

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, January 24, 1995

Pursuant to the adjournment, the House of Assembly met at 11.25 a.m.

PRESENT

His Honour I. A. ROETT, (Speaker) B.A., Dip. Ed.
His Honour R. D. MARSHALL, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.),

J.P.

Mr. H. deB. FORDE, Q.C., M.A., LL.B.

Mr. L. A. WEEKES, G.C.M., J.P.

Hon. O. S. ARTHUR, M.Sc. (Econ.), (Prime Minister, Minister of Finance and Economic Affairs and Minister for the Civil Service)

Hon. D. A. C. SIMMONS, Q.C., LL.M. (Attorney General and Minister of Home Affairs)

Mr. D. J. H. THOMPSON, LL.B. (Hons.)

Hon. Sir Harold St JOHN, Q.C., LL.B.

Hon. Miss B. A. MILLER, (Deputy Prime Minister, Minister of Foreign Affairs, Foreign Trade and International Business) (Leader of the House)

Mr. J. O. TUDOR, J.P.

Hon. G. W. PAYNE, (Minister of Public Works, Transport and Housing)

Hon. R. C. EASTMOND, J.P., B.A. (Hons.), Dip. Ed., LL.B.(Hons.), L.E.C. (Minister of Agriculture and Rural Development)

Dr. R. C. HAYNES, M.B., ChJB., F.R.C.P. (Edin.)

Mr. D. CARTER

Hon. R. N. GREENIDGE, B.A., LL.B. (Minister of Labour, Community Development and Sports)

Mr. G. A. CLARKE, (Parliamentary Secretary, Ministry of Public Works, Transport and Housing)

Mr. J. M. EDGHILL

Mr. F. J. STUART, B.A., LL.M.

Mr. W. C. C. CALLENDER, J.P., B.A., Dip. Ed., B.Sc. (Chairman of Committees)

Mr. H. F. LASHLEY

Mr. R. St. C. TOPPIN, LL.B.

Mr. D. St. E. KELLMAN

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Health)

Hon. Miss M. A. MOTTLEY, LL.B. (Minister of Education, Youth Affairs and Culture).

Prayers were led by Rev. Ivan Harewood. Mr.

SPEAKER: This House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, January 17, 1995.

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that the Minutes of the proceedings of the Honourable the House of Assembly of its meeting of January 17, 1995, which have been circulated, be taken as read.

Hon. O. S. ARTHUR: I beg to second that, Sir.

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

PAPERS

Hon. O. S. ARTHUR: Mr. Speaker, I am commanded to lay the following:-

1. The Second Report of the Electoral and Boundaries Commission.
2. The Draft Electoral and Boundaries Commission (Review of Boundaries) Order, 1995.

GOVERNMENT NOTICES

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to give notice of the following:-

1. Resolution to approve the Draft Electoral and Boundaries Commission (Review of Boundaries) Order, 1995.
2. The Vagrancy (Amendment) Bill, 1995.

FIRST READING OF BILLS

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that the Vagrancy (Amendment) Bill, 1995 be now read a first time.

Hon. O. S. ARTHUR: I beg to second that.

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

SUSPENSION OF STANDING ORDERS

Hon. Miss B. A. MILLER: 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 the day's sitting.

I would also like to say, Mr. Speaker, that at or about the hour of 2.15 in the afternoon I propose to call Private Members' Business at which time it is expected that the Leader of the Opposition will initiate debate on his Resolution which numbers under Private Members' Business, No. 2, the Resolution against the Introduction of Casino Gambling in Barbados, and to say, Sir, that after consultation between myself and the Leader of the Opposition and the relevant permissions having been required of Your Honour, that it is expected that that portion of today's debate, the debate in respect of Private Members' Business, will be broadcast live on radio and television.

Hon. O. S. ARTHUR: I beg to second that.

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

Mr. SPEAKER: I would like to inform this Honourable House that a request has been made of me for permission to televise live and broadcast the Private Members' debate starting at 2.15 p.m. I have spoken to both the Leader of Government Business and the Leader of the Opposition and they have assured me that they have agreed. I therefore give my permission for this debate to be televised and to be broadcast.

GOVERNMENT BUSINESS

ORDER NO. 5 - THE JURIES (AMENDMENT) BILL, 1995

Hon. D. A. C. SIMMONS: Mr. Speaker, this Bill for the consideration of Honourable Members seeks to amend the existing Juries Act, Cap. 115B. For as long as I can remember, we have had a system in Barbados where we have chosen jurors to render service in criminal cases as of right. Section 44 of the existing legislation allows for the right to trial by jury in certain types of civil cases including malicious prosecution, libel and slander.

There was a time when the right to serve as a juror was severely limited by considerations of wealth or lack of it, and property or lack of that, so that when most of us were growing up as boys and girls in the 40s and early 50s, there was a vast number of persons who were denied the opportunity to serve as jurors because they did not qualify in the sense that they did not have the money or the annual income that was necessary, or on the other hand, that they were not property owners of a sufficient value. Those restrictions on the ability to serve meant that jurors were chosen from a very narrow class of persons who had substantial wealth principally. Of course, the origins of the jury system date back to perhaps about the 13th Century in England and we naturally imported, as good and faithful colonials then, the system which largely was laid down for us in England. 11.35a.m.

When the jury system was first introduced in England, it was that jurors were chosen as persons who were likely to know what happened in the particular community or locale. And so Pollock and Maitland in their book "The History of English Law" remind us that in the 13th Century:

"It was the duty of jurors so soon as they have been summoned to make enquiries about the facts of which they will have to speak when they come before the court."

They must collect the testimony, weigh it and state the net result in a verdict. Medieval juries came more to speak than to listen. Contemporary juries listen and hardly ever speak, except at the time of delivering their verdict. By the 16th Century the former active jurors who used to speak a lot were transformed into passive courtroom triers of facts. That is essentially the role of a jury to find facts rather than to make pronouncements on the law. For as long as we can remember we had a jury system and I endorse entirely what Lord Denning said in the case of *Ward v. James* about 1964, that the jury has been:

"The Bulwark of our liberties for too long for any of us to seek to alter it."

In December I had occasion to address the Barbados Association of Journalists and I emphasized then that the right to jury trial in defamation cases was a bulwark which

helped in propping up a person's right to an interest in his reputation and character.

I think, Sir, from my own experience of more than 25 years that wherever somebody is on trial for serious crime or as I have recently had to reinforce in one of the cases brought by Mrs. Ram against the NATION where a person's character or reputation is at stake or indeed deliberately lying there really is no substitute for the system of jury trial.

I just want to mention, in passing, that I have indicated that the Government will be bringing a new defamation Bill and I am providing for that in the first draft of that Bill which will be circulated to members of the press and the profession within a few weeks. The first draft is ready. I have made my own comments on it for Amendments to what has been drafted. It has gone back to the draftsman and by the middle of next week I hope, I should be in a position to send it out to all sections of the media, the judges, the Bar Association and other interested parties for comments to come back to me by about the 15th March. I think that would be a fair enough time. Thereafter, we will take into account the various comments and submissions of those who have seen the legislation before I bring the Bill to Parliament. But just to say that I am on schedule to keep my promise that I will have a new defamation Act before May and it could be as early as April. In that Bill, as I said, I am providing for the retention of the right to jury trial notwithstanding that some of the places from which we get precedents, some of the places whose legislation informs our legislation have suggested that defamation cases should be tried only by judges. I am not proposing that for Barbados. I have seen no compelling arguments to cause me to abolish the right of jury trial in civil cases. The fact that it may appear to have fallen into desuetude over time, is no reason for the complete abrogation of the right to jury trial.

Mr. Speaker, the Bill before the House seeks to amend the existing Cap. 115B principally to ensure that the basic aim of jury service is attained untrammelled and that aim is, that every person who is duly qualified to render jury service should do so.

The mischief which the Bill seeks to correct is a growing reluctance by persons selected for jury service to render service because there has been interference or intimidation on the part of employers who would seek to interfere with their employees' right to render service. The profession has been concerned and the Judicial Council has made representations to me for the Amendments which are before us today because they have been made aware that several employers have been upset that their employees have been selected for jury service and they have made it difficult for them to perform.

I just wish to mention too, the unsavoury practices that employers in Barbados have resorted to in the last few years to circumvent their employees right to render jury

service. First of all, some employers, it is known to us, have actually deducted sums from the salaries of employees who have gone on jury service.

Secondly, other employers have threatened their employees with dismissal if they sat on juries. The upshot has been that in the last few years there have been too many applications on the part of employees to be excused from jury service and, I am advised, that many of those applications have been made on the flimsiest possible terms.

The situation got so bad, Sir, that in 1994 I believe a judge, during Assizes, was forced to issue a general warning to employers. We have heard of an official in the banking sector who was trying to drum up the support of his colleagues, as it were, to petition against bank employees doing jury service. That is altogether wrong and offensive. I am not prepared to tolerate it, Sir. That is one of the reasons why this Bill is before you. That kind of behaviour is entirely contrary to the true rationale for jury service and it is to deal with situations like that and those which I have outlined before that this Bill is before you. 11.45a.m.

The qualifications for jury service are set out in Part 2 of the Act in Section 4 and, as it stands now, anybody between the ages of 18 and 60 who is a citizen of Barbados and is able to read and write the English language, and who has some land of a site value of not less than \$960, or is the occupier of land with a site value of less than \$1400 or has paid property taxes of not less than \$960 for the year and so on is eligible for jury service.

A lot of people do not know the disqualifications from jury duty or what prevents you from serving as a juror. I just will remind Honourable Members of the following. You cannot serve on a jury if you have become convicted of any serious offence, not little capital offences. You cannot serve on a jury if you are illiterate, if you are of unsound mind, deaf or blind, bankrupt or about to be bankrupt and making arrangements with your creditors. There is a category of persons that is referred to as "exempt", not disqualified but exempt, and the following types of persons are exempt from serving on a jury: Members of the local Privy Council, Members of Parliament, judges, magistrates, ministers of the Christian religion, heads of diplomatic missions, consular officers, members of the Defence Force, Police Force, Judicial Council in the Public Service who are rendered exempt by regulations made by the Judiciary Advisory Council, Commissioners of Probate, lawyers, officers of the Courts, medical practitioners and of course the spouses of those various persons.

Apart from those persons who are disqualified or exempt, almost everybody else would be liable to render jury service once their name is entered into the Jurors Book and the Registrar develops the list after consultation or written requests made to various Departments which are provided for in the law including the Income Tax Department, Land Tax Department and so on.

So that allowing for those who are exempt and who are disqualified, there is still a large residual group of persons who are eligible for service and whose names appear in the Jurors' Book. I suppose, Sir, after 25 years practising in Barbados I have been able to see a change in the composition of juries. When I first returned to practise here in 1970, the Juries Act was passed in fact in 1970 and I suspect that I came back at a time just after it had been enacted. Comparing the 1970's with the 1990's, I think that I can safely say that Lord Devlin's famous description of the jury in England is true of contemporary juries in Barbados with one writing. His description of juries, of course, was that the jury in England when he wrote towards the end of the 1960's was that juries were predominantly male, middle class, middle aged and middle minded. That is probably true of Barbados except that after the silent revolution of women in the 1980's for equal rights. I think that one would have to put a gloss on Lord Devlin's observations to say that nowadays there are probably equal numbers of men and women who appear for jury service. But when I first came back, there were few women and we were well included within the ambit of Lord Devlin's comment.

It has also been my experience, Mr. Speaker, that I think by and large generally and in most cases juries return the correct verdict. I have certainly in my experience of any case that I did, come across a verdict which was perverted and I have heard of none. Very few appeals are allowed on the ground that the jury themselves returned a verdict that was unsafe or unsatisfactory. It is usually that there was an error of law made during the summation. Well, that has nothing to do with the jury. So my submission is that Barbados has been well served certainly since we had a Juries Act in 1970 by the jury system which we have had. We should seek to preserve and indeed to enhance the quality of service delivered by the juries.

I, therefore, deprecate the attempts which have been made, some overt and some subtle, to prevent potential jurors from performing their civic duty. The Bill which I am introducing is designed to strengthen the right to jury service and to penalize those who seek to interfere with it unreasonably or unnecessarily.

If I can just take Members through the main features of the Bill which is quite short: Clause 2 extends the qualifying age from 16 to 65. I do not see that there can be any quarrel with that.

Aside.

Hon. D. A. C. SIMMONS: People will be glad to do it, as my friend on the other side has said. I think that in England they have extended it as far as 70 or 72, but ours is presently 60 and we are taking it up to 65 in Clause 2. 11.55 a.m.

Clause 3 is the clause that aims to deal with the mischief of which I spoke earlier. First of all, we are providing in a new Clause 25(a) that an employee who has been summoned for jury service as soon as he receives a summons must inform his employer that he has been summoned for jury service.

This will mean a change in the form of summons that will go out after this Bill has been passed to jurors. The form of the summons, as I envision it, but it is a matter for the Registrar and her officers to design, but what I am suggesting is that the form be in two parts and the second part be perforated so that the employer, first of all, will record on the second part the fact that he has seen the summons and he knows that the employee is going to do jury service and the employee will then bring that part that is torn off with him to Court on the opening of Assizes or when he is summoned, show the Clerk of the Court that the employer has endorsed the fact that he has seen it on the form and then we will keep it as a record so that the employer knows.

That was not in the law before, but if we are going to make employers punishable in respect of how they treat their employees on jury service then we must be sure that the employer knew that the employee was summoned for jury service. So that will be on the record. We will develop an appropriate form to ensure that the employer has had notice.

Subsection 2 forbids an employer directly or indirectly, by intimidation, undue influence, threats or in whatever manner, from preventing or attempting to prevent an employee who has been summoned for jury service from answering the summons and, specifically, he must not interfere by way of deduction with an employee's salary because he has been summoned for jury service or because he has been absent from work attending Court or jury service.

We put in stiff penalties because we want employers to understand the seriousness of attempting to interfere with the administration of justice, and that is what it is. When they are trying to prevent people from coming to do jury service they are attempting to interfere with the administration of justice. That is a serious thing. It can be dealt with by way of contempt proceedings, but we are not doing that. We are putting it in the Juries Act so that the penalty for employers who are in breach is \$5 000 or 6 months, an "employer" also includes companies and

since companies are artificial legal entities, the director or managers will be liable, not the company itself, the human agent of the artificial legal entity.

We have provided a device in subsection 8 that an accused person can prove that the employee was excused but did not return to his place of employment. Those really are the main features of the Bill.

Mr. Speaker, I believe that some employers have a view that their employees when on jury service make a lot of money. That is not true. Do you know how much they get paid, Sir? Ten dollars a day. So long as a juror turns up on the instruction of a judge and even if he is not required to sit that day he is entitled to the \$10. What happens is that a judge will say, "I think we might finish this case today. So I want all those who are not sitting to come back tomorrow at 9 o'clock." They turn up and then the case is prolonged or they cannot start it or something. Once they turn up, as I am instructed today, they are entitled to the \$10.

I believe there is a view that the summonses which are sent out for attendance on jury service may be served late. I don't think that is true. I checked with the Registry this morning and they tell me that summonses are sent out at least a month in advance of the required date for attendance so that there is ample time.

Mr. Speaker, Sir, with those remarks, I beg to move that this Bill be now read a second time.

Hon. Miss B. A. MILLER: I beg to second that, Sir, and in the process of seconding that I would just like to make a few observations of my own. I want very much to be supportive of this amendment. Qualification for jury service has in the past been used in the colonial experience as one of several tools for social divisiveness, but the fact is that jury service has come to a place today where it is very much a part of our democracy and part of our democratic process and jurors in Barbados, generally speaking, over the years have seen duty in this regard as part of their overall civic duty.

We are living at a time now in the middle of this last decade of the 20th century and as we approach the 21st century, there is rising importance being given to what is now described as civil society and the role that civil society will have in the coming century.

There has been a move in recent decades to less government and more non-governmental organisation involvement and greater cooperation between governments and non-governmental organisations and the community involvement that comes with that. The jury service is all part and parcel of that, too, the way in which individual men and women in our community play individual roles in

the promotion of the democratic process as we have come to know it.

The judicial system in our country, Sir, has always been a very important part and a very important prop to our democracy. In fact, if the truth be known, we have to recognise Sir, election by our peers came long after trial by our peers. To put it another way, Sir, trial by our peers long predated election by our peers. I am totally in agreement with the Honourable Attorney General that jury service should not be compromised in any way, it should not be derogated from in any way. I stress again the importance that this service has as part not only of the judicial system of Barbados but part of the democratic process in this country.

With those few words, Sir, I beg to second.

Mr. F. J. STUART: Mr. Speaker, I rise to add my voice to the debate on this Bill which the Opposition is pledged to support. 12.05 p.m.

I agree with the Honourable Member for St. Thomas. Trial by jury, as we know it, is one of the cornerstones of our liberty. The value of trial by jury can best be determined, or best be evaluated by what kind of trial preceded it historically.

