. was a great believer in the political , system, he was a fiercely independent minded person and although he did not achieve eminent political office in the form of being a Minister of Government, he certainly, made in my opinion a significant contribution to the political process in Barbados and to democracy in particular, for he stood no nonsense from any of the political organisations of which he was a member, and his fierce independent thought often brought him into conflict with the hierarchy of those organisations.

As has been said, he never allowed his political persuasion to interfere in any way with his personal relationships. He had cross-party friendships and no one could tell him that it was not in the interest of his political image to cultivate these friendships.

He was a wide and avid reader and in addition he shared a passion with a few other well known politicians, who are no longer with us but whom we all remember, for his interest in military music. I well recall on one of the occasions when he was a member of the Labour Party he used to insist that the political campaign was very similar to a military campaign and that it was necessary in opening the meetings to use music of a similar vein that would be used by a General going into battle. He fancied himself as a political strategist and he gave freely to all who were interested in it his advice in that area.

In private life Owen T. Allder was a very successful businessman. He loved buying and selling, whether it was land, antiques or, as the Honourable Member who spoke said, food. He also loved physical exercise and to many who pass the Garrison on an afternoon around 5 o'clock his presence will be missed, because it used to be a source of inspiration to see Owen T. and a number of other people of advanced age who walked around the Garrison and indulged in physical exercise. He lived to a ripe old age and it can be truly said that Barbados will be poorer for his loss.

Mr. D. A. C. SIMMONS: Mr. Speaker, I should like to make an apology for the Leader of the Oppositionho has asked to be associated with these remarks, but he is at this time giving a speech to a private sector organisation, so he cannot be here.

Mr. SPEAKER: I should like to associate myself with the remarks being made, but I think the greatest tribute one can pay to such a person as Owen T. Allder must be his advent into politics at a time when salaries were nil. The niceties of television were not available. Parliament did not have the kind of acoustics for debate and it was only his heavy and loud voice that he had to use to get forth his point. More importantly was what could encourage a person against such inhibitions of the time to serve people. 12.40 p.m.

I think he was a true representative of the people because he served with sincerity and commitment. I recognised in his last days that the fundamental differences he would have with people seemed to be that he

felt that most representatives were not people oriented. He felt that a true representative ought to be able to put people before self.

It is in that vein, then, that those of us who seek to take up the mantle where those stalwarts have left off should try to inculcate in our activities and in our minds some of the basic principles necessary for good representation. That is the greatest tribute one can pay to any person who has made such a distinguished career in this Honourable Chamber and bequeathed to us the legacy of good, sound debate and most. of all commitment to service.

As the usual pattern is to pass a Resolution to pay that respect from this House to the Honourable gentleman, I now ask Honourable Members to rise from their seats for one minute in silence.

ORDERS OF THE DAY

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

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

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

GOVERNMENT BUSINESS

ORDER NO. 5 — SUPPLEMENTARY APPROPRIATION (NO. 3) BILL, 1994

Hon. D. J. H. THOMPSON: Mr. Speaker, the Supplementary Appropriation Bill is seeking Parliament's approval for the sum of $5 160 994 as supplementary provision for the 1993-94 financial year. What I usually do with these matters is to set out the economic classification of the expenditure and then the matter can be dealt with Head by Head as the debate goes into Committee.

With respect to Personal Emoluments, the sum of $222 269 which includes other personal emoluments and national insurance contributions. In respect of Goods and Services, the sum of $1 370 328, which includes travel, utilities, maintenance of property and operating expenses. Current Transfers — $834 100 which includes grants to non-profit agencies, subscriptions and contributions and in respect of Capital Formation the sum of $3 670 297 which includes maintenance of property, grants to public institutions, purchase of vehicles, plant, equipment and furniture.

In respect of the personal emoluments, there is a sum provided for the recruitment of 100 special constables which is one of the measures that the Government has introduced for combatting crime. Sixty special constables have already been recruited and the amount of $189 000 is required to meet the cost of recruiting 40 special constables for the period December 1, 1993 to March 31, 1994.

In addition to that, the Ministry of Home Affairs is seeking a sum of money to meet the cost of employment for the temporary post of Clerk of Works which was created during this current financial year. The Ministry of Home Affairs is also seeking a sum of $4 626 in respect of supplementary provision for the National Insurance Contributions which were inadequately provided for in the approved Estimates of Expenditure.

I should say at this point, Mr. Speaker, that in respect of most of these items for which the supplementary provision is sought equivalent savings have been found in the respective Ministries which means that they will not have an overall impact on the fiscal programme which Government had announced at the beginning of the financial year and to which I had alluded when last the Supplementary Bill was brought to the House.

Provision is being made for travel for the police department and for the maintenance of property to cover the increased expenditure in the police department. The police department has also requested the sum of $419 498 to meet the cost of free medical service which is granted to police personnel as a condition of service as well as the cost of uniforms due to the increase in the number of special constables and to meet the substantial increase in the cost of preservation of corpses and to compensate the Transport Board for allowing free travel to police officers and special constables.

12.50 p.m.

In respect of current transfers, Mr. Speaker, the National Cultural Foundation requires a supplementary provision in the sum of $804 219. This is really in respect of clearing the substantial arrears which the National Cultural Foundation has built up with respect to several creditors, along with a subvention to cover its operating expenses for the last two months of this financial year.

Subscriptions and Contributions in the sum of $29 881 are required to pay contributions due to the special fund of the Universal Postal Union and the International Telecommunications Union.

In respect of capital formation the sum of $202 000 is required, part of which is being used to meet the cost of converting the old St. Matthias Girls' School into a Magistrates' Court and related offices, and also the sum of $25 000 to undertake repairs at the National Bank Building on James Street which is now occupied by the

Police Department. The previous estimates did not include those amounts and equivalent savings have been found.

In respect of Grants to Public Institutions under the Heading of Capital Formation, the sum of $1.3 million represents outstanding debts owed by the Barbados Agricultural Development Corporation to the National Insurance Department, and the Commissioner of Inland Revenue.

In respect of the Purchase of Vehicles, Mr. Speaker, and this is very important, the Sanitation Service Authority requires urgently one landfill compactor, 2 trucks and 10 spotlights at a total cost of $1 million to assist it in dealing with the refuse problem at the Mangrove Landfill. The landfill compactor will be used to compact and roll refuse on a continuous basis, whereas the trucks will be used to haul refuse from the pulverisation plant to the landfill. The installation of the spotlights will enable the landfill to function later in the evening as well as in dealing with the problem of persons involved in illegal dumping.

In respect of the Police Department, the sum of $491 775 is required as a result of the consultations between the Police Department and the United Nations security staff with respect to equipment which will be required to provide adequate security for the United Nations Global Conference which is to be held in Barbados later in the year.

Ministries and Departments, as I have indicated, have already identified savings to meet these particular costs. In addition to that, the Ministry of Finance will undertake prudent financial management to effect savings wherever possible to ensure that the overall additional costs will not change the fiscal position as outlined on previous occasions.

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

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

Mr. D. A. C. SIMMONS: Mr. Speaker, as we are probably two weeks away from estimates, you would not expect that the Opposition would debate these measures in the same detail as we will when the various Heads come up for scrutiny on M'rch 16, when we begin the Estimates, as I am auvised. But the same time, these Heads give us an opportunity to vise a number of immediate concerns with the Government for the membership of the Opposition.

First of all, Mr. Speaker, I wish to deal — the new Minister is not in his place. I will wait for him to come back. I wish to deal with the Minister of Justice and Public Safety.

Aside.

Mr. D. A. C. SIMMONS: I wanted to put some matters to the Minister of Public Works, Communications and Transportation under Head 42 but I do not see the new Minister in place, or has he gone already? He is coming. A disappearing act, Sir, so quick, fast and furious that I cannot keep pace with him.

Sir, in relation to the Ministry of Justice and Public Safety. I read in the newspaper about two or three weeks ago that there was some lady from overseas who had handed in a report to the Government as to her findings and recommendations for modernisation – perhaps that might be too strong a word, but let us say modernisation of the corrective services and the penal system.

The Opposition has not had sight of that report. I wonder if the Government would be prepared, before estimates, to make a copy of it available to the Opposition. The Minister dealt with it at a Press Conference or Press briefing, and in my humble submission, if the Press were entitled to information from that report, the representatives of the Opposition would have an equal right to be apprised of the contents and recommendations of the report.

This is a matter that as you know, Mr. Speaker, interests me considerably. Over the years, particularly since 1986, I have, on the floor of this Honourable Chamber, articulated the need for a new penal system. I went further. In October, 1990, I wrote a paper which I had researched and made available to the Annual Conference of the Barbados Labour Party, and to receptions of the Press and indeed to members on the other side. I saw that contribution as being non-partisan. Since we were groping *for a solution to* the problems of crime and punishment in Barbados, that was *a* contribution that I was tendering at the time. I am grateful to the "Advocate" newspaper which commented on the article and emphasised that it was non-partisan and in its editorial mentioned that it should have formed the basis for national discussion.

In the Manifesto of the Barbados Labour Party for the 1992 election, the broad elements of that paper were incorporated in the Manifesto as part of the policy of this party. I am happy to say that the Democratic Labour Party which produced its Manifesto after we had published ours, adopted many of the policies and recommendations in the. Barbados Labour Party's Manifesto in their own Manifesto.

Now, Sir, there was a commission that was set up on crime many years ago. I know it had problems with funding. This is the one under Dr. Farley Brathwaite. I do not believe that it reported in as short a time as any of us would have desired but I believe some report is available, having regard to what I saw in the Press last week. I would be grateful if the Government would also make that

report available for study because I feel that in this area there is no need for us to be excessively partisan because crime and punishment are national concerns and neither side has the entire solution and it is well that we put our heads together.
1.00 p.m.

Indeed I am very disappointed to think that 2 years ago the Opposition made an offer to the Government to join with the Government in trying to find a solution to the problems of crime and punishment, if the Government decided to set up a committee, commission or whatever. That offer was accepted by the then Minister responsible for Justice and Public Safety. But we have had no response from the Government in pursuance of that. I am left to believe that the interest in a non-partisan attack on crime and punishment has waned or Government has not just been interested ever since it purported to accept the offer that was made to it. That is regrettable, Sir. Because without prejudice to anything that this expert the lady from overseas wrote and handed in to the substantive Minister responsible for Justice and Public Safety, it is clear as was said in 1986, 1987, 1988, 1989 and 1990 culminating in the paper that I wrote. But we have to change the whole system of punishment.

One of the points that the newspaper highlighted from that Report is something that I have been campaigning for years. We have to start with the question of remand homes. Let me put it another way. Perhaps let us take the existing structure that we have. The existing structure that we have for custodial punishment is Glendairy Prison, Dodds and Summervale. But Glendairy Prison, Dodds and Summervale also function as remand homes that is to say somebody is picked up this evening by the police, goes before a magistrate and is remanded for a week. For all we know the pe[g] 4on may be innocent and may ultimately be proved to be innocent. But this evening his remand is to Dodds or Glendairy. What is going to happen is that for a week or until such time as he gets bail, he is going to be subjected to the possibility of criminal contamination from association with hardened criminals at Glendairy and clearly he would be amenable to all the criminal learning processes that are part and parcel of a penal system. At the very point of first contact with the justice system, a person on remand is exposed to the potentiality of contamination and a campaign for that to cease.

When I was Chairman of the Dodds Committee that reported in 1980 one of the things that my Committee recommended was that we have 2 different residential units, one that would cater for youngsters up to a particular age, I think we said between 12 and 16 and then another one for 16 to let us say 19. One for boys and one for girls. It makes sense, it is still good sense even though we are 13 years past the recommendations of my Committee that you need a residential property where persons on remand can be properly examined and evaluated particularly by psychologists, sociologists and psychiatrists where, perhaps, they could be given group therapy, where the needs or the problems of that particular offender not dealing with them at large, *but of that particular* offender can be evaluated with a view to future action. I say future action because he may ultimately be the type who is amenable to probation order and in that regard then they would have a chance to evaluating and the probation report would make more sense. So that is the first tier in the structure that this side proposes. But *there* have been remand homes. If necessary during the Estimates we will get a chance to discuss this even in greater detail.

Above the remand homes which hopefully would negative the present contamination that can occur by having to send people on remand to Glendairy or to Dodds or Summervale we have to look at the stage of conviction and sentence. It is not every conviction that should be visited with imprisonment but we have a very narrow tariff of management in Barbados. If a person in that troublesome bracket — where most of the crime in Barbados is committed *16 to* 25, that age group — is now *convicted of* an offence perhaps which ought not to bear imprisonment, the resort of the system — I cannot say the resort of the magistracy because they are tied by the system that exists — is to say to them this perhaps could be dealt with otherwise, but you have to go to Glendairy or perhaps you have to go to Dodds for a period of 3 to 5 years.

From as far back, I think, as Sir Allan Collymore to the present Chief Justice, each Chief Justice in that succession has called for the establishment of an intermediary institution or intermediate institution between Dodds and Glendairy to provide custodial care for persons who commit offences worthy of some custodial response.
1.10 p.m.

So, historically we have talked of a Borstal institution or a Borstal type institution and it is a matter of great regret to me that we have not been able to bring on stream, ever since the fifties, this type of institution.

I may have said in here previously, Sir, it is really a lost opportunity that we did not get the Cable and Wireless buildings at Carrington in St. Philip. They would have made an ideal site for a Borstal institution because essentially, I will tell you what in 1980 we found because we conducted a scientific survey of the boys in Dodds, and what we found was that a high proportion of those boys really required discipline and training and in a Borstal type institution, properly manned, and I make no apologies for saying this, let us say, by personnel of the Defence Force, but where they will be taught skills, carpentry, masonry, auto mechanics, wirebending, whatever, under the

supervision of instructors and personnel from the Defence Force. I believe that we will be able, with that environment, to instil precepts of discipline and training for that catchment area, 16 to 21. And I am sorry that we have not moved towards it.

It is something that we had in our 1986 plans but we did not get a chance to do it. Carrington lent itself to that kind of institution because we could have acquired as much land as we wanted around there, also for agricultural development. And the inmates of the institution could be made to produce agricultural products for themselves as happens at Dodds and to some extent the Prison.

We need that intermediate institution. I do not mind what you call it, you have to vary the regime a little bit from what obtains in other places to suit the needs of Barbados. We need that institution because, take a situation where somebody let us say, has two convictions for marijuana. He got conviction number one for a five bag and two years later when he is about 19 years old he got another conviction, the courts are prone to send him straight to Glendairy. Whereas perhaps that kind of person could be better dealt with in the kind of residential institution that I am talking about as the intermediate institution. So that is the second tier because we have money in here for corrective and rehabilitative services.

I do not believe, Sir, and this is partly to do with my training, having studied criminology and one of the things I still read all the time to keep current. I do not believe that you can rehabilitate an offender in the current system that we have in Barbados. We are joking to talk about rehabilitating somebody in Glendairy where you have 154 cells and there are 500 or 600 inmates with 3 and 4 to a cell. Even in the best of times, rehabilitation is difficult to achieve as an ideal and an objective in the prison situation, to the point where the theory about rehabilitation has been virtually discredited.

Professor Rupert Cross and Professor Norville Morris of Chicago school, they have knocked that on its head. It is pie in the sky. I hear people talking all the time about rehabilitation, you cannot rehabilitate successfully in the kind of environment and melee that we have in Barbados. We can make attempts, we can do it, but we have to create a different institution and a different environment. The new Minister of Education is agreeing.

We have a problem. We have done the bottom with the remand home. I have said we need an intermediate institution in the nature of a Borstal. I am not saying we need. a Borstal, because I will see in the papers tomorrow "Simmons calls for Borstal." I have not said we need a Borstal. I aid we need something in the nature of a Borstal. Beyond that, Sir, we have to look at the variety of sentencing options that are available, both for adolescents and for adults. We have fines, probation and lock up. Those options have been limited and those options clearly are not workable in respect of each offender.

In respect of some offenders, clearly you have to lock them up and lock them up for a long time because society needs to be protected from that kind of person, or you want specifically to deter him from continuing his habits, or by way of general deterrent you want to impose a sentence on him that hopefully will deter others who are like minded from doing similar acts. So it will do two things, specific and general deterrents.

Apart from that we need to examine a range of punishments, for example, community service orders. There exists in the law of Barbados, since the early eighties, the Community Service Orders. The Community Service Orders have not functioned at all. I can think of one case where community service orders has functioned, that I know of, and in that regard the Magistrate gave the person a lot of lines to write by a certain date. It could take a variety of forms. The point is, we have- been unable to make the best use of Community Service Orders because we have not had the support system and the mechanisms and the infrastructure to create a proper basis for the operation of the Community Service Orders. For example, and I have said this on political platforms, that a Magistrate should be empowered to order, let us say, 240 hours community service for an offender and I have my system worked out already. Under my system you would have an arm band, identifying the offender as the person who is subject to community service orders. You would have a man identifying you as a person who – not you, Sir. You are well behaved, Sir. – is subject to the Community Service Order. He will have to work in his own district where his peers can see him under supervision doing useful work for 240 *hours for his community. We* can think of all kinds of things. Repair old peoples' homes and you do not have to hire people at Verona House or wherever the National Assistance Board is. Make these offenders do community work. Punish them within the community.

1.20 p.m.

Aside.

Mr. D. A. C. SIMMONS: No, he is too old. Incorrigible. Paint old peoples' houses. Clean up the roads. Make a fellow clean up from the bottom of Shop Hill to the top and save some of the expense of MTW. Many things can be done. I am only trying to give a broad kind of parameter. The details of the matters can be worked out. To get that system to function, you have expand your Corrective Services Department. You have to expand your Probation Department or whatever you are going to call it to have people who can supervise these Orders

and make sure that the offenders carry out the instructions of the Court in the interest of the community. That is one thing, Sir, the Community Service Order.

Sir, there are other things that can be done. I am not going to go into all of them. But I think that the aim of punishment now in 1994 should be more, and this is the philosophy of it, directed towards punishment within the community rather than incarceration for every kind of offence, even those that do not really merit incarceration by reason *of whose imposition of* imprisonment damage can be done to an offender. In fact, you may turn some people into confirmed criminals as a result of the punishment.

I heard my friend, the Honourable Minister of Education and Culture, speaking about long sentences. Perhaps in the Estimates debate we can debate that, because there is the world of penalogical evidence that long sentences can be counter-productive. They are fording that on the hill now. I *am* not saying anymore because it is a very sensitive thing and considerations of security which I have to consider about how far I can speak on certain matters. I just say that. But I also say that there is evidence that after a period of incarceration the offender starts to become a vegetable and, in fact, you are punishing him in several ways. You are not achieving any purpose of reform and rehabilitation in the case of a long sentence. After a period of time, he starts to become a vegetable and he is going to be useless to the society. But at the same time we can think in the criminal experience of Barbados of several persons who have had long sentences particularly in the old days, the robust men and so on. When they came out, they did not want to see a piece of crime at all. They were beaten into submission, as it were, by the system but not physically beaten caused by the long lockup. They come out certainly not able to engage in criminal activity again.

