

THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1999 - 2004

HOUSE OF ASSEMBLY

Tuesday, January 25, 2000.

Pursuant to the adjournment, the House of Assembly met at 11:20 a.m.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed., (Speaker) His Honour J. M. EDGHILL, J.P., (Deputy Speaker) Hon. D. A. C. SIMMONS, Q.C., LL.M. (Attorney General and Minister of Home Affairs) (Leader of the House) Hon. Sir Harold ST. JOHN, K.A., Q.C., LL.B. Mr. L. R. TULL, Q.C., M.A. (Oxon.) Hon. Miss B. A. MILLER, (Deputy Prime Minister, Minister of Foreign Affairs and Foreign Trade) Hon. G. W. PAYNE, (Minister of Tourism and International Transport) Hon. R. C. EASTMOND, J.P., B.A. (Hons.), Dip. Ed., LL.B. (Hons.), LEC (Minister of the Environment, Energy and Natural Resources) Mr. D. CARTER (Chairman of Committees) Hon. R. N. GREENIDGE, B.A., LL.B., (Minister of Labour, Sports and Public Sector Reform) Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Housing and Lands) Hon. R. D. MARSHALL, (Minister of Public Works and Transport) Hon. H. F. LASHLEY, (Minister of Social Transformation) Hon. R. St.C. TOPPIN, LL.B., (Minister of Commerce, Consumer Affairs and Business Development) Mr. D. St.E. KELLMAN Miss H. E. THOMPSON, LL.B. Hon. Miss M. A. MOTTLEY, LL.B. (Minister of Education, Youth Affairs and Culture) Mr. M. Z. WILLIAMS Mr. N. A. LYNCH, B.Sc., M.B.A. Mr. T. A. PRESCOD, B.A. Rev. J. J. S. ATHERLEY, B.A., B.Sc., (Parliamentary Secretary, the Attorney-General and Minister of Home Affairs) Mr. D. T. GILL, B.Sc. Hon. R. R. FARLEY, B.Sc., (Minister of Industry and International Business)

Prayers were taken by Canon Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, January 18, 2000.

Hon. D. A. C. SIMMONS: Mr. Speaker, the Minutes of last Tuesday, January 18, 2000 have been

circulated. Subject to any observations made to them by Honourable Member, I beg to move that these Minutes stand confirmed.

Hon. R. N. GREENIDGE: I beg to second that, Sir.Mr. SPEAKER If there are no corrections or observations, then let those Minutes stand confirmed.

PAPERS

Hon. D. A. C. SIMMONS: Mr. Speaker, on behalf of the Prime Minister, I am commanded to lay the following

1. Annual Report and Statement of Accounts of the Insurance Corporation of Barbados for the year 1998.

Hon. G.A. CLARKE: Mr. Speaker, I am commanded to lay the following

1. The 25th Annual Report of the National Housing Corporation for the financial year ending March 31, 1998.

GOVERNMENT'S NOTICES

Hon. D. A. C. SIMMONS: Mr. Speaker, I give notice of a Resolution to note the Report of the Constitution Review Commission and the Proposals and Recommendations therein. In giving notice of this Resolution, I wish to point out, Sir, that since the Constitution Commission has reported, there has been little debate publicly on that Report. The Parliamentary Party of the Barbados Labour Party two weekends ago, did work the whole of that weekend on the Recommendations of the Constitution Review Commission Report.

Sir, it is our view that before any substantial amendment is made to the Constitution that parliamentarians should have the opportunity to discuss and debate that report and secondly, that Members of the public should also have the opportunity to make comments and observations on the recommendations.

The mechanism, therefore, that we have proposed to promote parliamentary and public discussion, is to bring this Resolution which will initiate in a fairly short time, debate on those proposals. That is all this Resolution is about. A Resolution to facilitate a debate among parliamentarians on the Report of the Forde Commission.

The second Resolution of which I give notice is a Resolution to approve the grant of \$113 307 from the Consolidated Fund to supplement the Estimates 1999-2000 as shown in the Supplementary Estimates No. 12 of the same fiscal year which forms the Schedule to the Resolution.

I have indicated to the Honourable Member for St. Lucy that we would like to deal with that Resolution in all its stages today.

FIRST READING OF BILLS

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that the following Bills be read a first time Savings Bonds (Amendment) Bill, 2000.

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

SUSPENSION OF STANDING ORDERS

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that the following Standing Orders 6, 16, 18, 20, 42(5) 43 and 44 be suspended for the balance of today sitting.

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

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

GOVERNMENT BUSINESS

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

ORDER NO. 1

THE PENAL REFORM (AMENDMENT) BILL, 2000

Hon. D. A. C. SIMMONS: Mr. Speaker, this is a comparatively short and technical amendment to the Penal System Reform, 1998. Honourable Members will recall that the Penal System Reform Act was passed in this House on December 15, 1998 and by the Senate on December 21, 1998. Subsequent to its enactment, we have come across a couple of technical amendments which need to be made to the Act and this Bill is to take care of those. You will see that we are replacing Section 5 of the Act by a provision which now says that Sections 3 and 4 of the Act do not apply to juvenile offenders. There was an erroneous reference to the High Court in the Act and all we are doing is correcting that. We are replacing that reference by the proper designation of the court as the Supreme Court and the Court of Appeal. That is the purport of the amendment to Clauses 3 and 4. We are replacing Section 21 of the Act by a provision which makes clear that mediation is restricted to charges brought by private prosecutors, that is the effect of Clause 6.

Mr. Speaker, when the substantive Bill was introduced in this House, I spoke at length on the origins of that Bill. Members will recall that before Sir Clifford Husbands became the Governor General in 1995, I had set up a Steering Committee on Penal Reform under Sir Clifford Husbands to advise me particularly on the introduction of a range of non-custodial punishments which would provide sentencers, judges and magistrates with more options than had existed then.

Barbados' penal system, I think more than anything else, reflects in a very stark way, our colonial heritage. The punishment that was available in colonial times was imprisonment and fines and after 1945, probation. Essentially, those three types of punishment have survived long into the 20th century notwithstanding the fact that this country became independent in 1966.

The limited scope of the existing penal system has meant that imprisonment has been invariably used for types of offence and types of offender for whom some other form of punishment or treatment might be more appropriate. We have been unable over the years to summon the courage and will to change the system. This Government has summoned the courage and the will to change the system.

11:30 a.m.

Tuesday, January 25, 2000

Continuation of Hon. D. A. C. SIMMONS:

All of the necessary support mechanisms to ensure that a new Penal System comes in the year 2000 are almost in place. The operation of the new Penal System which focuses on community punishment such as Community Service Orders and Attendance Centre Orders, depend upon additional staff being granted to the Probation Department for their effectiveness in carrying them out.

The Probation Department has been grossly overworked and understaffed over the years. More and more matters are piled on Probation Officers and there has not been a commensurate increase in staff levels over the years. My Ministry has requested of the Ministry of the Civil Service, five additional posts of Probation Officer. Yesterday at the Estimates Committee Meeting with the Minister of Finance, the Minister of Finance gave the Ministry of the Civil Service instructions to finalize this matter. A lot of paper has passed between my Ministry and the Ministry of the Civil Service and the Prime Minister asked that the matter be concluded in the shortest possible order.

I therefore expect that within the next couple of weeks there will be advertisements in the press for persons to apply for the five jobs of Probation Officer. They must have the qualifications which attend the work of a Probation Officer. In addition to them, we are seeking five Community Service Officers.

The Community Service Officers will have responsibility to see to it that the Orders of the Magistrate Court or High Court are carried out. As Members will recall, a Community Service Order would provide for an individual to be ordered by the Court to do a maximum number of hours of unpaid work. This is where I hope that the courts will use the statutory authority of the Penal System Reform legislation to ensure that persons for whom imprisonment is not deemed to be appropriate but some other form of punishment which incorporates notions of service and reparation to society, Sir.

I said in the meeting yesterday that I can foresee where a magistrate will order community service for a person to go and work with the National Assistance Board and repair some old people's homes or paint them and clean up the environment. There are police stations all over this country which we have to pay \$18 000 and \$20 000 a year to have cleaned. It would make sense because you have the supervision of the Police there to assign an offender to a particular police station or two of them to clean up the police station and rid it of weeds and bush.

The possibilities for creativity are almost limitless and we want to get this system up and running certainly by the 1st April. Provision is being made in the Estimates for 2000-2001, for this Act to take effect and for the full funding of the support staff. It is going to cost probably \$547 000 a year to bring this new Penal System into place.

In addition to the Community Service Officers there will be provision made for five Attendance Centre Officers. I have already signed the Attendance Centre Rules which have been made pursuant to the Act, but essentially the Attendance Centre Officers will work on Saturday afternoons and be paid an hourly rate at \$35 00 an hour, for about three hours of work. The idea is to let the offender feel the impact caused by the loss of leisure time. These Centres will be under the control of a police officer and an Attendance Centre Officer who will develop programmes and activities for the offenders to ensure that they are controlled, trained and disciplined for the hours while they are under the care and control of the Attendance Centre Officers.

To start these projects, we have identified five schools which we will use on Saturday afternoons: St. Michael Secondary School will cater to offenders from the Parish of St. Michael and the central districts as well as St. Joseph. You have to make them feel that they are losing something. Foundation School will cater to offenders from Christ Church. St. James Secondary School to youngsters from the North - St. Peter, St. Lucy and St. James. The Lester Vaughan Secondary School, St. Thomas and St. Andrew and the Princess Margaret Secondary School, St. Philip and St. John.

These Centres will be opened, as I said, on Saturday afternoons for designated periods of up to about three hours. The hours of attendance will be totted up.

11:40 a.m.

Tuesday, January 25, 2000

Continuation of Hon. D. A. C. SIMMONS:

The function of the Community Service Officer does not lie in the attendance centers but rather in following up the Community Service Order to make sure that he or she records in the prescribed form the attendance of the offender at work and his response to the order and will then make recommendations at an appropriate time because if anyone breaks a Community Service Order they can be punished with incarceration.

The post of the Community Service Officer will be a very important one. He or she will have to be a

person who has a strong commitment to discipline, who has good supervisory skills and who also must have some writing skills in order to be able to do some reasonable report writing because he or she will have to assist the Probation Officer in preparing the Pre-sentence Report for use by the Court in determining what is an appropriate sentence.

Those would be the ten jobs that will immediately be created in the new Penal System. Having regard to the fact that we have to advertise for Probation Officers, I expect that this will be ready to go from the first week in April and it will be funded from April 1 to March 31, 2001.

Sir, Robert Best wrote an article when I brought the Bill saying that it took me to be the conscience of Barbados. I do not feel any particular way about that comment and I thank Mr. Best for his kindness and gratitude. However, it is necessary to have this Penal System and it is something which has to be done.

For the first time in the history of the administration of justice in Barbados, we have taken the bold step to set out in legislation certain sentencing principles to be followed by the Court when exercising their sentencing powers. Broadly, the theme that runs thorough the legislation is that there should be proportionality between the offence committed and the punishment ordered.

In the United States of America, Von Hirsch promulgated the theory which was called the 'desert theory' which simply means that a person must get his just deserts. That is more or less the current vogue language because it has been adopted in England.

In referring to the Act, the Court is asked in passing sentences to consider the seriousness of the offence and whether an appropriate non-custodial sentence is warranted or alternatively a sentence of imprisonment, always bearing in mind that imprisonment should be reserved for the worst types of offence and those for which we need to give protection to society. The Court will have to take into account aggravating as well as mitigating factors. We are trying in the legislation to encourage the Court in approaching the sentencing function to do so in a methodological and organized fashion, you will see particularly in relation to custodial sentences those are set out.

I believe we may be one of the few jurisdictions in the world to actually spell out in section 41 of the Act, those general guidelines. Those four guidelines are:

The rehabilitation of the offender is one of the aims of sentencing, except where the penalty is death.

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

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.

Where a fine is imposed, the court in fixing the amount of the fine must take into account, among other relevant considerations, the means of the offender as far as these are known to the court, regardless whether this will increase or reduce the amount of the fine."

So you will have to take into account the means as one of the criteria that will assist in determining the appropriate sentence.

Sir, I am not going to spend a long time on this because the Leader of the Opposition is out of the island and we have other business to do.

Asides.

Hon. D. A. C. SIMMONS: Mr. Speaker, before I sit however, I wish to deal with a matter which has been wrangling for a long time for which I accept some responsibility. In the campaign leading to the 1994 General Election, the Executive of the Barbados Labour Party (BLP), and I, perhaps more than anyone else, committed the country to carry out the death penalty in accordance with the law of Barbados.

11:50 a.m.

