

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994-99

HOUSE OF ASSEMBLY

Tuesday, December 15, 1998

Pursuant to the adjournment, the House of Assembly met at 11.20 a.m. on Tuesday, December 15, 1998.

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.

Hon. Sir HENRY FORDE, K.A., Q.C., M.A., LL.B.

Mr. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B. (Hons.)

Rt. 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, K.A., Q.C., LL.B.

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

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

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

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

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 (Chairman of Committees)

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

Mr. J. M. EDGHILL

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

Mr. W. C. C. CALLENDER, J.P., B.A., Dip. Ed., B.Sc.

Mr. D. St. E. KELLMAN

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

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

Mr. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance)

Prayers were led by Rev. Father Ivan Harewood. Mr.

SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, December 8, 1998.

Hon. D. A. C. SIMMONS: Mr. Speaker, the Minutes for December 8, 1998, have only just been circulated to Honourable Members, who would not have had time to scrutinise them. I beg to move that consideration of these Minutes be postponed.

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

Mr. SPEAKER: If that be the will of the House, then so be it.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I am to report that I am in receipt of the Report of the Auditor General for the year 1997.

PAPERS

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

1. The Financial Administration and Audit (Financial) (Amendment) Rules, 1998.
2. The Financial Administration and Audit (Supplies) (Amendment) Rules, 1998.
3. The Exchange Control (Qualifying Insurance Company) (Exemption) Order, 1998.
4. The Insurance (Qualifying Insurance Company) Order, 1998.
5. Insurance (Qualifying Insurance) (Tax Concessions) Regulations, 1998.
6. The Sugar Industry (Funeral Grant) Order, 1998.
7. The Central Bank of Barbados (Inspection of Financial Institutions) (Revocation) Notice, 1998.
8. Income Tax (Amendment) Regulations, 1998.
9. Duties, Taxes and Other Payments (Exemption) (No. 20) Order, 1998.
10. Duties, Taxes and Other Payments (Exemption) (No. 21) Order, 1998.

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to lay the following:

The Annual Report of the Ministry of Foreign Affairs for the year 1996.

SUSPENSION OF STANDING ORDERS

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

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

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

GOVERNMENT BUSINESS

ORDER NO. 6 - TO MOVE THE SECOND
READING OF THE PENAL SYSTEM
REFORM BILL, 1998

Hon. D. A. C. SIMMONS: Mr. Speaker, today is an historic occasion in the legal history of Barbados and more particularly in the criminal justice system of Barbados. The criminal justice system is a system of many components but the penal system is one aspect of the criminal justice system.

The Penal System Reform Bill, 1998 seeks to be apart from a penal system that Barbados has had for the last 100 years and to reform that system by the introduction of a set of non-custodial punishments which will enlarge the options available to the judiciary to deal with persons who commit crimes.

For 100 years, Sir, the penal system of Barbados was founded upon three types of punishments. Imprisonment, fines and since 1945, probation. The legislation that we are dealing with today now creates a number of options to enlarge the discretion of the judiciary in imposing sentences. In some countries these types of punishments are referred to as alternatives to imprisonment. There is an academic debate as to whether they should properly be called alternatives to imprisonment. In this debate, I have no desire to come down one side or the other of that academic debate.

The legislation today will make the penal system of Barbados the most progressive in the whole of the Caribbean region and our legislation will make Barbados one of the most progressive in the whole world. It is particularly satisfying to me that we have been able to draft this legislation and have it for debate at the close of the 20th century because it would be entirely inappropriate for a developing country like Barbados to go into the next century with the old-fashioned penal system that we have become accustomed to.

The Government, through its Manifesto in 1994 committed itself to establishment of a penal system whose objectives would be the creation of this large number of sentencing options that are before us today. In pursuance of the Manifesto commitment, in 1995, Government established a Steering Committee on Penal Reform under the chairmanship of Sir Clifford Husbands. He was then a Court of Appeal Judge. The task of the Steering Committee was to examine the penal system in Barbados and make recommendations for its improvement. That Committee reported last year and the report has been laid in the House.

After the report was laid, the Government embarked upon a programme of public education to sensitise the public about the recommendations and the need for the type of legislation which is before us today. The Steering Committee had meetings at various places in Barbados. I took part myself in the first one at the Sherbourne Centre and there were others held in the north, in Queens Park Steel Shed and elsewhere, Sir. 11.30a.m.

The feedback from those meetings told us that the public was supportive of the recommendations of the Steering Committee and to that extent Government should proceed to draft the necessary legislation. The Report of

course was sent to all persons with an interest in this matter, the judiciary, people in the social work sector, the university, all of us.

The Bill that comes before the House today is really the legislative enactment of the recommendations of the Steering Committee headed by Sir Clifford and subsequently by Father Paul after Sir Clifford was elevated.

Mr. Speaker, for as long as we have had a penal system much of the focus of that system has been on imprisonment and imprisonment as a form of punishment has been much abused worldwide. There is, therefore, need for judicial restraint in the use of imprisonment and countries have to seek alternatives to imprisonment and use imprisonment as a last resort.

Countries have to seek more humane methods, sensitive strategies to punish those who transgress. This search has been going on all over the world but few countries have had the courage to go as far as we are going today and certainly England went.

Let me just quote from Professor Andrew Ashworth's book, *Sentencing and Criminal Justice* at page 78. He said:

"In recognition that imprisonment is a severe deprivation for most of those incarcerated, there has been widespread formal acceptance that it should be used with restraint. Draft Resolution VIII of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders recommended..."

That was 1990, Sir. I attended the Ninth Congress in Cairo in 1995 and they recommended as follows and I quote:

"... imprisonment should be used as a sanction of last resort."

Lord Woolf in 1994 in the House of Lords said as follows:

"As a result of a change in climate, the importance of avoiding custody when it is appropriate to do so has been forgotten. A factor which has undoubtedly contributed to this change of climate is that the Government, (he means the British Government) who give a lead in these matters, have abandoned preaching the need for restraint in the use of prisons. The message which is being received loud and clear by all those involved ... is that it is necessary to get tough with crime It needs to be reiterated repeatedly that if prison is used when it is not necessary, then it is frustrating, not furthering, the objectives of the criminal justice system."

This Government believes, Sir, that Barbados deserves to have and the young people of Barbados deserve to have a criminal justice system whose penal policy reflects a humane approach to the matter of crime and lawlessness.

It is one of the great mischiefs and public lies that has been told on this Government that the approach to crime has been legalistic. Nothing could be further from the truth. The very first time that any government in the history of Barbados tried to understand the problem of crime was when this Government in 1995 set up the Task Force on Crime Prevention to try and understand by the use of scientific methods what were the factors predisposing our youth to crime.

You had 23 years of Democratic Labour Party Government from 1961 to 1994, never once did they try to study the problem of crime. The Task Force on Crime Prevention has reported its recommendations are being implemented. The Task Force is headed by two Barbadian criminologists, females. Miss Yolanda Forde and Miss Janice Farley, who was a former police officer and has an M.Phil, in Criminal Psychology from the University of Surrey. Miss Forde is a criminologist - M.Sc. from the London School of Economics studying under Professor Robert Grimes.

The work that they have done is the first step in preparing the policy directorate of this country, the planners, with the necessary research and information that must inform policy and action. We have studied the problem first by a method of self-reporting through the offenders in the prison. There is a lot more that is being done and will happen in the next year or two. It is an ongoing programme with various aspects. I am not going into all of the work of the Task Force but I am making the point that the first thing we did was not to approach crime in any legalistic way but to seek to understand what were the factors at work.

The second thing that we have done is to try to ameliorate the social conditions which could, and I am not saying will, dispose to crime. This Government found a level of unemployment at over 22 per cent when we assumed office in 1994. By careful strategising and economic planning and direction that level of unemployment has been reduced as at September to 11.8 per cent. Crime is not up but I will come to that in due course.

The attack on poverty was in recognition of the criminological evidence that poverty is one of the factors that can predispose to criminality. 11.40a.m.

We saw it as our duty to try and reduce the level of unemployment and make our young people challenge themselves by going into the world of work and earning their own dollars.

Asides.

Mr. SPEAKER: Order, please.

Hon. D. A. C. SIMMONS: The third strategy that the Government has used is that, again recognising a link between poverty and crime, the Government has embarked on an aggressive poverty alleviation programme. It started two years ago, and we committed the Chair, a minimum of \$10 million to that programme. The fruits of that programme will be seen over time.

So that one cannot say that Government has approached this matter of crime in any legalistic way, Sir. We have tackled it scientifically and tried to understand it. We are dealing with the social phenomena which can conduce to delinquency, deviance and crime and we have gone a lot further, Sir.

Today is not the appropriate occasion for me to recite what has been done in the police force. But we have spent a lot of time, effort and resources in trying to modernise the police force and the judiciary which are two essential arms of the criminal justice system.

Where the other party was afraid to spend money to computerise the police force, one of the first acts done by this Government was to try to spend \$1.5 million to start the process of computerisation of the police force. And one of the most recent acts done by it was to negotiate with the American Government for 165 computers and 75 printers for use throughout the criminal justice system. The police force had 40 of them.

The importance of computerisation in combating crime cannot be over emphasized. We are developing now in the Ministry, the interconnectivity between the computer systems of the police, the prisons, probation department, court and the immigration department and by next year, Sir, those systems should be all interconnected to assist us in better managing the problem of crime and having the necessary information base and resource from which meaningful decisions can be taken.

We have done the same thing for the judiciary. I am not going to dwell on any physical improvements in the conditions of the courts or the police, that has happened systemically over the last four years.

We are computerising the judicial system, so I think every judge by now should have a computer either in his chambers or at home. There were all sent down to their chambers and then representations were made that perhaps better use could be made of the computer if they had it at home, after court they could use it. They now all have computers. The magistrate courts and so on, computer

systems have been set up for them and in the registry. So that within the limits of Government's financial abilities within the last four years, we have tried to modernise the justice systems.

We started the course at the Community College for 22 shorthand writers to be trained as computer aided transcription operators. The initial course ends in February next year and then we plan to have additional courses and I believe they are also planning to offer the course to regional persons.

There was a time when the preparation of records of appeal in the criminal justice system was taking years and that delay, particularly in murder cases was, what prompted the time guidelines that were set down in November 1993 in Pratt and Morgan case. Again within the limits of our finances, we have been able to improve the system and to have records in murder cases now dealt with in a very speedy fashion, Sir.

Arleigh James who is on appeal to the Privy Council, I think that appeal is going to be heard in February. His appeal from the High Court was heard in less than one year. I can tell the House that at this Assizes, a man popularly known as "Wharfie" was convicted. His record of appeal is ready. It is for the Court of Appeal to set the date to hear that appeal in less than two months, that happened in November, this is December.

Sir, but for all that, the penal system has just moved at its own pace for the last 100 years, content to rest upon fines, imprisonment and until 50 years ago, probation.

The Bill today, Sir, brings to the House a range of non-custodial punishments, absolute and conditional discharges, suspended sentences, curfew orders, attendance sentence orders, community service orders, combination orders and mediation. I am going to deal with each one in an outline.

Absolute and conditional discharges are found in clauses 3 to 5 of the Bill. I will just give a little synopsis of it.

If the court is of the opinion that having regard to the circumstances of the case, it is inexpedient to punish the offender, it may make an order discharging the offender absolutely or on conditions.

If he is discharged on certain conditions and then commits an offence, he may be brought back to court and dealt with as the court sees fit, Sir.

That option of absolute and conditional discharge would apply to relatively minor trivial offences. We have suspended sentences. As I spoke elsewhere recently, I was

much encouraged to make provision for suspended sentences by Dr. Delroy Chuck, a criminologist of Jamaica. 11.50a.m.

Jamaica has had, he tells me, very good success with suspended sentences. Suspended sentences, of course, were introduced in England in 1972. He has been out there for a long time. We are now enacting suspended sentences in our system and the essence of the suspended sentence is that where a court could impose a term of imprisonment of up to three years, it may suspend the operation of that prison term.

In other words, the magistrate can say to the offender, "the punishment for this offence is two years and I could send you to prison for two years but I am going to give you a chance rather than that, I am going to suspend your sentence for X period of time." That is to give the offender an opportunity to reflect, to amend his ways, but if he commits an offence during the period of suspension, the original offence for which he was charged is reactivated and he can be punished for it.

It is an opportunity not to imprison for an imprisonable offence but rather to rely upon anything that is of quality in the offender to benefit from that suspension.

The third type of punishment that this legislation provides for is the attendance centre order and you will find it under clauses 9-12 of the Bill, Sir. I just want to use some of the language of the Bill because it applies where a young offender under age 21, may be required to attend and be given, under supervision, appropriate training, occupation or instruction as the courts see fit.

How it will work in practice is like this. Attendance Centre orders will operate on Saturday afternoons for, as the Bill states, up to three hours. The magistrate will have the power to order that the person attends at an attendance centre and we are thinking of using schools in the various parishes, designate them as attendance centres, and there will be an attendance centre officer in charge who will render whatever training, or education, or discipline is thought appropriate to the offender. It will be a strict regime.

The attendance centre officer will be himself accompanied by a law enforcement officer to see that discipline and good order is maintained. As I say, there are innumerable opportunities for impacting in a positive way upon these young offenders.

Those of us who have practised in the courts, Sir, have come across cases where young people are asked to read the oath on the witness stand, and they say to them: "Read the oath in the middle" and they cannot read. We have found in the study on Criminal Risk Factors some evidence of illiteracy, and certainly, subnormal intelligence among members of the prison population.

Aside.

Hon. D. A. C. SIMMONS: I am just giving examples. I say they are limitless. An attendance centre order will give the judicial officer an opportunity to say your problem is that you need to be taught the 3 Rs. You have no understanding. You cannot read and it will give an opportunity for the person in charge, the sentencing officer, to work with that youngster and help him.

I say Saturday evenings because you want to let the offender appreciate that he has done wrong and that his liberty should in some way be affected. If he is accustomed, as I said on a Saturday afternoon going to the Globe or the cinema for a period of time that is going to be denied him so that he must feel the nature and effect of the punishment.

As we presently conceived it, the attendance centre officers will be persons paid on a sessional basis. There is no need to have them as full-time employees in the Probation Department. They will be paid on a sessional basis.

The fourth type of punishment for which this Bill provides is community service orders. Persons over the age of 16, those are clauses 13 and 14, convicted of an offence punishable with imprisonment may become liable to be asked to do community service and to render that service for up to 240 hours and not less than 80 hours. For persons under 16, it is 140 hours.

Community service involves the doing of unpaid work. We have seen attempts by magistrates since we have been talking about penal reform in the last four years, to try to impose innovative penalties. There was no statutory basis for some of it and we are trying to give it a statutory basis in this legislation.

Again, it is perhaps invidious to try and suggest the types of work that can be done. One leaves that up to the magistrates and the Probation Officers but we can think of many, and during the election of 1994 and indeed 1991, I used to talk about this by explaining that a court, for example, can order a youngster to go to a particular area and debush it, or go and paint an old person's house, or assist in the repair of an old person's house, all those kinds of things.

I, however, would not like to see, as community service, any offender dressed with a placard and made to parade. Offenders should not be held up to humiliation. The work that one expects they will be asked to do should be useful and productive work for the benefit of the community. We are punishing the offender in the community, making him work for the community but not seeking to degrade it.

I will never forget how "Buddy Brathwaite" became the criminal that he ended up being. "Buddy Brathwaite" as

a Dodds boy was prone to gambling and "Buddy Brathwaite" was caught gambling by the then Superintendent, Colonel O. N. C. Walcott. Colonel Walcott made Buddy make 52 cards out of wood, in printing the Ace of Spades and the Ten of Diamonds out of wood, then put those cards around his neck and sent him to church at St. Philip's Parish Church in the presence of Rector Armstrong without a shirt. From that day a certain person said that it was the turning point in Buddy's life - public humiliation. 12.00 noon

Asides.

Hon. D. A. C. SIMMONS: That was his approach to juvenile delinquency and the problem of gambling. To be a public spectacle.

Sir, the fifth type of punishment is the curfew order. Curfew orders are in operation in many countries throughout the world. I see recently that a magistrate in town did impose a curfew on some youngster, I think it was week before last that I read it. I have known in the past, Magistrate Dick Walcott imposed a curfew order on a man who used to work at the BMC. I am not calling names because he is alive. He told him that he could not visit the parish of St. John and if he was ever seen in the parish of St. John, he was to be arrested.

We make provision in the Bill...

Asides.

Hon. D. A. C. SIMMONS: Let me just explain. The constitution provides for freedom of movement but the very constitution derogates from the imperative and allows the restriction of movement in certain circumstances and for certain reasons like good order and public safety and so on. The curfew order will find its justification in the derogation clauses from the freedom of movement in the constitution. Section 22 of the Constitution.

"By a curfew order the court is empowered to require an offender to remain for the period specified in the order, at the place specified for minimum period of two hours per day and a maximum of 12 hours."

The duration of the curfew must not exceed six months.

The sixth option that we are now giving to courts in Barbados is to issue combination orders. Clauses 17 to 19.

A combination is essentially a combination of probation with community service or probation with curfew. Where a court is of the opinion that the making of a combination order is desirable in the interest of securing the rehabilitation of the offender or protecting the public or indeed prevention the commission of other offences, it may make a combination order. We have given a number of

options to the courts depending on the information before the court.

The seventh type of penalty, Sir - I had better not call it a penalty - sanction, I suppose, but not penalty is to be found in Part III of the Bill and it deals with mediation.

It is a novel thing, Sir. I do not think any other country in the region has incorporated this type of approach to sentencing in any of the legislation. Trinidad had a mediation but^T do not believe that it is passed in their Parliament but what we are doing in Part 3 of the Bill is providing for mediation. Honourable Members on the Other Side who practise civil litigation are aware that the buzz words ...

Asides.

Hon. D. A. C. SIMMONS: The three Members on the Other Side, Sir. This is Christmas and I am in a charitable mood.

The three lawyers on the Other Side are aware that the buzz words internationally now in civil litigation are 'alternative dispute resolution'. There are books written on it. Mr. A. Stick has written one. He has come down here the last two years offering courses. Some of the private bar has gone to them, certainly persons in the AG's Chambers have gone to them. There is another one coming up in February. People from the private sector go to them. More and more, and certainly, in the common law world, countries have been groping to deal with the problems of delays and access to justice by finding alternative methods to resolve disputes in civil litigation other than by the traditional adversarial system to which we have been accustomed. Arising out of 'alternative dispute resolution' you have conciliation and mediation and so on.

What we are doing in Part 3 of the Bill is importing into the penal system of Barbados a concept that has been in vogue, certainly for the last ten years, on alternative dispute resolution. For certain minor offences which are set out in the Bill, we are giving the courts an opportunity to deal with the offender not by way of the traditional system of putting them on the witness stand and subjecting them to cross-examination and the virtual complainant doing all of that and then the accused having to defend. At the end of the day you run the risk, as many of us know, of criminalising and stigmatising a young person for some offence which is really of a minor or trivial nature.

We have all been aware of the little disputes between youngsters or even neighbours. A little bad word here and there or somebody throwing a rock and you get charged for throwing a rock across a highway and so on. Many of us have seen the courts cluttered up with little domestic disputes or disputes arising among school children and so on,

particularly in the juvenile court system. We want to give an opportunity for those involved in those types of disputes to agree to have an independent third party called a counsellor under the Bill to intervene on the authority of the court and subject themselves to counselling and dispute resolution. We think that is a way in which we can save from criminalisation a number of young people, Sir.

The court initiates the process of mediation by inviting the defendant to apply for mediation. The complainant, of course, must agree to it. Because it is technically a criminal charge, we have had to make provision for the matter to be referred to the DPP who has to be consulted before a mediation order is made. I am not going to be modest to say that this is not a bold innovative piece of legislation because in Part IV of the Bill we are attempting as a Parliament, as a Government, to do something that many countries have been afraid to do, that is, to write into the Bill principles of judicial sentencing. For all the years in Barbados the sentencing process was entirely discretionary and there were no clear guidelines set out to judicial officers as to how they should approach the very complex task of sentencing. 12.10p.m.

Because it was discretionary, people were afraid to lay down guidelines. In England, they did it through practice directions from time to time issued by the Lord Chief Justice. Apart from Canada, where an attempt has been made to set out in legislation sentencing guidelines and apart from England in the Criminal Justice Act of 1991, where some guidelines were set out, many countries have eschewed the opportunity to enact in legislation guidelines which should assist the Court in the proper exercise of discretion.

We have seen in Barbados persons sentenced by one court for one type of an offence five years and sentenced by another court for the same type of offence, probation. We have had public concerns expressed through letters to the Press, from year to year, about the disparity in sentencing. Now judges do not respond publicly. That is a separate issue and a separate debate. There is a lot of good learning and indeed a movement calling for judges to speak more about the judicial function.

In some countries, some parts of Australia for instance have assigned PR personnel to the judiciary to respond to public concerns but we have to appreciate that there has been over time concerns about the different sentences being imposed for what appears to be similar crimes in similar circumstances.

For the first time in the history of the criminal law in Barbados -this Bill attempts to set out an underlying philosophy of sentencing and in clause 33 it sets out the principle of proportionality in the sense that the court is mandated not to impose a community sentence unless, and

this is where the principle is enshrined, unless the offence is serious enough to warrant it.

In imposing a community sentence the court must satisfy itself that the order is the most suitable for the defendant and to that extent the Bill creates in the judiciary a need to focus on the needs of the offenders rather than the system, to look at the defendant himself and determine what penalty is best suited for this particular type of offence.

We go on, Sir, to clause 41. Clause 41 also seeks to set out in statutory form guidelines which the court should observe in passing sentence and it says:

"... in sentencing an offender... the court shall observe the general guidelines set forth in this section.

2(1) The rehabilitation of the offender is one of the aims of sentencing, except where the penalty is death."

So clearly up front for the first time in the law of Barbados we are setting out that the objective for punishment should be rehabilitation of the offender. It is given primacy in clause 41 in the words: "The rehabilitation of the offender is one of the aims of sentencing, except where the penalty is death."

We then go on to say:

"2. The gravity of a punishment must be commensurate with the gravity of the offence.

3. An offender must not be sentenced except for an offence of which the offender has been convicted or for another offence or other offences which the offender has asked the court to take into consideration in passing sentence."

There is a fourth one but I want to stress that in this legislation the Government is sending a message to the judiciary and all concerned that penal policy rehabilitation of the offender is the principal objective of the criminal law and the penal system. Courts should seek as far as possible to ensure that their sentences have as their ultimate aim, the reform and the rehabilitation of the offender giving him an opportunity to become a useful member of society.

These are a number of novel things that we are trying in the legislation but that concept of rehabilitation should be familiar to all Honourable Members because last year as a first step in the process of rehabilitation, indeed, Sir, to give the lie to the argument that Government was approaching crime and punishment in a legalistic way, this House passed without any difficulty the Rehabilitation of Offenders Act to allow a lot of people who had been stained by criminal

convictions to have those convictions erased and their criminal record cleaned up. Today's Bill is part of the process of reforming the penal system. 12.20p.m.

Sir, in relation to other matters in the Bill, even though the majority of the provisions of this Bill concern non-custodial punishments we have dealt with custodial sentences in clause 35 of the Bill and what we have done is to set out the principle in clause 35. It is there and will become part of the laws of Barbados once this Bill passes this Honourable House.

It sets out that imprisonment should not be imposed unless the court considers that the offence was serious and that only a custodial sentence would need the justice of the peace.

The Honourable Member for St. Joseph has told me of a case in which he appeared, where a judge sentenced a person to 12 years and was heard to say: "Seven for him and five for the lawyer." I am not sure which country it was in. This is absolutely wrong.

Asides.

Hon. D. A. C. SIMMONS: I knew it was 12, but I am told seven for the accused and five for the lawyer. Luckily the lawyer is in here, Sir, sitting on the Backbench, but all that is wrong sentencing procedure and principle.

Now, we have taken again, another bold step to say that when passing a custodial sentence, the court must say in open court why it is imposing a sentence of imprisonment: That is new. As of today, a judge in assizes can just say, the sentence of this court is five years. He does not have to give any reason.

Aside.

Hon. D. A. C. SIMMONS: It is a chance you take when you appeal against a sentence because the Court of Appeal can always increase the sentence. But in future, when this Bill is proclaimed, the judges and magistrates must say in open court why they have decided that imprisonment is the appropriate sentence in the particular case.

Now, I think that is very important, Sir. I heard a lot of people, even in my own Party talking about having cases in-camera and not publishing names of accused and I just want to say that the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights all say that people are entitled to a fair hearing in public courts. Our Constitution calls for hearing in public, but for certain types of offences there is an exception to that principle of public hearing where a court can hear a matter in private.