Sir, in addition to all of this, the country requires a set of non-custodial institutions which would provide a "short sharp shop" as they used to say in England in 1948 for persons, particularly youngsters, who commit crime. What I am here thinking about, Sir, is a kind of attendance centre, not a detention centre where you stay overnight but where you have to report on specified occasions and you are under supervision. In some countries, it is under the supervision of the Police. Having regard to the way our Police Force is stretched, we have to find another arm of authority to impart this discipline. A person who has been convicted and needs discipline and training will have to report to this institution let us say between 4 and 6 p.m. three evenings a week. I believe better still he can report on a weekend on a Saturday when he would want to go to the Globe and watch Kung-Fu or some show or another. Deny him that leisure time freedom and make him attend somewhere to get some discipline and training.

I had identified in 1985/86 a number of buildings where this kind of discipline and training could be carried out. The former Sergeants Quarters at police stations have been allowed not only to fall into vicissitude but to become thoroughly dilapidated. It is a pity because those could have been rehabilitated, if I may use the jargon of the time, and they could have been refurbished and staffed with people from the Correction Services and the youngsters would have to attend there at specified times for these kinds of attendance-training centres that I am thinking of. But we have the structure of the buildings and, if we had to do that again, we probably would have to rebuild most of them. The one at District "B" has gone. District "C" is about to go. I am not sure about Boarded Hall. I have not looked in there recently. But we had them in the last 8 or 10 years but they have gradually been allowed to fall into dilapidation. It is a pity, Sir, because we had ready-made buildings which only needed refurbishment and basic seating accommodation and whatever else necessary and we could have used them in the system.

Sir, I say all of this to show that to get this system to work we have to put in staff. We are training people at Cave Hill every year in sociology, social work and so on and when they come out they have no jobs. They have nothing to do. A B.Sc. and cannot find a job. If we had these systems in place with that kind of training, these people would be able to contribute and put their skills to the benefit of the society.

I do not need to go any further into this, Sir, but I would be grateful if the Government could respond and let us know how the Government is thinking about this very important matter. Crime and punishment are perhaps still, even though there may have been a little ease in the last month, upper most in the minds and considerations of the vast majority of Barbadians. We do not seem to be doing enough. Obviously, there has been some expansion by the provision of Special Constables and Island Constables and so on, but that is at one point. It is all right to try and improve the detection services. When you got the fellow convicted, you have to think of the other aspects of the system.

Sir, now that the Minister of Communications and Works is in his place or whatever he is called – (They have all sorts of fancy titles.) – the Barbados Water Authority will now be the responsibility of the new Minister. I want him to understand, Sir, that there are serious water problems in Barbados. It had nothing to do with any golf course. There are serious water distribution problems in Barbados in February 1994 and it did not start in February 1994.
1.30 p.m.

As long as I have been representing St. Thomas, from 1985, I have been aware of it. I have come in here and

asked questions, I have written Ministers. In my constituency, and I do not have to say any particular district, the whole of St. Thomas. It gets worse. The Minister has to answer. He has taken over the portfolio, he has to have the answers. There will be no honeymoon, I expect answers. On either side of Shop Hill, Edghill Terrace, Edghill Heights, on top of Shop Hill, Welchman Hall, Porey Spring, Warrens Crescent, Welches, all of these areas, I can only say that the Barbados Water Authority services those residents with a high degree of indifference to their needs. I choose my words carefully. When the people call, who answers at the Water Authority is a very rude person. I have had to report him to the late "Prophet", because when I have called on behalf of my constituents, who themselves have had difficulty in getting through, he has been equally rude to me. It is disgusting, Sir. Every day I get complaints. As early as a quarter to 6.00 this morning a lady called me complaining that they have not had water in Edghill since day before yesterday.

Aside.

Mr. D. A. C. SIMMONS: I can give you the whole list. I can write a book on the areas in my constituency for you. Let us assume that there is a problem in getting water to that constituency. I know that the constituents of the Honourable Member for St. George South are also experiencing problems. If there is a problem with the distribution by pipe, the least that should be done is to have an organised and scheduled system of delivery of water by tankers, and it should be made public. I think the Water Authority should let the public know by putting it on the news at night — immediately before or immediately after — that tankers will be in the following districts at the following times tomorrow, 6 o'clock here, 8 o'clock there, 10 o'clock, so and so, right up to, let us say, 8 o'clock at night, so that the residents of those districts will be able so to organise themselves and plan, that even though there is an inconvenience in not having running water in your house there will not be such a great inconvenience.

I am asking the Minister to take note of this. The people in St. Thomas have been suffering from November last year worse than ever before and I do not believe that it has anything to do with water table other than that there are a lot of pipes, a lot of mains under Barbados which have rotted and which need immediate change and replacement. Let me tell you why I believe that, Sir. About four weeks ago I wrote a letter to the Water'Authority on behalf of some districts in my constituency and pointed out that for days they had not been getting water. While the letter was on its way I called a senior person in the Water Authority. He explained to me that they were aware of the problem. They had not been able to identify at that date the source of the problem, but they believed that there was a problem "between St. Lucy Church and Ellerton". There was some vast leakage of water, fracture or main or whatever, at a point between St. Lucy's Church and Ellerton in St. George. I told him to explain to the public what was happening. I was happy to see that night on the News CBC was able to explain to the public that there was a problem somewhere down by Hayman's/Warleigh area which they had identified and they were working on it all through the night.

Aside.

Mr. D. A. C. SIMMONS: That was proper public relations, but you have to thank the Opposition for that. I believe that the problem the Water Authority had a month ago with that big main between St. Lucy's Church and Ellerton is replicated throughout the island elsewhere. You will recall that last year there were districts in Christ Church which were without water, part was to do with the pump at Hampton, part was to do with the mains. I remember Gold Cup Day last year when the whole of the south coast was shut down. We have therefore run into a problem in Barbados where there needs to be a greater expenditure of capital by the Water Authority.

But do you know what happened, Sir? I have sent for the report, I cannot fmd it. When we get into Committee I will read the figures. In 1986 the Water Authority was left with millions of dollars on its capital side for investment precisely in the repair and replacement of mains, the building of reservoirs and so on. I think it was about $12 million. I am speaking subject to correction, and if I am wrong I will correct myself when we get into Committee, Sir, but I think the figure was about $12 million. What we were hoping to do was to replace all these pipes, build the additional reservoirs that were necessary and put down the additional wells that were required. Do you know what happened? You had the $15,000 and all kinds of things, the Government then asked that all the money that was in these Statutory Boards be sent into the Consolidated Fund. The money went into the Consolidated Fund, the Capital Development Programme ceased and people are now reaping the whirlwind, because there has not been any structured capital development plan in the Barbados Water Authority, because the money was taken away, as my friend is saying, Sir, in 1986. That is a serious thing. That shows how the people will perish from lack of water because of the lack of vision on the part of the Democratic Labour Party.

Two and a half years ago, Sir, I was told that they were going to try and solve the problems in St. Thomas by putting down two new wells in Applewhaites and they were going to use a system that had been used, and probably is still being used, either in Montserrat or St. Kitts, I cannot remember for sure. They were drilling a pipe straight down into the ground instead of opening up big manholes. I saw the system demonstrating on television one night

on the Government Information Service programme, but I have heard nothing more of it and I believe that the wells we were told about have not materialised. I know for a fact that the reservoirs we were to get to help Shop Hill and so on did not materialise.
1.40 p.m.

So what we are witnessing is the total collapse of capital development and planning. I have never known the situation - with water to be as acute as it is today in Barbados. It is not only St. Thomas. Several other parishes and constituencies have been affected and I believe we are throwing away most of the water underground.

The final *point I am going to* make and *I am going to* make space for the others is in respect of the Ministry of Health. I want to say and put *in* the records of this House that the present *Minister* of . Health has been most responsive to the problems and concerns of the residents of Arch Hall and Bennetts in particular who have been suffering for some years *now from* the malodorous effluvia from Mt. Stinkeroo. And though it had nothing to do with the threat of the present Minister to resign in 6 months... He was only up there with me and my constituents. If the lashes were so warm that he felt constrained to proffer the prospect of resignation... I know, Sir, that is a matter for him. But I want it to be clearly understood that I did not actively prompt or encourage such a thing because...

Asides.

Mr. D. A. C. SIMMONS: We had this meeting on the site 2 Saturdays ago and I must say that the Minister responded promptly to my invitation to meet the residents and indeed the Minister of the Environment came. Regrettably the Prime Minister turned down the invitation to be there with them. The Prime Minister went on his own a week before so he did not meet the hostility of the residents. Those are all facts. You can draw whatever conclusions you want. I am not 'even suggesting any conclusions. I have just put them there. The inferences are for Honourable Members but the Minister of Health came and heard our concerns. Some of our concerns have now been met by the provision of money to purchase the 2 trucks and the landfill compactor and the 10 spotlights. I am sure that during the course of the day he will tell u what other plans they have for enhancing security becaus: it was represented to me that one of the continuing problems at the landfill has been a lack of security. When we had put in security officers around 1988 we did not have the problem of smells because they were able to identify any person who wanted to dump illegally. That is one of the problems. It is not the only problem but one of the several problems conducing to the production of offensive smells.

Illegal dumping before you get to the actual site and what we have suggested is that a system of security personnel be implemented on either side of the gate. Now that we are going to have the 10 spotlights, illuminate the area, build a kind of little hut for them so that they have shelter from the elements and we have suggested put some Defence Force men up there in the huts to provide the security for the area. It will not cost one cent. They are being paid already. Put them on a rotation basis, on details. You have them starting at 6 o'clock...

Asides.

Mr. D. A. C. SIMMONS: The Honourable Minister of Foreign Affairs is trouble, Sir. The late Tom Adams said in here that one day he was sure that the present Minister of Foreign Affairs would be the kind of Minister responsible for garbage. He did it and the late Tom Adams unfortunately never witnessed his tenure as Minister responsible for garbage. A more prophetic statement I have never come across in my 18 years in Parliament.

Mr. SPEAKER: Order.

Mr. D. A. C. SIMMONS: Sir, you cannot speak for an hour and a half and not have a little levity. We would go to sleep in here.

I am asking the Minister to give consideration to using an existing system of security personnel on a shift basis. I don't think that during the day you need that but between 6 p.m. and 6 a.m. you need either side of that gate properly policed. There is no point just having the spotlights unless you are going to have somebody to ensure that what they see and they don't like they can deal with.

It is regrettable that we had to threaten demonstrations at the Global Conference, if that ever materialises, to get this kind of action. I am not resigning that action if it becomes necessary. I compliment the Minister on trying to meet us halfway and doing something. I know they have been seriously working from the day before the Prime Minister went up there to try and get things in shape. I want that to continue on an organised basis.

Everybody understands the problems of the landfill in Barbados but what was done in the last couple of weeks only proves that with proper management and a system of operation the thing can be properly controlled. How is it that for the last couple of weeks we have been able to get things resolved and until we made a lot of noise and told them what to do nothing was happening... Where does the problem reside?

I am also . glad that the lambasting that I put on the Board in here 2 weeks ago also bore fruit because

for the first time the Chairman came up to the dump to see the problem live and direct.
1.50 p.m.

We should not have to do this. That dump has burnt every year, smelt bad every year and only in February, 1994, did the Chairman condescend to come up there. That is not good enough.

Hon. C. V. WALKER: Mr. Speaker, On a point of order. I have been made aware that the Chairman was on the site prior to going with me.

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

Hon. C. V. WALKER: At some time prior to two weeks ago.

Mr. D. A. C. SIMMONS: When I was a boy' I read a book called "The Invisible Man". He probably went up there as an invisible man. I know when it *burnt for 10 days* May, 1992, he refused.

Aside.

Mr. D. A. C. SIMMONS: Not you. If this Minister were the Minister he would have gone. That is of his nature. He is a person who gets concerned and involved with things.

Aside.

Mr. D. A. C. SIMMONS: What happened in May, 1992? I did not .see nor did the residents see the then Minister, the now Minister of *Foreign* Affairs. We did *not* see him. We saw him in September 1992.

Hon. B. M. TAITT: On a point of order, Sir. The - Honourable Member knows that at the time when the dump was burning I was in Geneva attending a World Health Assembly. He knows that.

Mr. D. A. C. SIMMONS: Sir, I am glad he has corrected the records but I would not know what he was doing. That is a matter peculiar within his own knowledge.

Hon. B. M. TAITT: Sir, on a point of order. I state that he knows because I have written evidence that he knows.

Mr. D. A. C. SIMMONS: All I am saying is the first time we saw him up there was when he opened the new dump which has overflowed already in September 1992. He gave us a new dump. He predicted that it would last for two years and within 8 months it had burst its banks. He cannot even .forecast properly. He said it would not smell bad. You remember telling the people on the Saturday afternoon in September 1992 that they put all these pipes underneath to take away the leachate and they put down clay, gravel and so on. He said it was — you hear this contradiction now — "a state of the art" dump. They would not get any problems down-wind and look I had to come in here a few weeks ago and behave very badly to get some action done up there.

Aside.

Mr. D. A. C. SIMMONS: He likes a little piece of praise even if it is that. For a few weeks there were no problems after the new one was open. He wants that put in the record. I put it in the record.

Sir, I will leave other matters that I have to deal with until the Estimates. There are other Members who wish to speak on this Bill. I am obliged to you.

SUSPENSION OF SITTING

Hon. *B. M. TAITT: Mr.* Speaker, it is now 2.45 p.m. I beg to move that the sitting be suspended until 3.00 o'clock.

The question that the sitting be suspended until 3.00 p.m. was put and resolved in the affirmative without division and Mr. Speaker suspended the sitting accordingly. 1.55 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Hon. M. A. KING: Mr. Speaker, the substantive Minister for Home Affairs is not in his place but a number of comments have been made affecting that Ministry by the Honourable Member for St. Thomas. Let me begin by saying that the Honourable Member for St. Thomas seems to have a propensity for claiming credit for everything that has been proposed.

I deal specifically with the comment which the Honourable Member for St Thomas made in relation to the Manifesto commitment of the Democratic Labour Party. He said that the Barbados Labour Party's Manifesto came out before the Manifesto of the Democratic Labour Party and that the Democratic Labour Party's Manifesto copied all the ideas in relation to this aspect of the commitment from the Barbados Labour Party. That is a bit preposterous because I think anyone who understands what is done in relation to the publication of a Manifesto would recognise that the ideas have to be put together, articulated, refined, then they have to be sent to the printers, printed and then published. If one waited for the other party's Manifesto

to be published to get ideas from that, the way how Manifestos are published at election time, your Manifesto would never hit the streets before the election is over.

The proposals in the Democratic Labour Party's Manifesto, Mr. Speaker, in relation to the penal system are the ideas of the Democratic Labour Party and are not in any way any copy of what the Barbados Labour Party's proposals were. I am sure the Honourable Member for St. Thomas has realised that there were some good proposals and he adopted them as his own and we cannot quarrel with him for that.

I would just like to state for the record, Mr. Speaker, what our proposals were. At page 33 of this document, the Manifesto of the Democratic Labour Party for 1991 under the heading "Law and Order" concern was expressed about the number of young persons who had been given custodial sentences in Glendairy Prison where they meet and associate with hardened criminals from whom they learn more about crimes as we have seen from the high incidence of repeat offenders.

The proposals which we included in our Manifesto, Mr. Speaker, were:

> "Reform of our Penal System, in consultation with the appropriate bodies.
>
> Provide a correctional centre for housing young offenders.
>
> Allow for alternative sentencing in our judicial system for young offenders (with provision of such things as):
>
> (a) Suspended sentences.
> (b) Night custody only, allowing for work to support family.
> (c) Community-based Service.
> (d) Probation.
> (e) Order for Continuing Education.
> (f) Order for Skills Training.
> (g) Order for Restitution and Compensation.
> (h) Order for Medical/Psychiatric Treatment.
> (g) Parole.
> (j) Substantial bond (Real Property) for discretionary period."

All these were issues which have been addressed fully by the Honourable Member for St. Thomas during the course of his presentation in the pre-lunch session. He also spoke in terms of providing sanctions in relation to requiring the attendance of offenders presenting themselves to report. There is a provision in the Manifesto in relation to that — providing for the young people to attend schools.

Aside.

Hon. M. A. KING: I am reading from the Manifesto. It says "restriction to home, involvement in team sports and reporting to education officers from time to time." The point I am making essentially is that the entire presentation of the Honourable Member for St. Thomas is a reflection of the commitment of this Government, as outlined in our Manifesto.

3.10 p.m.

The Honourable Member for St. Thomas made a comment that there was a Report on the correction services which was done by a lady and which was handed into the Ministry of Home Affairs. The Ministry of Home Affairs, Mr. Speaker, is presently in the course of analyzing and assessing the Report which has been handed in and in the fullness of time hopefully in the not too distant future concrete proposals will be put up from the Ministry of Home Affairs for approval and implementation. The problem is being actively pursued and will be dealt with in as short a time as possible.

I should just like to make one or two short comments on one or two specific areas addressed by the Honourable Member for St. Thomas. He spoke in terms of the need to have community service orders in relation to certain prison sentences, in relation to certain sentences of the court. He talked in terms of providing for offenders to be required to work on old people's homes and, presumably, to work on the highways and things of that kind.

In many cases, Mr. Speaker, it is easy to make these kinds of statements. The issue is not as simple as it sounds because there are a number of considerations which have to be taken into account when proposals of this kind are being considered. These are issues to be actively considered by the Ministry of Home Affairs. For instance, there is concern and concern has been expressed in some quarters about requiring prisoners to work on the homes of old persons. The concern being that when prisoners are asked to work on the homes of old persons in the society, who are very vulnerable, one has to be assured that the types of prisoners who are required to work on old people's homes would not be the kinds of persons who, once they are released from prison, would be the types of persons who would exploit the situation where they have got to know about the habits and the way of life of the old people and then, thereby, make the older persons their victims in the fullness of time. That is one of the considerations which has to be taken into account, how best you devise a system where people who are the beneficiaries of prison labour do not end up being the victims of the system in the final analysis.

One of the other considerations which one has to take into account in relation to requiring prisoners to do a lot of work in public areas, public service work, is a

matter which I am sure the trade unions would like to comment on and have an input in from time to time. That is that you talk in terms of employing prison labour *on* things like keeping the highways clean and doing a variety of other work where, under normal circumstances regular workers are employed. The risk I suppose is *run* that once you employ *prison* labour to do that kind of work you are displacing persons in regular employment who would be required and who would normally be doing that kind of work.

You want to ensure that you are not creating problems with that. In addition to everything else you would need to ensure always that the security is put in place and that only the kinds of prisoners who are not real security *risks* would be the persons who are employed in these areas. The point I am making essentially, Mr. Speaker, is that the idea about community service orders is a good one. It is something which the Ministry of Home Affairs is actively considering. But the point I am making is that it has to be very carefully thought out and worked out so that no adverse effects result from the kind of arrangements which are in essence and in effect put in place.

Mr. Speaker, those are just the few areas which I wanted to address. Thank you, Sir.

Hon. C. V. WALKER: Mr. Speaker, I will be rather brief but I think it is important that I make a few points as it relates to the Bill and more specifically the section which will be dealt with when we get into Committee.

