

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, March 14, 1995.

Pursuant to the adjournment, the House of Assembly met at 11.20 a.m. o'clock on Tuesday, March 14, 1995.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed. (Speaker)
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. B. M. TATTT, B.A. (Hons.), M.P.A., LL.B. (Hons.)
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.), (Leader of the Opposition)
Hon. Sir HAROLD St. JOHN, Q.C., LL.B.
Mr. L. R. TULL, Q.C., M.A.
Hon. Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc. (Econ.) (Minister of Tourism, International Transport and the Environment)
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., Ch.B., 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. EDGHDUL
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. Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, 28th February, 1995.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that the Minutes of the Honourable the House of Assembly for its meeting of Tuesday, 28th February, 1995, which Minutes have been circulated, be taken as read, Sir.

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

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

MESSAGES FROM HER EXCELLENCY THE GOVERNOR-GENERAL

Mr. SPEAKER: From Her Excellency:

8th March, 1995.

Dear Mr. Speaker,

I shall be away from the island from March 8 to 17, 1995 on a visit to Copenhagen and New York. In accordance with the provisions of Section 29(l)(b) of the Constitution, the Honourable Sir Denys A. Williams, KCMG, GCM, will perform the functions of the office of Governor-General during my absence.

As the Honourable the House of Assembly will not be meeting prior to my departure, it will not be possible for the usual formal Message to be sent down to your Chamber. Will you therefore please bring my absence formally to the attention of the Honourable the House of Assembly when next it meets?

I have the honour to be,

Yours faithfully,

DAME NITA BARROW

Governor-General.

PAPERS

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

The Estimates of Expenditure 1995-96* and the Schedule of Personal Emoluments.

The Customs Tariff (Amendment) Order, 1995;

The Duties, Taxes and Other Payments (Exemption) (No. 2) Order, 1995;

The Duties, Taxes and Other Payments Order, 1995.

Hon. Miss B. A. MILLER: Mr. Speaker, I am commanded to lay:

The Annual Reports of the Public Utilities Board for the years 1992 and 1993.

Hon. Miss H. E. THOMPSON: Mr. Speaker, I am commanded to lay:

The Annual Reports of the Chief Medical Officer for the years 1991 and 1992.

GOVERNMENT NOTICES

Hon. O. S. ARTHUR: Mr. Speaker, I beg to give notice of the Appropriation Bill, 1995.

NOTICES OF QUESTIONS

Mr. SPEAKER: The Honourable Member for St. Michael East, re landfill.

Mr. J. O. TUDOR: Mr. Speaker, I beg to give notice of the following Questions:

To ask the Honourable Minister of Health:

- (1) Will the Minister please state whether her Ministry's decision to site the landfill at Greenland, St. Andrew, was informed by the results of scientific studies and an independently conducted Environmental Impact Assessment?
- (2) Will the Minister please state whether an Environmental Impact Assessment was carried out on the Greenland site, who conducted it, when it was conducted, the areas studied and the results of the study?
- (3) Will the Minister please state what works, in respect of soil stability, water course diversion, road construction, road strengthening, road stability, and other types of engineering work are needed to facilitate the construction of the Greenland landfill?
- (4) Will the Minister please state the projected cost of the engineering works?
- (5) Will the Minister please state Government's timetable for the Greenland project, including the award of tenders, construction of landfill, soil conservation works, other engineering works and road infrastructure?
- (6) Will the Minister please state whether a public enquiry into the selection of Greenland will be held?
- (7) Will the Minister be laying the entire Draft Integrated Solid Waste Management Study Phase I in the House of Assembly?

FIRST READING OF BILLS

Hon. O. S. ARTHUR: Mr. Speaker, I beg to move that the Appropriation Bill, 1995 be read a first time

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

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

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that Standing Orders 6,16,18, 20, 42(5), 43 and 44 be suspended for the remainder of this day's sitting.

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

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

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

GOVERNMENT BUSINESS ORDER

NO. 1 - COMMITTEE OF SUPPLY

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee of Supply.

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

The question was put and resolved in the affirmative without division, Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. W. C. C. CALLENDER in the Chair.

Mr. CHAIRMAN: This Honourable Chamber is now in Committee of Supply.

SUPPLEMENTARY ESTIMATES, 1994-95, NO. 7- \$26682034

HEAD 16 - MINISTRY OF THE CIVIL SERVICE

Hon. O. S. ARTHUR: Mr. Chairman, under Head 16 the House is being requested to approve a supplementary provision in the amount of \$5 452 to cover the cost incurred in providing substitutes arising out of officers of the Training Division having to take leave for various purposes.

This is a simple matter and I beg to move that Head 16 stand part.

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

The question was put and resolved in the affirmative without division. 11.30a.m.

Head 25 was called.

HEAD 25 - MINISTRY OF AGRICULTURE, FOOD AND FISHERIES

Hon. R. C. EASTMOND: In moving that this particular Head stand part, I would wish to point out to this Honourable House that even though on the surface of things we are asking Parliament to approve the sum of \$1 546 746 in funds for the Ministry of Agriculture that the fact of the matter is, in view of a substantial savings to the tune of \$1.196 million, our net request from the Ministry of Agriculture is really \$350 746.

To be of assistance to this Honourable House, Mr. Chairman, the Government as a matter of policy has embarked on a very prudent decision that in instances where arrears owed have built up over time that these arrears should be cleared expeditiously. I would like to inform this Honourable House that over some time arrears to the amount of \$839 000 were owed to the Caribbean Agricultural Research and Development Institute and arrears also in the sum of \$117 200 was owed to the Caribbean Meteorological Organisation, arrears in the sum of \$76 886 were owed to the Caribbean Meteorological Institute and \$8 560 to the International Sugar Organisation.

It therefore means, Mr. Chairman, that the total arrears facing the Government up to now and owed to these international agencies or regional agencies would have been of the amount of \$1 041 646, and in view of Barbados' commitment both to regional integration generally and to fulfilling its international obligations, we found it necessary, especially in relation to the Caribbean Agricultural and Development Institute to ask Parliament to approve these sums. I would want Parliament to know that over time the Caribbean Agricultural Research and Development Institute has embarked on a policy of food security, encouraging the greater use of biological pesticide control, also embarking on policies to encourage safer fertilizers while at the same time encouraging the propagation of foliage.

For this reason, we believe that in view of the fact that other Caribbean countries - and I know that in one instance Dominica has paid forward to CARDI for two or three years ahead of time, we were concerned that our arrears should be cleared to the Caribbean Agricultural and Development Institute, and in doing that, we also came to the decision of clearing other arrears as well.

Apart from that, Mr. Chairman, it can be pointed out that many of the other items of expenditure being asked to be approved are very much current expenses. In some instances, projected expenditure for specific purposes proved inadequate and we are asking that small amounts of, for example, \$15 000 in relation to other personnel emoluments under General Management and Co-ordination Services be approved. We are also asking that \$5 000 for travel be approved and in instances where we were falling short under Utilities we are asking that under Item 207, sub-programme 01 under Measures to Stimulate Increased Crop Production that our utilities bill which has fallen \$21 000 short be improved.

Generally speaking, Mr. Chairman, notwithstanding the fact that in this supplementary we appear to be asking for \$1.546 746 million, in view of what I have said before that savings have been identified in the amount of \$1 196 000, we are asking that Parliament note that the net request is really \$350 746 and I now ask that Head 25 stand part.

I am also asking that the amendment to the Explanatory Note relating to Head 25 stand part.

Mr. D. St. E. KELLMAN: Mr. Chairman, agriculture is a topic that we should always pay much attention to. In light of the reduced tonnage for the sugar crop this year and also in light of the policy of the Democratic Labour Party in increasing the tonnage of the cotton crop, there are a couple of observations that I would like to make.

The Minister said that there is a net saving coming out of this supplement. As we are all aware that there is a problem in attracting people to reap the cotton crop. This is a crop, Sir, that has a lot of potential for us and I feel that in light of certain information that the cotton growers are paid at present \$1.20 of which they have to pay the workers \$1 per pound. I am suggesting to the Minister in light of the savings you have that that money could be advanced so that the growers instead of just getting 20 cents for themselves that money can be loaned to the agency.

Hon. R. C. EASTMOND: On a point of order. The Honourable Member for St. Lucy is saying that the final price paid to cotton producers is \$1.20. Perhaps, Mr. Chairman, I can put the point of order properly. The final price is indeed \$3.20, but what happens is that \$1.20 will be paid up front and then there is a waiting period for the additional \$2 to be paid.

In view of the representation made to me by the cotton producers, we are trying to improve the system

where all the money will be paid on time. The Honourable Member appears to have given the impression that the final price was \$1.20. Now he is saying that he did not say so.

I just wanted to put the record straight.

Mr. D. St. E. KELLMAN: Thank you very much, Sir. What I was saying and what I will continue to say, Sir, is that \$1.20 is advanced to the growers of which they have to pay the workers \$1 per pound and they have to take 20 cents to cover their other costs. What I am suggesting to the Minister is that if it is due to the lack of funds that the savings he has in his Ministry can be lent to the agency so that it can turn around and advance a higher price to the growers. Is that clear, Sir?

You see, Mr. Chairman, we have to be very careful when we are dealing with a topic like cotton. Cotton is a crop that for years a lot of people have been trying to frustrate in Barbados. As I said sometime back, there is a history for cotton which does not relate to the same history as we would know. There are some people in Barbados who have an interest in making sure that cotton is not successful. But we as a responsible Parliament, and as the ones who have been given the mandate to look after the affairs of Barbados, must try to make sure that a crop like cotton succeeds in this country. That is why the Democratic Labour Party set about to increase the acreage, and that is one of the reasons why we have also formed a company called the Barbados Agricultural Management Company. Instead of having a situation where one or two plantations are asked to grow that crop, we have given that mandate to the Barbados Agricultural Management Company where the management is widespread. 11.40 a.m.

As you are aware, Sir - I know that you are also responsible for the BADMC - cotton is a crop that needs proper management. That is why we have set about and formed the BAMC so that on each plantation there is a manager responsible for his lot.

Aside.

Mr. D. St. E. KELLMAN: Well, you see, she will say CARSICOT and I can defend that.

Mr. CHAIRMAN: The Honourable Member is asked to address the Chair.

Mr. D. St. E. KELLMAN: I can deal with that. I am not worried about the asides. We, in the interest of Barbados, set up a company called CARSICOT, and the private growers in this country frustrated the company. They were supposed to grow cotton to help

CARSICOT and they did not. The Government found itself in a situation where they had to grow all the cotton themselves on their estates. That is why we have found ourselves in a situation forming a company called the Barbados Agricultural Management Company which the Deputy Prime Minister will soon be bragging about.

Aside.

Mr. D. St. E. KELLMAN: That is not the business for today. That is an aside. I am going to ask you to protect me, Sir.

Mr. Chairman, we have a situation which we have found ourselves in. I am saying that if cotton is the future to Barbados just like oil is to the Arabs that we as responsible people must do everything in our power to make sure that it is successful. We cannot continue to pay the growers \$1.20 and at the same time ask them to increase their production and offer them only 20c. a pound to cover all their overheads and we are hearing in this House of Assembly that the Ministry of Agriculture and Rural Development has savings. If they do have savings, I am asking that they pass that savings on to the cotton growers because they are doing something that is in the interest of Barbadians.

We also heard in this country how the sugar production dropped under the Democratic Labour Party as if it only happened under the Democratic Labour Party and it never happened under the Barbados Labour Party. But that is not true, Mr. Chairman. As you are aware, Sir, in 1980 under the Barbados Labour Party the sugar tonnage was 131 741 tonnes and by 1981 it was 94 000. Is that an increase or decrease, Sir? It did not stop there. By 1982 it was 85 000. By 1983 it was 82 000 and I understand there was a change in Ministers and it went back up a little.

Sir, we cannot come into these Chambers and give the impression that things happened under one Government and it did not happen under another Government. There are certain situations that Governments find themselves in and sometimes we have no control like this year we had a situation where there was drought, even though some people would try to give you the impression that there was something else wrong.

What I will tell you, Sir, is that even though we had a problem with drought last year, the Democratic Labour Party in forming the company called the Barbados Agricultural Management Company made sure that a lot of idle lands came back into production so that by 1996 when one sees that the sugar production is up, I do not want to hear anybody saying that we had rainfall or anything like that. I want to hear that there was a plan in place by the

Democratic Labour Party by forming a company called the Barbados Agricultural Management Company and that was the reason why the sugar production went up.

I also have a message for you, Sir. The BADMC -1 am saying to you what you should do is to turn those fields that you are responsible for over to the Barbados Agricultural Management Company. I would not like to see them sold because we need to protect our contractual market. We also need to produce enough sugar for our local market. That was part of our plans. The fields that the BADMC have under their control, if they have any plans in restructuring or doing anything with them we would like them turned over to the Barbados Agricultural Management Company.

After putting so much money into the Barbados Agricultural Management Company one would expect that any sugar fields or other agricultural fields to be gotten rid of by Government that the first company they would offer them to is the company that they have invested so much money in. I do not know what the Government will come up with in six months' time but my advice is that in six months' time I would like to see those fields turned over to the Barbados Agricultural Management Company.

I am also saying we have a situation where there is a lot of talk about importation of chicken from CARICOM and otherwise, I know the small farmers in St. Lucy are worried about the importation of chicken into this country. We have a situation where small farmers have been encouraged to produce and produce efficiently. They have been given the impression that if they do what is necessary that they would have been protected. Many of them have invested a lot of money in their projects and now they have found themselves in a situation where they are about to be confronted with unfair competition. I nearly said dumping.

I know, Sir, that the Minister of Agriculture and Rural Development will do something about it because being from a rural constituency he has the same problem I have and, that is, he has a lot of processors in his constituency and his interest would also be looking after the interest of the processors and not the importers.

Also, Sir, interest rates. We are dealing with agriculture so we have to deal with it in totality. I also would like to ask the Government to reflect on what they have done with interest rates and to inform them that it is having a cost on the sugar industry and the agriculture industry. The slightest adjustment in interest rates at this time is not in the interest of the agricultural belt. I am speaking specifically about the small farmers and also the Barbados Agricultural Management Company because

we know if that company does not perform the Government will have to come to this Chamber to ask for more support for it.

There is also some talk about the private growers. I have already spoken in this House of Assembly, and everyone knows what I think about it. If support is to be given to that group we must have some control. I will repeat it again. We must have some control. We cannot form a company like the Barbados Agricultural Management Company, invest so much money into it and then we are prepared to make the same mistake we made in 1982 when we had the Price Support Loan Scheme. This is an age where we have to learn from our mistakes. If they have submitted a good case for support, and we have agreed that we will give them support, there have to be conditions set to that support. I know you will agree with me on that, Sir.

Vegetables, Sir: We also have another situation where we have a project called the Spring Hall Land Lease Project. We have asked small businessmen to invest heavily in the Spring Hall Land Lease Project and now we have the open market we have to ask ourselves what effect it will have on those small farmers. I do not know if the Minister will be putting on the necessary tariffs, *et cetera*, to make sure that those small farmers will be protected.

I know, Sir, that the same problem I have in St. Lucy will be the same problem in St. James and in St. Peter where there is a large number of small fanners who will be watching to see what is going to happen to them. There are a lot of small farmers who are involved in growing directly or indirectly. Some of them have invested money with fanners. Some of them are doing the marketing on behalf of fanners and they will be watching closely to see what we in the House of Assembly will be doing in the next few months to protect their interest. My advice to the Minister of Agriculture and Rural Development is that he treads cautiously on this and that he makes sure that whatever decision is made that it is made in the interest of the small fanners. That is, Sir, that if we bill those people we would have a situation where those small fanners would be able to grow and we would be able to talk about agriculture as if it is something we ourselves are directly involved in. 11.50a.m.

We want to see agriculture get back to a situation where we can start comparing it in the same way that we are comparing tourism. In the matter of tourism, we want to see the link between agriculture and tourism because I still feel that there are many things grown in Barbados that should be on the menus of the hoteliers. But we are not seeing that. I am talking about agricultural products, Sir. I am not going off line, Sir.

Mr. CHAIRMAN: The Honourable Member has one more minute.

Mr. D. St. E. KELLMAN: Thank you, Sir. I hope that the Honourable Minister of Agriculture would take what I have said into consideration and realize that there is still a lot of cotton to be reaped and I might even go a step further. I honestly feel that...

Aside.

Mr. D. St. E. KELLMAN: Reaped. That is the correct word. Reaped then.

Mr. Chairman, inasmuch as the key to the success of the cotton crop is the workers, there should be some incentive for those cotton workers. I do not know if the Minister is going to give a grant to the growers or if he is going to do it directly. But I think that anything that is done to look after the interest of the cotton crop should be channelled to the cotton workers.

I am suggesting that the Minister look at that. If he wants to bring it under research and development he can. Anything that would better the work of the workers should be done.

Thank you very much, Sir.

Mr. D. J. H. THOMPSON: Mr. Chairman, I certainly would not be very long. I want to say that the Opposition is not going to be opposing this supplementary because one assumes, both from the explanations given by the Minister and from what we can see, very clearly, that this relates to expenditure which was ongoing, in respect of projects, either in the pipeline or for which he came and found as projects of the Ministry and does not reflect any major departures or changes in respect of the policy of the Ministry of Agriculture.

There are, however, a number of issues that I want to raise. These relate specifically to some sectors which are making a contribution but which are not actually receiving the kind of attention and support which is desirable. The principal one I want to speak about this morning is the banana farmers in St. John, particularly in the Newcastle area of St. John under the cliff, as we familiarly call it, where there is substantial banana production. It is also in the area of the Bell spring from which large quantities of water are drawn both for the Water Authority for its domestic use and also some of the farmers, I believe, may have their own arrangements in place. But there was a project using the Bell spring for the full irrigation of that area.

As I understand it, it will not be costly because it is "gravity fed"¹¹, I think that is the expression. It is a very steep area and the water can run from the spring head along pipelines to the various areas.

The banana farmers in Newcastle in St. John feel particularly aggrieved because of the large quantities of water which you can see running across the road in the rainy season, across the road leading to Bath, across the road at the bottom of Pothouse Hill, across Newcastle Main Road and the large quantities of water which they know exist in the area, that this irrigation project does not seem to have been making the headway anticipated. I am not saying that the Minister is entirely responsible for that. I am making an appeal to discover what has happened because I know that the project started and as with many other irrigation projects there seems to have been some hiccup.

Very often, what has been happening as I understand it, it has happened with the Golf Courses and so on, is that the Water Authority, fearful of either public contempt or criticism because of the use of water resources for purposes other than domestic purposes, has not been as facilitative as it should be with respect to these kinds of projects.

I can speak from personal experience in the area of Mapps in St. Philip. There is an irrigation project started some months ago, maybe as long as a year ago. The pipes are right there, I pass them every morning on my way to work and on evenings returning home. The project was started. The trenches were dug and the pipe remains there because either the land owners have not agreed to the use of wells on their properties... I am very concerned about the one in Mapps in particular because it is an area in which there is a large number of fanners as the Honourable Member for St. Philip North should by now know.

Aside.

Mr. D. J. H. THOMPSON: Many more than two. I saw you pointing two. Maybe, as my Representative, you did not go as far as my house. The Honourable Member for St. Philip North is pointing out to the House that he has not yet visited my home to consider the extent of my farming activity or any of the other houses around. He has only seen two so far. Anyway, I am assisting him in this. It is not a hostile area.

But there is the possibility of a major farming activity. There are quite a few young professionals who own land in that area who have been involved in fanning and there are people who travel from as far as St. John who own those two-acre or five-acre lots at Mapps in St. Philip. That is another irrigation project that seems to have

come to naught. I am certain that the Minister may have found many other irrigation projects which seem to start and then something goes wrong. I do not know what is responsible for this, if it is that there is a lack of co-ordination between the Ministry and the owners of the wells, if the legal procedures are not correct, if the Water Authority has been back peddling because at one point I understand they discovered a major well in St. Philip and after discovering it for irrigation purposes, the Water Authority said the recovery rate here is so good that we want it for Water Authority purposes. It is very distressing that people may be making arrangements to purchase land or have purchased land on the pretext that decades ago they would have been some kind of agricultural projects and these projects cannot get off the ground because of lack of adequate water. There is not enough water in that area of Mapps for domestic consumption far less... I think they did something and cut off the water or sent it down to Marley Vale and, as a result, there are a number of people who do not get water on a regular basis, in that area. I make no plea on their or my own behalf. That is not my task. The Honourable Member for St. Philip North can do that.

I should like to know the status of these irrigation projects because, as I said there are a large number of areas in which irrigation poses a major problem.

The second point I want to make relates to the work of the sugar companies which are allied to the Ministry of Agriculture. 12.00 noon

The second point that I want to make relates to the sugar companies which are allied to the Ministry of Agriculture. I would like to say that I am glad that the new Chairman of the BAMC, not the BADMC, the Chairman of the Barbados Agricultural Management Corporation, a prominent Bridgetown merchant had indicated ...

The Honourable Member for St. James North seems not to be able to identify whom I mean so, Mr. Chairman, maybe I should say a prominent Bridgetown merchant, horse owner, financier and I could add a whole list of other titles, newspaper columnist and so on and a strong supporter of the Barbados Labour Party. I think the Honourable Member now recognises whom I am referring to although I know he does not dine at his dining table or sit in his living room.

Let me say, very clearly, Mr. Chairman, that I am very glad that that prominent Bridgetown merchant, and financier, horse owner and so on, who some years ago made the point very clearly that he would never

plant another blade of cane on his own land, that the price support mechanisms were wrong and made a whole range of other criticisms of the sugar sector, but who is now the Chairman of a major corporation responsible for the development of the sugar sector, has come to Christian understanding, or rather is a Daniel come to judgement in that he wrote in the newspaper recently in a Sunday column that one of the best things that ever happened in Barbados was the establishment of the Barbados Agricultural Management Company. I could not believe it, Mr. Chairman, Sir, when I read it.