The Honourable Member for St. Thomas was quite right when he said that trial by jury matured during the Middle Ages at which time the church was dominant and landowners and nobility were dominant. But, coming before trial by jury were a number of fairly barbaric methods of arriving at innocence or guilt. For example, in the early Middle Ages at the end of the Saxon period, it was not unknown for innocence and guilt to be determined by battle where litigants were put against one another to fight and whoever won was considered to be innocent. The loser was the guilty one.

There was some improvement. I do not know whether you would like us to call it an improvement, but a change was made from that to trial by ordeal. An ordeal, of course took two forms - either ordeal by fire or ordeal by water. An accused person was called upon to prove his innocence in ordeal by fire by walking three steps or so with a red hot iron in his hand. If at the end of a prescribed time after that hand was unbandaged the hand had not begun to heal, he was declared to be guilty. If it began to heal his innocence was established. Of course, ordeal by water exposed an accused person to being bound hand and foot and dropped into water and depending on how far down he sank, it was determined whether he was innocent or guilty.

One could appreciate the historic advance that resulted from the institution of trial by jury. It is quite

correct to say that even trial by jury had its disabling features because in its infancy very oppressive property qualifications characterised it and therefore the poor were, in effect, tried by the rich. That did not always make for just solutions. As the system has unfolded to the present, the jurisprudence that undergirds it is the rectitude and propriety of a man being tried by his peers. This is why most of the property qualifications that previously encumbered the system have been removed and today ordinary men and women can serve as jurors as long as they satisfy very modest qualifications, most of which the Honourable Member has outlined.

I think we have a duty to protect trial by jury until we find something superior to it. I am not one who believe that we should eternalise trial by jury because history is dynamic and it is quite possible that we could evolve a method of establishing guilt and innocence that is superior to trial by jury. But, as of now, we have not found a system that is superior to it. I think that we are right in trying to ensure that it is protected and that all the loopholes that could interfere with the smooth function of that are closed.

Of course, I am aware of my own knowledge that employers in Barbados have generally floundered on the fact that their employees had to spend long periods of time away from their places of work while doing jury service. I know of the concerns expressed in this regard by the court system which has, in some cases, had to write employers informing them of their legal obligations.

One of the problems which I think has been ached in this amendment is the fact that sometimes after the empaneling of a jury, the judge was wont to say to the other jurors not empaneled that if they wanted to stay on and listen to a case, they might. Therefore, when jurors stayed away from work, it was not because they were wicked, or because they were trying to avoid giving an honest day's work for an honest day's pay but it was very often the curiosity of being exposed to a court-room for the first time and wanting to see how things were done. In anticipation of the time when they would be empaneled they wanted to see how their co-jurors functioned.

I note that in the amendment it is now required that as long as jurors have not been empaneled, the judge is under an obligation to inform them of their obligations to their employer. I think that is quite proper because, generally speaking, the work place can be thrown into some turmoil where people are away from work for protracted periods, especially when employers have had their businesses planned over a particular period of time.

I do not think that there is anything about the amendment that the Opposition can reasonably object to. We think it is quite timely. We think the jury system is with us for the time being and that it is the best we have

had and we should do our best to protect it and make it work as effectively as possible. I am satisfied, having studied the proposed amendments contained in the Bill, that the amendments go a far way towards achieving the objective so the Bill will have our support.[^]

I am obliged to you, Sir.

Hon. R. N. GREENEDGE: Mr. Speaker, I too rise to lend my support to this Bill. I begin by saying that most Barbadians deem it as an honour and a privilege to be asked to serve on the jury. For many of them, it is even an ambition. A lot of them look forward to the day when they would serve on the jury and for an employer to deny an employee that particular right I think he would be doing that employee a great injustice and perhaps denying him an opportunity which he may never have again.

The jury system is too important an aspect of our judicial system for us to allow employers to hold us up to ransom. It is from this point of view that I fully support the Bill. The right to be on the jury reminds me of the whole process of adult suffrage, the right to vote. 12.15 p.m.

The theory behind it is that an accused person is to be tried by his peers, people like himself who think like him. As the Honourable Attorney General said and as he has been supported by other speakers so far, that was not the case a few decades ago because a few decades ago you had to be wealthy, you had to be the owner of land to be on the

The mere fact that we have come this far is a notable achievement and we should not in any way allow anyone to erode what we have worked so hard for. It is therefore as I consider it part of the social development of the law because the law does not operate in a vacuum, Sir. The law is part of a massive social programme. It cannot operate in isolation of what goes on in the society. It is part of the administration of justice.

I believe that in the same way an employer is under an obligation that he has to allow his employees the hour to vote on election day, he too should regard it as an obligation that he has to allow the employee to serve and to render jury service. As I said they are all very keen, they are all very interested when they get there to serve on the jury. To be on the jury, Sir is an education in itself. Even the little things like watching the strategy of the lawyer is an education for the jury. Because, for instance, being on the jury you may realize that in a case which involves someone breaking into a shop when the name John Brown, Shopkeeper is called as a jurymen you may find that the lawyer objects to it. As I said straight off the jurymen realizes that this is strategy. He has come there and he is going to get an education in the whole process of the court system from the selection of the jury until the verdict. It

is a classic education and they all look forward to it with some relish.

I believe that as they watch the demeanour of witnesses and of accused persons as they are giving their evidence that the jurymen become even wiser because, let us not fool ourselves, there are some of those accused persons and some of those witnesses who can have a face of innocence and a face of truth but when you analyze it all and under cross-examination it is revealed to the jurymen that it was not all truth. Therefore it is an experience and an education in human behaviour and the way human beings operate. I do not think that we should deny jurymen or deny our citizens the right to serve on the jury.

I believe they become more appreciative of the court system and the work which the judiciary does. They realize how much work there is in a case from beginning to end. Because a lot of us think that the court case is all glamour and in two twos it is over. But the jury has to sit and decipher a lot of evidence. It is time-consuming. I do believe that, at the end of a court case, at the end of the day a lot of those who sit on the jury are tired mentally. It is not for the employer to take it lightly as though they are playing dominoes or they are on a picnic. Sitting on the jury can be hard work.

I feel, too, that it gives those employees a chance to interact with people that they would not have the opportunity to interact with were it not for their being on the jury, because when they go into the jury room it might be the very first time that they have to put their case to one of the big ups who has to listen to what they have to say, because it is not all of their ilk who are on the jury. It might be the very first opportunity for them to really convince someone whom they always consider to be more intelligent than they are of the guilt or innocence of an accused person.

I want to say that it is not only in terms of jury service that I have found the behaviour of some employers to be obnoxious. I have also found it to be obnoxious in the area of sports. There are some employers who do not allow their employees to go and play, even represent this country. They are that strict on them and sometimes it takes the effort of some club, some group, some bigger boy to ask that employer to release that sportsman.

It is within my knowledge that one of Barbados* leading cricketers suffered this particular fate where he was not allowed that extra half hour on Saturday to play for his team, even though he had told his employer: "I am prepared to work an extra half hour on a week day", to give it back to him. He left one employer and went and worked somewhere else so that he would be able to play cricket and he would get the half hour. That is the way in which some employers operate. I do not know why it is

that employers have to operate in this very high-handed manner.

Mr. Speaker, Sir, in the constituency in which I live and the one which I have the honour to represent there is a white plantation owner and I have always admired him and the way he treats his employees. When the employees are working in the field be it planting cassava or cutting canes, one of the first things that he sees to is that there is this trailer with a tarpaulin on the top. That is their shade from the rain. I contrast that with others who have never done it There are employees who have to run and shelter under eddoe leaves and so on.

Mr. SPEAKER: I take it you are getting to the juries.

Hon. R. N. GREENIDGE: I am speaking about employer behaviour. I am no way off line as far as I can see.

Mr. SPEAKER: Are you not?

Hon. R. N. GREENIDGE: No, Sir, but if they reap potatoes on that plantation, the first set that comes out belongs to those workers. The others might be sold. But they get theirs first.

I was speaking only on Saturday about the same thing with my honourable friend, the Honourable Member for St. Lucy. He told me that he also knows of someone who has the same attitude and you cannot even say anything bad about that person's employees.

All is not lost. There are some out there with a good attitude towards their employees and there are others without. There are some who are only concerned with profitability. These are the ones that we must not allow to thwart the system. They must not be allowed to frustrate our citizens by denying them the right to carry out their civic responsibility. 12.25 p.m.

I hasten to add, Sir, that employers who try to deny their employees the right to be on the jury might very well be depriving the employee from adjudicating against a criminal who may rob their families the next day. I believe they should look at it in that light.

Sir, I believe the key to all of this is enforcement. There are two aspects here. There is the prescriptive aspect and the enforcement aspect. The paperwork is the prescriptive, but it is the enforcement that we have to get at. If we do not enforce this particular law, it will just be there lying dead on the statute books. It is not just to prescribe, as I said, but you have to enforce. This reminds me of the learned Austin, one of the stalwarts of jurisprudence, who said that law must be enforced by sanctions. So what we have to do, and I am going to use

a quotation which the Honourable Prime Minister uses very often, he says that sometimes it is necessary to shoot a General to bring the others in line. When we have the "big up" employers who refuse to cooperate and refuse to allow their employees to do jury service, we need to bring them before the Law Courts.

Aside.

Hon. R. N. GREENIDGE: It is a metaphor. But that is my contribution that we need to make someone an example. That is the only way this particular amendment is going to have any effect at all.

Mr. Speaker, I am grateful.

Mr. J. O. TUDOR: Mr. Speaker, my intervention is purely one to query certain situations that come to mind. The Attorney General is seeking to enforce the law which would make sure that there are no loopholes left for employers to deny their employees to serve as members of the jury. But I think that in all fairness to the majority of employers, there is a general fear in Barbados that exists among members of the public and in particular in recent times where we have seen an escalation of crime. If we examine the nature of some crimes, there are some - well, I will not say cartels operating in Barbados, but there are some families who can certainly threaten potential jurymen and this is a worry not only to this side, but I am sure it is a worry to the public at large where a large number of people are afraid to serve on the jury for fear that they will literally be taken out by one of them. This is a very small society and there are people who are well known and who after they have probably sent someone to prison, or maybe part of a jury who sentenced someone to be hanged, that in a small society this is a very difficult exercise for many of our citizens. Many of them may not feel comfortable serving in that capacity where they can just simply have them hanged or sent to prison for 10 or 20 years or something like that. It is not an easy exercise and I am wondering what provision is made within the law or certainly within the Courts to assist those persons who have a genuine fear of serving on the jury. In many cases they use an excuse or they collaborate with their employer to make sure that they are excused from the jury. I do not think there is a rampant case in Barbados where employers are wilfully and deliberately denying people to serve on the jury. I believe that there is some collusion on the part of both of them.

Aside.

Mr. J. O. TUDOR: Well, I would be surprised. I am surprised that it is to that extent. But I suspect, Sir, that we are going to have to seek and protect jurors in the future because right now they are exposed to criminal elements. They are threatened and their families' lives are placed in

danger and we are going to have to give some consideration to those members of the public who are traumatized by the mere thought that they will be serving on the jury.

It bothered my mind and I just wanted to throw that out to the Attorney General. Maybe he may want to respond in that regard. Thank you.

Dr. R. C. HAYNES: Mr. Speaker, my understanding of the juror system is that, despite its many imperfections, so far the legal profession has not been able to invent any superior method in performing the functions now performed by jurors not only in Barbados but the world over. Therefore, it is necessary from time to time to make sure that whatever improvements are necessary in the juror system that they should be put in place whether it is by way of further democratization of the catchment and the source of jurors to serve in the system which, as I understand it, was one area of improvement, or whether or not it is necessary to do other things to ensure that system is at least as good as one can make it.

As far as employers are concerned, Sir, generally speaking, there have been so many instances where they have been as lawless in this country as any other group in Barbados and it is about time that they be made to understand that they have an obligation to obey the law like anybody else. It is only when some heavy fines are slapped on one or two of them and they are sent up to Glendairy that they will clearly understand that they have an obligation to obey the law. It is not only in the area of juror service, Sir, but certainly over the years I have had employers, for example, call me to find out what is wrong with an employee who has had a medical certificate for sickness. I would not like, Sir, to repeat the kind of language that I have always used in those circumstances. But it is not an uncommon thing in Barbados and there are many, many areas where employers put a whole lot of pressure on employees that is totally undesirable and a hangover from the colonial days in this country. I believe, Sir, that it is time, after almost 30 years since Independence when we have to give in these areas really full expression to what we understand to be an independent country, elevation of human decency to a level where it would not enter the head of anybody that they should try to deprive anyone from serving on a jury or in the alternate trying to put their dirty noses into people's medical history and things like that. 12.35 p.m.

These things need not be dealt with, and they need to be deprecated in the strongest possible terms and the word needs to go forward to those employers who behave in that kind of outrageous manner that this kind of thing will not be tolerated and that the law would be so applied as to make sure that they are punished like any other

lawbreakers in Barbados. As I said, Sir, it seems to me to be part of the general lawlessness that pervades this society in so many areas and it needs to be dealt with.

One other point, Sir, I wonder why it is that the Honourable Attorney General seeks to retain in the law a provision where a bankrupt person is excluded from serving on a jury. As far as I am aware, Sir, bankruptcy is not a crime or should not be a crime. You can be the most honest person, a person who is fit to serve on any jury anywhere in the world and because of economic conditions you might become bankrupt. That should not disqualify you. As a matter of fact, there are a whole lot of disabilities imposed on persons who are bankrupt that are outdated and they should no longer be part of the law. I would hope, Sir, that when or if there is a new Bankruptcy Act or whatever coming before this Parliament anytime that the opportunity should be taken to exclude from those categories of persons prevented from serving bankrupt persons.

I started off by saying Sir, that the juror system, as I understand it, is not perfect. We live in a society where there is a growing trend of people... There are a large number of statements I hear privately, on radio programmes and so on which seem to suggest that every accused person is guilty even before they have been tried. There are some people who believe that they should not even be tried at all, that they should be dealt with otherwise by the police. There are people who are thinking in that vein and, in many instances, when I hear these kinds of statements and I think about it very carefully, I recognise that some of these people are not even talking crime, about penal systems. But do you know what they are talking? They are talking race and class in Barbados - another manifestation of it.

There are people who would wish to see the democratic system, the judiciary system of this country subverted and we go back to the day when all you had to do was to accuse someone of a crime and presumption of innocence disappears and then the reality is before a court. Although here is all this talk about the presumption of innocence, you may find that we find ourselves in a situation where a guy has to prove that he is innocent before a court. So we have to watch and we have to remember that our juries come from the same society and wherever there is a dominant thinking of that nature within the society, that might well be reflected in the juror system.

I believe, Sir - I don't know to what extent this is done - that the judicial officers have to make every effort to make sure that in their instructions to juries that they try their best to make sure that juries shed themselves of all prejudices, emotions and be able to take decisions only on matters before the Court and evidence before the Court. That is not an easy matter. Make no mistake about that for

people to shed their prejudices, shed attitudes and come before a Court.

For example, Sir, I have heard of instances where a judicial officer may rule on a matter of law, that a particular matter should not be entertained in a given case, a matter that might be harmful to an accused, and that there are persons on the jury who actually objected, not in public, to a ruling by a judicial officer. He cannot understand how he or she could take that decision that might let off the accused. That is a fact.

Sir, I don't think this is only in Barbados. Only the other night, I was watching a TV programme on CNN and I heard this statement that in America today all juries are convicting juries because of the general concerns of people about crime. We have to be careful that in Barbados we do not allow an atmosphere, where people are calling for hangings and all kinds of punishment, ever to cloud that fundamental constitutional right of an accused person to be regarded at all times, by all persons, and at each stage in a trial that presumption of innocence until proved guilty.

It should not be mere words or defence attorneys should not be placed in the kind of position where they have to assume that they have to go in there and prove the innocence of an accused person. That is not their job. But it is my understanding that there are instances where things are sliding very much in that direction and I regard it with such seriousness that I think that while we are thinking of improving the juror system that those responsible for these matters should at all times be keeping a close eye on what is happening. I don't know what is the experience of those people who appear in the courts of Barbados. I do not appear there but, Sir, I certainly keep my ears to the ground and I think I have a fair idea of the changing attitude of jurors in Barbados and my sources are highly impeccable. Make no mistake about that.

I think that perhaps through public education there needs to be a reversal of this kind of thinking in Barbados. It is dangerous thinking, this whole idea that so long as a charge is brought against anybody that everybody believes that they are guilty and then they have to go and prove their innocence.

We can get these things done, Sir, without having to shoot any generals. We don't have to shoot an attorney general to get this kind of thing here. We can persuade him by the force of argument that he has the responsibility and he must have a sensitivity towards these matters and they should not be brushed aside. I listened to his presentation where he said that within his knowledge he has not known of any perverse verdict by a jury nor does he know of any situation or, certainly that there are very limited situations in which an appeal to a superior court is based on a

decision by the jury *per se*, that they are usually based on a perverse decision by a jury. 12.45 p.m.