We have had quite a bit of debate on this subject and I am dealing with the section relating to sanitation under that Head. We have had quite a bit of debate in here a couple weeks ago under Head 36. But I should like publicly to thank the Minister of Finance for actually listening to the pleas which were made on behalf of the Sanitation Services Authority. I know that at this time of the year it is a little tough to deal with any Minister of Finance in terms of dollars but I think the case has been put and I should like to thank him for responding to my request. I endeavoured during the last 2 weeks to keep the Honourable Member for St. Thomas up-to-date on what we had planned and what we had been doing and what we intend to do.

I think we will find that if we co-operate with each other we will have the advantages of the use of this equipment for the betterment of the people in that area. I will speak a little more when we get into the Head on this, Mr. Speaker, but I think that we have heard all of the possibilities on the hope and the future of this country.

I think that all of us in this must pay attention to the whole question of waste disposal. Only today in the constituency of my neighbour, the Honourable Member for St. George South we have to be spending money that could possibly be used even on this project, to clean up all the garbage that is being dumped in Dash Valley not necessarily by the people of Dash Valley but people who just found that place and have been going there and dumping – because it is in a secluded spot – to the point where they had everything dumped up there and it is really ridiculous. We now have to be spending money to remove that stuff. I think that we, as a people, must be able to think in terms of what it means to us, what Barbados means to us. The younger people coming along after me – because all of you feel that you are young – will have to look at what the future holds for the country.

We are supposed to be having a Conference here in April and I think it is about time at this stage in our development and at this stage within this country that we all, on that side, this side, the public and everybody else should put aside all of our differences if we want to project the proper image for this country within the next 8 weeks or so. I firmly believe that if we do not, we would be sending a message which will have the wrong image not temporarily but I would hate to say it would be a permanent message, which those who may remain around for a while will not enjoy.

As I said, Mr. Speaker, I wanted to say those few words. but I will speak again when we get to the Head.

Thank you, Sir.

3.20 p.m.

Mr. L. R. TULL: Mr. Speaker, I would like to, from the sanitation, garbage dumps and so on, deal with an important area of social policy.

Mr. Speaker, Sir, sometime in the 1970s the then Government, the Barbados Labour Party Government, embarked on a policy of development of culture as an important Government activity and it was based on the premise that material development unaccompanied by. spiritual and other development did nothing to enhance an individual or nation. Ever since that time, Sir, considerable progress has been made both by the Government and by private individuals and communities in the development of culture across this country. There was not much happening before that except in the area as what was classified then as elitist culture. The purpose was to democratise the whole concept of culture and to bring all the communities and all the peoples of Barbados involved in a oneness for that kind of development.

Much has happened, Sir. The development of our national festivals, Crop Over and NIFCA and the

rest of them brought Barbadians together with a sense of belonging and pride and Members of that side at other times paid as much respect to that concept as those on this side.

Much has happened in recent times. I heard the Minister of Health, a few minutes ago thanking the Minister of Finance for hearkening to his cry and voting some money at this time for sanitation.

The Minister of Culture, from statements that he has made in the past, and even from where I believe his heart is, Sir, should feel a compulsion not to allow the National Cultural Foundation to fall into the position in which it finds itself today. The Minister of Foreign Affairs would not understand these things. They are a little bit above him. I have seen, Sir, during the last 8 years that there have been 7 Ministers of Culture. Two of the last 3 Ministers of Culture have recommended to the Cabinet that certain actions be taken to reorganise the Department of Culture and to restore the path of cultural development to what it was until a few years ago.

The Minister of Finance, that is *why I* make an appeal to him, he was one who made a recommendation, for instance, that for them to move forward in that area there must be a reorganised board, a reorganised division and that they should dismiss the Director of Culture. The Minister of Finance as Minister recommended the dismissal of the Director of Culture and the Honourable Member for St. *Lucy who* looks a little strange sitting on the Back Benches today, he also as Minister of Culture in more recent times, recommended the dismissal of the Director of Culture. I am too far from the activities to judge the strength or we weaknesses of the Director of Culture, but we cannot pass up, adverting to the fact that two Ministers in the last 3 years have found it necessary to make that recommendation and nothing has been done about it. But this is all part of what is happening in these days.

I understand, Sir, from reading' the Estimates of last year ....

Hon. D. J. H. THOMPSON: On a point of order, Sir, the Honourable Member for St. George South distorts the record. I have never recommended the dismissal, certainly not when I was Minister of Culture, of any officer of the National Cultural Foundation, including the Director of the National Cultural Foundation.

Mr. L. R. TULL: The Minister of Finance, Sir, went even a step further. When asked about money for the National Cultural Foundation he said the only money he was prepared to provide for the National Cultural Foundation was for severance. There is absolutely no difference.

Mr. Speaker, Sir, could the Minister of Finance who just made that intervention tell us also whether he is denying that the Board recommended, during the time that he was Minister of Culture, the dismissal of the Director? I do not know why we have to make a big song and dance about that. That is not the gravamen of the point The Honourable Member for St. Lucy is free to get up and say that he as Minister of Culture did not recommend to the Cabinet the dismissal of the Director of Culture and was, as is the usual custom these days, overruled by the Prime Minister who did not want his friend, the Director of Culture, to be dismissed.

Now, that is the information coming out. Sir, this is a constant.. This is what is happening these days. I am not interested in the debate about individuals. That is not what I want to talk about. Everybody is my friend. Those who get fired and those who retire. They are all my friends. But I am not dealing with the personal aspects of this, Sir. I am more concerned about what is happening in the National Cultural Foundation.

Now, last year, Sir, I spoke on this during the Estimate debate. The Government voted money only for salaries last year for the members of the National Cultural Foundation and there was no money for any of the development work that had been started a decade and a half ago and was pursued for the next 12 or 13 years. We had at one time a number of developmental workshops. I remember when they were started. I speak from a background of very intimate knowledge of these things because I have been involved, from the very beginning of major Government involvement in cultural activities in this country.

Now we had these developmental workshops where young people were given an opportunity to be exposed and retrained in areas of artistic endeavour. They were exposed to what Professor Rex Nettleford described as the products of the creative intellect. They were pulled into environments in which they were given the benefit of training in music, dance and drama and so on. It was all part, Mr. Speaker, Sir, of a Government, at the time when I was part of that Government, trained to impress on the community that material development alone was not enough to create a wholesome society. A remarkable number of things happened, Sir.

Quite often I have heard the Members of the Government, when they have nothing else to talk about, make reference to CARIFESTA of 1981 and the amount o1 money that was spent. If you listen to the Minister of Finance you will hear the amount of money spent increasing exponentially. I hear so many figures from the Minister of Finance and I believe much of it must have been tongue in cheek. I do not think he was serious, Sir. One of the things about CARIFESTA 1981 was that

it created an awareness among Barbadians of the nature of this society and the powers of *creativity that* were latent in the society and needed only to be given a chance to explode and a lot of *that* has happened. I have had many occasions in this House...
3.30 p.m.

Aside.

Mr. L. R. TULL: Well, I hear *sotto voce* that it is not dead. But those persons in the National Cultural Foundation who are still active will tell anyone that the level of *creativity* that is being experienced now since NIFCA is considerably lower than the standard that it was a few years ago. The Government can work out what is the cause of that. That is why they are there. We have a situation where at the National Cultural Foundation there is complaint by Ministers of that Government and by other persons that the accounts of the National Cultural Foundation have not been properly audited for a number of years. I know that on one occasion the Auditor General was asked to look at the accounts. I know that on another occasion the Ministry of Finance was asked to detail someone to look at the accounts of the National Cultural Foundation and to date, Sir, despite that no accounts of the Foundation have been submitted and no Annual Reports on the Foundation's activities have been submitted to Parliament.

This is very serious from a number of points of views, but more particularly from the fact that this is a period of a lot of idleness and inactivity or, if you want to use a euphemism,' "of free leisure time". The free leisure time is brought on by the fact that the economic circumstances in Barbados have at least 45 per cent of all of the people under the age of 30 unemployed. Young people have nothing to do and it is that set of circumstances that Government has to be more than active than it has been in the past in the area of social policy. They need to be concerned about community development and the development of cultural programmes and otherwise, sports and so on throughout Barbados to find something useful for young people who cannot .get work to do. This ties in with the aspect of the debate in the newspaper that has already gone before. I hear a lot about criminal activity and young people, borstal institutions and Community Orders and when young people who have committed an offence should go to prison and so on.

I am submitting, Mr. Speaker, that it costs far less for the Government to have a progressive programme of community activity well served by community officers. It is cheaper for the Government to do that than for the Government to have to spend the money in development of corrective institutions and intermediate punishment stations and so on and the building of more prisons. I saw that there are over 600 prisoners in Glendairy last Friday in an institution that was built to accommodate only one-third of those numbers. As the Honourable Member for St. Thomas said, you now have 3 people sleeping in a cell that is approximately 8 x 6 and they are locked up for more than 12 hours a day. That is a situation that is hard to accept.

Sir, I am not going to be digressing too far from the points I am making in relation to the Government's cultural policy. We see that the Esso Festival that used to be hosted in Barbados is no longer being hosted. There used to be a Guitar Festival and we see that the Government has made sure that that has come to an end because they have not provided any money. I understand the Jazz Festival has also been under some pressure because of the lack of financing by the Government. I believe that the Honourable Member for St. Lucy should really pitch in since he has been the most recent one dealing with these things and deal with them in an objective way. He must get in and deal with these things because it is not a debate in which anybody who has seen what has happened in recent times can feel comfortable.

I see also, Sir, that a lot of the equipment – (I do not know where I read it from, Sir. But again the Government can get up and deny these things if they are not so.) – during the period of CARIFESTA in 1981 Government spent over $1 million in the acquisition of equipment and new and updated theatres. A lot of the equipment that was then acquired and subsequently acquired has now been lost and unaccounted for. Mr. Speaker, Sir, there has been no effective management of the theatre resources of Government over the last few years. It is a general free for all and something has to be done to make sure that the investment of the people of Barbados are not treated as lightly as they are treated at the moment.

I want finally, Mr. Speaker, to make the point in respect of the National Cultural Foundation about the recent shifting and changing of board members. That seems to be the way in which Government runs its business these days. You shift a board as often as you feel like to achieve certain ends. I am saying from the abundance of experience that is being solicited from me by the Minister of Finance that what is needed at the National Cultural Foundation is not a change of personality, but the change of the structure and organisation of the Foundation. This is not my own view, Sir. It is a view that has been canvassed by many people inside and outside of the Government. I deal with the artists and the people who are involved in the National Cultural Foundation in an informal way from time to time and, therefore, I made occasionally to listen. Although I do not accept at all times all that I hear, there is enough that I can verify for myself that I must believe. I believe therefore, Sir, that Government owes it to this

country that instead of having the Minister of Finance sitting in his seat heckling me throughout my speech, he should really turn his ...

Aside.

Mr. SPEAKER: Well, we are nearly getting into heckling in truth. I agree with you that they ought not heckle in here because this is not the right place. Those who are doing it know very well that they are breaking the Rules of the House. Please do not disturb the Member.

Mr. L. R. TULL: The point that I am making, Sir, is that it is not the change of personnel that is going to address the very deep and fundamental problems that are currently confronting the National Cultural Foundation. Those problems in my opinion, Sir, are arresting the development of cultural activity in Barbados which has seen a boon and a renaissance in the last 15 or 20 years. We have managed through the skillful management of these matters during the incumbency of the Barbados Labour Party Administration to make sure hot only that cultural development became essential and important part of Government activity for the development of the community and individuals, but also that it could be used as an economic asset. I well remember when the hotels in Barbados used to be closed in the summer.
3.40 p.m.

Many hotels were closed during the summer months ostensibly for repairs as they would say in those days, and it was because of poor occupancy. Nobody is blaming them for that. The Crop Over activity and the Jazz and Music Festivals were developed partly to meet that summer need, and the fact that hotels no longer have to close in the summer, because of the amount of movement as a result of Crop Over and other cultural activities during the summer, attests to the success of that policy.

I have read the penultimate report of the Tourist Board which speaks very glowingly of the summer festivals in Barbados and the impact on summer tourism. It is for this reason that we cannot treat these matters lightly, because they have the dual purpose of making Barbadians far more aware and conscious of their own identities and to evoke the kind of creative energy that there is in Barbados for positive ends, and also, Mr. Speaker, to act as an additional boost to economic activity in this country.

For this reason, Mr. Speaker, I am saddened at the fact *that* the Government has brutalised the Culture vote. There was a time when *the* Ministry of Culture had as many as 15 employees, I understand now there are two, that they have very little to do other than shuffle paper, that the morale in the Foundation is at its lowest, that staff relations are extremely poor, that management is non-existent, that there is no accountability for public funds, that Government equipment is lost, stolen, misplaced or whatever, amounting to hundreds of thousands of dollars, that recommendations had been to improve all these I have just mentioned and that the Government has done absolutely nothing up to now to rectify that situation. It is for that reason that I am particularly grieved that the vote in this supplementary Bill for Culture is for nothing more than the payment of utility bills and some of the outstanding debts that have been owed by the Cultural Foundation over the past year.

Thank you, Sir.

Mr. E. E. GREAVES: Mr. Speaker, I just want to make an intervention on this matter because it is one which I have had some responsibility for and indeed, Sir, the preparation of this supplementary estimate originated when I had responsibility for the Ministry of Culture.

I have no intention of going into any major background on this particular matter, except to say that as a country we have to be concerned about the National Cultural Foundation from the point of view of the potential role which it can play in mobilising the creative energies of our people at all levels. I am secondly concerned at the tremendous amount of inefficiency in the management which has been exhibited in the National Cultural Foundation over the last few years. Indeed, Sir, I think if one were to trace the issue of the National Cultural Foundation, one would see that it has never really been managed in any professional manner, and this goes back from the formation of the National Cultural Foundation.

The history of the NCF, and indeed a report from the Auditor General on the activities of the NCF going back into 1984 and 1985 will point to this, and it seems as if this has continued down to the present day. I believe that we have therefore as a country to recognise that this organisation has to be properly streamlined and outfitted to manage the resources which are put in its way by the Government and potential resources which it can get from the private sector. If, therefore, we are going to be able to ensure that the NCF plays the role it can play, then it has to have the proper management capabilities in place.

That is why the former Board of the National Cultural Foundation, in reviewing the activities of that organisation, felt it incumbent to make recommendations for the reorganisation of the NCF. The Board in its deliberations had become so exasperated with their efforts to bring some kind of financial responsibility to the organisation that in November of 1993 the Chairman came to me and indicated that the Board had unanimously agreed that they should offer their resignations to me to give me as their Minister the free hand to carry out the reorganisation of the NCF.

I am saying this, Sir, because I think it is important from the point of view of preserving the integrity of those persons who were serving in the various capacities as Chairman, Deputy Chairman and other members of the National Cultural Foundation, because there is a feeling abroad that they were fired or dismissed. The fact of the matter is that they offered their resignations and I indicated to the Chairman at that time that inasmuch as they were recommending a reorganisation, that they were recommending also the termination of a number of people working in the NCF, that I needed to have some kind of continuity so that we could put reorganisation in place. The Chairman and the members agreed that they would withhold their offer of resignation until the appropriate time. The clear understanding was that I would be free as Minister, if I wanted to, to make the changes in the composition of the Board which I considered needed. So that when therefore we looked at the reorganisation, it not only involved some of the recommendations which were made by the Board, but I felt it was necessary to bring some new people into the membership of the organisation so as to give it a new lease of life.
3.50 p.m.

That is really how we came to a situation where basically a number of people *who* previously served on the Board were replaced by different people. It was felt that we ought to be able to give the NCF a chance to be given new direction.

I think it is important that one understands this. As a Minister of Culture, and I suspect that the previous Ministers of Culture including myself have become very frustrated at seeing an organisation *which* has *such* tremendous potential not being as effective as it could be in terms of mobilising the creative talent *which* exists in Barbados at all levels, whether in the schools, whether in the various parts of the community or wheresoever. I think there seems to be a lack of appreciation for the role of the NCF in our country.

There are some people who are of the view that cultural development is something which is the responsibility entirely of the Government. I disagree with that. I believe that the Government has to provide the lead and it obviously has to play a major role but the private sector has an important role to play in encouraging and supporting the development of cultural activities in Barbados.

If you were to use Crop Over as an example the Government of Barbados provides limited funds but at the same time it is a fact that there are a lot of activities which take place in Barbados at this time which redound to the benefit of the private sector and one estimate suggests that the activity generated out of Crop Over is in the region of $50 million to $60 million. There is no reason therefore where that kind of activity is generating and where the organisation which is at the forefront of organising Crop Over finds itself in a situation where it cannot meet ends as it were.

It really pains all of us who are close to that kind of activity to see this kind of thing taking place. Indeed, Sir, I think that 1993 Crop Over was very instructive. It was instructive from the point of view that when the NCF agreed to allow the Barbados Association of Tent Managers, BATMAN, to run Cohobblopot at the last minute they could not do it and the NCF had to rush quickly and subcontract the operation of Cohobblopot.

The people who ran the Cohobblopot I do not think there is any doubt that they made money. I am told that it made over $250 000 in profit and would you believe that the NCF lost money on it? As a matter of fact, when one looks through the bills outstanding one would find that the NCF still owes over $3 000 on chairs rented for Cohobblopot. Now what kind of management, what kind of organisation can we have where you have a situation that you give out a tender for about $15 000 — I think that is the figure I seem to recall. The fee that you charge is $15 000 — and even on charging a fee of $15 000 you lost money and the people who you leased it to make over $200 000 in profits? There has to be something wrong.

This has nothing to do with the Minister. This has nothing to deal with the Board. It is the people who are at the point of doing the negotiations on behalf of the NCF with the private sector organisation. I am saying that that is a very important aspect of some of the problems which have been generated at the National Cultural Foundation. I believe that we really need to re-organise that foundation in a very effective manner. I would hope that...

One other matter I would want to say is that Crop Over if I could use just one example has for many years become a national event in many ways but it is not treated as a national event in the sense that there are a number of government agencies which are involved in getting the Crop Over to a point of success. I am not saying anything now that I would not have said if I were the Minister because it is what I intended to say.

I think that we as a country and as a government, any government, must recognise that if we accept Crop Over as a national event there are certain costs associated with the staging of Crop Over that must be absorbed by the Government and should not be left to the NCF. If you take the Police and the role which the Police and the Defence Force which are used to ensure law and order

during the Crop Over activity the cost of that is placed directly on the National Cultural Foundation. I am saying that is not fair to the National Cultural Foundation.

I believe that the whole question of law and order is the responsibility of the Police Force or the Defence Force and that the expenses associated with that should be included in the Estimates for the Police Force. The NCF should not be called upon to do that.

In a similar manner whatever is involved for the clean up there should be an estimate for it and it should be placed directly under the control of the Sanitation Services Authority. Provision ought to be made for it. At the moment said provision is not made and therefore this accounts for some of the problems which you find associated with the NCF particularly at Crop Over time.

We have therefore to recognise that we have to do something to put the NCF and to put Crop Over on a proper financial footing. I have no doubt that there is a lot of potential but it does not seem as though we are showing the kind of approach and seriousness which is necessary.