When the Barbados Agricultural Management Corporation was established, though it is true he did not criticise it because he had no interest in the sugar industry whatsoever and he made that very clear when it was established, there was considerable criticism of the Government about the establishment of that corporation.

Now some of that criticism may very well have been that at the time the Government was making too great an effort to extend the hand of friendship or conciliation to the planters in Barbados and that to some extent is a justified criticism. However, in the process of transition in the sugar sector, since we did not wish to interrupt the sugar crop and wanted as far as possible to have an outcome which was not subversive of any of our crops we decided that that was the best approach to use.

I am glad that the Chairman, and I believe he is speaking on behalf of the Barbados Labour Party Government, has made it clear that it is one of the greatest things that has happened in the development of the agricultural sector.

Mr. CHAIRMAN: I am referring to Standing Order No. 28:

"Any Member who desires to refer in a debate to the character or conduct of any person in his official capacity must deliver to the Speaker written prior notice of the proposed reference; the notice must set out the facts on which such reference will be based and must be signed by the Member giving it."

Mr. D. J. H. THOMPSON: Mr. Chairman, Sir, I have not called a name. I was trying to assist the House in identifying the person but for all I know, any Member in here may have a different view of whom I mean.

Mr. Chairman, I do not know. I have to be guided by your ruling on this.

Mr. CHAIRMAN: It does seem to me that you are referring to the conduct of a person in his official capacity.

You have not mentioned the person by name but you are speaking of a person.

Mr. D. J. H. THOMPSON: I will wait for your ruling but if that is so then it means I would not be able to deal with anybody in his official capacity.

Mr. SPEAKER: You are speaking generally?

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

Mr. SPEAKER: You may speak generally.

Mr. D. J. H. THOMPSON: Thank you very much, Mr. Chairman. I appreciate your ruling on this matter. I am saying that I agree totally with that merchant, horse owner, financier and prominent Barbadian businessman that the establishment of that corporation has lent some focus and now provides a wonderful opportunity for the Ministries of Agriculture and Finance, acting hand in hand, to take the sugar sector forward in Barbados. It is true there may be many other things that need to be done but I appreciate the encomium. I appreciate the praise which he showered on the previous Government for establishing the BAMC. I think it was very gracious of the new Chairman to point out to the public of Barbados, in his personal capacity because he was writing in his personal column in the newspaper, that this is one of the greatest things that ever happened in the history of Barbados. I believe that he is right and on behalf of the Democratic Labour Party we wish to thank him for his new found wisdom and for the wisdom of the Government in endorsing that very wise insightful policy of the Democratic Labour Party.

As sharply criticised as it was by the Honourable Member for St. Joseph, as time passes one finds the Barbados Labour Party speaking glowingly of all the initiatives which are part of the hand which the Democratic Labour Party dealt to the new Government in providing them with new horizons and new vistas for greater achievement on behalf of the people of Barbados. That does not mean that the Democratic Labour Party is not going to keep a very watchful eye on the operations of the BAMC, particularly this matter of the importation of sugar and to whom the contracts for the importation of sugar and its storage and all of those other arrangements are given. We provided all the information to the Barbados Labour Party on it when requested with statements in the House and I expect the Minister of Agriculture, in the event that sugar has to be imported, to act on the same premise and the same principles, and adopt the same conduct which the previous Government adopted in informing the House fully of the arrangements which are being made and the faces behind the corporate names in relation to those arrangements,

I hope the Honourable Minister of Agriculture will give the House that undertaking because I know that he is not one of those persons who is like a magnet to those who are privileged and the decision makers behind the throne in Barbados. He has, and has always, adopted an approach which identifies him with the man on the street and the people.

I have no problem in saying that about the Honourable Member for St. James North because there is nobody who is denying it. He is not one of those secret orders, according to the old people. He is not in any secret order arrangement. He is transparent. His girth may be wide but he is definitely transparent, Mr. Chairman. I want those transparent arrangements to continue and I know the Minister will give an undertaking to this House that we will know what the full arrangements are because there is no law governing the matter. We know it was a temporary arrangement. One expects that sugar will have to be imported at some point and all we are asking for is that the House be treated with the courtesy of the full arrangements in relation to the importation of any sugar.

I want to speak a bit on the BADMC hopefully if it can be done in one minute. When the Barbados Labour Party came to office, Mr. Chairman, the point was very forcefully made that the Democratic Labour Party was unable to access major finance for the operations of Government because of a few niggling matters. We heard it was to do with housing rents. We heard it was to do with the Transport Board bus fare increases and so on and I sought to make the point to the Minister of Finance at that time that those are but measures that relate essentially to the viability of those statutory corporations. Although they may be niggling, if the corporation could come up with other devices to make their operations more viable then those other options could be considered and could be pursued. As I understand it, the Honourable Prime Minister has given his Minister 6 months, an ultimatum of 6 months. 12.10 p.m.

Aside.

Mr. D. J. H. THOMPSON: The Prime Minister cannot give the Chairman anything. If he understands, he did not appoint the Chairman. I hope the Chairman of the BADMC fully understands who appointed him. The Prime Minister has given the Minister an ultimatum of 6 months to get the BADMC in order. This means that one would assume that within a few weeks time we would see what is proposed by way of that arrangement. But I am also saying that when the Democratic Labour Party made it clear that many of these statutory entities must function on a financially viable basis that there was criticism about down-sizing and all of the other consequences or all of the

other initiatives which would have formed part of the package to make the institutions more viable.

Now I know from my own personal knowledge as a former Minister of Finance what the position is at the BADMC. Therefore, I hope that the Minister can give us some idea of how he is going to carry out a rationalization of those operations in the next six months without laying off a large number of people from the BADMC or without some other kind of major down-sizing in the operations of that statutory entity. I am only fore-warning the Minister that the task of pulling that statutory corporation, as is structured back into viability within six months, is going to be a very difficult and challenging exercise. I wish him luck in doing so, but when the six months is up and the Prime Minister's instructions to the Minister have not been carried out, I would like to know what the Minister's views are on the outcome of that event. In other words, what can the Minister of Agriculture promise us, what he will do in six months from now if the BADMC is not showing a profit? Will he resign from office? Will he fire the Chairman of the BADMC, which I would assume he would have to do, or will he fire the entire Board? We only want to know what the proposals are in that regard, Mr. Minister.

Thank you, Mr. Chairman.

Mr. B. M. TAITT: Mr. Chairman, Sir, I shall not be long. I recall that the Minister visited some of the markets and, if I remember correctly, there was a newspaper article which was not clear either because they did not understand what the Minister said or it was not sufficiently full. I wish to ask the Minister if it is the intention of the Government to continue the projected development of the markets at Eagle Hall and Cheapside. It was the intention of the Democratic Labour Party Government to develop the Eagle Hall Market in conjunction with the Ring Road Project. I think that the acquisitions of land in the surrounding area have gone through the House already and are in the process of being done. I know that a substantial amount of work was being done, in the Ministry responsible for Works, on this issue. Unfortunately, during the election campaign, one or two persons who would not have been paying too much attention to accuracy or truth at that time indicated that no development had occurred at the Eagle Hall Market for some substantial time when the fact is that such development as would occur at the Eagle Hall Market was dovetailed to occur at the same time as the Ring Road Project would reach that area.

I am not now sure if that project is going to continue and, unless the Minister wishes to wait until the Estimates, I would be glad to hear if as part of the development of the rural areas, which would have to find expression for their produce in the market-place, whether it is intended to continue along the same lines in the development of the two markets, specifically the markets at Eagle Hall and

at Cheapside. My recollection of the programme and planning according to what inputs I had made to the planners in the Ministry of Works was that some acquisition of the property surrounding the market at Eagle Hall would occur and that an attempt would be made. Frankly, what I would like to see is that there be a two-storied approach to the market at Eagle Hall so that traffic would be able to pass through King's Gap as it now does without impeding the development and the girth - I like the word "girth"¹¹ which was introduced by my colleague from St John - of the market, and to extend it beyond its present boundaries which are very confining. The present boundaries of the Eagle Hall Market were designed at a time when the most anyone expected was to sell from a tray. I believe that modern market facilities can be introduced into Eagle Hall as part of the general development of that area which started with the movement of certain commercial houses away from Bridgetown to what can be called the suburbs of St. Michael West and St. Michael West Central and the general St. Michael area.

I do not wish to make heavy weather of this; but I merely wish to know if the proposal to develop the two markets along these lines is still current in the thinking of the Ministry of Agriculture, or if it has changed, what the changes are likely to be. If it is going to be rejected, one would wish to know. As I said when I saw the result of the Minister's visit to the markets, I saw some kind of political statement which did not go to the heart of the issue. I know that the Minister is now more settled in his portfolio and can deal with the matter at a more dispassionate level which is of importance to me, since the vast majority of the people who function in the Eagle Hall Market come in fact from the area surrounding Eagle Hall. I am grateful to Your Honour.

Dr. R. C. HAYNES: Mr. Chairman, I wish to be very brief and I rise largely for the purpose of information. Now I believe, Sir, that I read somewhere, and I do not have a copy of the document here so I function from memory, that the Government is about to bring about a major revolution in relation to sugar cane in Barbados. Part of that revolution involves a discovery that canes grow from cane plants - a new discovery. Based on that discovery, major new initiatives are being taken in respect of cane plants to bring about this revolution and enhance the production of sugar. Now it is my recollection, Sir, that cane plants have traditionally been provided for small farmers from plantations in this country. I distinctly recall such cane plants being transported by dung basket, in donkey carts, in horse carts, on the backs of lorries, going back probably for donkey's years, if I may put it that way. So that if, as I see reported, there is some new revolution taking place, I would be very pleased to know about it, because if some new scientific method is being brought into play I would be very grateful. 12.20 p.m.

The other thing, Sir, perhaps he can tell us whether or not there is a shortening of the interval between the planting of canes and the time when you reap those canes, whether there is any new scientific approach to that particular matter. Thirdly, Sir, whether or not he is fully seized of the fundamental requirements if one wishes really to bring small farmers back into the mainstream of cane growing in this country. I have said again and again that small farmers have a major role to play, that they can contribute to the enhancement of the sugar crop in Barbados, but that the major drawback is the question of reaping and transporting those canes.

In the past, if my memory serves me well, the plantations and the factories also assisted in that regard. The farmer could grow his canes and at the end of the day there would be some means by which he would get those canes reaped and transported. There is no point having a policy in relation to making cane plants more readily available to small farmers, unless at the same time you link that to a policy which will help them to reap and transport those canes to the factory. In point of fact, the truth of the matter is that the small farmers have largely gone out of cane production in Barbados, not because of the non-availability of cane plants, not because of the non-availability of land, not because of the non-availability of services to help them to plough the land and so on, not because of the high cost of labour in the growing of the canes or the lack of availability of labour, they have really gone out of production because at the end of the day when they have grown those canes they have hell to get them reaped and transported.

Sir, I speak as a small farmer. I know what the problems are and I know why I have gone out of cane production, because you cannot get them reaped and you cannot get them transported. That is the problem. So any policy in relation to small cane farmers that centres around easier access to cane plants or the provision of cane plants, and then at the end of the day there is not a policy which is going to help that farmer or guarantee that farmer that somewhere along the line his canes will be reaped in a timely manner - and it is very important for those who are familiar with cane farming to understand that the canes must be reaped in a timely manner - because they lose sucrose content if the canes age and so on, and also be transported in a timely manner, because the small farmer cannot afford the luxury of having the canes lying in the field for maybe a week before they are transported.

Apart from the little propaganda I have been hearing about cane plants and the small farmer, I really want to hear a policy position set out that is understandable to me and makes sense to me as to what the Government is really going to do in relation to helping the small cane farmer

in Barbados to get back on stream. I have raised this issue on the Floor of the House once or twice before. It is important not only from an economic standpoint, but it is very important from an environmental standpoint as well, because I can assure you that a man who owns half acre of land, or an acre of land, or a quarter of an acre of land, if he has to keep that land clean for environmental reasons it will cost him more to keep that land clear of bush and that kind of thing twice a year than growing canes and making a small loss on it. There is a tremendous incentive for small farmers, even if they do not make any significant profit at the end of the day, to getting back into planting canes and it is important for Barbados.

It is important from the environment and all other aspects relating to health. A whole stream of health problems, as you know, can arise if you have these small bits of land all over the country not cultivated, growing into bush, problems with mosquitoes and all kinds of problems. I think we have an opportunity here, and any investment made by the Government in helping the small cane farmer and the many people who will be happy to get back into cane farming, it will help not only the economy of the country, it will help the environment of the country. They used to have cane farmers in the area which you represent, Sir, and these people are really anxious to get back into production in order to make their contribution to the country. I really want to hear a little more than this business of cane plants.

I want to finish where I started. I really want to hear more about these mystery cane plants that are coming on stream.

Thank you very much.

Hon. R. C. EASTMOND: Mr. Chairman, I propose to wind up at this stage, except there is any other Honourable Member who would like to make a contribution.

The Honourable Member for St. Michael South Central was indeed correct when he said that one of the powerful disincentives plaguing the small fanners was the high transport cost. The Barbados Agricultural Management Company, as part of its mandate to resuscitate sugar, has embarked on a programme of assisting small farmers with transport, but I would like to develop more on the Barbados Agricultural Management Company later on. I must be frank, I cannot mislead this Honourable House, I have no knowledge whatever about these new mystery cane plants that are in circulation, but I give the House an undertaking to research it. I am aware that over time some research was done into the question of breeding of canes and over the years more and more hard varieties have been introduced to resist pests and rodents, but I will give the House an undertaking in my own way to research these mysterious or these highly controversial new cane plants.

I found the comments of the Honourable Member for St. Michael South Central very interesting. I share his concern for the small farmer. I wonder how a person in his position could descend from his lofty citadel to the stage of a small farmer, when you take into account his substantial land holdings in Barbados, many of which do not stand anywhere in rural Barbados or close to arable lands, but are concentrated heavily in the south of Barbados.

Dr. R. C. HAYNES: On a point of order, Mr. Chairman. I thank the Honourable Member very much for informing the House of my contribution to the development of Barbados, but I certainly would like to make it quite clear that I did not mislead this House when I said I was a small farmer.

Hon. R. C. EASTMOND: Mr. Chairman, obviously somebody with 100 acres could qualify as a small fanner in certain circumstances. Nonetheless, in relation to the questions raised by the Honourable Member for St. Michael West, the ring road as proposed is very much on. So the decision to redecorate the market at Eagle Hall is subject to that ring road. I was hoping initially to do something for the market, but when I became aware of the fact that a ring road programme was on I held back because of the obvious cost implications. 12.30 p.m.

The Honourable Member for St Michael West also raised a query about Cheapside. We do have a plan for Cheapside. The Government has already agreed to a substantial investment in Cheapside and we intend to use the foundational aspect of the market, which is strong, and develop it further and go some tiers up. We also have plans for the North of Barbados where we propose...

Mr. B. M. TATTT: I wonder if the Honourable Member could allude to the negotiations which have been started by the last Government with an international agency with a view to getting funds for the development of die Cheapside Market and surrounding area.

Hon. R. C. EASTMOND: Mr. Chairman, I propose to treat the question on Cheapside with great detail next week in the Estimates. However, there will be an element of foreign funding for the Cheapside Market and there are counterpart funds which we expect to be voted to support that. As I was saying, we also have plans for a major market in the North of Barbados and we are also looking at the future of the market in Fairchild Street and other facilities as well.

I found the questions and observations of Honourable Members on the other side not only interesting but responsible. The Honourable Member for St. John, in perhaps his finest political speech ever, and

quite uncharacteristic of him, was able to show not only a particular affinity with his own constituency but was able to recognise a genuine problem facing farming. The Honourable Member for St. John in relation to the banana problem at Newcastle and I, myself, a couple days ago when I passed there realised that the banana crops there seemed to be wilted. I got that impression.

A gentleman from the area - I am not speaking pejoratively about him. I am not bringing his character into any question - a gentleman called Mr. Mayers, suggested to me that perhaps we can look at the water problem there and I intend to meet with the people of Newcastle, St. John and deal with that problem.

One of the problems facing fanning in Barbados, Mr. Chairman, is the question of water and I assure this Honourable House that Government will be looking at the question of irrigation for farming very closely, especially in view of the fact that the Barbados Water Authority has full power over the distribution of water in Barbados.

The Honourable Member for St. John raised questions about the BADMC. The Barbados Agricultural Development and Marketing Corporation is in the process of a financial assessment. Insofar as to the other concerns raised, the Honourable Member for St. Lucy can be assured that we are doing our best to increase cotton production. I recognise that there is a problem with the internal marketing of cotton and I have already set the machinery in place to give the cotton growers themselves a greater share in the actual marketing.

The BADMC has been liaising closely with the BAMC in relation to cooperation between the two entities and I am sure that the BAMC has been offering its expertise to the BADMC in relation to those estates that something can be made of. This Honourable House must know that a lot of the estates that were under the BADMC were absolutely arid and useless and we are going to have to look at their future, Mr. Chairman.

Generally speaking, I intend next week, during the debate that this Honourable House will be embarking on, to speak more fully to these matters and I want to thank all Honourable Members who took part in this debate and who by their interventions manifested a desire to see agriculture proceed smoothly.

With these observations, Mr. Chairman, I beg to move that Head 25 stand part.

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

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

Head 28 was called.

HEAD 28 - MINISTRY OF HOME AFFAIRS

Hon. D. A. C. SIMMONS: Mr. Chairman, I am asking that Head 28 stand part in the sum of \$418 000.88 and I will quickly attempt to take Honourable Members through it.

In regard to sub-program 02: General Police Services, National Insurance Contributions, the amount voted for this year, Mr. Chairman, was \$1 647 468. As at February 15, actual expenditure was \$1 425 821 but National Insurance Contributions averaged \$164 500 a month, on behalf of weekly and monthly paid staff, and we are seeking a supplementary provision in the amount of \$148 500.

Under Maintenance of Property a supplement is required of \$250 000. The actual expenditure at February 15 was \$1 060 105. There was an outstanding balance of \$139 895 but there are substantial payments still due and owing to garages for parts and services in respect of the maintenance of the police vehicles in particular. Those balances total \$380 000 but we need \$250 000 to settle.

During the Estimates I will explain more fully some of the reasons for the financial problems that have existed in the police workshop, which we hope to solve in the new financial year. One of the problems is that the other side built the new workshop and did not put in proper systems, no staffing, computerised it. So we have to do all of that now and there have been some discrepancies which the Auditor General picked up.

Under sub-program 01 of Program 07: Corrective and Rehabilitative Services in relation to the Prisons, the two vehicles at the Prison are on their last wheels and one is on order, but in order to complete the purchase we need an additional \$8 300 and I am requesting that under Object 624.

Similarly, in relation to the Probation Department, a small supplement of \$8 222. This is to meet the cost of acting allowances because of the extended sick leave that was granted to the Chief Probation Officer. Somebody had to act and these are all consequential upon that period of sick leave and the acting appointments that were made at the time. We are also asking, Mr. Chairman under Object No. 103 for funds of \$3 066 for National Insurance Contributions payable in respect of those acting allowances during the period of extended sick leave of the Chief Probation Officer.

With those comments, Mr. Chairman, well knowing that the Ministry for which I have responsibility and as

it were annual targets for discussion during the Estimates debate, I beg to move that Head 28 stand part in the sum of \$418 088. We will have a full debate next week.

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

The question was put and resolved in the affirmative without division. 12.40 p.m

HEAD 34 - MINISTRY OF EDUCATION AND CULTURE

Hon. Miss M. A. MOTTLEY: Mr. Chairman, I rise to ask this House to deal with the question of the supplementary appropriation of \$18 506 655 to clear the arrears of the University of the West Indies owed by the Government of Barbados, arrears accumulated over the period 1989/90 to 1994/95.

Now, Sir, the history of this matter is rather curious because this House in a previous session was asked to approve the sum of \$26.4 million in August, 1993, with the statement accompanying it that this would have cleared the arrears of the University of the West Indies. Indeed, it led to the extraordinary situation where in one financial year we paid over to the University of the West Indies \$56.4 million. That financial year is as recent as two years ago, August 1993 as I indicated.

Upon entering the Ministry of Education, Sir, we immediately discovered at that time that the Government, in fact, never totally cleared the arrears and left back the sum of some \$6 million having however indicated to this Chamber that it was, in fact, clearing the arrears. Even more serious than that, the Government of Barbados in that debate by the then Minister of Education stated its commitment to pay fees on behalf of the University of the West Indies students in this current triennium, 1993/94, 1994/95, and at no stage ever in the Estimates laid in respect of 1993/94, or in the Estimates laid for 1994/95, was a sum provided to pay for the fees of these students attending the University of the West Indies.

In addition, Sir, to that \$6 million which they left back and never cleared, we then had a situation where fees approximating \$6 682 538 for 1993/94 and fees approximating to the sum of \$8 108 663 for 1994/95 led to a total of some \$14.7 million in fees. We cleared the sum of \$2.7 million of that upon our entry into Government in October, 1994, and that is the very first time that the University of the West Indies ever received money from the Government of Barbados for its commitment to pay fees for students attending the University of the West Indies.

These fees, Sir, do not only extend for Cave Hill, but they extend for St. Augustine, Mona. They extend not only for undergraduate and post graduate programmes but also for programmes conducted under the Council of Legal Education. They left back \$6 million. They then turned around and never budgeted for fees. Then on top of that, when they budgeted the amount for the University of the West Indies, they only put in an amount which would apply to the University Centre, the Office of University Services, the University of the West Indies Hospital which was the single billing that would have come from the University, but they never included an amount for other liabilities which we had to the University in respect of the Seismic Research Unit, the Masters in the Legal Drafting Programme, and indeed, in respect of the In-Service Teacher Education which is applicable only for 1993/94 because that programme has now been adopted by Erdiston College.