Tuesday, January 25, 2000

Continuation of Hon. D. A. C. SIMMONS:

It used to be explained on the platform that it was the hope of the Barbados Labour Party that once a person had exhausted his rights of appeal to the Court of Appeal and the Privy Council and that conviction was affirmed then the death penalty would be carried out. There has been no execution since September 1994, and for that matter, a long time before that. Sir, let me give the reference to that quotation again. Page 34 of the 1994 Manifesto it said:

“We will carry out the death penalty in accordance with the law.”

In November 1993, there was the case of Pratt and Morgan which has complicated the law in this region. Pratt and Morgan now applies right throughout the region and it has had some serious consequences for administrations. We know after it was promulgated Jamaica had to commute 152 persons on death row, Trinidad probably had 100 and some were done in Barbados and so on. I am not going to spend time on Pratt and Morgan today because I have done a long lecture which I think should be on the Internet for Florida State University and it is being published in a journal first. It is about 27 pages. It is published on the Internet by GIS. That lecture traces the history of it.

I will get an opportunity subsequently, perhaps during Estimates, or during the Constitutional Review Commission debate to deal with it at length. I am not going to deal with it at length today. I just wish to say that it is now being accepted in the Privy Council that Caribbean countries - Lord Goff himself in March last year admitted and I will try to quote as near as possible his words - that a combination of Pratt and Morgan and the attitude of international human rights organisations have placed Caribbean countries in an impossible position.

What our highest Court was saying as recently as March last year was that what they have done in

Pratt and Morgan, the rule of law that they established in Pratt and Morgan, has put Caribbean countries in an impossible position. I have had to inveigh against that because I do not feel that any Court should put as it were a citizen in an impossible position as a result of a rule of law. They have confessed that.

We have had in the last year a number of confused decisions, based on slender majorities coming out of the Privy Council which have complicated the law again. The Government has said that we would bring a Bill to take care of the difficulties posed by Pratt and Morgan but we have had to hold on it even though a Bill has been drafted because it would be a constitutional amendment.

All throughout last year the Privy Council was contorting itself on the basis of a slender majority in each case, 3:2. You had Fisher, Thomas and Hilaire and then you had the most recent one in the Bahamas, Mitchell and I think the other fellow is called Higgs.

What you have in the highest Court of the land jurisprudentially, the Privy Council and a few judges in the Privy Council who are pursuing a line of thought and writing that line into their judgments; which line of thought is saying that the Privy Council will enquire into the conditions in prison, the physical conditions under which a prisoner is held to determine whether those conditions affect adversely an offender in respect of his constitutional rights. That is to say the Constitution says in section 15 that nobody should be subjected to cruel or inhumane punishment. The argument as recently as a month ago by Lord Steyn who is leading the campaign is that in the Mitchell case, for example, he said the prison conditions in the Bahamian prison were so appalling as to amount to keeping Mitchell under cruel and inhumane conditions, so you have him pushing that line. You have him pushing a line that you can add a post-trial delay to a pre-trial delay.

Why we have been careful in not bringing a constitutional amendment which is going to have to be amended again and which will be tinkering with the Constitution is that we want to see finally what is happening. Do not forget that the other big argument in the Privy Council relates to the international human rights organisations, and the issue is quite simple.

If a person goes to an international human rights organisation, say, the Inter-American Human Rights Commission, after he has been convicted and his appeal turned down, first of all, there is no time limit for that Commission to give its decision. Having regard to the rule in Pratt and Morgan, that Commission can take as long as it likes. Lord Goff again said in Thomas and Hilaire that - this is the point I was making earlier. I want to correct something that I did not put very eloquently before - a combination of Pratt and Morgan and the attitude of international human rights bodies have put Caribbean countries in an impossible position.

It was argued recently in Mitchell that the State should not execute while you have a petition pending before an international human rights body for the reason that a legitimate expectation is created that the State would not execute while the Inter-American or the U.N. Human Rights Commission is sitting on the matter.

Lord Steyn said that you cannot execute until the human rights body has dealt with the matter.

12:00 noon

Tuesday, January 25, 2000.

Continuation of Hon. D. A. C. SIMMONS:

What happens if you have a five year rule - this is what they were discussing in the Privy Council last year in March - you have a five year rule and you must get through everything in five years - all your domestic appeals plus those with the international body. The international body sits down and does nothing about the petition until after the five years laid down in Pratt and Morgan has expired. Then you are in trouble. That is why they say that the attitude of the International Human Rights Body is not to deal speedily with these matters so that you comply with the five year law in Pratt and Morgan.

Asides.

Hon. D. A. C. SIMMONS: They take their time. Again, in the Bahamian case, you will recall that two weeks ago, a man hanged himself. He was one of the two who were ordered to be hanged. What the Bahamas did was that they gave an eighteen month period and said to the international bodies, you have eighteen months from the time the petition is lodged to make a decision. If the decision is not made within eighteen months, we are going to proceed to execute.

Both Trinidad and Jamaica, but especially Trinidad, were all advised by lawyers in London that what they have to do to cope with Pratt and Morgan is to set up a system of time frames so that when you lose your appeal in the Court of Appeal you have so many days to give notice of appeal to the Privy Council or apply for special leave and so on. Trinidad tried to do that and Trinidad's Cabinet published instructions that would affect the procedure in respect of petitions to international human rights bodies. The Privy Council, having told you that you must speed up the system, Trinidad comes and prepares a step by step time based system and the Privy Council said that the Cabinet of Trinidad act unlawfully. What are you going to do? The whole thing is a mess.

I want to make the first point, Sir, that I think now that we have the decision in Mitchell of a 3-2 majority, we can deal with the situation of physical conditions in the Constitution Amendment. As I have said, a Bill has been drafted but there was so much turmoil and so many contortions by the Privy Council in the last year, that it would have been imprudent on the part of Government to try to amend the Constitution until the law had appeared to settle down. I believe now with the publication of Mitchell's case last month, the law has appear to settle down and we can now put it in the Constitution. We hope to do so later on this year. In the meantime, we have not been able to hang anybody in Barbados. I hear the people on the call-in programmes and on the streets cursing me all the time. One

night there was a woman on television whose second son was killed by a bullet and she was calling for the return of the death penalty. You can only bring back the death penalty if there is somebody to hang. We would love to carry out the death penalty. The absolute gospel truth is that there is no one for whom the death penalty can be an appropriate punishment in the prison of Barbados.

I have to spend a little time educating the public's mind. Since 1994 - I want these facts carefully understood - there were 36 murder cases tried in Barbados. In 21 of those murder cases, not Simmons, but the jury, in 21 cases, where a person was charged for murder, said, 'not guilty of murder but guilty of manslaughter'. So, in 21 cases of 36 cases, the verdict by the jury was manslaughter. That is 21 who you did not have to hang, that leaves 15. Of those 15, two were commuted by the local Mercy Committee. The man who killed Springer, the policeman, Carlos Licorish and Natty Nelson, they were commuted by the Local Privy Council, let us call them the Mercy Committee, on the grounds that their mental responsibility was impaired at the time of the crime by paranoid schizophrenia or some such mental impairment. That leaves 13 that I have to account for. Of the next 13, two went to the Privy Council - Richard Bourne, the man who killed the woman up by Applewhaites Tenantry - the Privy Council ordered a retrial and that matter has not been dealt with yet. I cannot go into it too much since it is not quite final yet. The next one was Arleigh James, he is the one who cut off the heads of two women, including his wife in St. George, that also went to the Privy Council. In today's newspapers, I see that it was in court yesterday. The Privy Council said to send it back to the Court of Appeal in Barbados for them to decide what should be done with Arleigh James. We cannot hang Arleigh James so that has been referred.

12:10 p.m.

Tuesday, January 25, 2000

Continuation of Hon. D. A. C. SIMMONS:

Only two went to the Privy Council and both came back to Barbados without the conviction being confirmed. This leaves 11. There were two persons who died in prison and 11 are left. What happened with these 11 who were convicted of murder and not counted in the 21? There are 15 where the conviction for murder had to go to the Court of Appeal. These 11 who are left, almost one-third of the total number of 36, have been overturned by the Court of Appeal. The convictions of the 11 were overturned and the appeals allowed by our local Court of Appeal because the Court of Appeal said that the judge in summing up to the Jury, made an error of law and therefore the conviction could not stand. That is 36 so you show me anybody in Barbados that they could hang. I will show you how they have been disposed of and the last one, of course, was Wharfie.

The Court of Appeal said that the Judge in summing up did not deal properly with the word "sting" and its relation to intent. The conviction for murder overturned but he had 25 years. You have Jessie Norris, 1994, conviction for murder set aside; verdict of manslaughter substituted, sentenced to 20 years imprisonment. Ryan Gill: verdict of murder changed to manslaughter; sentenced to 15 years

imprisonment. Peter Quintyne appeal allowed, conviction and sentence quashed, a retrial ordered. He was involved in a shooting at Arnold Alleyne's gas station at Culloden Road. Adrian Jones appeal allowed, conviction quashed; sentenced to fifteen years imprisonment. Fabian Moseley conviction reduced to manslaughter; sentenced to 20 years imprisonment in 1997. Andrew Davis appeal allowed, conviction quashed, a retrial ordered; sentenced to 17 years imprisonment. Rodney (Wharfie) Hinds appeal allowed, verdict of manslaughter substituted; sentenced to 25 years imprisonment. Calvin Boyce appeal allowed, sentence reduced to manslaughter; sentenced to ten year imprisonment. The Court of Appeal is there to correct errors.

We have not had a situation of a case in which the summation of the judge was found to be impregnable that went to the Court of Appeal. The Court of Appeal said, "we could not find any fault, that it went to the Privy Council and the Privy Council could have said, we found no fault." We have not had that situation of judicial impregnability in those 11 cases. That is the difference between what you are seeing in some countries and Barbados, where in Trinidad Mr. Justice Jones tried nine accused over weeks and did not make one error in that lengthy summation and not even the Privy Council could find fault with it when it went there so the men had to go down because the summation was tight.

Similarly in the Bahamas with Fisher and now with Mitchell, the summation was tight by a Bahamian judge and obviously the analysis on appeal was also flawless. That really is the situation in Barbados. I am going to make this list available to the Press but that explains why there is no person in Barbados for whom the death penalty can be executed at the moment.

Mr. Speaker, I hope that now clarifies in the public minds some of their concerns about the fact that we have not been able to carry out the death penalty. Everybody knows Toffy Harewood, the Balls murder, Arlene Watts' case and we tried to do that in 1995 and worked on it two days and into the night. The Court of Appeal said that he had spent four years, ten months and by the time they had gone around the circle, Pratt and Morgan would have kicked in so you could not do anything about that, there were two cases which we found very hard. There were Ryan Clarke, which was the boy in St. Peter who smashed in a girl's face in a gully ...

Aside.

Hon. D. A. C. SIMMONS: He and Toffy got away. However, I wish to say that in the meantime because Pratt and Morgan says that a state which wishes to carry out the death penalty must make sure that it has systems in place to allow for the swift execution of a person dispatched in the case, we have taken a number of steps which I outlined two years ago at the Community College. In April we ought to see some of the results of those steps being taken because I expect that the first graduates of the Computer aided course that was being done at the Community College, will be available to work in the system as Court Reporters from April.

In the meantime we did hire for the last three to four years, a computer aided technologist from Canada with Barbadian connection and her sole responsibility is to do the murder cases, using the system that you would have seen in operation in O. J. Simpson's case and she is excellent. An example of the kind of speed that we now have in the system is that in Rodney (Wharfie) Hinds' case it was only a matter of four months between conviction and hearing of the Appeal. In previous years, you could have gone two or three years between conviction and hearing of the Appeal. We have it down to four

months now, which is well within the Pratt and Morgan principles. All we are waiting for is an appropriate case where there can be no fault with the summation and it goes right through the system. You have to allow the accused to go right through the system to the Privy Council. That is his right but once it has gone right through and there is nothing to disturb the summation, then in an appropriate case the law will be carried out, Sir. The Government is committed to that.

Mr. Speaker, I thought I would update the House on the position with the death penalty because Honourable Members would have been reading in the newspaper what is happening in other countries. I think it is my duty to update the Parliament and the public about the actual position in Barbados.

Mr. Speaker, as I said the Bill which afforded me this opportunity is of a technical nature and I am grateful to those persons who drew my attention to the errors that passed us when we did it in 1998. As I said, most of them were cosmetic but we take the opportunity now to clean it up before proclamation and before the system starts in April.

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

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

12:20 p.m.

Tuesday, January 25, 2000

Mr. D. St.E. KELLMAN: Mr. Speaker, I would have to say that I would support the necessary amendments to this Bill. However, I want to say to this House that I have always complained in this House about the type of legislation that is rushed to this Parliament.