I hope that the new Board which has been put in place which is made up of people from a broad spectrum including people who were involved in NCF before as members of the board level and also some people from the business sector will be able to bring their respective talents to bear on ensuring that they have an operation which will be much more effective than it has been in the past. I would certainly like to say publicly how much I value the contribution of the past Chairman and the past members of the NCF and also to express thanks to those persons who have readily agreed to serve on the new Board and I really hope that they will continue to exhibit a level of responsibility in this which we expect from them.
4.00 p.m.

Now, just one or two other points which I would like to make, Sir. I as an individual become a little concerned when, as a Minister, you prepare a Cabinet Paper and then the contents of that Cabinet Paper find its way into the Press. I think this is a very serious matter. The problem was that the paper which found its way into the hands of the *"Nation"* was a draft. It contained names of people who we were looking at trying to work out the best operation and then one found that the paper, which was not the paper that went to Cabinet, found its way into the hands of a newspaper. All I am saying is that I...

Aside.

Mr. E. E. GREAVES: No, No. It had not left the Ministry because it was not the paper that went to Cabinet. In short, what I am saying is that the paper which found its way into the hands of the newspaper was not the paper that went to Cabinet. I am very concerned about that and the level of public responsibility which people who work in the Civil Service have or consider that they have.

I just make that point because it really does not matter. What really concerns me is that some people whose names appeared on the Cabinet Paper were obviously embarrassed because no contact had been made, and indeed, the names were not even put up. But here it is that they found themselves in a situation where their names appeared in the newspaper as having been recommended for membership of the Board. I am very concerned about that.

I am just serving a word of warning. I think that in the Public Service we have to be a little more concerned about our role and responsibilities. It really does not matter to me about whether the person is a BLP, DLP or NDP. It really does not matter because as far as I am concerned, I have worked with people and I am not interested in their allegiances. All I am interested in is the work which they do. I thought I should just state that this is a very serious reflection on the Public Service. Really, I would like to think that we have a higher level of commitment and professionalism in the Public Service than was exhibited in this particular instance. The National Cultural Foundation is one which I feel very strongly about and about some of the things which have gone on down there.

My final word would be...

Aside.

Mr. E. E. GREAVES: I would not know. I hope the Police would be able to tell us that. The point is that I would like the people who work at the National Cultural Foundation to realise that they have a responsibility to an organisation from which they draw their daily sustenance. I would like to think that they would be able to work together as a team and not pull against each other as they have been doing over the past years. It is something which I am very concerned about and which really bothered me and which, I believe, is also one of the major debilitating factors against the development and the impact which the NCF can have in this country.

I would like, Sir, to really send out an appeal to them now that attempts have been made to do the re-organisation, limited though it is – it did not go the full extent – and I would like to think that everybody could work together for the promotion of culture in this country because I am satisfied that there is tremendous potential which we have not even yet tapped but which is there to be tapped if we all work together.

I would hope that for the coming Crop-Over and for other activities which the National Cultural Foundation will organise that the private sector would give their unstinting support because, in the final analysis, not only are they beneficiaries financially, but the entire country, our young people, and our nation, generally speaking, will benefit from this continued development of our cultural activities.

Those are the words, Sir, I would want to speak on this particular Bill. I am not going *to* be *drawn into any* prompting about the Police, equipment and what have you. All I am saying is that if equipment has disappeared from the NCF then the management should ensure that proper reports are made to the Police and that *investigations are* carried out. I hope this will be done as swiftly as possible.

I thank you, Sir.

Hon. H. B. St. JOHN: Sir, I now understand recent events, I believe that it is in accordance with well-known parliamentary tradition. Those who work the Westminster system would understand it and I am now convinced that the Honourable Member for St. Lucy understands it. Having confessed in here that a part of his department was run in such a incompetent manner, it is not surprising to me that he acted in accordance with the highest parliamentary tradition and put in his resignation. It is a very serious thing.'

The Democratic Labour Party Government has brought a new era of irresponsibility and incompetence to the administration of Government to this country. A Minister of a department tells this House that he anticipates that the business turnover in this particular area of activity is of the order of $50 million to $60 million a year generated around Crop Over. Now, that is not a small figure by any means.

He goes further, Sir. He adds more salt to the wounds when-he indicates that on the occasion when, through the incompetence and the incapacity of a part of his department, namely the agency, which has to report to him could not carry out an important function, that at the last minute it delegated that to a private sector body. The Honourable Member tells this House that it is anticipated that profits to the order of $200 000 to $300 000 had been made. What is more, the Honourable Member says that that department which allowed . the private sector to make $200 000 to $300 000 out of one event, ended up with a loss of $3 000.
4.10 p.m.

These facts' are very disturbing.

Asides.

Hon. H. B. St. JOHN: Mr. Speaker, Sir, this is so serious a matter that I really feel that all those were concerned with this should do what the Honourable Minister did. They must put in their resignations too.

The Honourable Minister...

Aside.

Hon. H. B. St. JOHN: That is right, Sir. The Opposition is very, very concerned that it is alleged that some of the very people who were responsible for the thy-to-thy administration in this area are now going to take on a new role in another Statutory Board. This is very, very serious, Sir. That would be an act of lunacy. I really hope that the Honourable Minister does this country a service that the Honourable Minister writes out in full detail his own views on the competence of these people. Because I really do not want Barbados to be saddled with them at CBC or anywhere else. I do not want it. I am concerned about this like the Honourable Member for St. James South.

I belong to an organization, Sir, and I used to get a little token every year to help with another festival. It is years now that I have not got a cent. That is a very serious thing, Sir. When I hear of all of this money and I know and the Honourable Member knows that it is a struggle for a little $20 000, $25 000 that you have to go around and beg for to do that. And you hear of these large sums of money that are here knocking about

I also want to say this, Sir, -we, on this side, have been calling — this is a very, very important point — for some code of conduct, some code of regulations dealing with the Management of Finance of Statutory Boards. It is time that we have rules and regulations which are applicable to Statutory Boards. We must have it. It is very, very wrong for any Statutory Board to feel that they do not have to obey the provisions in the instruments creating the Statutory Boards *which* calls for reports to be laid in Parliament. It is a very serious thing, Sir.

There are rules and regulations made under the Financial Administration and Audit Act which apply to Government departments, they are financial rules. Similar Rules should be made. When there was a Local Government body in Barbados they had rules. Indeed if one goes back to the *Jackson Enquiry* into Local Government, one would discover the importance of the rules and regulations in relation to it.

I do not believe that in this House we have had the privilege of seeing a report from the NCF for a *long, long* period of time.

Asides.

Hon. H. B. St. JOHN: Our position is very clear. As Members of this House I feel it is our duty, to ensure that the disgraceful situation that has been outlined by the Honourable former Minister that we should do something about it. We cannot just have solace in the fact that the Honourable *Minister has* obeyed the parliamentary tradition and chucked in his resignation. That is not enough. We must make sure that by this debate that we profit. The next thing we have in relation to the National Cultural Foundation is...

Asides.

Hon. H. B. St. JOHN: But it is important. The thing is this that those that are *coming* do not understand the norms of propriety. That is the problem. That is why I feel so strongly about this, ,that although you are trying to tell them what is right, they are indifferent to what is right. There is no hope on that side. They feel that opportunism is the order of the day.

I hope that we do take this opportunity to make it very clear to all and sundry who serve on the Statutory Boards — for instance at the NCF there are allegations of the most blatant conflict of interest that went on down there. That is what they say. I do not know, Sir. I do not shadow this matter. But everybody seems to think that any and everything went on down at the National Cultural Foundation. A lot of conflict of interest situations went on down there. I do not know whether it is true or not true. But the basic position is that we feel that unless we exercise some measure, as. a Parliament... We are in a very serious position. People underestimate the serious position that Barbados is in. We have never been in a political crisis like we are in, never, never.

Aside.

Hon. H. B. St. JOHN: I have to worry. Sir, you know what the position is. We are placed here in a situation in which a former Minister can tell us about $30 000 000 and $40 000 000 and we are out there knocking at doors all around the place begging people to lend us money and the people who are carrying out risk analysis in Barbados are now in a position...

Mr. E. E. GREAVES: On a point of order, Sir. I know the Honourable Member is not serious about what he is saying. But just for the record, the Honourable Member must understand that what I said was that it is estimated that around Crop Over time about $50 000 000 or so million dollars is generated not into the NCF. It is as a result of the activity which is created around Crop Over and the Crop Over activities. I just wanted to make that point, Sir.

Hon. H. B. St. JOHN: I would know that, Sir. If it went into the coffers of the NCF you would not have it. I am not worried about that. I am not in that at all. I understood what he said very clearly. I would expect that at least 1% or 2% of that should redound to the Treasury and the NCF. After all they were in charge of it. They were totally in charge of everything. They could sell their copyrights, they could sell their royalty rights, everything. They should sit down and do that.

Aside.

Hon. H. B. St. JOHN: No, Sir. This kind of recklessness. I am very serious. 4.20 p.m.

I am very serious. When you have an Ex-Minister confessing to what took place in his department, people who understand the Westminister system of Government, who have been commissioned to do this analysis, can only come to the conclusion, if they do not want to be sued for negligence, they can only come to the conclusion that this is a country that is unworthy of credit.

Aside.

Hon. H. B. St. JOHN: Trinidadians get money? The Venezuelans get money too? All right, Sir. The basic position is, Sir, there are speculators out there who will lend money at 10% and 20% to anybody but I do not want Barbados to have to borrow money at that kind of rate, Sir. After all, Sir, the way how things are going it is like night following day that the Labour Party will have to pay back that money, so I do not want to have that, Sir. So I really want us to use this opportunity, as I said before, to make sure a stop is put to it.

Hon. J. 0. TUDOR: Mr. Speaker, I find it necessary to make a response to a number of queries that were made under the Head of the Ministry of Public Works. The Honourable Member for St. Thomas, raised some queries I consider of a public interest but I want to respond to them, not only in a colloquial context in St. Thomas, but I want to respond to them in a general context.

The queries related to the problems being experienced in Barbados by the Barbados Water Authority and the queries should be addressed and addressed quickly but I want to inform this Honourable House of the difficulties that are being experienced by - the Barbados Water Authority.

Mr. Speaker, it is my understanding that the difficulties being experienced in maintaining adequate water levels in a number of reservoirs on the island

due mainly to an increase in water demand and very low rainfall. You will recall that 1993 was indeed a very dry ...

Mr. SPEAKER: I think we should show some courtesy to a new Member, who for the first time is trying to make a speech. I will not allow Members to behave in any way other than how the House allows. Continue.

Hon. J. 0. TUDOR: Thank you, Sir. It is a serious now and the Honourable . Member clearly does not understand what it is to be serious. The difficulty as I said, Sir, is due mainly to an increase in water demand and low rainfall that was experienced during 1993 in particular. It was a very dry year. In fact it is on record as being the driest year for the last 10 years and that has created a difficulty for the Authority.

The low rainfall has resulted in reduced water levels and constant reduction in output from a number of the well and spring sources. The pressure outages are being experienced in the following systems. The Warleigh/Rock Hall/Shop Hill systems, that is the area most affected are the upper parts of the systems around Indian Ground, St. Peter, Orange Hill, St. James, Edghill and Welches in St. Thomas.

The Bowmanston/Golden Ridge/Castle Grant system, the areas most affected are the higher levels again, surrounding and including Horse Hill and Chimborazo, St. Joseph, Hillaby, St. Andrew and Apes Hill in St. James.

In the Hampden/Rising Sun system the area most affected straddle the ABC Highway from Newton to Fordes Road in Christ Church. And the Spring System, the areas most affected again the higher parts of the Eastern Coast from Blades Hill in St. Philip through St. Elizabeth Village in St. Joseph to Chalky Mount and Morgan Lewis in St. Andrew.

The Honourable Member for S t. Thomas, again raised the query about the distribution system and I asked for a response on that and they have indicated to me that leak detection exercises are being carried out in the most severely affected distributing systems.

The Honourable Member raised a question about the water tankers and I would want to report to the Honourable House that water tankers are in fact being despatched on a daily basis and they are trying to assist in alleviating the water shortages but they are asking' the public to bear with them because all of the areas cannot be serviced at one time but I will draw it to their attention that it is a problem and I hope they will note the concerns of the residents, because in all fairness, water is a major concern.

I also want to take this opportunity, Sir, to advise that the consumers in general, in Barbados, should play their part in conserving water by abandoning the use of sprinklers and restricting their water usage to domestic needs only.

The final query, Sir, related to the answering .of the telephone at the Water Authority. I think that these are questions that must be raised in this Honourable House. When Honourable Members bring them to the attention of this - Minister, certainly it is my intention to respond promptly and fix these matters without delay.

Mr. D. A. C. SIMMONS: Mr. Speaker, the Honourable Member has been so painstaking about answering my concerns today he left out the main part of what I asked. What about the Capital Development Programme? When are you putting down the wells in Applewhaites? When are you building the reservoirs, and replacing all of these old broken down pipes and rotten pipes? I want to hear about that.

Mr. SPEAKER: That is not really a point of order. I think that can very well be dealt with in the Committee stage.

Hon. B. M. TAITT: Mr. Speaker, I join this debate just to establish a.point for the record. When I came to this Honourable House some time ago and asked for money in relation to the Global Conference, I indicated to the House that .we would come back for a small sum of money afterwards for some aspects of that Global Conference. Included in this amount is a figure for the Royal Barbados Police Force which will bear some relationship to the security aspects of the Conference.

This is the last amount which will be required from the House in relation to the Global Conference and since I had given the House the assurance that I would always let them know precisely how much we were asking for in relation to the funding of the Conference I thought it would be proper to make the information readily known at second reading speech that the list of equipment needed by the Royal Barbados Police to assist with the security operations, is in fact included in the amount which appears under the Ministry.

I am tempted, Mr. Speaker, to respond to matters raised by the Honourable Member for St. Thomas when he spoke about that aspect of this Bill that deals with the landfill and I merely wish to say that I find it unacceptable that people in public life, at whatever level cannot fund it within their utterances to tell full and varnished truth about some matters.
4.30 p.m.

I have read in the local newspapers that the past Minister of Health did not keep promises and I resent it in the most fundamental manner because the only promise that I made to the people of St. Thomas in relation to the landfill in that area had to do with the old landfill which had caught fire and which was creating problems for them. I went and indicated to them that I would bring...

Mr. D. A. C. SIMMONS: On a point of order, Sir. I really cannot sit here and hear the Minister perhaps unwittingly mislead this House. He said that the only promise that he made was in relation to the old landfill. It is not true, Sir. In September 1993 he made a promise that the new one would not smell stink and it is killing out my people.

Hon. B. M. TAITT: Sir, the Honourable Member's capacity for smelling is a matter for him. I do not know what he is smelling and what kills out his people. I am saying that the Honourable Member ought to have been in a position to tell the Press or anybody who was present at the time that he visited with the present Minister of Health that with regard to what is going on now that I could not have made any promises. I presented a new scientific landfill, we made that commitment, and the scientific landfill was created. The Honourable Member today said that I had indicated that it was. Yes, it was a state of the art and it has been accepted as a state of the art. I take no responsibility for any professional information which is given to a Minister. Th^ Honourable Member knows the Ministerial system does not require a Minister to be responsible for professional information. Professional information that the landfill would last two years was given professionally. The Honourable Member knows that I have no responsibility for that and the person *who* opened his mouth at the landfill who is in a professional capacity knows that I have no responsibility and no Minister has any responsibility for professional advice. If an engineer tells us that this building will not fall down and it falls down...

Aside.

Hon. B. M. TAITT: I do not think so. If the Honourable Members on that side, Sir, *who* used to reside on the basis of professional advice, they would not have lasted more than five days into their administration. I do not *wish to* get into a long discussion. What I really resent, Sir, is this bashing which is done in the absence of persons and it gives the public the impression that the Minister did something *which* he was not *supposed to do. The* Honourable Member for St. Thomas with whom I had collaborated on more than one occasion should have the decency...

Mr. D. A. C. SIMMONS: On a point of order, Sir. He is really implying that I am indecent. He said that I should have the decency. I do not have it then. That is the clearest piece of unparliamentary language that I have come across [in] years.

Hon. B. M. TAITT: He should have the decency having himself served as a Minister to recognize that all steps along the way I tried within the limits of my ability to give him assistance and he knows that I have collaborated with him in this business.

Mr. D. A. C. SIMMONS: On a point of order, Sir. The Minister just said that he was at all times doing his incompetent best.

Hon. B. M. TAITT: That is what I mean about indecency, Sir. For him to get up and use that term in the context of what I am saying demonstrates that I am infallibly correct that he is indecent in this regard. That is the point. The Honourable Member in the attempt..

Mr. SPEAKER: I do not think that we can allow that.

Hon. B. M. TAM': In this regard only, Sir.

Mr. SPEAKER: No, no. What is allowed in the record stands as a precedent for other things. I would prefer you to rephrase that in another way.

Hon. B. M. TAITT: I will withdraw that. You know, Sir, that I am very obedient. If Your Honour tells me to withdraw it, I will withdraw it. But the Honourable Member is a professional and he knows that the reputation of persons can be tarnished with the wrong sequence of language and there is not a single person connected with the landfill and/or the Sanitation Service Authority who will not agree that the so-called former Minister of Health . spent a substantial amount of time in seeking to prevent the difficulty which has subsequently occurred.

Let me detail them, Sir. The former Minister of Health went to the Pan American Health Organisation and got a substantial sum of money to fence the present landfill. The former Minister got a substantial amount of money to get persons trained to manage the landfill. The former Minister spent a substantial amount of time acquiring expertise for the management of the landfill. Therefore, after I have left being the Minister of Health, I am not responsible for what has happened. But I am not seeking to hide in the fact that I am no longer the Minister of Health. I am saying that if I were a magistrate I would see that I tell the truth at all times when I speak publicly. That is what I am saying. The Honourable Member for St. John once spoke of foolish magistrates and there was a big hue and cry in this country. But a magistrate even if he speaks in his personal capacity has a responsibility

to tell the truth at all times. If I had to go before that particular magistrate, I would be properly there and he would have to get somebody else to try the case according to the law.

Mr. D. A. C. SIMMONS: On a point of order, Sir. It is now clear that he was inveighing against a particular magistrate. He said if he had to go before that particular magistrate. I was waiting for him. It is now clear that he is inveighing against a magistrate on the Bench and you are not allowed by the rules to make uncomplimentary remarks about a member of the Judiciary.

Hon. B. M. TAITT: Mr. Speaker, Sir, Al I said was that if I were a magistrate and, when I referred to that particular magistrate, I am using the English Language in its purest sense. I am speaking to the particular magistrate that I would have been had I been a magistrate. I am saying that that particular magistrate would tell the truth at all times.

Aside.

Hon. B. M. TAITT: I do not care if it holds water. I just want the facts to be known and I find it offensive. I want the Honourable Member for St. Thomas to know so he can tell his friends who may or may not be magistrates that I find it offensive to read in the newspapers that they hope the Honourable Member who is now the Minister of Health will keep his promise unlike the past Minister. There is no promise that I made to that Honourable Member for St. Thomas or any other person in St. Thomas that I did not keep. I resent it and I want to put it in the record. It is all right to bash Ministers from time to time, but I do not hold it against those who live in St. Thomas who have had to bear the stench. I hold it against the Honourable Member for St. Thomas who ought to be in a position to guide them better than he has. The Honourable Member knows, for example, that it was the late Tom Adams who took the landfill to St. Thomas.