Sir, the balance of the arrears is then made up by amounts that accumulated over the last two to three years because when the last Government budgeted for the University of the West Indies they only put in for a single year. We have had to make it very clear to the University of the West Indies that we were not prepared to tolerate the situation that developed with the last Government where the University conducted its business in respect of financial matters with the Ministry of Finance, by-passing the Ministry of Education, and therefore by-passing critical areas of information which would indicate that there were other sums owed by the Government of Barbados in respect of other areas of activity other than the University Centre. I am happy to say, Sir, that all negotiations now before they reach the Ministry of Finance are conducted through the Ministry of Education in respect of any billings from the University of the West Indies.

I want to underscore this point, Sir, that at the end of the day, the matter of these arrears has arisen because of bad budgeting in some instances, and in other instances a total outright form of deception on the part of the last Government telling the people of this country that they were prepared to pay for the fees at the University and never provided for them in the Estimates. The third part relates to the fact that when they told this Chamber that they were clearing the arrears they misled the Chamber and never in fact did so clear those arrears.

In addition to this, Sir, what concerns me about our financial relationship with the University of the West Indies is that deception in respect of the payment of fees has extended not only to the point of not putting a provision for it in the Budget, but it has extended to the public of this country because that Opposition when they were in Government sat in a Cabinet on May 6, 1993, and

agreed to the charging of tuition fees to students: ^ ' iU -1 JuoV ..oa PR .^ /oiy^jlimc, tH L— Community College and Erdiston. Ail from the years 1994/95 students attending those institutions were to pay fee? at ibe rate of 10% of economic cost at a time when unemployment in this country had risen considerably and people were catching themselves to pay even basic housing costs, rent and food costs. Had elections not come on September 6, 1994, students who were attending the Polytechnic and the Community College would have had to pay fees from last September.

Sir, if that was their decision to make them pay fees, that is their right as a Government to do so; but what is fundamentally wrong is the deception perpetrated on the public of this country by failing to tell them that was their intention. If they wanted to charge fees that is their business but they had a duty as .the Government of this country to lay the facts before the people of this country and particularly before the institutions in question, as well as the people in question.

;; Now, Sir, that was not the limit of the deception. The deception continued in that they were to charge fees at the University of the West Indies from 1996/97 at the rate of 10%. What is even more at the Polytechnic, at the Community College and at the University to raise it to 15% from 1997/98.

Now, Sir, I want to be very clear in my language on this matter because we as a Government have determined that under no circumstances will we be charging tuition fees to students attending the Polytechnic or to students attending the Community College or to students attending Erdiston. We believe that students who go in to the Polytechnic are for the most part students who need that full level of assistance, who need the benefit of acquiring a skill and who are least able to contribute to the cost of their education.

We also believe that students attending the Barbados Community College to do "A" Levels or the Associate Degree cannot be charged fees because they would be put in a disadvantageous position in comparison to students who happen to have been at a sixth form institution and who can do the same sixth form secondary "A" Levels without paying any fees. 12.50 p.m.

Similarly, Sir, we believe we have a commitment to the training of teachers in this country and that it is critical to the success of the educational system. We recognize, and I am being very clear on this, that the time may well come when we will have to review the financing of fees in respect of students attending university. But we will not do,

^ uie last Government, and hide our decisions or the conversations relating to what decisions we will make in this matter, behind closed doors, perpetrating a massive act of deception upon the people of this country, not taking the people of this country into their confidence and indicating the time has come when we have to review the financing of the cost of university education.

There is some truth in the fact that the rate at which university education cost has grown in this country has been at the expense of resources available to primary and secondary education. We are now unfortunately seeing the results of that change in allocation and indeed those results are not good and need remedying, as a matter of urgency.

But I will have time in the Estimates next week to deal with that matter fully in a holistic manner. But I only want to say this afternoon that we will not be conducting any discussions relating to the future cost of the financing of the University of the West Indies in private. In fact I will shortly be announcing the establishment of an advisory committee to advise the Government on this matter and it will have wide and broad-based consultations not only across this country but informing themselves with the experiences of other Commonwealth countries in this matter.

I want to say this, that under no circumstances will we be charging students at the Polytechnic, BCC or at Erdiston, as the last Government proposed to do, tuition fees in respect of their attendance. We have said that we are prepared to forego the proceeds of a loan from the World Bank in respect of the human resources development project, if it means that we must do that in order to gain access to \$15 million over 5 years.

I am happy to say, Sir, that the World Bank said that they understand our position. That the World Bank has indicated that they understand the Government's reluctance not to charge fees in respect of the Polytechnic, the BCC and Erdiston. Therefore, our holding firm and faithful to the philosophy that this Party stands on has, in fact, resulted in an amelioration in respect of the terms and conditions under which that loan will now be available to the Government of Barbados.

I just wanted to say these few words in respect of moving this Head. The time will come next week, I hope, when I will be able to set it in a broader frame and underpinning what is our total view in terms of how education has to move, in this country. But I say that this Supplementary is characterized by two things:

- (1) By the arrears which have accumulated as a result of false budgeting and massive

deception on the part of the last Government in respect of never budgeting for fees.

And: (2) In respect of the concealment of the discussions which led to a commitment on the part of the Government of Barbados in the public expenditure programme, approved on the 6th May, 1993 by the former Cabinet indicating that they would have been charging 'fees at the Polytechnic, at the BCC, at Erdiston and at the University of the West Indies from 1994-95 and 1996-97.

With those few words, at this stage, I beg to move that this Head do now stand part.

Hon. Sir HAROLD St. JOHN: I beg to second that, Sir.

Mr. B. M. TAITT: Mr. Chairman, Sir, the Honourable Minister has just made a very sweeping statement concerning deception. She, obviously, has information which I do not now have in front of me.

I just wish to put my position in the record. First of all, I am not aware of any student in Barbados who has ever paid fees for tuition at tertiary institutions.

Hon. Miss M. A. MOTTLEY: Sir, on a point of order, the Honourable Member may have misunderstood what I said. I said that it was a proposal approved by the Cabinet of this country of which he was a Member that stated that students of the Polytechnic and the BCC had to pay fees at 10% of economic cost from September, 1994. They, fortunately, were not the Government when the term opened up in September, 1994.

Mr. B. M. TAITT: As I said, Sir, I am not aware, I do not now recall...

Aside.

Mr. B. M. TAITT: I make the point that during all of my political career I have been diametrically opposed to the payment of fees for Barbadians.

Aside.

Mr. B. M. TAITT: I beg your pardon.

Asides.

Mr. CHAIRMAN: Order, please.

Aside.

B. M. TAITT: You know my position.

Asides.

Mr. CHAIRMAN: Order, please.

Mr. B. M. TAITT: Sir, I am stating categorically that I am unalterably opposed and have always been, in my political career, opposed to the imposition of fees from Barbadian students for going to school. I will wait - and the Honourable Member had better be clear - until the Estimates or until I have an opportunity to examine my own records before I accept any statement.

But I know this. I cannot now recall ever having sat in any situation and agreed to the imposition of fees. The Honourable Member said...

Aside.

Mr. B. M. TAITT: I am making the point because when the Honourable Member's public relations machinery goes into operation, I wish them to include that statement as part of the output.

Aside.

Mr. B. M. TAITT: It may very well be collective responsibility. I am not denying collective responsibility. What I am saying is, and the Honourable Member attributed a certain degree of deception and I am categorically denying ever having deceived anybody on the question of the payment of fees. That is what I am speaking to at this point.

I assure you, Mr. Chairman, that we will revisit this issue in detail, in due course. I will make this point in passing, however. The legal system which we have requires - and I make this without reference to anything which the Honourable Member has said - that in order for a statutory corporation to charge fees that certain statutory instruments and decisions have to be made. I am aware myself that there are a number of persons who have been coming from outside of Barbados to attend tertiary institutions in this country which include the Community College. And I am aware that if the Community College should seek to charge fees that it would be necessary for a fee structure. Just as it is necessary for a fee structure to be established for the Queen Elizabeth Hospital it would be necessary for a fee structure to be established elsewhere. I hope there has not been any misreading to the point where that kind of elaborate statement could flow from a misreading of such a decision. 1.00 p.m.

I know, for example, that at one point when we were discussing the possibility of persons coming from the United States to study nursing at the Community College the whole question of what fees they would be charged was a matter which was engaging the attention of the people in the Community College, the Principal and the Ministry of Health.

I also know that there was an attempt to be made to get some of the private sector to pay part of the cost of educating people in the tertiary institutions and for all of those reasons it would be necessary to establish a benchmark from which persons, who would make such kinds of contributions, could operate.

I say all of that to say, without the benefit of information in front of me, I am saying it from recollection but I am saying it in partial defense of any suggestion of deliberate deception. The Minister spoke in a manner which suggested that the Government deliberately with malice aforethought set out to deceive. I state categorically that I have never sat in any Cabinet anywhere that behaved in such a fashion. Now, I have never sat in the Barbados Labour Party Cabinet, Sir, so I am not aware how they function. This suggestion and these slurs which seem to characterise the inputs which come in particular from the Minister whenever she has to make a presentation is a source of concern to me, Sir.

I am concerned that if the Minister has information which she wishes to put in the political arena that it always has to be placed in the context of some deceit. This is not the first time I have heard the Minister making a presentation to this Honourable Committee and/or the House in which she framed it in those terms. I hope for the sake of the Minister and for Government generally in this country that that is not the beginning of a new methodology.

There is a very well known and respected tradition in this system or some approximation of this system of Government which allows one incoming Government to freely attack the outgoing Government without attributing malfeasance and all kinds of perverse intentions by the outgoing Government. There are well respected and Honourable Members sitting in the back who would know that there are ways in which an outgoing Government and outgoing Minister may be properly attacked on the Floor of the House without leaving the impression that the Cabinet was of a particular mien or behaved in a particular way, not in keeping with what is considered to be decent and honourable in public life.

I hope that I am not seeing a new trend. It gets very dirty, Sir. It gets very bitter and it gets very bloody,

politically speaking, when these approaches are attempted. As you know, Sir, little children learn very early that if you are going to pelt stones you should check to see the structure of the House in which you live. I have nothing more to say, Sir.

On the motion of Hon. Miss B. A. MILLER seconded by Hon. G. W. PAYNE, Mr. CHAIRMAN reported progress and asked for leave to sit again, and Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I move that this sitting be suspended until 2:15 p.m.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly. 1.08 p.m.

RESUMPTION

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

Mr. SPEAKER left the Chair and Mr. CHAIRMAN resumed the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: This House is now reconvened in Committee of Supply.

Mr. D. J. H. THOMPSON: Mr. Chairman, I will be very brief in this matter. I only rise not to join this debate because I always believe that one should pick on people of their own size in politics. I am only joining in the comment made by the Honourable Member for St. Michael West. The House has not had the benefit of the information which the Minister in moving this Head whether it be written information or any detailed information of the decision of the Cabinet. I will plead that I do not recall myself the full details of the agreement between the Government of Barbados and the World Bank in respect of the Technical Vocational and Educational Programme, although I do know that there are a large number of issues which will require policy decisions by the Ministry of Education. I do know as a fact, and there is to be no hiding from that, that many of the conditionalities were thought to be imposed by all of the international institutions and

not just by the World Bank. So this is no great discovery nor is it anything that requires any chastising. Every international institution that has come to Barbados has sought to place conditionalities on the Government with respect to the cost of education. Many of those conditionalities relate directly to the numbers. Many relate to policy decisions, the effect of which would be to reduce public expenditure on public education.

Mr. Chairman, if anybody were to read the Letter of Intent between Barbados and the International Monetary Fund in 1991, one will see that there is a paragraph which deals with issues relating to cost recovery in respect to the University of the West Indies. So that it has never been an issue too far away from the discussion between Barbados and the international institutions. The Honourable Member used the words "increase in fees"¹¹. That is different in my view to cost recovery, because cost recovery contemplates a number of areas by which a Government can recover money spent in various facets of our education whether it is payment for text books, whether it is the removal of subsidies in relation to public transport for school children, whether it is any other incident which is enjoyed by students at a particular institution publicly funded, any reduction in that or any contribution by the student or those who are sponsoring the student is viewed as cost recovery.

Therefore, Mr. Chairman, there have been several occasions when the issue has come up for consideration. Whatever the Democratic Labour Party is purported to have agreed, at this stage it is irrelevant because the new Government has within its power to reject all of that and start from scratch. The new persons who are given full responsibility for their respective Ministries are right to say that students at the University should not have to pay for university education and to put in place the mechanisms to avoid that. Now, Mr. Chairman, what concerns me in this debate is that the Minister purports to suggest that owing money is a crime and if that were so and certainly the Minister herself would be aware that some of us would not be in this Chamber.

Hon. Miss M. A. MOTTLEY: On a point of order, Sir. The allegation which I made had nothing at all to do with owing money. I made the point that the last Government publicly said they would pay for fees and having done so made no provision for it not only in the Estimates of 1993-94, but made no provision as well in the Estimates of 1994-95 clearly convincing that they had no intention to pay those monies in respect of fees during the financial year 1993-94 and 1994-95.

Mr. D. J. H. THOMPSON: Mr. Chairman, I give way on that point of elucidation. I repeat my assertion that my

interpretation of what the Minister was seeking to tell this House is that non-payment or the non-accounting for bills outstanding by the Democratic Labour Party is morally a crime. I am saying that non-payment of bills, the Minister should know, whether it is the Commissioner of Inland Revenue to which large sums of money are owed by citizens of Barbados who do not want to pay them, whether it is the Director of National Insurance to which large sums of money are owed by citizens large and small, prominent in and out of Barbados...

Aside.

Mr. D. J. H. THOMPSON: No, I do not ever do that. I know they will not be calling mine. That is the guarantee that I will always give in this Chamber. The Honourable Member for Christ Church South knows that, if he knows nothing else about me. He knows that he will not find any bounced cheques floating around anywhere with my signature on them.

Mr. Chairman, let me make the point very clear. When you decide to moralize inside of here and accuse us of deception, let us understand the depth of it. Is it a moral issue when arrears have not been paid? If so, let us get to the meat of that morality and let us follow it through the entire system and weed out the defaulters wherever they may be. If it is a crime, lock them up because the Attorney General I know is committed to the eradication of those kinds of crimes against the state.

I want to get the debate back to where it belongs, Mr. Chairman, because nobody will accuse me of deception. There are many public authorities in Barbados which cannot themselves do accurate budgeting nor can they tell you on any given day what is the extent of their arrears or indebtedness, whether it is intra-public sector arrears or outside of the public sector. Between 1991 and now, the Democratic Labour Party has had the very difficult task, not now but as of September, of seeking to clear arrears and it has been followed by the Barbados Labour Party Administration which has also sought through a programme to clear arrears in various statutory corporations. I agree that the financial system does not need to be burdened by public sector managers who are going outside of their remit or not performing adequately. So I salute the Minister for bringing to the attention of the House that the University may have made an oversight in calculating the extent of its arrears in its discussions with the Ministry of Finance and that when the Ministry of Finance thought that it was clearing all of the University's arrears that it was not clearing all of the arrears because there are more arrears.

Hon. Miss M. A. MOTTLEY: On a point of order, Sir. I never suggested that the University made an

oversight on anything. I was very specific in my language and said that \$6 million was not cleared and that the Government of Barbados knew what the bill was and \$6 million was held back from that bill. It had nothing at all to do with the University of the West Indies oversight or otherwise.

Mr. D. J. H. THOMPSON: Now, Mr. Chairman, to the point. I want to thank the Honourable Member for that intervention because it clarifies a point that I made at the beginning of this session to the Honourable Member for St. Peter as Minister of Finance. At the time the last Estimates were prepared there was a sum which was to be provided to the University of the West Indies but which was not allocated in the Estimates either as part of its current operating budget or in respect of its arrears which it had accumulated. I do not recall* which but the sum was in excess of \$5 million and I made that point about the University and the Transport Board that full provision had not been made in the Estimates for either one of those institutions. Anybody who checked last year's Estimates debate carefully, the Honourable Member for Christ Church South was scathing on his attack of the then Government for not funding the University properly and allowing the University to run up arrears. He was right. That was his remit as a Member of the Opposition and I pointed out, I believe or the Minister that we were not making full provision. I maintained that many of these entities, the Transport Board being the most notorious and the University, were no longer going to get a blank cheque from the Government and that every cent over and above that which was provided they would have to account to the Ministry of Finance. I regret very much that the Minister of Education had served notice on her Minister of Finance that he must not trespass on any discussions between the University and the Government. I hope that the Minister of Agriculture will serve similar notice on the Minister of Finance that he must not trespass on matters relating to his Ministry particularly in financial matters.

You see, Mr. Chairman, apparently there is one law for one set of people and another law for the other. Well, the Honourable Minister of Education is trying to stave off...

Hon. Miss M. A. MOTTLEY: On a point of order, Sir. The Honourable Member's capacity for innuendo is perhaps unsurpassed in this Chamber. What I said specifically was that the Government of which her was a Member encouraged the University to by-pass the Ministry of Education and to come straight to the Ministry of Finance giving them figures without involving the Ministry of Education in verifying those figures. We have since found out, Sir, that that Government agreed to \$9 million over charges for 1992-93 that they did not question,

although the request for billing went up by \$10 million from the previous year. Due to our questioning the University has now removed that \$9 million, so instead of \$27 million in arrears you have \$18 million now. 2.30 p.m.

Mr. D. J. H. THOMPSON: I said at the beginning I like to pick on people my own size in politics, but I am not going to protract this scenario because it is one in which the Honourable Member, new as she is to her responsibilities, is jumping up and down with glee, providing information which is neither new nor as dramatic as she is seeking to make it out to be. There is not going to be a statutory corporation in the course of the coming five years which is not going to have difficulty accurately assessing and budgeting for its operation. We are functioning in Government in a situation of flux. The only thing that can be fixed is the subsidy or allocation which you give to the institution, but if the public sector managers themselves do not manage the institutions within the confines of their budget or your budget, or your subsidy, then there are going to be occasions when you are going to come back to the House of Assembly to request more money.

This is lot a statement that has anything to do with deception, I cause I am not an accountant and there is no Minister of Finance who should be spending his time trailing around behind accountants and public sector managers to discover whether what they have put in Column A, B or C is correct. Ministers are to make policy decisions, public sector managers are to manage those institutions. Some of those institutions - and I am not reflecting on the University at this point - are not functioning at their optimum level and it is for the Minister to call them to account. I understand that attempts are being made to make it appear that the Democratic Labour Party was either negligent or indifferent, but the point is, the most effective *modus operandi* with respect to the University and Government's finances was for it to meet with the Ministry of Finance. That has not been unheard of in the history of Barbados. The Grants Committee is not a Ministry of Education committee, it is a Ministry of Finance committee. Even when I was a student representative the Grants Committee, setting salaries in the University, allocation of resources to the University, were not matters for any Ministry of Education, this was a supra educational issue. The people in the University understand where influence lies, they are born, the operatives in the University system - to understand how to manoeuvre and they do not manoeuvre at a level that is not going to produce results, so they function at a level in which they have access to Prime Ministers and, where the Prime Minister is not Minister of Finance, both the Prime Minister and the Minister of Finance.... When they have difficulties, regrettably they do not call the Minister

of Education, unless all of that has changed, they call the Minister of Finance and that is how it is dealt with.

I do not know what the big story is about all of a sudden, except to say that a notice has been served on the Honourable Member for St Peter that in future he is not to bypass the Ministry of Education and any time he wishes to allocate money those who must be obeyed need to be consulted first. That is what we are hearing in this debate, so a big hue and cry is made to retain some turf for the Ministry of Education and I salute the new Minister of Education for serving notice on her political master and I hope that he abides by the instructions which she has given in this particular debate.

Now, Mr. Chairman, all of this talk therefore about deception is a worthless exercise because, as I have said, the money is being provided, they seem to have no difficulty in providing it, but I want the Minister, if we are avoiding deception, to give an unequivocal commitment to this House that under her dispensation University fees will never be charged to Barbadian students. That is the only commitment I want. I want the Honourable Minister, and I am challenging her, to say that the Barbados Labour Party will never implement a regime of fees for Barbadian students attending the University of the West Indies, or alternatively, that no attempts at cost recovery which place any burden at all on Barbadian students in the university system will be imposed by that Honourable Minister during her dispensation, and then this debate can come to an end, Mr* Chairman.

Hon. Miss M. A. MOTTLEY: Sir, just a brief reply to what in fact was a very brief and empty speech by the Honourable Member for St. John. The Honourable Member cannot ask me for a commitment, what he can ask me is what is the policy of the Barbados Labour Party. If he were in his seat at the time when I made my opening remarks in this debate, he would have heard me say very clearly that we believe that the time has come to discuss this issue fully as a country, and that I am about to announce an advisory committee to the Government on the question of the financing of university education, both in respect of economic cost and fees. We have also said that we will not do as the last Government did and to take private decisions, deceiving the public of Barbados that they were going to allow them to go to post secondary schools and the university without paying fees and in fact informing international institutions and taking a decision as a Cabinet on 6th May, 1993, further confirmed by another member of that Cabinet by signature, that they were going to charge fees from September 1994 at the Community College, at the Polytechnic, at Erdiston and from September 1996 at the University of the West Indies. So when the Member for St. Michael West talks about persons throwing stones and remembering what houses they live in, unless he is now

seeking to disclaim the principle of collective responsibility in the Cabinet of which he was a Member, during the period of time that he was a Member, he has therefore to be bound by the decision of that Cabinet, Sir. That Cabinet took a decision on 6th May to the foregoing as I have stated.

Also, Sir, in respect of the University of the West Indies and the Ministry of Finance the point is very clear. The Minister of Finance sits on the University Grants Committee, the Minister of Education sits on the Council. In respect of the Minister of Finance and the Minister of Education we believe that there should be joint consultation in respect of the University. If not, the \$9 million over charge that that Government, when they were in Government, stood and accepted in the billing Sir, you have the University sending you figures, \$27 million for one year, \$29 million for 1990-91, \$30 million for 1991-92 and all of a sudden \$39 million for 1992-93 and not a question from them in Government? The billing rises by almost \$10 million, but then again the Honourable Member for St. Michael West has said in this Chamber recently that \$10 million is nothing when you are dealing with those figures, and if his colleagues thought in the same vein, I do not expect him to be concerned about a \$10 million jump in billing.