I believe that in sentencing, therefore, consistent with those principles of openness and having justice dispensed in public, a court should know why it is sentencing somebody and should share those reasons with the accused and the general public. So we put it in the Bill that the court now has a duty to explain why it is imposing a custodial sentence.

We have a principle of proportionality, Sir, in clauses 36, (2) and (3) in relation to custodial sentences in the same way as we have the principle of proportionality in relation to non-custodial sentences.

Mr. Speaker, the last matter I want to deal with is the age of criminal responsibility. We have taken the opportunity in this Bill to provide for the age of criminal responsibility to be moved from age seven to eleven. The Steering Committee recommended that we increase the age of criminal responsibility. It really is a hard thing. It is grossly unfair to criminalise a person at age seven. We know that we come across cases particularly overseas where some young children commit the most terrible and heinous crimes, that is no reason for us to abandon a general principle. I do not believe that any child should be rendered *doli capax* at age seven, Sir.

Aside.

Hon. D. A. C. SIMMONS: Capable of wrong doing. The opposite is *doli incapax*, incapable of wrong doing. There is no hard or fast guideline as to a proper age. Some persons are saying age ten. I would like the House's view on this, including the Opposition.

The Steering Committee who went into all these things took a lot of evidence and discussed these matters fully. They recommended age 11. If Honourable Members say age 10, I have no problem in amending it, but we have said age 11 consonant with the recommendations. If Honourable Members have a view on this, I would like them to recommend it so that we could leave here with a consensus. I think age eleven is all right.

Aside.

Hon. D. A. C. SIMMONS: Yes. Not so much now because magistrates have a better appreciation for these matters than in the days for example, when we had police magistrates who were not* legally trained in the colonial system, a lot of youngsters went to Dodds at eight and nine and they were given five years. One or two had three terms. One who died last year and was well known to us Parliamentarians, from the Bayland, he had three terms. He spent 13 years in Dodds. He went from there straight to prison and spent 26 years in institutions. He never saw a Christmas outside for 26 years and that is to my certain knowledge. He started at age nine.

In the old days they used to send them up for all kinds of offences, wandering for example. We have ameliorated. Magistrates have changed a lot of that and people now do not go up for that sort of thing. So we are increasing the age of criminal responsibility to age eleven, Sir.

Now, Mr. Speaker, what do we expect out of this Legislation? How will this contribute to the reform of the criminal justice system in Barbados?

We believe, Sir, that this Legislation, first of all, brings a more humane face to the matter of punishment. Secondly, that punishment in the community is a far cheaper option to pursue than merely locking up. The Steering Committee would have reported that it costs \$28 a day approximately then, it is probably \$30 a day now, to keep a man in Glendairy. It costs \$36 a day to keep a boy at Dodds, but in the non-custodial sphere, for example probation, it costs \$2.65 a day.

So that in terms of cost effectiveness this new Legislation will contribute handsomely to reduction of the cost of punishment. Even if, as will be necessary, we have to expand the Probation Department, it must be expanded. It is short-staffed. It is overworked. No doubt, Government is committed to creating the support structures for this penal system to take effect from the new financial year. We are not doing it piecemeal. 12.30 p.m.

We have the opportunity now to put the legislation in place, to create the organisational structure for a Department of Correctional Services and we will be developing a Department of Correctional Services which will embrace the work of the Probation Department, the work of the Government Industrial School and the work of the Prisons.

There will be a need arising out of this legislation to create job opportunities for persons trained in social work and more and more we are finding Barbadians overseas who are trained in the Criminal Justice System. They may be attracted back here but it will give us an opportunity to expand the Probation Department. It may not be called the Probation Department in the total reorganisation or we may just leave it within the confines of the overall Department of Correctional Services but there will be need for more persons in the nature of probation officers to help write up some of the percentage reports that this legislation calls for.

We do not wish a magistrate to be sentencing an individual on whim, caprice, prejudice or for any other purpose. We want that decision of a sentence to be informed by a pre-sentence report where the magistrate would have the observations and recommendations of a Probation Officer or some such person before him.

One can see immediately a need for community service officers. One of the weaknesses of the system of community service, Anthony Vass who has written about the efficaciousness of community service in England, has pointed out that one of the problems is supervision and follow-up because it is all well and good to say go and do debushing, or repair old persons' homes but you have to have the support structure that ensures when a court makes an order that order ...

Aside.

Hon. D. A. C. SIMMONS: This is unpaid work for a number of hours fixed by law. This will require that there are community service officers who follow up to see that the court's orders are being carried out so there will be a couple of jobs available in this area for persons of that kind of bent, interest or motivation.

The legislation will not only reduce the cost but over time, it will help to reduce the prison population. All over the world, no country excepted, prisons are overcrowded. Let us get that one straight, prisons all over the world are overcrowded. Again, by some systems not having the alternatives, you are sending to prison the wrong type of person and stigmatising him, as I said, forever with a criminal conviction and jail.

If we can reserve jail for those who properly should go to jail because of the nature, type and extent of their offence, and because society should be protected from that particular type of person, then we have an opportunity through this legislation to make sure that people do not go to prison unless they really have to.

One can see, therefore, overtime this legislation having a positive effect in terms of reducing the prison population to more manageable proportions. From the highs of 800 in prison we are down to 695. In 1993 the level was 660. In 1998, today, it is 695 in prison. But where we had the 780s and the 800s we are not seeing those numbers now, Sir. It is steadily coming down.

If we have a smaller prison population where we are able to do proper rehabilitative work, proper group therapy and so on, rehabilitation as an objective would have a chance of success. It has always been a mute point as to whether you could properly pursue an objective of rehabilitation in an overcrowded milieu such as exists in most prisons but if we can get them down to more manageable proportions, we have a better chance of working now.

Only last week Saturday, 50 persons in prison graduated from some of the internal training and education courses that we are doing. Government on February 1, 1997 created for the first time in our penal system two posts of

rehabilitation officer to work in prison with the inmates dealing specially with them, talking with them and helping them to rehabilitate, doing useful work with them. Arising out of that programme, this year at the Expo in England, we sent up a large quantity of art that was on display in London done by prisoners. A lot of good work is going on in prison and we have drug rehab programmes underway in prison since we established the National Council on Substance Abuse.

One of the functions of the officers at Trents is to go into the prison and work on anti-drug schemes and education and you should hear how those 50 who graduated Saturday afternoon spoke about what is happening now in prison to rehabilitate them, how appreciative they are. I only hope to God that it will last and they were not just saying good things because they had a big crowd there but that they are serious, genuine, reformed and committed.

Aside.

Hon. D. A. C. SIMMONS: Well, I am grateful. The Honourable Member for St. Philip South is telling me that a lot of them are serious. I am glad to hear that a lot of them are prepared to reform. Pastor Baird is doing a wonderful job, a tremendous job. She is given a small salary as a Rehabilitative Officer but she is spending so much of her personal time and money working with those inmates that it is ...

Aside.

Hon. D. A. C. SIMMONS: She is very committed. We are doing things to prepare them, Sir. The prisoners all tell me that they like the farm work and we are planning to expand those programmes. We have the 12 acres ... 12.40p.m.

Asides.

Hon. D. A. C. SIMMONS: Yes, the Democratic Labour Party acquired the land.

We have 12 acres at Lower Estate and 23 acres at Waterford and we have the system working. You know what the prison farms are contributing? We have reduced our food bill by \$10 000 per month. \$120 000 a year we are saving out of what we are doing at the farm. We have been able to give the prisoners a better balanced diet.

Asides.

Hon. D. A. C. SIMMONS: Yes, we are thinking about that. We are looking for a plantation to acquire where we can move all the farm animals out of prison. It cannot be right going into the year 2000 and I want to see this happen before

the year 2000. It cannot be right that we have pigs, sheep, pigeons, poultry and all kinds of birds and animals in prison. Prison should be just for human beings. I really can see nothing wrong in principle in moving those animals out and creating a proper animal farm on a plantation somewhere. Just as they go to Waterford now for the vegetable and the food crop farming, we carry them out in a bus on mornings, let them do their thing, look after the animals, they can have i out there, feed up on evenings and come back in.

They tell me that just getting out in the fresh air at Waterford and Lower Estate and being able to walk around ...

Asides.

Hon. D. A. C. SIMMONS: They are not running anywhere. They walk around and talk to people, see people passing and wave at people. That means a lot to them and their peace of mind.

Asides.

Hon. D. A. C. SIMMONS: You must go back and read the things I used to say in here.

Sir, as I have said, Government is actively pursuing trying to find an appropriate set of land where we can develop the farm facility.

Mr. Speaker, I am going to come to the crime situation shortly. For Members who are interested, the Bill that is before the House draws on the legislation which exists in the United Kingdom, principally the Powers of Criminal Courts Act, 1973 and in Trinidad & Tobago the Mediation Bill that they have not enacted. We looked at the Jamaican legislation on suspended sentences as well as the English legislation. We have looked at many jurisdictions for the model for this Bill. I want to pay particular tribute before I move to crime and to the work that was done on this Bill by the special advisor to the Attorney General and more particularly, Mr. George Griffith, a very distinguished Barbadian who is consultant to the Chief Parliamentary Counsel. He is the brother of Teddy Griffith.

Asides.

Hon. D. A. C. SIMMONS: He only joined us last year. He is a man of tremendous experience. He was Chief Parliamentary Counsel in Bermuda and in The Bahamas and he is working on the Constitution Reform Bill. He is an excellent draftsman, second to none. This is a lovely piece of drafting. I hope that Honourable Members would get a chance to read it. I want to pay public tribute to Mr. Griffith for the work that he has done in producing it. He is head of the Law Reform Committee and it was in that capacity that this Bill has been developed.

Mr. Speaker, a penal system exists, of course, because there is need to punish those who commit crimes. There is no doubt, Sir, that in this country since July we have been witnessing a new type of crime that is cause for serious concern. It is armed robbery targetted against businesses. I want, Sir, to look at the question of crime in Barbados in its regional and international context.

I believe as recently as last Tuesday during the debate on the Money Laundering Bill, I spoke in here about a trend on transnational organised crime affecting this region of which money laundering was only an aspect of crime. There is no doubt that throughout this region in the last few years we have seen an upsurge in dangerous criminal activity. The figures do not exist in the region to tell us if all of this is attributable to the large number of deportees who have come back from particularly the United States of America. One has no doubt that some of it may be attributable in the region.

When you check a country like Jamaica that get 1 000 deportees every year who learnt their crime in the United States...

Asides.

Hon. D. A. C. SIMMONS: It is a small island, it is bigger than Barbados but it is still a small island. How do you expect that country to cope with that level of sophisticated crime. They have tried something and had a very, very rough passage. You cannot tell Honourable Members what is the success of it but they have enacted legislation which barely got through in the last Parliament to follow deportees and monitor them.

Trinidad get 400 to 500 deportees every year. Knock wood, Barbados gets 35 or 36. Even if we get 1, it is still one too many for our little country. That is the reality of deportation from the United States.

Honourable Members know that the Government has been fighting this and has made representation to the highest level including President Clinton on May 10, 1997, at the meeting at Sherbourne. We spoke about the problem of large scale deportation on our countries. As I have said, I am not prepared to say because I do not have the statistical evidence that a large part of this type of new criminality is the result of activities by deportees. One must always keep it in the back of one's mind.

What is happening in the region, Sir. Only today, Members will read in their newspapers that Professor Ramesh Deosaran of the Centre for Criminology in St. Augustine is calling on the Prime Minister of Trinidad and the Leader of the Opposition to come together to have a Summit on crime, non-partisan, because of the level of criminal activity in Trinidad. When I was there last month,

they were telling me that it was one murder a day, not to speak of the armed robbery. Trinidad is having a very, very bad time. In Jamaica last year, murders were 1 039 for the whole year. You will read Honourable Velon John, Minister of Legal Affairs of St. Lucia and you will read George Odium, the Minister of Foreign Affairs in St. Lucia, today complaining about the level of armed crime, the same kind of thing that we are seeing here every other day, every other night. Targetting businesses with guns and robbing them. It is happening in Jamaica. It is happening in St. Lucia. It is happening in Trinidad. It is happening in St. Vincent. Two months ago they had already had 23 murders in St. Vincent. The Commissioner of Police in Antigua is complaining about the same trend where there is criminal activity against businesses. There is an interchange of criminals in the region and you cannot escape it. 12.50p.m.

We have become accustomed to Budget speeches in which the Minister of Finance would review the economic trends regionally and internationally and set the Barbados economy against the background of regional and international trends. Why cannot we do the same for crime and examine what is happening regionally and see the patterns that are developing?

The Regional Commissioner of Police met two Fridays at the Caribee Hotel and at the break after the opening ceremony they were telling me that one of the things they are working on is interchange and exchange of information because what we are seeing in Barbados they are seeing in St. Lucia or elsewhere and we have to strategise on a regional and international level.

Let me tell you what is happening internationally. Britain has two measurements for crime, the official police statistics done by the Home Office and the crime survey which is done every two years. The crime survey in Britain in October shows that overall crime was down 14 per cent. The official police statistics showed that it was down eight per cent. You can check it on your Internet, crime for October 14, 1998. It was down eight per cent according to the police but one point was made in both. Despite the overall decline violent crimes, drug crimes, and sex crimes were on the increase.

What you have, therefore, and we are seeing it here, is an overall reduction in the incidence of crime but a certain class or category of crime which is rising and indeed very worrying for all of us, which is happening throughout Europe for instance.

Crime is up in Germany among young people by 10 per cent. Take Sweden, where the average age for young people getting involved in criminal activity was 18. Sweden has a

very liberal criminal justice and penal system and the age has dropped from 18 to 15. I need not tell Honourable Members about Russia, that was in the newspapers last week. Crime is out of control in Russia and organised crime from Russia to the Caribbean is in the Caribbean to my certain knowledge in at least two countries. In France, I think I had the figures for France.

Asides.

Hon. D. A. C. SIMMONS: Sir, I beg to move that further consideration be postponed until after lunch.

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

SUSPENSION OF SITTING

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that this Sitting be suspended until 2 o'clock in the afternoon.

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

The question that the Sitting be suspended until 2.00 o'clock in the afternoon was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

RESUMPTION Mr.

SPEAKER: This Sitting is resumed.

Hon. D. A. C. SIMMONS: Mr. Speaker, when we took the Adjournment I was reviewing the regional and international situation and trying to make the point that a careful analysis of trends in the region would show that the kind of sophisticated, aggressive, high-tech crimes that we are experiencing in Barbados since July are also being experienced in other Caribbean countries, which I enumerated, and that the regional experience is not unique because across Europe there have been a spiralling of similar types of violent crimes and a certain aggressiveness among young people, certain confrontational attitudes.

The figure I was looking for when we adjourned was that in France one in five crimes is now being committed by persons under 18. I have looked at Russia, Sweden, Germany and England and indeed the kind of phenomenon that we are seeing in Barbados is also being seen in England. They are reporting an overall decrease in crime and there are certain types of crime which are increasing.

The Anglo-American survey that was published in October on crime suggested, contrary to my experience, that - this is what the statistics are showing - Britain is now a

more dangerous place than America. That never used to be so. Serious crime has increased in Britain.

It is a social phenomenon we get from time to time like jobless growth and now what we are seeing internationally and regionally is perhaps an overall reduction in traditional crimes while three or four categories of violent crimes are on the increase.

Mr. Speaker, we can be here all night talking about the causes for this type of behaviour and as many of us who are here would have differing opinions. For us in Barbados one continuing cause of concern must be the use and abuse of narcotic substances by young people.

When the Ramphal Commission wrote in 1992, they used some words which have almost become hallowed in the usage of persons in law enforcement in the Caribbean. 2.10p.m.

They said that drugs exemplify the powerlessness of Caribbean states because none of us is able on our own to deal with the problem successfully. Reliance has to be placed on regional and international cooperation.

We have been paying the price, Sir, for the success in our supply reduction strategies. Since we have deployed the police force and defence force in joint operations around the coasts of Barbados, there has been a marked fall off in large quantities of marijuana. I have met and talked with several young people in the last two months who openly said to me:

"Man get the police to ease up on the herbs."

I have to tell them that drugs are illegal in the whole of the international community and we cannot ease up on drugs because we are trying to save our human resources. We are trying to save them from destroying themselves.

It is difficult to get through to some of them because they try to explain their use in terms of the bible and it being a herb and the bible talks about herbs and so on, but we just have to keep cutting away at it, Sir.

This Government is not in any way going to retreat from the strategies which have been set in train to save young Barbadians from themselves by reducing accessibility as much as humanly possible to illegal narcotic drugs. I cannot make any apology for that. We are part of the international community.

In June 1998, 183 countries spoke at a UN Special Session on Drugs. Every country committed itself to outlawing marijuana, cocaine and even the precursors, Sir. All countries are affected by the drug problem. I was amazed at that session to hear the Minister for Singapore give

the figures on the number of arrests that they -have been making for persons using drugs, thousands.

Singapore is a country with very tough laws. When you go into Singapore, the ID Card has it: "Penalty for drugs is death." You cannot fail to notice the toughness of the law and even in Singapore where the laws are so tough they are still finding problems with drugs and arresting more and more people every day.

Aside.

Hon. D. A. C. SIMMONS: The political declaration that came out of the UN requires the fight to be waged on many fronts, the supply front, the demand front and so on and I have explained several times what we are doing in Barbados about that. But I want to say that when I say we are paying the price for the success with supply reduction, I mean that having cut off the large supply there has been a scarcity that has developed. And as a result of that we have had young people shooting each other to get their hands on such limited quantities and now we have the absence of money from the trade.

They are looking to get money by targeting business people. Those are two consequences that we have to grapple with. I wish the public to know, Sir, that the police are not letting up.

Aside.

Hon. D. A. C. SIMMONS: Well, all of us have an interest in ensuring that Barbados remains as a safe place as we possibly can and because of the nature of some of these crimes, because of the involvement of some people in these crimes, it is taking a little longer, perhaps, than normal to clear some of the crimes but we are clearing them up, Sir.

The Budg-Buy robbery shocked many people in this society, but it took a little time before we were able to make the arrest. I have made the arrest in respect to Budg-Buy. The English visitor who was shot, was shot by a masked man. We had a description of him. We have been able to identify and capture that particular person. Unfortunately, some of these young people have been losing their lives trying to engage in illicit transactions between Barbados and St. Vincent and some have gone down in the sea between here and St. Vincent. Two persons that we were looking for in connection with the Simpsons robbery and the CCB robbery have been killed in St. Vincent. It is just a tragic waste of humanity.

We are trying to prevent within the prison recidivism as far as possible. That is why we are ministering to them in the prison in a series of programmes. The programmes in prison involve classes in spirituality, law counselling, self

visits, home and family visits, sports rehabilitation, bible study, anti-drug counselling, discipleship teaching, crisis counselling, recidivism and rehabilitation, what causes recidivism, preparing them to change when they go back into the open society, breaking the barrier between prison and the open society, developing self-esteem and values education are all being done in prison. We have a number of retired teachers who are working in the system.

I believe that I have said enough today hopefully to convince Honourable Members that this Government is not pursuing a 'lick and lock up' strategy. That is why this Bill is coming to pave the way for a new penal system next year and into the next century. 'Lick and lock up' has been part of the law for 100 years. We are changing that. Corporal punishment is still on the books in Barbados, chapter 125 of the law.

Aside.

Hon. D. A. C. SIMMONS: That is the 'cat'. I am talking about corporal punishment with the birch, a tamarind rod and so on, that is still part of the law of Barbados. In 1996, we had a big argument in here when I brought the new Magistrate's Court Act. I pointed out that section 71 of the Magistrate's Court Act provides for young people to be whipped. The Attorney General cannot go and whip anybody. I cannot order corporal punishment for anybody. It is in the law. 2.20 p.m.

If the magistrates and the judges feel that a case is appropriate, they have the statutory power to order with it. It has not been done for years. It is not unconstitutional. The court in Hobbs and Mitchell held that use of the 'cat' was unconstitutional. Whipping is not unconstitutional. People can have their views about it. I understand people who have a personal anathema to flogging in corporal punishment. That is not a problem but I am saying that corporal punishment is still on the books in Barbados and can be administered if a court orders it.

Sir, I wish to quote from Professor Ashford's book again. Professor Ashford at page 253 quoted from the White Paper of the British Government in 1990 dealing with the question of custody *vis-a-vis* non custodial punishment. The British Government had said then:

"The Government believes a new approach is needed if the use of custody is to be reduced. Punishment in the community should be an effective way of dealing with many offenders, particularly those convicted of property crimes and less serious offences of violence, when financial penalties are insufficient. The punishment should be in the restrictions on liberty

and in the enforcement of the orders. All community service orders place restrictions on an offender's liberty, and so may probation orders when, for example, they require an offender to attend a day centre for a lengthy period. The discipline exerted by these orders on offenders may extend over many months. These orders intrude on normal freedom and the court should be satisfied that this is justified."

Following that White Paper, of course, in 1988 the British then enacted the Criminal Justice Act of 1991 which I referred to earlier today.

The point I am constrained to make, Sir, is that in non-custodial punishment, the concept element of rehabilitation is paramount.

Mr. Speaker, I believe I have given a full resume of the principals and main clauses of this Bill but I could not leave the question of crime without saying that all Barbadians have a responsibility to act in their own crime prevention, to assist in reducing crime by not providing opportunities for criminal activity.

When I addressed the Chamber of Commerce on October 28, I lamented the fact that business people in Barbados were not taking the question of business security as seriously as they ought. We all recognise from the trends that I have talked about today, regionally and internationally, crime is changing. It is becoming even more sophisticated and those who can be vulnerable ought to make sure that they reduce the potential for vulnerability even more than they are presently doing.

The Police every two or three months meet with various sectors of the business community, be they supermarket owners and operators, public service vehicle owners, and information is shared. We prepare little leaflets on various aspects of crime prevention and officers go to business places and meet with the owners of businesses and share this information and try to help them improve their crime prevention.

Sadly, I must say, that some members of the business community would heed the advice for a month or two and then they slip back into the old habits and the criminals are out there watching every move they make. In fact, they call it "scoping." You take robberies in gas stations. The police have given lectures to the owners of gas stations and minibuses telling them do not allow your drivers to come to the gas station at 11.00 o'clock at night and take out a big lot of money and start counting it. There are people there in the shadow waiting. They comply for a month or two and then the next thing you know, you pass by any gas station late at night and you see men there counting money, sitting ducks.

We have spoken to the supermarkets about cash handling. Supermarkets still persist at the close of business

in having large sums of money on the premises instead of working it down gradually through the afternoon. We have warned them and lectured to them. Very little use is made of electronic surveillance by business places and some of them who have the electronic surveillance do not keep them properly serviced and some of them are not functioning. I do not want to call names in here but I have a lot of evidence of it from matters that have happened and have been reported to me. If you have electronic equipment, it has to be working.

In many business places, Sir, there are several blind spots and an insufficiency even of mirrors. I have spoken and I think in the television broadcast what I had to say about private security guards and the quality of private security guards.

I want to reiterate today that a lot of the firms employing private security guards pay them comparatively low wages, do not adequately train them. I go into business places and I see it. What is even worse is that a lot of the guards do not even know the law that applies to them in the Private Security Investigations Act.

Now, I have to say, Sir, that we are discussing in the Ministry, and we have to discuss with the Ministry of Defence and Security, the need to upgrade the Act that applies to private security guards. The police have offered to train these people for years. We have a facility at the Regional Police Training Centre where we would offer training. I have made sure that we train prison officers. Since 1995 for the first time prison officers have been trained at the Regional Training Centre. 2.30 p.m.

Fire Service officers have been trained at the Regional Police Training Centre. We offer the facility to the private security firms but they are not taking up the offer. It may well become mandatory in the next year that they have to have training, approved accreditation and certification before they can be employed because we have to improve the quality of persons in the security system of Barbados.

Mr. Speaker, I have spoken for two hours and a half. It is time to let others speak but I commend the Penal System Reform Bill as a most progressive piece of legislation to ensure the criminal justice of Barbados is more humane. To ensure that young people have a chance at redemption. To show young people that, given a chance, they can be kept out of prison, if they meet the system halfway.

This is a Bill that gives me a lot of satisfaction, personal and professional and I suppose that I have to thank God that he has preserved me for these years to be able to introduce legislation of this nature which I hope would have far-reaching consequences in the criminal justice system and throughout the Barbadian society in the years to come.

I am proud to be a part of a Government that is so far-sighted to bring this quality of legislation in the hope that this would contribute to making the difference.

I am obliged to you, Sir.