Aside.

Hon. B. M. TAITT: You could get him to manage it. Your client is a manager.

Mr. D. A. C. SIMMONS: On a point of order, Sir. Let the record reflect that the landfill was opened by that party in October 1986. The Labour Party had no part in the management or the operation of that landfill.

Hon. B. M. TAITT: The impression that has been given to the people of St. Thomas is that the Democratic Labour Party brought a "stink mount stinkeroo", as he calls it, for them when in fact it was Tom Adams, their representative, who took the landfill there.

Aside.

Hon. B. M. TAUT: I am not going to get involved in any subtlety of language because when the Honourable Member for St. Thomas is giving out information in the public subtlety disappears from him. He smiles when he is talking to me subsequently. It is not fair. The only point that I am making, Mr. Speaker, is that it is not fair to leave the impression out in the public place that the former Minister of Health was not caring. This concept is implying that the Minister did not come to the site when the Honourable Member knew, because I took the trouble to tell him, that I was in Geneva on Government business at the World Health Assembly Meeting when the fire broke out. The Honourable Member continues to give the impression that what I said about the cause of the fire was something manufactured in my head. In fact, it was the report by the Technical Officer which suggested that the fire had been lit. I can only deal with the people who advise me.

The point I want to make, Mr. Speaker, and I want to put it in the record once and for all, is that all of the promises I made to the people of Arch Hall, Easy Hall or whichever hall including Wes Hall were kept.
4.40 p.m.

If he prays for me there is hope, but if he prays for you it won't make any difference.

Aside.

Hon. B. M. TAITT: The Honourable Member for St. Thomas really ought to stop making political hay. The Honourable Member knows that there is a vast difference between 7 months and 2 years. If in fact the landfill had lasted for 2 years as had been predicted by the engineers then there would have been no problem because the phase which is scheduled to be opened shortly as I understand it would have come in time to take care of such waste as may be disseminated by the population.

The point has to be made, Sir, that the waste that goes up to Mangrove is not waste from St. Lucia. It is not waste from Grenada. It is waste from Barbadian homes and this concept that somebody has somehow caused waste to go up there the waste comes from every home in Barbados. If the private sector people in Bridgetown who have... For example we had a situation where they cleared away a site in St. James for construction of a business place and all of the trees that had been cleared from that site were taken to the landfill.

Now, Sir, what Minister in the world could be responsible for such folly? The landfill has become a mountain because again we have a massive number of tyres in this country that are taken to the landfill on a

daily basis in spite of the fact that the Ministry has recommended time and again that a methodology be found for the striping of tyres. All kinds of used tyres are taken to the landfill. Much of what we have done by way of presenting a scientific landfill is lost because those who are supposed to do what they are supposed to do will not do it.

Mr. Speaker, if you train people to run a landfill and then somebody else is put to run the landfill it is no fault of the Minister. The position that Ministers have is very clearly adumbrated in the law and where any institution and/or official acts contrary to the dictates and/or the policy of the Minister, the Minister has no responsibility for the action that has been taken.

Those Honourable Members over there who claim to be familiar with the law would do well to re-acquaint themselves with the legal principles that have been established in this ministerial system in what is euphemistically called the Westminster model. The Westminster model is not practised in Barbados.

Aside.

Hon. B. M. TAITT: I am saying that the Opposition has a duty to inform the public properly and stop misleading the public. I am saying that especially those Members of the Opposition who have been Attorney Generals have a special responsibility to stop misleading the public both on the legal principles and the so-called convention — except the Member for St. George South.

Mr. L. R. TULL: The Honourable Member is impugning the integrity of former Attorney Generals and saying that they have misled the public. I would like what he said to be removed from the records.

Mr. SPEAKER: "Misleading" by itself is *not* unparliamentary.

Hon. B. M. TAITT: We understand that, Sir, but I think in fairness to the Honourable Member for St. George South that the Honourable Member would be among the least of the apostles in regard to what I have said. The *Honourable* Member knows that I do not usually include him in the strictures against former Attorney Generals but I will say for the record that he has not, except on one occasion when he joined with his former colleague in a blatant attack on the Commissioner of Police. That was the only time I thought that he might have been guilty but I am speaking in particular about the Honourable Member for St. Thomas. I am speaking in particular of a former Attorney General and Minister of the Crown who from time to time and in more recent times has not failed in his ability to mislead the public. That is what I am saying.

I am attacking him, Sir, and I am doing it without malice. I am dispassionately indicating to the public that they should listen to the Honourable Member for St. Thomas with a grain of salt.

Aside.

Hon. B. M. TATTT: There is that too. That is your duty to get them to listen to me with a grain of salt. You see, Sir, hiding behind the facade of a former Attorney General he has a psychological propensity to do what can only be described as an intellectual sleight of hand. Note intellectual, Sir.

You, see, Sir, I have to do this because when I read the newspapers I could not believe my ears and eyes that the Honourable Member had done that. Suffice it to say that what offended me was that aided and abetted by another legal luminary...

Mr. SPEAKER: You cannot say that of an Honourable Member.

Hon. B. M. TAITT: ... aided and abetted by another intellectual person.

Mr. SPEAKER: I am not concerned about what Members feel or interpret. I am concerned with what is proper for the records and if I suspect that a Member is infringing on any of the Rules particularly...

Hon. B. M. TAITT: I accept Your Honour's ruling, Sir. If Your Honour does not like the phraseology I 'am using I will withdraw that.

I am saying that on that occasion standing by another person who was trained in the law and allowing newspaper reporters to mislead themselves about certain aspects of facts relating to an issue which he could have clarified caused me great disappointment to say nothing of the distress which it brought to me. Sir, coming on top of certain other issues I started to begin to wonder if he had some personal matter that he wanted to settle but we will let that pass.

I just want to serve notice on him that on every single occasion in the future that he talks about what he calls Mt. Stinkeroo. He should tell the population about the collaboration between himself and me. He should tell them about the letters we exchanged. It is not exposed in the Press. He exposed it in here when no Press is present.

Mr. D. A. C. SIMMONS: The Honourable Member is not speaking the truth, Sir.

4.50 p.m.

He forgets that about two years ago the whole correspondence between myself and him, then Minister of Health was exposed in here and carried by Mr. Vanterpool in the *"Nation"*. He forgets that because we have not corresponded since that....

Hon. B. M. TATTT: Vanterpool, Sir? The modem journalists do not even know who is Mr. Vanterpool. That is the whole point. The fact that this Honourable Member has admitted that there is correspondence between us is all that I was seeking. It is like a situation where the information has now been put in the record. The Honourable Member admits that there has been correspondence. I wish him to go into Arch Hall and the other areas in St. Thomas and let them know that there was collaboration and let them not believe that I refused to come to the mountain, as he calls it.

Sir, you have no idea. The people in Arch Hall and elsewhere used to telephone my house at 3:00 o'clock in the morning and ask me if I smell the mountain. I am not going to join others who suggest that he might have been behind the campaign. I would never do that. I do not believe that the Honourable Member for St. Thomas would ever have joined in that.

Mr. D. A. C. SIMMONS: I have not been behind the campaign to disturb my friend's night's rest but I am sorry now that I did not, in fact, get involved in that campaign, if he thinks it is a campaign.

Hon. B. M. TAITT: No. I was saying that I did not believe it but now that he has got up on a point of order I will have to, as Tom Adams would say, reserve my position on him on this particular issue because he has been following his predecessor in St. Thomas in many regards and in that respect that is not a matter that I would put entirely beyond his predecessor.

Anyhow, Sir. I think I have made my point. I wanted to make that point because the newspapers would not have published what they said about the former Minister of Health unless they felt it had substance. Let me tell you, Mr. Speaker. Let me share this with you. If a lawyer of however dubious distinction, makes a statement of any kind, the newspaper reporters feel able to quote the statement because they feel it is, safe. Now, you and I know, Sir, that there are a few lawyers of dubious distinction.

Aside.

Hon. B. M. TAITT: Not in here, never. You know I would not be able to say that, Sir. Even if I felt that about one or two in here, I could not say that.

But, Sir, the newspaper reporters believe that it is safe to say so. The only reason I have made such heavy weather of this is because what was printed I have learnt was because a person of such high standing in the legal community had made the statement so they felt able to publish it. In fact, in one case the reporters said that even though they had covered the previous examples they felt that having not heard any demurer from the Honourable Member for St. Thomas they felt that the person who was speaking must have been speaking the truth.

My concern is that my friend, the Honourable Member for St.Thomas, with whom I had spent so much time trying to make something of the landfill, could not even come to my defence in a situation which required him merely to say that it was not true.

Aside.

Hon. B. M. TAITT: Are you saying you are not? I have made mistakes about the Honourable Member. The Honourable Member is now confessing that he is not a Dem. I have always though, based on certain matters which he wanted me to reveal earlier, that he was a quiet Dem but we are going to leave that. I think I have made enough of that point.

I want to say that the $491 000 for the Police in this Bill constitutes the last amount which we will come to this Honourable House for in this year.

Aside.

Hon. B. M. TAITT: The Honourable Member is asking what it is for. It is to provide certain equipment for the Police which I could make available to him but which I do not think it is necessary to put into the public domain. If any Honourable Member on the other side would like the details I would be pleased to make the information available to them.

I can say, Sir, in regard to the Global Conference, that the last UN Technical Mission to Barbados has said publicly that all of the arrangements are in hand. We are , having a tight schedule on the construction. It is "nip and tuck". I wish to say it so that no misinformation is put out as I know that my friends on the other side who swear-that they support the Conference have the information almost at the same time we get it.

Aside.

Hon. B. M. TAITT: You see they have it even before we did because we are not aware.

I can say that today I met with the Coordinator from the United Nations of this Conference at the

highest level and we are agreed that arrangements are in hand for the completion of the work. We met, along with other colleagues in the Cabinet, with all of the major players at Sherbourne. We had a commitment from them that they would put all extra effort at their disposal into the completion of the work because the completion of Sherbourne is a matter of national pride. The preparation and delivery of this Conference is not only a case of the Government completing but I think the country has a stake ,in the completion of this project.

Aside.

Hon. B. M. TAITT: The Honourable Member is saying if it cannot be completed it would be something. I will finish by saying this. During the course of the day I heard a Mr. Colin Hudson — I am not calling his name pejoratively — on the radio in an interview with one of the interviewers at CBC. He was saying that the most important aspect of this Conference is that at the end of it he hopes that Barbadians would be a more thinking people, etc. I do not wish to get into a philosophical discussion but I wish to say, as I have said before, that the Conference concerns all of us in a very personal way. I know that whereas the Honourable Members on the other side have a political responsibility to keep us on our toes. I am satisfied in my mind that there is not one of them over there who does not wish to see a successful conference. I hope that all other leaders in the society will feel the same way.

This is one of those situations where we join hand in hand in hoping that all will be well. This is the last call we are going to make on the Treasury that we know of for a sum of $491 000, plus some change, for equipment of the Police as part of the security arrangements which have to be made for the Conference so I am very pleased to support this Bill.

Hon. D. J. H. THOMPSON: Mr. Speaker, before the House goes into Committee on this I just wish to wrap up the debate. There are two points that I want to make. The first really relates to the matter of the role of the Financial Administration and Audit Act or similar features of the Act in relation to the financial activities of Statutory Corporations.

The Honourable Member for Christ Church South 'raised some concerns. I want to make it abundantly clear that the Cabinet of Barbados has directed Statutory Corporations a long time ago, certainly predating my being a Cabinet Minister, that they must, as far as possible, follow those precepts and rules which apply under the Financial Administration and Audit Act or in their statutes. Not many regulations have been made under these statutes and therefore I must say that one is not altogether satisfied that all of the Statutory Corporations fully appreciate these points.

5.00 p.m.

This has been so from time immemorial. We have to have an active programme to have Statutory Corporations come up with rules for their operations similar to the rules under the Financial Administration and Audit Act. This is critical. It certainly is one of the features of financial reform which the Government has been looking at, with respect to the NCF in particular. From 1987 the Auditor General spoke about the horrendous accounts and situation obtaining at the National Cultural Foundation. I do not even want to talk about some of the things I saw in that Report. Unbelievable! We have a lot of Statutory Corporations which are monuments to the egos of Ministers and their minions and that to me is what the National Cultural Foundation was from its inception, a monument to the ego of the then Minister of Culture.

Aside.

Hon. D. J. H. THOMPSON: And you understand the difference. We do not need a National Cultural Foundation in Barbados to achieve those many things that you say are desirable in terms of cultural development. The Foundation has an important role, it is true. But many of those things would have happened anyway. What we need to do is not depend so much on Government to put resources in the National Cultural Foundation to pay people to do things which they can do through either private arrangements with community organizations and through an active programme of community involvement in Barbados. Long before the NCF we were having workshops at Harrison College as youngsters, informal workshops for which you had to pay $30 as an individual and you went there in the summer for 5 weeks, you could do programmes in lighting, programmes in dance, programmes in drama, programmes in choral speaking, *et cetera.* That is before the NCF. You set up this big bureaucracy called the National Cultural Foundation to give people the impression that you are developing these institutions in the society which is supposed to harness all of the energies of these wild artists all over the place. All it does is shackles open a process which before that, when the institution was not in place, was coherent. That is my view and I want to make that position very clear. I am sorry that this is the occasion on which it is being said I can see some repentance on that side. I see some repentance on the formation of the National Cultural Foundation because it is as much an embarrassment to you that the first Director did so much foolishness up there in relation to the administration of the National Cultural Foundation as it is to others that the situation was not rectified when it should have been rectified.

The Ministry of Finance was asked, *subsequent to* that to send in an accountant to analyze what had *been* happening in the National Cultural Foundation and the accountant has laid his Report which the new Minister will have a chance to look at and seek to *put* in place a proper format for the development of the National Cultural Foundation.

Aside.

Hon. D. J. H. THOMPSON: You say it has taken 6 years but that is simply the way that it has gone.

But I will tell you this much, on the financial side which is the side that I am interested in...

Aside.

Hon. D. J. H. THOMPSON: Certainly not the days pre- 1986 when the NCF was running riot and doing as it liked. Those days were curtailed by financial stringency. But if it is necessary for further curtailment to ensure that prudent resources are made available wisely and efficiently there will be further adjustments to take account of that. Have no fear about that.

You pointed out 7 very- important things about the operations of any Statutory Corporation which is involved in the work that the National Cultural Foundation is involved in. But if you feel that the National Cultural Foundation is as 'relevant to those people who are in the performing arts, as you feel it is — I do not share your view that it is so relevant — then what you need to do is to call on all persons of goodwill including those in the private sector to seek to develop a creative arrangement for a Foundation which is truly representative not only of Government's perspective on its role in fostering cultural development in the country but also the role of communities and the private sector and let them have a wider input on the issue.

Aside.

Hon. D. J. H. THOMPSON: Do not talk about Yoruba. My money was in that,' too. That is right. That is where it all started. I am sorry it ended the way that it did.

The second point I want to make relating to the point which the Honourable Member *for* St. Lucy made about the role of the arts in earning foreign exchange *for* Barbados and the Ministry of Culture, even with the 2 officers that you say exist with nothing to do but shuffle paper.

Aside.

Hon. D. J. H. THOMPSON: According to you you said they have shuffled enough paper to produce an outstanding Report together with other interested persons, including a representative of the Opposition, on the role of earning foreign exchange through, I think they say, culture. I do not like to use that word in that sense. Perhaps they said the arts. But they have prepared a Report which has been put before the Foreign Exchange Committee which that Committee has endorsed and which the Ministry of Culture, as I understand it, would then bring proposals for the implementation of that programme. That is a programme which involves marketing music and art in Barbados, updating the-Intellectual Property legislation and a whole range of other prior actions together with recommendations on concessions which should be offered to musicians and other persons in those sectors. The Government will, assuming that those recommendations are acceptable as we did in the duty free sector, act on those recommendations and we will earn more from that particular sector in terms of foreign exchange.

With those few words, I hope I have clarified any points, I should like to move that this Bill be read a second time.

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

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

COMMITTEE

On the motion of Hon. D. J. H. THOMPSON 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.

Mr. L. L. BRATHWAITE: The House is in Committee.

HEAD 25 – MINISTRY OF AGRICULTURE, FOOD AND FISHERIES – $1 373 522

Head 25 – Ministry of Agriculture, Food and Fisheries – $1 373 522 – was called.

Hon. D. W. BOWEN: Mr. Chairman, I beg to move that Head 25 in the sum of $1 373 522 stand part.

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

Hon. H. B. ST. JOHN: I would really hope that we would have a progress report from the Honourable Minister on the performance of BADC.

5.10 p.m.

The BADC is *one of those institutions. According to this, Sir, support for BADC.* Grants to public institutions *$1 million.* They are now voting another $1 373 522. In other words, as I understand it, $2 373 522 is being appropriated this *financial year* by way of Government subvention for the BADC, the BMC and now the successor organisation, the BAMC.

Now, we would like to believe that one of the objectives of merging these two organisations would be to ensure that Government would not have to use taxpayers money in order to subsidise the operations of this action.

Now, we did not subscribe, on this side, to the view point that Government does not have a role to play to ensure that export activity and other activities by way of ensuring that in this sector competition takes place and that the semi monopolies that you have in this area of operation do not operate to the disadvantage of consumers. But it was the Government's philosophy that no money would have been needed. So that, Sir, I would hope that today a full and copious explanation would have been given to this House as to why it is that these lofty ideas imposed on the Government by theirs masters from Washington have not been achieving this.

Now, Sir, there are a number of other matters I. want to raise. I am very worried over the fact that I have been reliably informed that that part of the operation of the former BMC which was a great source of funds for the operation, namely the rum shop or the liquor concession at the Airport, will no longer be available to this Corporation. I want to know, Sir.

As I understand it, Sir, the policy that was in existence for a long period of time in which there were two liquor shops at the Airport, one of which was selected as a result of competitive bidding, and the other, run by the BMC upon the same terms and conditions as the one that was selected with competitive bidding, I want to know whether that policy is going to change.

I hear a lot of strange things are going along at the Airport in relation to the shops. For instance, it is possible now to make your own proposals for the expansion of your own shops and thereby you circumvent the competiti-e procedure. Is that going to be the process that is going to apply in relation to the liquor stores? That is what I would like to know. I want to know these things because if that is so I want this Honourable House to appreciate that to the extent that the taxpayers of Barbados have been relieved of the burden of voting money for the operations of the former BMC now carried on by BADC, that in the future have to look for that money or those operations will be closed down.

Now, I want to make it clear, Sir, the packing shed at the Airport and the work that is performed by the BADC in relation to the export of agricultural produce is crucial. I want to make that clear. I want also to make it clear that it is a myth to believe that Barbadian agriculture can survive in an era or in an arrangement of pure trade liberalisation. There is no such thing in existence in any part of the world.

Aside.

Hon. H. B. St. JOHN: Nor in the European Economic Community. I want to know because, Sir, there are farmers in the area called Gibbons.

Aside.

Hon. H. B. St. JOHN: I am not declaring any interest because I do not have any interest other than seeing that their welfare is well looked after because they come to me. After all it was this Government that ensured that they were given some hope by the provision of a whole water scheme order. And having regard to the conditions under which they have to operate they have made tremendous strides. So I want to know, I want from the Minister a statement about this. There are many concerns out there and there are still some disincentives to the exports industry that have to be removed.