Mr. B. M. TAITT: On a point of order, Mr. Chairman. I appreciate that the Honourable Minister is young and feels that she must hear herself regularly, but when did you hear me say anything about any \$10 million? The Honourable Member is now inviting... She wants me to talk about other things. Get on with the debate. 2.40 p.m.

Aside.

Hon. Miss M. A. MOTTLEY: Sir, I would like the Honourable Member for St. Michael West to know that I prefer to be young and have a sharp memory than to be old and be losing my memory. Anyhow, Sir, the point I want to make is that the billing reveals an increase in almost 33% in respect of Government's liability for economic costs to the University from \$30 million to \$39 million and it was only post October 1994 when we sat down and got specifically with the University that in February of 1995 the University agreed with us that they had overcharged the Government of Barbados by \$9 million. This supplementary today would have been \$27 million had we not persisted with the University on the question of 1992-93 billing.

I am not a Finance Minister. I am not an accountant but when I see figures moving at a trend of a

million dollars a year and then jump from \$1 million to \$9 million then even a neophyte would realise that something is wrong. Sir, we know that the Honourable Member does not feel that those figures are any big thing.

The Honourable Leader of the Opposition sought in his speech, which really did not say anything at all on the matter, to imply that owing money was no breach of the law. I never talked about owing money. I talked about liability and not revealing to the Estimates. Certainly, Sir, he, as a former Minister of Finance, would know that the laws of this country require that any liability incurred on the part of Government must be revealed in the Estimates of Expenditure when they are brought to this Parliament.

Unless they want us to really understand that he operated as a Minister of Finance without any knowledge of the Financial Administration and Audit Act, and that is extremely possible.

Mr. D. J. H. THOMPSON: On a point of elucidation. My concern in that matter had to do with the defaulters to the Commissioner of Inland Revenue and the National Insurance Department and other entities. I was not dealing with the Financial Administration and Audit Act, but if the Honourable Member wishes more particulars on the matter I will supply them during the course of the Budget or Estimates debate for the public to be the judge. I have no problem with that.

Hon. Miss M. A. MOTTLEY: As usual, the Honourable Leader of the Opposition is misleading this House because when he spoke about the matter of arrears and owing money he spoke in relation to the University of the West Indies and the question of fees. But he feels that all of us in here have short memories like his colleague on his left and that we will not remember that less than 20 minutes ago he told us in here that he was talking about owing money as no crime in relation to money owed to the University of the West Indies.

He wants to continue to operate in this Chamber by innuendo. Let him state his position. I don't know who is talking about in terms of owing money to the National Insurance Department and Inland Revenue; but I can list people on this side and that side. I even owe money to the tune of \$3 000; but if that is a crime, that is a crime. The one thing the Leader of the Opposition is not going to do is to crucify people on the basis of innuendo, on the basis of political invective.

Certain remarks made by the Honourable Member for St. Michael North East were ordered to be expunged from the record by Mr. CHAIRMAN.

Hon. Miss B. A. MOTTLEY: I would only say, Sir, I am sorry to hear that he has broken his toe. The circumstances are perhaps a little suspect. Nevertheless, I will move on.

With those words, Sir, I beg to move that this Head do now stand part.

Mr. B. M. TATTT: I second the motion. Mr. Chairman, Sir, I thought that I should speak again because earlier I sought to give the Honourable Member the benefit of the doubt. You can call it anytime, Dear. You can call it 15 times. Get up and call it again. Where do you think you are? This is the House of Assembly, you know. You can call the Head.

Mr. CHAIRMAN: Who are you addressing?

Mr. B. M. TAITT: I am addressing you, Sir. I am sorry. I didn't mean to call you "Dear". I withdraw "Dear"¹¹.

Mr. Chairman, I thought I would speak again because the Honourable Member, the Minister of Education, needs to be aware of two things. I think that when Hansard is reproduced and the Honourable Member has an opportunity to read her speech she will see that she did two things today. She indicted by innuendo the University of the West Indies. She accused the University of the West Indies of submitting a bill for \$9 million in excess of what it should submit.

Aside.

Mr. B. M. TAITT: I am not saying it is not a fact I just want to be certain that that is what she did and now you are saying from your seat it is a fact that they submitted a bill and the innuendo I heard - my interpretation is - that the University set out to get \$9 million to which it was not entitled. That is my interpretation.

The second point I want to make is this. The Honourable Member continues to talk about the Minister received this and the Minister received that. Did the Honourable Member on becoming Minister bring in all her expertise with her? Does the Honourable Member still work with the same officials with which everybody else worked? Is the Honourable Member suggesting that a Minister is to behave like a clerical officer and check information and facts when they come before him to make policy?

Aside.

Mr. B. M. TAITT: You would know about syrup. When it comes to syrup there is nobody who knows about it like you!

The point I am making is that the Minister has a responsibility. She is a Minister and she ought not to come to this Committee with bombast and give the impression that she is bringing in new information when, in fact, all she is doing is setting up officials in the Ministry of Finance and in the Ministry of Education to ridicule. The Honourable Member is suggesting that she has an entirely new crop of public officials. They are the same, Sir.

Hon. Miss M. A. MOTTLEY: On a point of order.

Mr. B. M. TAITT: What point of order? She is so young and innocent. The Honourable Member has left the impression - and I hope the Honourable Member will read her speech for the future - to suggest that the Minister did not recognise this, and that is merely to make the point that the officials in the Ministry of Education and the officials in the Ministry of Finance did not perform in the same way as they are now performing for the Honourable Member, which is absolute rubbish. The Honourable Member must know that. It makes no sense to try to score political points on such picayune material. The Honourable Member should know better.

If the Ministry of Finance produced for its Minister information that has been analysed by the Department, is the Honourable Member suggesting that the Minister should question that information? What new system is this? I am speaking in terms of what the Honourable Member said. One is not saying that everything that is put before a Minister must be accepted as put. One is not saying that. One is saying however that in the context of what the Minister has said in relation to information details about who owes how much, and who owes what, I put it to Your Honour that there is no way any Minister on any side of the House will be able to state how much money the University owes the Government, or vice versa, except on the basis of information put before him or her. I put that to Your Honour. Therefore, for someone to get up and start to make a mountain out of a molehill about what information was put before the Minister is, at the most, puerile. 2.50 p.m.

I want to suggest that the whole question of the University and the capacity of the University to absorb funding, and the involvement of the Ministry of Education in the process, I just wish to remind the Honourable Member, as I think she is fully aware, that the University

has a structure which requires the Minister of Finance of each country to be part of the University Grants Committee.

Aside.

Mr. B. M. TAITT: The Honourable Members over there are experts in the field. I know the Honourable Member for the City is an expert on devising fees for people to pay, so she would know. The University Grants Committee for Barbados for 15 years was represented by the Minister of Finance. The late Right Honourable Member for St. John was the representative of Barbados on the University Grants Committee.

Hon. Miss B. A. MILLER: Mr. Chairman, on a point of order. It is incorrect to say what was just said about me. When I was a Minister of Education, like other Ministers of Education before me, including the Honourable Member for St. George South, I sat on the University Grants Committee. If in the Democratic Labour Party's Administration the late Member for St. John chose to sit on the University Grants Committee, it could only have been because he could not touch his own Minister of Education to sit there.

Mr. D. J. H. THOMPSON: Mr. Chairman, on a point of order. I have never said in this debate that I sat on the University Grants Committee.

Asides.

Mr. B. M. TAITT: Mr. Chairman, the only point I wanted to make really was to offer words of advice from this side to the Honourable Minister of Education that to make a political point it is not necessary to attack the officials in the respective Ministries because to make the kind of statements which the Honourable Member made...

Hon. Miss M. A. MOTTLEY: Sir, on a point of order. The Honourable Member is showing that he is clearly a master of obfuscation. I have never at any stage sought to attack the integrity or otherwise of any official in any Ministry. I made my points clear in respect of the fact that if I were the Minister when the 1992/93 billing came in that I would have had to query the fact that the bill went up by \$10 million, or more than 35%.

Mr. B. M. TAITT: If the Honourable Member truly had said it like that one would have said that the Minister had made a point. What the Honourable Member said left the impression, and I do not mind.

Aside.

Mr. B. M. TAUT: I know the Prime Minister wants me to continue this for different reasons.

The point is, Mr. Chairman, that the Minister of Education cannot come in here constantly and make the kind of wide, sweeping statements...

Hon. Miss M. A. MOTTLEY: On a point of order, Sir. The Honourable Member is imputing improper motives to me to be suggesting that I have come in here to make wild, sweeping statements. I have the documents to support every single statement. I have, as I have had in every speech I have made in this Chamber because I treat this Chamber with a certain amount of respect...

Mr. B. M. TATTT: I did not even know that "wide, sweeping" was to impugn the integrity of anybody. I said "wide".

Mr. Chairman, quite seriously. The Honourable Member, as she got up again, made the statement with regard to deception. I warned her from this side that making statements about deception have danger and the Honourable Member continues to talk about deception. She has imputed improper motives to the Cabinet of the day and she quotes a specific day. I hope that when the time comes the Honourable Member will be ready for a full debate about certain decisions.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, I beg to move that this Head do now stand part.

The question that Head 34 do now stand part of the Resolution was put and resolved in the affirmative without division.

HEAD 42 - MINISTRY OF LABOUR, PUBLIC WORKS, COMMUNITY DEVELOPMENT AND SPORTS AND THE EXPLANATORY NOTE THERETO.

Hon. G. W. PAYNE: Mr. Chairman, I beg to move that Head 42 stand part. In moving that this Head do stand part, we are asking for \$6 405 93.71 under Programme 9, Sub-programme 1, Object No. 313 - Subsidies. This is supplemental to an earlier Supplementary which was brought under Head 42 for \$4 607 725.50 which was due to the Ministry of Public Works by the Welfare Department which the last administration had failed to pay to meet the expenses of the old age pensioners.

Mr. Chairman, this Resolution must be seen against the background of the subsidies which the Transport Board has been given over the years and which reached its peak in 1987/88 when \$22 million was given to the Transport Board at a time when the ridership exceeded \$28 million. Due to the constraints of the structural adjustment, we saw a drastic reduction in the subsidy to the Transport Board over the years. As a matter of fact, the subsidy was reduced from \$22 million and at the beginning of 1994/95 that subsidy was at zero. What we have seen over the years is a gradual reduction of the subsidy culminating in the situation in 1994/95 when there was no subsidy to the Transport Board but, at the same time, the arrears of the Transport Board continued to build up. Among these arrears were arrears to the Inland Revenue Department. 3.00 p.m.

We had a situation in 1994-95 where, even though there was no subsidy to the Transport Board, arrears to the Inland Revenue Department, at that stage, amounted to \$5 154 936.33. This represented \$3 015 572.06 in 1991-92, \$1 037 099.91 for 1992-93, \$1 102 264.36 for the period 1993-94. To this was added \$825 753.82 for the period up to December, 1994 and the projection to the end of March is \$424 402.56 making a grand total of \$6 405 092.71 which is owed by the Transport Board to the Inland Revenue Department.

As I said what has been happening even though the Transport Board has not been receiving a subsidy, it has been using current profits to pay arrears from outstanding years. This request for this Supplementary represents a correction of this situation.

Mr. Chairman, we are also asking for an Amendment to the Explanatory Note to Head 42, Program 06, Sub-program 02, Object No. 625 to include computer equipment. This has arisen because of the fact that after reviewing the input of the computer system at the Transport Board it has been recommended that it be replaced. It is estimated that the hardware can be replaced from the said Explanatory Note, Object No. 625.

In addition to this, we are also asking for the sum of \$922 183.00 to the National Training Board and it is required to cover the additional expenditure of the Board to the end of the Financial Year.

With those few words, Mr. Chairman, I beg to move that this Head stand part.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I welcome the opportunity to say a few words on this particular

Head because it underscores a particular problem that I think we have to get to the bottom of. We simply, as a Parliament have to insist that full integrity is restored to the public accounting system of this country. I am saying this as much to the past, as to the future because, in point of fact, nobody in this House is an accounting officer. We have a responsibility, ultimately, to the people to make sure that integrity obtains in the discharge of the financial responsibility of the state.

There is obviously a tremendous breakdown in the integrity of our public accounting system, not only when arrears are allowed to increase, but when arrears are allowed to accumulate by Government departments refusing to pay institutions such as the Inland Revenue, the Barbados Water Authority and the National Insurance Department. This matter has gotten completely out of hand.

We have a situation, today, in Barbados where the public owes the Land Tax \$60 million in arrears, not counting interest and penalty. Countless millions are owed to the Inland Revenue and we are now in the process of trying to identify how much is owed to the Inland Revenue. Large sums are owed by Government departments and the public at large to the National Insurance.

I am not in the business of producing any list in this House because that is against the law. But the point I want to make is that the Government must set the example and the example that the Government must set is that whenever Governments deduct people's PAYE they must pay it over to the Commissioner of Inland Revenue.

Aside.

Hon. O. S. ARTHUR: It is criminal not to do so, Sir. We often have the Government put in the invidious position of having to pay refunds to people before the tax has been paid into the Consolidated Fund. There is a double link to the Government when people deduct PAYE and then refuse to pay it into the Consolidated Fund.

I am therefore speaking to this particular matter both to the past as to the future that this was the kind of financial conduct that should not have been tolerated. It is the worst form of false budgeting for institutions to believe that they are economizing by taking out people's income tax and not paying over the proceeds to the Commissioner of Inland Revenue.

We are bringing this to Parliament because we do not feel it should have been tolerated in the past and I am bringing it to send a signal that we will not be tolerating it in the future. I believe that in every instance where a state

enterprise has been given a subvention that it feels is inadequate in relation to its known commitments and the level of its staffing that it should make an adjustment in the extent of the programme that it wants to institute or it should put a proper case to the persons responsible for putting that institution in funds, to put it in a condition that it can honour its obligation. But these are statutory obligations. The payment of income tax is a statutory obligation. There is absolutely nothing to excuse the persons responsible for the management of the affairs of the Transport Board from having deducted people's PAYE and not having paid it over to the Inland Revenue. It is something that is reprehensible.

I spoke in an earlier Debate about public officers who were part and parcel to acts of spending without the authority of Parliament. I mentioned then that the Rules protect public officers in circumstances where the political directorate want them to do things that are not proper, they are to document their objections to the acts that they are asked to carry out, against the law.

I also feel very strongly that persons responsible in departments for making sure that the PAYE and the NIS are deducted and paid over to the relevant authorities must be held accountable when these considerable breaches of financial propriety arise. It is the only way that we are going to protect the integrity of the system.

I therefore am supporting this Resolution before Parliament. But I am also at the same time condemning the actions by which it has become necessary for this Parliament now to have to come and approve a Supplementary for a matter such as clearing the indebtedness of the Transport Board to the Inland Revenue Department. These are statutory obligations. The law of the country must be respected. We are reduced, as a Government, in the total sense of the word. We are reduced as a people, when our systems become so slack that in the matter of the payment of people's income tax, these false economies should be applied. 3.10 p.m.

As I said, Sir, nobody in this House is an accounting officer but accounting officers in this country, under my administration, must understand that if any of my Ministers ask them to do anything that is not in conformity with the law, document it on file. If the Ministry's resources are not adequate enough to meet the PAYE ask the Government of the day for a supplementary there and then, but we must never again accumulate arrears because the PAYE is not being paid over, Sir.

Therefore, Sir, the Government in this instance must lead by example and I therefore am bringing these

arrears of this nature because shortly we will be asking the public to pay in the arrears to the Commissioner of Inland Revenue and to the Commissioner of Land Tax. It is not fair that there are Barbadians, a lot of them poor people, who comply with the spirit and the letter of the law and they form long lines to pay the Water Authority, the Inland Revenue and Land Tax and so on. The poor people pay, Sir, because they are frightened of the tax man and there are entities in Barbados who can pay and do not pay, including the Government.

I must say in this matter, Sir, that there are a number of Government Departments that owe the Barbados Water Authority. I want them to pay. There are entities that do not pay the NIS. I want them to pay because it is up to the Government to set the correct standards for financial propriety. This has not been brought today to embarrass any administration, Sir, but to establish proper propriety where the administration of our public accounts are concerned. I hope that once we have cleared these arrears that this House will never again have to endure the infamy of having to come by way of a supplementary to ask Parliament to clear arrears because people have not paid into the consolidated fund amounts that they have deducted from people's salaries in the form of income tax.

I am going to support it, Sir, but I hope that it will never, ever happen again. I am obliged to you.

Mr. D. J. H. THOMPSON: Mr. Chairman, I want to make a very brief point. I want to say that nobody on this side wishes to argue with the point which the Honourable Member for St. Peter made. It is precisely the point I made in different words when we were debating the Education Head, that the Minister is not an accounting officer. Signals may be sent and I agree with the Honourable Minister of Finance for seeking to send those signals by this method. However, I fear this is not going to solve the problem and there is a valid reason for that. Accounting officers in the Government service are governed by the Financial Rules and the Financial Administration and Audit Act. Public sector managers in Statutory Corporations have no rules which govern their operations. They, therefore, very often incur those arrears and do all of those kinds of things but they deduct them and do not pay them over before the accounting officer's approval is sought. An accounting officer is very often the person who has to find a solution of taking a matter to a Minister who may be as rigid as the Prime Minister intends to be or a Minister who takes the point, well this has been done already, what does one do about it. So that unless you are going to bring these statutory entities under financial rules of their own and require as a previous Democratic Labour Party Cabinet that they draft financial rules similar to ...

Aside.

Mr. D. J. H. THOMPSON: Precisely. Unless that happens what you will have is opprobrium being heaped on accounting officers in Ministries when in fact it is not entirely their fault.

I understand the point which the Honourable Member for St. Peter is making. We endorse the signals which he has sent to the public sector. There are signals that we have sent and I know the Honourable Member has seen the files replete with question marks, exclamation marks, all kinds of comments about how these things can happen. How can you bring these matters to the attention of the Minister after it has been done? Attempts over the years by Ministers to bring those matters direct to Cabinet bypassing the Ministry of Finance under previous administrations over time.

Unless you are going to have an entire review of the Financial Administration arrangements, including the Act, the Rules and the Procedures which Government, Statutory Corporations and the University of the West Indies, if possible, because the largest clearance of public sector arrears, every year, is the University of the West Indies. The same speech which other Honourable Members delivered in here, of course everybody would like to deliver that speech, but that is blowing in the wind because unless something is done about those entities and the way in which those public sector managers, particularly the Transport Board, seek to deal with their Ministry and the Ministry of Finance, this will continue.

The whole reason why you were unable to identify a subsidy and it is foolishness coming to the House, year after year, with a Minister boasting I am going to run the Transport Board on a \$2 million subsidy, it is impossible under the present arrangements and any Minister who seeks to boast in that way is misleading the House. Therefore, there has to be an arrangement which accommodates ...

Aside.

Mr. D. J. H. THOMPSON: The Honourable Member says *sotto voce*, a cap on spending, but some thing which is in a sense more flexible in relation to how those public sector managers allocate their resources except for statutory expenditure, money deducted by PAYE deductions, National Insurance contributions and payments to other entities, and the Transport Board still suffered and I maintain this, although the Honourable Prime Minister sought to cry down my previous position, that to this day the Ministry of Community Development and the Welfare Department cannot accurately bill the Transport Board for old age pensioners travelling on public sector buses. As a result of that you have false economies and budgeting which is based on hearsay.

Aside.

Mr. D. J. H. THOMPSON: I never said it was impossible. The fact that it has never been done accurately suggests to me that those technicians charged with the responsibility cannot do it. So let us find the person who can. That is the answer to the problem. But it is a serious matter because every year those Ministries sit down with the Ministry of Finance and a big coordinating meeting takes place in the Cabinet Room or wherever. They all talk about it and they work out how many trips per day a pensioner should make and so on but yet, at the end of the day, they sit down and say, well I think we had better put it at about \$4 million or \$9 million or whatever. The Transport Board then says, no, it is higher than that, that is why we need a large subsidy because what the Welfare Department and the Ministry of Education is paying us does not represent accurately the wear and tear and the cost of operations. It only represents a portion.

I wish to say we endorse the view that these matters need to be dealt with and hopefully the tax administration programme, together with other reforms started by the Democratic Labour Party, together with any other which the Prime Minister may announce in due course will help in dealing with that problem. In that regard we have no problem in supporting this supplementary.

Dr. R. C. HAYNES: Mr. Chairman, one thing about this particular Resolution is that it will not impact on the deficit because basically the cheque will go from the Accountant General to the Transport Board and then he would just look at it, endorse the back and send it back to the Commissioner of Inland Revenue so that it will be a little circle within Government that this cheque will be passing. But I sincerely hope, Sir, that now that we have had the usual post-election episodes in relation to arrears, non-payments and what not and, as you know most of this I presume will go through the system this year and from next Monday we will begin to look at a new year of new revenues, expenditures and so on, I would hope that most of this backlog will have been cleared. However, as someone who has been around for a little while, I think that it is fair to say that between an election and the end of a financial year these kinds of debates have taken place. Now at least one Department that is constantly featured in these debates has been the Transport Board and the Transport Board has been a culprit for many, many years. 3.20 p.m.

Sir, I recall that a similar kind of situation existed when the Government changed in 1986. When the Government changed in 1986, I think the figure owed to the National Insurance was somewhere about \$6 million. I recall as Minister of Finance of this country at that time

making an off-budget arrangement in order to have that particular matter settled at the time. Now I am not blaming anybody for it. I am just saying that this has been a major problem with the Transport Board over the years. When the Transport Levy was available a lot of these things were concealed because one had access to funds and could shift around with the Transport Levy and so on. But a whole lot of things happened over the years such as the whole question of the Ministry of Education and the Welfare Department not providing an adequate amount of money which basically reflected what happened when it was necessary to show a lower subsidy by apportioning those costs with other Departments of Governments. That whole thing came about because all those charges were once charges against the Ministry of Transport and Works and charges against the Transport Board when it became necessary to reduce the subsidy to the Transport Board. Members will recall that this was one of the major problems in the 1982-83 period. At that time a decision was taken that some of these costs would be borne by the Ministry of Education, some by the Ministry of Transport and I think also the Police Department.