When we were dealing with the Small Business Association Act, I remember pointing out certain errors with that particular Bill and it will not surprise me if that particular Bill has to come back to this Parliament to be amended. I expect also to see the Bill dealing with the pensions for parliamentarians coming back to this Parliament to be amended.

There are too many Bills coming before this House that are not properly perused. I am hoping that we do not get a situation where a Bill as important as this coming to this Parliament again with these particular errors, where because of a simple technicality a young man or young woman can lose their life.

I also want to go on to say that I am sure if I were to asked for a copy of my speech, you will see that I said certain things when this particular Bill was brought before Parliament. I want to remind this House that the speed at which this Bill came to the House, it is clear to me ...

Hon. D. A. C. SIMMONS: On a point of order. The memory of the Honourable Member is bad, that is all I can say. Sir, the Opposition fully supported the Bill when it came before this House and the headline in the newspaper was "Opposition Applauded".

Sir, the Governor-General's Committee reported in 1997, a copy of which was laid in here by the Steering Committee ...

Asides.

Hon. D. A. C. SIMMONS: It took a year to draft the Bill. You will call that rush.

Mr. D. St.E. KELLMAN: On what point did the Honourable Member for St. Thomas speak, Sir, as you would normally ask me, Sir. I want to say that it is clear that that particular Bill was supposed to create the impression in people's mind that they have nothing to fear because the Barbados Labour Party (BLP) is a caring Government. They had to put that particular opinion in the public's mind because they knew what was coming months after. That is why, I am not surprised that we are back here again today making certain amendments to that Bill because that Bill had to be in place by a particular time. I am merely saying that that Bill was all part of the politics of inclusion.

Asides.

Mr. D. St.E. KELLMAN: Sir, if I voted for that particular Bill at that particular time, I am challenging you to go and read what I said in that Bill and you will see that I made certain observations about that particular Bill. I remember that well. I remember when I dealt with the youngsters in Swan Street, I said that there are bright young men walking around Barbados who had to go and sell fruits and do certain things that you can find in Swan Street and certain people on that side challenged me, and asked the Speaker at the time, to ask me to withdraw certain remarks. I remember that well. I saw through that Bill and that Bill came back to haunt the Democratic Labour Party (DLP) in the last election because of the hope that was given to people in that particular Bill.

I am saying, that I am one of those politicians who believe that every single law that was left down here for us by our slave masters should be struck from the law books and our Parliament and all legal departments in this country should be made to redraft laws to suit Barbados at this present age. There are too many laws affecting my people that are not relevant to us today. We are still dealing with laws which lock up people for foolishness because the slave masters at the time thought that was relevant to people like us. I am calling on this Parliament to make sure that the laws - and there are many of them - that are on the law books are relevant to Barbados.

We have a golden opportunity now that we are looking at the Constitution of Barbados not to take a piecemeal approach but to have a thorough approach about our laws making them relevant to Barbados. Every week, we come to this Parliament in a piecemeal approach dealing with one matter and then the

next week dealing with another matter. What is needed is a total overhaul of our legal system.

Mr. Speaker, one of the reasons why I would support this Bill is because I have recognized that if we do not make serious changes to our laws that the system as it stands, would lock up every young man in Barbados and when we need someone in Barbados looking like you and I, Sir, we would have to go to Glendairy to look for them because the other young men are looking like Jamaicans, because between 1994 and 1999 the BLP have been able to transform every single young man in Barbados to look like a Jamaican. When you walk the streets of Barbados today, you do not know the difference between the Jamaicans and the Barbadians because the Barbadians now look like Jamaicans.

I am saying that we need to have a serious look at how we accept certain people in this society which is an unfair society because in this society if you are not a doctor or a lawyer you are a nobody and you are forced to go to Swan Street and sell fruits because for society to accept you to be somebody ...

Asides.

Mr. D. St.E. KELLMAN: I am not saying that anything is wrong with that. I am saying that the bright young men automatically have to change their hairstyle to sell fruits and make leather craft in order to be accepted by society. I am saying, that we need to change the thoughts of the people of Barbados and we need to accept that whatever a man does in this society should be appreciated by us because he should not have to change the look of himself to be accepted in this society. This is exactly what is happening. Men are leaving school and because they are not coming out with what society are accepting they are branded as fallouts and dropouts and then those men have to go and change themselves into Jamaicans to make a living in this country. I am saying it must stop, and we as Parliamentarians must be the leaders at that.

If a man has two children, one is a doctor and the other one is not qualified, all of a sudden that child is a dropout. I can give you an example of three boys I know in Checker Hall in St. Lucy.

Asides.

Mr. D. St.E. KELLMAN: I would not call the names, I am better than that. Two are qualified and one is an electrician.

Asides.

Mr. D. St.E. KELLMAN: According to society, the guy who is the electrician is not qualified and he is seen as a nobody. However, the other two guys who are qualified cannot look the guy who is the electrician in his face. So we have as parliamentarians, to change that and that is why I have to support this particular Bill because I have seen too many young men because of first offences put into Prison and when they come back into society, society does not accept them.

I am saying, Sir, that I support the punishment of people who are prepared to repeat crimes. However, first offenders cannot be allowed to go into Prison and be made to carry that scar on them for life.

In 1994 the attitude of the Attorney General frightened me because at one stage I thought that he was

a 'lick and lock up' Attorney General because one was given the impression that as soon as you do an error, to prison you will go. I am glad that something between 1994 and 2000 has changed the attitude of the Attorney General and I would like to congratulate him on his new change.12:30 p.m.

Tuesday, January 25, 2000

Continuation of Mr. D. St.E. KELLMAN:

Also, Mr. Speaker, I am glad that I heard the Attorney General speaking about the local Privy Council and what they have done because I am so glad that they now cannot stand up and blame that beautiful lady that used to adorn the Government House of Barbados, and they cannot tell anybody in Barbados that it is because of her that people are not going to the gallows anymore. All through Barbados the impression was given by the Barbados Labour Party that it was because of one woman that nobody went to the gallows.

Hon. Miss B. A. MILLER: Mr. Speaker, on a point of order. I have not heard that. I live in Barbados. Your problem is that you live too deep in the country and you do not know what is going on in town. Mr. Speaker, that comes close to being a slander against the memory of Dame Nita. That is not so because if it is, that because during a particular person's tenure there were no hangings that it means that person was an abolitionist, and there are abolitionists on both sides of the House in here, well then the same thing could be said of Attorneys General as well. There was an Attorney General at the time and before that and since that.

I think it is unfair. I do not think it is necessary to drag Dame Nita into this to make a point. It is not a right thing to do because it is not the case and it should be removed from the record, Mr. Speaker.

Mr. D. St.E. KELLMAN: Mr. Speaker, I would say this. I am much a country boy and I am proud of it. Those who are born in town with privileges of the town life they can boast of it but I am also proud of my country life. Those people who feel that because you are from the country and you are a nobody, that is a feeling. Those days will change. Country people will change. The atmosphere of Barbados and the whole of the world so because you are from the country it does not necessarily mean that you are a nobody. If you are born in town, it does not make you somebody. This country will change everything.

I am saying that those people who walk around and talk that foolishness must understand now that they must stop it. The year 2000 has proven that that was real foolish talk in the last six years. Those people who walk around and give the impression that the Democratic Labour Party refused to hang people now understand full well that there is something called law and order that you must observe.

During the campaign we were told, give us the mandate and the impression created was that if given the mandate every single person in prison would have lose his neck. The evidence is, six years after, not one single person suffered. But now you cannot blame the Democratic Labour Party for it. Now people recognise, it is not the Democratic Labour Party but it is the system.

We were also promised, Sir, that the necessary amendment would be made to the Constitution to make sure that we would not have to deal with the Privy Council and Pratt and Morgan. You have 26

to 2. You do not need us. Now, let us see the action.

Aside.

Mr. D. St.E. KELLMAN: It is not a matter of whether I support it or not, you have the numbers. The problem with you is you are not sure how many members on your side will support it. You do not need us to make the amendment. Whether we are in the House or not, it is not important. You have the numbers. Be bold enough and stop creating impressions in this country and that is exactly what you have done for six years, creating an impression in this country that to just give you the mandate you will do everything well. I am telling you today, Sir, quite the reverse is true. Give you the mandate and you will make it worse.

The legal system and everything in this country has gone from bad to worse and that it is why it worries me when I hear now about amendments to stop school children from travelling on this and that. Let me tell you something. You need to stop using laws to solve certain problems. It is not a legalistic thing. It is a social thing. It is a moral thing and you need to go to the schools and talk to young people, educate them and tell them what they are doing wrong. You cannot come to this Parliament and make laws to correct certain problems in this country. Laws will not solve the problems. The school base must solve those particular problems. The parents must solve those particular problems and society must solve those particular problems.

I am telling you every time you come to Parliament for a law, check and see, every time you pass a new law it solves nothing. I am saying there is nothing wrong in having laws but we are passing laws for the wrong reason. We are making our school children believe they are criminals even before they get out of school. I am saying to you, have a heart and recognise that those people are the future of Barbados and if you do not recognise that those people are the future of Barbados, sooner or later we will have a Barbados and we would have no Barbadian young people. It is a serious thing.

I will not condone the behaviour of those young people and their attitudes but what I am saying to you is, we have to watch the approach and solve it. Every time we highlight those school children, the worse they behave. What is that saying to you? That there is a group of young people out there looking for recognition and you are giving them the recognition the wrong way.

I am saying, slow down. Think about what you are doing and recognise that that is the foundation we have to live with and from, that foundation of young people. They are the ones who will some day be the leaders in this country. If we destroy them, then we would have allowed those people who are waiting in the wings, to take over Barbados. What would we have done to our young people? We would have turned them into Jamaicans. We would have sent them to Prison and nobody will be in this House looking like you and me because the ones with the lot of clothes will then have the golden opportunity to come to this Parliament and take over when we as parliamentarians would have destroyed our own young people.

I say to this Parliament today, let us be serious and realise that if we continue in this vein we will be part of the plot to destroy the young people in this country.

Mr. Speaker, I thank you very much.

Hon. R. N. GREENIDGE: Mr. Speaker, I rise just to bring a bit of sobriety back to this debate. This is a debate which concerns the Penal System Reform (Amendment) Bill. In lending my support to the Bill, Mr. Speaker, I want to begin by saying that I am all for reform but I am all for rehabilitation. It is all well and good for us to talk about punishment and penal reform but I think we must also consider the rehabilitative aspect of community service. 1240 p.m.

Tuesday, January 25, 2000

Continuation of Hon. R. N. GREENIDGE:

Community service, Mr. Speaker, is supposed to be penal but it definitely has to be reformatory as well and, indeed, Sir, I go so far as to say that that particular rehabilitative aspect of it even supersedes the penal aspect of community service. I agree that community service acknowledges that you have done something wrong and it is a way of ensuring that you pay your debt to society. Yes, it has to be penal. The wrongdoer has to feel that he is being punished for something. He has to feel it. He has to know, as the Attorney General says, that he is giving up some part of his freedom, and I have no problem at all with that.

We have to admit, Sir, that we have imperfections in our penal system and we must take cognisance of these imperfections. If we want to reform the offender, if we want rehabilitation to occur, prison, to my mind, Sir, will not do it. Prison hardly ever makes a first offender better. Indeed imprisonment is not always appropriate for first timers. In fact, more often than not, because of the numbers in prison and because of the amount of contact that first offenders make when they are there, all of us know that prison often makes first offenders a lot worse in coming out than when they went in.

The prison officials are so bent on policing the inmates that the reform element is often down played in prison. Not only this, Mr. Speaker, the whole question of sentencing changes from magistrate to magistrate. It changes from court to court. You can have a situation where someone gets five years for one thing and another fellow gets two years for the same thing and there is no scientific or exact way of sentencing. Sometimes the person who is the real criminal may get two years and the person who might just have followed bad company and might be a good fellow other than that ends up with five years. Perhaps he had his first experience with drugs or some other unfortunate incident and as a result he still gets the heavy hand of the law. I believe that if you are a first timer we should always make an effort to cure and to treat whatever deficiency there is which you as a first timer might have had.

Sir, there is a kind of finality about Glendairy. There is a stigma attached to it that never really and truly leaves you. Whenever you open your mouth having gone up there, the very first thing that comes out of the mouth of those you are speaking with or those you are arguing with or those you are accusing is that you are a 'jail bird'. That sticks to you forever and ever. As I said, there is this kind of finality about it. Once you go in there, for life you are tarnished with that brush.