The question of boxes, the question of charges for those boxes is still a big thing. The question of the customs machinery to ensure that boxes that come in today from other parts of the Caribbean, and which everyone knows that they come in for the purpose of filling those boxes with produce to export, people cannot understand why it is that those boxes cannot come in either by way of import directly by the BMC or if they do not have the money, by way of a bonded warehouse system.

Aside.

Hon. H. B. St. JOHN: Yes they have to pay stamp duty. It is duty free but you still have stamp duty. Everybody knows that they are coming in from St. Lucia. They have to come here to put peppers or whatever, and then they have to go back out to Canada. They are not recyclable because they are not coming in In Bond and they have to be cleared, taken to the packing house, because all the produce cannot be packed by BMC. These are disincentives. I want to hear the Minister on it.

I would like to hear the Minister tell me the programme. He has been in the Ministry long enough now to come with his own solution. After all the Ministry of Agriculture has always had a long line of Ministers who had solutions to the problems of agriculture in Barbados, including the Honourable Member for St. Philip

North, all of them have always assured this House that they are coming with a new deal for the farmers.

There are other areas that I wish to talk about. We know it is a very difficult and sore point with the Democratic Labour Party with any question of a Chief Executive of these Corporations. How is it that the BAMC has been in existence for some period of time and it does not have a head yet?

Aside.

Hon. H. B. St. JOHN: Tell me who is the Head? The Chief Executive, not the Chairman. I am not talking about the Chairman. Who is the Managing Director, the day-to-day man? Who is the day-to-day man? Tell me.
5.20 p.m.

My understanding is that *there has* been a secondment of an officer. That is what I want to know. After all, I know that organizational structures in Statutory Boards have caused problems. Whatever the management structure you are using, I want to know if you are telling me that you have an Executive Chairman and he also is in charge of the day to day operations. I would find it impossible because after all I happen to know that the particular person who is the chairman of this body is also the same person that is playing a very responsible role in the sugar industry re-organisation. *I know that.* That is a fact. Sir, I want to know who is this person. We had enough Permanent Secretaries. I want to know who is equivalent to the Permanent Secretary. I would like to know, Sir. I am asking for information. I am not saying that I know. I am asking for the information. I am not bluffing. I am trying to illicit information in respect of this, Sir. You know that it is $2 million that we voted this year. I want to know who is responsible for this $2 million.

Sir, also I would have hoped that part of this money would have gone to the markets. Because up to now, Sir, I still have to put in a plea. I want the Minister to come here next month and let us know very clearly when the folk in Oistins are going to be able to buy ice for the purpose of going fishing. I want to know that. I give the Minister early warning that I want to know about ice for the purpose of ensuring that fish that has come in and that is already on ice continues to be on ice. That is the distribution part. I want to know when we are going to have the ice machine back in operation which used to sell ice for the boats that went in the hole of the boat. I remember with my own two eyes seeing in the newspaper that a tender was invited. I believe that there was even a specific proposal along the lines of the Port Authority type of proposal in which a private sector guy decides in his mind that he is going to put up a proposal. I believe that some of those have been done. But no decision has been made because every morning I pass there and I try my best to see if I can see any evidence of a movement where hope will be brought to these people who have been crying out for years now. I know what the Honourable Member for St. Michael West wants to say.

Aside.

Mr. CHAIRMAN: The Honourable Member has one minute to conclude.

Hon. H. B. St. JOHN: The Honourable Member for St. Michael West wants to say that they should not get any ice at all. I will tell him that the Honourable Member for Christ Church East is in the same position. He is subjected to the same inquiries as I am, Sir. My time is up and I will sit down, Sir, because I am coming back after the answer.

Hon. D. W. BOWEN: Mr. Chairman, let me start by stating that the sum being sought of $1 373 522 relates to the payment of National Insurance, PAYE and Income Tax on behalf of the workers of various plantations. This dates in some cases as far back as 1990. In terms of the actual amount being sought, the amount relates in the case of National Insurance to $1.1 million and just under $3 million to PAYE. But to answer some of the specific questions, firstly, it is my intention when we are debating the Appropriation Bill to give a full and, as the Honourable Member has said, copious explanation and update on the functioning of the new organisation the Barbados Agricultural Development Corporation. Nonetheless, I will take the opportunity to respond to a number of issues. One of the bug bears of the old ADC has been the non-profitability of the plantations at Bawden and River, Haggatts, Dodds, Fairy Valley and Spencers.

Mr. Chairman, we have already shed the Belle and River Plantations to the BAMC, Barbados Agricultural Management Company. We are in the process of negotiating with the same BAMC the taking over of Dodds. We are in the advanced stage of negotiations in terms of leasing land at Bawden and River to farmers in the St. Joseph and St. Andrew area. So that is what is being done to alleviate the burden which hitherto was placed on the old BADC in respect of these plantations and, as I said, I will give the full update.

Now the Honourable Member raised the point, and at this stage it is obviously conjecture, that there is going to be a sizeable transfer to the BADMC during the financial year 1994-95. There is going to be some transfer. It is clear that there is going to have to be a period during which you incur certain costs in order to bring the rationalization onboard. This is what it is all about. I am more than optimistic that this would be the last occasion on which we would have to come to the House to seek a vote

to cover the operations of the BADMC. It has to be done on this occasion. We are in the process of tidying up some ends in terms of disposing by way of sale of the building owned by the BADMC on the Harbour Road. This is going to amount to an inflow of funds *which will* assist in paying off a number of debts of the Corporation.

In respect of the so-called rum shop or liquor shop, I know of no intention to dispose of these shops because there is one BMC shop and one private shop.

Let me respond to the question of the CEO and the allegation that there is no CEO in place after a year and so on. Immediately on the establishment of the Barbados Agricultural Development Corporation, Dr. Atlee Brathwaite was appointed Chief Executive Officer. He was then seconded for a period of one year in the first instance to the Barbados Agricultural Management Company and the Deputy Permanent Secretary of the Ministry of Agriculture, Mr. Carson Simmons, was seconded to act as the CEO.
5.30 p.m.

So it is not a matter of not filling a vacancy. The post has been filled with the creation of the new entity. I need to put that in perspective and also to say that the Chairman of the Barbados Agricultural Development and Marketing Corporation is Dr. Erskine Simmons. I know that some confusion has arisen between the BADMC and the BAMC but the substantive holder of the post of Chief Executive Officer is Dr. Atlee Brathwaite and he is on secondment to the Barbados Agricultural Management Company for a period of one year.

On the question of markets and the question of ice, this matter will be addressed in the fullness of time starting on the 16th when we are dealing with the Estimates.

The question that Head 25 stand part was put and resolved in the affirmative without division.

HEAD 28 — MINISTRY OF JUSTICE AND PUBLIC SAFETY $1 925 763

Hon. B. M. TAITT: I beg to move that Head 28 as amended stand part.

Hon. W. 0. FRANKLIN: I beg to second that.

Mr. D. A. C. SIMMONS: I wonder if the Minister could tell me what is going to happen when the complex at Holetown is finished.

I believe that the police station at Holders Hill which has been temporarily housing both the Holetown station and the District "D" station will, as a result of the opening of Holetown, have to split up and presumably the Holetown functions which are now at Holders Hill will revert to the new complex at Holetown. That will mean that District "D" functions could - still remain at the *present location* at Holders Hill. Even though that is a temporary measure it will have the consequence that St. Thomas will be the only parish not *only* without a secondary school but without a police station.

Now that raises a question of planning. What plans does Government have for the relocation on a permanent basis of a proper police station in the parish of St. Thomas. I keep saying I do not think Welchman Hall is the place because of the caves. Studies have shown that because of the presence of the caves and the possibility of contamination of the water system that we should eschew any...

Asides.

Mr. D. A. C. SIMMONS: I know that there was some consideration of Vaucluse on top of Shop Hill and in that general area. Although I would still think a better site would be at the bottom by Cane Garden. You have better land for building there. Near where you have those half done Venezuelan sheds or boxes but the idea has been — and I will say what the Barbados Labour Party's concept *was that in* that Cane Garden area since the bottom of Shop Hill was the focal point for traffic coming from out of St. Thomas to Porey Spring and Dukes, Shop Hill down to the bottom. You can also come from Redmans Village, Warrens way and come up there or you can come from Welchman Hall and you will still meet at the bottom of Shop Hill on the left of that area roughly in the area where the houses are.

The police station was planned for there and a fire station among the houses so that you have a district and a police station as a part of an integrated unit. Now, I don't know what has happened since the Government has allowed the Venezuelan people to start building, if all the land has been committed but I would have thought there was still space for a police station there. That is my suggestion. The land in the area is not very deep because just to the east of that side going back to Mr. Morris' house at Cane Garden there is a quarry and the top soil is not very deep whereas if you go over the top by Vaucluse it starts to get into deep and better soil for cane and so on.

So I want the Minister to tell me if they have any plans ultimately to locate a station in St. Thomas and where you are looking.

Hon. M. A. KING: Mr. Chairman, in the short-term after the Holetown station has been opened the station presently being used in Holders Hill will continue

to be used for the time being because as one appreciates the police from St Thomas — Holders Hill serves St. James area as well as the St. Thomas area and I am told that decision has resulted in tremendous success in policing the 2 areas.

The Honourable Member for St. Thomas asked the question in relation to the long-term plans *for* having a police station in St. Thomas I think. Honourable Members will recall that some lands have already been acquiring *for* locating a station at Welchman Hall. Since then, I think that that decision is being reconsidered. An alternative location at Cane Garden has been looked at but no decision has yet been taken on it because it has been recognised that Cane Garden is in an area where the population is growing and it can service very adequately the expanding population in that area, St. Thomas and St. Michael, all those areas.

Cane Garden might very well be the best location ultimately for the police station but as I said no decision has actually been made on it but the Ministry of Home Affairs I am sure will take all these matters into account and make the right decision.

Mr. D. A. C. SIMMONS: I am grateful to the Honourable Attorney General for point out that, Sir. Perhaps I ought to apologise to the House because I asked [a] question and in fact if I had considered the Development Plan 1993—2000 I would have seen in fact that Government has no plan for such a relocation of a station. It is not in the foreseeable future, Sir, not in the 7-year period. It was my error too in reading the plan first. The plan says nothing about a new station in that area.

The question that Head 28 stand part was put and resolved in the affirmative without division. 5.40 p.m.

AMENDMENT TO THE SCHEDULE — HEAD 36 — MINISTRY OF HEALTH $1 000 000-

Hon. C. V. WALKER: Mr. Chairman, just to elaborate on the $1 000 000. As I mentioned earlier, despite the best efforts to try to control the odours in that area, we thought and knew we needed a landfill compactor. Under Object 625 we are making the provision for the landfill compactor . and also for the provision of the spotlights for the area. Under Object 624 we have restarted *the operations at the Pulverisation* Plant at Workmans. We cannot operate it on a full basis because we do not have *enough trucks of* that type, open trucks as they are referred to, to convey the pulverized material to the landfill.

We have under Object 624 the additional funds for the purchase of two trucks to transport that material from the Pulverization Plant. In so doing we realise that we can reduce the amount of waste that goes from the trucks and the pickups direct to the landfill but they can go to the Pulverization Plant and be pulverized. Actually that material can very well be used in some areas if properly organised, to create playing fields and what have you in the long run, but we need to get that properly organised as well. With these three things I would like to think that we are making an attempt towards a solution to the problem there.

I beg to move that Head 36 stand part. Hon.

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

Mr. D. A. C. SIMMONS: Sir, I just want to set a few things straight in the record about the landfill. While I was taking all the blows from the other side I was just re-reading. I was made out today to be a villain, a terrible fellow, indecent. You know that the Minister only in 1992 thank me and congratulated me for my understanding; was most generous to me, that as representative of the constituency he has been very understanding. We have discussed this issue and he and the constituents in the area have understood. Among other things we have taken specific steps to reduce the odour levels by ensuring that cover for the old site was done much more efficaciously than had been done in the past. Now, with the best will in the world we were not able to complete the new site at the date projected. However, we have now laid out the clay layer on the new site. This is something new for landfills in Barbados and it is an attempt to ensure that the water table is protected even though we are in a Zone 5 belt. We have bought clay from the Scotland District. We have laid out a layer on the new site. We expect to complete this very weekend the laying of pipes in the new site and all of that.

Aside.

Mr. D. A. C. SIMMONS: I never said he did not do anything. I said the promises came to nought.

Aside.

Mr. D. A. C. SIMMONS: Yes, I am getting on with it. I am reading the nice things you said. "I promise this House that I would take a personal interest in the new landfill and I have done so. I am able to report that for the first time in the history of Barbados we have a landfill that is completely protective of the water table. We have laid clay from St. Andrew and all of that." "We got $100 000 from PAHO. We are going to enclose the landfill." Now hear this, Sir, "We are going to enclose the landfill. We are going to grass it on the outer perimeter to give it the kind of appearance which landfills in North America, those who have seen them, hath."

All the newspapers in Barbados have published photographs on their front pages of all kinds

of garbage blowing about, high, high, 30 feet above the land that you can see it from North Point to East Point in St. Philip, all this green that he is talking about.

Mr. CHAIRMAN: Do I understand the Honourable Member is reading?

Mr. D. A. C. SIMMONS: ...for reminding the public that he promised to have the mountain at Mount Stinkeroo greened and now all this garbage is blowing around.

Mr. CHAIRMAN: Where did all of that come from? All you were saying, where did it come from?

Mr. D. A. C. SIMMONS: The Sanitation Authority that we are voting the money for.

Mr. CHAIRMAN: No. You said you were reading.

Mr. D. A. C. SIMMONS: Yes, Sir. Page 1910. I was just recalling.

Mr. CHAIRMAN: But we would wish to check the veracity of this.

Mr. D. A. C. SIMMONS: You want to check the veracity?

Mr. CHAIRMAN: I said the Committee would wish therefore that you state where it is coming from.

Mr. D. A. C. SIMMONS: Page 1910 of the 1992 House of Assembly Debates, Sir. I am going to pass it for my friend to see his words.

Aside.

Mr. D. A. C. SIMMONS: You never made any promises or gave any assurances. He gave the whole country an assurance that when the mountain developed it would be greened and the Prime Minister himself had to go up there three Fridays ago and see all the nastiness blowing all about the place. Far from being green it was variegated in colour.

Hon. B. M. TAITT: Mr. Chairman, I think that the Honourable Member has justified the position which I took because as I spoke then those are the pages he has quoted. I do not need to see them. I accept his words that he just read accurately. I recall, he was, for example, able to read that I got $100 000 from PAHO. He has not said that we did not enclose the landfill so that is a promise I made that has been kept. He did not say that the methodology for running the landfill was not what I said it should be. The methodology was established. He has not denied that.

The Honourable Member did not say that we discussed the capping of the old landfill and that has been done. The Honourable Member did not say that. What the Honourable Member is now discussing is that a problem developed with regard to the new landfill and that the new landfill methodology was varied at a time when the Minister was no longer Minister.

Aside.

Mr. D. A. C. SIMMONS: He is telling him to be careful.

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

Hon. B. M. TAITT: The Honourable Member should have been fair in recognising that at the time I spoke that we were discussing the new landfill and how it should work. The Honourable Member does not, for example, make reference to the fact that the Pulverization Plant which was supposed to be in operation immediately around the same time never came into operation until a few weeks ago because of some difficulty in getting a part for the plant. The Honourable Member could have helped his constituents to understand that the method of rolling and covering on a daily basis, which was set down as a matter of policy, was not carried out for whatever reason.

I am saying categorically that a landfill will not have odours if the method of landfilling is carried out, at the end of every day, and that was the policy. That is the only point I am making that that policy was laid down. I spoke it in here. I spoke it at the opening and I laid it out in writing. It is the policy that they were supposed to roll the landfill, cover it and if anyone knows how it is done, you deposit in a certain corner of the landfill on Monday, you roll and cover that while you deposit in another corner on Tuesday. I have not — and the only reason I said that was I ceased to be Minister so I have not been to the landfill since some time ago. I cannot deny that it is a mountain because I do not know.

5.50 p.m.

All I am saying is that if the methodology which was laid down as policy had been followed there would have been no cause for anyone .to be concerned about how stink the landfill was. There may be mitigating circumstances. For example the loading of all the trees from the Chefette site into the landfill, the deposit of all kind of tyres and other debris which was supposed to go on one side which have found their way on to the landfill. The failure to use a number of techniques. The inability because of financial constraints to put into place the weighing device. Much of the debris which finds its way into the landfill ought to be paid for. It is about time that those who put out commercial garbage paid for it.

We have a situation in Barbados where the Sanitation Service Authority continues to have money going down the drain while it is moving debris and refuge that is in fact commercial debris and commercial refuse that should be paid for. In every country in the world if you have commercial debris and commercial refuse you pay for it and you pay realistically. The Sanitation Service Authority by now should be in a position to charge realistic rates. It is years since the system of charges has been waiting in the Sanitation Service Authority to be brought to bear. I have no difficulty and I do not intend to raise questions that will redound to the discredit of anybody. But I will not take the responsibility for policy which I did not lay down. I am stating categorically that if the policies which this Minister laid down had been carried out.

Asides.

Hon. B. M. TAITT: I am saying that *it* is about time that we deal with the real issues relating to the Sanitation Service Authority. We cannot go on pussyfooting about them.

Aside.

Hon. B. M. TAITF: It has nothing to do with any Board. It has to do with a psychological constraint on what constitutes proper management of sanitation. It has to do with both Members of the Opposition and elsewhere recognizing that there are certain things which have to be done. I am not going to resile from the position I have taken. The Honourable Member is quite right. When we opened the new landfill we had a tabular raza. We had a situation where all bets were off, we had closed off the old landfill and we had prepared a state of the art new landfill. I say it is a despicable situation where that landfill, in such a short time, could have acquired the reputation in worse measure than the old landfill.

I make no apology for saying that I am bitterly disappointed that it could be in that state. I am saying that there is no reason why it should have been. The simple system of carrying out landfill management would have resulted. There is no problem. I have no difficulty. I am stating categorically that the Honourable Member is right and that that is what I said. Those were not promises. Those were simple straightforward statements of policy. That is my position and I stand by it.

Mr. CHAIRMAN: The Honourable Member for St. George South.

Mr. L. R. TULL: Talking about promises, Mr. Chairman when the Pulverisation Plant was promised, when the Government in 1974 or 1975 promised that they would construct the Pulverisation Plant at Workman's in St. George, at that time I strenuously objected to it. But it was sweetened by a promise from the Government two things. One is that they would do all of the roads leading into Workman's because of the number of trucks that came in on a daily basis. Scores of trucks come in and are still coming in on a daily basis, and they promised that the roads would be well maintained. They have not stuck to that promise. The roads in parts of Workman's...

Aside.

Mr. L. R. TULL: Yes. You were a Member of the Government in 1974, unlike some of the others. The roads were maintained during the period that we were in Government. The roads are in a dreadful state of disrepair at the moment. It is a promise that they have not honoured.