Aside.

Dr. R. C. HAYNES: No, no. I am saying that some of these costs would be borne. They all eventually come from the same Consolidated Fund. What was happening in the past was that the Transport Board met the full cost of it and then that was adjusted in such a way that the Ministry of Education, the Welfare Department and I think the Police Department had to make contributions to the Transport Board.

Sir, the point that I wish to make is this. I think that a culture has developed in this country where people do not feel that they have any obligation even to conform with the wishes of Parliament. You come here and you pass legislation that financial statements must be laid at the end of a financial year. Years will roll by and nobody has ever been brought to task. Nobody. People come in here and make a lot of noise in Parliament and, as far as I know, no Parliament or no Government has ever taken any steps beyond making complaints in Parliament on either side. It has never happened. So that if we are going to deal with this matter decisively, I think that we have to put in place a new culture and a different attitude by people towards Government's finances and their responsibilities to the Parliament of this country. I think that is what is required and that is what we are fundamentally talking about, making sure that the statutory boards out there conform with the requirements of Parliament. When accounting practices of this nature are brought to the attention of Parliament, I think that somewhere along the line you just cannot keep dismissing it year after year, make noises about it and nothing happens.

Sir, I do not know whether or not the Government will be seeking to avoid this kind of problem in the future by making more resources available to the Transport Board through increases in bus fares. I do not know whether that is part of the policy of the Government. It would be interesting to know what is the policy of the Government in relation to bus fares. I noticed, Sir, that the Honourable Minister indicated that it was quite wrong for various people to come in here year after year and indicate that the subsidy will be substantially less than what should realistically go into the Estimates. Now that would suggest to me that there is still a chronic problem in the Transport Board where its revenue is not sufficient to cover its expenditure and that there is a gap somewhere. How does the Government propose to deal with that gap? Does it propose to deal with it by increasing subventions or does it propose to deal with it by increasing bus fares?

Aside.

Dr. R. C. HAYNES: I am just asking questions. I am quite sure the general public out there would be very interested in knowing that it is Government's policy not to increase bus fares. I believe that it is my duty to try in every way to elicit just a response not to increase bus fares - a straight forward answer.

Sir, I think that is the very brief contribution that I would like to make in this matter. I think that the House should be aware that this situation is nothing new. The question of chronic arrears both to the National Insurance Scheme and arrears in relation to the Inland Revenue Department as well, has occurred in the past as well. It was not financed in this manner, coming with a Resolution today. It was financed off Budget and, in some instances, by re-arranging the expenditure from the Transport Levy Fund. 3.30 p.m.

While I am not at all surprised, and I sat down and I listened, one would expect this kind of thing in the month following an election with a new Government taking over. It is all going to come to an end on Monday. Today is the last day. The last opportunity is today. We will see exactly what will happen as from next Monday when we have new Estimates and a new Budget because from thereon this will be on a completely new wicket. That's what I have to say, Mr. Chairman.

Mr. D. St E. KELLMAN: Mr. Speaker, I would like to say a couple words on this Head. In public transport, the Democratic Labour Party has a lot to be proud of. During the 1990s, between 1991 and 1994 there was a new group of businessmen called the ZR Group. Mr. Speaker, we can

say what we like about them. It is true that they do not normally do everything that we would like them to do, but one of the things that you can say, Sir, is that they have not asked us to provide them with one cent from the Consolidated Fund.

Hon. O. S. ARTHUR: The Honourable Member is in breach of the Rules of the House governing relevance and I would ask you to rule, Sir.

Mr. CHAIRMAN: The Honourable Member is in the middle of a sentence. I believe he may be making a metaphor or using a simile or something, but he can finish his sentence and we will know whether he is relevant or not.

Mr. D. St. E. KELLMAN: I was dealing with substance. I do not know what is the problem with the Honourable Member for St. Peter. I am saying that if we turn the whole transport system over to the ZRs we would not have to worry about discussing this issue in this House because they have not asked us for one cent. You check it, Sir. Since the ZRs have been operating we have heard the Minibuses Association asking for support but you have never heard the ZRs asking for support.

I want the Other Side to know...

Mr. CHAIRMAN: The Chair is ruling that so far you are not relevant. You have finished your sentence and I have not seen the relevance to the Bill before us.

Mr. D. St. E. KELLMAN: We are dealing with subsidies and we are also dealing with ways of eliminating subsidies. Sir, can you tell me the irrelevance?

Mr. CHAIRMAN: I am yet to see the relevance, but proceed.

Mr. D. St. E. KELLMAN: The ZRs compete with the Transport Board, and if you want any evidence of that, you ask the Honourable Member for St. James South and she will tell you that it is because of the ZRs on that route that she does not have a problem in the Wanstead/Cave Hill area. Even the Honourable Member for St. Thomas.

Aside.

Mr. D. St. E. KELLMAN: They might be lawless. People will agree with that, but I am saying that if we were to turn over the transport system to the ZRs...

Aside.

Mr. D. St. E. KELLMAN: I have a suggestion for you, Sir. Give them permits. Give the drivers the permits and you will see that will not have to come to this House of Assembly and ask for one single cent in subsidy because we would have turned the money over to the small businessmen who will be able to show you how to run an efficient service. We would not have to worry about the Transport Board.

I know there will be a lot of people... We are not talking about closing down the transport system. Closing down the Transport Board is not closing down the transport system. If you have a problem and you feel within yourself that you are going to be complaining about a subsidy every year all you have to do is to take the same workers at the Transport Board, give them the buses and ask them to pay you later. Give them the same routes and you will see that you will get a more efficient service. All you have to do is to keep the same Transport Board and give it to the people. Just change the name.

Aside.

Mr. D. St. E. KELLMAN: Turn the workshop into a profit making centre by allowing the workers to run the workshop and let them pay you on a long-term. There should be inspectors working on behalf of the Government to make sure that the system is a proper system. Once you police the system, you will get a proper system. I am not saying close down the Transport Board. If the Government is bellyaching about the subsidies, it means that it has a problem and must find a simple solution to it. I am saying that if you want a solution ask yourself whether the ZRs are asking you for one single cent from the Consolidated Fund. The answer is no.

I know the Honourable Member for St. George who has a lot of constituents would be happy to get some ZRs too. The Honourable Member for St. Peter knows that there are some ZRs in St. Peter and they are operating efficiently. Some run as far as to Boscobelle etc. Of course there are some in St. Lucy, but there is no way that I am going to talk about the ones in St. Lucy or St. James without talking about the ones in St. Peter also.

I am saying, Mr. Chairman, we have to decide whether we want to subsidise the Transport Board or whether we want to turn it over to an efficient group. If you want to turn it over to an efficient group, that group should be the ZR group.

Mr. Speaker, we have a lot to be proud of. The ZRs have shown us that if you give the small man an

opportunity that the small man will prove to you that a system can be run efficiently. It is true that the minibuses have a role to play too, and if you want to link the minibuses and the ZRs, I have no problem with that, because I am quite aware that some constituents of yours in St. Peter would be glad if you were to turn the Transport Board over to more of them. Some of mine would be happy because once you send some of the permits to the rural constituencies we would not have problems.

As you are aware, there are some people who own ZRs and minibuses who would stick with the rules and regulations and you are aware also that some people do not want to see the ZRs in Barbados because it has been a successful story. What is wrong with small businessmen having a right to generate work and generate income for their families? 3.40 p.m.

Mr. Chairman, I know you are happy with the ZRs that are servicing your constituency. I am aware of that, and I know you will put in a plug for them to get some additional routes.

Thank you.

Mr. CHAIRMAN: I want us to note that the Committee of Supply will conclude at 3.55 p.m.

Hon. Sir HAROLD St. JOHN: Mr. Chairman, I am going to be very short. I would just like to warn the Honourable Member who just spoke that before he persists in advocating that the Transport system be turned over lock, stock and barrel to the ZRs in particular, that he takes note of an article that is in a paper today dealing with the Jamaican experience, particularly in Kingston, in which there have been almost riots taking place. It is a very difficult thing to control the ZRs.

I would also want the Honourable Member to tell us whether his investigations have revealed that the number of ZRs they have in Barbados doing so well whether they make any contribution at all by way of National Insurance because I recall recently that those in charge of National Insurance have had to say that new legislation has to be devised to ensure that the holders of permits for ZR vans in truth and in fact recognise that they are employers and that the people who drive vans and act as conductors should pay their contribution to the National Insurance Scheme. It is not a simplistic matter.

I agree with the Honourable Member on one point that it is the Government of Barbados that must make up its mind whether transport is such an important area of the economy that the Government is going to ensure that

there are facilities in place of such a kind that reach a level and standard to provide the service that is necessary. We never had any difficulty with accepting the fact that in Barbados the best way to run the transport service is for Government to play a leading part.

I believe, Sir, that looking at this matter as a whole, we should try and build upon the various models that there are and the experiences. I am sure that when one examines everything, one will find that a mixture of the public sector and private sector, with a great degree of regulation taking place, is going to be the best system. In order to service some routes, particularly the country areas, one will find that a Government entity, or a single entity, has to be given that opportunity, and that will involve some degree of subsidy.

Mr. B. M. TAITT: Mr. Chairman, I shall be very short. I wanted to refer to the speech made by the Honourable Member for St. Peter and the clear enunciation of his philosophical position on the management of public finances. I just want to say that I would wish to hear him articulate at the same time a position which would see that we stop pussyfooting on the issue of the reform of the Financial Administration and Audit Act.

Various Auditors General over the last 15 years have been seeking to have some look at the Financial Administration and Audit Act. It is impossible as things now stand for any of the accounting officers fully to do the thing which the Honourable Member has been discussing with the Rules as they now exist.

There is no comparative private sector administrator who is called upon to fall into what can only be described as Neanderthal-like requirements of a regulation that was made in 1964 and that has only had the most superficial examination by the Cabinet from time to time. Every time the issue of reform comes up, some group or part of the system seeks to hide from facing it. Unless one bites that bullet, much of what the Honourable Member has said will fall to the ground because it cannot function. I know that for this Honourable Member to get involved in saying that is to be walking in the view of some people on non-solid ground. But that is how I have always felt, and that is how I feel, that the reform must be done.

The second point is...

Hon. O. S. ARTHUR: Mr. Chairman, on a point of order. I just want to inform the House that a policy group has been established in the Ministry of Finance to propose reforms to the Financial Administration and Audit Act and that major sweeping forms of that legislation will come to this House hopefully within the next year.

Mr. B. M. TAITT: I hope the Minister will have more luck than his predecessors in the formulation of policy groups and/or individuals who were supposed to respond to the requirement. There has never been any reluctance at the level of policy. There have been enough calls for that. But I am not going to dwell on it.

Aside.

Mr. B. M. TAITT: I remember there was a Minister in here called Lindsay Bolden and the only reason he got the 1981 Road Traffic Act on the books is that he went home and wrote it. Now it is fraught with difficulty.

Aside.

Mr. B. M. TAITT: I take his word for it. It is the only time he has ever made any claim on doing anything substantial in the law, and if he says so, I accept it. The point is that he went home and did it.

The Honourable Member for Christ Church West on an occasion in order to bring legislation in here that was meaningful had to carry it home and do it himself. I am not casting aspersions on anybody. I am just saying to the Minister that he cannot expect to make the strictures which he did, and I take his word.

The second thing is that those persons who work in statutory boards must also be given the tools to function. I take the point the Minister made about statutory boards, but a close examination of the statutory boards in Barbados, with the possible exception of the BIDC, will show - I am not talking about the banks and the newer ones. I am talking about the ones that have been in existence for some time, including the Transport Board - that there has been for good reason a paucity of modern day management technologies for functioning in the respective areas that cry out for knowledge and information.

Take the simple matter of computerisation. There has been an almost religious reluctance on the part of people in this country in the public sector to accept that the computer is a normal tool of management and it has permeated the entire system. One of the results has been that there are still people using antediluvian methods to gather information that would be necessary for timely decision-making.

Aside.

Mr. B. M. TAITT: I am not attacking any Honourable Members in here. The Honourable Members in here who do not know and cannot use the computer are legion.

The other point I want to make was made by the Honourable Member for Christ Church East. The country has to decide how much money it is going to spend on its transportation. The Minister of Finance speaks for the country. 3,50 p.m.

I am addressing Ministers of Finance from time immemorial so that we do not have any problem as to which one I mean. In New York City, in London, in most of the major cities including Montreal, public transport is a public cost and is met by the people who can demand quality because they pay for it. We cannot run hot and cold where we make demands of the Transport Board which cannot be met by the resources which we bequeath to them. The Minister therefore has to approach the matter in a full, confrontational manner.

Time does not permit me to expand on those points but I think it was necessary that we should discuss those points and put them on the Table. The question of what kind of transport we have in this country will rely to a large extent on what courage the Minister of Finance and his colleague in the Ministry of Transport will be willing to demonstrate, especially in the early stages of an Administration. The cost of transportation is hardly ever the numbers which we see in the Estimates. Requiring someone to wear a size 9 shoe when they have a size 11 foot is very difficult. I know that the time is short and I am going to give the Minister a chance to respond.

Hon. G. W. PAYNE: Mr. Chairman, I beg to move that Head 42, as amended, stand part.

Hon. R. C. EASTMOND: I beg to second that, Sir.

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

Hon. O. S. ARTHUR: Mr. Chairman, Sir, I beg to move that the Explanatory Note to Head 15, as amended, stand part.

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

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

Hon. Miss B. A. MILLER: Mr. Chairman, Sir, I beg to move to move that you do now report to His Honour the Speaker, the passing of one Resolution, as amended, in Committee.

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

The question was put and resolved in the affirmative without division and Mr. CHAIRMAN reported to Mr. SPEAKER the passing of one Resolution in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. Miss B. A. Miller, seconded by Hon. O. S. ARTHUR the Resolution was read a first time, a second time and agreed to.

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this sitting be now suspended until ten minutes past four, at which time it is proposed that the Government will proceed with No.1 on the Order Paper which is the televised debate on the Vagrancy Bill.

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

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly. 3.55 p.m.

RESUMPTION Mr. SPEAKER:

Order No. 1. VAGRANCY (AMENDMENT)

BILL, 1995

Order No. 1 was called - To move the Second Reading of the Vagrancy (Amendment) Bill, 1995.

Mr. SPEAKER: The Honourable Member for St Thomas.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, the Bill before the Honourable House of Assembly is an Amendment to the Vagrancy Act, Cap. 156 of the Laws of Barbados.

Mr. Speaker, let me just say, at the outset, that the purpose of this Bill is to indicate the determination of this Government to restore law and order in Barbados and denounce lawlessness and indiscipline. I also wish it clearly to be understood that nobody must underestimate my resolve and my determination so long as I hold this office to do what I consider necessary, appropriate and expedient to restore law and order to a place of primacy in the scheme of things in Barbados.

Mr. Speaker, the Vagrancy Acts had their origin in English legislation in the 14th Century. In Barbados the first Vagrancy Amendment was brought in 1840.

The English Act on which it was copied was the Act of 1824. I have been fortunate to find, in the Archives, the Debates of the House of Assembly for the 25th May, 1897 when the Second Reading of the Vagrancy Bill was moved by the then Honourable W. H. Greaves. He said it was a consolidation of the existing law with certain Amendments.

I suppose the word vagrant is an elastic one. It would embrace, idle, wanderers, nomadic types. I suppose we, at times, in the vernacular of Barbados have referred to them as waifs and strays. The law, as it presently stands, refers to some as idle and disorderly, vagabonds and rogues and so on. But what is clear analyzing the history of the Vagrancy Acts and the content of Vagrancy legislation is that Vagrancy legislation has been used, from time to time, almost as a kind of dustbin, catch all piece of legislation. I can give you an example, from the present law, Mr. Speaker. A person who applies to the Chief Welfare Officer for help and on enquiry by the Chief Welfare Officer does not make correct or complete disclosure offends the Vagrancy Act and is deemed an idle and disorderly person. Worse yet in terms of the location of that type of conduct within the structure of a Vagrancy Act Section 2 (b) makes a person who refuses or neglects to maintain himself, his wife or children an idle and disorderly person.

I think all Members would agree that in 1995 the proper location for that kind of conduct would be in a Family Act, Maintenance legislation or some such legislation aimed at the Regulation of proper familial relationships. But we find it in the Vagrancy Act alongside sections dealing with prostitutes and so on.

Let me get to the heart of this legislation first before I dwell upon any historical excursions. The Bill before us today is a very short piece of legislation that creates offences in Section 2 by adding to existing law other types of conduct which, experience has informed us, ought to be proscribed by law. For example, when you read the present section 2(g), it says, Mr. Speaker, "Any person who Members can read the amending Bill against the existing Act as I go along:

"Any person who in any street, highway or public place without lawful authority or excuse (the proof whereof shall lie on the party accused) accosts a passenger or follows him about is guilty of an offence". 4.20 p.m.

What have we done? We have added to the offences of accosting and following about. That is all. We have not changed the structure of the legislation. We have only

added the words "annoys", "threatens" or "harasses". Then we have imported a fourth offence from the Parks and Beaches legislation "offers to selling goods or services of any kind". That already exists in the National Conservation Commission Act.

When the Vagrancy Act was amended by Sir William Greaves in 1897 this was one of the offences that was introduced on the 25th May 1897 and the then reason offered to the House and I quote from the debates was that apparently lots of boys used to congregate around a place called the "Ice House" which was, I suppose, some place of prominence and as people came out of this "Ice House" they rushed to them and offered to take them to the house of a prostitute. So it was found necessary at the time to legislate against importuning by prostitutes.

Honourable Members might be interested to know that in 1897 prostitutes could wander about the streets so long as they did not behave in a riotous or indecent manner.

Aside.

Hon. D. A. C. SIMMONS: The Honourable Member for St. Michael South is using a legal expression, there was a lacuna in the law. It would appear to be the case that in 1897 amendments were designed to prevent prostitutes from abuse of the highway by importuning persons for the purpose of prostitution. That really is still the law under section 2(b) of the Vagrancy Act.

Between 1897 and 1958 we can find no amendments to the Vagrancy Act. There were two rather insubstantial amendments made in 1958 and in 1968, purely cosmetic and consequential upon the change of responsibilities from what used to be the Poor Law Department to the Chief Welfare Officer.

In 1968 and 1969 the Democratic Labour Party changed the responsibilities from the Poor Law Officers to the Chief Welfare Officers but did not otherwise amend the Vagrancy Act.

In 1984 the Barbados Labour Party repealed paragraph (g) of Section 3 by deleting that part of the legislation which spoke of gambling in public places and put that into a Betting and Gaming Duties Act which apparently was never proclaimed. It was an attempt to repeal it. For all those years no one, even after independence, saw the Vagrancy Act as in any way threatening the rights of Barbadians. No one for that period of time took any steps to repeal what many of us in the legal profession have found to be offensive, that is to

say, those provisions of the law which allow a Magistrate to deem you idle and disorderly, rogue and vagabond, incorrigible rogue and vagabond. No one, for all those years, increased the penalties. The penalties are still at \$5 or imprisonment for 14 days.

In 1992, as a result of the passing of the Arrestable Offences Act, the Democratic Labour Party again tinkered or tampered with the Act by way of making consequential amendments to include instead of "feloniously" they used the phrase "guilty of an arrestable offence" or words to that effect. They used the words "arrestable offence" where the existing Act spoke of "felonious act". Yet again, virtually two years ago, no attempt was made to stiffen the penalties of this legislation and bring them in line with what one would expect.

Indeed, speaking of penalties, it is interesting to note that in 1984 the Barbados Labour Party brought a bit of legislation dealing with the Offensive Weapons Act of 1984 which was aimed at controlling the use of flick knives and ratchet knives and switch blades and so on which the Crime Prevention Panel had advised the then Attorney General was becoming a problem. In the debate on that Offensive Weapons Act found in the Hansard of 1984 at page 1249 and following, the then Leader of the Opposition, Mr. E. W. Barrow, said these words at page 1250:

"I should like to suggest to the Honourable Member.... meaning the then Attorney General, the present Honourable Member for St. George South, "....that we look at the Vagrancy Act and increase the penalties. Calling a man a rogue and a vagabond or a disorderly person and charging him \$10 or whatever it is, is not sufficient. I think you should try to incorporate these provisions with the provisions in the Vagrancy Act or vice versa".

Now that was 1984. I said that the Democratic Labour Party brought an amendment in 1992 to the same Act., They did not heed the advice of the former founder of their party and increase the penalties. But I am increasing the penalties today.

Aside.

Hon. D. A. C. SIMMONS: Yes, I am heeding the advice of the former Prime Minister of this country, E. W. Barrow, and we are going to stiffen the penalties that he called for 11 years ago.

Mr. Speaker, I read in both sections of the press yesterday through the skill of the Honourable Member for

St. Michael South Central who has this facility to get his releases into the media, I read the Honourable Member for St. Michael South Central being reported as saying on Sunday in St. Andrew of all places a number of things in relation to this amendment to the Vagrancy Act. 4.30 p.m.

Firstly, that this Bill is a threat to the rights of Barbadians. I do not know if that is accurately reported, but this is the essence of the report. It will be for him to deny or otherwise it will stay. Secondly, it is a backward step which could have serious implications. Thirdly, it will prevent Barbadians from using the beach. The beaches are there for Barbadians to enjoy and lime on.

Well, how anyone unless he is a contortionist or a linguistic gymnast could from the addition of the words "annoys, harasses, threatens or offers himself¹ in existing law which already provides for the offence of accosting conclude that we are trampling on people's rights, that we are going to deny them the right to use the beach and prevent them from liming - a good Trinidad expression? How could he so distort the purpose and intent in the simple language of this legislation is beyond me? He will have an opportunity to explain. I will challenge the Honourable Member when he speaks to identify one word or phrase in the amending legislation which threatens the rights of Barbadians to use the beaches in a disciplined and law abiding manner. I want him to identify which of those words that we have included threatens the rights of law abiding Barbadians to use the beaches in a proper manner.