Mr. Speaker, my idea of community service is therefore not only the physical aspect of cleaning drains or the physical aspect of cutting hedges. Our challenge is to find the community service which targets the ill in the person, to find the exact community service which targets the ill in the offender.

I believe that you should be put in a place where you see the same agony which you have brought about and where you are called upon to impart some kind of healing in the same area. If, for instance, you are guilty of illegal dumping you should be made to clear the gullies and the trenches, clean up the beaches and it should be also part of the mandate that you ensure that while you are doing that that no one else should dump there.

I believe, Sir, that if you are prone to violence, then you should be put to work with those who have also suffered from abuse, whether it is the battered women's shelter or wherever. You should be able to see them and try to heal, to see the same thing that you have brought about and how people are suffering because of it and see if that kind of therapy would be of any use to you.

I believe, Sir, that if you rob an old person, as the Attorney General said, you should be made to work with the National Assistance Board whether it is repairing old people's houses or whatever. I believe if you are guilty of white collar crime, embezzlement, or you do some gymnastics with the figures, or whatever, that you should be made to help small businessmen with their business plans and their auditing for one year or two years without pay.

The point I am making is the same point which was made earlier by the Attorney General which is that the creativity is unlimited. There will be a lot of novel ways to solve some of the problems associated with community service. As I said, the system has to be well structured. I call them parole officers, but the Attorney General has called them attendance centre officers and community centre officers as they are called in the Act, but they must be on the spot to write their reports and so on. I do not think you can have someone working with battered women and so on and not have a daily check by the officers on how the person is functioning.

The creativity really and truly is unlimited. Mr. Speaker, we will wait and see how it will work. I do not think that community service should be considered as a let off where the offenders virtually shrugs off the punishment as they smile all the way to the community service, that they say this thing is a piece of cake. It should be punishment and at the end of the day the offender should be the better having done community service. I am obliged to you.

Hon. R. C. EASTMOND: Mr. Speaker, I am concerned with the whole question of punishment and sentencing. I believe that one should start by looking at the traditional philosophies that have evolved in respect of a state approach to punishment. One philosophy is based on retribution and is known as the retributive theory and the other philosophy is based on utilitarianism and is called the utilitarian theory. Time was, Mr. Speaker, in this world, when there were those who thought that the two were so antagonistic to each other as to not be able to coexist in the same state or the same community.

I develop the point, Mr. Speaker, because I think that more than ever this society of Barbados is focusing not only on concepts like penal reform but also on what does the State do at a time like this when particular stresses are evident ...

12:50 p.m.

Tuesday, January 25, 2000.

Continuation of Hon. R. C. EASTMOND:

... and when the publicity given to these stresses is greater than ever before to such a degree that things that would have happened twenty years ago and gone un-noticed, are now not only published widely but sensationalize to such a degree that some people are living dead scared.

One particular position, Mr. Speaker, that Barbadians have repeatedly taken as their own is based on the concept of retribution. Retribution can be found in certain sacred writings such as an eye for an eye, a tooth for tooth. Vengeance is mine, comes out of retribution, Mr. Speaker. There is no question, Mr. Speaker, that those who support the death penalty are actuated by considerations of retribution. I am saying that the vast majority of Barbadians appear to me to be in favour of the death penalty.

At the same time, Mr. Speaker, there are Barbadians in this country who are sure that to err and transgress once should not attract retribution. To err and transgress at a youthful age when somebody older has misled you should not attract retribution. I am coming to the point, Mr. Speaker, where I am about to say that retribution and utilitarianism can co-exist peacefully in the same state.

Mr. Speaker, there was time when the Magistrate Courts in Barbados were very severely constrained. They either had to impose a strict custodial or a strict non-custodial sentence in one form, namely, a fine. What is happening here, Mr. Speaker, is that we are diversifying the approach and the range available to courts so that based on the facts, situations coming before a court, a court, properly appraised of the facts, can lean in favour, certainly, in cases involving first offenders. Also, in cases involving young people, towards novel forms and humane forms of treatment where persons who have sin and err from their ways like lost sheep but who are young and who ought to be forgiven can be given a chance to be rehabilitated.

The concept of rehabilitation is based on the philosophy of utilitarianism; give a first offender a chance to be rehabilitated. Give a first offender a chance to be reformed. Give a person who is the innocent victims of a set of circumstances where he or she has been induced to do wrong, a chance to come back without putting them in a penal institution where they will be exposed to the vices, vagaries and the vicissitudes of the culture within such a strict, harsh, penal system.

There is no point, Mr. Speaker, of taking a youth, eighteen years old, who has done a wrong and put him into an environment where he is going to be taught, indoctrinated and hypnotise into becoming a

criminal by learning the moors of such an institution. I believe that the proposed reforms that the Honourable Member for St. Thomas has brought here today suggest quite clearly that we are not limiting our creative approach to sentencing to the old fashioned custodial lock up or custodial fine.

I always have supported this question of attendance centers for young offenders. I have always supported the whole question of community service for youthful offenders. I believe that one or two magistrates in Barbados in the last ten years, took a chance and imposed community sentences when the law did not really do it. I believe, Mr. Speaker, that as a Parliament we bear a responsibility to make law that is crystal clear, that lets those who interpret the law, those who apply the law, be able to function according to law. I am pretty sure that once or twice in this country, magistrates took a chance and imposed community sentences by asking young people to go and paint houses and such like when there was no legislative authority to do so.

We, on this side, are now setting the stage and when we evolve what a court can do, when we show our approach to the whole question of seeking to save those who can be redeemed, we are clear enough in here and clear enough in the law that those who have to apply it will not be tempted, as they try to apply what society wants and be guilty of bringing about infractions of the law.

I have said earlier, Mr. Speaker, that the whole concept of retribution and utilitarianism can lie in bed together. If you look at what Barbadians want in their communities, Barbadians want a safe society. Barbadians are not so severe and cruel as to want youngsters who have just committed one offence, exposed to such harsh conditions that they never get a chance to come back. I want to say, Mr. Speaker, that the learned Attorney General has taken some steps in this whole question of reform which should be noted in here. Let us look at the concept of a prison farm. Before the Attorney General innovated the prison farm ...

Mr. D. St.E. KELLMAN: Sir, on a point of order. The Honourable Member is misleading the House because the prison farm was there prior to 1994.

Hon. R. C. EASTMOND: Mr. Speaker, I am really surprised that the Honourable Member for St. Lucy has such an intimate knowledge of the environment of Glendiary. I am now tempted to go and check his records. There use to be a time, Mr. Speaker, when within the four walls of Glendiary ...

Mr. D. St.E. KELLMAN: Sir, on a point of order. The Honourable Member is giving the impression that if you check the records of Glendiary you might find the name of Denis St. Elmo Kellman up there. I can assure you that you would not find that name anywhere in the prison's records or anybody from over here in the prison's records of Glendiary. I will not question how the Honourable Member would know what names are up there. I have never visited up there and I had no reason to be up. I would not know of the records up there like the Honourable Member for St. James North.

Mr. SPEAKER: You have heard the Honourable Member. Are you insinuating such?

Hon. R. C. EASTMOND: Mr. Speaker, I was rather surprised at the intimate familiarity that the Honourable Member for St. Lucy has of Glendiary.

Mr. D. St.E. KELLMAN: Sir, on a point of order. The Honourable Member seems not to recognise

that the prison farm is at the Belle and you do not have to be at Glendiary to know of the prison farm at the Belle. If there is another prison farm at Glendiary, I do not have the knowledge that the the Honourable Member for St. James North has.

Hon. R. C. EASTMOND: Mr. Speaker, he has played into my arm. He has now contradicted himself. I was speaking about the prison farm at the Belle that the Honourable Member for St. Thomas had introduced and the Honourable Member for St. Lucy was seeking to defend that by saying that one was there before which was not true. Mr. Speaker, it is a fact that the prison farm at the Belle which is not immured within the four walls of Glendiary was introduced by the Honourable Member for St. Thomas ...

Mr. D. St.E. KELLMAN: Mr. Speaker, on a point of order. The Honourable Member is misleading the House because the the Honourable Member for St. James South, who is not now in here but who was in the previous administration was the person who introduced the prison farm at the Belle. I am asking you, Mr. Speaker, to ask the Honourable Member for St. James North, because I know that he is not deliberately misleading the House but he seems not to have the knowledge of what happened prior to 1994. I would ask him to be guided by me that that farm was there before 1994.

Hon. R. C. EASTMOND: Mr. Speaker, I want to be able to proceed to let the debate achieve its progress and to conclude. Mr. Speaker, the fact of the situation is this. Prior to 1994, what you had called a prison farm was a rather tiny, almost minuscule effort occurring within the four walls of Glendiary. It was not really a farm, it was not even a glorified kitchen garden. Mr. Speaker, I am saying that the prison farm external to the four walls of Glendiary, which has been developed by the Honourable Member for St. Thomas is indeed a proper farm.

Mr. D. St.E. KELLMAN: Sir, on a point of order. The Honourable Member is misleading the House and he cannot continue to mislead the House when he knows that it was not the Honourable Member for St. Thomas. I am calling for the Honourable Member for St. Thomas to clear his name from this, Sir, because he knows that he found it at the Belle even though he might have expanded it.

Asides.

Mr. D. St.E. KELLMAN: You found land and prisoners working.

1:00 p.m.

Tuesday, January 25, 2000

Continuation of Hon. R. C. EASTMOND:

Mr. Speaker, I know that you as The Speaker, would not want to get involved in veracity or mendacity that Members may practise but I am sure that when the Honourable Member for St. Lucy

mentioned that the Honourable Member for St. James South had introduced a prison farm, then the Honourable Member for St. Lucy was making utterances while on mental leave.

Mr. Speaker, I want to say that if we are permitted to understand institutions ...

Mr. D. St.E. KELLMAN: Mr. Speaker, on a point of order, Sir. The Honourable Member for St. James North cannot say that the Honourable Member for St. Lucy is on mental leave and I would ask you to ask him to withdraw those remarks.

Hon. R. C. EASTMOND: Mr. Speaker, the Honourable Member for St. Lucy can either distort or contort. He is always seen very much like a lonely soldier out in a desert, looking for his Captain and his crew. His crew has already gone, his Captain is missing and the boy is standing up in the full view of debate in this Parliament taking his lashing, blow for blow, and is so confused that he is becoming involved ...

Mr. D. St.E. KELLMAN: Mr. Speaker, on a point of order. The Honourable Member for St. James North must understand the standing orders of this House and he cannot refer to me as a boy.

Mr. SPEAKER: Yes. Were you referring to the Honourable Member?

Asides.

Hon. R. C. EASTMOND: I am looking for the day to come when Honourable Members are made to sit at the feet of distinguish speakers who are in this Honourable House and learn figures of speech.

I was using a simile.

Asides.

Mr. D. St.E. KELLMAN: Mr. Speaker on a point of order. The Honourable Member again is misleading the House because he stopped learning when he stopped listening to Errol Barrow and joined the Barbados Labour Party.

Mr. SPEAKER: That is no point of order, please.

Hon. R. C. EASTMOND: Not only is it not a point of order, Mr. Speaker, but the Honourable Member for St. Lucy really should respect the rules of this House and let Members be heard in peace. I believe the standing orders say that the Members of this House have a right to be heard in peace. I do not want to call him a breaker of the peace, or a person who is molesting the peace, but he certainly very much, Mr. Speaker, and again I am going to use a figure of speech, is coming, through as in the form of a heckler, rather than participant in a civilized debate. Let us go forward.

Mr. D. St.E. KELLMAN: Mr. Speaker, on a point of order. The Honourable Member for St. James North is reflecting on the Chair. What the Honourable Member is saying is that you are not carrying out your rulings right.

Mr. SPEAKER: No point of order, please.

Hon. R. C. EASTMOND: Mr. Speaker, the point I was making is that if we in Barbados understand that there are those in this community who will do wrong, then we in Barbados have to adopt the type of policy to wrong doing at the level of law and policy that will address the problems which eventually become social concerns.

I was saying that this Government is to be congratulated, Mr. Speaker, for the effort it has been taking in reform and I use the example of a big prison farm at the Belle and at Lower Estate developed beyond what you had before 1994 as the case in point. The prison farm is not only good therapy for people who can be idle all day, the prison farm offers them a chance to learn skills. The prison farm also reduces Government subscription to the prison for funding the cost of food for the prisoners. Indeed in a culture where one can be stigmatized for going to jail, when these people learn agricultural skills on the prison farms and the society in its harshness condemns them by not employing them, then they have a skill as farmers. Sir, these efforts should be complimented.