Mr. F. J. STUART: Mr. Speaker, let me begin by observing the pronounced change of tone of the Honourable Member for St. Thomas in the introduction of this Bill. As I sat and listened, and I think he will have to concede that listening to him throughout, I could not believe that this was the same person who introduced the Vagrancy Reform or Vagrancy Amendment Bill to this House. Nor could I believe that it was the same person who sat with me in a radio discussion in the period leading up to the 1994 General Election. I could not believe it was the same person who spoke on political platforms across Barbados during the 1994 General Election. I could not even believe it was the same person who introduced the Firearms legislation in this House a few weeks or months ago. There has been a pronounced change of tone in today's speech. I daresay, a commendable change of tone. If we on this Side had had to drag him kicking and screaming to this position, then we on this Side too feel very proud of our achievement.

I say all of that by way of preamble to say that we on this Side of the House do not propose to oppose the legislation because it reflects much of what Honourable Members on this Side of the House believe and much of that to which we subscribe on the issues of crime and penology. Of course, it is a fact of life in Barbados today that the issue of crime is very much a social agenda item. In spite of the fact that there may be legitimate claims that the statistics on crime show some modest downward movement, the state of fear and anxiety in the society has not shown a corresponding downward movement. Whenever a society is in this state of panic and this state of anxiety, the issue of punishment becomes critical to social discussion. It is not, therefore, surprising that there are howls of protest raised in many quarters that the system is not harsh enough on offenders who go before the courts and so on. It is not without significance and certainly not a matter for surprise that people who do not know any better and who have a consuming desire for vengeance talk about Glendary Prison being a kind of hotel. There is always the complaint that the system is not harsh enough with offenders in Barbados.

A lot of this, of course, is historical in my view because the way crime has been discussed in Barbados over the last quarter of a century has promoted that kind of approach to public discussion on penology and on the whole issue of crime. At the centre of this discussion always has been a political persona called the Attorney General or a political persona called a Shadow Attorney General. Strangely, issues of crime and the solution of crime problems become intimately bound up with what an Attorney

General does or does not do or what a Shadow Attorney General says or does not say.

This is where the legalistic approach take over public discussion and where the society then becomes more concerned with legal justice than with social or economic justice. The issues of social and economic justice take a back seat and the society become absorbed and obsessed with the discussion of what is happening at the level of the dispensation of legal justice. People in the criminal justice system get caught up in this too. I shall never forget a discussion, well it was really an argument, that I had some years ago with a judicial officer. He was trying to tell me that a judicial career was far more rewarding than a political career. I stuck to my guns and defended a political career and when the argument got to a point where there was acute deadlock, he said to me: "But a Minister has no power. A Minister cannot lock up anybody, it is a judge or magistrate that has power." For him, the idea of being a judicial officer has to do with seeing how many people you could lock up.

Asides.

Mr. F. J. STUART: This is most unfortunate when one considers that on any cursory examination of the crime situation in the country or the penal situation in the country that the causes of crime are not legal. They are all socially derived in the broadest sense of the term social. The costs of crime are not legally derived. They are social too and the consequences of crime are not legal. They are social; you are really dealing with a social phenomenon and somehow the discussion gets diverted onto a legal and there I say a legalistic path. I sometimes wonder whether this does not have a historical origin. It is still a fact of life in Barbados. If you talk to Barbadians of a certain generation they speak more deferentially of somebody called Keith Walcott, who was an Attorney General of Barbados and portrayed as a Barbados strong man than they speak of Sir Mencea Cox, who has impacted positively on their lives. 2.40 p.m.

In colonial administrations the focus always had to be on the maintenance of law and order. West Indian scholars, third world scholars, have long come to the conclusion that colonisation never intended to create societies in colonies. Colonies were targetted and earmarked for purposes of production and if the production process was to be smoothly carried through and administered then law and order had to be maintained and the whole focus of colonial administration was, therefore, a Law and Order book.

The Honourable Member for St. Thomas is quite right that we have, even 32 years after independence, been carrying in our train a set of penal arrangements that were appropriate to a colonial ethos and colonial era. To the extent that this legislation departs from that, we on this Side are pleased to readily associate ourselves with it.

It is unfortunate, I want to repeat, that the issue of crime and crime controlling has become bound up with the office of Attorney General. They really should not be. I was not in the Government at the time but the Democratic Labour Party in its dying days as a Government effected a separation between the office of Attorney General and other concerns relating to justice and public safety because the issues of justice and public safety need not be the province of an Attorney General at all and, in my view, need not be administered by a lawyer either in the same way that issues of health do not have to be administered by a doctor.

The office of Attorney General has its own special province and, in my view, it is in many respects diluted. The quality of work done by an Attorney General can very often be diluted by these extraneous matters, matters extraneous to the functions of the office in issues like crime prevention and so on. Of course, the Honourable Member for St. Thomas has been hoisted on his own petard because as shadow Attorney General between 1986 and 1994 he made the life of the then Attorney General so persistently miserable.

Hon. D. A. C. SIMMONS: On a point of order. Mr. Speaker, the records of the House will show that I was critical of the last Attorney General because he denied the existence of gangs in Barbados after I spoke about them by the Barbados Hardware in 1988. He came out on the Sunday newspapers following that meeting both he and Mr. Keith Whittaker and called me a liar for saying that there were gangs in Barbados.

These Members in here, Sir, are privileged to tell Your Honour if they have heard me under attack or not under attack criticised the last Attorney General in this House.

Mr. F. J. STUART: Mr. Speaker, I am indebted to the Honourable Member for his intervention. I did not accuse him of making his life miserable since 1994 but I too used to follow what is going on in the House between 1986 and 1994 and there was some harsh criticism and a lot of it unjustified of the then Attorney General; but that is not the focus of what I want to say today because I do not want to be very long either.

The focus, therefore, of the criminal justice system in Barbados has been imprisonment as a form of punishment and the stigma that attaches to imprisonment many young men have had to wear for the balance of their lives, even after they have graduated from the offences for which they would have been imprisoned at some distant time previously. It was always a matter of concern that judicial officers tended in my opinion to resort to incarceration much too readily in circumstances where a more rehabilitative approach to criminal punishment would have been appropriate.

A lot of that resulted from the fact that even though we have talked about a penal system and the long title of this Bill, certainly within the Objectives and Reasons of the Bill, talks about seeking to modernise the penal system. To the extent that a system is internally organised and ordered, it is highly questionable that we have a penal system at all. A lot of the sanctions which were imposed on offenders in Barbados can be said to be imposed in many respects out of whim and caprice just following what legislation there was broadly but in terms of having a system that was characterised by certainty and which could act as an effective guide to judicial officers in the discharge of their duties, I do not think it correct to say that we have had a coherent penal system in Barbados.

This legislation, I concede, puts us on that path at last. A lot of the chaos and the rationality that characterised the exercise of judicial discretion will, it seems to me, now take a back seat if the provisions of this Bill are followed once the Bill is passed into law. 2.50 p.m.

So, the very first thing the Bill does is to systematise our penal arrangements in Barbados. And a lot of the chaos and the court of appeal has had to deal with a lot of these issues in recent times. I believe that recently the Director of Public Prosecutions made public comment about the incoherence which has prevailed in the system, such as it is, so far as punishment is concerned and where that kind of incoherence exists it undermines the faith, even of offenders in the criminal justice system that we have. Those of us who have had to practise at the Bar have often heard offenders contrast judicial attitudes to them for having committed a particular kind of offence with attitudes of another who had committed the same offence in circumstances not markedly dissimilar.

So I think that I have to commend the Government for systematising the penal arrangements and, as I read the Bill, it is going to inject into the system that degree of certainty and transparency which a criminal justice system needs, if offenders and those offended are to have any confidence in it.

Aside.

Mr. F. J. STUART: The general public once educated and I suppose one of the problems in Barbados is that the country, perhaps the only country among developing countries that has a quarter million lawyers, most of them more expert than the lawyers who have been trained and whose voices on call-in programmes assume the character of divinity.

Hon. D. A. C. SIMMONS: On a point of order, Sir. Is he speaking of H.I.B., Sir?

Mr. F. J. STUART: I do not know who is H.I.B.

Hon. D. A. C. SIMMONS: He is speaking about Mr. Bovell, Sir.

Asides.

Mr. F. J. STUART: So, the Bill then systematises our penal arrangements and I think that the Government deserves our commendation on this. I hesitate to say that because the Honourable Member for St. Thomas in his speech was talking earlier about the opposition and Government in Trinidad discussing coming together on matters relating to crime and the moment that you sound as though you want to achieve that in Barbados the Honourable Member thinks that there is some point to hold on to which is to be quoted against you somewhere, I suppose in the foreseeable future.

Asides.

Mr. F. J. STUART: But no. When there is no Honourable Member in this House who can say credibly and truthfully that when the Government has done right I have not stood up and said they have done well. I do not play political games and when I think something that progressive has happened in the system, I stand up and say so.

Aside.

Mr. F. J. STUART: This Bill systematises our penal arrangements. Not only does it systematise our penal arrangements but it also, as the Bill itself says, seeks to modernise our penal arrangements. The arrangements which we have in place in Barbados today, not only characterised by chaos, but also by antiquity. As I have already said, they belong to an age that has long passed where the focus was on the maintenance of law and order. The focus today is on human and social development.

Now, the focus of the system is on development then it is necessary that the law should reflect that focus. That is why the public service which we have, has been the focus in recent times of what has been called public sector reform because, the public sector which we have, was also a law and order public sector, not attuned to the requirements of social and economic development. It is really a colonial civil service functioning in an independent ethos and the law always tends to reflect the changing currents in a society in any given time.

Law does not set the pace, it never does. It always reflects what is going on in the society at any given time and there is an urgent requirement to bring the penal system of Barbados in line with modern trends and modern currents of thought. Those currents of thought have tended to emphasize human development, investment in human beings, as distinct

from a focus which has tended to emphasize putting human beings down and making them feel that once you have erred your life is basically finished.

These alternative methods of sentencing; community service orders, combination orders, suspended sentences and discharges, absolute and conditional, are all part of that new panoply of emphases which characterise modern penology and which - I am glad to see - become a part of the penal system of Barbados. As the Honourable Member said in his speech, it is going to fall to the judicial officers to carry out the provisions of the Bill and I am satisfied that specific guidelines have been put into the Bill to ensure that uncertainty is kept down to a minimum and that the objectives of the Bill are pursued and achieved. So, we have systematised the penal system and we have modernise the penal system in this piece of legislation and the third thing I think we have done is we have humanised the penal system.

Now, I commented on the tone of the Honourable Member for St. Thomas in today's speech. I was forced to comment on it because I think that he may have come around to the view that when we discussed criminals in Barbados, we are not discussing young men who have been imported from some foreign country and who stole in here under the cover of night. We are discussing the sons and in very few cases the daughters of mothers and fathers that we know and when we are discussing the failures of these young men and to a lesser extent, young women, we are really discussing the failures, of the society that nurtured them, the families that nurtured them and the institutions upon which they rely for their edification. If you approach penology in that way, if you focus on the fact that offenders in Barbados are the sons of people that we know and in many cases of people who have tried to make a difference in their children's lives and that in many respects the system at various levels has failed them, that is why I have said already in the House that I was glad that the Government took the position that the Task Force on Crime Prevention be set up. 3.00 p.m.

I remember when the Honourable Member for St. Thomas and myself discussed this prior to it being set up and prior to the General Election of 1994, his emphatic view was that, that research had already been done - I have listened to his tapes up to recently again - by somebody called Richard Carter and that the problems, therefore, had to do with the derelictions of the Government of the day, that there was no shortage of research. Carter had done it...

Aside.

Mr. F. J. STUART: This was before the 1994 Manifesto came. I am glad that the Task Force on Crime Prevention was set up because it gave us a peek into some of the factors that predisposed people to criminal behaviour.

The Honourable Member as he waxed warm in a brief phase during his speech chided the Democratic Labour Party for not doing it, but you do not have to do it if you already know. If we were saying that we knew what were the predisposing factors, we did not have to do it. We were asking persons who did not know to make themselves familiar with some of these predisposing factors and to change the approach, what has been called today "the lick and lock up" approach to a more humanistic approach. Today we are seeing the fruits of that approach in the Bill before the House.

The panoply of new alternative sentences available to the courts show a pronounced shift of focus from an approach that views young offenders as objects of something called law, to a focus that views them as members of something called a society. I do not know if it is sufficiently remembered that 150 years of history is a very short time and that the fact that a race has been freed in the West Indies has not always meant that societies have been formed. It is initiatives such as those being taken in the penal system that help to provide that glue, that cement that contributes to the forming of a society in Barbados.

Therefore, I am pleased today, Mr. Speaker, that the Government has come around to our way of thinking. This is not an attempt to score any points because, as I said, I have listened to the Honourable Member for St. Thomas over the last four years in this House and outside of it and there was a tendency on his part, instead of trying to lead the society, to follow it, and to follow misguided persons into the belief that you solve social problems by trying to be as tough as possible with persons who have been categorised as offenders.

Part of the rhetoric has always been that the Barbados Labour Party has had the courage to do this and the courage to do that but, as far as I know, you very often need courage when you think you are dealing with enemies. If you are dealing with friends what you need is empathy. What you need is a capacity to tune into their frequency and to pick up the signals coming therefrom.

To loud applause, I heard, over the weekend, the Honourable Member announced some of these measures to inmates at the Glendairy Prison. That should have told the Honourable Member, not that he is condoning what they have done, not that he is soft on crime, but that they have now picked up that he understands what their problems might be and that there can be some closer bonding, a bonding that cannot be achieved by talking the kind of language which he has talked over the last four years - I must get a fellow and that kind of thing - it does not work that way. What we need is a more empathetic approach.

The conservatives in this society and conservatives in all societies, the Republicans in the United States of

America, the conservatives in Britain, they talk about being tough on crime because as far as they are concerned, crime has no causes. It results from the fact that a few people were born wrong, born of the wrong parent, born in the wrong social milieu and that the society has to be cleansed of these people. That "tough on crime" talk is appropriate to other environments, not to a post slavery environment where the bulk of the population is still to be fully integrated into the society and to become a genuine and authentic part of it.

I am happy that the rhetoric has changed. If the rhetoric remains changed then I think that the kind of collaboration between Government and Opposition on this acute social problem becomes the more possible. I do not accept any view of crime in Barbados that puts me in a position where I have to regard the sons of black working-class men and women as having come out of a situation that is beyond a society's capacity to redeem. Whenever a young man gets into crime, whenever a young man rans afoul of the law because of my origins and because of my own adolescent experience, I say there but for the grace of God go I. So I cannot identify with an approach that basically seems to suggest that these people are the products of a contaminated environment. It is not so.

What has led them into criminal activity is socially derived, and in the same way that we have solved a lot of our health problems by enlightened social policy as distinct from enlightened medical policy, a lot of the social problems that affect our young have to be solved by enlightened social policy as distinct from enlightened legal policy. 3.10p.m.

Mr. Speaker, I do not need to detain the House on this. The Democratic Labour Party's position on this Bill was known long ago, ever since the debate in this House on the Amendment to the Vagrancy Act when we took a completely and a diametrically opposite position to the Government on the crime problem in Barbados.

This Bill reflects the kind of humanistic emphasis which we think that social policy should be made of and, therefore, it qualifies for our support on that basis. Discharges -conditional and absolute, suspended sentences, curfew orders, community service orders, all are a more enlightened approach to penology than what the Honourable Member has called the 'lick and lock up' approach. It is not my fault nor is it the fault of any Honourable Member on this Side of the House if in the society, there is that perception of the Honourable Member for St. Thomas. He has earned it for himself by the kind of rhetoric, by the kind of language he has used to discuss a problem, sensitive to some of the poorest homes in this society. If this Bill is now a retreat from this position, we on this Side are happy and the Government can count on our unequivocal support in this regard.

In his speech the Honourable Member talked about the Task Force on Crime Prevention. This Bill reflects the recommendation of the Report of the Steering Committee on Penal Reform. What has not yet surfaced is a coherent response to the recommendations in the Task Force Report on Crime Prevention. I heard reference made to reduction of jobs and that kind of thing but that is old political rhetoric.

The Honourable Member for St. Thomas might want to tell us when he speaks later on in this debate what specific measures the Government is putting in place, not necessarily legislative measures but what specific measures Government is putting in place, arising out of the very clear recommendations and out of the certainly commendably clear diagnosis of the crime situation in Barbados arising out of that Report.

As for this Bill, Mr. Speaker, we have no difficulty in supporting it and we wish the Government well. We think it has the potential for a leap forward for oppressed elements in this society, elements which have up to now, not benefited from the penal system and which have a relationship with the penal system that is adversarial in the best of times.

I do not think, Mr. Speaker, that I need to detain the House any further on this. This Bill will get our support on this Side. I am obliged to you.

Hon. Dr. R. L. CHELTENHAM: I give the House, Mr! Speaker, that I should be brief but I very much wish to congratulate the learned Attorney General for introducing this measure, and the Government too, and to say quite sincerely that it is a progressive and enlightened piece of social legislation which is consistent with the Manifesto pledge of the Barbados Labour Party contained at page 35 of the 1994 Manifesto which reads as follows:

"The existing penal system is too narrow in its scope and results in too many of our young persons being in prison. We will provide a larger number of sentencing options and more diverse punishment. We will focus on punishment within the community."

I was happy to hear words of commendation of the Attorney General and of the Government coining from the shadow spokesman on crime and legal matters from the Opposition but at the end of the day, I was not so sure that he did not, under the guise of commending the learned Attorney General, really proceed to damning with praise. On my part, however, I wish to say quite sincerely that this is progressive thinking and progressive policy and all Sides of the House ought to commend it and embrace it.

Our criminal justice system in Barbados suffers from a few blemishes. There is no question about that. The

rigidity of the sentencing options have been one of them. I wish to comment on a few others before I get into that and get to dealing with the Bill before the House. The first matter that concerns me these days has to do with the fact that a lot of young offenders who come before our courts, particularly our High Courts, and who end up with ten years or more of sentencing are under-represented.

When I first came to the Bar almost thirty years ago, even though a legal aid system was much more restricted in its scope, the view of the courts used to be that if a man is likely to attract, by virtue of the offence before the court more than two or three years sentence and even though the offence was not a scheduled offence, they would always insist that he be offered legal aid. They would certify the offence as one deserving of legal aid, which it was within their discretion to do, and legal aid would invariably be offered.

We have a situation today where young people, many of them under 21 years come before the courts for serious offences likely to attract fifteen or twenty years sentence and judges proceed to hear their cases in circumstances in which they have no representation and they are offered none. I have made the point before the Court of Appeal already, and I wish to repeat it here, that that is a block on the administration of our criminal justice system and it ought not to be condoned by the courts.

We do not begin to appear to be a civilised society when we give unrepresented persons, many of them who are only 21 years or thereabout, sometimes under, fifteen years incarceration and we do not take the opportunity as it is provided for under the law to certify the offence to be one deserving of legal aid even though it may be a non-scheduled offence under the legal aid and community legal aid scheme. This is a block and a blemish on our criminal justice system which I think we need to correct by using more explicit language and directing our courts in all of those circumstances where an offence is likely to attract two years or more of imprisonment, to order as a matter of policy that those before the courts under those circumstances be provided with legal aid. 3.20 p.m.

I want to deal, Sir* with another area of dissatisfaction and it has to do with the absence of a properly functioning parole system. Many people have been given 20 years or more for manslaughter, a severe sentence in our courts within recent years and, as I understand the system, every four years of a person's stay in Glendairy should come up for review and a report should be made to the local privy council. In truth and in fact, that system does not function except in the breach and there are many people who have been in prison for 15 - 18 years and they are without any hope of parole because of the non-functioning of the so-called parole system.

The area of greatest dissatisfaction has to do with a particular problem which has been addressed by the Bill here today, namely the rigidity of the sentencing policy of the courts whereby, except for a sentence, a fine or probation or a bond there are no more options available to the courts.

It is to the credit of some members of the lower judiciary that although there was no provision in the law for placing offenders on curfew, especially during the hearing of a matter, and asking some of them to report every week before the courts those policies have been put into effect with good results.

I do not know whether the learned Attorney General in introducing this measure gave us the age distribution of the inmates at Glendairy Prison but insofar as I have got to go there from time to time in the course of duty, I form the impression that upwards of 80 per cent of those in Glendairy today are under 25 years old. I rarely see a 45 or 50-year old person in prison these days. The place is overpopulated with young offenders and many of them are facing very severe sentences indeed.

In fact, I am not sure that many of them are not in there on very severe sentences sometimes on their second offence. You would have felt that if we had more flexibility in the sentencing policy that some of them would still have been put on some form of rehabilitative regime and perhaps given the opportunity to turn around their lives. That is unfortunate that such a large number of our young people are in prison and many of them facing long sentences and I think that any measure such as the one before us today which gives the court an enlarged range of options, such as suspended sentencing which has been in operation in the United Kingdom and has been said by some commentators to have been an effective system or a mix of probation and community service that some of those options might not have been the answer to the injustice of the situation in relation to the offences committed by these young persons.

The trend everywhere has been for crime to be on the increase notwithstanding the harshness of the measures from the court. I have elsewhere described some of the sentences that I have seen in our courts in recent years as nothing short of judicial savagery and I think that it is hard to quarrel with that view. I think it emanates from a feeling on the part of the judiciary that the answer to the perception of increased crime is more locking up. It satisfies the vengeance of some parts of the society and there is a feeling too among some members of the society that that is the answer to the problem.

I mention that, Mr. Speaker, because I very much hope that the curriculum of the correctional sentences referred to here in the Bill would focus largely, though not exclusively, on value reform. I think that part of the problem that we are experiencing in the society today, when notwithstanding the

severity of the sentences being imposed, people seem not to care about the commission of crime, has to do with the fact that there are now two sets of values that have grown up in the society.

Those of us of a particular generation still believe in a particular code which says that you should respect people's lives, there is a certain sanctity attached to human life, you must be a good neighbour, that is no longer appreciated. When I see across this country every day and particularly on weekends that people get up at six o'clock and light fires - when I am walking early on mornings I see it - and burn stuff for two or three hours. They pollute the atmosphere in a situation in this country where there is a high incidence of respiratory disorders and dozens of people in the villages nearby are literally in distress. Yet people routinely do it every day in Barbados in particular on weekends. From six o'clock you see the smoke, reflecting the fact that a person has some debris and rather than carry it to a dump or call the Sanitation Authority he throws a gallon or two of kerosene oil on it and the atmosphere in his village and the villages nearby with the resultant distress for people suffering from respiratory disorders follows and he is insensitive and indifferent to the damage that he is causing. That is a reflection of what is happening in the society.

Aside.

Dr. R. L. CHELTENHAM: It has nothing to do with the Minister of Health. I do not want to be distracted. You can keep that for the platform. You won't be long delayed in that. It has to do with the fact that a value system is growing up in the country whereby as I said we have little respect to the sanctity of human life, we have little respect for our neighbours and their rights. We have little respect for their property. In fact, a lot of those who are committing the crimes also have a view that a man does not have to work in order to live. They ask you directly who says that you have to work in order to live. When you engage them in that, it leads to another issue.

It is a fact that we have to convince them that you not only have to earn your living by the sweat of the brow but that you should earn it through wholesome and legitimate activity. All of those values are now lost. They are lost partly because of the fact that in our homes daddy and mummy are working insofar as there is a daddy around, and mummy has little or no time with the children. They are lost because there is a view in the schools among the teachers, many of whom I talk to, that they are paid to teach History and French and Mathematics and Geography but not social values. They are lost because the Church does not have the same appeal that it used to have, when most people of my generation went to Sunday School, Sunday after Sunday and to Morning Song and possibly Evening Song and if they were outside of the Anglican Church comparable services in the Methodist or

Baptist or Pentecostal. There are large numbers of our young people now who grow up without going to church or going to Sunday School. 3.30 p.m.

So, there is an absence of a moral code on the part of a lot of our young people and I hope, therefore, that in the correctional centres to which reference has been made in the Bill that a large part of the curriculum would concern itself with value rehabilitation. It is not enough to learn the rudiments of joinery and carpentry, at the end of the day he must be made fit to live with. He must be humanised. The whole society needs to have a mainstream of values which is not the position now.

There are large numbers of people under 30 years in this community who have a value divide from those who are 30 years and older. On the question of human life and property and the maintenance of the fabric of society, they think completely differently and I think that we have to have an integration of values. In the prison itself and in the correction centres, value rehabilitation is an important part of the instructions that we give them.

I have not seen any reference made in the Bill, and perhaps this is not the place for it, for the provision of the financial resources that will be necessary to carry many of the provisions of the Bill into effect. For example, Mr. Speaker, if you are setting up these correction centres and if you are going to staff them effectively and efficiently, you are going to have to have money in a budget somewhere in order to give effect to the Bill. And I hope we do not have the Bill on the statute book and then find that we are in a position where there are no resources to give effect to the provisions in the Bill. Most likely when the Attorney General comes to reply, he will have something to say about that.