It ought to be obvious, Mr. Speaker, that the new offenses like the existing offense of accosting imply active conduct on the part of the offender. You have to do something. You have to threaten. You have to annoy. You have to harass. You have to offer to sell without proper excuse or lawful authority before you can be guilty of an offence. Liming, a Trinidadian vernacular as I understand it, implies a kind of passive conduct of hanging out with your friends, cooling out, or the more modern one chilling out. All of those variations are the same thing, but not doing anything offensive.

I would wish Honourable Members to be aware and to jog their memories a little bit to understand the kinds of imperatives that spun this amendment to the Vagrancy Act. Mr. Speaker, as far back as the early 1980's, the Honourable Member for Christ Church South when he was then Minister responsible for Tourism and the Honourable Jack Dear, Q.C. when he was Chairman of the Tourist Board tried simply to regulate the behaviour of persons on the beaches, particularly those who were offering goods and services for sale. They were the butt of incisive criticism and in fact scurrilous abuse. There was even

a very popular and well selling calypso about Mr. Dear which bore his Christian name. All what these gentlemen were doing was trying to bring discipline and order in the conduct of the affairs of Barbadians at that time on the beaches. But their programme for regulation was pilloried and never fully implemented. I believe that all Barbadians know now thirteen years later that since that time the situation with lawlessness and indiscipline has become worse to the point where it was almost chronic. This legislation is not limited to beaches. This is about controlling street crime also. This is about controlling behaviour out on the streets and on the highways and in public places. I will give some instances of the types of conduct which we are seeking to control. Because we either want to discipline society or you want a free for all and bring in your old "laissez-faire" attitudes. I am not for that.

We know that not so long ago street crime, beach crime, lawlessness and indiscipline were at such a height that this country which depends upon tourism was blacklisted by the U.S. The U.S. Government issued an Advisory to their nationals against coming here. Let them deny that under the Democratic Labour Party crime got so bad that the behaviour of youngsters on the streets was so bad that we had to arm the Police in Bridgetown. The same calypsonian who pilloried the Honourable Jack Dear in "Jack" then had to turn around year before last and sing "Arm The Police".

Aside.

Hon. D. A. C. SIMMONS: Arm The Police, Pow! Pow! A good song with melodic structure and simple lyrics, but speaking to a very deep social problem which was allowed to fester under the Democratic Labour Party. It was so bad that Kadooment Day had to be militarized. You forget. We had to bring in the Defence Force as another protective arm to the civil power to regulate behaviour. In the meantime while the Government was taking that kind of military action to deal with the problem that had then become chronic, Ministers of Tourism on the other side were receiving letters from visitors complaining and expressing concern and fear about the state of lawlessness and indiscipline in Barbados. We have been receiving similar letters since we have become the Government. So that those problems of social deviance have affected both parties. What are we to do? Sit back and let Barbados continue in a state of drift. If we need to tighten up, do we not need to have a responsibility as a Government to tighten up? Mr. Speaker, I would go so far as to suggest that one of the prime duties of a Government is to ensure the safety and security of those within its boundaries. 4.40 p.m.

The Tourist Board, the Hotel Association, even foreign newspapers, members will recall, have written at various times about the state of lawlessness and indiscipline in Barbados. We received much negative publicity.

Let us agree and admit that there has been over the last decade a serious problem of lawlessness and indiscipline on the streets of Barbados and on the beaches. It may have lessened a bit in the last few months; but it is still a problem, and because the crime figures show me that in 1994 there was a drop of 14% in the overall incidence of crime over 1993 and that for the first two months of this year there has been a drop of 13% in relation to 1994, January and February, I do not believe that we should be complacent.

Within the last 24 hours, all members should have been shocked about the reports of what happened in Parish Land so that we cannot afford to let our guard down. If I may use a pugilistic metaphor.

Mr. Speaker, I have had complaints. In fact, let me say I have had a meeting in November with the Hotel Association and the Commissioner of Police about the problems of street crime and beach crime, and I was given examples of the types of conduct that were causing offence to people, local as well as foreigners. Even more recently, the Minister of Tourism has drawn to my attention and asked for law enforcement officers to be placed in the vicinity of a new phenomenon, people leaving the cruise ships - I don't have to dwell on the importance of the cruise ship business. We all understand it - they come out of the Port and they are walking into Bridgetown and people are running up to them and offering things and trying to put necklaces and all kinds of beads around the people's necks and holding on to them. That kind of thing is happening even though we have had a significant drop in crime.

I saw last week the latest figures in England. They had a 5% drop. We are in double digits. As recently as March 4, Gold Cup Night, Square One was at the Savannah after races. About 20 000 young people were there enjoying themselves and the show had to stop prematurely because some rowdy ones, some foolish youngsters, started to behave in a disorderly manner. In fact, two or three people were injured because they pushed down a tent where people were frying and a couple of people got burnt with the hot oil. So the show had to finish after 45 minutes of performance.

I cannot believe that anybody on that side would wish that kind of conduct to continue. I cannot believe

that anybody on that side would not want a government to act on different fronts, which I will explain. Certainly, by using the legislative power as one of the mechanisms for tackling the problem, this will deal with that kind of thing subject to the quality of enforcement

Mr. Speaker, I indicated that Government will have to act on many fronts. Today's Bill is an attack through the medium of legislation on the problem but, of course, the response to criminal activity must not only be legislative. I think the very conditions, social and economic, which may predispose to criminality have to be tackled, and I wish to give Honourable Members and the general public the assurance that over the last 6 months this new Government has been working tirelessly to lay a platform for the reduction of unemployment and the creation of sustainable employment. Planning takes time, but I think soon rather than later the whole country will see the results of the work that has been going on in terms of planning.

Next week I will be discussing during the Estimates the programme of refurbishment of the police stations which will create work. We won't only repair the police stations. We won't only give them better conditions, but it will create work, and I will bring all the details during the Estimates.

Mr. Speaker, what has been the response? Apart from planning for the long-term and medium-term relief of unemployment, we are bringing this legislation which I will go through in detail shortly. In addition to that, we are strengthening law enforcement. Honourable Members will recall that we voted in here recently a supplementary to pay for the recruitment of additional special constables.

In previous years, the Tourism Development Corporation had made a contribution to the previous Administration to help in recruitment of law enforcement officers. Last year, they did not. Apparently they had not budgeted or by the time we came to deal with it the Budget had been exhausted. The Government found money on budget to assist in improving law enforcement capabilities and, as I said, we are training 40 maybe 45 at the Training School. They will shortly complete their training and be available to work on the streets and on the beaches.

I want it to be understood that some part of the deployment strategy for the special constables will be working with the ZR terminals and the bus stands in addition to working around the beaches and they will be assisting in traffic management. It would have been members who have been following the Press and what has been going on - that within the last two weeks when we have had policemen in the ZR terminals things have

worked smoothly. As soon as the policemen turn their backs and go, there is chaos, darkness and confusion. It says that they recognise, and are prepared to respect the authority of law enforcement personnel in there, but we have a duty to maintain those personnel to ensure that there is discipline in the traffic sector. 4.50 p.m.

Mr. Speaker, complaints have been made to me that even people plying public service vehicles have got into the habit of running up to tourist types and one fellow would hold an arm and say "come and get in my van," with another fellow on the other side pulling the other arm, and they have the tourists like a yo-yo. We do not want that. They do not want it themselves but they are taking advantage, as the Honourable Member, the former Prime Minister said, of a lacuna in the law and of the absence of law enforcement officers on the scene.

Now, Mr. Speaker, let me go through the relevant sections of the Bill. That part of my presentation was to do with the offences which we have created. I want to explain them a bit more fully and hopefully the Honourable Member for St. Michael South Central would have recognised the error of his ways last Sunday in St. Andrew.

Now, Mr. Speaker, let us start with Clause 2.

Mr. SPEAKER: The Honourable Member I believe you have spoken...

Hon. D. A. C. SIMMONS: Mr. Speaker, I have a right on which I am going to insist in accordance with principles and practices that are hallowed from here to Westminster as the mover of a Bill to explain to Honourable Members the purport, purposes and even the details of the Bill in Second Reading.

Mr. SPEAKER: I am assuming the general principles of the Bill.

Hon. D. A. C. SIMMONS: I am discussing the general principals...

Mr. SPEAKER: Proceed.

Hon. D. A. C. SIMMONS: ...but I am entitled to explain to Honourable Members that in clause 2(g) what we have done is after the words "public place" put in the words "including a beach". I will tell you why. There is some confusion in the minds of some people recently expressed, at least recently written in the "Advocate" newspaper, which suggests to me that there is still some confusion in certain people's minds as to the rights of owners to beach land adjoining their properties.

The beaches in Barbados are public but there are all kinds of arguments one hears about the high water mark and low water mark. To put it beyond doubt, when we said "public place"¹¹ we said "including a beach", just to put it beyond doubt. We are only reinforcing in a way the long established notion that a beach in Barbados is public.

I explained that we have added in section 2(g) to what already exist additional words creating additional offences, "annoys, threatens or harasses and offers to sell goods or services of any kind." The courts will have to construe those words based on the conduct that is represented to them by those who give the evidence of the conduct of the offender.

Now the offence of offering to sell goods or services of any kind is, I must let Honourable Members know, aimed at those who have no licence, and who cannot get a licence, but sell or offer to sell drugs and sexual services, yes. They do it. We are not allowing that.

Any person who has a licence to sell on the beach is entitled and will still be entitled to go and sell on the beach. But any person who feels that he can go on the beach and offer drugs, as happens all the time, and to a lesser extent pretend that he is some kind of a Nyjinsky or a super stallion offering himself for sale, or a sexual athlete of Olympian standard like Enrol Flynn, according to Mr. Justice Megarry in the case of RE FULD, anybody who behaves like that will find that he offends the law.

Now, that section, Mr. Speaker, about offering goods and services is an expanded version recreated virtually from section 31 of the National Conservation Commission Act. The NCC Act says "Any person who sells or offers for sale any goods or services in a public park, in a public garden, on a beach or in a cave without obtaining a licence..." The offence there is "without obtaining a licence."

Mr. Speaker, when the Honourable Member for St. Michael South Central spoke on Sunday I would have thought that at least he would have presented a balanced view to those who came to hear him espouse the greatness of his social covenant or some such thing. I thought he would have been sufficiently gracious to congratulate the Government for abolishing those demeaning and offensive words, "idle and disorderly", "rogue and vagabond", "corrigible rogue and vagabond". All that is in this legislation. When we say in 2(b) "by deleting the last four lines and substituting the following" we have taken out the "idle and disorderly" and instead what we have put in is a provision to fine or confine, and we have increased the penalties to \$2 500 or imprisonment for two years or both.

Now let me just explain, Mr. Speaker. No one would expect me to speak to a magistrate and tell him how he is

to carry out his functions and what penalties he is to impose. It would be wrong. 5.00 p.m.

But surely by enacting stiff penalties in the legislation, we can send a strong signal to the courts that we are treating these types of offences which impact negatively against the social and economic centres of our business in Barbados, that these types of offences must be dealt with firmly. The magistrate has the jurisdiction and the discretion to impose from a dollar to \$2 500. It has been my experience that, by and large, the sentences of the magistrates have been reasonable.

I would not expect that a magistrate would impose \$2 500 for a first offence of, perhaps, a minor nature like a fellow passing and making some gesture or whatever, throwing off his hands at a woman or saying a couple of words, whatever of a threatening nature. The magistrate would have a discretion to exercise and I am relying on the good sense of the Judiciary to understand the signal that is being sent but, at the same time, to deal with offensive conduct firmly and humanely.

Mr. Speaker, Clause 3 is the new Clause 3. Again this deals with the abolition of the rogue and vagabond and it increases the penalty for recidivist. Clause 4 deals with subsequent offenders and increases the penalty in a tough way. As I say to mark down our disapproval of the types of conduct that are being proscribed. What we have done here in Clause 5 is just to have retained much of the existing language. But, as a consequence of taking out idle and disorderly and rogue and vagabond, we have reconstituted the language of this subsection but, at the same time, we have made it clear that this is being dealt with in a serious way under the provisions of the Act. Section 8 is deleted because the offences which are mentioned in the existing legislation are covered identically elsewhere. Clause 7 repeals Section 9 and standardizes the time limit for prosecutions. The old Act was a little bit convoluted and one of the things it did was to provide for bringing a prosecution within 3 months to ensure that many people including many of us practitioners would know of that and we all would all have assumed that prosecutions, since these were minor offences, should have been brought within 6 months.

What we are doing is just standardizing the procedure to make sure that, as minor offences, what used to be called misdemeanours the time limit for bringing them is 6 months from the date of the happening of the event and we have tidied up that.

Mr. Speaker, I wrote the Commissioner of Police after we met in conference in November about

Amendments to this Vagrancy Act and I received the strong support for this legislation from the Commissioner of Police by his letter to me dated December 15, 1994. As I am trying to do, circulate legislation to interest groups as often as possible. I also wrote the magistracy. The Chief Magistrate replied to me on behalf of all the magistrates who studied this legislation. They too are in support of it. He replied on the 19th December to say we are in agreement with all of the suggestions listed. He made one or two suggestions. "You may wish to consider the following" and we took those suggestions into account in drafting the legislation. This legislation has the support of the magistracy and the police and I believe, from what people have told me, that they have heard expressed on the call-in programmes - I do not get a chance to hear them myself as a general rule but from what people have told me - the callers to those programmes have been in support of this type of legislation to try and quell some of the lawlessness and indiscipline that we have in the society.

Mr. Speaker, the Vagrancy Act is one which I said at the very beginning strikes back to the 14th Century. The first piece of vagrancy legislation I think was in the year 1349 and the first Vagrancy Act was passed as a result of the Black Death which wiped out about 50% of the English population. It was then promulgated to deal with the problem of persons leaving one place and going to work elsewhere or seeking work elsewhere.

The Vagrancy Act started out as being anti-migratory in their nature. By 1503 there was a shift in the focal concern of the legislation. The Amendments that were brought in the 16th Century were targeted at idle conduct, begging, being able to account for how you made a living, gambling and even fortune telling which is still an offence in Barbados under this Act. There was a shift from concerns with the movement of labour to concerns with conduct which could then have been classified as criminal. Subsequently offences like wandering and loitering, idleness and playing vagabond were introduced.

As a response to the changes that were taking place in the English social and economic structure during that period, in the 16th Century, of course when England was then developing its trade and commerce in significant ways and trying to obtain economic surpluses, the Acts were changed again to deal with English people who used to prey on and rob Italian traders who were coming to England to do business.

Over time, I think the Governments in past have not tackled the Vagrancy laws systematically. We have amended and tinkered here and there. But even though

today we are repealing some of the worst features of the legislation, especially the deeming provisions which used to work great injustice against people going to get passports and travel documents and so on, even though we are repealing those provisions, there is, in my view, I think Honourable Members would agree, I do not think I have to urge this too strongly, there is a need for us to look at the Vagrancy Act again. I have every intention and I wish to assure Honourable Members that the Vagrancy Act will be one of the pieces of legislation that will be referred to the Law Reform Committee for them to look at a rationalisation of it, recommend what offences need to be kept and what need to be abolished. 5.10 p.m.

Indeed I would like to see the time when we come to a situation like Australia or Dominica and I think St. Kitts. I have the legislation from other Caribbean territories. Australia speaks of a Minor Crimes Act and I think we can move to something like that by pulling together from all those blue books, minor offences which are hidden away in different bits of legislation where they may be overlapping, bring them all together, rationalise them, collect them and put them in one composite piece of new legislation.

We know the law reform process. That is going to take a little time. In the meantime I have 40 special constables coming out for duty shortly and we cannot wait. Why the special constables? Mr. Speaker, I know Members have concerns about law enforcement and that is a legitimate concern and I accept the argument. Under the Parks and Beaches Act the rangers under the National Conservation Commission legislation are in fact afraid to enforce their powers, especially on the beaches and the persons who peddle drugs are also very familiar with the rangers.

Now, we want to have a different type of person assisting, not taking over responsibilities, but assisting and really enforcing the law on the beaches and this is one of the things that the special constables will do. So I hope that the quality of law enforcement will improve with the addition of special constables and their deployment in sensitive areas to help to control some of this indiscipline and lawlessness that is focal.

Mr. Speaker, before I sit, the Bill speaks of harassment. That is a new word in the vocabulary of the criminal law in Barbados but we must not be amazed because if Honourable Members recall, the Domestic Violence Act, Section 2 provides a definition of harassment for the purposes of that Act. It says this: This is what harassment means in the domestic setting. We are

not dealing with harassment in the domestic setting, we are dealing with harassment in public places. It says:

"harassment" includes -

- (a) the intimidation of a person by
 - (i) persistent verbal abuse;
 - (ii) threats of physical violence;
 - (iii) malicious damage of the property of a person; or
- (b) the persistent following of a person about from place to place.

Following about has always been an offence in the Vagrancy Act, but for the purposes of domestic disputes it is now considered as harassment. However, Mr. Speaker, it would be a matter for the courts to construe, based on the type of evidence that is led whether it is accosting. In fact it is for the police to determine the charge first and then for the Magistrate to construe whether it is accosting, whether it is annoying, whether it is threatening and whether it is harassment to a particular person. Threats, it will be argued that we already have some jurisdiction over threats. In a limited way under the existing Magistrates and Procedure Act section. The most that can happen is that you are put on a bond to be of good behaviour. What many Barbadians call swearing your life. You could swear your life against somebody but the average threat case only results in a bond to be of good behaviour.

I have also explained that we are bringing a new and comprehensive Magistrates Jurisdiction and Procedure Bill. That has been with the Judicial Council for the last few months. I think, subject to correction the Bar Association may have given their input. I am waiting to hear from the Judicial Council what are their comments and what amendments we have to make in redrafting and so on. It is a thick piece of legislation.

In the Law Reform exercise we would catch up all of these bits and pieces and try and rationalise them. But for the moment we want to make behaviour punishable by a fine at least where a person is walking on a public highway and somebody threatens them or harasses them and then threatens them, because you get that. They ask you something or they try to foist something on you and you say you are not having any part of that and then they threaten you. That we think should be punishable by a fine at least in the first instance. I have given the assurance that in due season all of these matters will re-rationalised through the law reform exercise.

Mr. Speaker, Sir, we believe that the hands of the police and the special constables will be strengthened by this legislation. It will apply to those drivers and operators of public service vehicles who refuse to be orderly in the terminals in the absence of law enforcement persons.

I bring this Bill, Mr. Speaker, on behalf of the Government, not to diminish anyone's rights, rather, Mr. Speaker, the Bill is brought by the Government to enhance the rights of Barbadians and visitors to use the streets, highways and beaches free from molestation and disagreeable behaviour.

We bring the Bill just as one measure to ensure the elimination of lawlessness and indiscipline in the society. Those who wish to see a continuation of those features of our social landscape are free to vote against it. I have a feeling, however, Mr. Speaker, that good sense will prevail and Honourable Members will see it as their duty to support legislation which merely creates offences additional to any existing in the Vagrancy Act or National Conservation Commission Act, and I am sure that they will see the good sense in abolishing the obnoxious provisions of the Vagrancy Act which have unnecessarily caused many of our citizens to be deemed for life rogues and vagabonds, idle and disorderly. 5.20 p.m.

Mr. Speaker, Sir, I have great pleasure in moving that this Bill be read a second time.

Hon. O. S. ARTHUR: Sir, I beg to second the Bill and reserve my right to speak.

Mr. F. J. STUART: Mr. Speaker, on the 22nd January, 1834 the then Governor of Barbados, I believe his name was Sir Lionel Smith addressed the slaves of Barbados and purported to explain to them the provisions of the Emancipation Act. He told them many things, not the least important of which was that in England idle people and those who do not work are taken up as vagabonds and vagrants and that those laws would come into force in Barbados. By the month of June 1838, so says the Historian Claude Levy, colonial records show that laws were passed in Barbados for the suppression of vagrants. So that vagrancy was part of the social and political idiom of Barbados from as long ago as the 1830's.

Now I have never, Mr. Speaker, met anybody whose life ambition it was to become a vagrant. I used to be a school teacher and, even in the C Streams of the school at which I taught when you questioned students as to what their career plans were, they might tell you they want to be a lawyer, doctor or a pilot. Nobody wanted to be idle or

to be a vagrant or wander about in their adult life. So vagrancy is not a result of informed or premeditated choice. Vagrancy results, I contend sometimes from illness but more often from social and economic marginalisation. It is not a result of informed or premeditated choice. No young man or woman in Barbados sits down and cold bloodily decides that when I grow up I want to be a vagrant.

Around 1848 there was a Governor of Trinidad called Lord Harris and he looked back at the 15 years since the passage of the Emancipation Act and did a kind of post mortem. He spoke words then that have become immortal amongst Caribbean Historians. Looking back 15 years, he said: "A race has been freed but no society has been formed."¹¹ On any reductionist view of Barbadian or Caribbean history, it is possible to argue that Caribbean history or Barbadian history can be divided into two broad periods - the period between the 17th Century and the time of emancipation when the struggle of Caribbean people centred around the freeing of a race and then post emancipation when the struggle shifted to the formation of a society. That struggle continues to this very day. To this very day it is possible for some people in Barbados to say that a race has been freed but no society has been formed. They can say that because the society in which they live has up to now not found it possible to accommodate their talents or to help them actualize their potential.

Now the Vagrancy Act of 1897 which this Bill seeks to amend was passed at a very critical time in Barbadian history. The 1890's on the whole were a very convulsive period and it is necessary to contextualize the passage of that piece of legislation in 1897. What were the social, political and economic conditions in Barbados in 1897 when the Vagrancy Act was passed?

Politically, the Parliament of Barbados was elected on a very limited franchise. The property qualifications were oppressive both for the purposes of voting and for purposes of being a Member of Parliament. Therefore, it was possible to say that in 1897, and this situation prevailed right down to this century that the politics of Barbados could be summed up in the words "Government of the propertied, by the propertied, for the propertied." The masses of the people emancipated in 1838 after the end of the apprenticeship period were excluded from the political process. That was the political situation in Barbados in 1897.