That should not in any way prevent one from taking cognisance of the points that I have made. I have a strange feeling that most of the lawyers in this Honourable House are not unaware of what I am saying. Those who are frequently on the defence side in courts of law I believe will get some understanding. I think there is a changing scene there and we have to make sure that the rights of accused persons are protected. Remember, Sir, that the democratization process which we talk about in terms of jury selection did not take place only for the academic purpose of democratization but to ensure that more balanced inputs were made when persons who are frequently from the deprived section of the community sit in the dock.

I think that this debate certainly has given me the opportunity to bring to this House this matter which has been brought to my attention. I do not wish to quote particular instances of these things or call names, or anything like that but I think it is out there and it needs to be dealt with.

I thank you very much, Mr. Speaker.

Hon. Miss H. E. THOMPSON: Mr. Speaker, in rising to give support to this Bill brought before the Chamber by the Honourable Attorney General, I want to say a few words. In our system of criminal justice we regard an accused person as being innocent until proven guilty. Where the accused is charged with an indictable offence, it requires trial by jury. The very existence of the jury cannot be continued unless people come to the court and are able to come, feeling that they are free to serve and to give of themselves in what is their duty to their country. So it is important that the Attorney General is taking this opportunity to ensure that such freedom continues and is cemented.

Over the years, from long experience, we have come to the conclusion, not only here in Barbados but throughout the world where trial by jury is practised, that at the end of the day, somehow juries just about get it right. That that sort of earthy common sense, that trial by peers fosters, where we can sit down and adjudicate on matters relating to fellow citizens, that at the end of the day justice is done. That those charged before the courts can feel that their fellow man has heard and done what is right in the eyes of the law and what is right between them and the criminal justice system. That is why courts of appeal are not known to easily overturn the findings and decisions of juries because they recognise that ultimately, in trial by jury, that the jury has come to often and unusually what is the right conclusion.

One finds, therefore, that such decisions of juries are only overturned where an injustice has been done and it is manifest that an injustice has been done, where on the evidence the decision is manifestly wrong, where the jury has been misdirected on points of law~or where there are circumstances that it can be shown that all the facts were not put before the jury, or that new evidence has come to light. Unless, therefore, citizens continue to serve on the jury, this system that we know, that we respect and is yet to be proven to be manifestly bad, will be threatened. Members who come to serve on the jury are doing it and usually do it with the utmost seriousness.

Having practised criminal law in the first three or four years of my life as an attorney, I recognised the rapt attention that most jurors pay. They recognise that what they are doing is a serious task and they go into it with a sense of duty that is commendable. It is often, for the average citizen and for many people in the community, the only form of service that they will ever give back to the society. Some of us have the opportunity to serve in and outside of Parliament. Some bring honour to our communities by way of sport but for many of us, the only opportunity we will have, apart from being good citizens on a day-to-day basis, is to sit on the jury and to do what the criminal justice system requires of us, to ask whether in particular circumstances a man is guilty or not guilty. Therefore, this civic duty must be ensured and it cannot be ensured in situations where employers thwart the very existence of the system by making people feel that they should not go. It is not only certain families and big businessmen.

I was often appalled, as an attorney, that several people would come to me and ask me to write letters to the Registrar to have them excused. When I queried the reason why they would want to be excused, it was not at all that they had no interest in serving but the fact that their employer threatened them if they stayed away from work either with dismissal or with having their salaries docked for the period that they were off work. Unable therefore, to face the possibility of job loss, or of a decreased salary, they would come seeking to be excused from service. That cannot be allowed and this amendment by the Attorney General seeks to deal with that problem. It is therefore imperative that we all give the jury system our support because it is the very plank on which the criminal justice is hinged.

More than that, Sir, as one watches juries function, those of us who have practised in and around the courts would have recognised that sometimes long and enduring friendships spring up as those men and women are thrown together, often for many days, over a month, and in these days with the Assizes extending for very long periods for period up to two months, we can see long friendships emerging. That apart, it also gives the people who serve and the jury an opportunity to go back to their

communities and to their friends once their period of service is over as somewhat of a community hero with people still asking, ¹⁰but what happened? What was court like? Did you enjoy it? What the judges do? What did the lawyers do?¹¹ For many of us our notion of what goes on in court is L.A. Law and the Old Bailey. So that it is often the only contact with which many members of the community have with the court system and are able to identify with its actual operation and what transpires there apart from the setting in the living room which is often highly commercialized for the benefit of the TV programme.

It is important, even in recognising that, however, that we throw out a caution to those who are called to serve on the jury that they must treat their employers with the courtesy of informing them that they are going to be absent, how long they are going to be absent for and what exactly it is they are doing because sometimes there are people who are proud to serve on the jury who feel that once they have been summoned, they have no obligation of courtesy or notice to the employer. But this is not true. The person called to serve on the jury must, and should indicate to their employer what it is they are doing. They should not just be absent from work without good cause.

Mr. Speaker, if this system is to continue, we must all give our support to it. I believe that those employers who have been guilty in the past of stopping employees from serving on the jury must again revisit that position and ask themselves whether or not they have not denied employees an opportunity to serve their country, whether or not they have been at fault, and in fact, they have. It is an attitude that pervades many employers, both single and corporate entities. 12.55 p.m.

Apart from this attempt at the legislation, I think that the press has a duty here to let employers, by way of using the media, to know what their obligation to the prospective juror is, and by extension what their obligation to the state is. Because if those persons who currently stop employees by threat, by cutting salaries, by threat of dismissal or otherwise are allowed to continue, then the very criminal justice system which should ultimately protect the entire society, will collapse. These employers must weigh what they deem to be the loss of productivity for a day or two or even a month against the cost to the wider society of refusing to let those persons who are called to jury service go.

Mr. Speaker, I am indeed happy to support the Honourable Attorney-General in this Bill and to sound a note to the wider community that, at a time when our

society seems to be under threat and there is evidence of increase in crime, it is even more important that those called to jury service be allowed to go and to weigh all matters before them with the utmost seriousness.

I endorse the comments of the Honourable Member for St. Michael South Central who has said that all those who come before the courts are not guilty and often some members of the jury or prospective jurors need to be reminded of this, that they must bring balance and they must bring fairness in their deliberations and that it does not mean that simply because a person is charged that guilt will necessarily follow.

Mr. Speaker, I therefore take my chair and congratulate the Attorney General on this worthy move.

Mr. SPEAKER: The Honourable Member for St. Michael North.

Mr. R. St C. TOPPIN: Mr. Speaker, there is not much more that can really be added to this debate. I think Honourable Members have exhausted the topic, except that I remember some weeks ago when I spoke on the question of the erosion of the principle of the presumption of innocence the Honourable Member for St. Michael South Central did not, on that occasion, rise to support me although he shouted so loudly about it today.

In respect of the jury, Mr. Speaker, there is just one concern that I really have. It is clear that the jury plays a vital role in our system of justice and I cannot really think of any other alternative to it at the moment. But one concern is that I sometimes get the feeling that jurors go on gut feeling. In other words what I am saying, Mr. Speaker, is that I get the feeling sometimes that jurors do not always act in accordance with the evidence or even in accordance with any particular directions from the judicial officer but in fact they go on gut feeling.

More often than not they are right. My concern is that there are times when perhaps they can be wrong. I can give you an illustration of what I am saying. Quite often counsel for accused persons run a defence that the accused was in fact beaten or confessions were unlawfully obtained and it is quite clear that once an accused person is beaten and a confession obtained it is not admissible.

But quite often, after a case is finished, for example a juror may come to you and may start engaging in conversation about the case. The matter is finished so that is all right. Funny enough the juror would say I believe he got some licks but I still believe he did it and on that basis they tend to convict. That is the only concern I have that sometimes they do not always go strictly in accordance

with the evidence or in accordance with the directions from particular judicial officers. But that is a bit of a technicality, Mr. Speaker.

All in all, I support the Resolution. I recognize they have a role to play and I really must frown very heavily on any employers who seek to keep persons who are invited to do jury service away from the courts. I am happy that this aspect of the legislation has now been amended so that in the future any employer who seeks to do that same sort of thing will in fact be dealt with very harshly, according to the law.

Thank you, Mr. Speaker.

Mr. SPEAKER: The Honourable Attorney General.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, it is now 1.00 o'clock and I cannot adequately reply to the Honourable Members who have spoken. I wish to do justice to their speeches and their concerns. In view of Private Members' Business being taken at 2.15 p.m. I would move, Mr. Speaker, that the House postpones further consideration of this matter until after we have finished Private Members' Business. I will then wind up and do the other stages of the Bill later on this afternoon, Sir.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

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

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this sitting be now suspended until ten minutes pass two o'clock.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

MESSAGES FROM HER EXCELLENCY THE GOVERNOR-GENERAL

Mr. SPEAKER: Before I pose the question I should like to read a Message from Her Excellency the Governor-General to this Honourable House:

"Her Excellency the Governor-General has the honour to inform the Honourable the House of Assembly that she will be absent from the country during the period January 18 - 25, 1995 on a private visit to Germany.

Her Excellency further has the honour to inform the Honourable the House of Assembly that in accordance with the provisions of Section 29 l(c) and 30 of the Constitution Her Excellency, acting on the advice of the Prime Minister has appointed His

Honour Senator Fred Gollop, President of the Senate to be Governor-General's Deputy during the period January 18-23, 1995.¹¹

The question that this Honourable House be suspended until 2 JO Ms afternoon was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly at 1.05 p.m.

Mr. SPEAKER: I encourage Members to be here at 2.10 p.m. please. 1.05 p.m.

RESUMPTION Mr.

SPEAKER: This sitting is now resumed.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that Private Members' Business be now taken.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question that Private Members' Business be now taken was put and resolved in the affirmative without division.

PRIVATE MEMBERS' BUSINESS

ORDER NO. 2 - TO MOVE THE PASSING OF A RESOLUTION AGAINST THE INTRODUCTION OF CASINO GAMBLING IN BARBADOS

Mr. SPEAKER: The Honourable Member for St John.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, this Resolution brought by the Opposition reads as follows:

"Whereas the Honourable Minister of Tourism, International Transport and the Environment has announced that he is favourably disposed to the introduction of casino gambling in Barbados and has taken the attempt of a moral minority to prevent its introduction, and whereas the Honourable Prime Minister has announced that Government will establish a Commission to enquire into the introduction of casino gambling in Barbados and to report thereon by March 1995, and whereas the Throne Speech delivered on October 5, 1994 has not informed the public of Barbados of any proposal to introduce or consider casino gambling as the policy of the Government, and whereas Her Majesty's loyal Opposition is opposed to the introduction of casino gambling in Barbados, be it resolved that this House condemns and deplores the statement by the Minister in support of casino gambling in Barbados and reject the proposal by the Prime Minister to establish a Commission to enquire into the introduction of casino gambling.¹¹

I want to begin, Mr. Speaker, by saying that in respect and as the mover of this Resolution the Democratic Labour Party has absolutely nothing to hide, has no concerns whatsoever except that our position as a political party be made exclusively clear on the subject of casino gambling. But perhaps I should begin by going back in time and saying that we have legislation in Barbados, Chapter 134(a) of the Laws of Barbados. We have other legislation which had been repealed many years ago which related to gambling. That legislation to the best of my knowledge does not permit casino gambling in Barbados. That is my understanding of the law as it stands in Barbados now, nor does it give any Minister of Government the right either to approve or, for that matter, to reject the application for casino gambling because nobody has any basis on which to bring a formal application for casino gambling in Barbados.

I have noticed recently statements coming from various sources saying that certain people are rejecting applications for casino licences. There is no basis on which any application can be rejected except if you are writing to tell the person that laws in Barbados do not permit casino gambling. So there is no need for us to even consider in my view, Mr. Speaker, prospective investment on an individual basis. The law in Barbados is clear. Nobody is in a position in Barbados today to issue any licence for the operation of any casino in Barbados. That is the present law. Therefore, it will be almost impossible for anybody including the present Government or any individual or the Opposition when it was in Government to introduce a casino in Barbados by self. Because the laws in Barbados would have to be amended to permit the operation of casinos in this country. Therefore, the entire debate that has emerged in Barbados today about casino operations and persons interested in operating casinos is in my view essentially irrelevant. We must not in this country allow people either from outside and in particular from outside to seek to set agendas in Barbados or alternatively to pit politicians against each other on issues which are the concern of the citizens of this country. I want to make that very clear at the beginning of this debate.

My first involvement in politics was in 1978 when the Honourable Member for St. Michael South Central was elected in a bi-election in this House. At that time that bi-election was fought substantially on the issue of the introduction of gambling together with daylight saving time, as if those were the two major issues other than some other issues. The Democratic Labour Party took a very strong position at that time against gambling, not just casinos, and our position as a political party has not changed. There may be members who have different views and in a democracy we have to seek to give full vent to those views. Just as when a party forms the Government and has to work with the private sector, trade union movement and the interest groups, it must not close its mind or its eyes to viewpoints which they put forward.

Even if those interest groups put forward a viewpoint which the Government is diametrically opposed to, there is absolutely nothing wrong with listening to that viewpoint and then coming to a conclusion. But our position has not changed on gambling and I want to make that position very clear.

I am strengthened in my resolve in relation to Barbadian gambling when I consider the large number of gamblers in Barbados who are pouring thousands of dollars into one-arm bandit machines which are functioning in this country almost unregulated. That is something which I hope the Government will pay attention to, not just casino operation. When they were introduced, Mr. Speaker, the mechanism which should have been put in place for the proper regulation of those operations were not put in place and regrettably they have never been put in place since then. The people who are pouring money into those machines are very often people who can least afford it and anybody can see that. We have genuine concern about gambling as a whole and those concerns have not changed. Our position is not based on hypocrisy. It is a confirmed position of the Democratic Labour Party. The existing gambling practices in Barbados far less those which could effect the country if we were to make further alterations would probably impact hardest and greatest on those who can least afford it.

However, I am going to go on to make this point and this is a point which was prevailed on the previous Government on several occasions. There were many major hotel operators who wrote letters either to the Minister of Finance, some operating in Barbados and some with local co-conspirators - no, that word may be a bit harsh, Mr. Speaker. There were people who operate hotels in this country who had those hotels on the market for sale, but what was standing between their selling those hotels in Barbados, as I understood it, was the question as to whether they could operate a casino.

I had a meeting in Washington with one of the owners of one of those hotels in Barbados. I was requested to meet with him at the behest of a present member of the Barbados Labour Party Cabinet and I went and met with him because they were selling that particular hotel property since they were not willing to undertake any new investment on that property without having a casino. When we were selling Heywoods Hotel, a large number of the applications for the sale of Heywoods Hotel would have been contingent. In fact, the initial interest by major hotel chains would have been contingent on the Government granting permission for the operation of casinos. In the absence of any law to permit the operation of casinos, the Democratic Labour Party made the position clear the law has not changed; casinos are not permitted in Barbados. However, please feel free to raise the matter with the

Chairman of the Betting and Gaming Committee who was the Comptroller of Customs. 2.25 p.m.

Many of those hotel operators made submissions to the Chairman of the Betting and Gaming Committee and to the Committee itself as to the possibility of operating casinos in Barbados, as they were perfectly entitled to do. In addition to that, it was prevailed on the Foreign Exchange Committee - and I want to make a point about the Foreign Exchange Committee.

The Foreign Exchange Committee was a tripartite committee. The Chairman of that Committee was the Minister of Foreign Affairs initially and when I became Minister of Finance it then became the Minister of Finance. The Foreign Exchange Committee looked at a wide range of issues, Mr. Speaker, Sir. Those things that Government felt were possible and things that Government obviously did not support. There was a report on crime in the Tourism sector. There was a report on constraints, administrative procedures and operational constraints to the private sector. In other words, we were looking at ways to free up the red tape so that investment could take place in Barbados in a much easier framework.

There was a task force report on the export of Barbadian art and culture. There were a whole series of reports submitted to the Foreign Exchange Committee for consideration. The floriculture industry, the employment of Barbadians in the cruise ship sector, there were reports relating to the international business and financial services sector, a wide range of issues was considered.

Some of those issues were mooted by Government. Some of the issues which the Committee considered were mooted by the trade union movement. Some of those issues were mooted by the private sector and, as a result, we looked at each issue and we set up task forces of Barbadians to enquire into those areas and to report to the Foreign Exchange Committee.

All the Foreign Exchange Committee then did was to submit those reports to the Executive Ministry which would be responsible for implementing them, receive the comments of that Executive Ministry and if that Ministry agreed Cabinet would be asked to make a determination on those issues.

We were asked to review the national policy on gambling, not by any casino operators. For example, there was a request from the private sector for the establishment of the same kinds of operations at the cruise facility at the Port. They said cruise ships were coming here. Gambling was permitted on those cruise ships and when they came to Barbados as one of the attractions they wanted to provide that kind of activity at the Port.