Now, the introduction of mediation orders, I think is very much to be welcomed too. What this means, in effect is that a large range of disputes which come before the courts - disputes among neighbours, sometimes arising over a disputed line mark, then it results into a criminal matter. The dispute then comes before the court with criminal manifestations. Sometimes it is a dispute between members of the same household and in all of those circumstances, Sir, there is now power for the court, under the supervision of the probation office to introduce the technique of mediation, whereby if the technique is successfully applied, the matter can be dismissed. I think that is very much to be welcomed because, it is no doubt that the traffic in our courts, this is particularly so at the Magistrates Court level, is stalled up in large part by an appreciable number of cases of this sort between old friends falling out, neighbours in disagreement, family members in disagreement and so on. And it is important that there be a mechanism for disposing of a large

number of those matters through what is called here, mediation orders.

I want to suggest that the police ought perhaps to be doing more in cultivating assiduously their image as the friend of John Public. I am concerned that in a small society like Barbados, where everything is known, that you could have a band of criminals supposedly operating steps ahead of the police. That worries me and it seems to suggest several things. That the police is not getting the support and cooperation of the public and that does not surprise me, or that the police are not as smart, alert and attentive as they ought to be. Now insofar as the police might not be getting the support and the cooperation from the public, I think that in some respects they have themselves to blame. There is still too much emphasis by the police in detection, the arrest and bringing people to justice. Too much emphasis is placed on the confession oral and written of the accused. They do not try hard enough to secure independent evidence outside of the confession of the accused both oral and written and often those confessions are obtained in very suspect circumstances.

A lot of the allegations of police brutality are not true, but there is an appreciable number of them that are not totally without merit and when that happens it does not endear the police to John Public. So that they have to clear up their acts in some considerable degree too. But I also think that the point has got to be made, and perhaps by way of a deliberate programme in the media, to the public of Barbados that crime prevention and crime detection is everybody's business. It is not the business of the Attorney General or the Shadow Minister of Law, it is not exclusively the business of the Government even though the Government has a role to play, but it is above all, everybody's business. We ought to be more careful in securing our properties. We ought to be more concerned about the plight of our neighbour. We ought to be more cooperative with the police and the police should be more vigorous in ensuring that they win the trust and the support of the public. But, it is above all everybody's business and I think that point has got to be made.

One of the features, Sir, of our criminal justice system that separated us from much of the civilised world is the fact that we attach criminal responsibility to a young person in Barbados as early as age seven. In this Bill that has been lifted to age 11 and in so lifting it we have put ourselves in harmony with what happens in much of the civilised world. I think that too, is also a feature that ought to be welcomed.

So that on the whole, Mr. Speaker, the Bill has far reaching provisions that are enlightened, that are progressive and I think that it is a measure that will have a positive impact on the administration of criminal justice in this country. And I join with all Members of the House in applauding the Government and in welcoming the measures contained in this Bill.

Mr. SPEAKER left Chair, Mr. DEPUTY SPEAKER took the Chair.

Mr. DEPUTY SPEAKER: The Honourable Member for St. Lucy.

Mr. D. St. E. KELLMAN: Mr. Deputy Speaker, I enter this debate at a time, Sir, where I have heard many speeches and many of them seem to be in the mode of the Christmas Season.

I want to say that when I look at this Bill, it runs from page 1 to page 48, I think the most significant lines are on page 1, that is No. 9(b) and it goes like this:

"Imprisonment may only be imposed as a last resort."

I am happy to be part of a Parliament in the month of December where all of a sudden we recognise as a Parliament that this is important. For four and one half years, Sir, I have been trying to put to this Government that imprisonment should be the last resort of any country where the majority of the people are poor. 3.40 p.m.

When one looks at the number of people in prison, one would recognise that prison seems to be only a place for poor people, and not only poor but poor and black. I am glad that we have got to a stage now, Sir, where we recognise that prison now should be the last resort.

I want to congratulate a magistrate in this country. Let me pause here, Sir. I think it is regrettable that Magistrate Greaves had to go and seek work elsewhere because he started something that was very good in this country. He was one of the first magistrates to resort to community services for young people instead of putting them in prison and I think a magistrate like that should have been in Barbados working and not have to leave his shore land to go elsewhere.

Magistrate Greaves had what I considered to be a very enlightened policy and Magistrate Bend too. I am saying that these bright young men should not have to leave our shores to go and look for work elsewhere when they were doing a good job to protect the interest of young people in this country.

Mr. Deputy Speaker, I want to say something. A lot of people think that because a lot of people put locks on their hair that they are criminals and they have done it just because they want to do wrong things. I want to explain something to this House. A lot of people you see appear as Rastas are bright young men who cannot find work and the only way they can make money is by putting locks on their hair and selling fruits and vegetables because society feels that once you have a hairstyle like mine you cannot be selling fruits

and vegetables and anything like that. Society has forced bright young people to put locks on their hair so they can sell fruit so that everybody can pass and say, oh that is a young man that went to school and learnt well and now he is a Rasta. So once you are a Rasta you can sell fruit and things like that.

I want to say, Sir, that there is a big generation gap in this country and those who cannot understand what the young people are saying should shut up shop and leave. You hear what I am telling you, Mr. Deputy Speaker, that there is a generation gap problem in this country.

I am glad today that the Honourable Member for St. Thomas has suddenly realised that the message that was sent to him by young people was not an empty message and I am glad that he brought this Bill. It could not have been brought by a better person than the Honourable Member for St. Thomas because two weeks ago he got some brilliant advice from a young person, of course you know where she came from. It had to be from St. Lucy, and he misunderstood her. But today, there is evidence that he understood her well. He understood exactly what the young lady was saying and that is why we have this Bill in front of this Parliament and I must congratulate him because after making the speech he made then, and now presenting this Bill, it is saying to me, Sir, that he understands well what is going on in this country.

I also want to say another thing, Sir. The young men of Barbados, and take note, they are regarding themselves as the new Robin Hoods of Barbados. I will not explain that now but I want every single Member of Parliament in this House to understand that the young people in Barbados, all of a sudden because of the culture shown to them by people who come in here and feel that they can bulldoze their rights into Barbados, have suddenly realized that the only way to survive they must be the new Robin Hoods.

I warned this Parliament a couple months ago that when you allow people to come into this country and bulldoze things and behave like money is nothing, that you are creating a social climate in this country that you will pay dearly for and today I recognise the Attorney General suddenly realised that what is going on in Barbados is foreign to Barbados. I am glad because we allow people with fat pockets to come in here and behave in a manner and encourage our children into things that they are never accustomed to.

Do you imagine a man could fly in here, push down one of our best buildings and that would not create a problem for a young man on the 'block'? You think it would not? We are fooling ourselves. Somebody must tell somebody that that atmosphere is not for Barbados but we sit back and congratulate those people and we believe that the youngsters are not looking on and understanding what is going on.

Aside.

Mr. D. St. E. KELLMAN: The young man on the block who cannot find a meal, who can see a man doing something like that, it is obvious that when the Honourable Member for St. Thomas said that violent crimes, drug crimes and sex crimes are now happening which are foreign to Barbados, it is not because of Barbados, it is because of a worldwide situation and it is because of the type of people we are encouraging to come to this land in the name of foreign investors.

I can tell you a story of an eight-year-old boy who when asked by his school teacher to tell him his three goals in life, eight years, from the Honourable Member for St. George North's constituency, he said he wanted to play for Brazil and Real Madrid. The next thing he wanted to be was a government minister to fly away free and the last thing he wanted to be was to own a villa and drive around in limousines and have "nuff" money. Eight years, and he is not from a home that is influenced by crime but yet still that youngster, at eight years old, recognises that there is a particular climate and there is an in-thing going on in Barbados, and he feels at that young age he must be part of that.

I am saying to this Parliament that we have to realise that when these people fly in here that their lifestyles must match the lifestyles of the people in the country, or if it does not happen, the lifestyles of the people in the country will match theirs, and we must understand that. We sit idly by and feel once they are looked after we do not have to worry about the ones down there that some of the crumbs will filter down. It cannot happen in Barbados, and this thing that every time they do something wrong you want to lock them up no, no.

As far back as we pass the Minor Offences Bill, I warned this Parliament ... Mr. Deputy Speaker, I want to pause here. I expect that when I speak in this Parliament and I want to see what I have said before - I expect that when I request it, I get it because I do not want to say something and somebody says to me, no, you did not say that then. I want to be able to read from my speeches. Let that be the last time it is happening. I expect to read from my speeches because when we passed the Minor Offences Bill, I do not know if the Attorney General remembers this, I said: "Why lock up a man, then to forgive him. It is foolishness." I said that then.

I honestly believe we are wasting the courts' time sometimes with some minor offences and sending people to prison when you could have forgiven them right at the court level but you are sending them up to prison, brand them and then you want to talk about forgiveness. If you feel it is something that can be forgiven, forgive them then. Do not go and lock them up and then forgive them. It is foolishness.

I am saying I am glad for this because, let me tell you something. The passing of this Bill will give back respect to the police because the Police are blamed for a lot of things that they are not responsible for. They are blamed for all the ills in the legal system, when in truth and in fact it is not the Police. They are just doing their job following the rules but with this, the magistrate now and the judges will have to take their responsibility seriously and do what they have to do and the police will not get the blame.

I want to share another observation with you. All of a sudden I realise for a community to come together in this country it is becoming a great cost to that community, that is, it has to pay for the police presence. It has to pay rent for the building. It has to pay insurance. In one clear strike for a community to come together in a fund-raising event, it can cost that community \$ 1 200 and I am saying it is foolishness.

We cannot be asking our people to come together because one of the things that is lacking in this society today is that we have taken off the cream of the crop, sent them into terraces and sometimes leave people who need guidance by themselves and we need to get back to basics in this country and as soon as we do it the better it is for the country.

All of a sudden now it seems that you do not want poor people doing things together anymore, everything must be a cost to them whereas, rich people can get whatever they like because even if it is a cost to them they can afford it but the poor man cannot afford it and he finds himself in a bind. 3.50 p.m.

I am saying that we cannot allow this to happen. You cannot send people to school, tell them to go to school and learn well and you will give them a job, then they come out and do not get a job, you re-train them and give them the same trick again and then they are back on the breadline. I am not surprised sometimes that frustration will create this kind of atmosphere in my country.

I am not happy with it, Mr. Deputy Speaker. I do not know if you are but I am not and it is time that you state your position too, Sir. There is a mass group of people in Barbados who sometimes feel that they are second class citizens in their own country, everything seems to be way over them. We need to get back to ground level and we need to look after the interest of those people who we should support because they are the ones who are our brothers and sisters and the ones who we would have gone through the school system with. All of a sudden we know them not, but time will come when those same people will say the same thing to us.

I am saying, Sir, that Government has to be careful sometimes how they follow policies being dictated by other

people. I will use Sandy Lane as an example, that two years from now even though the evidence has been placed on the table we do not find Government doing the same foolishness that Sandy Lane did. I honestly believe if that group was interested in black Barbadians like myself that instead of bulldozing that and creating the wrong impression in young minds they would have gone somewhere else and built another hotel to create employment to take another thousand of those young people off the streets of Barbados. Their reason for doing that is not the same reason as we would have expected. I say no more on that matter and I leave it there. I leave it as food for thought and for minds to ponder on.

Last week in this Parliament during a famous Bill, I asked one simple question. It was not because I did not know the answer. I just wanted the Attorney General to know that I was aware of what was going on in Barbados. Less than twenty-four hours after, a news item broke in this country that told me that not my one was thinking but there are a lot more people thinking and we need not to go down that track.

Asides.

Mr. D. St. E. KELLMAN: This is not for the Press. They would understand what I am saying. They cannot say I said that. They understand what I am talking about and we need not to highlight it. What we need to do is to correct it because people cannot fly in here and feel that they are big lords and use us as pawns in this country. We need to look after the interest of poor people. Those people who fly in here and do what they want to do are not looking after the interest of poor people.

I am saying, Mr. Deputy Speaker, that this Bill is welcomed by me but it cannot be just this Bill. I want to see other positive things coming from the Government. I am not talking about hand-outs and dish-outs. I want to see the necessary social policy which would employ my people and make sure they do not have to be on the 'blocks' loitering because I am a strong believer that a man prefers to be able to catch his own fish than to eat someone else's fish. I am a strong believer in that. I will cut across any boat's buoy when I see a policy different from that coming, I will cut across the boat's buoy and stop the boat, so take heed.

Last, but not least, Sir, this Bill is stopping Barbadians from being criminals but at the same time that this Bill is stopping Barbadians from being criminals, there are some lawyers in this country who want you to believe that poor black people are all criminals, that everything they do, you could see some criminal intent with it. I am telling you, Mr. Deputy Speaker, that if those lawyers do not stop it, they will have to fight me right throughout Barbados. I will not stand by and see black Barbadians being treated that way when

people who should know better continue to make black people look like crooks.

Let me give you a good example of what I am talking about, Mr. Deputy Speaker. A man spends money on your behalf, he turns around and files it as an expense on his income tax and a lawyer is going to tell that man he is a crook because he got paid for it and he is still filing it on his income tax, not realising that the accounting process says that you have to match expenses against revenue. Because the lawyer is ignorant, he feels that black people are crooks.

Asides.

Mr. D. St. E. KELLMAN: I am angry about that, Mr. Deputy Speaker, because the law of accounting says that you must match expenses against revenue. That lawyer, whoever he might be, will hear more from me about that. Every night on my TV, he has poor black people looking like crooks. He would not call a white person to question.

Asides.

Mr. D. St. E. KELLMAN: Something is wrong in this country. I have already spoken to the right person to stop that foolishness and if that person does not stop that foolishness, I am going to believe that he thinks so too and I know that he does not. The time is right and after today and this foolishness continues, I will have to believe that he thinks so too.

Thank you very much.

Mr. B. M. TAITT: Mr. Deputy Speaker, Sir, I wish to add my voice to this debate because it is a debate that is going to be fundamental to Barbados perhaps not in the immediate future but certainly as the years go by and as the fluxion of time will indicate to generations that come after us, that despite the posterings which we hear from time to time, that this piece of legislation may in fact be one of those pieces of legislation that can be said to have made a difference in the social structure of the country.

The Honourable Member for St. Philip South has articulated the views of the Opposition on this and I just wish to endorse what he has said in relation to our genuine feeling of comfort, that the Attorney General, with this piece of legislation appears to be signalling ... a maturation, if you will, of his understanding of the society. I do not wish to dwell on that because that is not the point of my intervention. 4.00 p.m.

Mr. Deputy Speaker, Sir, you know there are a lot of people either on the call-in programmes, in the newspapers or in other areas who speak of our social situation in terms of the Good Book, the Bible. I, myself, like to spend time with the Bible not to prove that I am a better Christian than

anybody else but because I find it to be a most illuminating and interesting book. I better say, Mr. Deputy Speaker, Sir, that one of the occupations I have had in life that has brought me tremendous psychic reward has been the opportunity to teach a number of young people at the University, law. One of the courses for which I have had responsibility is the law of human rights and there are some areas in that field which run contrary to the regular run of thinking in the Caribbean generally. To those of us who can take peacefully the provision that runs counter to that avalanche of view it is not easy to participate in public debate because one is very often drowned out by a cacophony of emotional views that are understandable, given the 300 years of history we have had in this region where we have been intellectually brutalised into believing in an inferiority, meaning that people of the Caribbean have been brutalised into a belief that we are inferior to people who have come from other places and other races.

It has been systematic. It has been deliberate. It has been successful and hence whereas the 800 million people who live in Europe and the surrounding areas have reached a certain level of acceptance of certain norms to themselves they have still left behind the countries like ours a feeling of inner hatred which manifests itself in many of the pronouncements that are made by the vast majority of the people in this region.

Now that is a dangerous statement for a politician to make because invariably when you make that kind of statement the perception which is spread forth by the various areas of the media is one of either ignorance or arrogance or a combination of both. I make it as a result of what I choose to say the studied understanding of some of the difficulties which we face in this society.

I started off by talking about the Bible and I like to go back to one of the early books in the Bible when they talked about Cain and Abel when Cain slew his brother Abel in the field and he hid for a while and then he came face to face with the ultimate judge, God. Mr. Deputy Speaker, it comes as a shock to many of the Bible quoting people when one says to them that God gave Cain an alternate sentence. God who says "Vengeance is mine" was able to say to Cain, I am going to give you manslaughter, so to speak. He did not say an eye for an eye and slew Cain. He said you are going to be in the field tilling and it is not going to yield to you as it was intended to yield to man who tilled the earth. You are going to till the earth and have some difficulty. So he had manslaughter with hard labour, if you will pardon my expression.

Now, that is to me a clear indication that those who seek to use the Bible for their own purposes do not always understand the deep significance of some of - especially the Old Testament, teachings.

Mr. Deputy Speaker, let me quote what God said to Cain:

"And now art thou cursed from the earth, which hath opened her mouth to receive thy brother's blood from thy hand.

When thou tillest the ground, it shall not henceforth yield unto thee her strength; a fugitive and a vagabond shalt thou be in the earth.

And Cain said unto the Lord, My punishment is greater than I can bear.

Behold thou hast driven me out this day from the face of the earth; and from thy face shall I be hid; and I shall be a fugitive and a vagabond in the earth; and it shall come to pass, that every one who findeth me shall slay me."

Now hear the Lord on this:

"Therefore whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the Lord set a mark upon Cain, lest any finding him should kill him."

Now, Mr. Deputy Speaker, there is a tremendous significance in that biblical passage from the Old Testament. It showed a compassionate God who is saying I have punished you and I will punish you but I reserve the right to punish you but I am not going to punish you in the way that others expect me to punish you. I am going to let you go out and do some hard labour but I am going to say to others if you interfere with Cain, I am going to punish you for interfering with Cain even seven-fold. That is alternate sentencing and that is the essence of this Bill that what constitutes crime and punishment is not in black and white, no pun intended. It is not either or but that a civilised society must find ways of being firm without being cruel, that a civilised society must understand the basis of crime as opposed to the results of crime.

I have recently been close to the question of violence in this society and I have recently suffered at the hands of some violent persons and people who are dear to me, people who are extremely dear to me have suffered even higher levels of violence and ...

Asides.

Mr. B. M. TAITT: Mr. Deputy Speaker, I expect you to protect me from these intellectual vandals.

I want to say, Sir, that even so it would not fall well from my lips to be condemnatory when over a longer period as the Attorney General knows I have spent a lot of time

discussing these areas of potential alternate sentencing for Barbados and, like the Honourable Member for St. Philip South says, we on this Side will not resile from acknowledging that this piece of legislation is one that would be good for society even though we in this House may be a minority in the first instance as we examine the issue.

I have read in the newspapers in this country people who are supposed to be learned, people who are supposed to lead in this society are raising questions about the efficacy of not hanging children under a certain age. They feel that is somehow backward. The truth is that the rest of the civilised society, over 100 nations in the world, with a longer history than ours have reached the conclusion that it is not useful, indeed, it is regenerate if not degenerate of a society to be using its children as evidence of its vengeance.

You cannot have the age of seven as a responsible age for a child if you have observed children in their behaviour up to the age of seven and beyond for purposes of crime.

Sir, in the United States very often you read about attorneys general who are putting forth with great vigour and much publicity the view that such a person who is under the age of 14 will be tried as an adult for some heinous act which has resulted in the death of somebody. We had one recently when I was in Florida that some young person was found after many days of searching for a young girl, this young person was found to have had the body of the child under his water bed for a few days before his mother, overwhelmed by the stench in the room, searched the room and reported it to the Police. There were six or seven television stations camped outside with a blow-by-blow commentary about what was happening and eventually the whole question was whether this young boy was going to be tried as an adult. 4.10p.m.

Mr. Deputy Speaker, in Texas they have reverted the point where they are treating crime pretty much as we used to see it when we used to go to the movies to see 'Cow Boy and Crook'. They believed that the solution to problems was to treat fire with fire but they forget that in Texas it was always quick justice, who could draw the fastest and quite frankly it is uncivilised. They do not acknowledge and accept that it is the underlying social factors that decide to a large extent how the society operates.

I hope that the Attorney General is able to say now without any difficulty that he accepts that the social fabric of a society determines to a large extent what level of violence and eccentric behaviour one will find in that society. There is no doubt whatsoever that a story of almost any society shows, whether you take it in eras or whether you take it burst of years, that wherever the society has a heightened sense of insecurity where the society is suffering from social degradation that the level of violent crime rises, sometimes

disproportionately, and it has to do with the lack of concern for the sanctity of life.

There are people who make fun of those who talk about Sunday Schools. There are people who make fun of those who talk about reading the Bible and being taught certain views and values. But the truth is, Sir, that the murders we used to have when we were children were always disputes between two people and somebody with a passion would get up and stab somebody or hit somebody with the gravel iron or they had a dispute over land. These were the kind of murders of which we were accustomed and which we found horrifying because somebody had actually died. Your Honour is fully seized of that because we lived in a generation where the odd murder would occur.

Asides.

Mr. B. M. TAITT: We were concerned as children that somebody had actually died.

Asides.

Mr. B. M. TAITT: But in these days, Sir, there is no particular interest in the life of another. Young people have not been able to imbibe from a kind of osmosis the feeling that somebody's life is sacred, that somebody's property is sacred, that respect for another person is not a lack of manhood but is rather a manifestation of a higher form of development. And because of the class nature of our society in more recent times, where materialism is the order of the day, where people judge each other on the basis of what they have acquired, or what potential they have for acquisition and where the vast majority of the society begins to believe that it has no stake in the society and it has no future in the society, that we see this upsurge of cruel and inhuman treatment of one member of the society to the other.

The Attorney General indicated that it does not only happen in Barbados. He is quite right, but the materialism and the greed inherent in the new approach to development and to life which can be seen in the fact that there are people in Britain who earn £500 000 a year, and in the United States there are people who as heads of companies have stock options and various things, and they earn \$2 million a year and then you see 40 million people who have no access to health care. We see people who are not likely in the immediate future to be able to feed their families at Christmas time.

Where that sort of thing occurs there will always be disparities which we have been seeing. One of the things which we must do in Barbados is constantly to strive to ensure that those whose opportunity has not yet come, do not lose hope that their opportunity is still out there. And that is why we say that crime has its genesis in the societal arrangements which exist at any given time in this country.

We are not saying that all crime will have that because naturally there are people who are inherently criminals.

Asides.

Mr. B. M. TAITT: I am saying inherently and the Honourable Member is taking me up and I think I understand where he is coming from. I do not want to give the wrong impression, but there are people who I believe have congenital difficulties ...

Aside.

Mr. B. M. TAITT: No, Sir. It has been demonstrated in the studies that are going on even now on criminals that there are some people who belong to a different sphere, but they are a very small minority. They have just done a massive study in Britain of a twin which allegedly have its roots in Barbados ...

Asides,

Mr. B. M. TAITT: I do not want the Press who has not studied to misunderstand me. They have just done massive studies on them and they have come to the conclusion that they had a congenital deficiency which has led them to have another self and that other self is not related to the self which we take for granted. This is what I mean by inherently. But these people are not well, they are on a different plain all together and, therefore, they must not be regarded, as people in this country seem to regard those people, as being some kind of natural criminals. They are sick. And one of the things which the Attorney General must address which came out only recently according to the newspapers where there was a young person who was saying to the judge: "Please, Sir, sentence me to the psychiatric hospital." And the judge was heard to say: "I have no authority so to do."

I would suggest, Sir, that this Bill, if it has a deficiency that it does not address that particular issue that the Attorney General should hasten as early as possible to make it clear that that deficiency has been corrected. Because, when we were doing the Mental Health Act, much care was taken to ensure that persons could not be lifted wholesale and taken to the Psychiatric Hospital at the whim and fancy of relatives or others but at the same time we provided the basis for the police and the humane agencies in health care to be able successfully to put a person under medical care in an institution until the legal determinations have been met.

I think that we need to make the leap, if it is necessary to ensure that judges and magistrates, some of whom used to do it for the wrong reasons before, who thought that they had the power to remand people to the Psychiatric Hospital, they were brought rudely to their senses. I think that we need to set out guidelines and parameters within which people could have as part of the alternate sentencing, sentence to a

mental institution because it is my contention, Mr. Deputy Speaker, that many of the crimes committed in societies are committed by people who are not mentally well.

The Honourable Member for St. John has been heard in previous discussions to speak about people who stood up in the dock mumbling and uttering incoherent sounds while they were being sentenced to prison. I have always been moved by that and I have often wondered why our society could not swiftly change that situation. 4.20 p.m.

Now that we have become part of the drug culture, we have acknowledged that we are part of the drug culture, we have to accept that there are people in this society who through no wish of their own have been contaminated by drugs.

When a fellow needs a fix, he is no longer a fellow. He is an animal, an instrument in need of a fix. That is why he will sell his grandmother's jewellery. He will take off his brother's finger. He will break down the door of his uncle. He will steal guns from a policeman. He will do anything because he needs a fix. The question is, is that fellow really a criminal or is he not like someone with bursitis in need of some kind of medical attention?