I am also saying, Mr. Speaker, that in the context of persons in this community who have done wrong, requiring to be brought back, then systems which are being devised by this enlightened Government that will give these people a chance to be able to change and to achieve some amelioration of self. I therefore am happy that there are those in prison who are taught to read and write. All too often on the floor of this House I have heard the Honourable Member for St. George South lament the fact that too many people coming into the law courts cannot even read the oath before getting on the stand. In other words, a lot of people who go to jail cannot read and write and I congratulate the efforts to ensure that there is a literacy programme at Glendairy. These people at Glendairy are human beings. I also congratulate those efforts where beyond literacy classes there are other programmes in Glendairy that try or that are designed to save and redeem.

I therefore, Mr. Speaker, would lean in favour of an approach to sentencing that takes into account the need to reform and rehabilitate where that can be achieved. At the same time, nobody is suggesting that they are tapping people gently on their wrists. There must also be times when our people are repeat offenders, we must be firm enough to ensure that our sentences meet the crime.

We are going to have in the next 10-15 years to look at wounding offences, offences of violence and sexual offences and to look at them repeatedly with the view towards evolving sentencing policies and punishment policies that will be designed to make sure that those who are the victims of serious violence and sexual offences are protected.

There are times, Mr. Speaker, when we are looking at penal reform that we look at the condition of the offender. The time has come too when we have to consider the position of the victim, the position of the victim's family and the position of the victim's dependents. We have to look at these things because we, as a community set about to try to protect the society from violence, sexual offences and all sorts of crime, as we send messages to those who infringe the law that they should not and that the state reserves a right to be coercive in its problem, we also have to bear in mind that some victims are traumatized by crime to such a degree that some of them never recover. We therefore as a Government and as a Parliament will have to be looking constantly at the whole concept of what we do for the victims of crime.

Mr. Speaker, as I conclude, it is a very interesting situation that really should be looked at. As far as criminal law is concerned, when a person breaches the criminal law, whether by theft, rape, wounding, felony, treason, the person is deemed to have committed a crime against the state. In many instances when a person does a crime, in breaching what the state wants him to obey and in disobeying what the state wants him to obey and in actually offending the state, that person who is defending him is also offending human beings who for the most part remain without any form of compensation.

I am sure that the Honourable Member for St. Thomas must be looking at what can be done for victims of crime especially those victims of crime who have lost bodily function, who have lost a limb, who have been mutilated to a point where they are not themselves. I am sure that this Government will be encouraging the Honourable Member for St. Thomas to be involved in the material programmes to take into account:

- 1.The need to protect the society.
- 2.The need to respond to the society's wishes to control the society.
- 3.The need to save those offenders who can be saved.
- 4.The need to train those offenders how best to think of themselves, to develop self-esteem and to get educated in the process while at the same time looking to see what the state itself can do for those innocent victims of crime who often are not only hurt and lose a chance to earn a living, but who are sometimes so traumatized that their entire psyche is ruined and ruined for life.

Mr. Speaker, I must apologize for the length of the contribution but I was very much provoked by a spirit from the other side who succeeded in detaining a modest speech and a speech made in the interest of supporting a measure which is due at this time in Barbados.

I thank you, Mr. Speaker.

1:10 p.m.

Tuesday, January 25, 2000

SUSPENSION

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that this sitting be suspended until 215 p.m. today.

Hon. G. W. PAYNE: I beg to second that.

The question that the sitting be suspended until 2:15 p.m. today was put and resolved in the

affirmative without division and Mr. SPEAKER suspended the sitting accordingly.

1:15 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Rev. J. J. S. ATHERLEY: Mr. Speaker, I will just briefly lend my voice and support to the matter before the House in terms of what has been considered as technical amendments to the Penal System Reform Bill.

I would want at the outset just to make reference to that part of the discussion dealing with capital punishment in Barbados. I believe the Attorney General made it quite clear as to what the position of the Government is on this matter and explained the levels of frustration which has been occasioned by legal representations and the positions taken both locally and regionally.

I am one of those people who believe that justice must always be seemed to be well served and that it must be served without reference to class, colour, deed or creed. I believe that those who run afoul of the law knowing the consequences of their misdeeds should be made to feel the full force of the law. I believe where judgement is rendered, fullest effect should be given to such judgement and where our laws require that capital punishment be the response of the State for certain misdeeds, then so long as that law remains, we should be purposeful and resolve enough to follow through with that. That is what I understand to be the position of the Government which in my mind is a position I can clearly identify with.

That being as it may, we are all well aware of instances in neighbouring States where the circumstances surrounding the use of the death penalty have been call into question in a couple of instances in recent times. I will hate to see the day dawn in Barbados when the death penalty has to be applied and it is applied in circumstances which are questionable.

I believe the matter of penal reform is a very important component of the modernisation and reform in the total justice system which cannot simply be about computerisation. We are happy to see that we are moving towards the day and in fact have embarked upon that day where we now have Computer Aided Transcription (CAT) services being provided for use in the court system. This modernisation and reform in the justice system must go beyond computerisation and the modernisation of facilities and amenities such as has been the case with the court and with the other institutions within the criminal justice system like Dodds and Her Majesty Prisons, to some extent much of which is on the cards now. Therefore, we must go beyond providing these things and get to other matters which are relative to penal reform and which are substantive in other ways. Moderisation and reform in the judicial system must not only deal with updating the legislation to the extent that our position in relation to other regional and international States is a position within which we make it easier for justice to be pursued and the interest of justice to be served.

We are at the point where we have become signatories to the Inter-American Convention on firearms

and corruption as far as I understand it and we are party to legal assistance arrangements. These things are important but the point I am trying to make is that a matter such as the one before us goes beyond those things which might to some extent be considered as impersonal, which deals with the human factor within the whole business of modernising the criminal justice system.

I think therefore that the Penal Reform Bill is definitely a very important critical component in our attempts to modernise our justice system and to reform the culture of justice which is obtained in Barbados.

The Honourable Member for St. James North alluded to the fact that we have a traditional philosophy with respect to crime and punishment and we have traditional posture which we take with respect to the matter of responding to crime. Traditionally, Prison is seen in a certain light and there needs to be some change in the way we view our penal institutions.

Prison, of course, should be a place of confinement which should seek to serve the interest of the security of the State. I think when we consider as a definition, of the mind, that Prison is a place of confinement for the security of the State then it speaks to the type of sentencing option which should be available to the court in terms of how they respond to various types of crimes. It seems to me therefore that those we confine to Prison should be those persons whom we consider to present a security risk of some sort to the State or to the important institutions of the State.

Prison, therefore, in those terms should not be a first option which I do not think it now is and certainly it ought not even to be a second option. What I am trying to suggest is that perhaps we need to see Prison in terms of being a place to which we confine people only as a matter of last resort or in situations where the offences are so serious that these offenders constitute an immediate risk to the society and the important institutions of society. Prison, therefore, should be a place of punishment for those who are offending the State and the institutions of the State in a serious vain.

I think the Penal System Reform (Amendment) Bill takes cognizance of this kind of definitive framework of the perspective within which we look at the matter of penalization of people in our criminal justice system. It also embraces the view, that the very important second chance ought to be given to people to make amends, to turn it around and to get it right the second time around.

I believe that if penal reform is to work in Barbados although the requisite legislation must be put in place such as is the case right now, we would need to see a change in Barbadian attitude because over the years Barbadians have been very unforgiving in terms of people who have committed criminal acts. This Parliament and the office of the Attorney General and Home Affairs can provide the legislation but if Barbadians do not change their attitude with respect to how we view people who get involved in criminal misdeeds, then I believe the legislation itself will never be able to go so far as to bring about meaningful reform in the way we handle criminal justice, punishment and response to crime in this country.

We need to be less judgmental as a people. We need to be more forgiving. We need to embrace the concept of social pardon - I am not talking about societal pardon - because people are stigmatized once they run afoul of the law and especially if they went to Glendairy or to the Government Industrial School.

Right now, the law provides for legal pardon in certain instances. This Government and this particular Attorney General have been the ones who have been in the forefront in terms of ensuring that people who run afoul of the law in the past and who have established a criminal record could come to the place where although they may have been punished somewhere along the line for the crimes and may have even served sentences, at least the records can be wiped clean.

2:20 p.m.

Tuesday, January 25, 2000

Continuation of Rev. J. J. S. ATHERLEY:

That, to some extent, is a form of social pardon. That, to some extent, is a form of social forgiveness. I believe that the Barbadian society needs to embrace the perspective of social pardon if this matter of penal reform is to be meaningfully applied in our context.

The business community must come aboard and be willing to give job opportunity. It must be willing to offer that second chance for a person who is seeking to get it right, having been pardoned by the system, having been provided for in a very special way by the legislative framework, that person must be able to find their place of second chance in the business community.

I see penal reform as very much part and parcel of the attempts of this Government to bring about a total change within the culture of the justice system of Barbados. This must, therefore, not be seen in a singular context. This must not, therefore, be seen as some isolated instance of an attempt to improve the legislation to deal with crime and criminal behavior but must be seen as part of a broader package, an attempt on the part of Government to be progressive in the way it addresses the problem of handling crime and posing criminal responses by the State.

The Government of Barbados is committed, of course, by its promises of 1999 in its Manifesto so fully supported by the electorate of Barbados, not only to reform the penal system but to redevelop Glendairy, to renovate Summervale and to renovate Dodds. I think substantial work has already been done in the Government Industrial School for Boys. I am sure that on the cards, a next and immediate venture is a larger measure of renovation, refurbishment and even extension to the Government Industrial Schools at Summervale.

Government is also committed, of course, within that broad programme of reform of the penal system as you have already heard the Attorney General today alluded to, the business of expanding the Probation Services Department to the extent that although this department is already overworked, it could be better equipped to be more effective and in a wider way and be very much part and parcel of

reforming young people and trying to point them in a new direction and affording them a second chance.

Government is committed by that broader programme to developing a young offenders' institution. This is very much on the agenda of this Government and of the Attorney General and the Minister of Home Affairs. This must not be seen in any singular or isolated context but must be seen as part of a very significant and vibrant effort to reform the justice system to the extent that there comes about a distinct change in the culture which now obtains.

I would want to allude to the issue of rehabilitation because this was also raised by the Honourable Member for St. Philip North as very much part and parcel of reform and rehabilitation and would want to point for evidence of such a robust effort by focusing upon the Rehabilitation Programme which is now in effect at Glendairy Prison.

This is a programme which embraces the philosophy that a person who is sent to prison must not be left there to languish only in an institution of punishment but must be afforded the opportunity to redirect his or her life, must be afforded the opportunity to readjust his or her thinking, must be afforded the opportunity to seek change in his or her philosophy, perspectives and development to the extent that that person can come out of that institution a changed person and not simply a person who has been to jail for 3, 5 or ten years or whatever the case maybe.

That programme embraces such subject matter as male responsibility. In Barbadian culture today it is perceived, whether really so or not, that we have a problem with a sense of male responsibility and the level to which that obtains. Part of that Rehabilitation Programme focuses on developing in the males at Glendairy Prisons a sense of the responsibilities which attend the fact that he has now become a man.

I believe that is very important and if persons on going to Prison can benefit from such education, such counsel which addresses that matter, I believe they can leave Glendairy better citizens and better prepared to play their roles as men in our society.

There is a focus on self-governance, the matter of self-discipline. It must be admitted that many people end up in prison because they are not able to exercise a proper degree of self-discipline and so in fits of temper and fits of disorder they do things which would not necessarily accord with a proper sense of discipline of the person, discipline of self and get themselves into trouble, commit violent crime, injure other people and end up in prison.

The ability to control oneself, to discipline oneself is very much a part of the effort, the business of developing habits which lead to success, effectiveness in that to which you give yourself, all these are very much part and parcel of the subject matter which is embraced by the rehabilitation efforts ongoing at Glendairy.

Those who are involved in legal business, those who come into contact with people who are deviant and criminally so in various ways will tell you, and I think today already it has been referred to in this Honourable House, that many of these people are persons who are given to very low levels of self-esteem. Again, a very important component of the subject matter of the rehabilitation efforts at Glendairy has to do with the matter of self-esteem, a very common feature among many young people

who are now incarcerated at Glendairy. Of course, morale guidance, time management, these things are very important.

A very important area of focus in these rehabilitation efforts is post release discipline. I believe it would require a very special sense of discipline in our culture, when one is released from Glendairy to come out stigmatized into a society which today is still harsh in its attitude toward people who have been to jail. It would, perhaps require some special degree of post release discipline to withstand the temptations, to withstand the pressure, to stand up in the face of marginalisation, stigmatization and harsh judgment and to make one's way again in this very conservative society.