There were requests from the present owners of arcades in Barbados for the Government to take the inactive licences - I think that is what they termed them - licences which were not matched by active machines. Apparently, there were quite a few and to permit the transfer of those licences to other operators so that the arcades could have their full complement of machines. Apparently, no decision had been taken by the Betting and Gaming Committee so that they wrote to the Minister. There were applications from operators of casinos. There were applications from people who are involved in electronic gambling operations where you go to the door, you buy what is the equivalent of a credit card for \$50 or \$60 and you use that card and gamble on various machines.

We were asked therefore to review all of those applications and to take a look at gambling in the context of tourism development in Barbados. The Cabinet agreed when we restructured the Foreign Exchange Committee that the task force should be styled a Task Force to Report on Gambling in the context of tourism development in Barbados. The Government was not to be Chairman of it. In fact, we asked the private sector since they were so interested to provide a Chairman and they did provide a Chairman who happened to be the Chairman of Barbados Shipping and Trading.

The Government put some representatives on it. We solicited the Christian Council, the Commissioner of Police and a whole range of other entities and told them, "Make your input on this Committee and this Task Force would then report to the Foreign Exchange Committee."

The private sector, the Tourism Development Corporation, contracted a gentleman out of London to write a report on the impact of casino gambling and he wrote that report. The report was never submitted to me until the Honourable Prime Minister did so by letter a couple of months ago and that was the first time I had seen the report. The only thing that I saw prior to that was the Curriculum Vitae of the person who was supposed to be preparing the report and it was sent to me as a matter of courtesy by the TDC and I looked at it. Since I am not a gambler, I do not know what qualifications one needs to assess gambling and therefore I accepted that they could proceed on that basis.

That report was prepared. It was never a report of or for the Government of Barbados. It was subsequently printed by the Government Printery at the expense of taxpayers in Barbados and circulated. It became, as I understand it, a public document being circulated as if it were a Government document. I had no desire to meet the consultant. He was not reporting to me. I was interested in hearing from the task force. That task force met on two occasions and in a report carried in the Broad Street Journal (from which I cannot quote) on Monday November 21, the Chairman of that task force gave the impression

that all the member organisations they spoke to expressed reservations or came out against casino gambling. That is in the Broad Street Journal. I cannot quote from it, Mr. Speaker - which led me to believe that when that task force reported it was going to recommend that casino gambling not be permitted in Barbados. That is the assumption one can come to based on what the Chairman of that task force said.

On that task force, were two trade commissioners, one of whom was bitterly opposed to gambling and the other of whom was very much in support of the operation of casinos in Barbados and he saw it as his remit to facilitate the work of that Committee and to seek to convert those who are not converted to the view that casinos should be operated in Barbados.

It cannot fall from the mouth of anybody to say that because the then Government asked for a report that that Government had to agree with the outcome of that report. A Government which asks for an issue to be considered by implication is agreeing with the outcome of that consideration? That has to be madness by any analysis so that when I read and hear comments from people who are saying that the Democratic Labour Party set up a committee, you could set up a committee to discuss any number of things. Setting up a committee does not mean that you agree with the outcome and that is why the establishment of the Commission, which is one of the areas in which we disagree fundamentally with the Barbados Labour Party, is so unnecessary, Mr. Speaker.

It is unnecessary for the simple reason that if the Barbados Labour Party had a policy on gambling, which of course the manifesto does not mention, the Throne Speech does not mention it, no public utterance prior to the election other than a few by the Leader of the Opposition either in response to things I have said in here or in general conversation. I had no inkling that there was an official position by the Barbados Labour Party on gambling.

If the Barbados Labour Party as a Government is in favour of gambling then it must tell the public that. It must put those submissions to the Commission and it must also help us to understand how it is going to carry out that mandate. If you are not in favour of casino gambling well, then the position is very clear, say so, and the entire debate in Barbados will come to an end. You wouldn't even have to consider who said what in Speightstown, Princess Margaret or Bridgetown. You will not even have to consider anything else thereafter. All you have to do is say that as a government you are opposed to casino gambling and follow the position which the Democratic Labour Party has taken. I am saying that the Commission is a waste of taxpayers' money as will be all of the commissions which are being set up by the Barbados Labour Party, that it is an exercise in dippy-doodling by a Government which does

not want to come out and tell the people of Barbados what its position is.

The issues need leadership. If you say you want casino gambling well, then it means that the Minister responsible for gambling who happens to be the Minister of Finance should in all fairness, clarity and without any reservations tell the people of Barbados what his position is on the issue. Regrettably, the Government is unable, at this time, to tell us what its position is in relation to casino gambling. They are waiting for a report of a Commission of Enquiry, or a commission of whatever it is, because the Prime Minister alleges that he does not wish it to appear that any grubby-fingered politicians are involved in making a decision for the people of Barbados. 2.35 p.m.

When I was Minister of Finance hundreds of people came to pay courtesy calls on me. I never asked for a Police Certificate of Character before they asked for an appointment. I do not know what their backgrounds were. They came with all kinds of proposals and the fact that somebody does not have a good Certificate of Character does not debar them from making a contribution to the economic life of this country. That comment by the Honourable Member for the City would exclude a large number of people from the offices of Government or from the mainstream of development of this country.

I want to make it clear, Sir, that people who have ideas should be given access and opportunities to put those ideas before the Government. When we hear them we can determine if those ideas are acceptable or not.

I listened to the people who own Marriotts. I have listened to the viewpoint of the gentleman who owns the two hotels on the West Coast - Royal Pavilion and Glitter Bay. He was one of the major players in a casino gambling, as I understand it, in the United Kingdom. I have listened to the newer people who have come and said they wish to establish casinos. The position of the Government has not changed.

With respect to that operation at Bushy Park, the Cabinet of Barbados, on Thursday August 19, 1993, agreed to the proposal, Application No. 0031/01/93D for the construction at Bushy Park Plantation, St. Philip, of a golf centred resort subject to the following conditions:-

- (a) no further development of the land should be carried out without the prior grant of permission by the Chief Town Planner on an application made in that behalf;
- (b) No public road shall be altered without the grant of permission by the Ministry of Public Works, Communications and Transport;

(c) No casino shall be constructed or operated.

That was a decision of the Cabinet of Barbados.

Mr. SPEAKER: From what are you quoting?

Mr. D. J. H. THOMPSON: Well, I am quoting from a letter which I wrote to refute a position taken by the *Barbados Advocate*. I entitled it "Truth Never Dies". I will still send it to the *Advocate*, I think, although I do not think it would make much of an impression. I can make this available to the House.

Mr. SPEAKER: The Honourable Member, yes, you will make it available to the House, please.

Mr. D. J. H. THOMPSON: I am quite willing to make it available, no problem. I cannot make the Cabinet Minutes available but I know that if necessary, the Government can search the record.

The point I want to make is that the decisions of the Town Planner are public and that any citizen of Barbados who wishes to find out what decision the Town Planner has come to is entitled to go down to Block B, or whatever it is, the Garrison, St. Michael, open the book in which the decisions of the Town Planner are recorded, and see what position the Democratic Labour Party took in respect to this matter.

I would like very much for the project at Bushy Park to be successful. I know nothing about the operators. The reason why I do not have to know anything is this. The Cabinet took a decision from as early as when the Kingsland Golf Course, of which the Honourable Member for St. Thomas was one of the principal promoters, or persons involved. From the time that the decision was taken with respect to Kingsland to grant concessions, the then Cabinet took a policy decision that until further notice, as long as Town Planning permission was granted, any subsequent application in respect of the operation of a golf course and in respect of tax concessions would be treated in exactly the same manner. They wrote like anybody else and put up a proposal. We read the proposal in the Ministry of Finance. At that time, as I understand it, the proposal still contained the word "casino". I was then the Minister of State. I recall very much the substantive Minister of Finance deleting the word "casino" from the proposal and they were offered the same concessions that any other operator of a golf course in Barbados was offered. The Cabinet took a firm position on the question of casinos.

There has been a lot of correspondence between them and officials in Barbados. There has been correspondence between the operators of that golf course and others and the Ministry of Finance on a continuing basis. There has been correspondence with all kinds of people and the fact

that people correspond with the Minister of Finance in relation to an issue like gambling is not a fact, in my view, of any great significance or moment.

I believe that the Honourable Member for St. Peter will find many more applications. As long as Barbados is a tourism destination, and a high quality destination, there will continue to be applications made to Barbados in respect of the operation of casinos because, as I understand it, many of these major tourism investors say, and I cannot confirm it or deny it, that they make a substantial amount of their profit from the operation of their gambling casinos as distinct from the hospitality part of their operation.

The Government of the day has therefore never given anybody any commitment, in writing or otherwise, about the operation of casinos in Barbados. Anybody who sought to do it on behalf of the Democratic Labour Party Government did it of their own volition.

Mr. SPEAKER: The Honourable Member for St John, you mean the Government of that day.

Mr. D. J. H. THOMPSON: The Government of the day then. Yes, well the "then day". Thank you, Mr. Speaker.

The then Government of that day never gave any commitment. In respect of my own involvement, I saw one of the principal operators once to do with water. They were having a problem with the water resources and then, subsequently, I saw them to do with the tax concessions. I believe they had requested that we conclude an agreement for those tax concessions similar to the one which we concluded with Westmoreland and similar to the one which I signed and concluded just prior to the elections with the operators of the Kingsland Golf Course. That apart, there has been absolutely no commitment given by the Democratic Labour Party.

We will be opposing the establishment of the Commission. We will not be making any submissions to the Commission because our position has not changed. We will simply say, "Thank you very much. Our position remains the same." In addition to that, we want to make it very clear that we will be calling on the Barbados Labour Party Government to say to the people of Barbados what that party's position is. Not the individual position of members because the investors apparently already know that. The only person whose mind they do not know is the Prime Minister's, which might be a credit to him. But they have already solicited the other opinions. It is only the Prime Minister's mind that they are not sure about.

Aside.

Mr. D. J. H. THOMPSON: That is what they have been saying, all of these investors, that they know how

the other Members of the Cabinet feel. You see what a tangled web they weave....

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

Mr. D. J. H. THOMPSON: ...by coming to Barbados, talking to individual Ministers, making proposals and then walking around giving the impression that commitments had been given. If the Honourable Member wishes to be caught up in that scenario then I have to leave it to the Barbados Labour Party. But the Labour Party must say, unequivocally, to the people of Barbados what its position is on casino gambling. The Democratic Labour Party's position, as I have said already, is very very clear.

We will listen with interest to the deliberations of the Commission on Casino Gambling. 2.45 p.m.

I urge Barbadians, if they wish, to make their views known particularly those who are in opposition to casino gambling because one has to remember that this is our country and we are entitled to determine what kinds of business practices and operations we will accept in Barbados.

I may have one view and any other individual Member on this side may have a different view because there is also an element of morality in relation to the issue of gambling. That sometimes leads people to believe that it is a conscience issue. For the Democratic Labour Party it is not a conscience issue. Our position is that every Member will be bound by the policy-making institution of the Party, which is the General Council and in that regard the Democratic Labour Party's position is in opposition to casino gambling in Barbados.

With those words, Sir, I want to move this Resolution and to say that the Democratic Labour Party rejects the proposal by the Prime Minister to establish the Commission to enquire into the introduction of casino gambling and condemns and deplores the statement by the Minister of Tourism, International Transport and the Environment in support of casino gambling and particularly that part of his statement which sought to single out those Barbadians in Barbados who are opposed to casino gambling and to refer to them in the most divisive and, in my view, unnecessary way as some kind of moral minority. On that basis I understand apologies have been tendered and one would hope that in future Ministers would not step outside of their remit, as we would not expect other functionaries to do in future.

Thank you very much, Mr. Speaker.

Mr. SPEAKER: The Honourable Member for St. Michael East

Mr. J. O. TUDOR: Mr. Speaker, I beg to second the Resolution and I reserve my right to speak.

Mr. SPEAKER: The Honourable Member for St. Peter.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, the Resolution before the House brought in the name of the Honourable Member for St. John calls upon the House to condemn and deplore the statement by the Minister, namely, the Minister of Tourism, a statement made and reported in the press, Sir, in support of casino gambling in Barbados and secondly to reject the proposal by the Prime Minister to establish a Commission to enquire into the introduction of casino gambling in this country. The statement that is the subject of the statement is a statement that was carried in the press.

On the 1st September, 1993 the same press which carried a statement by the present Minister of Tourism in support of casino gambling, the same press, under a caption "Gambling Support: Thompson Sees Nothing Wrong With Pastime" in a story written by a Mr. Hayden Boyce...

Mr. SPEAKER: The Honourable Member for St. Peter, may I remind you of the Standing Orders...

Hon. O. S. ARTHUR: I am not going to quote, Sir. It said on the 1st of September in an article written by a Mr. Hayden Boyce under the caption "Gambling Support" words to the effect that the Minister of Finance David Thompson, Minister responsible for the Betting and Gaming Committee, has no objection to casino gambling starting up in Barbados.

Sir, I submit to the House, first of all, that if this House is to condemn and deplore the present Minister of Tourism for a statement carried in the press saying that he supports casino gambling, it equally has to condemn and deplore the statement by the Member for St. John on the 1st September, 1993 that he supports casino gambling. The Member for St. John, in the process of his contribution, also indicated that the Democratic Labour Party, despite its stated policy, did set up a committee or a task force to enquire into the introduction of casino gambling in Barbados.

The Barbados Labour Party now is to be condemned for establishing a Commission to enquire into the introduction of casino gambling in Barbados. On the face of it this Resolution is frivolous and vexatious because if we are to condemn the minister of Tourism for saying that he supports casino gambling we also have to condemn the Member for St. John for saying that he supports casino gambling too and if we are to reject the proposal of this Party to establish a task force to look into casino gambling we will also have to reject and deplore the actions of the previous Administration, led by the Member for St. John,

for having done the same thing. But it is not, I submit to this House, a frivolous nor vexatious debate for a number of reasons.

Let me begin first by observing that since September 6, 1994 I have not in my capacity as Minister of Finance received any application for anyone applying for a licence to operate casino gambling in this country. To the best of my knowledge the Comptroller of Customs, in his capacity as Chairman of the Betting and Gambling Committee has not received any application for anyone to operate a casino gambling operation in this country. Neither have I, in my capacity as Minister of Finance and Economic Affairs nor as Prime Minister of Barbados encouraged anybody to apply for a casino gambling licence in this country.

The fact however, Mr. Speaker, is that we have to deal with the issue is that despite the Laws of this country, despite the decision taken by the DLP Cabinet there was active consideration given by the past Administration to the support for an application by at least one casino operator and that that matter now has to be resolved in the context of the situation where the Laws of Barbados cannot be a guide to us.

I want to confirm that, as far as I am aware, Cap.134A of the Laws of Barbados, the Betting and Gaming Act has never been proclaimed. What we have on the one part is the Betting Act that I think goes back 1897 and the Gaming Act that goes back to 1917. We do not have a proper legal framework within which casino gambling can be dealt with. The point however is, Sir, that on the 9th March, 1993 the Bushy Park developers who I will hereafter call the St. Philip Land Developers formally applied through the Ministry of Finance for a licence to operate a casino in this country. You would think that the people who had received the application would tell them no, that under existing legislation a casino cannot be granted.

The letter was acknowledged and a promise to have the matter processed. This matter came to the attention of the then Minister of Finance and the Prime Minister of the country on the file dealing with the St. Philip Land Developers Ltd. on the 4th June, 1993. It is instructive what the Prime Minister of the day said:

"The Cabinet has agreed on a policy for the grant of concessions for golf course developments. A copy of that policy should be placed on this file."¹¹

The file dealing with the Ruby Park Land Developers who had applied in March for a casino licence:

"The concessions approved for the other two golf course projects should apply in this case as well. But no concession should be granted until the overall project is approved. I see references at 9 and 10 to a

casino. I wish to make it clear that no casinos currently operate in Barbados and there is no policy to permit the operation of casinos in Barbados. No one should be encouraged to believe that there has been a change of policy in that regard." Sir, you would think that...

Mr. SPEAKER: The Honourable Prime Minister you will make this available to the House please.

Hon. O. S. ARTHUR: With pleasure, Sir. The 4th June, 1993.

You would think that after a Prime Minister has stated a position as categorical as that on the files *that* the developers would have been written a letter saying that your application is now dead and that the Government of the day, whether it be through the Trade Commissioner or the Minister of Finance or through the Foreign Exchange Committee would have followed the instructions of the Prime Minister. I make that Minute of the 4th June a document of the House.

On the 17th January, 1994, the Trade Commissioner, a Mr. Frank DaSilva wrote the then Minister of Finance in these terms in a document that I will make a document of the House and this follows the Minute of the 4th June, 1993:

'I believe that the most effective way of dealing with the casino gambling issue would be to appoint a special task force comprising of representatives drawn from the foreign organization.'