We have in this society to move toward that kind of understanding and we have to get the vast majority of our people to understand that and this includes especially the public information agencies in our society to help the society to understand that not everybody who goes berserk, or not everybody who breaks in a glass window, and not everybody who breaks into a house is some kind of natural criminal but, rather, this is someone who has been contaminated and we have to get to the contaminators.

Unless we get to the contaminators who are now into the fourth and fifth forms in the schools, they are contaminating the children in second form and third form. We have to acknowledge that is a fact and we have to start dealing with it at that level so that these progressive measures of alternate sentencing will be complementing some other measures which have to be taken perhaps more by the Ministry of Health than by the Attorney General's Chambers.

We in this society have to recognise that we have an illness. Crime is partly an illness. Most of the crime that is vicious in this country is motivated by drugs and drugs is an illness, not for the people who are benefiting at the top, the ones of whom one of my colleagues asked outside of a political meeting recently, who is it that finances the trips from St. Vincent to Barbados. That is who we have to find in the society because as we make these adjustments, these are not cosmetic adjustments. These are serious adjustments.

As we make these adjustments we need some complementary arrangements to go with them.

A previous Attorney General, Mr. Maurice King, brought some fundamental legislation into this Chamber. It was supported by both sides. That legislation now forms the basis on which a number of people with trafficable amounts of drugs can be sentenced but we are still not getting to the heart of the matter.

Mr. Deputy Speaker, as my time runs out, there are two other matters I want to deal with. I hope we never reach the stage where we get the three strikes rule. The three strikes rule in Britain and in America is operating to the detriment of one kind of people. One kind of people seem to be the victims of the three strikes rule, that three strike rule is that any time you have three felonies that you go to prison for life. Well, that is as much an eliminator of poor black people as is AIDS. In fact, it may be worse because it is done knowingly.

I want to touch on the return of the deportees, I have spoken about before in here and I think there is no country that can say to me that they wish us well. No country like the United States - the last time I did not say which country I meant so let me say it, the United States or Britain, can say they wish us well and then take our small communities and flood them with what for them is infinitesimal numbers but which for us are massive doses of danger.

They take people who leave these shores when they are two years old, three years old and go into the crime centres of Brooklyn and Miami and other places where they learn the craft of being criminals and then they pass laws which are really xenophobic expressions. They pass laws saying if you commit crime then we send you back to your country.

I ask you this, Sir. The Attorney General read out some numbers. Ask him to read out how many numbers went back to Italy; ask him to read out how many went back to Israel; ask him to read out how many went back to Germany, or Argentina or Britain. I put it to you, Mr. Deputy Speaker, that there are more Italian, Israeli, British, Irish criminals in the United States than there could ever be Barbadians, Jamaicans, Grenadians or whatever, but the law is discriminatory in the usual way that such laws are discriminatory against our type of people. They will send them back for police forces like ours that can barely cope with the level of crime that had evolved and now they have to deal with a whole new phenomenon and these people say that they wish us well.

It is my judgment that they do not wish us well. They do not care about us. I do not think they wish us harm because they do not consider us in one form or another and it is for the Government, whether it is that Government or this Government to continue to hammer as part of our

bilateral relations that you cannot ask us to do certain things while you are thrusting this kind of unfair and unfortunate situation upon our poor selves in this region.

Mr. Deputy Speaker, the Government need never have any doubt that they have opposition, while we are in Opposition with them, in any matters relating to the deportees because we initiated the quarrel with the U.S. and to the extent that we are going to continue that battle it has to be a national battle because that is a war undeclared, but it is worse than if somebody invades us.

The Cubans and the Americans had a standoff for over 30 years now. The Americans armed themselves against the Cubans and the Cubans armed themselves to defend against the Americans, and the Cubans have not suffered the kind of devastation that the Caribbean peaceful countries that never set up a single solitary word of anger against the United States, they are sending into our societies a situation that is more devastating than if they had sent a couple of bombs into our capitals.

I am very grateful to Your Honour.
4.30 p.m.

Hon. Miss B. A. MILLER: Mr. Deputy Speaker, Sir, I welcome this legislation and I wish to congratulate the Attorney General for the time and trouble and effort that has gone into a lot of consultation. Clearly, Mr. Deputy Speaker, Sir, this is the result of very studied research.

In my judgement, Mr. Deputy Speaker, this piece of legislation is of major importance because for me it represents the beginning of rehabilitation as an aspect of penal reform in this country. As a very young Attorney when I first came to the Bar, the first Monday morning of 1969, I was called to the Bar and in those days, of course, when you started off, you practised everything. You did some civil law, you did some criminal law, you did some of everything. I discovered and learned very early that, indeed, what we had in place in our criminal legal system in Barbados was very archaic, was very Victorian. I discover also at an early stage that it was an area of law that I did not wish to be a part of.

I remember a murder case with a young man in his 20s who used to be viewed as the village idiot, clearly, a person severely retarded. The doctor came and gave evidence; it was Dr. Bannister at the time, I recall, to say that this was a person with the IQ of a nine year old. It was clear to me what the jury was going to find. I mean, he knew the difference between right and wrong, in a manner of speaking, as a nine year old would know the difference between right and wrong. I remember at that time when I came to address the jury, knowing that it was a foregone conclusion that he was going to be found guilty, I spend my time trying to persuade the jury or rather to

persuade the Government of the time through the address to the jury that what was needed in Barbados then was 'diminished responsibility' as a defence. It did not, up to that time, exist.

I have to say that it was perhaps the only occasion on which I found it possible to say words of praise to Sir Frederick Smith and to give him his credit. He was the Attorney General, as he used to call himself at the time, the first black Attorney General that Barbados ever had. He did in fact take me seriously, took the matter to the Cabinet of the time and within very short time 'diminished responsibility' which practising Attorneys today take for granted as a matter of course came onto the statute books of this country. From the very beginning as an Attorney, I saw always criminality in terms of rehabilitation.

In those days when you visited Glendairy Prison to visit your clients, you saw it. It is a horrible place.

Asides.

Hon. Miss B. A. MILLER: It is a horrible place! To go there in itself, is a punishment. But punishment without rehabilitation means what. It is more a reflection on us who administer the punishment than on those who receive it.

Mr. Deputy Speaker, Sir, I really have to say that I am deeply touched by this. I am one who was brought up in what clearly now is the old school fashion. You had to go to school, you had to go to Sunday school so you found yourself in church at least twice on Sundays. You taught Sunday school, you had to do civic duty so you joined the scouts or the guides. After school, two evenings a week, when Youth Town came into existence, I remember going down there. In those days it was the late Lomer Alleyne, I was at school with his sister Phyllis and I used to go down there at Sobers Lane corner and help out. We used to do basketry, sometimes we would play table tennis and all sorts of things that in those days were viewed as activities which would keep young people out of trouble's way and out of harm's way in the City of Bridgetown. So even then, I was involved in life in the City of Bridgetown.

The City of Bridgetown is viewed as a haven for criminals. There is a deep resentment among people who live in the City of Bridgetown about that unwarranted reputation that they have. I do not think that you find people from the city in any greater numbers than you find them from anywhere else in Barbados who find themselves either in the Government reformatory schools or in Glendairy Prison. What happens is that a lot of crime takes place in Bridgetown but not necessarily involving people who come from Barbados. When that crime takes place, there are

places in Bridgetown where criminals invariably run and where the police will run behind them. Those places are well known - very well known.

Mr. Deputy Speaker, Sir, the prison population in Barbados, the population at the Government Reform Schools, as has been said perhaps more eloquently than I can put it by the Honourable Member for St. Philip South, these people are not aliens. These people are products of this society. If there is any blame to be attached, it has to be attached to all of us.

I wish to say a word in defence of mothers. I cannot agree with the Honourable Member for St. Joseph about increased incidents of crime in Barbados being partly a reflection on the fact that more women have gone out to work and mothers cannot give time to children. That is absolutely not so.

There are certain myths that proliferate in Barbados. One of them has to do with working mothers. In the years when I grew up, Mr. Deputy Speaker, Sir, women worked. My mother was a nurse. I grew up and saw women as bus conductresses, in the market, behind counters in Bridgetown, working in schools as teachers, working in the hospital as nurses. Women worked!

I have worked all of my life and supported myself. I have chosen that as a lifestyle. I do not have children of my own, Mr. Deputy Speaker, Sir, but I helped to raise many.

Asides.

Hon. Miss B. A. MILLER: Yes, I helped to raise many. I like to think that I did not make too bad a job of it. I was a working woman all of that time and I continued to be a working woman. I am now in the grandmother brigade. Up to last Sunday in my constituency I was walking about with a child not even two years old on my hip.

Asides.

Hon. Miss B. A. MILLER: I know whereof I speak. It is a slur on motherhood in this country. Barbadian mothers for the most part, for the greater part and I am speaking about in excess of 99%, are responsible. I am happy to say that I observe today that Barbadian fathers are showing an even greater level of responsibility than formerly. I see Barbadian fathers now, just like mothers, in the morning taking their children by hand to school, riding them on bicycle to school.

Asides.

Hon. Miss B. A. MILLER: Do not let us get the focus wrong in this respect and attach blame where it does not attach. What I will say, Mr. Deputy Speaker, Sir, is that too much nowadays, parents want to abrogate certain areas of

their parental responsibility to other people. They want the school to take on more responsibility than it is fair to expect people to take on. Teachers must lead just like all of us by example but there are certain basics that can be taught and must be taught in the home and ought not to be abdicated to teachers or anyone else in the society. 4.40 p.m.

I grew up in a Barbados where once you were a child any adult could come to you and tell you that you are behaving badly. My mother spanked us many times because somebody said we were behaving badly in the school bus. Old Lawrence T. Gay. You lived in fear that he would report to your mother that you behaved badly because it was lashes first and explanations after every day. Although I have to say I was only hit by the hand of my mother. I was never hit by the hand of a man in my life. My father never hit us. My brothers never hit me. No man would even dare think it.

Mr. Deputy Speaker, Sir, we have to be very careful. We live in a society where we had PAREDOS for years and there are other agencies who have now undertaken some responsibility for parenting the teaching of certain basics of parenting. So we have to be very careful in these matters.

When the distinguished Attorney General described that incident with Buddy Brathwaite, it was a strange thing because before he uttered it Buddy Brathwaite came to mind. We have the potential and the capacity to make those who are criminals. I do not agree with the Honourable Member for St. Michael West that there is anything inherent and that there is a criminal mentality which is genetically to be found in us. I believe that it is by our socialisation, by happenings within a family unit, that some people may be predisposed more to a life of criminal activity than others and the attitude can be more there but for the grace of God. I am glad that this is the beginning of the rehabilitation.

I want to comment too very briefly on the matter of the criminally insane. It was raised by the Honourable Member for St. Michael West. You will remember, Sir, and I am sure all Honourable Members will remember quite recently, last Kadooment day, there was a fire at the Psychiatric Hospital and that fire occurred in the wing for those who are properly speaking described as the criminally insane.

I have thought for many years and going back to that same murder case because I had to go fight and get hundreds of thousands of people to sign the petition right up to the Privy Council to get that sentence reduced to one of life imprisonment. There is no hope of rehabilitation for that young man who must be in his early 50s today.

We do not have an institution for the criminally insane. We have never had one in Barbados and we do not yet have

one. What happens, therefore, in our system is that those who are properly speaking criminally insane either end up at the Psychiatric Hospital where there is no access to whatever little rehabilitation might be available to such a person or they end up at Glendairy Prison where the medical psychiatric treatment cannot be properly applied. They are between the worst of two worlds. What you have at the Psychiatric Hospital is really quite unacceptable in my view because these are people who are very dangerous and they are locked away in conditions that we ought not to accept in 1998. We should not have accepted them in 1950 furthermore 1998 or the year 2000.

One or two of them may be shuttled in between the Psychiatric Hospital and the Prison but neither institution is properly geared to give these people the holistic treatment that they deserve. They may not be many in our society but I have every reason to believe that it is a growing cohort among those who are criminally disposed in Barbados because those conditions are often exacerbated by the use of drugs.

I think everybody knows in Barbados now that there is a very high incidence of drug usage. The World Health Organisation many years ago did a study and told the world that the incidence of AIDS in the world was highest in the Americas. There are other places like Uganda within Africa where there is an extraordinarily high incidence, they bury people in mass graves in Uganda, people who become victims of AIDS but the incidence per capita in the world of AIDS is highest in the Americas and within the Americas it is highest in the Caribbean - Barbados, Trinidad & Tobago, Jamaica, Bahamas, even Guyana now. There is a high incidence of HIV positive people within the criminal community. All of these things are part of a lifestyle and we have to attack it there.

The process of rehabilitation has to recognise these linkages. I hope that the Attorney General will hear and where necessary reach out into other Ministries with whom the people in his Ministry must work closely in order to deal with this problem. It is a very serious problem.

I also want to make another point here, Mr. Deputy Speaker, Sir, and that has to do with the linkage between crime and tourism. This epidemic so to speak in crime is universal. It is not peculiar to Barbados. It is not the first time that we have had such an epidemic. In mid-Victorian times Dickens has written so many novels that reflect it. In the mid-Victorian times when part of the spin-off from the Industrial Revolution brought a level of poverty to the European countries, and we saw it in North America in its earliest years, you had this kind of epidemic of crime which is universal. It is not peculiar to Barbados but it has the potential to do great damage to us not only in the way in which I was speaking just now but in another way.

Tourism, as everybody knows, Mr. Deputy Speaker, Sir, is the major engine of our economy. It is doing particularly well at this time. In fact, it is doing better than it has ever done in the history of tourism. Indicators already show us that 1998 is going to be another bestseller year immediately following on 1997. That is the first time that will ever have happened.

[In 1997 when we had the bestseller year it was the first time since 1989. So you are looking at that kind of gap. This year already, by the end of November, it was clear that we were going to receive in 1998 more arrivals and more revenue than we did in 1997.

Early in this year, the Ministry of Tourism - we did a study. I may have said it before in this House but it is worth repeating, Mr. Deputy Speaker, and it is a study which was done particularly among repeat visitors to Barbados, people who have been coming here 20 and 30 times. Barbados has the highest repeat factor - 40 per cent in this region.

One of the questions asked on this questionnaire was what is that special, different something about Barbados that brings you back for the 17th time or for the 32nd time or in one case for the 54th time? You would not guess, Mr. Deputy Speaker, Sir. The number one answer was, safety and security. People said that they felt safe and secure in Barbados. Barbados promotes family tourism. Children come here from the luxury hotel at the top to the budget hotel, all promoting families. Sandy Lane promotes families. Cobblers Cove promotes families. Every hotel that you can think of. Casuarina on the south coast promotes families. 4.50 p.m.

Aside.

Hon. Miss B. A. MILLER: No. The Leader of the Opposition has come late to that. It has taken him all these years to come to that but tourism in Barbados has been promoting that for the longest time.

Aside.

Hon. Miss B. A. MILLER: No. I did not lambaste the Leader of the Opposition for what he was promoting. I lambasted him for the hypocrisy of it. The virtue that I value highest in this life is loyalty and the vice that I despise the most is hypocrisy. I quarreled with the hypocrisy of it because he brought it in such a way as to make people believe that for the first time in Barbados we understand about putting families first.

Even the poorest of us, very deprived of us, 100 years ago knew that you put families first. That is no new thing.

That is an old thing you want to dress up now, mutton you want to dress up as lamb.

But, Mr. Deputy Speaker, the point I am making here is that visitors who come to Barbados put this at the highest level. They tell me when I move around and talk to people that they children can run about the beach. They meet local children on the beach and I have seen this with my two eyes. They go home and spend nights in local households. They come back, they have little nurseries and special arrangements in hotels. They go home and they spend time with the families who are looking after them. People feel secure, they can walk about in Holetown, in Speightstown and in St. Lawrence Gap at all hours of the night and feel a certain level of security that does not exist in many other destinations.

You heard of the incident that happened in South Africa recently. It is interesting because I put what I am saying here now to an English friend and he guessed it in one guess. I asked him how he knew and he said that he knew because he had lived it. He told me that just a few weeks ago he was mugged on the steps of the hotel, he not even stepped into the street in Cape Town in South Africa.

I do not like to call names but in the Dominican Republic I saw it with my two eyes. A few years ago I was there at a conference, a group of us were going to eat in a restaurant for the evening and before the first couple, man and wife holding hands stepped onto the road, before our eyes they were mugged. I would never choose these places as a destination where I would go if I ever had the luxury of a vacation.

And so what I am saying here, Sir, is that safety and security is something that we have to protect as far as our tourism product. And the stories of crime and harassment do not do promotion for Barbados abroad any good. We had a very bad incident a few months ago with a woman who was shot and I have to say that the Barbados Tourism Authority, even I had to become part of it at the World Travel Market a few weeks ago, really worked very hard to pull that situation back so that people understand that that is, as we would say in Barbados, 'an unlucky blow' that can happen anywhere in the world. And we are fortunate that this woman who was involved is making a recovery.

But, Mr. Deputy Speaker, Sir, we cannot take it for granted. I have discussed with the Attorney General the importance of having a police post on the St. Lawrence Gap itself and I am pleased to say that he has acceded to the latter fixed in even earlier discussions with the Commissioner of Police, he was agreeable to this. I have discussed as well the creation of tourism police, so to speak. Let me tell you what I am conceptualising here, people who have been trained as policemen but who have a special area of training which would allow them, as you see 'Bobbies' in

London and certain policemen in Manhattan, to be able to interface with visitors. People that you feel you can approach to ask for direction or ask a question of any kind and who have special training in public relations in that respect and that has to come. I would like to see people like that. I am thinking that they would be attractive if dressed in the old harbour police uniform. I would like to see them on Broad Street. I would like to see them in Speightstown on Queens Street. I would like to see them in Oistins and I would like to see them on St. Lawrence Gap, the tourism zones, so to speak. That is very important.

The Right Honourable Prime Minister speaking very recently to the Barbados Hotel and Tourism Association just a couple of weeks ago made the point of the importance of the hospitality sector in our economy and that it will continue to be so for years to come. And in a manner of speaking will have to help to prop up other sectors as well. This is the sector that is feeding people, paying the bills in Barbados and we have to shore it up and to protect it in every way that we can.

Now, the question of harassment in my judgment is a sensitive one. Because I believe sincerely, Mr. Deputy Speaker, Sir, that very few Barbadians would go out of their way to be impolite to visitors of any kind, friends, relatives, strangers and I believe that harassment is not something that is deliberately practiced in Barbados. Let me give you an example of what I mean. A tourist is lying on a beach, may have a book and a drink next to them. They have come to relax. A fellow comes along and he has a suitcase with a coral jewelry in it. He comes. "Good morning, Sir, can I offer you...?" The tourist responds, "No, thank you." And he closes his suitcase and goes on. He has not been impolite to anybody. The tourist does not perceive him as being impolite. He is not harassing anybody. He goes to somebody else.

Aside.

Hon. Miss B. A. MILLER: You are always going to get the odd fellow who over does it. But that industry polices itself and the other fellows who know the ones that are over doing it, know how to deal with them. But then ten minutes later a lady comes around and she has some other item and she offers it. Again very polite, nice day. "Would like to purchase...?" The tourist responds "No. Thank you." The lady responds, "No problem, have a nice day." And she moves on. Nobody has been impolite. But by the time the fifth person gets there, still being polite the tourist on the beach feels harassed, but nobody has been impolite and nobody has gone with an intention to harass.

And, the truth is, Mr. Deputy Speaker, Sir, that in this Barbados we know the answer to that. In an earlier

administration we faced it and we have to deal with it. They deal with it in other places of the world. What we need is what we used to have. We had it at Dover and other locations and some of the hotels in their own self-interest are doing it. We need nice kiosks, nice locations with nice amenities and facilities where all of the vendors will be able to nicely display their produce, their items and where you have lock-ups for them, you have nice bathrooms, even a little place where you can have a snack and the tourist when they are ready will come there.

I see, next door in St. Lucia a few weeks ago in the hotel itself they have the facility for all of the vendors. It worked perfectly well.

Aside.

Hon. Miss B. A. MILLER: Yes. Some hotels have it but it is partly the responsibility of the Government, just as we put up other facilities for locals and for tourist too, we can put nice facilities at or near the beaches or even in town.

You go down Bay Street in the Bahamas you will see a beautiful location. The Strawmatic, they call it, but they are selling more than straw goods, T-shirts and all kinds of stuff. Facilities can be made available and the Government is willing to do that. What you see at Marhill Street is only the beginning of it and that can be part of the solution of harassment because in my own personal experience it is only the odd person who will go out there and try to be a nuisance deliberately, either to locals or to visitors.

I have been harassed by such a person myself. You are on the beach, they do not necessarily know who you are and you are lying down and they come and say something rude, or they are coming back to you and I go up to them and say, "listen, you are dealing with a Bajan, man." Then they give a big "cheups" and go along. But they are a tiny, tiny fraction of vendors in Barbados. With good collaboration, Mr. Deputy Speaker, between the tourism related agencies, both the public and private sectors, and the law enforcement agencies in Barbados, we can bring those matters to good resolution in this country. 5.00 p.m.

I hope and believe that we will have in the public sector the support and the cooperation of the private sector in this regard because the people who are making a living doing that, they want the safety, security and the protection too. They do not want any situation to arise which would jeopardize the business that they are doing so they are just as interested and I know that because I have talked to them myself.

This is an area in which we must, in the new year, move with a certain amount of despatch because everything that we can do to reassure those who visit us that there are, indeed, in a safe, secure and friendly environment can only add, that is value added, to our product because one of the other things that is very high on the list of what makes Barbados attractive as a destination is the friendliness and the walk of Barbadian people. It may sound trite but you had better believe it. You hear it over and over again and that only bears out my point that the average Barbadian is outgoing, friendly and hospitable.

Mr. Deputy Speaker, I would commend this legislation to all Honourable Members. I am pleased that this is not turning into a partisan debate and that all Sides can understand that this is something to carry Barbados forward and it is something which will work positively to a better quality of life for all Barbadians. I thank you, Sir.

Rt. Hon. L. E. SANDBFORD: Mr. Deputy Speaker, I wish to make just a few comments on this debate. I believe, as the Attorney General well knows, I have taken a very deep interest in this particular subject and I have been the beneficiary of certain literature which he made available to me on the whole question of crime, the modern edition. I have been ploughing into it due to his generosity, and *I reciprocated with one of equal value, Sir, so that was a fair exchange.

I wish to make just a few comments, not in any partisan way because I believe that the subject of crime, the punishment for crime and the varieties of punishment that may be available is a matter of the highest concern. It was always so, Sir. What we wish to do is to wipe away those cobwebs which blamed an administration for the incidence of crime in the past, blamed an administration for each house breaking, for each murder that took place, and for each robbery that occurred. It was the fault of the political bosses at that time. Today what we hear is it is the fault of people. It happens everywhere in the world.

Now, I am not going to blame any administration. I am saying that this is a national problem and we cannot sweep it under the carpet. We have to deal with it in Barbados and cooperate with those other administrations and jurisdictions so that we can learn from each other about possible approaches to this problem because while we say it is a national problem, it also has regional and international dimensions and we have to approach it in a way that will satisfy the people of Barbados that positive steps are being taken to correct the situation.

Now, in the course of my researches into other matters I came across a full panoply of the measures that have been taken in Jamaica to deal with punishment and sentencing in respect of crime and they have provisions for community

sentencing. They have, I believe, a core of tourist officers, policemen, they have all kinds of things. It has not yet put a stop to the spate of violent crime. It is still there.

I have no reason to believe that if we are at the 11th hour bringing community sentencing that will not mean that it will put an end, or that this will be the be-all and end-all of criminal activity and the need for the courts to have to deal with these problems. It calls for persistence and it calls for a clear vision and it is the first responsibility of a Government to seek to provide the best possible security for the people of the country.

Those who speculate philosophically about the origins of society look back to a time in the past when every man was fighting against every man, as Hobbs would put it: "A war of every man against every man and life was poor, nasty, brutish and short."

Now, out of that came a proposal, or a suggestion, a theoretical model that there was a contract that existed among those people in the state of nature that a contract would arise whereby a sovereign would be given power and his responsibility was to provide peace and security for the citizens. I have not been able, however, in the Archives, I have searched in, to find that social contract so that when I say that I do not know about this contract that people have been talking about, I have sound, political, philosophical underpinnings for my positions.