Socially, it is not without significance that at the educational level the masses were generally speaking excluded from full educational opportunity and, in fact, in 1897 the Education Vote in Barbados was reduced from

£17 000 to £11 000. So far as health was concerned, the lives of the socially and economically marginalised people of Barbados were the playground for diseases like malaria, hook worm, tuberculosis, typhoid and so on and, of course, venereal diseases as well. Housing was at a very low level of development and, of course, at the economic level there was a deep crisis in the country, a crisis that reflected itself in very low levels of employment and even where people were employed wages were very, very low. Again, it is not without significance that that crisis reflected itself in the sugar industry, which was the dominant industry in 1897, and that that crisis led in the year 1897 to the appointment of a Royal Commission under Sir Henry Norman to enquire into the crisis in the sugar industry. Of course it was found by that Commission that the crisis in the Barbados sugar industry was perhaps deeper than anywhere else in the Caribbean and that wages were so low as not to admit of any farther tampering with, and of course the British Government, I seem to recall, made a fairly substantial grant to revitalise the sugar industry. 5.30 p.m.

That was the social, political and economic context in which the Vagrancy Act of 1897 was passed. It was passed by a Parliament dominated by planters and its target was the socially and economically marginalised section of the society, those persons who had been emancipated in 1838 at the end of apprenticeship and whose struggle revolved around the fact that, yes, a race had been freed but, alas, no society had been formed.

The Act, therefore, can be seen as a declaration of war against the socially and economically marginalised section of the society in the 1890s, for it was also in the 1890s that a fairly large number of potato riots were taking place in Barbados. The people were so hungry that they were running around raiding plantations of all their ground provisions, particularly potatoes, and in fact the year after the Act was passed about 400 people raided Bowmanston Plantation in St. John and carried away most of the potatoes from up there. So hunger was on the rampage, health conditions were bad, housing was poor, education was limited and that was the scene in which this Act was passed.

But the passage of this Act in 1897 should not surprise any of us because of who passed it. The planter class passed it and passed it to protect themselves. Today, in 1995, we revisit this Act and we revisit it to stiffen the penalties contained in it. The Parliament of Barbados today is a different kind of Parliament. This is not a Parliament elected on the basis of government of the planters, by the planters, for the planters, this is a Parliament elected on the basis of universal adult suffrage. Government of the people - to use the trite 19th century slogan of North America - by the people, for the people. I have already said what

I think about that, but I use it on this occasion for purposes of convenience. Therefore, a Parliament in 1995 has to view the socially and economically marginalised section of the society differently from how planters viewed them in 1897.

The targets of this legislation are the descendants of the same people who were the targets of the 1897 legislation when it was passed, and the chastening question we have to ask today: Can we afford in 1995 to have the same approach to those people that the planters had in 1897? That is the question, and it is on the basis of that question that this debate, I think, should be conducted.

Barbados today has perhaps a better educated population than at any other time in its entire history. The possibilities to which this fact gives rise are limitless and it seems to me that we are a little backward in viewing the population in the very same way that they were viewed in 1897 by a planter dominated Parliament. A race has been freed but the cry of many people in Barbados today still is, I am certain the cry of over 30 000 unemployed people still is, a society has not been formed. What the unemployed of Barbados want is the formation of a society that allows them to fully utilise their talents, the formation of a society that allows them to fully express themselves, the formation of a society, in the words of Mao Tse Tung, in which 100 flowers bloom and 100 schools of thought contend.

This amendment, Mr. Speaker - and I must concede to the Honourable Member for St. Thomas that he did try in his Second Reading speech to give the kind of assurances that tone down the concerns of Honourable Members on this side - for we are glad to hear that the Bill is coining up for comprehensive review, that it is going to be the object of the Law Reform Committee! We are glad to hear that, because it tells us that this measure is at worst a very temporary measure, but when one looks at the amendment itself we on this side have a few concerns. The main concern for me is this: that section of the amendment which talks about any person following about or offering to sell goods or services of any kind. The Minister was very careful to limit his focus to drugs and to sexual services, but it is entirely possible that persons could be selling other kinds of goods as well. I agree with him that the persons selling should have licences and so on, but in a situation where you have so large a number of unemployed people, it is my view that we have to be very careful in trying to limit and to constrain and to confine people in this way. This is not to say that we believe that you should have a kind of open sesame where people can do what they like and where disorder should be allowed to reign, but at the same time in circumstances where the State and the society are not accommodating the talents of people from amongst the socially and economically

marginalised, then it seems to me that we have to be very careful about pushing that section of the society that far. I make this point because to talk about accosting, annoying, threatening or harassing or following persons about in the context of people who did not plan their lives around this kind of activity at all, but who are forced into that kind of activity by economic and social circumstances is to ignore the fact, in my view, that nightly and daily there are other people in this society who harass and annoy and accost and pursue us too through advertisements on radio and television. They force on us what they are selling and from that we have no escape. 5.40 p.m.

That is a privileged section of this society. They are the ones who can go and buy radio and television time; but for poor people in Barbados, the only route open to them historically to make their goods available to potential purchasers has been to go up to them and offer them a sale.

As recent¹ y as last week, I was on my way home from my offic[^] and as I approached the Globe Roundabout there was a tr an on a bicycle shouting, "Flying Fish!"¹¹ - at the top of his voice. That is how traditionally poor Barbadianr have made their goods available to the public of Barbad >.

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

Mr. F. J. STUART: It is not simply a question of people pursuing persons and following them about and offering them to sell because they are wicked. These are not wicked people. These are people who feel that they are as entitled as anybody else in Barbados to earn a living for themselves and they pursue people, not because they want to harass or annoy or accost them, but because they want to draw to their attention what it is they have to sell.

As I said, in other circumstances there are other people in Barbados far more privileged who force what they have to sell on you, whether you want to see it or not. No matter what you are watching on television, no matter how much you are enjoying it, there are times when you have to see what certain business people in Barbados have to sell. It is forced oa you and that is not considered accosting or harassing or annoying.

Asides.

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

Mr. F. J. STUART: I am saying it has the same effect as that which this amendment is trying to deal with, but the difference between the two situations is that this amendment targets the very same people whom the planters targeted in 1897, while the descendants of the planters continue to enjoy free and uninhibited privilege and rein in Barbados.

I do not disagree with the Honourable Member for St Thomas that we need to maintain law and order in Barbados. I, myself, have had some difficulty with the phrase 'law and order' because I think it is born of a planter mindset as well. I think that very often we tell ourselves that there is order because there is law and that wherever there is law there is order and that we tend to believe that a law can cure almost anything. It is not without significance that the year after the 1897 Act was passed that the vagrancy continued. As I said, Bowmanston Plantation in St John was raided.

There comes a time in the lives of human beings when, if the social and economic conditions are right, not even law can restrain them. I believe that the Guatemalan poet by the name of M. J. Arce who in 1970 wrote a poem that I think makes contact with this point. The poem is called *Arms*. Arce says:

"You have a gun and I am hungry. You have a gun because I am hungry. You have a gun and therefore I am hungry. You can have a gun.

You can have a thousand bullets and another thousand.

You can spray them all over my poor body,

You can kill me once, twice, two thousand, three thousand times,

But in the long run I will always be better armed than you

If you only have a gun and I have hunger.¹¹

I think that makes the point that where people are socially and economically deprived and marginalised not even laws can stop them and therefore I think the time is right for the Government of Barbados, be it DLP Government or BLP Government, to implement social policies that move to create a society in Barbados rather than to limit the rights of the masses to the freeing of a race.

What the masses want is the creation of a society. I do not believe that the Barbados Labour Party is unmindful of this fact. I think that having regard to the origins and perhaps the mindset of the Honourable Member for St. Peter he in his introduction to the Barbados Labour Party manifesto said this:

"Our key strategy is to unleash your creativity and energy and your enterprise, particularly the enterprise of our young people by providing all of you with the means and the ability to enable you to realise your immense potential and to ensure that everyone of you is afforded the opportunity to be everything you aspire to be and to ensure that no social circumstance should be permitted to limit the extent of your aspirations."

If that is the objective of the Barbados Labour Party as a government, I respectfully submit to this House that the route to the achievement of that objective cannot be through stiffening penalties in a vagrancy act. The route to the achievement of that objective has to be the devising of creative social and economic and political programmes that embrace as wide a cross section of the Barbadian society as possible and that gives the socially and economically deprived in this society an opportunity to realise their potential.

Aside.

Mr. SPEAKER: Please, let us hear the Honourable Member.

Mr. F. J. STUART: The Democratic Labour Party does not condone lawlessness but we do not believe that lawlessness is necessarily the product of poverty. We believe that poverty leads to desperate acts of behaviour on the part of people who feel that they...

Mr. SPEAKER: Honourable Members, I need to hear the Honourable Member. I am sure all Honourable Members need to hear, so please could you desist from interrupting the Honourable Member. Continue please.

Mr. F. J. STUART: Mr. Speaker, in Barbados when the expression 'lawlessness'¹¹ is used, invariably we are talking about the poor, we are talking about the unemployed. We are talking about the vulnerable; we are talking about the fragile; we are talking about the disadvantaged; we are talking about the marginalised. They are the lawless people of Barbados according to the mindset of certain social commentators in Barbados.

I do not believe that it is the role of poor men and women, in Barbados to produce lawless children. Lawlessness, such as it is, is not the aspiration of the poor of Barbados, no more than lawlessness was the aspiration of slaves. When slaves burnt plantations and committed other acts of social deviance so-called, it was not because they were wicked, it was because the society did not embrace them and they felt that a race needed to be freed. We do not condone anti-social behaviour. We do not condone violence and lawlessness so-called, but what we are saying is that it has to be understood that this is not born of the wickedness of the sons and daughters of the working class of Barbados. It results from the fact that for the most part they are unemployed, for the most part they have gone through an educational system that made no contact at all with their abilities or talents and it results from the fact that there are no openings for them in the society to give full rein to their potential. 5.50 p.m.

Twenty-five years ago when I left school I applied for about six or seven jobs and got all. Today in Barbados it is possible for a young school leaver to apply for 10 jobs and get none and that is the problem. Those problems cannot be solved by stiffening penalties under a Vagrancy Act, or by saying that the planters in the 19th Century did not go far enough in their war against the socially and economically deprived, and that we are going to show the planters what they should have done, how much more cruel they should have been.

Aside.

Mr. SPEAKER: Order, please.

Mr. F. J. STUART: Mr. Speaker, we are now at a stage therefore where what is called for is a creative response to our social problems, a creative response to the problems of restlessness amongst our youth, a creative response to the issue of unemployment and an establishment of the linkage between unemployment and that restlessness that causes all of us so much concern.

It was in that context that in a discussion with the Honourable Member for St. Thomas last year I sought to argue that we cannot begin to deal with these problems unless we know who it is we are really talking about. We have to know the ability levels of the people who are committing crime and who are involved in acts of anti-social behaviour. We have to know what schools they attended. We have to know at what age they first got into criminal activity. We have to know whether they were working at the time they got into crime. Unless we have a profile of the young people who are causing us problems, be those problems on the beaches, on the streets or on the

highways, we cannot begin to solve the problem because we would be prescribing without any effective diagnosis. I think that this House would be well advised to take a second look at the problem of anti-social behaviour and lawlessness in Barbados.

I do not accept, and I repeat, that fate has decreed that poor women and men in Barbados were ordained by the Almighty to produce vagrants. I do not accept that. I believe that if every man is given the opportunity to realise his fullest potential he is capable of rising to that challenge if the institutions that govern his life are freely open to him and if opportunities are open that he can fully express himself.

This amendment is, in my respectful submission, a stop gap kind of amendment. It will be of limited utility. It is not going to solve the problems it is intended to solve in any long-term way. To be fair to the Honourable Attorney General, he did say that he was going to be adopting a kind of multidimensional approach to the problem and that this is only one dimension. We hope to see the other dimensions because the problem is urgent and we are losing too many of our young men to crime. We are losing too many of our young men to social rootlessness. We are losing too many of our young men to violence and if we are really committed to social transformation in Barbados that social transformation has to start with the transformation of the lives of the people at the bottom. They are the ones who cry out that a race has been freed but no society has been formed. The challenge facing public policy in Barbados in 1995 is the creation of a society that embraces us all and that makes it possible for the lives of all of us to be tolerable and abundant in accordance with our tastes and in accordance with our abilities.

Mr. Speaker, the Democratic Labour Party does not believe that this amendment will have any transforming social influence in Barbados. I can understand why the Magistracy agrees with it. I can understand why the Commissioner of Police agrees with it. Obviously the society is under pressure and all of us are concerned but until we minister to the requirements of the very people who are the targets of this Bill, we will continue to have the problems which this Bill aims to correct. The Democratic Labour Party is willing and ready to join the Government in any serious attempt to craft social policies that will transform the lives of the people at the bottom.

Asides.

Mr. SPEAKER: Order, please.

Mr. F. J. STUART: We do not believe that law solves all problems. Law is of limited utility when people

are hungry, when people are unemployed, when people are rootless and when people are alienated. The problems of rootlessness and alienation, unemployment and hunger have to be solved and then we would become less reliant on the law.

In essence, Mr. Speaker, what I am saying is that law can have an enabling function or it can have a stifling function. What we call for are laws that open up opportunities to the socially and economically marginalised to give them opportunities to fully realise their potential. We do not believe that a law that tries to stifle them is any solution to our social problems.

In conclusion, Mr. Speaker, in 1995 there is still too large a number of people in Barbados whose authentic cry is that a race has been freed but no society has been formed. 6.00 p.m.

The Democratic Labour Party is committed to the formation of a society in Barbados. The Democratic Labour Party's record is there to show that we have gone past the freeing of a race and have aimed, genuinely, at the creation of a society.

Asides.

Mr. SPEAKER: Order, please, order, please, order, please. Order, please. Honourable Members, order, please.

Aside.

Mr. SPEAKER: Let us have some order, please. The Honourable Member for St. Philip South, please continue.

Mr. F. J. STUART: My interruptions have been many, Sir. I was making the point that the historical commitment and the historical mission of the Democratic Labour Party was to get past the formalities of the freeing of a race and to get into the substance of the creation of a society. Our social and economic policy are evidence of that fact. That, commitment is as strong in 1995 as it was in 1955 when the Party was formed.

Today we stand ready, willing and able to join with anyone including the Barbados Labour Party committed to that ideal. We believe that the easiest way to embark on that path is to recognize that laws do not solve all problems. Laws that prohibit or stifle do not solve all problems. We believe in law and order. We believe that stable Government and a stable society are the prerequisites for progress. But we also believe that with an under-class

crying out for the formation of a society the stiffening of penalties in the Vagrancy Act is not a solution to that problem. We believe that a society can only be formed by the formulation of policies that emancipate the talents and the abilities of the people at the bottom.

I am obliged to you, Sir.

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

Dr. R. C. HAYNES: Mr. Speaker, first of all, I believe that I should apologize to the Honourable Attorney General, not for anything that he alleged that I said in St Andrew but because of my failure to invite him to St Andrew where he would have had a better idea of what I actually said and in the context of which I spoke. I could not have invited him because I had made a previous commitment to invite the Honourable Minister of Transport and Works and give him a safe conduct to St Andrew. My apologies in that kind of situation.

I believe it is time that people in Barbados clearly understand that it is the job of the Government and a prime responsibility of the Government to maintain law and order in this country. But it is also a prime responsibility of the Opposition to make sure that the civil rights of our people are protected and that any laws brought before this Chamber should be subject to the most extensive scrutiny. I think that there are persons in this society who, as soon as you make a statement which might be supportive or may identify with the poor and deprived in this society, especially in the area of law and order they come out shooting from both hips and when you listen to them carefully, you recognize that what they are hatching in their thoughts and what they are speaking have nothing to do with law and order but with racism in this country. Let us get the record straight

I wish to make it clear what our position stands on this matter, in this particular debate. I am firmly behind any Government and this Government in any effort to maintain law and order in this country. I have no problem with that at all, nor do I have any problem with the denunciation of lawless behaviour in Barbados.

But, Sir, I approached this matter by looking at the real world out there and with a philosophical construct, Sir, that tells me that at this time, as we approach the Twenty-first Century we should be looking at ways and means to enlarge the freedoms of our people and be very careful not to be bringing legislation before this Parliament that may contract the rights and freedoms of our people.

I believe that the most important thing the Attorney General said was virtually his last sentence

when he talked about the deficiencies in the present Vagrancy Act and the possibility of referring the matter to the Law Reform Committee and various things.

Hon. D. A. C. SIMMONS: On a point of order, Sir. Not any possibility of referring anything to the Law Reform Committee. I have given this Honourable House an assurance that this will be referred. No possibility. It is a matter of definite commitment.

Dr. R. C. HAYNES: I am very glad, Sir, to hear the commitment of the Honourable Member and I am very glad that he rose to remind me.

But what I am saying is this, that as far as I am concerned this Vagrancy Act should not be here being amended today. This should be repealed. I am saying that it is a disgrace that we still have this kind of legislation on the Statute Books of Barbados. What I suggest should be referred to the Law Reform Committee is to look at repealing this Act and removing it totally, once and for all, from the Statute Books of Barbados because you and I consider it to be highly offensive to poor people and to Barbadians as a whole at this time in our development. That is the remit, that is the message and that should be the context in which this should be sent to a law Reform Committee. Repealing it, removing it once and for all, from the Statute Books of Barbados. 6.10 p.m.

Sir, I have some other problems, many other problems, but I just want to show you why I think ...

Now, Sir, there was a time in my life, Sir, when I came very near to being cautioned as a vagrant. These are I, Sir, a young man, a Barbados Scholar, I have got into Edinburgh University, one of the oldest universities in Europe and I came down to Oxford for a weekend to attend a conference at which C. L. R. James was addressing and one or two distinguished Premiers from the Caribbean. On my way home, Sir, I think I had to change a train in Manchester. About 3 o'clock in the morning, about 15 minutes before the train arrived I was sitting peacefully and dozing off. I suddenly became aware of two men in my presence who subsequently identified themselves as detectives looking for a man of colour with a beard, who had just robbed a bank.

Sir, I got very offended and then at one point one of the other detectives said he has a bejuxl but it could not be him because he is tall and good looking whereas the other fellow was short and not as good looking. The point I am making, Sir, I then became really disturbed and what really upset me, Sir, is when the train came in and I approached

the train these two gentlemen actually stood in my way and asked for identification. I then realised this thing was getting serious so I searched my bags and the only thing I had was a letter of identification. Then, Sir, one of the officers looked at me and said, 'Don't you realise that we could deal with you as a vagrant?'

Aside.

Dr. R. C. HAYNES: Well they could have arrested you. They could have charged you. This is the whole point. The reason why I tell this story, Sir, is because I remember the deep humiliation that I felt. I remember that when I left Oxford that afternoon I felt so good after that conference, having met great West Indians and on my way back to the University next day and all of a sudden, Sir, at 3 o'clock in the morning all that was destroyed because there was a law that allowed someone to be looking at me and calling me a vagrant. But, Sir, I was loitering in somebody else's country for the purposes of an education. One had to accept those things. I certainly do not expect to be part of any legislation that allows any young person in this country to be subjected to that kind of humiliation. So let us understand clearly what my concerns are. I heard clearly what the intention of the Attorney General is but very often there is a big gap between intention and how laws are applied in this country. Your intention may be the most noble. Your intention might be to limit this to certain circumstances but heaven knows how it will be applied once it is out there, when it gets out there, having been passed in this House of Assembly.

Sir, even the very word "vagrant" I have tried to check and I will show you where the problem arises. If you look at the word "vagrant", "vagrant" means wandering. There is nothing wrong with that. It means roving. There is nothing wrong with that. It means struggling. There is nothing wrong with that. It means itinerant. There is nothing wrong with that. It means idle. There is nothing wrong with that. But then, Sir, it takes a leap. Suddenly the word takes a leap and it means vagabond, and it means idle, disreputable person. The point I am making, Sir, is the way in which this kind of legislation can be interpreted and how it has been interpreted in the past. It can be used to harass persons in this country who have committed no offence.

There are two other aspects of this legislation, Sir. For example, there is a penalty in this legislation which says, "in any street, highway or public place including a beach without lawful authority or excuse the proof of which shall lie on the person accused." I do not like that. I am not happy about it. In other words, if you are accused of being a vagrant in the view of a police officer you are likely to commit some offence then you have to prove to him that you did not intend to do that. The burden

of proof should be on the person who is accusing you, not on the accused. I am not quite sure how that fits in with the Constitution of Barbados but anyhow that is something that is subject to discussion.

Then, Sir, there is the other point. It goes on, Sir. It talks about accosts, annoys, threatens, or harasses. All sounds very good. But if anyone accosts, what does accost mean? As far as I am concerned in Bajan accost means approaching someone aggressively or whatever. All I can say is when I looked into the Oxford English Dictionary it does not say that It says approach or address, especially... or open conversation with. That is the meaning of the word "accost" unless you are going to apply a special meaning to it in relation to this particular Bill. I am not a legal expert but the point is this. What I am saying is that that can read according to my understanding of what the word "accost"¹¹ means, if "you open conversation with" that could be an offence according to this particular legislation.

Sir, the point I am making, and this is one of the problems that you have with the Barbados Labour Party in a sense, there is a history to this kind of attitude and while, Sir, it is very important for us ...

Aside.

Dr. R. C. HAYNES: I understand that tourists and Barbadians alike should be free from harassment. All depends on what you call harassment. I see people for example, if you go to places like Florence and you go to many parts of the mediterranean, you go to parts of the Middle East, you can go to some parts of London, parts of New York, you will find that the level of what is called harassment in relation to the sale of goods is even higher than it is in Barbados.

There is a more fundamental thing I wish to address, Sir. Do you know what is the problem in Barbados? Let me tell you. It is that we never think through what is the impact of economic development especially as it affects the broad masses of the people of Barbados. And when one runs into problems then the first thing you do is to try to bring in laws to harass them even more.