He did not say that the most effective way was to give effect to the Prime Minister's Minute but that the most effective way was to establish a task force. This was a letter from the Trade Commissioner, a Mr. Frank DaSilva to the Member for St. John. It was to be made up of the Tourism Development Corporation and so on and I read on:

"The task force should be mandated to carry out a full investigation of all matters pertaining to casino gambling and to report to the foreign exchange committee such recommendations for action as the group is in a position to make."

Then it continued, Sir:

"This approach would enable the foreign exchange committee to make the necessary recommendations to Government with the likelihood of getting substantial support from the public at large...." 2.55 p.m.

The strategy being, Sir, that if the Tourism Development Corporation, the Barbados Tourism Authority,

the Barbados Hotel Association, the Barbados Tourism Investment Corporation, the Foreign Exchange Committee and the Christian Council were to come forward with the recommendation saying that they will support casino gambling as was the intention, the recommendation would receive title support of the public at large.

He then went on to say, Sir

"I will be available to discuss the matter with you before the meeting on January 28th."

Sir, if the former Minister of Finance was obedient to the Prime Minister of the day, he would have responded to this letter from DaSilva saying: "A policy has already been taken saying that there shall be no casino gambling in this country and hence there is no need for any Task Force."

What happened, Sir, is this that by February 18, 1994 officers employed in the Ministry of Finance were writing to members of the proposed Task Force telling them: "On behalf of the Chairman of the Foreign Exchange Committee, the Hon. D. J. H. Thompson, M.P., Minister of Finance, I wish to invite you to be a member of this important working group." I want to make this a document of the House as well.

Sir, the involvement of the Member for St. John in the establishment and the work of this Committee was fundamental. He even approved who the Secretary of the Committee should be, Sir - I will make this a document of the House as well - an officer of the Ministry of Finance, a Miss Chandler, on February 28th where the Minister of Finance said: "I have arranged a meeting of the Sub-committee on Gambling for February 28, 1994 at 2:00 p.m. However, it is necessary for a secretary to be provided for the Committee and will you please act." He said, Sir 'I will discuss with the P.S."

But more to the point, Sir, the same officer sent the same Member for St. John a further reminder note at a subsequent meeting of the Sub-committee on Gambling. The members agreed that due to the urgency of the matter they will need to have a second meeting of the Committee on Friday, March 4, 1994. It read: "I have informed the Chairman that I will be unable to attend but would ensure that a Secretary would be put in place to facilitate the conduct of the meeting." The Member for St. John was so involved in the affairs of that Committee that he even appointed a secretary to replace the secretary who had to go on leave. I make that, too, a document of the House.

Mr. Speaker, Sir, on July 4th, 1994 the same Mr. Frank DaSilva, contrary to the impression that the Member for St. John wants us to believe that he knew nothing about what was going on, wrote this Minute to the Minister of Finance that establishes the vital link between the work of

that Committee and the Bushy Park Development. He wrote: "Dear Minister:

I am proposing to travel to London via New York from July 21st to July 31st, 1994. The purpose of my visit is to have discussions concerning the St. Philip Land Project as it relates to casino gambling."

Mr. Speaker, I have to repeat this - Frank DaSilva to the Hon. David Thompson, M.P. on July 4, 1994.

"I am proposing to travel to London via New York. The purpose of my visit is to have discussions concerning the St. Philip Land Project as it relates to casino gambling."

Sir, more to the point. Part of the cost of the visit was paid for by the Tourism Development Corporation and part of the visit...

Mr. D. J. H. THOMPSON: On a point of order, Sir. The Honourable Member is misleading the House. The Cabinet took a decision that neither the Trade Commissioner nor the other person who should go would go and, therefore, no visit was paid for by anybody because they never went to visit any operation overseas. The Cabinet took that decision. I have the Cabinet Minutes here.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I heard that he knew not a thing about what was going on. He never met with the people. He never had any relationship with the Committee, but on July 4, 1994 the Trade Commissioner was writing the Honourable Member of his intention to visit London to discuss matters pertaining to casino gambling as it relates to the St. Philip Land Project. Part of the cost of that visit to London was to be borne by Barstow Associates of the United Kingdom, the partners in the St. Philip land deal. They were even financing the operations of the DLP Task Force and the travelling of the Trade Commissioner to deal with casino gambling in the country.

Mr. Speaker, even worse is this, when I heard the Member for St. John tell this House that he knew nothing at all about the operator. On August 10, 1994, Mr. Richard Lyons of the St. Philip Land Development Limited wrote to the Honourable David Thompson, Minister of Finance, Government Headquarters:

'Dear Minister:

I know that you met with our investor's representative, Mr. Andrew Barstow, on Monday. Now that completion of the purchase of the site is imminent may I remind you that we have not yet received confirmation of the fiscal arrangements which were offered to us and agreed verbally at our

meeting with Mr. Erskine Griffith, then Acting Director of Finance on March 3, 1993.

I wrote you on September 28, 1993 - (meaning the Member for St. John) - listing the terms agreed and subsequently sent a copy of the letter from the Ministry of Housing and Lands, granting the outlined planning permission. For your convenience, I attach copies of those two letters and also a copy of the list of classes of employment referred to in pur letter.

Signed by: Mr. Richard Lyons, St.
Philip Land Development Co. Ltd."

That letter of September 28, 1993 I will make a document of the House. That lists all of the concessions requested and agreed at paragraph 6, Sir, a waiver of imposts on materials, furnishings, fixtures and equipment imported, whether new or used, for the construction and development of the resort, apartments, villas, hotel and casino. I will make that a document of the House too.

Mr. D. J. H. THOMPSON: On a point of order. I have to rise on a point of order. The Honourable Member has not indicated the source of that document. That was not a document from the Government to the developers. That was a document from the developers to the Government. Now they could put anything in that document. 3.05 p.m.

Asides.

Mr. SPEAKER: Order, please.

Mr. D. J. H. THOMPSON: The Honourable Member should inform the House that that was a document they wrote to the Government of Barbados, not anything that the Government wrote saying that we agreed to anything.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I am going to make it a document of the House. Everybody knows the handwriting of the Member for St. John, Sir, and he wrote a minute to the same Miss Chandler, Secretary of the Committee - "What is happening here on this matter?" Sir, that was the 10th of August On the 12th of August, the lawyers of the proposed casino operators wrote the Honourable Mr. David Thompson, Minister of Finance, and I will make this too a document of the House, because when he received this matter he did not tell them no, that this is contrary to DLP policy. He told his civil servants, please process this urgently. In his fine Italian handwriting, signed D. J. Thompson dated the 18th day of August 1994.

Sir, I have to read it for the benefit of the House and it is from Clarke and Company.

"We act on behalf of St. Philip Land Limited a company incorporated in the Isle of Man but

registered in Barbados as an external company. Our client has entered into an agreement with Foster Hall Estates Limited to purchase the Bushy Park Plantation. Our instructions are that our client intends to develop this property as a golf course. Our further instructions are that our client has had several discussions with officers in your Ministry in connection with certain concessions sought by it and that during these discussions agreement in principle was reached between our client and your Ministry with respect to the grant of the following to our clients...."

A waiver of the property transfer tax, Sir.

I will go down, Sir - a waiver of imposts on materials, furnishings, fixtures and equipment imported, whether new or old, for the construction and development of resort apartments, villas, hotels and a casino.

Now, N!T. Speaker, Sir, in the light of the Prime Minister's minute of June 4, 1993 stating that the Democratic Labour Party as a Party had said no to casinos. Let me see the minute again - he said, "Nothing should be done to encourage anybody to believe that we have any alternative policy."

If a Minister of Finance had received this, he should have been instructing the officers of the Ministry of Finance to respond saying that under no circumstance are we going to even consider an application for a casino far less to allow a casino to be established in Barbados duty free. That is the charge against this Member, Sir. He was actively involved in discussion in this country, not only to bring a casino to Barbados but to have it established in this country duty free. An enterprise that by any stretch of the imagination makes millions and millions of dollars must be allowed by that Member, Sir, to establish a casino in Barbados duty free and his response is "Please process urgently" not "No!".

Mr. D. J. H. THOMPSON: On a point of order. The concessions which were granted to that company ... Yes. He is misleading the House because he is saying that I approved concessions in respect of a casino. There is nothing which has been put before the House and there is nothing in the records of the Ministry of Finance which will show that either I, as Minister of Finance, the previous Minister of Finance or the Cabinet of Barbados approved any concessions in respect of a casino. Those are letters from people to the Ministry of Finance.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I am telling this House that in the light of the minute from the Member for St Michael South stating a DLP policy, this whole stream of activities starting with the letter from the Trade Commissioner to the Minister of Finance should not have taken place if the DLP was serious about its policy that

there should be no casino under any circumstances whatsoever. The Minister of Finance should not have been in a position where he was not only talking about establishment of a casino but the question as to whether they should be given duty free concessions to operate in this country.

I am saying, therefore, Sir, that there is a lot to this matter, that the task force that was established by the Democratic Labour Party was to act urgently and the Minister of Finance of the day received a minute that the members said that they conceived of their work as being urgent. The mandate was to have a report in hand to solicit broad public reports from all the interest groups who have a vested interest in casino gambling by the end of March, 1994. They received that report by the end of March, 1994 recommending that casino gambling should have been established in this country. Thereafter, Mr. Speaker, Sir, employees of the public sector of Barbados paid by the taxpayers were sent hither and thither and yon by the Democratic Labour Party Administration to collect Aruba regulations, Antigua regulations. I want therefore to focus on the last visit that was to be made.

The last visit that was to be made by Mr. DaSilva was to go to London and it did not go to Cabinet, Sir. He discussed it with a certain Minister and he said, 'I spoke to the Minister on the 15th and the visit will be looked at in September.'¹¹ So that the visit was not cancelled by the Cabinet as the Member for St. John would have us believe. Mr. DaSilva was fully involved with the DLP campaign.

Mr. D. J. H. THOMPSON: On a point of order. The Cabinet's decision on July 14, 1994 was: Visit to London by Mr. Frank DaSilva, Trade Commissioner and Captain Randolph Straughn, Comptroller of Customs, from July 21 - 31, 1994: Not Approved. That was the decision of the Cabinet. It was recorded in the Cabinet Minutes of July 14, 1994. The Honourable Member must not mislead the House.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I can only refer to what I see on the files. I see no evidence on the files that the visit was cancelled. If the visit was cancelled, Mr. DaSilva certainly did not know that. Mr. DaSilva's minute on the file simply says that he spoke to the Minister and the visit will be looked at in September. After the elections, Mr. Speaker, Sir.

It boils down to a simple matter. The Democratic Labour Party at its core and, in particular, the Member for St Michael South, stated a strong position against casino gambling but there are elements in the Democratic Labour Party led by the then Minister of Finance, including the Trade Commissioners, who wanted to bring casino gambling to Barbados. That is a fact, Sir. They did so not by setting up a Commission in the full glare of public scrutiny as I am proposing to do.

I want to speak quickly about people who gave evidence at that Committee, members of the Church who said they had personal objections but they felt that casino gambling was inevitable for Barbados and did not feel then that they had a moral responsibility to alert the people of Barbados about what was happening in stealth.

The point I am making, Sir, is despite what the Prime Minister might have said then, at the core of the Democratic Labour Party's planning for economic development of this country, led by a Minister of Finance and supported by a Foreign Exchange Committee and Trade Commissioners, was a furtive attempt through the instrumentality of the Task Force to bring casino gambling to Barbados in defiance of the authoritative and definitive Minute of the Prime Minister.

Sir, I do not have any vested interest one way or the other in casino gambling. I have met with my colleagues and they are free to speak their minds on it. This is a matter that is highly emotive. The Barbados Labour Party has not stated a position because, as I have said over and over again, some of my members support it, Sir, and some do not. On that side, Sir, some of the members support it and some do not. The Shadow Minister for Tourism has gone on record saying that he supports casino gambling. Mr. Speaker, the Member for St. John has said that he supports casino gambling. In the asides Sir, there are some members... The Minister of Tourism says that he supports it.

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. I am very glad the Honourable Member raised this point again because the Honourable Member carried out an act earlier in this debate. I did not have access. Yes, I have to say so. He sought to quote from a document which you did not permit him to quote from but in that document he said that I have no objection to casino gambling. The Honourable Member is misleading the House. That is what I am saying. 3.15 p.m.

Mr. SPEAKER: What is your point of order?

Mr. D. J. H. THOMPSON: My point of order is that while I said that I have no objection I went on to make the point that that was my personal view and not the Government's. In that same article I went on to say that the Democratic Labour Party had no intention of introducing casino gambling in Barbados. That is clear on the record and I consider that to be a dastardly act by the Prime Minister in misleading the House.

Mr. SPEAKER: Please, please.

Asides.

Mr. SPEAKER: Order, please.

Hon. O. S. ARTHUR: Mr. Speaker, that is the core of the debate that the Honourable Member has a personal view and he used that personal view to defy a Prime Minister and to defy his party's position on casino gambling to spearhead a furtive behind-the-scenes attempt to bring casino gambling to this country.

Mr. SPEAKER: The Honourable Member for St. Peter you have two minutes to conclude, please.

Hon. O. S. ARTHUR: On the other hand, Sir, the Honourable Member for St Joseph has a personal view. He has not sought to bring casino gambling to this country by any back behind-the-scenes approach. I have determined that this is a matter that must be properly aired. The people of Barbados must be told that leading members of the private sector of this country were part and parcel of that Foreign Exchange Committee and lent serious support to the initiative to try to introduce casino gambling to this country. The people of Barbados must be told that members of the clergy were interviewed by Mr. Solomon and expressed the point of view that despite their own personal objections they saw it as an inevitability in this country.

We have to open up this issue altogether. In establishing that Commission, I am giving vent to my belief in the best precepts of participatory democracy that a matter as important as casino gambling that can be as divisive in a society, must not be dealt with by way of a task force behind the scenes spearheaded by a Minister of Finance defying his Prime Minister, but it must be open to the public.

We cannot have a referendum on the matter until the public has been seized of all the views. Those persons who wanted to come to Barbados have the opportunity now to come before the people of this country and let us hear their point of view. Those members of the clergy who were supporting it secretly in the past come and let us hear you now. Those members of all of the trade institutions in this country do not have to go to the back room, come forward and let the people hear your point of view.

Honourable Members on this side, are free in this debate.

Mr. SPEAKER: Could the Honourable Member wind up, please.

Hon. O. S. ARTHUR: I have no vested interest whatsoever in casino gambling.

Aside.

Hon. O. S. ARTHUR: Mr. Speaker, it does not matter to me. I have said that, as far as I am concerned this country can develop its tourism industry without having to

rely on casino gambling. I have told Mr. John Wright "No".

Mr. SPEAKER: Could the Honourable Member wind up, please. Your time has expired, please.

Hon. O. S. ARTHUR: Mr. Speaker, I just want to conclude because this is an important matter. There are still many people who feel that casino gambling is important enough economically that it should be given an opportunity to flourish in this country. We need to hear them. We must stop in this country condemning people who have a point of view that is not in sympathy with ours. I am a democrat. Those people who want to support casino gambling have as much right in this country to speak as those who are opposed to it and that is the purpose of the Commission. Let us have this matter resolved once and for all.

I have set up a Commission, and I have not even spoken to a member of the Commission as they will confirm. I do not even know Mr. Eric Bishop, but he has come recommended with high credentials. I am prepared to accept their recommendations. This House can proceed now to have a serious debate on this matter seized of all of the facts, seized of the stealth and the subterfuge that was indulged in by the Honourable Member for St. John. We can now have a free, moral debate stripped of all of the hypocrisy that the Honourable Member for St. John would have wanted to bring to this country on this important matter.

I am obliged to you, Sir.

Dr. R. C. HAYNES: Mr. Speaker, it would seem to me that this country is in very grave danger of being taken down a path which leads them to a debate between the Barbados Labour Party and the Democratic Labour Party as to what they did or may not have done, whilst at the same time others are making very heavy headway towards the establishment of casino gambling in Barbados.

I have felt for a long time, and after listening to what has taken place so far, I remain convinced beyond a shadow of a doubt that the future of this country rests with the policies and programmes of the National Democratic Party. I say this because, in a matter which has just been labelled as being so fundamental on moral and other grounds in relation to the people of Barbados, the NDP was the only party to have had the courage of its convictions to state its position in its Manifesto.

Sir, I wish to quote from the 1994 Manifesto of the National Democratic Party, which is not yet a document of the House, and which I have refrained from making a document of the House until today so that it would not get confused with the other Manifestos since it stands out as such a wonderful presentation. It declared, Sir, that "A new day dawns, a day of hope and promise for every citizen

of Barbados." And it proclaims that we should go forward with pride, industry, dignity and honour.

Mr. SPEAKER: I notice you started at the front so I am hoping you would not read the whole Manifesto.

Dr. R. C. HAYNES: I wish to lay the foundation, Sir.

Mr. SPEAKER: Thank you.