What I wish to say is that if we wish to deal with crime in Barbados, and if we wish to deal with the kind of punishment or sentencing that should be visited upon persons when once innocence has been established, and a fair trial according to the rule of law has been granted, I believe we have to start at a point before the committal or alleged committal of a crime. We have to start much earlier than that. We have to ask ourselves some fundamental questions which practical politicians normally do not ask. What is the aim of this society? What are we seeking to do? What is the highest value, the pre-eminent value that we are aiming at? Plato called it virtue and we believe that the good society pursued virtue. How do you get the virtuous man and the virtuous women? I think the same question that those people of old had to ask of their small societies and small city states are just as fundamental and relevant for us today. 5.10p.m.

We have to ask ourselves how we are going to create a society made up of men and women, boys and girls that will have respect for the law, that will have respect for the person and property of other people and that will distinguish between 'my-um' and 'to-um'. What is mine and what is thine. We are talking about virtue here.

Asides.

Rt. Hon. L. E. SANDIFORD I am not talking about sexual morality or anything like that. There are others on that side more competent to speak on those matters than I am. I am talking about virtue in a much broader sense. We are talking about the good person in the good and just society. Long ago, the Members of this House would not know it when I used to have something to do with Manifestos ...

Asides.

Rt. Hon. L. E. SANDIFORD: You are too sharp for me. Way back in 1966 we inscribed some short line of poetry at the start of our Manifesto referring to the just society and seeking out the kinds of aims that we should be seeking for. I would suggest, Sir, that that is where we have to start in this society. Building from the basics, from the foundation up. The question is, how are we going to achieve that? That is why I say that we can go around and talk about technology, we can talk about space, we can talk about a consumer oriented society and all the good things, the material things that we seek to pursue. In the end, a society is no better and no stronger than the people who compose that society and the quality of those people. That is why I say we should be pursuing virtue as the pre-eminent value in this society and we can start building on that. That is more valuable to our society than seeking other kinds of objectives which I will not go into now. I will not go into that now. I will deal with the positive.

That is as much the job of the Prime Minister of this country, of the Minister of Education and Culture, of the Minister of Agriculture and of the Attorney General as the highest committee in the land, the committee of the Cabinet. They all have a collective responsibility to see that the present situation is turned around. It is not going to be turned around by words that do not connect to the actual realities on the ground. Something has to be done. That calls for education and transformation at all levels - infant or nursery, primary, secondary, tertiary and continuing. A complete transformation and a new look at the way in which we train our people and also the content of the training of our people.

There is no point saying that we cannot teach this and we cannot teach that. We have to look to see how we can best get values and values education into our people. In the time that is permitted to me, I am not able to go into this subject in depth, what I would say is that secondly, having looked at that basic approach, we have to make sure that our law enforcement agencies, particularly, the Royal Barbados Police Force, that they are given adequate resources after an adequate examination of the situation so that they can carry out the situation.

I recall, Sir, and you may remember this, I do not think that you were too much involved with it, I do not recall but there was one bag called a diplomatic bag that....

Asides.

Rt. Hon. L. E. SANDIFORD: It was called a diplomatic bag. This was the biggest incident around the place. The Ministers were supposed to be involved, they knew about it. The Government, the Democratic Labour Party Government knew all about that and were involved in all of that. Since then I have lived to see all kind of bags, they were not called diplomatic bags, washing up all around Barbados under a different administration.

Asides.

Rt. Hon. L. E. SANDIFORD: Nobody blames the Attorney General for anything that washes up. They do not blame him. That would be partisan.

Asides.

Rt. Hon. L. E. SANDIFORD: We would not do that. Talking about resources, I believe that one of our recent Manifestos of the Democratic Labour Party did call for the provision of a police force of some 1 500 persons. I do not know what is the number now. I am led to believe it was around 1 200 or 1 300 - the Royal Barbados Police Force.

Asides.

Rt. Hon. L. E. SANDIFORD: We did call for that and that must be looked at. Then the whole question of deployment, we have to look at that seriously and make sure that those officers are where they should be and that is a problem. 5.20 p.m.

Finally, Sir, the point I wish to make is that whatever facilities are required in order to deal with this problem those should be provided and whatever action is to be taken it must be taken. We do not have to go to London or Geneva or to New York to find examples of crime. Up to the last weekend it is happening before our eyes and what this community wishes to know is that there is a plan to deal with this matter and I wish to call on the Attorney General to assure the public of Barbados that he has a workable plan to deal with this matter so that the crime that takes place and more important, the fear of crime, which is a separate matter but equally forcible, that minds can be pacified because there is a fear and we need to know that capable hands are taking action and capable minds are creating programmes to deal with this matter.

I wish on behalf of my own constituents and the people of Barbados generally to wish the Attorney General well in this fight. It is the biggest one that he has had to undertake and anything that will lead to results, because I know he has taken a number of initiatives but the results have not been what he might have wished for. So I wish him well and I am sure my colleagues wish him well because this is matter of national interest and of national concern. Thank you.

Hon. Miss M. A. MOTTLEY: Mr. Deputy Speaker, Sir, I rise to give my strong support to this Penal Reform Bill before this Honourable Chamber and may I say that as the Honourable Attorney General stated in his opening remarks it is but fitting that before this century closes that we should seek to adapt aspects of our criminal justice system that more reflect the realities of the change that has taken place, particularly during the latter half of this century.

Anyone who has had the opportunity to follow the development of crime patterns in Barbados and the criminal justice system would certainly say to you that within the last 20 years there is absolutely no doubt that we were forced to operate under a system of laws that have long been outmoded in respect of their practicality and effectiveness in dealing with persons who had fallen from the straight and narrow path and had found themselves before the law courts of this country.

There are things at both ends of the spectrum and it is really ...

Asides.

Hon. Miss M. A. MOTTLEY: As I was saying, Mr. Deputy Speaker, at both ends of the spectrum most of those who really other than for a fleeting difficulty with the law might otherwise have been good and productive citizens and also, at the other end of the spectrum, to deal with those who have clearly chosen a criminal path for themselves as a way of life, you would have found that the system of punishment that was available in respect of our law courts and available to our judges and magistrates was really too limited and far outmoded.

If we take the first one first in respect of those persons who may have got into some sort of skirmish or may have had some difficulty at some point along their lives, not a repeat offender but persons who genuinely may have fallen for whatever reason from the straight and narrow and found themselves before the law courts we had a system that would almost cause them to continue in the path of criminal behaviour if they did not have a strong will not to go down that line.

Part of the difficulty genuinely was that magistrates and judges in terms of the powers available to them had to choose between extreme forms of punishment. If you really

felt that a person should not be exposed for example, to some form of imprisonment but that they should still benefit from assistance from the state in some way you were limited because other than a conviction, reprimand and discharge or reprimand and discharge or fine there were not many other options open to you.

So a youngster who clearly could benefit from strong disciplinary supervision and who perhaps with that guiding hand and that strong hand may well be able to come back on the straight and narrow path would have found themselves either facing the possibility of going to prison or simply being fined or receiving an RD or CRD and, therefore, not benefiting from what the State could possibly offer in terms of seeking to give that person counselling or opportunities for some form of rehabilitation.

At the other end of the spectrum what you did was by making imprisonment a readily available option, then those who you would want to focus on and let them know that they are receiving the hardest possible sentence that the courts have to offer felt that going to prison was part and parcel of the rites of passage, for want of a better phrase, of some young men simply because so many of them have now been exposed to some fleeting time in prison whether it is for a few months or a year or longer. Therefore, the shame and scorn that should normally attach itself to forms of punishment such as incarceration no longer is reflected in their perception as it would have been one or two generations ago. 5.30 p.m.

It is amazing, Mr. Deputy Speaker, how when you speak to some persons they see time in and out of prison now as part and parcel of the rights of passage that young men are forced to go through largely because so many of them, or so many people that they know having done it at some point and also reinforced by the images which they see on television of young black men very often within the electronic media being associated with the criminal justice system and in particular imprisonment.

So that I believe, Mr. Deputy Speaker, that this Penal System Reform Bill seeks to treat to the matter of the possible sanctions for criminal activity with a view that not only ensures that punishment is delivered but that also is sensitive as to the capacity of the particular offender to be able to receive additional assistance or to receive almost a carrot and stick approach which says particularly with the suspended sentences that if I go and commit a crime again, the chance which I have been given to have this sentence suspended, I will now have to serve it, plus being sentenced for the other crime.

It really was a most painful experience to see magistrates and judges in our courts with their hands

virtually tied very often wanting to be able to help more in a situation where that person who is before them clearly is crying out for additional assistance from the State. Or for strong supervision or disciplinary action, but that they simply do not have the power to do so. We may have noticed that within recent years one of our magistrates took the power onto himself of effectively ordering people to do community service, but I do not know that he had any proper legislative basis on which to do that. Therefore, that was simply a case of his seeking to risk being appealed against in order to deliver what he thought was the most suitable form of punishment for the young person before him at that particular time, that is, other systems may have got him into deep trouble. But that perhaps is the strongest possible evidence as to the need for the change of the system.

I want also to speak to the fact, Sir, that this Bill is before us not as a purely academic exercise but one that has been rooted in the widest possible research and consultation that is possible for any form of legislation within our system. There are those who would like to argue that it should have come before. But I want to praise the Honourable Attorney General for taking the time to ensure that the procedures by which we arrived at this particular Bill, accorded with all of the best practices and recognise that in any attempt to change a system which is more than a century old, one has to be certain that what you are replacing it with not only have the respectiveness in other jurisdictions but also have the capacity to be supported by our own population, at all levels and from all quarters. And, I therefore believe that the tremendous work which has been done also be the Penal Reform Task Force headed by Ms. Forde and Ms. Farley has placed us in a position to be able to deal with some of these things.

What is also significant for me, Mr. Deputy Speaker, Sir, too, is the tremendous collaboration between this Task Force and my own Ministry of Youth Affairs where the Director of Youth Affairs in particular, having sat as a Member of this Task Force has been able over the period of time to be able to effectively address issues to deal with prevention, rather than only dealing with the issue of sanction after deviant behaviour as is the purview of this report.

The reality is, Mr. Deputy Speaker, Sir, that this is but one aspect of our criminal justice system that requires that very, very careful consideration if we are to be more effective in how we treat our people and how they themselves perceive their relationship to the rest of the society. There is no doubt that many persons who start and end up before the court believe that they are doomed to a life of crime, and simply because they do not have the assistance or the counselling to be able to get them off that path, very often they remain in those circumstances.

I can think of a few characters some of whom are now dead, who habitually occupied the Magistrates Courts in particular and in some instances the High Courts in our country and I almost came to a conclusion that it was not so much out of a desire for them to be criminals but almost out of habit and almost out of an understanding that this was the really only comfort that they knew, because they knew all of the players in the system that well.

It is a sad statement on a society when we have persons who feel as though they are in exile in their own country and who attach themselves to institutions that are meant to be able to correct behaviour or to punish, simply because there are no other institutions they feel that they can attach themselves to.

I hope that this Bill would usher in for us a programme of interaction between institutions and people within our society and those who may have had difficulties at some point along the way, rather than us seeking only to treat persons as criminals and to throw them outside of the system. There is nowhere for them to run. They cannot run from Bush Hall to Tent Bay without creating the same problems. They cannot run from St. Lucy to Christ Church without creating the same problems. This society must build on the same foundation which it has and has had for sometime to treat people fairly and with a sense of dignity by extending it to those persons who are likely to be most marginalised whether through the criminal justice system, whether through some form of disability or whether through elements beyond their control such as poverty.

We have a responsibility to ensure that we can work along with people at all levels of the society who need assistance and it must be borne out of an understanding that less than three generations ago there really was not much difference among the status of all of us who constitute the majority of this country. We have had to fight in order to improve our lot and while some of us have made it there must be an understanding that we should leave no one behind because those who are most affected among us, however few they may be, have the capacity to ultimately affect the welfare of all of us. We, therefore, must seek to ensure that our levels of interaction come, laudable as this may be, not only at the point of punishment but indeed at the point of persons when they most need that assistance. Whether young, growing up, whether persons who are disabled and need assistance, whether persons who are poor and need opportunities to be able to combat that poverty; that is when they need from us mostly that assistance, not after the act has been committed in respect of a crime, or in respect of poverty, not after the suffering has caused a tragedy among the family. I urge therefore, Mr. Deputy Speaker, that we not look at this Penal Reform Bill in isolation but see it as but one of the tentacles that is necessary in creating a legislative and an administrative environment within which all categories of Barbadians can work together for

the single purpose of improving the lot of those most affected among our population and by ensuring that we recognise that each of us must play a role in bringing along persons who are disadvantaged for whatever reasons. 5.40 p.m.

In respect of the situation with crime, it is an amazing thing that very often many of us speak about the effects of globalisation and the improvements in technology and transportation in respect of how it improves the quality of our lives, how it improves modes of transportation, without recognising that those same tools have also the capacity to create networks and organisations for nefarious and illegal purposes and not just for legitimate advancement of people's welfare and business positions.

In a very real way, Mr. Deputy Speaker, what we have seen even just with the very small situation of the movement of people between Barbados and St. Vincent, is but an example of how criminal activity has extended beyond these shores, has linked with persons who have similar objectives in terms of the desire to perpetrate some form of criminal activity, and that they have the capacity to use the very same tools that technology has made available to us for other advancements in society, in building entities and organisations that make it more complex, not necessarily more difficult, but more complex in terms of requiring of us solutions to be able to fight this new development.

It is new to us, perhaps, in the Caribbean but not new to many other regions in the world where illicit activity, whether it is in the trade of goods or in violence against human beings, have long crossed national borders. We have to be able to systematically put in place, as I am confident the Honourable Attorney General has been doing, those linkages with all of the relevant agencies and police forces across the region to be able to more effectively share information that allows for a better and more comprehensive fight against criminal activity within our shores.

There is absolutely no doubt that the fight which had to be raised against the returning of the deportees from North America and Europe primarily could only be raised in the context in which it was, and that was simply to say that you cannot reasonably expect that you can flood our shores with people who you are deporting for criminal activity in larger geographical areas than we have available to accommodate them and not give us information on them to at least give us a head start to be able to track them, to be able to know what their *modus operandi* is, to be able to know how and what they are likely to be involved in as criminal activity if they were to start when they return.

It was, therefore, in that context that I am aware that the Attorney General fought very strongly during the Bridgetown Accord, the discussion back in May 1997 when

the President of the United States of America visited our shores and met with the CARICOM Heads of Government, to see that the agreement known as the Bridgetown Accord reflected arrangements which would allow us to be able to effectively handle as best we could the return of these deportees to our shores within the Caribbean.

The reality is that many of them may well have been born here or spent two, three, four or five years here, but they were nevertheless still born here. All of the principles of international law would require us to accept them once they have been deported from the country in which they were residing and committing crime to the country in which they were born.

The point is simply this that there is not much more that one could reasonably expect this Government or the Attorney General to do beyond putting in place a framework that seeks to protect our interest within the context of the law and to allow us to be able to receive that early information so that our own law enforcement agencies have the capacity to more effectively monitor and be able to be aware of the types of crimes and their *modus operandi* within their particular type of crime.

I also want to speak to the fact, Sir, that apart from the use of technology in the commission of crimes that there is also a belief that has unfortunately attached itself to the culture of young people, and I speak as one, where we have been accustomed to believing that everything can come instantaneously in life and that the process that normally attaches itself to growth, or to the preparation of things, whether it be the preparation of food, whether it be the earning of money, whether it be the completion of whatever tasks, that we believe that we can get everything instantly.

I do not know yet, Mr. Deputy Speaker, of any instant delivery of anything that is not bad for us in the long run. Instant food gives us a bad stomach. Instant money very often without the proper and legal recourse risks our life or our liberty. Instant growing up, which many of them seem to want to do, and I say I have suffered and, therefore, know whereof I speak, has also the capacity to remove gaps of knowledge that we should normally have picked up along the very orderly process that we should seek to follow in the process of maturing and growing up.

It means, therefore, Mr. Deputy Speaker, that we as a society, through governmental agencies, non-governmental agencies and individuals, the Church and community groups must seek to change the attitudes that our young persons have in terms of what their expectations are as to how things are done and how you grow up and how you do certain things so that they understand that almost every activity in life has a due and orderly process which is there for a reason. Equally, that we do this through a process of public education and through formal and non-formal processes of education.

I want to say to this Honourable Chamber, Sir, that one of the objectives that we have held before us in the process of curriculum reform is the capacity to sensitise all young people as to that need for orderly development and for things to have a process by which the maturity or growth can be followed.

We believe that that kind of acculturation, or perhaps I should even say re-acculturation is necessary for many of our young persons who seem to believe that because you can do most things instantly because of the advances in technology that things that relate to nature or to our human system have the capacity to be received just like that. 5.50 p.m.

I also want to say as well, Mr. Deputy Speaker, Sir, that part of that re-orientation or re-acculturation process has also to be done by parents and by the church and by other social and community groups. The reality is that people change perceptions either because of responses emotionally or because of a cognitive process by which they can reason. Very often even if we deal with the cognitive process within the school, it is the emotional changes that they go through when they interact with their parents, when they interact with the church, when they interact with their football team or whatever sporting team or a cultural group that helps them to view their life and the lives of others around them. It therefore means, Sir, that for the school to embark upon this process through the curriculum reform that I spoke about just now, without having the support of other groups in the community working towards the same end, would be to defeat ourselves before we even start.

I read an article written by one of our journalists a couple of years ago which spoke to the fact of the rights of passage that young boys and young girls go through and that very often those things which we would normally expect them to go through are either now so rushed through or omitted that how they view the world is coloured permanently by that process.

I am not calling for a return to days gone by because I believe that is impossible. I believe that the values which served us well and which saw us walking hand in hand in terms of how we raise our children and how we effectively taught them, must be at the fore again if we are to change the kind of society within which we are living.

I also believe, Mr. Deputy Speaker, Sir, that a lot of the programming efforts which we have done by non-traditional means in sports and culture based activities have gone a long way towards getting back the trust of a lot of young people who might otherwise have continued on paths, not necessarily criminal paths but paths that lead them into some form of deviant behaviour or to lead to social problems. What do I mean specifically by that? The Youth

Development Programme for each of the last three years have trained over 3 000 young people across the length and breadth of Barbados in sports and culture based training. Indeed, over the three years the numbers are near to 10 000. They have been able to influence a number of those young people into forming in excess of over 30 clubs that are functioning. They have been able to see the likes of youngsters who started not knowing how to hold a volleyball and are now representing Barbados at the national level. There are two youngsters from Grazzettes who represented Barbados in football in the under seventeen national team which went to Trinidad two weeks ago. These youngsters started through that youth development training programme.

The dance group in West Terrace, formed and trained only within the last year, went to NIFCA this year and won a bronze medal. The one in Deacons Farm went to NEFCA this year and won a silver medal. The one in Bush Hall went to NEFCA this year and won a gold medal. Groups in St. Peter won medals in drama. Groups in St. Philip ...

Asides.

Hon. Miss M. A. MOTTLEY: We can come right through, Mr. Deputy Speaker, Sir. I only called a few that are at the top of my mind in terms of my recollection. The point is that through those training programmes which are essentially ten weeks and some are twelve weeks modules, held twice a year, we have been able to take thousands of young people and involve them into structured, supervised activities and in some instances have been able to find in some of them a true and real talent that is capable of excellence at the national level. In others, the creation of an appreciation for the particular sports or art form that allows them to be an audience in the future, thereby appreciating that excellence that is found in their colleagues.

I want also to say, Mr. Deputy Speaker, Sir, that those are only but some of the solutions. We do not believe that any single person or single group has the solution to deal with the problems of young people. What we believe is that with a basket of solutions and a basket of groups ranging, from governmental entities to non-governmental entities, to the church, that if each one were to be responsible for supervising and taking care of a few, then we would reduce slowly the numbers who found it profitable to become involved in criminal activity.

Mr. DEPUTY SPEAKER: The Member is asked to wind up please.

Hon. Miss M. A. MOTTLEY: I do not know of any person who has something to lose whether it is a house, a family or their pride and reputation who willingly becomes involved in criminal activity. We, therefore, have moved back from the position of giving people a reason to be proud of themselves and of their society and their community

and to give them the opportunity also to be able to deliver and to be good at something so as to avoid the temptations of those things that there is only but one certainty. That is, that in criminal activity at some point, however and whenever we do not know but at some point you will be caught and you will be punished. We need to be able to contrast the outcome for that with the outcome to those who are prepared to work for something and who believe that they have a stake in this society and who are prepared to work at developing that skill over a period of time, or that talent to help make this a better and a more just society.

I want to strongly support this legislation and to salute the Honourable Attorney General for bringing it. It is perhaps but fitting that he should be the Attorney General who introduced this legislation into Parliament, given his own particular training in criminology and his understanding of the problems and recognising that it is but a mixture of preventative approach with one of strong sanctions that will ultimately allow us to more effectively deal with this problem that runs behind all of us regardless of family and class.

I thank you, Mr. Deputy Speaker.

Hon. D. A. C. SIMMONS: Mr. Deputy Speaker, I rise to wind up this debate and I must thank Honourable Members who have participated in the debate for their contributions and their comments which have been very complimentary about the legislation. For several reasons, including the last two made by the Honourable Member who just sat down, this legislation gives me a lot of personal satisfaction because it is something I wanted for Barbados ever since I was a little boy ... and when I studied at the university I wanted to see the penal system changed. I never had an opportunity before and it is very satisfying that I could make this contribution to the criminal justice system at this time. 6.00 p.m.

I want to say however that I do not know where the Honourable Member for St. Philip South got it from, but there has been no change that has been wrought in me. If I introduced the Bill in a certain style it may have more to do with the season we are in than anything else.

I want to make it clear and I want the whole of Barbados to hear I believe that in the matter of crime and punishment, particularly in these times of novel sophisticated criminal activity, one must be firm but fair. I want to repeat that that is my guiding philosophy. As I said in prison on May 24, 1996, when I went up there and they were banging on the cell doors and I talked to them. I said, "I am going to be fair. I understand some of the complaints. They are

genuine and I will do something about it but you are not going to break down this prison." Where I have had to be firm and tough by either legislation or even by talking I have not shrunk from doing what I consider to be my public duty. When we looked at the firearms legislation in August the penalties for possession of illegal firearms were scandalously low. The legislation could only do so much to back the will of Government to be firm in relation to illegal firearms. Fortunately, as today, we had the total support of the Opposition for the firearms legislation. Even the penalties for two offences were increased on the initiative of the Opposition and they asked for two sections to be changed from \$ 100 000 to \$ 150 000. They themselves recognised that there are times when one has to be firm. One can be firm, fair and humane. I do not think that there is any contradiction in those positions.

Each of us have had parents who at times have had to be firm with us to the point of flogging. It did not say they did not love us. So my approach to penal policy has been to liberalise the system, modernise it, bring it in line with contemporary thought where that was necessary. Where it is necessary for the law to be tough the Government has not resiled from its responsibility to be firm and tough.

This legislation is at the end of the scale where we are trying to create a more humane penal system and we believe, as I said when I was winding up, that the measures in this Bill will conduce to giving our young people a chance to redeem themselves.

This legislation was not brought in response to anything that the DLP said. I have heard comments of Members on the Other Side but if they look in the Steering Committee Report which they have, they will see that the Steering Committee was set up soon after we became the Government with the precise remit to examine the penal system and recommend a more liberal system.

In 1991 in this manifesto at page 2, the Barbados Labour Party promised among other things to:

"Increase the age of criminal responsibility from 7 to 12 years."

We said we would have a:

"multi-dimensional approach to treatment of offenders and, correspondingly, a range of diverse punishment designed to suit the need of the individual offender."

That is the manifesto of 1991 which I wrote. We said that we would:

"provide for a sentencing culture..."

Aside.

Hon. D. A. C. SIMMONS: I meant I wrote this part.

"... offenders will be punished by doing work in and for the community. This will entail a more liberal use of Community Service Orders."

So all you are seeing here today by way of statutory reform has underpinnings in the policy that the Party set out beyond 1991 but certainly in 1991. We have now had an opportunity to put those policy objectives into legislative form.

Sir, I want to mention a couple of points made by the Honourable Members. The Honourable Member for the City spoke of the police post in St. Lawrence Gap. I think we announced that already, Sir, that we are committed to the establishment of a police post in St. Lawrence Gap. What we are trying to identify now is a site for it and I expect that soon after, early in the new year, we should be proceeding to acquire a site to have that police presence in St. Lawrence Gap.

I met with the Hotel Association and Tourist Board and the Commissioner of Police in September and we discussed this idea of tourist police. We do not want to create a separate organisation called tourist police but we recognise that in the tourist sector there is scope for the use of policemen trained in a particular way perhaps even with an ability to speak an additional language to operate within the tourism sector and we are studying that. I am not going to give any date as to when it is going to come because the Commissioner of Police is examining this proposal.

We were able to sit down I believe for the first time and interact with both sides trying to get an appreciation of what we need in the tourist sector so that we can respond adequately. 6.10p.m.