These are very important areas of focus entailed in the Rehabilitation Programme at Glendairy. I would want to challenge members that they would see this ongoing programme of rehabilitation as very much part and parcel of Government's effort to bring about meaningful reform in our system of justice, in our culture of justice in Barbados.

Then, of course, Mr. Speaker, there is also the issue of cost. There is an economic cost to Government for each person who is in prison. If you send a man jail for three years there is a cost to that. If you send a man to jail for a year, there is a cost to that. The taxpayers of this country pay that cost and they are paying that cost in increasing numbers because of the increasing numbers going into an already overcrowded prison situation. Therefore to find alternative forms of sentencing for persons who commit non serious offences, for persons who are first-time offenders, for persons who are not really part of the criminal element, to find alternative forms of sentencing options available to the court is indeed a move in the right direction and does not come any time too soon.

There is, of course, a social cost. There is a stress which is brought upon families. There is the loss of parental guidance in some cases to children who must suffer as a result. This is a social cost and it all adds up to a cost too high for a small society like this to bear. Then, of course, there is what I call the human cost as distinct from the social cost because we have young lives which are, to a large extent, when committed to Glendairy wasted. Energy is wasted in unproductive years in idleness.

I believe if we can move to a situation where these persons can be put to work, can be made to give back to society, can feel the pinch of being deprived of some of their liberty, could feel a sense of sacrifice which they must make in order to serve their communities in this way rather than have to spend their time of wasted months or years in a penal institution, I believe this is a move in the right direction.

For these reasons I would briefly want to offer my voice in support of the matter before the House. Thank you for your indulgence.

2:30 p.m.

Tuesday, January 25, 2000

Mr. M. Z. WILLIAMS: Mr. Speaker, I rise to support this Bill before Parliament to amend the Penal System Reform Act from a different angle, being a layman and without any legal background but perhaps one who would have lived in a society and over the last couple of years watched the changing lifestyle of not only the youth of this country but the lifestyle of many Barbadians. Before I really pitch my bat onto the ball I would like to differ with the gentleman on the other side in relation to this Government between the period of 1994 until today being responsible for a lot of young people walking around with locks on their heads.

Mr. D. St.E. KELLMAN: Mr. Speaker, on a point of order. I have never used the word “locks” in this House so to the gentleman on the other side, I am also objecting.

Mr. M. Z. WILLIAMS: Mr. Speaker, I am glad that I used that because I want him to at least admit the fact that he did not use “locks” but I said that on purpose because I wanted to find out if he was really listening. Fortunately, he used the statement that a lot of the youth in Barbados seem to be becoming Jamaicans, implying that the youth in Barbados ... Mr. Speaker, I am now sure that I am on track. I want to let the Honourable Member know that all of the young people in Barbados do not centre their minds on becoming a Jamaican or behaving like a Jamaican so he cannot accuse this Government as being responsible for the situation between 1994 and now.

The other point that I am concerned with after hearing the same representative for St. Lucy accusing Government of crime or of allowing certain things to happen is that crime, in my book, is a situation not to be polarised. Within the last couple of months and weeks we have seen a situation where a group of people walk around this country trying to polarise crime and trying to make one believe that this Government is responsible for crime.

This morning I spent some time looking at some manifestoes and I would like to be honest with you. Looking at the manifesto of the Democratic Labour Party for 1991 they admitted on page 32 that there was a problem with the rising crime in Barbados. I am saying that you cannot come in the year 2000 and try to pitch tents accusing a government of crime when in 1991 you were the Government and you admitted that there was a rise in crime. You came back in 1994 and nowhere in the manifesto of the Democratic Labour Party is there a programme for controlling crime as it relates to the youth in this country. Nowhere have you said anything in a programme, so do not come and tell me on the Floor of Parliament that somewhere along the line you are accusing us.

Let me get back to this, Mr. Speaker. Part of the problem facing our country is the fact of home environment. A lot of the young people of Barbados today are on the streets, not because of their free will but because there are situations that happen within the home environment that cause these young people, young boys and young girls, to take to the streets extremely early. Because they take to the street early, chances are that they could be grafted into what can be considered some very devious things that can happen in this country.

Mr. Speaker, this country can be proud of producing several agencies to embrace the minds of young people in Barbados and put them on track. You have the Ministry of Youth Affairs, Youth Service and several community projects. If a young person goes astray chances are there has to be a reason for that young person going astray. I am one who does not believe that we should wait until we get to the point of rehab. Rehab is when it comes to the point that that person has burst the situation and he needs rehab because he has done something that he should not have done.

If you look at what is happening in this country today in relation to the young people there is a lot of direction and a lot of hope for them. I am not going to be one who will say that the young people of this country are not on track.

Mr. Speaker, I do believe that when you look at the court system in Barbados and you look at the situation where you have young people placed before the courts for petty crimes, years ago my great grandfather and some of our parents were not so fortunate and they came afoul of the law for petty crimes such as stealing canes. Some of them for petty crimes of riding a bicycle without a light and you had a situation where these young people were sent to Summervale for such petty crimes. That is why I do believe that in this day and age with the penal reform system you give the person who has a petty offence a chance to reform himself and be able to get back on track and to be able to become a better citizen as far as the country is concerned.

I also believe that we have also got to look at the work situation. We talk about young people trying to be selective looking for particular jobs and if they are not forthcoming then they do not get involved in the work scheme and that is when they fall prey to crime in Barbados. This is when they fall prey to devious thieves and by right have to pay the penalty.

I believe in cases like these if you were to introduce before this Parliament situations in relation to community service where a person by reason of becoming very rusty, very stagnant and still because he has never worked, if a sentence is imposed on that person to provide community service then the chances are that that person would most likely be cleansed of the stiffness and laziness and what we can consider at least the rust of not wanting to get into the work system.

I think that a situation before this Parliament in terms of community service for an offence is something that can be appreciated. We have seen in this country young men and young ladies who years ago had to be sentenced to Summervale and a lot of us in this society today do not know that some of those people were sentenced to Summervale because they have come back out of the system, amended their ways and found themselves back into society to become better citizens of this country.

I think this Government has shown that it has some responsibility to continue to put young people in the direction that they can be their brothers' keepers and that they can make Barbados a better Barbados.

Mr. Speaker, it is all right for us to get here and talk about what is happening on the block. There are a lot of Government agencies out there and different departments out there that if they go on the block and they do what I would consider to be an investigation of some of the problems of the young people who are on the block, that we may prevent those persons from becoming prey to the law.

2:40 p.m.

Tuesday, January 25, 2000.

Continuation of Mr. M. Z. WILLIAMS:

We have situations in this country where young people go before the court are placed on probation. One must understand the seriousness of probation, that should you break the probation, chances are that the sentence of the court is likely to fall on you.

I believe that a lot of young people out there do not seem to relate to the seriousness of probation and I am wondering if under this Penal Reform Act, if there could be a way that instead of the persons being placed on probation that those persons could at least have a chance in terms of community work or being forced to do something outside of the probation because chances are, they are likely to fall prey within that probation. If they broke the probation then it is likely they would become involved in the prison or reform system of this country.

Mr. Speaker, before we can get to the point of the probation, there should be a way of amending the Act to help those young people mend their ways so that they can be protected from themselves.

Mr. Speaker, it is with great hurt and pain to hear one stand up in Parliament and talk about the rise of crime in this country when, in truth and in fact, figures show that there has been a decline in crime in this country. It is down to the point where it is being controlled. It has dropped from 13 000 down to 10 000. Something is happening as far as the system in Barbados is concerned in terms of the fall of crime. It would be foolish of us as law makers in this country to come into this Honourable Chamber and do not get the word across to Barbados.

Many times on the call-in programmes you hear young people being condemned and being accused of this and that. There is a percentage of young people in this country, Mr. Speaker, that are on track. They are doing good things, they are doing meaningful things, they are involved with the various Government agencies and the various community groups, they are part and parcel of making Barbados a better society. I do not believe that it is fair that we should allow a situation in this country where we find that people are trying to degrade Barbados for political gains and political mileage because it is not going to do us any good in the long run. I think we need to recognise that there is a problem in Barbados but to make criminals out of young people is not going to solve the problem. We need to catch those young people before things happen. The school system in Barbados is a very strong system. We have in Barbados an education system that is higher than most other places. There is an after school situation where children have the right to go to an organisation of their choice whether it is the Barbados Community College or the Samuel Jackman Prescod Polytechnic. We have in place the machinery to make better citizens of Barbados.

I am sure that if this Government continues on track, it is obvious that we will see a situation where

the numbers in the prison system will fall back to where it was before, it is continuing to fall and it will fall. It shows that there was 63% at one time and that it is now down to 40%. This is an indication that there is a decline.

I would like to appeal to responsible citizens in this country who have a voice and who people are listening to, to stop getting on the call-in-programmes, to stop using the media and to stop using the by-ways and highways of Barbados to talk about crime. You have to go among young people because there are social problems and become involved with these young people in Barbados.

There are situations in this country where there are broken homes as a result of broken love relationship or a situation where somebody in the house used something that belongs to another person and that person is cast onto the street and told not to come back into the house. A lot of young people in this country live in the backyards of their parents.

Mr. Speaker, in order to correct that the parents of Barbados have got to be part and parcel of this Penal Reform Act. We have to get out there and let the parents understand that if they continue to direct the minds of their children into the direction which some of them direct them, we are going to build a situation that we cannot control.

We have a lot of young children living in the backyards of their parents' homes. In a lot of the Government estates in the Pine, Farm and various places in this country, young people are living in little huts and shanties in the backyard. Mr. Speaker, that is not a family unit. It cannot be considered as a family unit. We need to get to the point, Mr. Speaker, to make the young people of this country understand that this Government has provided them with the right to become better citizens.

Mr. Speaker, I believe that when you look at the situation in this country in terms of young people before the courts, on most occasions you find a situation where a parent will normally tell the magistrate that she has tried her best but that the child will not amend its ways. I think in a situation like that, as long as this system can provide it, that apart from institutionalizing the person, there should be some place where that person can go. We have the Juvenile Liaison Scheme in Barbados that has helped a lot of young people.

I want to stress this, there are a lot of young people who are involved in petty crimes like shoplifting and because of the work of the Royal Barbados Police Force and the Juvenile Liaison Scheme, a lot of those young people are put back on track. They do not get to face the magistrate because of the work done by the Juvenile Liaison Scheme. It is extremely important that we know this. We are not making criminals this side of the House, we are trying to prevent people from becoming criminals. I am appealing to those persons responsible to control their tongues and work together in making Barbados a better Barbados.

In closing, I support this Resolution before Parliament hoping that I would live to see the figures of the young people in this country who are unemployed and who in truth in fact, want to be put back on track, continue to drop.

Thank you, Mr. Speaker.

Mr. T. A. PRESCOD: Mr. Speaker, I just want to make a short intervention on this matter. I have been fortunate to be here this morning to hear a very enlightening presentation by the Honourable Member for St. James North. Unfortunately, while I would like to give some praise and credit to the Honourable Member on the other side, there was a fundamental difference in terms of the qualitative value and the presentation. Therefore, if credit goes on this side, obviously, discredit to the substance of the presentation on the other side.

Mr. Speaker, there is a impulsive reaction to matters of this nature - things such as crime and deviant behaviour.

2:50 p.m.

Tuesday, January 25, 2000

Continuation of Mr. T. A. PRESCOD:

It is traditional that many persons in a society like this, rather than applying sober and in depth thought to matters of such a profound nature, they respond on the basis of impulses. While we would hope that persons in this surrounding who are vested with the authority by the electorate would apply a more deep and sober analysis, we were subjected early this morning to a presentation exclusively based on emotional feelings and not any sober analysis of the quality or of the material facts or the substance of the issue which was before us.

Somehow there are very few institutions that have escaped these conventional cultural values. The judicial sector of our community is also a victim of such a culture, responding and mirroring merely the feelings of the elite class in the society who always believe that when matters of this kind such as criminal activity come before them, they should treat it harshly and apply traditional methods for providing a penalty for the actual behaviour of the particular person who has been charged before the court.

From my own personal experiences at a parochial level in my community, incarceration of young men in the society add to the criminalizing of a large section of our society, more so than providing a rehabilitative environment for the kind of change that is required for individuals who get involved in deviant or dysfunctional behaviour.

I am extremely happy that an instrument like this, not the amendment in itself, but the Bill and the Act that relate to this, was put in place in order to put the instruments into position for a more contemporary approach to resolving problems of this kind.

We are not just legislators, we are also social engineers and we have to put the positions in place which are more humane, which can allow young men who fall foul on the side of the law to be socially integrated back into the society. That is what we are trying to do and not to criminalize people and let them have a stigma for ever, but to provide mechanisms so that we can give these people an opportunity to reform and to live normal lives again.