Dr. R. C. HAYNES: Having laid the foundation, there is a clear, unequivocal statement in our Manifesto which reads as follows:-

"An NDP Government will seek to ensure that innovations within the industry (tourist industry) are consonant with our cultural identity and our values as a people. The NDP is opposed to Casino Gambling on the grounds that it could have uncontrollable negative fall out that could exacerbate the level of corruption in our society."

That is as clear a statement as anyone could want from a political party, and I have great pleasure, Sir, in making this a document of this Honourable House. 3.25 p.m.

Sir, I wish to establish our credentials at the very beginning. I wish to make it clear that I am not going to stand here and permit this debate to go in the direction in which it has gone so far, where people are focussing on the past and not looking at what is happening now and what will happen in the future. Of that, we have to be very careful.

I am always very wary of condemning Honourable Members when they are not present in the House. But part of this Resolution calls on the House to condemn and deplore the statement by the Minister, the Honourable Member for St. Joseph in support of casino gambling in Barbados with respect to the statement relating to a moral minority.

However, I feel quite free and I think quite honourable in making my position in relation to that known now, because I am already on record, in this Parliament, in his presence as making my feelings known about that statement which he made and he had the opportunity to respond to it.

I want to tell him this, that that statement by a Minister of the Crown is highly inappropriate, utterly disgraceful and is the kind of statement where he should be called upon by his colleagues to apologize to this Honourable House. I am looking forward at some time in the near future to hear an apology from the Honourable Member for St. Joseph in regard to that statement. I have

already called for such an apology on the Floor of the House and therefore I can repeat it now.

I also want to tell him this, that he should not be concerned about the moral minority as he puts it. I think that as events have unfolded that he is going to discover that it is an immoral minority in this country including elements in the private sector as well, hand in hand with a bunch of international bandits and some sleazy characters who want to raid the finances of this country, and rob the people of Barbados by introducing casino gambling into this country. I can tell you this, that there is a great divide between me and anyone who wants to bring casino gambling in Barbados. There is an unbridgeable gap for a variety of reasons. I would get to those later.

One reason why I am taking the line that I want to look to die present and the future is this; whatever the Democratic Labour Party did as a Party or as individuals collectively or individually in relation to casino gambling they know that I would be opposed to it in whatever station of life I am in this country. But the electorate have spoken on that. They have made it quite clear that they are finished with them, for the time being. I therefore will not be wasting my time dealing with the Democratic Labour Party.

Aside.

Dr. R. C. HAYNES: And you happen to get in with a minority of the votes in this country thanks to the NDP.

If I may move on, Sir.

Mr. SPEAKER: Yes, move on. Thank you.

Dr. R. C. HAYNES: They have stated their position today in the House that they are opposed to casino gambling. I listened very carefully to hear whether the principal spokesman for the Barbados Labour Party would say that his Party, which now forms the Government of Barbados, is opposed to casino gambling.

Aside.

Mr. SPEAKER: Let us hear the Honourable Member, please.

Dr. R. C. HAYNES: I am inviting any other Member of the Barbados Labour Party to rise in his or her seat now and say that the Barbados Labour Party is opposed to casino gambling in Barbados.

Mr. Speaker, I feel so strongly about this since they form the Government of this country that I would sit and allow them to speak. I am asking them now, if they are not planning to bring casino gambling into Barbados, would any one of them rise in their place now and tell the

people of Barbados, that the Barbados Labour Party Government will not bring casino gambling to Barbados.

Asides.

Mr. SPEAKER: Order, please.

Dr. R. C. HAYNES: Mr. Speaker, I could stand and wait here until tomorrow morning if you allow me to remain silent until they get up and speak to the people of Barbados.

If they would not speak to the people of Barbados, I think we can only be left in the area of speculation. I think that is sad because if the Barbados Labour Party can speak so eloquently on the infelicitities of the Democratic Labour Party on this matter, then they should, at least, be able to let the people of Barbados know what their position is.

We know and we have heard the Prime Minister of Barbados, I believe he was reported and regrettably,... If he would just answer my question I would not have to be getting up on these areas of speculation. We know that he made a statement, in New York, to the effect that he supported casino gambling. We know that the Minister of Tourism has made such a statement. We know that the Minister of State in the Ministry of Foreign Affairs and Foreign Trade has made a statement supportive of casino gambling with regulations which we can purchase overseas. We cannot regulate minibuses in Barbados and he is going to regulate casino gambling!

The question is that you have 3 Ministers of the Crown including the Prime Minister on record as making statements that are supportive of casino gambling. We have a debate in the highest court of this land today and we are being told that we should wait on the outcome of a Commission. I have never heard such madness in all my life. Never yet! I have never heard the authority of Parliament being made subsidiary to a commission appointed by an executive yet. I would have a few words about the Commission later and my attitude towards the Commission. But all I am saying is that I would urge the Barbados Labour Party whose record on the issue of casino gambling is one that raises the greatest suspicion with the exception of the Honourable Member for Christ Church South who was the person when he became Prime Minister of Barbados instructed that there should be a proclamation revoking the proclamation of the Gambling Act that was passed in this Honourable House. That is why it is not the Law of Barbados today. But I am going to deal with that because he did not agree with it.

Aside.

Dr. R. C. HAYNES: Yes, the Honourable Member for Christ Church South, the Venerable, Honourable Knight who in the accordance with his new elevation is further

committed to telling the truth and defending gallantly what he really believes in. The word gallant is very important.

If I may move on, Sir. We may recall that this issue of casino gambling has been very divisive in Barbados. In the early 1980s under the Barbados Labour Party with one of its leaders participating fully in this exercise, we had in Barbados, unlawfully, casinos set up here, one in St Peter, one in Hastings. We had a situation where couriers and other personnel were given work permits to come into Barbados to train people in casino gambling. It was only due to the efforts of people like myself, the Church, the Barbados Hotel Association at the time, some of the very people who today are among the racketeers trying to bring casino gambling into Barbados. Some of them in the Barbados Hotel Association are involved in the plot. It is a conspiracy and they are involved in it. I make no mistake about saying that. I know what I am talking about. I do not like to name the properties in St James or the properties in Hastings. We know where those properties were and we also know who was the senior member in the Barbados Labour Party who participated in the gambling there almost every night. I saw him with my own two eyes. I looked through the window.

Aside.

Dr. R. C. HAYNES: I was not in there.

Mr. SPEAKER: You said you looked through the window.

Dr. R. C. HAYNES: I did not peep anywhere. I looked in. They are two different things, Sir.

You may recall that at that time the private sector threatened to close down this country. You may recall that there was a day of prayer against casino gambling that was organized by the churches throughout Barbados. As a result, those institutions were closed down where people who were granted work permits to come in here and work. They were sent back to England, some of the casino equipment was sent back out of the island and some of it, I gather, is still stored in this country, and I know where.

Aside.

Dr. R. C. HAYNES: The Honourable Member for Christ Church West is trying to distract me by asking why I did not tell the police where the equipment is. I do not know if there is any law that says that the equipment cannot be here. But if it is so, let me know and I might be inclined to inform the police. Just let me know if there is such a law.

If I may move on. In 1985, 3 or 4 years later there was another major attempt to bring casino gambling to Barbados. It was the Barbados Labour Party Government

some time around February, March, 1985 that brought an Act to this Parliament which purported to make unlawful all forms of gambling and also to provide, through regulations, to regulate all gambling in Barbados. But in the body of that Act, Sir,... But in the body of that action... 3.35 p.m.

Mr. SPEAKER: The Honourable Member for St. Michael South Central - may I remind you of the general orders and alluding to something that...

Dr. R. C. HAYNES:...not in this session, Sir, the past session. Anyhow, Sir, the point that I am trying to make is that that particular Act provided all of the framework for casino gambling in this country. The fact that we did not have casino gambling we can thank the Honourable Member for Christ Church South, who after he became Prime Minister of Barbados was so incensed and outraged about the particular piece of legislation, that he instructed that although it was proclaimed that there should be a proclamation revoking that and it is not the law of Barbados. That is where the confusion now arises as to whether Section 134, or whatever it is, is the law of Barbados. That is how that came about and a lot of people do not realize that and that is a fact.

Sir, on the question of this Commission. We have discussed this matter in the NDP for sometime. I am fully aware, Sir, of the kind of entrapment that the public can get involved in now, bearing in mind what has happened in the past of a change of Government, allegations about the involvement of a previous Government in gambling as the case of the one-arm bandits, the appointment of a Commission, and a Commission making a report conditional on regulations, one-arm bandits becoming part of the landscape of Barbados and the regulations never put in place. Even today there are people, Sir, who are crying out and asking of the Government of Barbados to regulate the pay-out from the one-arm bandits in this country and those important regulations have never been put in place.

Sir, when I see this Commission, it seems to me as if history is repeating itself. But it is a more fundamental reason than that, Sir. I would not seek to dignify such a commission by having the NDP before it, nor will I seek to demean the NDP by appearing before such a commission. I will tell you why, Sir. There is a variety of reasons. I am a national of Barbados and I have very strong nationalistic feelings. If there was a Commission on the 11-Plus, or something to say on the 11-Plus, or some burning issue effecting the broad masses of people in Barbados, I would be happy to appear before it and give evidence. I would be happy for the NDP to appear before it. But for me to appear before a commission where the demand is coming from racketeers outside of Barbados hand in hand with racketeers in this country, I would think that demeaning and infidig for either I or anyone in the

NDP to appear before it and of this I feel very strongly. I feel that this is an invasion of the sovereignty of Barbados. Do you think that if any Barbadian held a position on anything relating to the United Kingdom that a United Kingdom Government would be setting up a commission to deal with that kind of issue created by people outside of the United Kingdom? It would be unheard of.

I love this country, Sir. I believe that we have something better to offer our country. We must have a feeling about nationhood, something that would inform us that when an issue is created by persons external to Barbados, then we know it is an inappropriate response for this kind of thing.

There is another good reason why I will not be appearing before any commission of that nature. Do you know, Sir, that I believe that the majority, if not all, of those persons on that Commission went to Sunday School just as I did would know what is right and what is wrong? I will not be appearing before any commission down here on earth on any fundamentally moral issue. That commission has to be up there and not down here. Get that straight - not on a fundamentally moral issue. Because, Sir, when we get into the area of saying it is morally wrong but - you have a problem, Sir. Every prostitute, Mr. Speaker, reasons that way. Every thief, Mr. Speaker, reasons that way. We know it is wrong, but there are economic reasons and all kinds of problems why we go ahead and do it. Every crook, Mr. Speaker, reasons in that way. We know it is wrong "but". When the state gets itself involved in a situation where it is saying we know it is morally wrong but there are economic reasons or whatever, that is the beginning of the end. Because I believe, Sir, that whereas we have some role in here to play in the economic and social development of Barbados, we also have a fundamental duty to make sure that such development is consonant with the cultural, moral and ethical traditions of this nation. That is the view, Sir, that I have always advocated from the time that I came to this Honourable House and I believe that it is the only way that this country can make progress in the long-term no matter what it is - education, health, economics, finance or any aspect of Government. If you ever get blinded to that or you allow people to come into this country and make all kinds of stupid promises to you and move you away from your very fundamental moral footings, there is no way that I can be party to that and there is no way that I would appear before any such Commission. I think it would be a disgrace to myself, it would be a disgrace to my Sunday School teachers, it would be a disgrace to my father and mother who tried to instill some kind of moral independence in me if I do not understand that casino gambling is morally and fundamentally wrong. You can laugh if you like.

Aside.

Dr. R. C. HAYNES: You can laugh if you like. That is your problem. If I may just move on, Sir.

Mr. SPEAKER: Let us hear the Honourable Member please.

Dr. R. C. HAYNES: I will ignore the Honourable Member for the City now as I have ignored her in the past because I know she is only about to make trouble. That is all you are about to do. If I may move on, Sir. Would you please protect me from the lady, Sir? Will you promise me you will protect me, Sir? Thank you, Sir. Now, Sir, since you promise me protection, I will remain inside here. Let me move on. 3.45 p.m.

There are many people who speak and they never bother to think where is all this money coming from that is going to be gambled away. Do you know where it comes from, Sir? The salaries and wages of people. It comes from their savings. There are people in Barbados today who once a week go to the bank and take money off their savings to go and gamble. Welfare payments, Sir. Someone gets a \$20 from the Welfare Department and they go and spend \$5 on gambling. That is a fact, Sir. Unemployment benefits. These are the sources. This is where the money is coming from that is being gambled day-to-day. Maternity benefits. Sickness benefits. Pocket money given to children. That is what is happening in Barbados today. Money that is stolen. Are we to encourage this kind of development in Barbados? Are we going to encourage a development that basically is based on taking from people, what they work for, what is made available to them from the State, from our social security system to spend it in order to enrich a few in this society? It is wrong.

It is fundamentally wrong and as a Government we have a duty to address these things. We cannot pretend that it is not a moral issue. We cannot pretend it is not an issue that affects the welfare of all Barbadians. In fact, Sir, we are rapidly reaching the stage where out of those weekly payments to Barbadians that the Inland Revenue takes some, the Social Security takes some and the gamblers take some! We are now being "elevated" to that status in Barbados, if you look at the total amount of gambling every week in Barbados.

Sir, I believe that Barbadians who are expected to understand the multiplicity of issues presented to them at an election are competent and capable of voting in a referendum when they are faced with a single issue and it is an insult to the people of Barbados to suggest to them that they are not competent to vote in a referendum on a single issue of fundamental importance to them and to their country, whilst at the same time you go to them and ask them to vote on a multiplicity of issues presented in a manifesto at an election. It is just trying to hide from the public of Barbados. The only answer to this matter is for

the Government of the day to get up and say no to casino gambling, or if it does not feel inclined to do that, to go to the people by way of referendum.

Our manifesto, Sir, also provides for a referendum on major issues. It is a highly enlightened document which down the years ought to be of the greatest possible importance.

Sir, I don't want to deal with the issue of jobs today because I just wanted it to be noted that this Resolution does not in fact deal with casino gambling *per se*. It calls for the condemnation and the deploring of a statement by a Minister on another matter and rejects the proposal in relation to a Commission and nothing should prevent me if. I can get a seconder from bringing a Resolution dealing substantively to this House on the matter of casino gambling.

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

Dr. R. C. HAYNES: Sir, one further point I would like to make is that these foreigners are trying to treat the people of Barbados as people treated the Indians by giving them beads for Manhattan Island. The same story. The offer of jobs, housing, the whole lot but they enrich themselves and at the end of the day the few jobs they give at a casino, other jobs are lost elsewhere. Sir, I have seen hundreds of feasibility studies on casino gambling, a whole lot. I have seen a lot because I have had an interest. I really wanted to come to an informed opinion on this matter. I have made a study of the Royal Commission on Gambling in the United Kingdom way back in the 1970s. Do you know what they all do, Sir?

Let me tell you. Every single application is based on a feasibility study where they come to a country like Barbados, look at the total earnings of Barbadians, look at the total security payments, look at the total tourism earnings and decide that they particularly if they move into virgin territory, can get 2% to 10% of these earnings without bringing one additional tourist to Barbados. You are talking, Sir, of almost \$100 million to \$200 million they can cream off this country without putting one cent in the development of the tourism industry. Do we want to take that risk?

Sir, these are serious matters and I wish to make it clear that I really have no choice. I will be supporting this Resolution because it is consistent with every position that I have ever taken on the issue of casino gambling and it is consistent with what I said in this House in relation to the statement by the Honourable Member for St. Joseph.

Thank you very much.

Mr. SPEAKER: That brings us to the end of Private Members' Business.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that further consideration of this Resolution be therefore postponed. There is another item of Private Members' Business, Your Honour, Sir, Number 3. I had offered, on the last occasion that the House sat, to the Honourable Leader of the Opposition that the Resolution on the no-confidence motion might be proceeded with tomorrow.

He has indicated that he is not disposed to proceed tomorrow and will let me know in due course when he is so ready.

Mr. Speaker, Sir, I would like to move that we should revert now to Government Business.

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

GOVERNMENT BUSINESS (continued)

Hon. Miss B. A. MILLER: When we broke off from Government Business before lunch we were in the process of debating the Juries Bill and to that we should now return.

Hon. D. A. C. SIMMONS: Mr. Speaker, before lunch I indicated that I wanted to wind up the Second Reading debate on the Juries Bill, and in doing so, I wish first of all to thank all Honourable Members who contributed to that debate. Their contributions were all recognised and I want to start first with the Honourable Minister of Health to correct a misimpression that she has about the level of crime.

In the last two quarters of 1994 there was a significant decrease in crime and at the end of the year we ended up with about 14% decrease in reported crime for the period 1994 as compared with the year 1993. That is a very significant statistic. There are not many countries that could show such a trend.

Two Honourable Members, the Honourable Minister of Health and the Honourable Member for St. Michael South Central, spoke about the presumption of innocence and I just want to remind Members that thus far and certainly for as long as I hold this office the presumption of innocence will remain as it has always been, that a person charged for an offence is presumed to be innocent until proven guilty. I don't think that any Members need have any fear about the presumption of innocence. 3.55 p.m.