I reasonably anticipate that just as in the force now we have specialists groups, we have the serious crime squad, the Drug Squad, the Fraud Squad, the Task Force and so on, in due course we will have a section of the force who is dealing principally with matters affecting the tourism sector.

The Honourable Member for St. Michael West wanted to know about mentally disordered people. Those are provided for to a limited extent in the Bill, clause 38. In dealing with custodial sentences we have some requirements for the court to observe in dealing with mentally disordered people considering a medical report before passing a custodial sentence and so on. But I accept the point made in clauses 38 and 39 dealing with mentally disordered people. I accept the point that in the future and perhaps with the Ministry of Health playing the lead role for the promotion of separate Legislation we should have a new Mental Health

Bill which deals with all of these matters and strengthens the hands of the court.

Mr. B. M. TAITT: On a point of order. The point is that the question falls within the purview of sentencing. It would be much more efficacious if at a point you could include it in this Bill, because this is really a directive to judges on how to sentence. Whereas, the Mental Health Act will deal primarily with how they may be taken there or how they will be dealt with while there, but this deals specifically with how they are to be sentenced and it would be much more desirable to put it in this, in due course.

Hon. D. A. C. SIMMONS: The point was made by the Deputy Prime Minister that there needs to be a ministerial sub-committee or interministerial group involving health that will look at these problems where some of the problems cross over from one ministry to the other. That will come in due course.

Sir, the Honourable Member for St. Michael South made his usual cunning speech. He knows that I know him so long as the desert fox that when he begins to praise me, I expect him to kick me at the end.

Asides.

Hon. D. A. C. SIMMONS: He made the point, Sir, perhaps we should not approach crime on a partisan basis. That is true and all of us will agree with that. He also made the point that there are occasions, when even in the Caribbean we get outbursts of criminal activity and we need to study it and we need to study it and he wants to know what we are going to do about it. I will tell him, Sir.

One cannot avoid looking at the statistics to show trend, and there are periods in our history when crime has almost relentlessly kept going up and I suppose, despite the best efforts of the police force, and there are periods when it has come down generally. There are occasions when certain types of crime tend to mushroom.

Take for example, 1992 and I take this from the police annual report, 1992 would have to be the very worst year in our history, you had 952 robberies. We have not had 300 yet this year, but we have had some types of robbery that have outraged this society and outraged all of us.

Asides.

Hon. D. A. C. SIMMONS: Some of these are sophisticated high tech, as I say. In 1988 you had 186 robberies, in 1989, 184; 1990, 339; 1991, 662 and by 1992, 953 robberies.

Asides.

Hon. D. A. C. SIMMONS: No. This is up to 1992.

Aside.

Hon. D. A. C. SIMMONS: I could give you the figures tomorrow for 1993. It has gradually come down. So that 1992 is the high point. The year 1993 was the high year for all crimes, there were 1 347.

Asides.

Hon. D. A. C. SIMMONS: I would never say that. You see again with murder, all of a sudden you get an exceptional year. The year 1990 was exceptional for murder. In 1989, 19; 1988, 20; 1991 and 1992, 19. All of a sudden something happened.

Asides.

Hon. D. A. C. SIMMONS: No. These are reported. I will pass it around. These are the offences reported, the murders reported or the robberies reported.

Aside.

Hon. D. A. C. SIMMONS: As I say, Sir, ever so often we go through this. There was a time when perhaps if you relate this to what was happening outside, you would see that when Mr. Clarke and his gang were brought in, all of a sudden things went quiet. You had a period of quiet perhaps for two years and then another spate that resulted in four fellows being "written-off" in Melrose that it went quiet again. And you get these outbursts.

I want to assure Honourable Members that Cabinet dealt with the question of crime on 26th February this year and, as we are able to do, issued a number of policy guidelines for the Commissioner and invited the Force to concentrate on certain types of crime including violent crime, robberies, drug crimes and street crimes. I think there has been a dramatic reduction in street crimes, but robberies have gone up.

As a result of Cabinet's policy guidelines to the Force, the Force has published, when I say published I do not mean for general consumption, but this is their internal document. The 1999 Force Plan which explains how they intend to deal with various types of crime, the targets that they set; reduce this by 10%; reduce that by 15%; reduce that by 5% and so on are where they are going to concentrate. This is all set out in the Force Plan and the Force operates according to this Plan which was discussed and adopted in October at the Annual Force Conference.

There is a plan to deal with crime developed by the practitioners in law enforcement. As policy makers we cannot determine how operations are to be conducted. In

fact, as I have explained in this House before, the law since 1968 forbids a Minister from directing the Commissioner of Police on operational matters, *ex pane* black bird. We can deal with policy matters. I cannot say to the Commissioner, I feel you should do a raid in this place, or you should do a raid there. I do not have that authority in law but I can say as a matter of policy, we think that you should concentrate your efforts on traffic, on drugs, on robberies or whatever but I cannot tell him how to execute that policy. That is an operational matter.

Asides.

Hon. D. A. C. SIMMONS: But he did not know the law and there have been some in the past. There has been some trespassing or alleged trespassing by the Attorney General on the rights of the Commissioner in the past. 6.20 p.m.

The Honourable Member for St. Michael South made a very important contribution and it was that there is a difference between crime and the fear of crime. I appreciate that there is a perception out there that things are very, very rough. Particularly where guns are involved people are going to be afraid that is why I am so firm about the law on illegal firearms. It puts people in fear so I understand the perception.

I wish to assure Honourable Members that the Force...

Aside.

Hon. D. A. C. SIMMONS: You can see it. It is not a secret document. It is more confidential than secret. The Force has developed a plan to deal with crime in this country as they, the practitioners, know best. It has been shared with me and I endorsed it. I believe that we have to be patient because the sophistication of crime does not allow for a quick solution.

Take the robberies, we are dealing with people who are masked. They go and commit a robbery with a firearm. The positive identification you can get from that kind of offence is very weak. You cannot see a face. You might see clothing. If a fellow has a particular walk or something like that, you would pick up that but you are really operating in the dark in these situations of mask robberies.

A lot of business places, I think I made the point earlier, have not properly been equipping themselves electronically to help surveillance. In one or two cases recently electronic surveillance has helped us to crack crime but, generally, it is just police working by their own methods to get information to haul in a criminal so that it took us almost two months before we could find the person who shot the English visitor. All we knew was a description of his physical built and a certain cap he was wearing.

Aside.

Hon. D. A. C. SIMMONS: That is why I am not saying anymore but you need time. We needed time to call in "Wharfie". We needed time to put certain things in place before we could get "Wharfie". It needed time before we could get those who had robbed Budg-Buy. It is going to take time before we can get a little group of four out there that we are looking for in due course and I hope the Press will be sensitive not to carry some of these things because they hamper investigations.

I saw in yesterday morning's paper "Harding's Cry," front page, saying that he is not going back to prison. I think some of that reporting is very insensitive. That information should have been shared with the police, full stop. Instead of that they blab it all over the place so you are fighting an uphill battle all the time.

All of us agree that we are going to be tough on illegal guns and the first thing they do, they go into an area with fellows liming on the block and ask them: "Are you going to hand in your guns?" The fellows say: "No. We are not handing in guns," and they publish that. They can go along. It is their society. I do what I have to do. If you want to mash it up, you can mash it up. I will do what I have to do.

Mr. Deputy Speaker, as I said, I just want to reassure the public that the police are doing all they can. I believe that we have been unfair to the police, in questioning the integrity of the statistics put out by the police, I think it is unfair. It is wrong.

I saw a man who used to be in this House of Assembly write a column last week talking about dubious police statistics. He is only lucky that he was not one, because he got off.

We have a very good Police Force, Sir. I know that all Members of this House support the efforts of the Force and I just ask them to be patient. Let them do their work according to their training and I am sure there will be a clear-off in some of these crimes but we must not discount the regional element in crimes. There is evidence of an interconnection regionally among the criminal population. I have been saying it for a few years. It is becoming clear.

Today I showed you what they are saying in Trinidad, what the Ministers in St. Lucia, John and Odium were saying at the Association of Commissioners of Police for the region two weeks ago. The Antigua Commissioner was complaining. The St. Kitts Commissioner complained about the same types of crime that we are having here, people with guns robbing businesses, that is spreading throughout the region. It is a problem that all of us have to deal with.

We are getting assistance from the Americans and, indeed, the European Union to develop secure

communications systems. It takes time to get all those things in place but the region is working.

I wish to finish, Sir, by telling the Opposition that I am well aware of their strategy. I am well aware of the strategy to highlight crime. It is an emotional thing. I understand that. It has been fashioned for them by their public relations people, Ms. Laszlo and Mr. Ronald Lester who was down here last week. I know all of that. We understand on this Side what is happening. I will not tell you anymore now. 6.30 p.m.

Asides.

Hon. D. A. C. SIMMONS: She worked in Trinidad, she worked in St. Lucia and we are aware of it. I wish you well.

Sir, I wish to thank the House for the quality of the debate today. I am pleased to move that Bill be now read a second time.

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

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

On the motion of Hon. D. A. C. SIMMONS seconded by Hon. Miss B. A. MILLER the House resolved itself into Committee, Mr. D. CARTER in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is now in Committee.

Pan I - Clauses 1 & 2 were called and passed. Pan

II - Clauses 3-19 were called and passed. Pan III

- Clauses 20- 32 were called and passed. Pan IV-

Clauses 33 - 41 were called and passed. Part V-

Clauses 42 - 44 were called and passed.

Hon. D. A. C. SIMMONS: I beg to move that the Schedules 1, 2 and 3 become Schedules to the Bill.

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. Miss B. A. MILLER, Mr. CHAIRMAN reported to His Honour the SPEAKER, the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. A. C. SIMMONS seconded by Hon. Miss B. A. MILLER, the Bill was read a third time and passed and cited as The Penal System Reform Act, 1998.

ORDER NO. 4 - TO MOVE THE SECOND
READING OF THE MUTUAL FUNDS
BILL, 1998

Rt. Hon. O. S. ARTHUR: Mr. Speaker, the development of a capital market in Barbados of a sufficient depth and resilience to be a principal instrument for the mobilisation of savings and investments is very much what one of the development challenges facing the country. The Government is in fact, Sir, very much committed to the development of the capital market of Barbados as one of the important remaining aspects of our development that has assiduously to be approached on a sustained basis. The legislation before the Parliament, which is intended to provide a legislative framework for the regulation and the administration of mutual funds, must be seen in the context of the commitment to develop a capital market in this country.

Sir, I do not believe that I should trespass on the patience of Parliament by going into any excessive explanations as to what mutual funds constitute and the forms in which institutions for the promotion of mutual funds have come to presume.

The House is generally aware that mutual funds in fact work on the basis that investors monies are pool together and then used to buy into investment options such as stocks, bonds or money markets such as securities, treasury bills or certificates of deposits...

Asides.

Rt. Hon. O. S. ARTHUR: The Member for St. Michael South wishes to convince us not about his knowledge of economic but about the lightness of the course of action to which he committed the country before 1990 and the Tightness of the course of action that he was compelled to embark upon to rescue the country from the wrecked conditions to which he had plunged it.

Asides.

Rt. Hon. O. S. ARTHUR: We are all convinced, Sir, that he was wrong to have done that to the country and that he should seek vindication but also, Sir, with a sense of remorse.

Mr. Speaker, the mutual fund industry has been in fact internationally one of the fastest growing areas in capital market development. It is now estimated that in the United States alone there are some \$4 trillion U.S. under mutual fund management and mutual funds have become very important vehicles for savings and investment in the United States, Canada, United Kingdom, Latin America and to some limited extend as well in the Caribbean.

I want to make it clear, Mr. Speaker, that this legislation will not create a basis for mutual funds to emerge. Mutual funds, in fact, have been in existence in this country since 1986. Their growth have been slow in both absolute and relative terms. Some people complain that the absence of our reluctance to completely remove all exchange controls and expose ourselves to having our capital market development being part of the process of global liberalisation has been a constraint. I just want to use this occasion to reiterate that Barbados proposes to continue to approach Exchange Control liberalisation and capital market development with prudent caution. We are reinforced in that particular perspective based upon the very important lessons learnt from the turmoil in Eastern Asia. We will be prudent in relation to the systems we put in place to spur on the development of our capital market. 6.40 p.m.

I would just at the outset of this debate want to say that capital market development has to be proceeded with an eye to the long term. There are no short cuts and the worst thing that can be done is for us to put in place systems that allow a free for all or a reckless pace to take place merely for evidence of growth without regard to sustainability and we want to make sure even as we put this legislation in place that we are putting in place the best legislation that can provide for a regulatory framework within which a strong but well regulated mutual fund industry in this country can be sustained.

I make the point, Sir, that mutual funds existed before this legislation. The first came into existence in 1986, two have recently been formed and even as I speak to you, the Barbados National Bank is now in the process of constituting its own group to form and manage mutual funds. The fact is that Barbados is a relatively late comer to the field of mutual fund management and we will be facing a situation where other jurisdictions in our region and elsewhere have sought to evolve as international financial centres and have in fact a tremendous head start on us. An aspect of this legislation, therefore, has been structured with a view to facilitate our being able to break into a very intense competitive market but in conditions of being a late comer.

This legislation before the House, Mr. Speaker, has been the result of a long process of consultation that started in 1993 but certainly was accelerated in 1996 after we introduced legislation to provide incentives for investors investing in mutual funds.

I should like, Sir, on this occasion to thank all those persons, including Members of this Parliament who sat on the Committee to draft the legislation and to thank all members of the public who contributed in some respect to the structure of the provisions before the House.

May I also say, Sir, that the House would be aware that there was recently a forum on global financial services and we did invite the persons participating in the forum to review the legislation before the House because we wanted to make sure, as I said, that as late comers to the market that the legislation that we have can enable us to fulfil the purpose of making Barbados an important player in the international mutual funds business.

Sir, at one stage we were giving thought to having two pieces of legislation pertaining to mutual funds. One to govern the regulation and administration of mutual funds that cater only to the domestic market and another piece of legislation to provide for the governance of offshore mutual funds for Barbados but, in keeping with our current approach, the legislation before the House has been crafted on the precept of conversion. It in fact is legislation intended to provide for the regulation and administration of both onshore and offshore mutual funds of Barbados and it should be perceived of in that context.

In that respect, Sir, the model on which Barbados has drawn heavily in giving conception and flesh to the provisions of the mutual fund legislation is the Bahamas legislation which has been regarded as being appropriate to our circumstances because the Bahamas Act appears to have been deliberately conceptualised to address the regulation of both the onshore and offshore mutual funds.

We are in this legislation continuing the practice of putting both the onshore and offshore financial industry within the same regulatory clothing. This legislation, as I said, has gone through a wide process of public consultation extending over a period of two years and if I may speak very quickly to some of the most important aspects of the fund. To begin with, the Securities Exchange of Barbados will be responsible for the regulation of the mutual funds in this country and that in a way casts an ever greater obligation upon us to have a new Securities Act and a new Commissioner. This legislation will now extend the scope and functions of the Securities Exchange of Barbados.

The House is already, Mr. Speaker, very much aware of some of the deficiencies in the nature of our arrangement governing the Securities Exchange of Barbados. It is an exchange that regulates itself for itself by itself. We do need a new Securities Act that provides for an oversight institution that will allow us to have detached oversight of the capital market, a matter that becomes very important because, as I will illustrate soon, we have been very careful to build into this legislation a lot of detailed provisions to provide for investor protection and we can do that by statute and it is appropriate that it should be dealt with by statute. At the end of the day, the operation of a commission to provide us with the comfort of an independent detached supervision of all of our arrangements through the Securities Exchange of Barbados is a highly necessary and desirable action.

Sir, the legislation in terms of its main provisions recognises that mutual funds can have one of four structures, either through a registered unit trust, through a company, through a partnership or through a society with restricted liability within the meaning of the Society With Restricted Liabilities Act.

The legislation also acknowledges that two types of mutual funds will operate under the Act. Authorised funds which relate, will in large measure speak to the domestic market and will be funds authorised to carry on business in or from Barbados subject to the conditions where the minimum equity interest that may be purchased by a perspective investor in the funds is \$100 or its equivalent in any other currency and subject to the provision that the equity interest listed on a stock exchange including over the counter market specified by our securities exchange by way of a notice in the *Gazette*. Such authorised mutual funds must be licensed.

The Act also acknowledges that mutual funds by their very functioning will be engaged in the continuous offering of equity interest and that an authorised mutual fund carrying on the business of continuous offering of equity will not be required to comply with that provision of the Companies Act which requires the issue of a prospectus wherever a public offering of shares is put on the market.

The Act also recognises a second type of mutual funds, authorised and exempt mutual funds, on the understanding that an exempt mutual fund will be a fund where the equity interests are held by not more than 15 investors the majority of whom are capable of appointing or removing the operator of the funds. But that more important, Sir, an exempt mutual fund will not be allowed to carry on or attempt to carry on business in Barbados unless it is registered with the Exchange. 6.50 p.m.

The Act also recognises the need to put in place provisions for the administration of mutual funds and in this respect it recognises the need for two classes of licenses. Those that will be involved in general mutual funds business and those that will be involved in restricted funds and it spells out very carefully all of the conditionalities that have to be met before the Exchange will issue licences for the administration of mutual funds, whether they be general or restricted.

A critical aspect of the legislation are the very stringent provisions built into the law for the protection of investors. And indeed, Sir, the Securities Exchange is authorised to carry out a number of very important functions in the event that it is satisfied that the obligations of the funds to meet and protect the interest of investors are not being followed.

Indeed, Sir, if I may be specific in this matter, where the Exchange is satisfied that a mutual fund is unlikely to meet its obligations as it falls due or is carry on or is attempting to carry on or is winding up its business in a manner that is presidential to the interest of the creditors, the Exchange may take at least one of five or six actions, Sir. It may revoke the mutual funds licence. It may impose further conditions on the licence and it may in fact go to the extent of appointing custodians in order to advise the Fund to control the affairs of the funds or to appoint persons to advise the Fund on the proper conduct of its affairs. But, I want to stress that in this new dispensation that we are very conscious that the legislation must be especially strong on the issue of an adequate regime for the protection of investors.

Sir, the matter of the fiscal regime under which mutual funds will exist in Barbados is crucial. The legislation before the House itself describes that mutual funds will be exempted from the provisions of the Stamp Duty Act and the Property Transfer Tax Act with respect to transactions concerning ownership and transfer of shares. I may also say, Sir, that taking into account the need for us to use one piece of legislation to govern both the domestic and offshore mutual funds that we are accepting advice that will put us in a position to allow mutual funds established in Barbados to benefit from the provision of double taxation treaties which Barbados has with various countries.

It is, therefore, contemplated that we will build into the Income Tax Legislation the provision that mutual funds will only be taxed on income which is not allocated to shareholders and unit of holders and that local shareholders and unit holders in mutual funds will not be taxed on income allocated to them, but will be taxed on all income distributed to them. Not on income allocated, but only on income distributed to them by the fund.

Mr. Speaker, the legislation also includes transitional provisions taking into account the fact that there are mutual funds existing in this country prior to this legislation coming into place. As I said, this legislation is to provide the regulation and administration of mutual funds and, therefore, in section 50 of the Act there are transitional provisions which allow a mutual fund in existence immediately before the commencement of the Act, to carry on business in or from Barbados without having obtained a licence or registered as a mutual fund for six months after the commencement of this Act. So that the existing mutual funds have a period of six months within which to get themselves right, but they must make an application in the prescribed manner within three months after the commencement of this Act to be licensed or registered as a mutual fund.

Mr. Speaker, Sir, there is no mystery to this matter that is before the House. The key challenge now is for us to establish Barbados as a major important location where the

management of mutual funds intended to function outside the Barbados market can emerge. We will have to do this by a combination of active promotion, selling the benefits of the tax treaties, to which Barbados is signatory and otherwise optimising the other fiscal infrastructural and other benefits that are associated with our functioning as a domicile for international capital.

I believe, Sir, that in a very summary way I have captured the essence of this legislation. It will add an important dimension to our capital market. There is already great interest being expressed both by domestic and foreign investors in sparing on the development of mutual fund industry in this country, and I look forward to this development being of entirely salutary effect on the economic transformation of this country.

It is that spirit that I commend the Legislation to the House and beg to move that this Bill be now read a second time.

SUSPENSION

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that the House be suspended until 8.00 p.m. this evening.

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

The question that the House do now suspend until 8.00 p.m. this evening was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly. 7.00 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed. The Honourable Member for St. John.

Mr. D. J. H. THOMPSON: Mr. Speaker, I am not going to detain the House on this legislation because on this side we agree to the provisions in the Bill. In any event the principal spokesperson on this legislation will be in the Other Place and, therefore, I do not want to go into all of the issues that we would have debated had the debate started earlier.

We support this legislation and, in fact, have been calling on the Government to have this legislation put in place as soon as possible. This was a hangover from the previous administration. We were also considering the introduction of mutual funds legislation. It formed a part of the Throne Speech after the new Government was elected and I think, and perhaps the Attorney General can explain, it may not be at his level, but it is sad that it has taken so long for the new legislation to come on the statute book because in that intervening period, between 1994 and now, quite a few mutual fund administrators, particularly those operating

in the offshore sector, have visited Barbados and were thinking of establishing operations here and at one point they were not even available in circulation a draft Bill. I think we have missed major opportunities in this regard.

While I see the advantages of the development of mutual funds from the point of view of local investment, and I think that the new legislation in itself is not going to create any major impetus, it would provide the opportunity for better oversight and administration of those funds because we already have mutual funds in place. We already have mutual funds which have been extremely successful in place in Barbados. Based on recent noises from the Barbados National Bank they have launched some new mutual funds. I think these developments require, certainly, greater supervision than would have hitherto been necessary.

The other consideration which I would like the Attorney General to address is the extent to which this legislation is going to be in harmony with other mutual funds legislation in the Caribbean because I assume that most of the steps we are going to be taking in Barbados are going to be directly relevant to the development of a regional capital market. Therefore while it is true that this is based on The Bahamas model, The Bahamas is not, strictly speaking, going to be part of those arrangements. So does this piece of legislation form a basic model which other CARICOM countries are going to be inclined to introduce? Does the approach which is being used here in terms of supervision accord with the approach which those countries are interested in developing?

We have to be conscious of the fact that the Government has moved into a new thrust in relation to the offshore sector where, by and large it is equating the status of foreign investors in investment vehicles in Barbados to those of Barbadians. We just had amendments to the IBC Act which provide those opportunities and this legislation, no doubt, also goes somewhere toward doing that.

What I am really trying to find out is the extent to which it is going to be in harmony with developments which might be taking place in the rest of the Caribbean because we have to be conscious of the fact that if the direction we are moving in is providing similar opportunities to Barbadian investors, that but for tax treaties and so on, foreign investors would enjoy if they are using Barbadian investment vehicles, then it means there is going to have to be an even greater need for harmonization and for other territories in the Caribbean to be aware of what legislation is being passed in Barbados.

Right now many of the other countries in the Caribbean are putting in place very swiftly, and without the care and attention to these issues that are necessary, large amounts of new legislation which relate to offshore investment, international business and financial services.

It, therefore, to my mind, requires at this stage the leaders of Caribbean nations to put this question of the development of the offshore sector on the agenda for discussion at CARICOM meetings to get some sense of the direction in which all of our CARICOM countries are going to be taking.

I also think that having this legislation in place is going to put a greater responsibility on the Securities Exchange of Barbados, not only from the point of view of its role directly under the legislation, but its role in terms of advocacy. That advocacy, to my mind, if it is going to be successful, particularly encouraging the development of black business in Barbados and more involvement by Barbadians in the ownership and control of economic wealth that the focus has to be on parents on behalf of their children.

I think a major thrust has to be undertaken, an educational and promotional - call it propaganda if you wish - thrust at sensitisation, that sounds better, I suppose, and encouraging parents to use investments like this through mutual funds and so on to help their children to understand that it is important to be involved in economic activity and also to help them to understand that many of the benefits they will receive later on in life will only come by prudent investment now.

I think a whole re-education or education process has to be launched. I hope the resources made available to the Securities Exchange and other agencies in this regard will be increased so they can give attention to this important area.

As I said, Mr. Speaker, the substance of the presentation of the Opposition on this Bill will be done in the Other Place. I hope that this legislation will meet the intended objective, which objectives we in the Opposition have been supportive of from the outset and we will be giving support to this legislation.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, I rise to give my support to the Bill and to indicate that as a Member of the Committee, I am fully aware of the care and attention that was paid to a number of representations that were made to the Committee on the draft Bill which was widely-circulated.

As is usual in the legislation, all of the interests who made representation may not feel that the Bill precisely mirrors the points as they would like to have seen dealt with in the Bill. 8.15p.m.

In my experiences as a legislator and a Member of the Executive, it is almost impossible when one is bringing new legislation to satisfy all of the interests.