What has been happening over the last few years as a punishment of the judicial culture is that many young men were sent to prison and after being in that environment, the tendencies and the criminal values are intensified and when they are released from prison, they are formed into new categories altogether. In some cases a man who normally would have an opportunity to consider his ways and be wise, finds himself into society, totally isolated by the same society after being released from prison and finding it difficult to be socially integrated into that society. He is pushed from within and becomes marginalised and the only social environment he feels comfortable in is the environment which he was once socialized within the prison.

I am happy that we have been putting programmes into place in the form of the construction of centres which I believe is a necessity to provide these young men with the necessary skills and the improvement of education. There are many of them that need remedial education and I heard many speakers today spoke about that aspect of it. If you look at those young men who were sent to prison, you will discover that a significant percentage of them were what we called semi-illiterate, not necessarily individuals who understand English or Arithmetic, but have a very low level of understanding about the importance citizenship or civics. This is the form education that is a necessity for these young men to make them understand their civil responsibility.

A man can achieve academically but because of low compassion or low commitment to the society in which he lives, he does not see anything wrong with inflicting harm on another person. Therefore, we need to acquire the quality and value of that type in the society. I am mainly concerned with the amount of young men in our society today who are debarred from employment as a consequence of a Certificate of Character. In my experience as a representative, there are many young men coming to me on a daily basis who were involved in minor offences and they have to wait until a special limitation which is placed on them is expired in order to get their slate wiped.

Aside.

Mr. T. A. PRESCOD: In some cases the offence is so minor, it is a misdemeanor, but the person is punished after leaving prison and we are saying that prison is a penalty that the individual ought to pay for the crime which he commit. After leaving prison he cannot get a simple job, not a job that involves

accountability in relation to either finance or the storing of goods. An ordinary job sometimes such as debushing or working as a gardener, the young man is debarred from those jobs as a result of being stigmatized as an ex-con.

This is not good enough. There are employers in Barbados in the private sector that would not give a man a job as long as has a Police Certificate of Character that is tarnished however minor the offence. In addition to that, I think we should move expeditiously to put the personnel and mechanisms in place for the transformation that is required for the changing of the personality of the ex-inmate. I believe we need to put those provisions in place as swiftly as possible. The centres should be well constructed, all the required appliances or mechanisms should be put in place as soon as possible because this is a problem we have been wrestling with for probably over a decade and a half. It is a major problem and we need to have the experts in those centres who can also get involved in counselling, teaching and giving all the assistance required to make this country a more peaceful society.

The actual problem of the society cannot be attributed exclusively to any particular political party and this is the unfortunate part of it. We have to be collective not only in terms of intellect but a collective effort must be made by people of all social groups across political boundaries in order to resolve the present problem of crime. The influences that lead to crime are not exclusively internal. There are external forces out there that impact on the internal social environs in which we live that are responsible sometimes for shaping the minds of individuals.

You have people watching television and the most attractive shows on television for the youths are the shows that involve sex and violence. If you want to see you just have to come to the Globe Theatre on a Saturday and see the amount of people that come there when there is a picture with a lot of antagonism, so the media is contributing to it.

3:00 p.m.

Tuesday, January 25, 2000

Continuation of Mr. T. A. PRESCOD:

The media is also forced to do it sometimes because if they need the audience then they have to show what is demanded by the youths.

There are also problems in the society in general and certain social differentiation in the system which the National Reconciliation Committee is attempting to redress. All of these things lead to antagonism and social conflict within a society and give rise to emotionalism to the extent where people inflict harm on other people because of social economic differentiation.

Asides.

Mr. T. A. PRESCOD: Mr. Speaker, I believe that steps like these are evolutionary. Nobody can turn and flick a switch and transform a society overnight. In order for us to do the things to restore this

society to a peaceful one, it means we have to put policies in place and develop the necessary instruments for the implementation of those policies and then implement the programmes. All of these take time.

I strongly believe that this is a laudable effort in order to bring about the changes in the society in the near future that will make Barbados a very comfortable and peaceful environment for all of us.

I believe that most of the other facts touching on this issue were mentioned by previous speakers and therefore I am prepared to close on that particular note.

I am supportive of this particular Bill before the House.

Hon. D. A. C. SIMMONS: Mr. Speaker, I am not going to prolong this debate to any significant degree having open it because we will get an opportunity during the Estimates in March to look at the whole business of crime because I focused more on punishment than on crime today. However, I wish to give the House the assurance that the Committee on Law and Order which was set up to make recommendation on the crime situation will be having its first meeting next month. Now that most of us are coming to the end of our Estimates Committee meetings with the Ministry of Finance, we should have some time next month where we could start our meetings and I wish to discuss with the leader of the Opposition a date for its first meeting.

I just wish to say that I am indebted to all of those who contributed to the debate. I have to confess that the debate was at a very high level. There were some excellent speeches made by persons particularly on this side who showed a deep understanding of the complex social problems that crime is and also showed sensitivity about the ways in which we could liberalize the penal system to offer more options to sentencers with a view to saving many of our young people from going to Prison and giving them that opportunity to sublimate and to become better citizens in the society.

I wish to repeat something which I said at a long Press Conference I gave in October. I said that the crime problem in society has to be tackled by a combination of strategies including, economic policy; social policy, for example community development policy; housing policy; educational policy; environmental policy such as street lightning programmes to cut out dark areas which might be attractive to criminals; law enforcement policy and sentencing policy. No single one of those policies can on its own provide a solution to the problem. Therefore, there has to be a synergy, a coming together of all of those.

The representative for St. Michael East called for provision for ex-prisoners. He is going to see in the next financial year hopefully, closer relationship between the offices of the Attorney General, the Ministry of Education, Youth Affairs and Culture and the Ministry of Social Transformation.

Let me just give an example. Two years ago, in the 1998 Budget, the Prime Minister indicated that he wanted to see a project aimed at reducing recidivism by developing a center where ex-prisoners can go and do their trades. We have searched long and hard for a suitable property. Last year, the old St. Bartholomew School which is near to Coverley Woods was identified as a suitable site. There are two buildings there, one in the back and a larger building to the front. The one to the front is not in the best of shape and substantial repairs and renovation has to be done to it. Of course, it is Government

property and towards the end of last year the Ministry of Housing and Land handed it over to the office of the Attorney General.

The Prime Minister in his speech in 1998 suggested that he would fund such a project out of the funds given to poverty alleviation. Only yesterday at Estimates Committee we were discussing relocating that project under poverty alleviation for them to do the necessary structural repairs, and have the after care committee which assists in placing released prisoners on job programmes to work with them.

There are also other things that we are discussing with the Ministry of Education, for example, the provision of a formal social control by getting people after some initial training in social work techniques to work with young people at risk and families at risk.

When I did that Press Conference in October, I indicated that there were ten strategies which should be followed in our approach to the crime problem. Those ten strategies were identified as strategies which have worked and have been tested by the international evidence.

3:10 p.m.

Tuesday, January 25, 2000

Continuation of Hon. D. A. C. SIMMONS:

Some of them found their way into the Home Office study on "Reducing Offending". Most of them have come out of the Sherman Report which was done for Congress two years ago, 467 pages of it. You can get a copy off the Internet if you have that amount of paper. Informal social controls was one of the things that has been shown to work.

At the law enforcement end, orientated police have been proven to work. There is a gentleman who has just joined the Task Force on Crime Prevention who was a former Station Sergeant of Police. He did a degree at the Scarman Centre for Criminology in Leicester. I talked to him a few months ago. He was excited by what he had heard me say at the Press Conference because he had actual experience as part of his thesis in Leicester in working with particular districts where there were problems and the police went in and worked with the young people and it was shown to be having a positive effect.

Aside.

Hon. D. A. C. SIMMONS: It is not only community based but community policing targeted at certain problem areas. The Police Force itself as part of its ten principles of community policing is

going to be more involved in that. The Police Force published a Force Plan in October last year. There is going to be a greater emphasis on community policing.

Sir, what I am trying to impress upon Honourable Members is that you must see the crime problem as the result of a number of complex factors. Its solution can only be the result of a number of different strategies and not one single strategy.

Unfortunately, it is assumed that the Attorney General is omniscient and all-powerful and can solve everything through law enforcement. Law enforcement can only be one aspect of the response to criminality. The other things must come together.

In relation to the Bill, I also wish to assure members that community punishments generally, the whole range, not only community service orders, attendance centre orders, suspended sentences, curfew orders, all of them will require some change in the orientation of the Probation Officers. We are providing for training before the end of this financial year for the Probation Officers. On top of that, last night the Chief Probation Officer and one of the Senior Probation Officers, went to London first of all to a conference and then an attachment for a week. I have charged them with the responsibility to bring back all the prescribed forms of publications.

The Home Office publishes a lot of information. I have a pile of it myself. I just have one of each. I have asked them to bring back enough that they can share with the staff and we will do in-house training. There are people from overseas who have offered to come in February because this Penal System Reform legislation is the first of its kind in the region. Penal Reform International, the Caribbean base of which is in Puerto Rico, has also been excited by what we are doing and have volunteered to send a few trainers, if we need them, between now and the end of the financial year because they have a budget that may expire at the end of the financial year.

When the system starts in April, I have every confidence that we will have a core of people, particularly Probation Officers, trained in social work techniques, plus the community service officers, who will be carefully chosen, and the attendance service offices on the Saturday afternoons. Again, we are looking for people who are disciplinarians but, at the same time, can impart education and training to some of these youngsters.

We should have a good core of people able to monitor, supervise and implement the variety of orders which the courts will then be empowered to make. It is not to be discounted, Sir. I did not have the time to research the point I was looking for but in the Task Force Report on Criminal Risk Factors, the point made by the Honourable Member for St. Michael East is taken in here.

When we tested the Prison population in 1995/96 by a long questionnaire of well over 100 questions, to try and identify the causes of crime that the other side talks about, the first time in the history of Barbados that any attempt was made to identify the causes of crime was in this. You will find in here that there was a correlation between illiteracy and criminality because, subject to checking, I think it was in the vicinity of 46 per cent.

We are not talking about five per cent or 19 per cent. A high proportion of the criminal population in Glendairy were illiterate or semi-literate and that told us that the school system now had to grapple with

that situation and devise policies and strategies to deal with it.

We found other causes of crime. I smile when I read the Democratic Labour Party saying that the Attorney General must tackle the causes of crime. We have already identified them scientifically and we are carrying out the recommendations. In fact, not one of them on the other side has ever said that this Penal System Reform Act that was brought in 1998 is a direct result, not only of the report of the Steering Committee, but there was a recommendation here that we create a new sentencing environment with far greater options than presently existed, so that the recommendations of the Task Force Report are being implemented. That is only one that I mentioned because it is directly germane to this issue.

Sir, this Government - I am not getting into the figures issue now, we will deal with them in March. Both sides can agree that the official Police statistics show that the highest point for crime in Barbados in terms of recorded crime was 1993. In 1992 it was just below but we crossed 13 047 recorded crimes in 1993. At the end of last year we had 10 105, I mean, 3 000 less reported crimes than you had in 1993, still we are not doing anything. As I keep saying, your best is your worst.

I said you have to approach the matter on the basis of a combination of strategies. Look first at economic policy. Under the other side, we know what the level of unemployment was, as high as 24 per cent, 25 per cent, it is down to 10 per cent now. That surely must have made an impact on the number of recorded crimes.

The Ministry of Education, one of the first things they did was to create the network of Youth Commissioners who are out there in society trying to work with young people. We have created all kinds of mechanisms within the Ministry to provide for young people, the Youth Entrepreneur Scheme and all those things, because we are not seeing it just as going and arresting people or doing law enforcement but dealing with the underlying social and economic factors that could predispose to criminality.

3:20 p.m.

Tuesday, January 25, 2000

Continuation of Hon. D. A. C. SIMMONS:

Housing policy and environmental policy: when you look at the statistics on crime you will see a remarkable thing. The parish with the lowest crime rate probably has the lowest population, St. Andrew. In the whole of last year 158 crimes were reported in St. Andrew. In rural parishes except for the Hometown and the St. James area where we still have a problem, you can see crime rates falling. I am not saying that it has necessarily to do with it but I am saying that at the same time we are seeing that the development of rural Barbados in terms of better roads, better lights, better housing and so on ...

Aside.

Hon. D. A. C. SIMMONS: I wish to give the House and the public the assurance that everything is being done to keep on top of the crime problem to reduce the fear of crime. Within the next month, I expect that we could probably have a full scale debate in here when we come to the Resolution to get substantial equipment and vehicles for the Police Force. We are re-equipping the Police Force, the Defence Force and the Fire Service. The number we are talking about now is about US\$10 million, about \$20 million in all to give the police a large number of vehicles including motor cycles, jeeps - a long list. I should not anticipate another debate but just to indicate that we should soon be bringing that Resolution and I am sure that re-equipping of the forces will assist in the response capability of the forces and give a higher profile to the police, particularly in community policing.