In jury trials I want to say as a fact that every judge - they may go wrong from time to time and in their

summations in giving directions about certain points of law - but there is no judge who has ever, in my experience, gone wrong in instructing the jury on the presumption of innocence. In the very beginning of a summation a judge will always say to the jury that the accused man is presumed innocent. The Crown has the burden of proving guilt beyond reasonable doubt and that burden never shifts, and language of that kind. There is no reason to fear that the presumption of innocence is being in any way diluted because there may be a greater increase in the level of convictions.

What happens is, and may have happened in Barbados in the last few years where there has been an increase in the incidence of crime, that the society reacts at the emotional level to increases in the levels of crimes. People emotionally start to ask for a return of the cat, hanging, and all of these types of punishment. If a jury is but a reflection and a microcosm of the larger society, you would expect that in the selection of the jury there will be persons who bring to bear in their jury service some of the same emotional attitudes that the larger society is exhibiting in response to criminal activity.

Every country where there has been an increase in crime has found that the response to that increase has been at the emotional level. Perhaps in Barbados we cannot speak any longer as the English speak of the man on the Clapham omnibus. We, perhaps, might find it more appropriate to speak of the man on "Tell It Like It Is" or "Brass Tacks"¹¹, the call-in programmes. You see then when there is a spate of serious crime the callers respond very emotionally, the same thing in the casino debates that are going on now. You get a lot of emotionalism and you are very short on facts.

Aside.

Mr. SPEAKER: Let us continue, please.

Hon. D. A. C. SIMMONS: Mr. Speaker, the Honourable Member for St. Michael South Central in that same vein called for a separation of the prejudices and emotions and would wish that juries come to their decisions based on facts and not be overburdened by emotionalism. I have explained that already. The Honourable Member might not have been in his place. There is no way you can legislate for that. You are dealing with human beings who bring to bear on their jury service all the value judgements that have been ingrained in them for years and that is why you have a jury system that people can deal with facts, also understand the emotional points in the case and bring their whole experience to bear.

Aside.

Hon. D. A. C. SIMMONS: You get the prejudicial points which will be outweighed by the non-prejudicial

points when they get in the jury room and they start to bat it around with the other 10 or 11 people who are there.

I remember, Sir, and if the House would just indulge me a minute.

Aside.

Hon. D. A. C. SIMMONS: You are ready to go? But I am responding. You were not here. The Honourable Member for St. Michael South was not here when the debate was going on and he is telling me that he is ready to go.

Mr. SPEAKER: The Honourable Member, please address the Chair. Let us continue, please.

Hon. D. A. C. SIMMONS: I am not stopping the Honourable Member for St. Michael South from going home, Sir.

Mr. SPEAKER: Well, just address the Chair.

Hon. D. A. C. SIMMONS: He has stayed longer today than on any other occasion since we started in October. I am glad. Sit down and enjoy yourself. Relax. You have been absolved in the previous debate. All that happened is that you did not know what was going on.

Mr. Speaker, I must give this anecdote though because it is perhaps in support of what the Honourable Member for St. Michael South Central said. Many years ago I was representing a well known Bridgetown businessman on a case of indecent assault. When we were picking the jury I, for the one occasion in my legal career, challenged as many as I could - I think they were allowed 9 challenges, 7 and 2 for calls. I challenged 9 to pick an all male jury because as a boy growing up I used to hear stories about my client. I felt that no woman juror could bring a dispassionate consideration to the evidence. I challenged and challenged until I got a jury of all men. The judge abused me and told me that I was acting in defiance of the rights of women and all of that. I told him, "You can say what you like. He in the dock is my client. I have a duty to him." That was at 9.30 the morning. We took a morning break at 11.30. I went out onto the balcony at No. 3 Court to have a smoke and while I was out there two of the women that I challenged, one a very senior civil servant now ready to go home came to me and said "You, you, you devil. You like you did know because if we had ever been on that jury we wouldn't want to hear nothing you got to say." I thanked my lucky stars that I had used my own intuition to pick an all male jury because if those two ladies, both of whom I know, had been on the jury, that man would have been convicted. In the event I got him off. They decided before the case started that he was guilty. To that extent there is merit in what the Honourable Member

for St. Michael South Central said about prejudices and people overburdening their better judgement 4.05 p.m.

I do not agree with the Honourable Member for St Michael East. He was suggesting that we need a system to protect jurors. At the moment - knock on wood - we have not reached the stage of Trinidad where witnesses in important cases are being knocked off and jurors too. We have never had any problem in Barbados with jurors being threatened by accused or accused's families. I went today and asked 2 people in the Registry who were here who deal with this matter if they have ever been aware of any circumstance in the last 20 years where a Report has been made to the judge or whoever that a juror or his family were threatened and they said none. They did remind me, however, of one case last year or it could have been the year before when some Defence Force men were on trial. You will recall that the judge had to warn, I think the mother of one of the accused men who was seen writing down file car numbers of jurors. That is the only incident that we know of.

It is not generalized. It is nothing about which I think we need have any fear at the moment but, of course, I can assure the Honourable Member that if there is ever any evidence of that kind of conduct infiltrating our system it will be dealt with firmly and swiftly.

Mr. J. O. TUDOR rose.

Mr. SPEAKER: On what do you rise, Sir?

Mr. J. O. TUDOR: On a point of clarification, Sir.

Aside.

Mr. SPEAKER: On a point of...

Mr. J. O. TUDOR: Elucidation.

Mr. SPEAKER: The Honourable Member for St Michael East...

Mr. J. O. TUDOR: The Honourable Member has given way, Sir.

Mr. SPEAKER: Is this...

Mr. J. O. TUDOR: On a point of elucidation, Sir. I have spoken in the debate already.

Mr. SPEAKER: Is this with reference to something you had said earlier?

Mr. J. O. TUDOR: Yes.

Mr. SPEAKER: Proceed.

Mr. J. O. TUDOR: The point I was making is that while I respect what the Honourable Attorney General was saying, I was still making the point that there are a number of jurors who elected to serve on the jury who themselves have a fear of sitting on the jury for the likelihood that they may be threatened. It might not necessarily exist. But they have this fear that it does exist and maybe once they are assured by the Attorney General that this has never happened in 20 years that is certainly a plus for Barbados. It says a lot about our society. I hope that once that is true that we would be able to encourage Members to feel comfortable to serve on the jury. That is the point that I was basically making.

Hon. D. A. C. SIMMONS: Mr. Speaker, the Honourable Member put the question and answered it himself, that if there is any fear, the fear is misplaced and is non-existent at the moment.

I think, Mr. Speaker, I have answered the concerns of all Honourable Members except the Honourable Member for St. Michael South Central mentioned that bankruptcy was not a crime and it should not be a disability to service.

We are proposing a new Insolvency Bill; some work has been done by the Caribbean Law Institute. There is a model Bill in circulation. We have our own draft and the Giienville Phillips Committee which met during the last Labour Party Administration whose term of office came to an end some time during the Democratic Labour Party's time, they have produced a draft Bill and out of those two drafts which are in circulation we should be able to distill a contemporary piece of legislation which addresses a number of concerns, one of which of course is that we must have some kind of situation like Cap.11 in the U.S.A. in, I am not saying that it would be Cap. 11 but some mechanism which allows for a company to fall on hard times and not immediately collapse, as is the current tendency where workers are suddenly displaced and so on and we need to look at a mechanism born of the experience of the US and Canada and England. England has a 1976 Insolvency Bill which has some similar provisions. We will take that into account.

It will be a question not for me alone to make. I really would not wish to assume that responsibility as to whether bankruptcy should cease to be a disqualification. It is a disqualification from membership of this House.

Aside.

Hon. D. A. C. SIMMONS: You ask "Why?"¹¹ But if you have a bankrupt MP, you might have a bankrupt MP who is prone to take bribes and graft or who might be got at by drug dealers or something. It is something that we have to look at. I will study it and if we think it is something that needs to be looked at now, although I cannot think of any Commonwealth country which allows

a bankrupt to sit in Parliament or sit on a jury, we would have to use the benefit of other people's experience. But I give the assurance that we will look at it and see if in the new Insolvency Act some hybrid situation which would be worked out can accommodate a person who has fallen on bad times but is not a crook.

With those few words, Mr. Speaker, I beg to move that this Bill be now read a second time.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

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

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. Miss B. A. MILLER, Mr. SPEAKER left the Chair and the House went into Committee on this Bill, Mr. W. C. C. CALLENDER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is in Committee.

Clauses 1 to 2 inclusive were called and passed.

Clause 3 was called.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, I beg to move that Clause 3 stand part but in doing so, there is a typographical error on page 4 of the Bill, the second line in subclause 10. It says:

"Nothing in this section affects the obligation of a juror to his employer under his contract of service in respect of any period for which he is excused"...

It should read "from", It says "form" I beg to move that that typographical error be changed and the word "form" in line 2 on page 4 be deleted and be replaced by the word "from". Subject to that Amendment, Sir, I beg to move that Clause 3, as amended stand part.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

The question that Clause 3, as amended, do now stand part was put and resolved in the affirmative without division.

Hon. D. A. C. SIMMONS: Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill in Committee to his Honour the Speaker.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

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

passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly. 4.15 p.m.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, I beg to move that this Bill be now read a third time.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

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

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. Miss B. A. MILLER, the Bill was passed and cited as the Juries (Amendment) Act, 1995.

ORDER NO. 1 - TO MOVE THE PASSING OF A
RESOLUTION TO APPROVE THE COMPULSORY
ACQUISITION OF LAND AT WELL GAP,
CAVE HILL, ST. MICHAEL FOR
ROAD IMPROVEMENT

Hon. G. W. PAYNE: Mr. Speaker, this Resolution seeks to acquire a parcel of land and dwelling house at Cave Hill, St. Michael for road improvement. Sometime early in 1990 the Ministry responsible for Public Works carried out certain road works at Well Gap, Cave Hill, St. Michael as part of the Barbados-Venezuela Tenantry Road Programme. One of the parcels of land affected belongs to a Mrs. Oneta Williams and as a result the house is very close to the kerb. Mrs. Williams had earlier contracted for the sale of the property but had to abandon the agreement when Government declared its intention to acquire the property. In addition, the House has become the target for vandals.

Taking these factors into consideration, Mr. Speaker, it was agreed that the entire parcel measuring 350.3 square metres together with the house should be acquired through the provisions of the Land Acquisition Act, Cap. 228. The relevant notices have been published under the Land Acquisition Act. The survey plot shows the area to be 350.3 square metres comprising 211.6 square metres of land and 138.7 square metres in the right of way. A copy of the plan is available for inspection by Honourable Members.

I now ask that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

Mr. R. St. C. TOPPIN: Mr. Speaker, I rise to support this Resolution and to commend the Government really for the way in which it has been dealing with these questions of compulsory acquisition of land. I would expect, Mr. Speaker, that Government will move with the same speed to actually pay the compensation to these land owners. I have had to suffer, Mr. Speaker, the misfortune of

witnessing the acquisition by the last Government about a piece of land belonging to no less a person than one of my grandmothers in the St. Michael East constituency. In fact, she went on to pass on and to this day there has not been any payment for that piece of land, but it "was confiscated.

Dr. R. C. HAYNES: On a point of order, Sir.

Mr. SPEAKER: The Honourable Member for St. Michael North - What relevance is this to the Resolution before the House please?

Aside.

Mr. SPEAKER: Sorry, no point of order.

Dr. R. C. HAYNES: I believe, Sir, that the only Member who was ever expelled from this House over the years was a Member who made a similar speech promoting the interest of a relative on the floor of this House. I believe the reference of the Honourable Member is very much contrary to the Standing Orders of the House concerning the interest of his grandmother. Mr. Hanschell was expelled from Parliament for promoting the interest of himself and his family in a debate in this Parliament.

Mr. SPEAKER: The Honourable Member for St. Michael North - I would just like to remind you of the Standing Order of relevance. Let us continue please.

Mr. R. St. C. TOPPIN: On the question of road improvement and as I said, I commend the Government. I would also like to commend them for the fact that within a few short months there is a certain area not far from this area, Phillips Road, St. Stephens Hill, which in fact has been repaired in St. Michael North. That has a special history, Mr. Speaker, which again must redound to the shame of the other side because the road conditions were so bad.

Mr. SPEAKER: The Honourable Member, I do not think that I am going to allow you such latitude now. Let us stick to the Resolution and move on please.

Aside.

Mr. R. St. C. TOPPIN: Mr. Speaker, we are dealing with road improvement.

Aside.

Mr. R. St. C. TOPPIN: Well Gap! Well, there is an area on the other side of Well Gap which is to the northern side, Mr. Speaker, where the road was so bad that I remember as I went about my political involvement in that constituency some years ago it made light work of some shoes that I was wearing. In fact, this northern side was so bad as well...

Mr. SPEAKER: You must have done it well because you are here now.

Mr. R. St C. TOPPBSf: I would just wish to urge the present Minister to continue on his present path because we are seeing some improvement in that road where the former residents had to suffer. They were so frustrated with the former administration that they themselves pooled up and bought the necessary materials to fix the road on their own and they were just waiting for that administration to put the tar on and it never was done with the result that their money and time and everything was washed away. But this Minister within a few short months has moved to rectify that situation and the residents are grateful. I would just wish that sort of development will continue. From time to time I will come back under various Heads to outline some other areas that require repairing.

Mr. L. A. WEEKES: Mr. Speaker, Sir, I am not going to be very long on this, but I understood the Minister to say that the amount of land is approximately 5 000 square feet. Is it approximately that? 4.25 p.m.

I wonder if that is the case if the Minister could say how much of this particular...

Asides.

Mr. L. A. WEEKES: It is a small piece of land but my reason for raising this question is that all of this is not going to be used for road improvement. There must be some residue of land after the road has been improved, and what I have noted in the past is, if the Ministry does not take good care of the remaining land what we find happening in those areas is that people start to dump, bush starts to grow and a combination of both becomes a nuisance to the people in the area.

I would hope, then, Sir, that the Ministry will make sure that all the lands that remain from the road improvement are kept tidy and free from these kinds of hazardous waste. That is the main point that I want to make simply because this seems to be a developing habit where people feel that strips of land, especially when owned by the Government, they have a right to use them for their own purposes, particularly for dumping. Very often people have complained and I myself from time to time have asked either the Ministry or the Sanitation Service Authority to direct, to ask residents and passersby as well to desist from making the land untidy. That is about the only contribution I want to make.

Hon. G. W. PAYNE: Mr. Speaker, with respect to the point made by the Honourable Member for St. Michael North relating to the compensations which are outstanding, at the moment we are moving now to regularise on a yearly basis a certain specific amount of money to be paid

to persons whose land had been taken up for some time by Government and it is hoped, as I mentioned earlier, that during the life of this Administration we will be able to take care of a lot of the backlog that was there during both administrations. With respect to the query by the Honourable Member for St. Michael North West, the actual area of land is just about 211.6 square metres which would not be used immediately by Government. In keeping with the clean-up programme by this Government since September, I can assure you that that particular area will be dealt with accordingly.

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

Hon. R. N. GREENIDGE: I beg to second that.

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

ORDER NO. 2 - RESOLUTION TO APPROVE COMPULSORY ACQUISITION OF LAND AT AIRLFFI TENANTRY ROAD

Hon. G. W. PAYNE: Mr. Speaker, this Resolution pertains to the acquisition of land at Airlie Tenantry Road at Cave Hill, St. Michael. Government is presently regularising the utilisation of 27.7 square metres of land at Airlie Tenantry Road, Cave Hill, St. Michael.

In February 1988, the Ministry of Public Works constructed a tenantry road at Airlie Tenantry Road, St. Michael. By letter dated May 10, 1990 the Attorney-at-Law acting on behalf of Miss Estelle Miller submitted a claim for compensation for a portion of her land which was allegedly utilised during the process.

The matter was investigated by the technical staff in the Ministry who confirmed that a portion of the land measuring 27.7 square metres was used during the execution of the project. A proposal by Government to have the land donated was rejected by the landowner. In the circumstances, Cabinet agreed that the land should be formally acquired and the owner compensated.

Accordingly, the provisions of the Land Acquisition Act were invoked and a notice under Section 3 was published in August 1994. In accordance with Section 5 of the Act, parliamentary approval is hereby sought to acquire the said parcel of land from Miss Miller for road improvement so as to facilitate the payment of compensation. The value of this land is just \$1 400.

I beg to move that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg to second that.

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

ORDER NO. 3 - RESOLUTION TO APPROVE THE
COMPULSORY ACQUISITION OF LAND AT
BREEDY'S LAND, CHRIST CHURCH

Hon. G. W. PAYNE: Mr. Speaker, this is a similar Resolution pertaining to the acquisition of lands. This time at Breedy's Land near Silver Sands, Christ Church for road improvement

In January 1989, the land surveying agents for Mr. William Osbourne drew to the attention of the then Ministry of Housing and Lands that two parcels of their client's land at Breedy's Land, Silver Sands, Christ Church had been utilised by Government during a road improvement project in the area.