Quite obviously, this legislation will be no different from any other legislation in this area and any other area. If

during the course of the implementation of the legislation the concerns that were expressed previously are proven to be matters that should be attended to, I am confident that amended legislation will be brought to reflect the experience that is gained while the Bill is being administered.

I also want to make the point, Sir, that in the context of all available evidence in Barbados, in my opinion, mutual funds will play an increasing role in providing security for people in the future as they reach the retirement age and the existing pension provisions by way of National Insurance and by way of special private sector pension schemes, are recognised to be what they are, that is, deficient in making provision for adequate cover in the old age. Increasingly I believe those who sell mutual funds will seize the opportunity that will be created to sell to a large number of people mutual funds by trying to convince them that it is part and parcel of the machinery that they should use to supplement the existing provisions. For self-employed people, the opportunity should be exploited to the hilt.

I am hopeful that in the not too distant future additional tax shelters and increased provisions will be made by the Ministry of Finance to allow for a greater tranche of income to be invested in mutual funds and other instruments so as to provide for that security that is vital in old age.

I think that one of the significant deficiencies in this part, the closing part of the century, that has been recognised all over the world in all kinds of political systems, is that the State cannot be expected to be the sole provider of people and for people in their old age. That has become increasingly recognised. As you work, it is your duty not only to pay your state security but also to recognise that that has to be supplemented. That is where the importance of mutual funds have become well recognised.

We also have the problems of the need for the State to ensure that there is proper supervision of the administration of mutual funds. Supervision is an integral part of the Bill. The Government has decided that the institution that will perform that supervisory role is the Securities Exchange of Barbados. I, myself, believe that as a matter of urgency the defects, which are now very clear and have now been well documented in the existing Securities Exchange of Barbados Act and its institutional framework should be looked at and corrected. We have to have Amendments to those Securities Exchange legislation to ensure that part which is embodied in terms of the Act is amended in the light of reality.

The reality is that a very narrow group of people are in control of the machinery and the decision making power and the disciplinary power in the Securities Exchange. They are having an expanded role, they are having a role as the regulator and, therefore, it would seem to me that the Amendments to that Act which are well recognised should take place at an early date.

We also need, Sir, to recognise that there is a fundamental distinction. Sometimes this is not fully appreciated. There is a fundamental distinction between an interest in the mutual fund in the form whether it is of shares in a company, or whether it is an equity interest under a unit trust, is completely different from the interest that the fund itself has by way of investment in other securities whether on the Stock Exchange or otherwise. That is not always appreciated and I trust that that will be explained because while the capital markets and harmonisation in the Caribbean in my opinion is indisputably relevant to the investment that the fund or the unit trust will use the money that it collects from its members in investing, the experience has been that the fund shares themselves are not sold via a Stock Exchange.

Barbados Companies Act makes special provisions for mutual fund companies. It makes special provisions in that, at the time when the Companies Act was passed, it was recognised that a company was a device that could be used to encourage you to buy shares, which the company would then invest in other company shares or in real estate or whatever it is, as opposed to the traditional British method of mutual fund machinery whereby trustees would collect the money and you would have a unit in the trust and then they would have a trustee which would form the investment.

It is not surprising that in Barbados there are a number of mutual fund companies already in existence. What this Bill will do would be to recognise that there is machinery in Barbados for the creation of a mutual fund by way of a company as apposed to a unit trust but that that particular type of company would be subject now to oversight and regulation. That is a fundamental point.

The last point that I would like to mention in relation to this, Sir, is the question that was raised by the Leader of the Opposition in relation to CARICOM. I am very pleased that we have decided in our mutual fund legislation to provide at the very outset for the regulation of both mutual funds which would be operating and seeking to raise funds from the Barbados or Caribbean market as well as those mutual funds which would be operating and their prime object is to raise funds from outside. In other words, this Bill regulates both. The distinction between the two is not very great because that is what is happening all over the world in respect of the attack that is taking place on what is called the offshore jurisdiction. 8.25 p.m.

We constantly have to point out that our legislation is moving towards a similar treatment between the vehicles that we have and the legislation and supervision that we have, between those that are targetted at the domestic market and those that are targetted at the overseas market but operating from Barbados. It is a plus and we have decided to regulate both within the context of one Bill. I think that that is a good

thing and as the Prime Minister mentioned we are indebted to the Bahamian legislation in that respect.

The final point, Sir, that I would like to make is the question of taxation. A decision has to be taken with respect not only to income taxes but also with respect to stamp duty and property transfer tax. I am glad that the Income Tax Bill will deal with the situation of the fund company and its exemption from tax arising from the gains that it makes from the use it makes of the money that is got from the public and the investment that it has to represent that money.

We still have the question of the money that is put in by the individuals into the mutual fund. We still also have one or two other questions in relation to the transfer of interest in the fund company whether that is going to be subject to property transfer tax or not because it is not going to take place on the stock exchange so, therefore, it is not having the benefit of the exemptions there. It is true that in respect of many mutual funds it will not arise because you will be getting back your money by way of surrender of your shares but it is an important point that has to be clarified. I trust that we will have that dealt with in a very swift manner.

All in all, Sir, I welcome the Bill. I do not pretend that it is a perfect Bill but I know and I am sure that the experience will prove that there will be very little need for amendments in the future and that many people who at the present moment are cautious because they are looking for perfection but you cannot get perfection in this kind of legislation, what you have to do is to do your best effort. We had that from the very beginning in our offshore legislation. If the Barbados Labour Party had taken the position that it was going to wait until it had perfect legislation they could be sure that Barbados would not be exposed to any potential at all for being used for legitimate purposes and we would not have the regime that we have today. That is why, Sir, I feel that we can support this Bill without any fear at all.

Mr. D. St. E. KELLMAN: Mr. Speaker, from the outset I want to say that I support this Bill but I also want to say something about the capital market and the investment market in Barbados. As you know, Mr. Speaker, I have been calling for certain amendments re the Companies Act of Barbados. I believe that that Act was structured by the people who first brought it to Barbados to protect their own interests and that is the Act tells you when you cannot pay a dividend but it does not tell you when you should pay a dividend. I believe that this is something that should be corrected because the masses of people in Barbados will not be happy to invest until they are sure within themselves that the directors are not only protecting the interest of the shareholders and when I say the shareholders, I mean the ones who controlled the company previously.

Let me give you an example of what I speak. Company X in Barbados can make \$10 million profit but there is no law to tell that company that it has to pay a dividend. The

directors can use the excuse that they are planning to expand the company and they cannot afford to use the profits to pay dividends.

I am saying that the same way - I do not care who shake their heads, that is a fact - the Companies Act tells you when you cannot pay a dividend. It should be able to tell you when to pay. Until that happens in this country you are not going to get a large number of people investing.

Hon. D. A. C. SIMMONS: Mr. Speaker, there are some basic rules about the maintenance of capital and one of those principles is that you cannot pay dividends, if to do so would be to ruin the capital base. You have to leave the question of the payment of a dividend to the discretion of the directors. Because the company shows a profit it does not mean that a dividend must be paid. There are other things that the profits could be applied to. They might want to hive off a capital redemption fund or a capital reserve fund. There are several reasons. You cannot circumscribe the discretion of the directors.

Mr. D. St. E. KELLMAN: Mr. Speaker, the problem with some people in this country is that sometimes they do not follow an argument to a logical conclusion. They take directions from people who have the interest of other people at heart and they will not take consideration of the man who has the masses at heart.

Asides.

Mr. SPEAKER: Please! Proceed, please!

Mr. D. St. E. KELLMAN: Mr. Speaker, what I am saying is that you cannot invite ... Most companies in Barbados that are private companies that go public - I am making this charge and I challenge anybody in this House on the floor or otherwise to deny this - go public when they want capital. They use poor people to get capital for their companies, that is why I am saying that you need to protect the investment of those poor people, the same way they say that when they cannot pay a dividend, they should be able to say when they can pay one because the law as it stands right now allows directors to frustrate people who would have gone to the capital markets to get capital for their companies, to frustrate people when they have enough money to sell them back their shares.

There is no law which tells a director when to pay a dividend. It is at the discretion of directors. I am saying that the way the law is now that companies can build up their retained earnings.

Asides.

Mr. D. St. E. KELLMAN: The basic point you all are missing is that when poor people buy shares they buy shares to get a yearly return.

Asides.

Mr. SPEAKER: Order, please!

Mr. D. St. E. KELLMAN: Mr. Speaker, if a poor man has \$5 000 in a bank and he decides to move that \$5 000 from the bank to buy shares and he lives off the interest that he gets from the Bank what does he expect to get when he invests that \$5 000 in shares?

Mr. SPEAKER: Order!

Mr. D. St. E. KELLMAN: Mr. Speaker, these people speak of large investors like themselves but they are not speaking of the poor man who spends money ...

Hon. Miss B. A. MILLER: On a point of order, Sir. This is going too far. There are many people in my constituency and I represent an exclusively working-class constituency who buy Government bonds all the time, five years, seven years. Do not underestimate the intelligence and the understanding of how the market worked at that level in our community. 8.35 p.m.

Mr. D. St. E. KELLMAN: Mr. Speaker, I stick to my story and that is that more poor people when they invest that money they invest it with the intention of getting dividends. A good example of that, Sir, is that most of the poor people who bought dividends in Banks Shareholding Company when it was formed, every year looked forward to that dividend. I am telling you that and anybody can challenge me on that. Every year they look out at the end of the year for that dividend and I dealt with many of them.

Asides.

Mr. D. St. E. KELLMAN: You see, the problem with some politicians they do not deal with enough small people to understand what I speak of. People who remove their money from the banks to buy shares expect the same return, so stop fooling yourselves. I am saying and I will make the charge that the problem in this Parliament is because this has not been done in America or England, we feel that we cannot do it, but I will call on the Attorney General to look at it in a serious way.

We must stop following other companies and we must set examples that are good. I am saying that any government in the Caribbean or in the world that is bold enough to change the Companies Act to protect the investment of small people will find that there will be a large investment in shares in any country but poor people will not invest when they have that cloud over their heads.

Mr. Speaker, let me tell you something, poor people have always seen those large shareholders as people who only want their money.

Hon. D. A. C. SIMMONS: On a point of order. Now we understand why, notwithstanding all the massive publicity last weekend, they could only raise 60 people in Road View Sunday night. I cannot stand to hear you talk foolishness.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, you know I do not stoop to that level of debating. I always keep my debate at a higher level. We are dealing with an important issue dealing with the masses of people and you can get an Honourable Member getting up in the House to tell a lie about numbers.

Rt. Hon. O. S. ARTHUR: Mr. Speaker, Sir, I feel that I must rise on a point of order to bring to your attention that there are rules governing this House pertaining to repetition. The Honourable Member has been speaking for 20 minutes, he has made one point and we would want to hear the second point.

Mr. D. St. E. KELLMAN: Mr. Speaker, I am a bit surprised at the Honourable Member for St. Peter. If there is one person on the Other Side I expected to understand things that relate to poor people it is he and I am very surprised that the Honourable Member for St. Peter cannot understand that poor people invest their money to get an annual return.

I am saying, Sir, that the Companies Act is not going to change the economic climate. Two months from now I will have to speak to my leader about making that change because it is too important for that change not be made in this country. As I said, it is no way that we should wait until something is done in America, Canada or England then for us to know it is something good.

Aside.

Mr. D. St. E. KELLMAN: I am making a valid point, but if I was making this point from Canada, England or Japan or something, everybody would accept it. But nobody will be able to change my mind on that and that is what I will tell the poor people throughout Barbados, that the Barbados Labour Party Government is the one that is keeping them back from having a share of cake in this country, by not changing a stupid Companies Act that was put on us by people who felt that we should not be involved in investment. But we are prepared as a Parliament to continue to keep that Companies Act when it needs changing.

Hon. D. A. C. SIMMONS: On a point of order. The Honourable Member must not criticise the persons who brought the Companies Act because he would not know...

Aside.

Hon. D. A. C. SIMMONS: Wallowing in a large pool of ignorance he would not know.

Mr. D. St. E. KELLMAN: Sir, those remarks will have to be withdrawn. I will not accept any remarks like that from anybody in this House who is more ignorant than I am.

Hon. D. A. C. SIMMONS: Do you want me to withdraw them? I withdraw the remarks, Sir.

Mr. SPEAKER: The Honourable Member, were you referring to the Honourable Member?

Hon. D. A. C. SIMMONS: No, no. Sir, the Companies Act was drafted by the Chief Justice of this country and I think it is offensive for the Honourable Member to refer to him as stupid. The Chief Justice of this country headed the Companies Law Committee that was set up by the Honourable Member for Christ Church West, where they had a large number of persons from the legal profession, the accounting profession and commerce.

Aside.

Hon. D. A. C. SIMMONS: That is what I am saying. He does not understand so I have to make it clear that it was the present Chief Justice who drafted the Act.

Mr. D. St. E. KELLMAN: Mr. Speaker, this aspect of the Companies Act that I speak of can be found in any accounting book. So anybody that could come in this House and tell me anything about the Chief Justice drafting that part, I would not like to describe that. Pick up any accounting book that goes as far back as you care to, you will find that this part about when dividends can be paid has always been in accounting books. So I will not buy that foolishness.

Aside.

Mr. D. St. E. KELLMAN: Well, bring the Chief Justice, so that it can be a charge on the Chief Justice.

Asides.

Mr. D. St. E. KELLMAN: You know it hurts. Do you know that hurts me, Mr. Speaker? I came in this House to talk about capital expenditure and revenue expenditure and that same Side told me there is nothing called that. Now, today I am talking about the defects of not declaring dividends and they are coming with the same foolishness again. How can I debate with people like these? These

Honourable people who do not even understand what is capital expenditure or revenue expenditure how can they expect to understand what I am talking about when I am talking about investments and dividends.

Let me tell you all something. You all will not stop me from making my point. I will make my point and the people who best understand it will pick it up. It is easier for me to go down stairs and convince the masses out there than to convince you all. Do you know why, their pluses are better on matters like this than the Honourable Members?

Aside.

Mr. D. St. E. KELLMAN: No. I am not misreading. But I say that the mutual funds legislation will be given to the Securities Exchange to manage and I expect that there will be certain Amendments to the Securities Exchange Act so that we would not get the same problems that we had previously.

I expect, Sir, that any organisation or company that is supposed to look after investments will make sure that the same law for the big companies and the big players will be same law for the small ones. I expect that the necessary amendments would be made and that the directors who are also shareholders would not be able to decide on what is in their best interest.

I was told just now in this House that what I was saying does not make sense and it would not happen because we put a lot of trust in people. We only have to go back a couple of months and you will see that the same people that the Honourable Members on this Side are defending are the same people that deprive the Treasury of this country of millions of dollars. If they did it to the Treasury, Sir, they would do it to the same small man.

I say to the Right Honourable Prime Minister, do not allow yourself to be trapped by gossip from people who do not understand what you should understand and listen to gossip that you know that will serve you well.

I thank you very much.

Rt. Hon. O. S. ARTHUR: Mr. Speaker, Sir, I rise to close the debate. I thank all Members who spoke, Sir, but I thank the Honourable Member for St. Lucy for bringing to the debate, Sir, the spirit of the season - the season to be jolly. I must say, Sir, that he spoke in his exalted capacity as the former Controller of the Sugar Industry of Barbados and we now better begin to understand why the industry has experienced the problems that it has experienced. 8.45 p.m.

Mr. D. St. E. KELLMAN: On a point of order, Sir. The Honourable Member is misleading the House. The Chairman of the BADMC is always misleading the House

about the sugar industry when the B ADMC was worse than the sugar industry.

Rt. Hon. O. S. ARTHUR: Mr. Speaker, I was trying to conceive of a phrase to characterise the speech of the Honourable Member for St. Lucy, Sir, and all I can say is it reminds me of the grace of God that it surpasseth all understanding. It was a speech that was very much like the grace of God. It absolutely surpasseth all understanding. But I thank him for the representation that you should have a regime in this country that would force companies to have to pay out dividends. The truth is, it is a concept that...

Mr. D. St. E. KELLMAN: On a point of order, Sir. The Honourable Member for St. Peter is misleading the House. I never said we would pass legislation to force companies. I never used those words.

Rt. Hon. O. S. ARTHUR: There is a capacity that is even now vested in the shareholders of companies to determine the adequacy of the dividends paid out of the profits realised and the Member obviously has absolutely no confidence in the judgment of the small man on whose behalf he is weeping so many false tears to be able to participate in the decision making of the companies of which they are a part.

I do not want to detain the House, Sir, because I do not think that the Member's speech should be commented upon other than to say that it should be dismissed, Sir.

I want, therefore, in that context, to move that this Bill be read a second time.

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

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

On the motion of Rt. Hon. O. S. ARTHUR, seconded by Hon. Miss B. A. MILLER, the House resolved itself into Committee on the Bill, Mr. D. CARTER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Honourable House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Rt. Hon. O. S. ARTHUR: Mr. Chairman, there are some minor amendments to the definition which have been circulated and I beg to move that clause 2, 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.

Part I, clauses 3-11, was called and passed.

Part II, clauses 12 - 23, was called and passed.

Part III, clauses 24 - 34, was called and passed.

Part IV, clauses 35 - 42, was called and passed.

Part V, clauses 43 - 51, was called and passed.

On the separate motions of Rt. Hon. O. S. ARTHUR, seconded by Hon. Miss B. A. MILLER, the Bill was read a third time and passed and cited as the Mutual Funds Act, 1998.

ORDER NO. 2 - THE VALIDATION OF FISCAL INCENTIVES McBRIDE (CARIBBEAN) LIMITED, BILL, 1998

Rt. Hon. O. S. ARTHUR: Mr. Speaker, this is a relatively simple matter. McBride (Caribbean) Ltd. was declared an approved enterprise by order of Statutory Instrument, 1989. It functioned as a manufacturing enterprise under fiscal incentives and reapplied upon extension of that status in 1993 when the period of its eligibility ended. For some reason it was initially approved and then on reappraisal disallowed and then approved subsequently. The result being that between 1993 and 1997 the concessions under which it had been operating have not been extended under any lawful authority.

The Fiscal Incentives Act does not provide for the making of retroactive subsidiary legislation and hence there is a need for the House to validate it by way of this special legislation.

I am, therefore, seeking to move that this Validation Bill granting benefits to McBride (Caribbean) Limited to manufacture certain disinfectants and other products for the period August 1993 to October 1997 be read a second time.

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

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

On the motion of Rt. Hon. O. S. ARTHUR, seconded by Hon. Miss B. A. MILLER, the House resolved itself into Committee, Mr. D. CARTER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Honourable House is in Committee.

Clauses 1 and 2 were called and passed. The

Schedule was called and passed.

On the separate motions of Rt. Hon. O. S. ARTHUR, seconded by Hon. Miss B. A. MILLER, the Bill was read a third time and passed and cited as the Validation of Fiscal Incentives McBride (Caribbean) Limited Act, 1998. 8.55 p.m.

Mr. SPEAKER: We will now revert to Government Notices.

GOVERNMENT NOTICES

Hon. Miss B. A. MILLER: I beg to give notice of the following:

1. The Estate Duty (Waiver) Bill, 1998.
2. The Income Tax (Amendment) (No. 3) Bill, 1998.
3. The Income Tax (Amendment) (No. 4) Bill, 1998.
4. The Insurance (Miscellaneous Provisions) (No. 2) Bill, 1998.
5. The Representation of the People (Amendment) Bill, 1998.

FIRST READING OF BILLS

Hon. Miss B. A. MILLER: I beg to move that the following Bills be read a first time:

1. The Estate Duty (Waiver) Bill, 1998.
2. The Income Tax (Amendment) (No. 3) Bill, 1998.
3. The Income Tax (Amendment) (No. 4) Bill, 1998.
4. The Insurance (Miscellaneous Provisions) (No. 2) Bill, 1998.
5. The Representation of the People (Amendment) Bill, 1998.

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

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this House be adjourned to Tuesday, December 18, 1998, at 11.00 o'clock in the morning.

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

The question that the House be adjourned to Tuesday, December 18, 1998 at 11.00 o'clock in the morning was put and resolved in the affirmative without division. 9.05 p.m.

CONTENTS

MINUTES

Hon. Miss B. A. MILLER

Confirmation of the Minutes of the meeting of Tuesday, 8th December, 1998 were postponed.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER *

Mr. Speaker announced that he had received the Report of the Auditor General for 1997.

PAPERS LAID

Rt. Hon. O. S. ARTHUR 2

1. The Financial Administration and Audit (Financial) (Amendment) Rules, 1998.
2. The Financial Administration and Audit (Supplies) (Amendment) Rules, 1998.
3. The Exchange Control (Qualifying Insurance Company) (Exemption) Order, 1998.
4. The Insurance (Qualifying Insurance Company) Order, 1998.
5. Insurance (Qualifying Insurance) (Tax Concessions) Regulations, 1998.
6. The Sugar Industry (Funeral Grant) Order, 1998.
7. The Central Bank of Barbados (Inspection of Financial Institutions) (Revocation) Notice, 1998.
8. Income Tax (Amendment) Regulations, 1998.
9. Duties, Taxes and Other Payments (Exemption) (No. 20) Order, 1998.
10. Duties, Taxes and Other Payments (Exemption) (No. 21) Order, 1998.

Hon. Miss B. A. MILLER 2

The Annual Report of the Ministry of Foreign Affairs for the Year 1996.

SUSPENSION OF STANDING ORDERS

Hon. Miss B. A. MILLER 2

Standing Orders Nos. 6,16,18,20,42(5), 43 and 44 were suspended for the remainder of the Sitting.

GOVERNMENT BUSINESS

ORDER NO. 6 - BELL ENTITLED AN ACT TO ENLARGE THE POWERS OF THE CRIMINAL COURTS TO PASS IN PROPER CASES SENTENCES OTHER THAN SENTENCES OF IMPRISONMENT, TO ENABLE CERTAIN OFFENCES TO BE DEALT WITH BY CIVIL MEDIATION INSTEAD OF CRIMINAL PROSECUTION 2

Hon. D. A. C. Simmons, 2, 39; Mr. F. J. Stuart, 15; Hon. Dr. R. L. Cheltenham, 19; Mr. D. St. E. Kellman, 22; Mr. B. M. Taitt, 24; Hon. Miss B. A. Miller, 28; Rt. Hon. L. E. Sandiford, 33; Hon. Miss M. A. Mottley, 35.

ORDER NO. 4 - BILL ENTITLED AN ACT TO PROVIDE FOR THE REGULATION, AUTHORISATION AND CONTROL OF MUTUAL FUNDS AND THEIR MANAGERS AND ADMINISTRATORS CARRYING ON BUSINESS IN OR FROM WITHIN BARBADOS AND FOR RELATED MATTERS 43

Rt. Hon. O. S. Arthur, 43; Hon. D. J. H. Thompson, 45; Sir Harold St. John, 46; Mr. D. St. E. Kellman, 48.

ORDER NO. 2 - BILL ENTITLED AN ACT TO VALIDATE CERTAIN FISCAL INCENTIVES GRANTED TO McBRBDE (CARIBBEAN) LIMITED 51

Rt. Hon. O.S.Arthur, 51.

GOVERNMENT NOTICES

Hon. Miss B. A. MILLER 52

1. The Estate Duty (Waiver) Bill, 1998.
2. The Income Tax (Amendment) (No. 3) Bill, 1998.

3. The Income Tax (Amendment) (No. 4) Bill, 1998.
4. The Insurance (Miscellaneous Provisions) (No. 2) Bill, 1998.
5. The Representation of the People (Amendment) Bill, 1998.

SUSPENSIONS..... 12, 45

ADJOURNMENT 52

Hon. Miss B. A. MILLER, 52.

FIRST READING OF BILLS

Hon. Miss B. A. MILLER.....52

1. The Estate Duty (Waiver) Bill, 1998.
2. The Income Tax (Amendment) (No. 3) Bill, 1998.
3. The Income Tax (Amendment) (No. 4) Bill, 1998.
4. The Insurance (Miscellaneous Provisions) (No. 2) Bill, 1998.
5. The Representation of the People (Amendment) Bill, 1998.

SPEAKERS IN THIS ISSUE

ARTHUR, Rt. Hon. O. S. (St. Peter) CHELTENHAM, Hon. Dr. R. L. (St. Joseph) KELLMAN, Mr. D. St. E. (St. Lucy) MILLER, Hon. Miss B. A. (City of Bridgetown) MOTTLEY, Hon. Miss M. A. (St. Michael North East) SANDIFORD, Rt. Hon. L. E. (St. Michael South) SIMMONS, Hon. D. A. C. (St. Thomas) STUART, Mr. F. J. (St. Philip South) TAITT, Mr. B. M. (St. Michael West) THOMPSON, Hon. D. J. H. (St. John)