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

Hon. R. C. EASTMOND: 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. R. C. EASTMOND the House resolved itself into Committee.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called.

Hon. D. A. C. SIMMONS: Mr. Chairman, I beg to move that clause 1 be amended by deleting the date 1999 and substituting 2000.

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

The question that clause 1 as amended stand part was put and resolved in the affirmative without division.

Clauses 2 to 6 were called and passed

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. R. C. EASTMOND, Mr. CHAIRMAN reported to his Honour, the SPEAKER, the passing of one Bill in Committee with one amendment and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. A. C. SIMMONS, seconded by Hon. R. C. EASTMOND, the Bill was read a third time and passed and cited as the Penal System Reform (Amendment) Act, 2000.

**ORDER NO. 5 - RESOLUTION TO GRANT THE SUM OF
\$113 307 FROM THE CONSOLIDATED FUND**

On the motion of Hon. D. A. C. SIMMONS seconded by Hon. R. C. EASTMOND, the House resolved itself into Committee of Supply, Mr. D. CARTER in the Chair.

Mr. CHAIRMAN: The House is in Committee of Supply.

**HEAD 26: MINISTRY OF ENERGY, ENVIRONMENT
AND NATURAL RESOURCES**

Hon. R. C. EASTMOND: Mr. Chairman, at the time of the preparation of the Estimates for the current financial year the Government of Barbados did not know and certainly was not sure that the United Nations, environment programme as it applies to Latin America and the Caribbean, had been fixed in its mind to stage a conference in Barbados.

Mr. Chairman, you would no doubt recall that years ago there was the famous Rio conference in Latin America followed by a conference in Barbados on Small Island Developing States (SIDS), the famous SIDS Conference held just over five years ago at Sherbourne in Barbados.

In recent times not only the United Nations system but even other entities have become extremely sensitive to the need to protect the environment,...

3:30 p.m.

Tuesday, January 25, 2000.

Continuation of Hon. R. C. EASTMOND:

... while at the same time being determined to launch programmes by which states cooperate with each other, in the interest of medium term and long term environmental enhancement.

The application being made, Mr. Chairman, for the instant supplementary in the sum of \$113 307, is

for the purposes of staging a conference between the March 2, 2000 and March 8, 2000, at the Sherbourne Conference Centre. This conference is expected to see in excess of 150 persons from Latin America and the Caribbean to look at a range of concerns to do with the environment in Latin America and the Caribbean. Because of the success of the SIDS conference in Barbados more than five years ago, a whole host of countries in the region feel confident that Barbados represents the ideal location for such an event. In fact, Mr. Chairman, we in Barbados felt a sense of never-ending pressure to stage this conference. Even when we signalled back that we were not fully prepared and had not put systems in place in anticipation of a determination to keep this conference, we were constantly told by the organisers in the United Nations system that they really want to come to Barbados because of Barbados' increasing image internationally and because it was felt that the success of the SIDS conference here set the tone for follow-up activity.

You may wonder, Mr. Chairman, of what benefit such a conference would be to Barbados and indeed to the wider Caribbean. We, in the Caribbean, Mr. Chairman, are constantly reminded every year between July and November of the very serious threats of hurricanes and tropical storms. Indeed, in recent years, we are also aware of the fact that the effects of climate change and sea level rise are beginning to show signs in the regions, which signs pose threats not only to the environment but to economic activity as well. In addition, Mr. Chairman, we in the Caribbean are painfully aware of the fact that there are those countries that permit the passage of ships in the Caribbean sea carrying hazardous nuclear waste. Bearing this latter consideration in mind, Mr. Chairman, we expect from the Barbadian perspective, to put high on this proposed conference the whole question of designating the Caribbean sea as a special zone. We intend to use the conference to send signals to the developed world of our determination to protect our sea and indeed our people from threats and ravages that a nuclear waste fall-out could cause.

Getting back to the first point, Mr. Chairman, we are also threatened as temperatures rise. There is no question about the real threat of the increase in temperatures. Last Christmas and right now in January, Mr. Chairman, you will notice that despite the fact that between 2:00 a.m. and 4:00 a.m., it is as it used to be, but in the day, it is hotter in December and January now than it would have been fifteen years ago. That is a sure sign, Mr. Chairman, that temperatures are rising. As temperatures rise, we find that there is such a thing as sea level rise and as sea levels rise, Mr. Chairman, there is a definite threat to life forms under the sea.

We are a coral island where the coral reefs are critical not just to our marine environment and our marine ecology but for the support of a whole set of life forms in the sea.

We therefore, Mr. Chairman, feel that in a situation where the United Nations is adamant that there should stage a conference in Barbados in March, that certain items of concern to the Caribbean and the wider Latin America area, be put on the agenda. We do not anticipate any problem in having the organisers agree with us to put things like weather, hurricanes, storm, sea level rise and certainly the designation of the Caribbean sea, on the agenda.

We have, even before Parliament has approved this supplementary, Mr. Chairman, started to do activities preparatory to the staging of this conference. In view of the fact, Mr. Chairman, that it is a United Nations styled conference, it is necessary, as is the situation always, that the conference centre which would be at Sherbourne be more or less designated a UN Conference Centre so an agreement

between the organisers at United Nations and the Government has already been prepared in writing where the normal protocol in respect of the staging of these conferences is to be observed and where the United Nations will have the immunities and privileges consistent both with Chapter 18 of the Laws of Barbados, as well as United Nations practice, to have everything going well.

We have, as I have said, Mr. Chairman, embarked on acts preparatory to the staging of this conference. As I have said, the host agreement between designations and the Crown of Barbados has been vetted by the Solicitor General and is deemed in order for signature. This is a fundamental component of the whole operation. The Immigration Department has informally, at this stage, agreed to waive visa requirements and we expect formal written communication to come our way in a very short time.

Sherbourne Centre has been booked for the period of the conference and we expect the first delegates to arrive toward the end of February. They will be here for 10 days. The actual conference goes on from March 2, 2000 to March 8, 2000.

The Commissioner of Police has been informed of preparation for the conference and very shortly, the Commissioner of Police will meet with us, the organisers, to arrange the security for the conference. The Barbados Defence Force has already been approached on the question of flags. Mr. Chairman, when states attend these conferences, it is customary that each state attending will have a flag presented and properly displayed to show the emblem and such like of the countries attending. We have also spoken to the Comptroller of Customs in respect of them facilitating the arrival of delegates, and we believe, Mr. Chairman, that if everything goes well, we shall have a successful conference.

Our only concern, at this point, Mr. Chairman, is that in view of the tremendous enthusiasm the organisers are showing in coming to Barbados, we would have expected to get more definite signals as to the personnel and the countries attending. That has not happened to our satisfaction as yet but we intend to play our part in ensuring that we organise this conference and that our reputation as a desirable country and destination for conferences is not diminished in the process.

Mr. Chairman, we also will be doing our utmost to work closely with the Foreign Ministry here which is supportive of this effort to ensure that all will go well. Mr. Chairman, as I indicated earlier at the start of the financial year, when we were preparing the Ministry's budget, we were not sure that this conference will be coming to Barbados but that now the Government has agreed to the application by the United Nations people, we are ready for the conference but need a vote from Parliament of \$113 307 to supplement the financing of this conference so that it can take place without any unnecessary hitches. With these observations, Mr. Chairman, I beg to move that Head 26 stand part.

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

Mr. D. St.E. KELLMAN: Mr. Speaker, from the outset I want to say that I will support this supplementary but I also want to make some observations.

It is regrettable, Mr. Chairman, that when Barbados is hosting a conference of this level that the majority of the environmentalists of this country are not in Barbados to take part in this particular programme. The brightest of environmentalists can be found throughout the Caribbean, in London and

in Africa. We in this Assembly talk about how committed we are to the environment but yet still, we cannot see it possible to provide work for our environmentalists. It is regrettable, Sir, that a small country like Barbados, our talents are being used by other people and we cannot use the talents within our country.

3:40 p.m.

Tuesday, January 25, 2000

Continuation of Mr. D. St.E. KELLMAN:

Mr. Chairman, you would not believe that in order for environmentalists in Barbados to get work they must be subcontracted by a large country to do work for Barbados. What happens is that whenever there is work to be done in Barbados, it lands in London or elsewhere, then for that work to be sent back to Barbados to somebody to do the work. It is then shipped back out of Barbados and it comes back as a prepared document as if it is done by an environmentalist somewhere else.

I am saying that any progressive Government would put a stop to this foolishness. What we are doing in this country is that we are running our bright people away from Barbados and it is a serious matter that needs consideration. We talk a lot about the environment of Barbados and whenever we talk about the environment of Barbados, we talk about the sea, air and land. Our biggest problem in Barbados when it comes to the environment is not the sea, air and land, it is the stress created by our people and the heat generated by our people that are effecting our land. You can check with any environmentalist and they will tell you now that the heat generated by Barbadians is at such a level now that is it creating environmental problems in Barbados.

Asides.

Mr. D. St.E. KELLMAN: That is a fact. You can check with the environmentalists and that statement, Sir, is not farfetched as some people might think.

Hon. D. A. C. SIMMONS: On a point of order, I thought it was the Montserratians who were hot, hot, hot, Sir, but I am now learning that Barbadians are hot, hot, hot.

Mr. D. St.E. KELLMAN: Mr. Chairman, if you doubt what I am saying, you do not have to believe me, all you need to do is speak to the experts and they will tell you that Barbadians now are under so much stress that they are having a negative effect on the environment. That is a fact. You can do all you want to do but it is a fact and it is something that needs to be studied. If we do not study it, Barbadians are going to explode without the information.

Asides.

Hon. R. C. EASTMOND: On a point of privilege. It is not usual for Members to get up on a point of privilege, but implied in the standing orders is that Members of the House should really understand what other Honourable Members are saying. I am asking on a point of privilege that the Honourable Member gives us further and better particulars so that Honourable Members over here would not go away with the impression that the Honourable Member is talking about the type of hot air that his associates are known to produce in this country.

Mr. D. St.E. KELLMAN: It is true that this Parliament creates so much not stress for people on this side that that is possible too. I am saying Mr. Chairman that we have to be very careful and that we need to stop talking about the environment and we need to connect with the local experts to understand exactly what is going on in this country.

The problem with the Barbados Labour Party is that whenever information is given, they get up and they give the press the impression that it is an off-the-cuff attack on them. It is not true. What they need to do is stop paying overseas experts who have no interest in Barbados and pay the local experts and they would get the same knowledge that I am now giving to them and they would get a confirmation on what I am saying.

Mr. Chairman, I have observed that nearly every Sitting of Parliament that I come to there is a Supplementary. I am also observing, Sir, that between the next two months this Parliament will have to deal with a large number of Supplementaries or it is going to have to deal with a large sum of money to cover Supplementaries. I am asking the Minister of Finance to stop wasting my time on Tuesdays and admit that there has been a lot a short runs and bring a total Supplementary to this House and stop my having to deal with so many Supplementaries every other Tuesday. Admit that there has been a short fall in revenue or the Ministers have spent too much money.

I want to tell this House that I am aware of what is going on so bring the big Supplementary one time and stop us from wasting Parliament time.

I thank you.

Mr. CHAIRMAN: The Honourable Member for St. James North.

Hon. R. C. EASTMOND: Mr. Chairman, in winding up I say finally that we note the observations of

the Honourable Member for St. Lucy. It is unfortunate that the Honourable Member may think that people have been divided. It is not necessarily so at all but we will look to see if anybody had be a victim of injustice. We do not think so but we will investigate it and we are going to do our utmost to make sure that the small man that the Honourable Member is seeking to promote, however mystical or hyperthetical such a person may be, will be able to have his needs met.

With these closing remarks I ask to move that Head 26 stand part.

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

On motion of Hon. D. A. C. Simmons, seconded by Hon. R. C. Eastmond, Mr. CHAIRMAN reported to His Honour The SPEAKER, the passing of one money Resolution in Committee of Supply and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motion of Hon. D. A. C. Simmons, seconded by Hon. R.C. Eastmond the Resolution was read a first and second time passed and agreed to.

3:50 p.m.

Tuesday, January 25, 2000

ADJOURNMENT

Hon. D. A. C. SIMMONS: Mr. Speaker, that concludes Government business for the day. I beg to move that this House do adjourn until Tuesday, February 01, 2000 at 1100 a.m. in the morning.

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

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

3:55 p.m.