The matter was investigated by the land surveyor in the Ministry of Public Works who confirmed the validity of the claim by the landowner's agents. Pursuant to the above Cabinet has approved the recommendations that Mr. Osbourne should be compensated for 27.44 square metres of land, part of a larger area of 948.5 square metres in one instance and 35.0 square metres, part of 3 605 square metres in the other instance and Mr. Osbourne be exempted from payment of taxes or be reimbursed for taxes paid on the parcels of land utilised for road construction from April 1985 when the property was first used; that the relevant survey plans be amended at Government's expense so that the extent of land now owned by Mr. Osbourne is clearly identified; that the Ministry of Housing and Lands should be authorised to commence negotiations relative to these acquisitions.

The relevant notices under the Land Acquisition Act have been placed in the newspapers and the *Official Gazette*. The value of these lands, the first parcel - \$885 mid the second parcel - just under \$1 200.

Parliamentary approval is hereby sought to acquire the said 27.44 square metres of land and 35.0 square metres of land at Breedy's Land near Silver Sands, Christ Church from William R. Osbourne for road improvement.

I beg to move that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg to second that

Mr. W. C. C. CALLENDER: Mr. Speaker, Sir, I am pleased to support this Resolution, but I am disturbed that a gentleman who could have his land used in such a manner should have to wait for 10 years to be paid. I believe that this situation could only but discourage other persons from wanting to have their lands used in such a manner.

I am even more perturbed because this area was once a very muddy area and I know that the representative for St. Joseph who was once the representative for Christ Church East did his best to make sure that the persons living in that general Silver Sands area were not walking in those muddy conditions. I know that the Honourable Member for St. Michael East who is also my constituent would attest to the muddy conditions in that area and would recognise the efforts of the now member for St Joseph in trying to get that area cleared up.

You will recall that the date was April 1985 when this road was first built. Then came to office the Democratic Labour Party and Mr. Osbourne has had to wait for the return of the Barbados Labour Party for consideration to be given to him to have payment for his land. I hope that the people of Silver Sands would understand where their loyalty should rest 4.35 p.m.

I am also speaking in the context, Sir, where another section of Breedy's, there are two gentlemen - I am not going to call their association - who have refused to allow their land to be used for a tenantry road. There is an area there that is very muddy, an area just south of Ealing Park South and west of Inch Marlowe where the people have to go through muddy roads and cars cannot get over there because two gentlemen in that area refuse to let their lands be used. I believe it was undo* the Democratic Labour Party time. I am not sure. The fact is that these gentlemen refuse to let their land be used and as a result these people have been asking for a road and cannot get a road.

I am hoping that during the tenure of this Government that we can show the people of Silver Sands that we care about them and that they can now have this road through the necessary acquisition. I would hope that the gentleman would not have to wait for as much, as 10 years, as Mr. Osbourne has had to wait, to be repaid. I therefore am glad to be associated with this Resolution today.

I also just want to make a point, Sir, that in areas where tenantry roads cannot be built; some provision has to be made for some hard surfacing to be done in those areas such as in Bourne's Land and areas of Parish Land and so on. If you do not have the money to build a permanent tenantry road, at least hard surfacing can be done. I do know that there is a lot of hard surface at the airport.

I am advised by members of the Public Works at South Point that this hard surface can be made available for roads to harden the surface so that people do not have to leave their cars and walk in and the ladies do not have to put plastic bags over their shoes and so on. I believe at least the people in that Department can use their good sense. It is just a vehicle and a few men. Even the people have the help to do it themselves to make sure that

people do not have to walk with plastic bags on their shoes and ladies have to get their heels lost through walking this muddy terrain. That is all it takes.

I believe that during our tenure the people of Christ Church East will be returned to a period when they will see good roads throughout that area. They have much more to be done. The former representative...

Mr. J. O. TUDOR: On a point of order, Sir. The Honourable Member is clearly misleading the House and the residents of Christ Church East. The truth of the road repair in Christ Church would clearly show that in the last 6 months we have seen a massive road programme in the same constituency that he is now referring to and it is not fair for the Honourable Member to suggest that there was any disregard about road repairs. In fact, almost every single road in that constituency has been repaired.

Mr. SPEAKER: All right. You do not have to make a speech. Your point has been made. Thank you.

Mr. W. C. C. CALLENDER: The Honourable Member for St. Michael East has made his point but I must say that the fact of the matter is that he is addressing the main road from Oistins via Wilcox.

Mr. SPEAKER: The Honourable Member.

Mr. W. C. C. CALLENDER: The Honourable Member for St. Michael East is addressing the main road. I am talking about tenantry roads. I therefore wish in this context to speak specifically of the road under Fairview Hill which was dug up by the vehicles that were building the main road and was left in such a state of disrepair that it is worse than it has ever been in my lifetime. Therefore we are forced now to make sure that some reformation is made so that the people of Fairview Hill would understand that they have to be treated decently, the way the BLP knows how.

Mr. J. O. TUDOR: Mr. Speaker, again the Honourable Member is misleading the House.

Mr. SPEAKER: You are on a point of order?

Mr. J. O. TUDOR: On a point of order. There is no road to which the Honourable Member is referring. There is a parcel of land on which people reside at Fairy Valley.

Mr. SPEAKER: There is no road to this parcel land? of J

Mr. J. O. TUDOR: There is no road, Sir. Mr.

SPEAKER: But how do they get there?

Mr. J. O. TUDOR: What the Honourable Member is seeking to indicate is that a road was progressed with equipment because we wanted to make at least a cut into the area. There was no provision within the budget to facilitate a road in that area but attempts were made to ease the difficulty that was being experienced by the residents. A D9 caterpillar was used to cut a track.

Mr. SPEAKER: Oh, it is a track, not a road.

Mr. J. O. TUDOR: No. It is not a road. It was nothing. It was just a parcel of land and an attempt was made to cut a road in an informal basis. There was no formal provision within the Estimates to build the road but an attempt was made to ease the problems that were being experienced by the residents in the area.

Mr. SPEAKER: So the track is better than it was before.

Mr. J. O. TUDOR: Yes, and we had anticipated that a new Democratic Labour Party Government would have completed the road properly for those residents.

Mr. SPEAKER: Okay.

Mr. W. C. C. CALLENDER: Mr. Speaker, I rise to really speak on a serious matter and I do not wish to make it very political but I think it may be instructive to note that this track was dug out a few days before elections when it was clear that yours truly was making significant headway in the Fairy Valley area and the situation was made worse which leaves a problem on my hands which has to be rectified.

Mr. SPEAKER: The Honourable Member for Christ Church East, you are really straying far now in this. Please address the Resolution.

Mr. W. C. C. CALLENDER: I am trying to establish that roads in Christ Church East have always been a priority for the Barbados Labour Party....

Mr. SPEAKER: Let us move on with the Resolution.

Mr. W. C. C. CALLENDER:... as we have done with this road that Mr. Osbourne has so freely allowed us to have his land. We are going to pay him back now after 10 years because the Democratic Labour Party came to power in 1986. I am saying that in that context this party has shown that it cares about the people in Christ Church East.

Mr. D. St. E. KELLMAN: On a point of order, Sir. The Honourable Member for Christ Church East is misleading the House. In 1985 the Democratic Labour Party was not governing the country and the road was started in 1985.

Mr. SPEAKER: So it was a track at that time, you mean?

Aside.

Mr. SPEAKER: Let us move on, please.

Mr. W. C. C. CALLENDER: Mr. Speaker, I believe I have made my point.

Aside.

Mr. W. C. C. CALLENDER: Mr. Speaker, I have made the point that we on this side understand the needs of people in all areas of Barbados, and as representative of Christ Church East I am glad to see we are showing that we care by making sure that these people be compensated. This is the point I am making and I am extending the point to say that we have given attention to road development in that area. In that context I am saying that that road that was man-handled, mangled, whatever you like, under Fairy Valley Hill. I am asking that you give attention to that road to show that we care and not leave the people in a muddy pool as the Democratic Labour Party has done.

Sir, I support the Resolution.

Mr. J. O. TUDOR: Mr. Speaker, I do not think that I can allow the Honourable Member to get away with those irresponsible comments. Clearly we were in a position where we also as an administration were trying to assist. We understood the problems that the residents of the area were having. We made an attempt within the resources that were available to us and we were caught in a dilemma because an election had been called. But we were making it a point to develop the tenantry road programme through the length and breadth of Barbados. I believe there is a schedule that is available within the Ministry that will highlight all of the tenantry roads that we have prepared for resurfacing.

Mr. SPEAKER: And you have done some work in that area.

Mr. J. O. TUDOR: We made an attempt but we were not able to complete it because of the election.

Mr. SPEAKER: All right Your point is taken. You do not have to go on and make a speech. 4.45 p.m.

Mr. SPEAKER: The Honourable Member for St. Michael West Central.

His Honour R. D. MARSHALL: Mr. Speaker, Sir, I rise to lend support to the acquisition of this land at Breedy's Land, Christ Church. Mr. Speaker, I see it as the

continuation of the Barbados Labour Party's rural programme.

Mr. D. St. E. KELLMAN: On a point of order, Sir, the Honourable Member is misleading the House, Sir. He said that he saw it as a continuation of the rural programme and the rural programme has not started as yet, Sir.

His Honour R. D. MARSHALL: Mr. Speaker, Sir, as far as I know the Barbados Labour Party has started on its programme of development of rural Barbados.

While we are talking about these roads and the Minister seeing after the roads in other parts of Barbados I want to draw to his attention that in St. Michael...

Mr. SPEAKER: I believe you are addressing the subject of land acquisitions for road improvement.

His Honour R. D. MARSHALL: Yes, Sir. Mr. Speaker, Sir, I am addressing the Chair on land acquisitions and land improvement. Are we on road improvement?

In my constituency, St. Michael West Central we have similar problems and also in St. Michael Central, the constituency that you have the honour to represent there are serious problems. If you remember the Waterhall Land area we have a lot of problems. But you have to come there when it rains and see the flooding. That road at Waterhall Land was not fixed over the last 25 years. Also in Stephenson Land, Tudor Bridge, your constituency again, Sir, Happy Cot in Mansion Road, again your constituency are roads that I am quite familiar with in that I am from that Bank Hall area.

I am just asking the Minister that he will take note of these problems in St. Michael Central and also in St. Michael West Central where I have already mentioned the conditions of the roads to this Honourable House I would like to say, Sir, that roads also play a part in the development of the environment. If we have good road improvement in these areas I am quite sure that it would be good roads for the garbage trucks to go on in order that they can make their collections. When mortgage companies and finance companies are looking at applications for lending money they also look at the condition of the roads and the neighbourhood to see if it is a viable investment for them and their money.

I should just like to remind the Minister and his Parliament to come down to St. Michael and continue their work in these areas. I also want to say that the Fire Service Department and the Ambulance Service Department would have some problems if they are called out to any emergencies in these roads that are not done properly. These being tenantry roads that need repairs and tracks that need to be made into proper roads that these vehicles can run on.

I should like to support this Resolution for the acquisition of this land.

Thank you, Sir.

Mr. SPEAKER: The question is...

Hon. G. W. PAYNE: Mr. Speaker, Sir, just briefly to assure the Honourable Member for Christ Church East that the problem at Breedy's Land if the proper representations are made will be dealt with very swiftly.

With respect to the reference to areas like Happy Cot which I know you are very interested in, I could assure you that in the next Financial Year this is one of the areas that we will be working on. I do not want to engage in a very long debate on the Venezuelan Project. The Honourable Member for St Michael East did allude to the fact that work had been started on a number of roads and there was a list of roads in a schedule. The Venezuelan Project has collapsed and this is the reason why we have more or less why we have seen a halt to the construction of tenantry roads throughout the island.

At the moment we are looking at a proposal whereby during the next Financial Year we will be earmarking a fixed sum of money to fix the tenantry roads. In replacement of this Venezuelan Project I think there were 266 roads that were supposed to have been completed. To date, I think only about 84 of these roads have been handed over to Government and of those 84 a number of them have been very, very badly done.

I think that what we need to do is probably to look at maybe a 10-year plan and earmark a fixed sum of money and see if we could get through with a number of these roads during the next 10 years. At the moment we are looking - I think the last inventory on tenantry roads - at 400 roads and there are about 100 roads that we have not identified officially. Only recently I took the Chief Technical Officer out in an area obviously in St. Andrew and he was not aware of the fact that a tenantry road had existed in that particular area. I believe that all Parliamentarians should make sure that all the tenantry roads in their constituency are actually entered on the list. I urge you to do that and bring it to our attention. Because if you are dealing with 400 tenantry roads it is going to cost about \$160 million to repair that amount of tenantry roads and in the absence of funding you are looking at about \$16 million every year for 10 years.

I know my colleagues have me on the spot in the sense that they have said that we will repair all the tenantry roads during this Administration. That is still possible and we are working towards that.

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

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

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

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this House be adjourned until the 7th day of February, 1995 at 11.00 o'clock in the morning. On that day it is proposed that the Government would proceed with what is now Item number 4 on the Oder Paper, the Second Reading of (he Constitution (Amendment) Bill, 1995. 4.55 p.m.

This is an important debate, not that all debates in this Honourable Chamber are not. But this is a debate of particular significance because it involves an amendment to the Constitution of Barbados and it is entirely possible, Sir, and difficult to predict that the debate may run into a second day. So I am cautioning Members that they should perhaps note in their diaries the 7th and possibly the 8th of February, 1995 in case the debate runs into a second day. On that day, it is proposed that we will proceed to debate the Constitutional Amendment

Now the Constitutional Amendment Debate is one of those debates which in my letter of January 20th last Friday to Your Honour I requested that the debate would be broadcast live by television and by radio. I will await Your Honour's ruling in respect of broadcast This matter has been discussed with the Leader of the Opposition and he has been written to about it. He has given his agreement to that debate being broadcast live both on the television and radio services.

Mr. SPEAKER: The Honourable Member for the City and all Honourable Members, the request has been made to me for the televising of this debate and I have given my permission for this debate to be broadcast and televised .also on February 7th and possibly February 8th and both sides have already agreed. Could we have a seconder for the motion?

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

Mr. SPEAKER: The question is...The Honourable Member for St. Michael South.

Rt. Hon. L. E. SANDIFORD: Sir, I believe Honourable Members are aware of the fact that a most destructive earthquake occurred in Japan some days ago and I think that it would be most fitting that this Honourable Chamber should express its sympathy with the Japanese Diet, I believe that is what it is called or whatever the Parliament there is called, at the loss of life, destruction of property, and the pain and suffering that has occurred on a very massive scale.

I am not privy, Sir, to what action the Government has taken on this matter but I think as a Parliament we should express our sympathy with our colleagues in the Japanese Diet on this particular occasion. I do not think it is necessary to go into lots of details but this is a natural disaster that is out of the ordinary. According to reports, almost 5 000 people were killed and 25 000 or so are injured and a number almost the size of the population of Barbados are homeless. I think suffering and destruction on that scale would be worthy of some expression of sympathy from this Honourable Chamber and I would like to move to that effect that we extend our sympathy to the Japanese Parliament expressing the hope that they will be able to rise to the challenge of reconstruction, and indicating also that within our resources we may assist in any way that may be feasible.

Thank you, Sir.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I think that I should draw it to the attention of the House that on January 19, 1995 a Savingram was dispatched by the Ministry of Foreign Affairs, Foreign Trade and International Business of Barbados to the Embassy of Japan bearing a message from the Honourable Owen S. Arthur, Prime Minister of Barbados to be converted to the Honourable Prime Minister of Japan and that message read as follows, if I may with your indulgence, Sir:

"Prime Minister, it was with dismay and a sense of deep distress that I learnt of the tragic loss of life and massive damage to property caused by the pre-dawn earthquake in your country.

On behalf of the Government and people of Barbados, I wish to express our heartfelt condolences to the people of Japan and especially to those sorrowing families who have lost love ones. I wish to assure you that our thoughts and prayers are with you.

Signed: Owen S. Arthur,
Prime Minister"

This was dispatched, as I said, on January 19, 1995. So that the sympathy and the condolences of the people of Barbados have already gone out to the people of Japan. Of course, this does not mean that the House of Assembly should not offer similar sympathy and condolences to its equivalent in Japan which is known as the Diet But I just wanted to assure the House that Barbados has done this and I have no difficulty with the suggestion coming from the Honourable Member for St Michael South and I am very willing to second the motion.

Mr. SPEAKER: The Honourable Member for St. Michael South, I am sure the House with claim will support you and, as the Leader of the House says, we will hope that some message of sympathy be conveyed.

The question that this Honourable House be adjourned until Tuesday, February 7th, 1995 at 11:00 a.m. was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.
5.05 p.m.

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