But in addition to that, Sir, they had as a major selling point to resistance in the district about the Pulverisation Plant being sited there, they said that after a few years the landfill would be filled up and that they would create a large playing field, that the land would be extremely fertile from the waste and that they would create a large playing field for the people of Workman's, Milton and Jordan's. The landfill has been closed now for I believe over a year, Sir.

Aside.

Mr. L. R. TULL: And that Minister who has closed it has not honoured the promise that he also made in 1975 that they would then go in and construct a playing field...

Hon. B. M. TAM: On a point of order, Sir. In 1975 I was the Mlnister of Trade, Industry and Commerce. I made no promises in 1975.

Mr. L. R. TULL: And that is the year as Minister of Trade, Industry and Commerce that the Honourable Member for St. Michael West spoke very powerfully, in another place, about the benefits that would come to the people of Workman's and the surrounding areas when the landfill was completed.

Hon. B. M. TAITT: On a point of order, Sir. He is getting confused. The Minister who spoke powerfully about the benefits that were coming was the Honourable Member for the City. That was the Honourable Member who opened the landfill at Workman's. Not me, Sir.

Mr. L. R. TULL: At the time the Honourable Member was a Member of the Other Place. The Leader of the Other Place in those days never spoke very much. The Honourable Member for St. Michael West did all the speaking at that time. He gave that undertaking at the time. I come way beyond that. I am asking when is the Government going to honour the promise that they made to the people of Workman's that they will now grasp the vast acreage and construct the playing field that they had promised the people almost 20 years ago.

Mr. D. A. C. SIMMONS: I do not want to prolong this debate, Sir, but the Minister of Foreign Affairs...I find some very difficult points of principle to reconcile. The former Minister of Health held that position for about 6 years. He came in here 15 minutes ago complaining that the Sanitation Service Authority for whom he had responsibility for 6 years has not been charging commercial rates and they should be charging commercial rates. He has not told us whether for the 6 years when he was Minister he ever issued a directive as a matter of policy to invest...

Hon. B. M. TAITT: On a point of order, Sir, if the Honourable Member would give way. The answer to the question is yes, on more than one occasion.

Mr. D. A. C. SIMMONS: And then why was not *anything* done about it?

Aside.

Mr. D. A. C. SIMMONS: If you give your Board...

Hon. B. M. TAITT: If the Honourable Member would give way, Sir. For humanitarian reasons for *which the* Honourable Member in another capacity is fully seized.

Mr. D. A. C. SIMMONS: I do not understand. I am submitting that if a Minister sets a policy that the authority should investigate the ramifications of charging a commercial rate for certain types of its service, the Sanitation Authority would then direct its management to study the problem and come back to the Board with a paper. I would expect that. In due course the decisions of that investigation by management and the Board should reach the Minister. It can either work or it cannot work. But if it persists after 1 year, eighteen months, 2 years and *nothing* is done, I would expect *the minister to go* back to them again. And if they did nothing about it, it was not a reflection of the Minister's competence but rather the board's incompetence or inefficiency. What should have been done then is that the Minister should have revoked the instruments of those incompetent members of the Board.

Aside.

Mr. D. A. C. SIMMONS: I do not know. I am just saying what should have happened. I am just saying what should have happened. But to come in here now and complain that for 6 years the Sanitation Authority ...
6.00 p.m.

All right I withdraw the ...

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

Hon. B. M. TAITT: I think that the strictures which the Honourable Member is making would be valid from the point of the new landfill. Let us take that point. Even though the Honourable Member might be correct in that directives were given before, I am saying that in between the time of the beginning of the new landfill and the present, that is the point I was making, that in between the time of the commissioning of the new scientific landfill and the present, that the commercial rates ought to have been in place. That is the point I am making.

Mr. D. A. C. SIMMONS: That, Sir, would have been about 3`/z years ago. Anyhow, I am not making a fuss about the time, Sir. I was addressing the principle and submitting that it seems to me that the Minister was probably vicariously proportioning blame to the Management of the Sanitation Authority or the Board. *Anyhow* that is a matter they will have to work out because I am not seized of all the details and the ramifications but, it is my submission, the gravamen of the Minister's speech was that the Ministry was not to be blamed for ...

Hon. B. M. TAITT: Sir, if the Honourable Member would give way. What we are *saying is that the Ministry* by convention must accept the blame but it must not be assumed and said that the Ministry did not do. The Ministry did all that was within its power to, do.

Mr. D. A. C. SIMMONS: Well we have now come full circle after all these hours and what the Minister is at last acknowledging is that because there was inefficiency....

Aside.

Mr. D. A. C. SIMMONS: This is my interpretation of it, Sir, that if the Management of the landfill was the responsibility of Sanitation Service Authority and that Management did not attain a standard such as would prevent the outflow or the emissions that we were getting from the dump then that was a matter directly attributable to the Management of the SSA and not the Ministry. But has to acknowledge the convention that if a department under a Minister's purview is performing at such a deplorable level of efficiency then the Minister responsible must accept responsibility for that inefficiency even though he hasno...

Aside.

Mr. D. A. C. SIMMONS: All right, Sir, I heard the answer on my left. It explains why the last Minister of Health, was moved from the Ministry of Health to the Ministry of Foreign Affairs — gross inefficiency of people in his department.

Hon. C. V. WALKER: Mr. Chairman, since I was in the Ministry the last 5 months I have actually visited and given consideration to the extension of the playing field in the area right below the Middleton area. As you know, I would know the area as well, or probably better than you. I have been there with the Manager and we have already started to look, without help even from the Public Works Ministry. We would utilise a methodology where we would build up the whole area but we are awaiting a contact *which was made* with National Sports Council.

Secondly, I do not want to get into what appears to be a personal thing *this* evening. With all due respect, Mr. Chairman, the rate at which they are proceeding ...

Mr. CHAIRMAN: The Member for St. Thomas is on a point of order. Can I have some order?

Mr. D. A. C. SIMMONS: Sir, I would hope there is nothing personal in this argument and dissention about the dump between the Minister of Foreign Affairs and myself. We have strong positions to represent and we will represent them with all the gusto we own and I appreciate his task. I hope he appreciates mine. I am representing 500 people down wind of a dump.

Mr. CHAIRMAN: Point is made.

Hon. C. V. WALKER: I am duly informed, Mr. Chairman, that they were both talking about garbage or talking garbage.

Anyhow, Mr. Chairman, as I said I do not want to prolong this matter but I would hope that what we are trying to do here today is a step to get something done. I am not going to get involved with any 6 years as to who was there when and what have you. The problem is there. Yes, the whole question of payment by commercial houses I have seen because I was looking at that and I saw that a Report was submitted to the Ministry in December 1992 and we will act on it.

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

HEAD 37 – MINISTRY OF HOUSING, LANDS, COMMUNITY DEVELOPMENT AND CULTURE – $806 828

Hon. B. M. TAITT: Mr.Cha rman, I beg to move that Head 37 for the sum of $806 828 stand part.

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

Mr. L. R. TULL: Mr. Chairman, I would like the Minister, who moved that the Head stand part, to answer a few questions in relation to this conference. I believe the Ministry of Culture is responsible for the Conference Centre. Is that correct?

The questions I want to ask:

(1) Would the Minister tell us when will the building be handed over to the United Nations? What date?

(2) Would the Minister tell us what date the contractors have given – firm dates – as to when the building will be handed over to the Government?

(3) How long has the United Nations Organisation intimated to the Government that it will require for the preparing of the building, like putting in equipment and so on for the Conference?

(4) How soon after the building is handed over by the contractors will the Government of Barbados, itself, set up equipment, furniture, *et cetera,* inside the building before handing over to the United Nations Organisation?

Hon. B. M. TAITT: Mr. Chairman, in answer to the Honourable Member's questions the Government is committed,to the United Nations to hand over the building on the 14th April, 1994. The contractors are committed by their contracts, except in one case, to hand over the buildings completed before that date. In one case although the contractual date is on the 15th April, the contractor has agreed to hand over the building before. Those are the contracted dates. The United Nations Organisation would normally require that such a building be handed over in working order at least a month before the actual date.
6.10 p.m.

But the United Nations Organisation has recognised that in the circumstances that Barbados will be doing the best it can. Only today I had meetings together with my colleagues on the Cabinet Sub-Committee that is looking after the overall programme. I had meetings with the United Nations Coordinator and we examined certain aspects relating to the preparation of the building and the preparation for the Conference. The United Nations were satisfied and have so said officially that they are satisfied that all aspects of the conference preparations were in good stead, except they had some difficulty with the dates for hand-over of the building. There were. some problems which accrued because of some security requirements of the United Nations' people when they came down and they were arranging some changes in the construction and, as a result, we had started to slip behind the

construction date. It was required, according to the United Nations and us, for an additional crew to be put on one aspect of the construction. Such additional crew has been put on and the United Nations' officials confirmed this morning that they are satisfied that, if all goes according to the plans, we will be able to meet the various deadlines.

As I thought that I had intimated earlier, one cannot do anymore than rely on the information which is given by the consultants and the contractors. But I can tell you that all of the consultants and all of the contractors involved have committed to putting in extra effort and being themselves on site to ensure that we meet the required deadlines. Immediately after the handing over of the building to the United Nations, it will be necessary for us to have a very highly coordinated programme of the placing of the equipment and material in the building to ensure that the Conference starts on time.

I will say, Mr. Chairman, in passing that in 1972 I attended an UNCTAD Meeting in Chile and the Chileans had undertaken to have that meeting. I recalled that as we were going into the opening ceremony in 1972 the Chilean workmen were still laying some carpets in some corners. As a developing country, we are hoping that we will not have that kind of problem. But it is recognised that we have undertaken a massive programme but we have faith in the Barbadian workmen and we have faith in ourselves as a country and the Chinese workmen as well. If one watches them work, one has no choice but have faith in them. Generally speaking, I would say that we are on target and if all goes according to plan we will be able to meet the respective deadlines.

I think there was one question as to whether the Go^{v}ernment will be setting up the furniture and equipment. We did in fact at a previous meeting of this Honourable House in Committee when we sought a supplementary indicate that all of the equipment and furniture would be purchased by the Government and would remain apart of the building. It will be put in after the hand-over. In other words, the chairs and so on form part and the kitchen equipment forms part of the construction. It is included in the deadline date which I indicated earlier. Those pieces of equipment which would go in after that date are the fixtures and the fittings which are movable. The electrical equipment, translating and interpreting equipment and such equipment as would normally be able to be moved. I am sure the Honourable Member will understand that — the kind of equipment which disappeared from the NCF.

Aside.

Hon. B. M. TAITT: Regarding the equipment that *was moved from the NCF* when the Honourable Member was the Minister, I am sure he is in a better position now to tell us where the equipment is. I really do not know where it is, Sir, but I am told that some equipment from NCF did not see the light of day after CARIFESTA. We are seeking to make sure that such an eventuality does not occur in the case of the equipment at Sherbourne.

The question that Head 37 stand part was put and resolved in the affirmative without division.

HEAD 42 — MINISTRY OF PUBLIC WORKS, COMMUNICATIONS AND TRANSPORTATION — $29 881

Hon. J. O. TUDOR: Mr. Chairman, I beg that Head 42 in the amount of $29 881 stand part.

Hon. D. J. H. THOMPSON: I beg to second that, Sir.

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

Clauses 1 through 4 were called and passed.

Schedule was called and passed.

On the motion of Hon. D. J. H. THOMPSON, seconded by Hon. D. W. BOWEN, Mr. CHAIRMAN reported the passing of one Bill in Committee to Mr. SPEAKER and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. J. H. THOMPSON, seconded by Hon. D. W. BOWEN, the Bill was read a third time and passed.

ORDER NO. 4 — TO MOVE THE SECOND READING OF A BILL TO AMEND THE ROAD TRAFFIC ACT, CAP. 295

Hon. J. O. TUDOR: Mr. Speaker, this Road Traffic (Amendment) Bill, 1994 seeks to amend the Road Traffic Act which in fact has been laid in Parliament before. 6.20 p.m.

Mr. Speaker, this Bill 1994 seeks to amend the Road Traffic Act which has in fact been laid in Parliament before. The act to amend the principal Act is to be cited as the Road Traffic (Amendment) Act. Sir, this amendment is a very simple one in that it is seeking to correct a few anomalies which are creating some difficulty for the administrative staff at the Ministry.

You will appreciate that the Ministry has recently started an exercise where we are trying to obtain finance from those defaulters who have failed to pay their licenses over the last couple of years or so. There are

some instances where some people have in fact paid fees where they eventually do not use the vehicle during the period of time they paid the fees for and the amendment is seeking to correct that particular problem.

I already indicated that there is some *$3 930 000* which is in arrears by defaulters with some 5 641 individual defaulters for private motor cars amounting to a figure of $2 266 600 which represents the amount of money that is in arrears for private cars. The other major category would be the one relating to lorries where there is some *$693 200* in arrears.

The Ministry has been going out to the individuals presently in default. We have recently employed 4 transport inspectors and they are going out interviewing people and seeking to bring in this money. What they are in fact finding on many occasions is that people are reporting to them that they have not in actual fact used the vehicle and this is creating some difficulty in determining whether the people are in default. The law as it stands right now demands that they are still required to pay even though the vehicle has not been used according to them. So the amendment will try to address that particular problem.

Clause 2 of the Bill seeks to provide for the Licensing Authority to refund, remit or waive monies paid or to be paid in respect of the registration of motor vehicles and road tax in cases where it is proven that such vehicles were not used kept for use or allowed to be kept for use by their owners during the period in which the taxes were paid or were to be paid.

There other clauses are, Sir, relative to the amendment and in section 121 of the Act which relates to the enforcement and administration of traffic laws. This section of the Act was amended by the Road Traffic (Amendment) Act, 1992 – 2 to increase the list of offences to which the fixed penalty system could be applied.

The Attorney General has advised that the 1992 amendment as it stands is incomplete and the concluding words "but does not operate in respect of any area or place unless a Minister by order published in the *Official Gazette* so declares" were inadvertently omitted from the amendment. The instant amendment seeks to rectify this omission and to correct some drafting errors in the same section 121(1) of the act.

We are at this time taking the opportunity to include a list of offences which will be governed by fixed penalty. For instance, the stopping of public service vehicles other than a place appointed for such purpose and this was overlooked when the 1992 amendment was drafted. It is necessary to indicate that the subsection (10) of section 121 which was included in the Road Traffic (Amendment) Act, 1992 – 2 appears ambiguous and has prevented the police from enforcing the measures prescribed in the amendment.

The 2 new sections 10(a) and 10(b) have been included in the instant bill to remove this ambiguity.

It should also be noted that the passing of the Road Traffic (Amendment) Bill, 1994 would among other things confer power on the Minister to make the relevant orders to extend the fixed penalty system to cover the following offences and increase the fines payable for certain offences to $50. The areas identified are:

exceeding the speed limit;

carrying excess passengers in a public service vehicle;

travelling on a route other than that specified; having

obscure number plates;

not having registration card affixed to the motor vehicle;

using a motor vehicle with unauthorised lights;

using a limited trade license for a purpose other than a purpose specified;

failing to produce a copy of the entry in the book setting for the purpose for which a limited trade license is being used and the proposed route of the vehicle;

stopping a minibus, motor omnibus or other public service vehicle at a place other than an appointed place for picking up or setting down passengers.

Sir, the Chief Licensing Officer during 1992 sought the approval of the Ministry of Finance to make a refund of a fee for motor vehicle license but it was discovered then that the Act did not make provision for refunds. You would appreciate, Sir, that if a person is going out of the island for 6 months it would only be reasonable for them to claim a refund for not having used the vehicle for the period they were out of the island or it may be a case of a vehicle being genuinely down, cannot get parts which happens from time to time. There is a stipulation which indicates that for a minimum period of some 3 months that the car must be down before you can in fact apply for a refund.The Act seeks to make it legal for an individual to apply for a refund in the event of non-use.

That, Sir, will be the main features of the amendment and if there is anything else to be discuss I will recommend that we discuss it in Committee.

I beg to move that the Bill be read a second time.

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

Mr. L. L. BRATHWAITE: Mr. Speaker, I rise to support this Bill and also to inform the House of a concern I have for what I consider a growing menace by the use of very high beams at night.
6.30 p.m.

I think they can be used to trace the origin of a number of accidents at night by oncoming drivers. I believe the time has come when there should be some measure of control or protection for oncoming drivers by these people who use these lights, not only excessively, but I think sometimes without due regard for other persons.

What I am thinking of, Sir, is while I recognise that it is necessary for the use of bright lights to cast your beam further ahead of you, it certainly is not intended that those beam lights must be set in such a way that they obstruct the view of oncoming drivers. I would like to think that it is possible, with the use of possibly a commanding strip on the top of the head lamp to reduce the height of that beam. I wonder if some consideration could be given to this measure of control in the interest of road safety and persons who use the roads at nights.

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

On the motion of Hon. J. 0. TUDOR, seconded by Hon. B. M. TAM', Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAJTE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 — 4 inclusive were called and passed.

On the motion of Hon. J.' O. TUDOR, seconded by Hon. W. 0. FRANKLIN, 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. J. 0. TUDOR, seconded by Hon. C. V. WALKER, the Bill was read a third time and passed.

ORDER NO. 2 — BARBADOS FOREIGN SALES CORPORATION (AMENDMENT) BILL

Hon. D. J. H. THOMPSON: Mr. Speaker, this Bill has been on the Order Paper for some considerable time and an amendment to the Bill had been circulated last week and that is what we are debating now.

Essentially, this is a Bill to give effect to very straightforward amendments to the Foreign Sales Corporation Act. Firstly, to extend the guarantee period for tax exemption for up to 30 years. Secondly, to amend the requirement to provide a copy of the declaration similar to that required under section 3(2)(d) for the renewal of a Foreign Sales Corporation licence which would make it simpler, and thirdly, that foreign sales corporations may enter into foreign sales transactions with persons resident in CARICOM States other than the State of Barbados and some other consequential amendments.

It is the last point, particularly the matter of Foreign Sales Corporations being able to enter into transactions with companies and persons resident in CARICOM States other than Barbados, which is the most contentious issue. There has been considerable debate about this matter contravening the spirit of the Treaty of Chaguaramus and particularly that aspect of regional policy which relates to the harmonization of fiscal incentives. However, the Government has taken a policy decision that we should go in this direction and that the definition of "domestic" for this purpose should not be the CARICOM area as a whole but it *should,* in fact, only be Barbados.

The advantages in this regard are, for example, that CARICOM Transnational Corporations which have US affiliates would be able to establish Barbadian FSC or make Barbados their domicile for the establishment of a FSC. There are large companies like Grace Kennedy and others which are essentially Transnational Corporations now and even though they are CARICOM Transnationals they have U.S. based affiliates. In addition to that, *in terms* of competitiveness as a whole, it was felt that the policy should be amended to accommodate trade *within* CARICOM by Foreign Sales Corporations.

Unless there are any fundamental objections, and I should be willing to answer what might be raised, I beg to move that this Bill be read a second time.

Hon. D. W. BOWEN: I beg to second that.

Hon. H. B. St. JOHN: Mr. Speaker, the three purposes that have been set out by the Honourable Minister with the amendment, I am in agreement with two. I must depart as a matter of principle with respect to the third one which relates to the capacity or the ability of a FSC to deal within CARICOM. This is bound to place our traders at a disadvantage. As I understand it, there are a number of disadvantages that our traders, particularly our manufacturers, have now in relation to other manufacturers and other traders in CARICOM. This would be just an additional one.