Now, you take the area of the beaches of Barbados. For years I have pointed out that the beaches of Barbados were once a zone of leisure, that with the expansion of tourism it has become an economic zone. Therefore you have economic interests competing with the legitimate desires of Barbadians and the wishes of tourist to enjoy the beaches for leisure purposes. I have no difficulty in dealing with the concept of hotels and other institutions on or near the beaches of Barbados. We bring laws to protect their interest and I note that the Hotel Association and other

people were contacted in relation to this piece of legislation. They have a legitimate interest. I am saying there is nothing wrong with their interest We give hotel Aids, we do every thing to try to help them but, Sir, other people in this country also have a legitimate right to seek to establish their economic interest in the beaches of Barbados which are public and this is something we have to recognise and we have to provide for. And unless we provide for and recognize that these persons have a right to share in this kind of activity, then we are going to have more and more of the problems that we are trying to solve by this obsolete piece of legislation, and the beaches in this regard are no different from the highways in a sense. If you look and see what happens on the highways, the highways have opened up new avenues for economic development. Our roads have been expanded and resurfaced and we have no difficulty of placing shops and buildings adjacent to roads and so on. So that those people who are the owners of capital can fully exploit and be beneficiary of the highway. We have no problem with that. But do we make any provision to make sure that the thousands of dispossessed in any way benefit from this kind of infrastructural development? The answer is no. What is the answer? More and more oppressive legislation when in point of fact we are doing absolutely nothing to help them. 6.20 p.m.

So that whereas there is a clear need for regulations, I would suggest that in any future regulations that one would be thinking about looking to see what is happening in relation to the highways, looking to see what needs to be done in relation to the beaches, looking at the competing interests and accord to the people of Barbados an appropriate place in the economic sun. Now I go further than this.

What is happening on the beaches is also affecting the middle classes of Barbados and I will tell you why. It is not only a question of working class people, many of whom now will be scared to go on the beach and talk to anybody. Do you know what has happened, Sir? The zone of comfort that was once the proud possession of Barbadians on the beaches is contracting day after day. I know many people who do not want to go on a beach near Sandy Lane. They do not feel comfortable. I am not talking about people who are from the working classes in Barbados. I am talking about upper middle class people whose zone of comfort is also contracting whether you like to believe it or not. That is why I think that this whole matter has to be reviewed again and again.

I note recently, Sir, that homeowners on the beaches now are trying to assert their rights in relation to other users. That too has to be sorted out because that seems to me to be generally understood in Barbados that the

beaches in this country are publicly owned. They are owned by the people of Barbados, for the people of Barbados and there can be no alienation. Now it was in that context when I was spelling out the principles behind our covenant in relation to the environment as it affects beaches and people that I made reference, Sk, to this particular Bill last Sunday in St. Andrew, the Vagrancy Act, and any restrictions that it might put on people. Because make no mistake, Sk, that once this Bill is passed I will tell you what is going to happen. We understand that the Police are asking for it. We understand that the hoteliers are asking for it. It would seem to me that by and large that the only people who were not consulted were the people who will be affected by this Bill. Did anyone speak to any organisation? I have not heard whether the vendors, for example, were consulted. I have not heard if anyone asked them how this thing will affect them. As far as I am aware, nobody bothered about them. They do not exist. They are part and parcel, as I understand, of that partnership that is developing in relation to the use of the beaches in this country.

So that, Sk, it seems to me that we need really to get, in a sense, our heads straightened out. You have to understand that the broad masses of the people of Barbados are not going to drift along from generation to generation in a disadvantaged position and sooner or later they will assert themselves in one way or another. For a while, they have been relying on this House by the measures brought by successive Governments but the hope that through this mechanism they can solve their problems is gradually receding. When I see the ease with which we can convince ourselves that this kind of legislation, a Vagrancy Act, rooted in the suppression of poor people wherever it emerged over the years, whether it emerged after the industrial revolution in Europe, whether emerged after slavery in Barbados, there has always been one fundamental thing. The fundamental thing is how do we get an Act that is so worded so widely that at anytime you can put your hands on people, arrest them, and get them before a magistrate. That is a problem. The problem with this Act is that it is so widely worded. You cannot even define a vagrant. Anybody could be a vagrant as far as I can see. All you have to do is to walk about idly and, as far as I am concerned, I see nothing wrong with young people spending sometime in their lives being idle and liming because that is an important part of their education.

There is another point I want to make, Sk. When we talk about people about on the streets, a lot of us do not even recognize that those people when they are out there in the streets or on the beaches that that is the only comfort area they have in their 24 hours existence. Many of these people, Sk, live in homes where they only sleep and may eat there from time to time where ten or twelve people sometimes are in a home in which there is only one

bedroom. So that whether or not they like it, they have to be out there on the streets. They have to be out there under the trees. They have to be walking around Bridgetown. They have to be liming on the beaches because that is the place where they will be comfortable and they cannot find a job. Now this will be making it even more difficult for them, because the reality is that people are going to feel that at anytime they can be charged for anything. When you add further insult to injury by saying to them that it is their responsibility to prove their innocence, then I think that is fundamentally wrong. If the law says so, then I say that it is a disgrace that we should be thinking about bringing it before this Parliament. That is the point that I am making

Sk, I have again and again said that accused persons in this country should be treated as accused persons and not as persons found guilty. I found offensive and objectionable, even if it is in the pre-existing law, a law that was passed just after slavery. If it was in the law then, that is no justification for keeping it in the law now. It is wrong and therefore we have to speak out against it. 6.30p.m.

Aside.

Dr. R. C. HAYNES: I do not care who it was passed by, the fact is that it is patently wrong.

Sk, my final point is this, that at the end of the day it would seem to me that there is a recognition by the Attorney General that this Bill is in fact an inappropriate measure and that he is only bringing it because, in his view, it will take time for more definitive legislation to be passed. Therefore, he is asking this House on a temporary basis to support him with this legislation. I believe that it is sufficiently repulsive to me and ought to be sufficiently repulsive to most Members of this Honourable House that we should be very careful to ensure that there is some kind of time frame on what the Attorney General plans to do in terms of this kind of legislation. Also, Sk, I think it is very important to get a commitment from him that this would be repealed, because I want to hear those words.

Mr. SPEAKER: The Honourable Member has two minutes more.

Dr. R. C. HAYNES: I want to hear those words because I do not think that until this Act is repealed that one could sleep happily in this country, because I think that we would have joined in a disservice in relation to the civil rights and the freedoms of the broad masses of our people. I know I am talking to a lot of persons over there

who have functioned as lawyers in this country and I know the kinds of problems that they would have had to deal with. As I look over there and see all their heads shaking as I was speaking all along, I know that almost all of them fully support everything I say, but I recognise that under the principle of collective responsibility that they would have to support the Attorney General in this matter, but I must thank them for the obvious support that they gave me whilst I spoke.

Thank you very much, Mr. Speaker.

Hon. R. N. GREENIDGE: Mr. Speaker, I want to begin my contribution to this debate by saying that the Vagrancy Act is as old as the hills and that I am fully aware that it has been surrounded by controversy for a very long time, especially since the 1950s. Those who oppose the Act in the extreme view claim that this was an Act which was foisted upon the people of Barbados and which was designed to prevent poor barefooted boys from walking through certain districts and certain areas, like Strathclyde and Belleville, and they go on to say that some unfortunate youngsters were convicted for just being in the wrong place at the wrong time. I want to pre-empt that, because I know that that particular accusation is going to come fast and furious from the Other Side. They want to argue, as clearly the Honourable Member for St. Michael South Central, and I think I had actually heard this coming through the speech of the Honourable Member for St. Philip South as well, that the Act should be repealed altogether and taken off the Statute Book.

Sir, I do not know whether or not there was some truth in that allegation, that people were simply convicted for being in the wrong place at the wrong time, what I can say however is that today in Barbados there is no Magistrate out there who will simply convict a person for being in a particular district or for being on particular premises. Barbadians can walk freely, as we all know, through the length and breadth of this country and they are not going to be arrested for any offence simply like that. We would be mad, we would be drunk, Sir, as a Government if we were trying to bring to this country a piece of legislation which simply says if you are in the wrong place you will be arrested. This is not what this particular debate is all about. The crucial evidence always relates to the intention of that person, and the Act is quite clear, because it says if you, without lawful authority or excuse accosts, threatens, and so on, so if you are somewhere and you can simply explain why you are there - you are there lawfully - there is no Magistrate out there who is going to convict you, Sir. There is no policeman who is going to arrest you, Sir, this is not what this piece of legislation is about. It is only if the person is found there intending to commit a crime that you can have the person charged for the offence, so the reason you give is crucial.

I believe that if we give the impression that it is otherwise it would be saying that the Magistrates out there convict willy nilly when people go before the law courts. In fact, I will go as far as to say that I have actually witnessed when an offence under this Act comes before the court, more often than not you get acquittals, because the Prosecution cannot prove the intention of the person. The intention is always crucial, why you are there. If the person can give the excuse, no conviction. As I said, Sir, there have been many acquittals simply because the whole fact of the intention cannot be proved.

As the learned Attorney General said, Sir, if you are by the corner cooling out, chilling out or liming, nothing at all is wrong with that. We would be failing in our duty if we give the impression to the public that the Vagrancy Act is something that Magistrates abuse or that we are trying to have abused. It does not work like that. What I always found to be offensive where the Vagrancy Act was concerned was that part about calling people rogues and vagabonds after they were convicted. That is what I found to be repugnant, that is what I found to be offensive, that the moment you were convicted you were deemed to be a rogue and a vagabond, to be idle and disorderly and so on. A lot of people found that to be so. As long as you got convicted you became John Brown, Bank Hall, and you had some things put after your name, rogue and vagabond, and people used to say you had your degrees, you had your initials *md* so on. That is what I found offensive, but what has happened here, and which people on the Other Side do not seem to appreciate, is that that has been removed, so the offensive and the repugnant part of the legislation has been removed. We can travel with this particular piece of legislation now, Sir, it is not what it used to be. 6.40 p.m.

to say something about the beaches. I do not want to give the impression, however, that this particular amendment relates only to beaches, because it says any street, highway, public place including the beach. I want to dwell a bit on the beaches because that is where the Honourable Member for St Michael South Central seemed to have put a lot of his emphasis.

As I said, the substantive amendment, among other things, is seeking to bring the beaches within the ambit of the places where the locals and tourists should be allowed to go without being harassed. This is not passing any new law. It is a piece of legislation which is already there and we are just adding more dimensions to this piece of legislation.

There are whisperings on the Other Side that far from extending the law you should repeal it altogether and this is how I want to deal with that, Sir. I want to say that

in 1992 they amended this Act. They did not repeal it, Sir, all they did was to change the word "felonies" to "arrestable offences". They left in the "rogues and vagabonds". They left in the offensive part. They who want to make this a good society left in that offensive part. All they did was to change "felonies" to "arrestable offences".

Prior to that, as you heard the Honourable Attorney General say, the late representative for St. John, the Leader of the Opposition at the time, in 1984 called for stiffer penalties under this same Act. The point being made is that they had time after time. They were in power term after term when they could have repealed that Act if they wanted to. If they had repealed that Act then, in 1984, 1992 or whenever, we would not be here debating it today. They had all the time in the world, term after term, to repeal and now we can hear them say we should repeal.

They were out of power just about 6 months ago and the way some of them are talking you would not believe, saying that the Vagrancy Act is the worst act, and they go back into history and show it was bad. If it was bad in 1992 why didn't they repeal it? They never batted an eyelid.

Sir, there are two facts which nobody can argue against. First of all, tourists and locals alike must be able to relax on our beaches and they must be able to do that free from harassment. Not even on that side where all of the criticism usually comes they would ever dream of arguing against that. The second thing is that the law has the responsibility for protection. They cannot argue against that either.

This particular amendment, Sir, must *be seen therefore as a functional amendment. In other words, there is some mischief there that this amendment that has been brought before this House seeks to deal with. There has to be a mischief existing. This is an attempt to rid our society of the deviant behaviour which can be seen daily in Barbados and which can be seen daily on the beaches. Let us not fool ourselves that there is not deviant behaviour on the beaches. It is there, Sir. We cannot close our eyes to it.

This amendment is aimed at bringing a certain amount of sanity to the beaches too. Some people think that the beaches are a free for all and that everything goes. Some people think that the beaches are a free for all and you can do whatever you like on the beaches. We must emphasise, Mr. Speaker, that the beaches are part of the society in the same way that the roads, the highways, are part of the society and the roads and the highways as we know are subject to numerous regulations.

All we are doing is putting the beaches within the same ambit as the highways and the roads. Sir, persons are stalked on the beach. We know that people are stalked on the beach. People try to sell them some of everything on the beach, drugs included. They try to solicit sex on the beach and no matter how you tell some of them no^ you could tell them no 100 times, there are those who will keep harassing and trying to make the people on the beach buy from them. Buy drugs. Solicit sex and so on.

I don't think, Sir, that we can close our eyes to the fact that occasionally on the beach one local or one tourist might perhaps give the Barbadian male a come on and that type of thing, but every sensible Barbadian knows when he is harassing somebody. All this comparison about somebody could very well be an aggressive salesman and so on trying to sell on the beaches, that is nonsense. They all know when they are harassing somebody on the beach.

This particular Act is an attempt to curb that kind of behaviour. A lot of lawlessness goes on on the beach and a lot of lawlessness goes on in society and we are trying our best to deal with crime at all levels. That is what we on this side are trying to do.

I think, Sir, that a complaint for harassment on the beach or anywhere would have to come from the person being harassed. I do not think that a policeman can bring a charge and say you are harassing somebody. The complaint has to be initiated by the person who is being harassed and if somebody walks around, follows somebody on the beach all the while trying to do whatever,...

Aside.

Hon. R. N. GREENEDGE: If somebody is raped for instance, Sir, who do you think has to initiate the action that they were raped? A policeman cannot know if they were raped or not. The same thing happens with harassment, Sir. That is the point I am making. It has to come from the person being harassed, the complainant. There must be a complainant so there is no need for somebody to fear that a policeman is going to come and grab you when you are walking around. There has to be a complainant. The complainant will say, "this fellow is trying to sell me drugs" or do whatever. But it has to come from a complainant and that is the point I am making.

People on the beach know when they are doing wrong. This amendment will not affect those persons who lawfully sell shells and coral on the beaches. It will not affect those who braid hair lawfully on the beaches. It will not affect those who play cricket on the beaches, not this amendment, Sir. If you go to the beach to bathe, this amendment will never affect you. If you go there

looking for trouble, this amendment may very well affect you. It has nothing to do with those who are lawfully there. 6.50 p.m.

Now, I want to just pause here and say that I have spoken to about three persons who actually work on the beach law! illy selling their coral. I wanted to use them for the purposes of this debate as a barometer as to what is going on out there. They are extremely pleased with this amendment. The people who lawfully sell on the beach are very, very pleased with it. It protects them. It helps them. I have called three of them from my constituency, spoken to them and they are happy with it because one can wander up and down a beach as aimlessly as he likes. One can be on a beach doing absolutely nothing, no offence, because the very nature of the beach itself is where one would go to cool out anyhow, no offence.

Do you think that someone would be so mad to bring legislation to stop people from chilling out or cooling out on the beach? What one cannot do is this. One cannot without lawful authority or excuse accost, annoy, threaten or harass any person or follow him about or offer to sell him goods or services in any street, highway or public place, including a beach. You can be on a beach chilling out but if you, without lawful authority, and that is whue the crux of the matter usually lies anyhow. If you *cm* explain yourself, no problem. But if without lawful authority or excuse you do any of those things then you commit an offence.

If the Opposition, Sir, wants to grandstand, let them grandstand. If they think that Barbadians condone lawlessness, they are wrong. Barbadians do not condone lawlessness. They do not condone crime. What is going on in the society now, as has been happening even last night, Barbadians frown on that. They are concerned about it. This Is an attempt to help us rid this ccimtry of that kind of deviant behaviour.

All right-thinking Barbadians know that crime against tourists exists. Perhaps the majority of crime against tourists do not even end up in the law courts. Some tourists may just take it and go but Barbadians know that it is there. Even though this is not a law aimed to protect tourists *per se*, and it is also aimed to protect the locals as well, I want to say that crime, as I said already, against tourists is real in this country. Sometimes tourists are robbed of their handbags and these handbags contain their money, passports, green cards and credit cards. Those of us who travel can empathise with the way a tourist feels when that particular thing happens to him or her. We know how they feel.

I recall the slashing of the English cricketer Wayne Larkins on the west coast. Do you know that we got a lot

of negative publicity back in England when an international cricketer coming to Barbados was slashed for no reason whatsoever? It was an object of crime. That is all. Sir, the attack on the coach at the Flower Forest, again we cannot close our eyes to that. We got a lot of negative publicity in the United States of America for that particular incident. In fact, we had some very, very bad bulletins overseas where people were actually told that Barbados was a danger zone. We just cannot continue to close our eyes to crime against the tourists. They go on the beaches.

I went through some of the sheets which come from the Police almost daily telling us what the crime in Barbados looks like day by day and I was amazed at the level of crime which could be found on those sheets every day. Some of the names of the beaches are like Settlers Beach, Miami Beach, Bath Beach and the names of the people tell me straight that they are not Barbadian names. There are names like Pilarski and so on. That tells me something. They are not locals. The point I am making is that the beach is a stomping ground for crime against tourists and we are trying our best to bring it within the ambit of those places where there should be no harassment.

Barbados has reached a stage in its development where it is trying to promote convention tourism. It has reached a stage in its development where it is trying to promote sports tourism and this is going to signal the arrival in Barbados of large groups of people. If that is true, this in turn must be matched with a corresponding tightening up of the laws to protect those that we go all out to encourage to come here. It would be unfair if we are trying to get them in in numbers and at the same time we are not making every effort to protect them when they are here. That is the point I am making.

Sir, this amendment is not the end all I believe regardless of what we try to do we are still going to get crime on the beach. We are still going to get crime against tourists but we are trying our best to minimise it. That is what we are doing with this particular amendment.

There is one problem which I fear and it is this that tourists who are harassed may very well be out of the island when the particular case is called up. I have a fear in that particular area. Too often criminal elements in our society go free because when the time for the case comes, the victims of the harassment and so on are either reluctant to come back or they have vowed they will never come back to Barbados because of the experience they had and so often there is no evidence to be offered against the offender. I am concerned about that. Too many of the alleged offenders are allowed to go free because of the tourists not coming to Barbados to give evidence. 7.00 p.m.

I would hope, Sir, that in order to give effect to this particular Amendment that we do our best to ensure that the charges, the summonses whatever, the trial, everything would all be effected as speedily as possible, even before the tourists return home. I should like to see that happen, that we make provision where we get the offenders, especially the ones on the beach who harass the tourists before the court. Get them there speedily.

I do not want to spend much time on the question of the penalties. What has happened is that the penalty has gone to \$2 500. It is a stiffer penalty. But it is the maximum that you can get, under this Act. That does not prevent the magistrate from giving the offender a CRD if he wants to, just convicted, reprimanded and discharged. That is the least he can get. He can fine him \$25. The point is that by putting \$2 500 there we have sent the message that we are serious in this instance.

Indeed, Sir, if someone goes before the court for the twenty-first time for this type of offence, I would expect that the person would be fined and confined. That is the truth. Because if that is all you do, you have to try to protect the society from that particular individual. We have put the maximum there.

I do not think that there is any reason for us to make any political mileage out of this.

Mr. SPEAKER: The Honourable Member has 2 minutes to conclude his speech.

Hon. R. N. GREENIDGE: Yes, Sir. I believe that those on the other side should be able to see the wisdom in what we are doing. We are trying to fight against crime and to protect our society from that criminal element. To grandstand and to criticize for the sake of criticizing and taking us back into those days of seventeen this and eighteen that does not really help.

We want some assistance, from the other side, in our fight against crime.

Thank you very much, Mr. Speaker.

Mr. SPEAKER: The Honourable Member for the City.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that further consideration of the Second Reading of the Vagrancy Bill be postponed.

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

The question that further consideration of the Second Reading of the Vagrancy Bill be postponed 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 do now adjourn until Monday, March 20, 1995 at 10.00 o'clock in the morning at which time the debate on the Estimates of Expenditure for the year... And we would commence debate on the Appropriation Bill. It is expected, as is the custom, that that debate would run for the entire week Monday, Tuesday, Wednesday, Thursday and Friday when the guillotine comes down.

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

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I believe I may have misled Honourable Members. When I first spoke of the time I said 11.00 o'clock in the morning, on Monday. I said Monday, March 20 at 11.00 o'clock in the morning.

Mr. SPEAKER: I am sorry. I did not get that.

Hon. Miss B. A. MILLER: Monday, March 20, 1995 at 11.00 o'clock in the morning.

Mr. SPEAKER: At 11.00 o'clock.

Hon. Miss B. A. MILLER: Yes, Sir.

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

Mr. B. M. TAITT: Mr. Speaker, Sir, is it intended that over the 5 days we will begin at 11.00 o'clock every day?

Aside,

Mr. B. M. TAITT: Except Thursday. Would the normal time be 11.00 o'clock?

Hon. Miss B. A. MILLER: As is our custom, Mr. Speaker, Sir, we will begin at 10.00 o'clock...Mr. Speaker, Sir, I am advised that 10.00 o'clock is a more suitable hour.

Aside.

Mr. SPEAKER: Order, please.

Hon. Miss B. A. MILLER: The Clerk of Parliament advises me that 10.00 o'clock is a more suitable hour, bearing in mind when we would expect the guillotine to come down on Friday and, bearing in mind that we do not work on Thursday morning because the Cabinet will still meet and therefore the House would meet at a later time on the Thursday. We have a whole working week as is die custom. There is nothing new in this.

Aside.

Hon. Miss B. A. MILLER: Yes, as per the Standing Orders. Monday, March 20, 1995 at 10.00 o'clock in the morning.

The question was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the sitting accordingly at 7.08 p.m.

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