. I always understood it to be a fundamental pre-condition of an integration movement that one should have harmonisation of fiscal incentives in order to ensure that no undue advantage was derived by one territory granting basic fiscal concessions which . were more beneficial to its citizens, vis-a-vis *the* other citizens. Indeed, Barbados has, in pursuant of this spirit in *the* past deliberately, as a matter of policy in all of its offshore regimes, isolated CARICOM and treated CARICOM as part of the domestic market. We have done that to ensure that when we speak of *our offshore regime* we are speaking of a regime in which there is trade from Barbados to any other part of the world other than to another part of CARICOM.
6.40 p.m.

As I understand it, from the explanation given, as a matter of principle the Government has now decided that it would be possible for Grace Kennedy or a firm like Grace Kennedy, Cave Shepherd, Shipping.and Trading or Neil and Massey, the Caribbean multi-nationals to set up a US affiliate which in itself could become a manufacturing arm, which could export to CARICOM via a FSC in Barbados and have the advantages of Foreign Sales Corporation. I do not see how it is going to work. I have difficulty in seeing how it is not appreciated that there will be trading terms and conditions which would be more beneficial to such a FSC as opposed to the normal operation or a company which manufactures in any part of the Caribbean and sells in the normal way. I find it difficult

I can understand if it were said that the United States of America has required that this be done and that there was some benefits to the Barbados company if they set up a FSC in the United States domestic market. But there seems to be no compelling reason in that direction. It seems quite clear that what we are really doing here is ensuring that the domestic market of CARICOM is supplied by American FSC via Barbados.

Let us be clear. We have some disadvantages. We have currency disadvantages. We have disadvantages in relation to inputs. We have disadvantages in relation to differences in wage rates. We have differences in energy cost. We have to make sure, if we are to remain in CARICOM — and I am a rum believer of that — that our manufacturers and our traders are not placed in a further disadvantageous position. Are we really not going to export some of our manufacturing to say, the United States of America so that they can then distribute via FSC? I am not sure, Sir. I know there was a movement certainly in the aluminum furniture industry in particular to manufacture in Miami fdr export back to Barbados.

As I understand it, a Barbadian cannot be a shareholder in a Foreign Sales Corporation. But a Barbadian can be a shareholder in a BVI Corporation or a Caymanian Corporation that can own a United States Corporation.

Asides.

Hon. H. B. St. JOHN: All right. I wish to assume that a Barbadian company may not want to go this circuitous route. I am assuming that. I look at it from the other way and I ask myself, why am I going to give a CARICOM competitor an advantage when he already has? Because in introducing it...

Asides.

Hon. H. B. St. JOHN: I want to know.

Aside.

Hon. H. B. St. JOHN: The advantage obviously is the same advantage that a FSC gets. As I understand it, a Foreign Sales Corporation selling from Barbados worldwide; is not going to pay the taxes that if it were not a Foreign Sales Corporation it would pay. In other words, the- United States says that if you sell offshore as part of their export incentives to their corporations they are exempt from certain US domestic taxes and you get the benefit of some export credit.

Why am I going to encourage a CARICOM citizen to go and manufacture via the United States? I do not quite understand that because it seems to me that I want to give them an opportunity to supply my markets with goods, not from genuine CARICOM production, with the rules of origin. But I am going to say that they will export to us, pay duties because you have to pay the duties because if they do not pay the duties they would not get the CARICOM Certificate of Origin.

Aside.

Hon. H. B. St. JOHN: I understand that Therefore what I am going to do then is to encourage people to repatriate their manufacturing to the United States of America.

Aside.

Hon. H. B. St JOHN: It seems to me that we are beginning to erode it. If we are going to say that we are not going to have two regimes the regime of Barbados and CARICOM and we are going to have the offshore regime excluding them. We have the Chinese wall around them. We are now breaching that wall and allowing FSC. Sooner or later we are going to allow other things.

I want to say this, Sir, that I have noticed already, recently, that Trinidad and other countries are

allowing foreign accounts. Barbados does not allow it. You have to apply to the Central Bank to get all kinds of permissions in order to have it. It is something that is worrying me because all of us pledged in our respective Manifestoes that we were going to allow traders and others to have foreign accounts so as to be able to deal with the reality of *intra-regional trade* in US dollars. That is what we have now, intra-regional trade in US dollars. Again if you have a FSC it is going to be at an advantage. I am only pointing out these things to say, Sir, that this is a matter that is intertwined with a lot of other areas of activity. I know. Mr. Speaker, Sir, I *can tell you* some of the complaints with respect to the fact that the so-called playing field is becoming more and more unlevelled are genuine. I am not one of those who is going to say that because the manufacturers or others say that they have complaints that they are just people who are griping.

There are certain physical, legal, economic impediments that we have that the others do not have. We have some advantages but we also have some disadvantages. I am very worried. I have not had the opportunity to think this right through, to discuss it right through, but *prima facie* to me, Sir, I am very worried about that part of the Bill. I am in favour of the amendment in respect of the guarantee for 30 years. They want the guarantee. It is added value to us to have FSC here, to have the maintenance cost of the FSC, you have the employment secretariat.
6.50 p.m.

The other thing that we have is this. We have to look at our offshore regime very seriously. I understand that the Canadian Budget has just been passed and it is going to have some impact on the beneficial arrangements that we have. I am getting the budget down. It is promised to come this weekend. We will be trying to study that. I know that Jamaica, for instance, has a different attitude to us in relation to trade liberalisation. They feel quite confident that with the slide in their dollar they can compete with anything. They feel they do not need a phasing in period. They feel that they can live but they are not going to get in there because the preponderance of opinion is that you are either going in as a region or you will go in and be sacrificed as an individual.

I just want to look at this in the context of all of the arrangements that were built up over the years, the good advice of people like Sir Arthur Lewis and others were careful in their warnings "do not try to slip in an advantage over another CARICOM *country by doing* this."

We have had tremendous difficulty *in* CARICOM by the fact that some countries went ahead and abolished income tax. I know for a fact that there are Barbadian *entities that* used other CARICOM countries who have no income tax as a means of *diverting tax* revenue which is legitimately Barbados because the invoicing and the services are allegedly performed in that other country and they pay no tax. And we do not have a double taxation convention among the members. There is a double taxation convention between the more 'developed countries and the lesser developed countries. All of the lesser developed countries do not honour it. Some honour it. But the time has come for us to look at this with a clear head. We all want a regime which would make us competitive. We are not objective for the sake of it. We all want a regime. What we want is a certain regime, a regime that is built up in which we try to get a regime right through the Caribbean in which there could be genuine competition. I cannot support this part of the Bill.

Hon. D. J. H. THOMPSON: Mr. Speaker, Sir, I understand the concerns which the Honourable Member has raised. I wish to begin by saying that I think you have to look at this, not from the perspective simply of a CARICOM Multi-national Corporation. That really is the wrong perspective because they are not going to be the major beneficiaries in this change. There are not enough of them who are doing manufacturing in the United States for which such a benefit is going to accrue and the likelihood of them doing it anyway, as you know, is very dim. There are going to be very few who could benefit from this. The benefits are to US Manufacturers which established FSC in Barbados and Barbados is the domicile but the benefits accrue in the United States by way of export credits or credits on the exports which they generate from United States manufacture.

Now, the problem is that in choosing a domicile there are not that many countries in the Caribbean which facilitate this because not all of them are signatories to the U.S. Tax Exchange Information Agreement. I do not know how many there are in CARICOM. As I understand it there are just two. But then again you mentioned, and quite rightly, that there are United Kingdom dependencies like Bermuda and Caymans for *which* that added advantage makes Barbados less competitive because once you say that you are restricting the ambit of the opportunity of the export credit and saying you must be only outside of the CARICOM region then you are placing yourself at an unnecessary disadvantage. I cannot think there could be *enough* examples of CARICOM manufacturers who are going to be manufacturing in the United States who will use that methodology to benefit by way of establishing *u* FSC in Barbados for export credit. Sir, I cannot imagine that it would be worth it. The fact that it is worth it for United States producers is a different matter and is what essentially we try to encourage by way of this legislation.

The Honourable Member for Christ Church South is also aware that as foreign investment takes place in the Caribbean, if we say we are attracting foreign

investments there are going to be certain inconsistencies that are going to develop in the way in which fiscal incentives emerge from state to state. This is not an attempt by Barbados to seek, Mr. Speaker, to take advantage of an incentive over other CARICOM countries because there are so few of them that are in fact domiciles for FSC. Therefore one should not view it as forming part of any effort by Barbados to cut into the spirit of the Treaty of Chaguaramus or the attempt at harmonisation of fiscal incentives.

Frankly I do not know that we are going very far on this issue of harmonisation. If the Honourable Member for Christ Church South thinks we are going far I do not because I have seen it. We are trying with the double taxation treaty for the region but again Barbados is singular in its objection to the principle of that treaty and particular the taxation at source principle. So once again we are somewhat out of line. I think the other CARICOM countries are ready to proceed but we have to make sure that our view on this matter is very clear because while there are countries that are trying to do their own thing and can get the CARICOM Secretariat to move the treaty in that direction, we have built our offshore sector on certain advantages and precepts which we think are desirable and we have to ensure that any double taxation treaty in the region, which impacts on the advantages which we have as a domicile is looked at carefully. So we are not going to be in any hurry to surrender our position on our principle involved in the taxation at source concept.

Regarding the issue for foreign accounts I support a more liberal foreign exchange regime for Barbados. This Government supports it and I hope within the coming months we might be able to announce, depending on the performance of the economy and particularly the state of the reserves, because these things have to be developed incrementally, we will be looking at a more liberal foreign exchange regime. I have no doubt about saying that. In fact I believe it would be a boost not only to the export sectors but to confidence and also I am certain would reduce any prospect of speculation although right now there certainly is not any.

The final point I want to _make, Mr. Speaker, relates to the developments in Canada. We keep a very close eye on what is happening in Canada. The Budget 'has already been flown down to Barbados with all the details and I have an extra copy which I would give to the Honourable Member if he wishes and he can see what impact the Budget has on those items which form part of the exempt surplus which are now being caught by the tax net in Canada. As I understand it, it is not a significant problem for us.
7.00 p.m.

But if this is the direction in which the Canadian Ministry of Finance is moving then we have to be conscious of that and have to ensure that we adjust our own domestic legislation to keep pace with those developments in Canada. This is something that we need to do. What we have decided as a Government is to seek to retain persons to draft up-to-date legislation because we-simply cannot get the legislation fast enough out of the CPC's Office with all of the other things they are doing and the Offshore Advisory Committee therefore retained somebody to complete some of the more modern legislation. I think that we will retain somebody to look at the IBC Act again and we continue to have the input of the accounting firms on developments taking place in countries for which Barbados is a domicile for their investment and for the establishment of various investment vehicles.

I understand the concerns which the Honourable Member for Christ Church South has. Perhaps I did not address them adequately at the beginning. I cannot imagine that this change will have as fundamental an impact as he suggests. But in the event that it did and we felt that it were a severe impediment to the development of some aspect of harmonization or our obligations to CARICOM, I will give the undertaking that we would review it because it is not our intention to seek to get any advantage over other sister countries in the region. We certainly are not doing this as an effort to make Barbados unique in relation to what is happening in other CARICOM countries. We are only doing it from the point of view of competitiveness and we think that it is a small matter.

With those few words, I beg that this Bill be read a second time.

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

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

On the motion of Hon. D. J. H. THOMPSON, seconded by Hon. D. W. BOWEN, 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 through 8 were called and passed.

On the motion of Hon. D. J. H. THOMPSON, seconded by Hon. D. W. BOWEN, Mr. CHAIRMAN reported the passing of one Bill in Committee to Mr. SPEAKER and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. J. H. THOMPSON, seconded by Hon. D. W. BOWEN, the Bill was read a third time and passed.

ORDER NO. 1 — TO MOVE THE SECOND READING OF A BILL ENTITLE THE MERCENARIES (CONVENTION) BILL, 1993

Hon. B. M. TAITT: Mr. Speaker, this matter is to finalize the legal situation with regard to the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries. The Convention was adopted at the United Nations on December 4, 1989 by a General Assembly Resolution. Very briefly, Mr. Speaker, it aims to ensure respect for the sovereignty of state, especially small states, and the stability of governments.

Mr. Speaker, you will recall that back in the late 1970's and early 1980's there was great concern among countries of our size that the possibility existed that mercenaries from the more developed countries especially could be recruited in and brought to assist in destabilizing governments. In some instances, we had evidence of it occurring in Africa and other places. During 1981 to 1984 the Barbados representation at the United Nations played an important role in putting together the framework within which this Convention emerged. Indeed, one of our Ambassadors at the U.N., Ambassador Moseley, chaired the *ad hoc* Committee at some point which was responsible for drafting the report which went to the Sixth Committee, which is the Legal Committee at the United Nations and eventually emerged as the Convention. It was passed in 1989 and Barbados acceded to the Convention in 1992. Having acceded to the Convention, it is now necessary for us in keeping with the system to make it part of our domestic law and hence this Bill now comes before the House.

Mr. Speaker, if the time was earlier and there was the need to explain it in great detail, I would spend some time going through the various Articles of the Convention. Suffice it to say that the Bill itself has outlined very carefully the construction of the Act, recruitment of mercenaries and participation of hostilities. It has defined very clearly the particular criminal jurisdiction, extradition, penalties and prosecution for the offences and it seeks to provide a network of safety against mercenaries. I am assured by the Honourable Members on the other side in whose regime the initial work for this matter would have started that there is no aspect of it that presents a difficulty for them. Sir, with the understanding that, if there are any questions, I will answer them in detail. I beg to move that this Bill be now read a second time.

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

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.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 through 12 were called and passed.

First Schedule and Second Schedule were called and passed.

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

On the separate motions of Hon. B. M. TA17T, seconded by Hon. M. A. KING, the Bill was read a third time and passed.
7.16 p.m.

ADJOURNMENT

Hon. B. M. TAITT: That brings us to the end of Government Business for today. I do not know if the Opposition is ready with the business they wish to proceed with. I beg to move that the House do now adjourn until Tuesday, March 15, 1994 at 12 o'clock noon.

Hon. D. J. H. THOMPSON: Mr. Speaker, I beg to second the motion for adjournment and I wish to inform the House as I thought I had to the Leader of the Opposition that the proposed date for the commencement on the debate on the Appropriation Bill colloquially called the Estimates Debate will be March 16 and we will continue until March 22. I got the impression we had developed this practice and we had decided to continue with that. So we will have 3 days of debate in that week and two in the following week and then the Senate will debate thereafter.

I beg to second the motion for adjournment.

Hon. B. M. TAM': As a matter of Business of the House I just want to inform Honourable Members that the Draft Estimates are likely to be circulated as early as next week and as soon as they are ready they will be circulated so Honourable Members need not worry about our not having laid them this day. They are in the process of being prepared and will be circulated in sufficient time. Honourable Members will have an opportunity to examine them in great detail. I also draw to the attention of

Honourable Members that we are in fact coming back on Tuesday,to finish any outstanding work *which will* be here *after which we* will adjourn or we will suspend until the appointed hour, for the Estimates the next morning which will be the Wednesday morning.

The question that the House do now adjourn until Tuesday, March 15, 1994 at 12 o'clock noon was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

7.20 p.m.

CONTENTS

MINUTES

Hon. B. M. TAITT 4352

Confirmation of Minutes of Tuesday, February 22, 1994.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER 4352

Receipt of a letter dated 28th February, 1994 from His Honour T. C. Estwick informing of his resignation as Deputy Speaker of the House of Assembly with immediate effect

FIRST READING OF BILLS

Hon. B. M. TAITT 4353

The Supplementary Appropriation (No. 3) Bill, 1994.

OBITUARY SPEECHES

Tribute to the late Mr. Owen T. Allder, former Member of the House of Assembly. Condolences expressed to his family.

Hon. B. M. Taitt, 4353; Hon. H. B. St. John, 4354; Mr. D. A.. C. Simmons, 4354; Mr. Speaker, 4354.

SUSPENSION OF STANDING ORDERS

Hon. B. M. TAITT 4355

Suspension of Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 for the remainder of the sitting.

GOVERNMENT BUSINESS

ORDER NO. 5 — THE SUPPLEMENTARY APPROPRIATION (NO. 3) BILL, 1994 4355

Hon. D. J. H. Thompson, 4355, 4377; Mr. D. A. C. Simmons, 4356; 4358, 4360, 4361.

RESUMPTION

ORDER NO. 5 (RESUMED)

Hon. M. A. King, 4362; Hon. C. V. Walker, 4364; Mr. L. R. Tull, 4364, 4365, 4366; Mr. E.

E. Greaves, 4367, 4369; Hon. H. B. St. John, 4370, 4371; Hon. J. O. Tudor, 4371, 4372; Hon. B. M. Taitt, 4372, 4373, 4376.

HEAD 25 — MINISTRY OF AGRICULTURE, FOOD AND FISHERIES — $1 373 522 4378

Hon. H. B. St. John, 4378, 4380; Hon. D. W. Bowen, 4380.

HEAD 28 — MINISTRY OF JUSTICE AND PUBLIC SAFETY (AS AMENDED) — $1 950 763 4381

Mr. D. A. C. Simmons, 4381; Hon. M. A. King, 4381.

HEAD 36 — MINISTRY OF HEALTH — $1000 000 4382

Hon. C. V. Walker, 4382, 4386; Mr. D. A. C. *Simmons,* 4382, 4385; Hon. B. M. Taitt, 4383; Mr. L. R. Tull, 4384.

HEAD 37 — MINISTRY OF HOUSING, LANDS, COMMUNITY DEVELOPMENT AND CULTURE — $806 828 4386

Mr. L. R. Tull, 4386; Hon. B. M. Taitt, 4387.

HEAD 42 — MINISTRY OF PUBLIC WORKS, COMMUNICATIONS AND TRANSPORTATION — $29 881 4387

Hon. J. 0. Tudor, 4387.

ORDER NO. 4 — THE ROAD TRAFFIC (AMENDMENT) BILL, 1994 4387

Hon. J. O. Tudor, 4387.

ORDER NO. 2 — THE BARBADOS FOREIGN SALES CORPORATION (AMENDMENT) BILL, 1994 4389

Hon. D. J. H. Thompson, 4389, 4391; Hon. H. B. St. John, 4389, 4390.

ORDER NO. 1 — THE MERCENARIES (CONVENTION) BILL, 1994 4393

Hon. B. M. Taitt, 4393.

SUSPENSION 4362

ADJOURNMENT 4393

Hon. B. M. Taitt, 4393.

SPEAKERS IN THIS ISSUE

BOWEN, Hon. D. W. (St. Michael South Central) GREAVES, *Mr. E. E.* (St. Lucy) St. JOHN, Hon. H. B. (Christ Church South) SIMMONS, *Mr. D. A. C.* (St. Thomas) *TAITT, Hon. B. M.* (St. Michael West) THOMPSON, Hon. D. J. H. (St. John) TUDOR, Hon. J. O. (St. Michael East) TULL, Mr. R. L. (St. George South) WALKER, Hon. C. V. (St. George North)