

THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1999 - 2004

HOUSE OF ASSEMBLY

Tuesday, July 04, 2000.

HOUSE OF ASSEMBLY Pursuant to the adjournment, the House of Assembly met at 11:15 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) Mr. D. J. H. THOMPSON, LL.B.(Hons.) (Leader of the Opposition) Hon. Sir HAROLD St. JOHN, K.A., Q.C., LL.B. Mr. L. R. TULL, Q.C., M.A. (Oxon.) Hon. Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc.(Econ.) 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. T. A. PRESCOD, B.A. Rev. J. J. S. ATHERLEY, B.A., B.Sc., (Parliamentary Secretary, the Attorney-General and Minister of Home Affairs) Hon. N. A. LYNCH, B.Sc., M.B.A. Hon. A. P. WOOD, J.P., B.Sc., M.Sc., M.Phil., Minister of Agriculture and Rural Development) Hon. R. R. FARLEY, B.Sc.,(Minister of Industry and International Business)

Prayers were led by Rev. Canon Ivan Harewood.

Mr. SPEAKER: The House is now in session. Hon. D. A. C. SIMMONS Mr. Speaker, let me on behalf of all Members of this Honourable Chamber welcome you back to your office as the Speaker of this Honourable House, and let us trust that you will never again have to experience the trauma of surgery. I wish you continued good health, Sir, now and in the future. Mr. SPEAKER Thank you.

MINUTES

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that the Minutes of Tuesday, June 27, 2000,

be confirm.

Mr. SPEAKER: Let me take this opportunity to thank all Members for their support and good wishes. I can assure you that I am feeling much better and in even better form now. Honourable Members, I really thank you. I think that the support that I got from all my colleagues on both sides was something that was really refreshing. I believe I will never forget such.

I thank you so much.

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

GOVERNMENT NOTICES

Hon. D. A. C. SIMMONS: Mr. Speaker, I am commanded to lay the following-

The Cave Bill 2000.

The National Conservation Commission (Amendment) Bill, 2000.

FIRST READING OF BILLS

Hon. D. A. C. SIMMONS: I beg to move that the Cave Bill 2000 be read a first time.

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

Hon. D. A. C. SIMMONS: I beg to move that the National Conservation Commission (Amendment) Bill 2000 be read a first time.

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

CONGRATULATORY SPEECHES

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, during your illness and enforced absence from duty, the functions of Speaker were performed with consummate skill and competence by the DEPUTY SPEAKER. I wish to take this opportunity on behalf of both sides of the House to record our thanks to the DEPUTY SPEAKER for the manner in which he discharged the responsibilities of that very high office, and to congratulate him for a job well done.

ORDER OF THE DAY

SUSPENSION OF STANDING ORDERS

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

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

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. 6.

ORDER NO. 6

COMMUNITY LEGAL SERVICES (AMENDMENT) BILL 2000

Hon. D. A. C. SIMMONS: Mr. Speaker, the Bill before the House is a short Bill of very simple purport. I don't want to detain the House long with an exposition of legal aid at this stage, Sir. To say essentially that the matter of legal aid is presently dealt with under the Community Legal Services Act. That Act, as it exists, makes no provision for the Community Legal Services Commission to establish a tariff of fees in respect of the classes of legal services to be provided under the Act. The existing tariff of fees does not form part of the subsidiary legislation of Barbados. There is a set of fees and attorneys who give legal aid services are paid in accordance with the schedule of fees. Those fees are not provided for anywhere in legislation.

Last November, the Government undertook the revision of the fees and I gave the House an assurance towards the end of last year that a new tariff of fees will come in effect from April 1, 2000. The Bill before the House is to make provision for the Community Legal Services Commission to establish by regulations a tariff of fees in respect of legal services provided under the Community Legal Services Act.

I can tell Honourable Members that the new tariff of fees has been approved by the Judicial Council and by Cabinet, and, of course, had its origin in the primary work of Community Legal Services Committee. The new tariff, which will take effect this financial year beginning April 1, provides reasonable increases for the various classes of cases for which legal aid is provided.

For example, Sir, for a preliminary inquiry, the fee payable is now \$750, and \$100 a day for every day after the first up to a maximum of \$1 500. For murder cases at Assizes, Queen's Counsel will now get \$6 000, junior Counsel \$4 500. If the trial last more than one day an additional fee for each day after the first of \$500 a day.

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

Other indictable cases, not being capital cases, a fee of \$2 500 and refreshers of \$500 a day. In the case of a guilty plea, \$1 500.

I am not going to go through the list, Sir, because Members will see them in the regulations but an appeal, for example, on a capital offence the basic fee is \$6 000 and \$600 a day for every day after the first. Other indictable offences, on appeal, \$3 500 and refreshers of \$600 a day. Appeal against a sentence is \$1 000.

In the Magistrates Courts, Sir, we have also increased the fees significantly. In paternity suits, and interim orders for maintenance, Counsels will get with arrears between \$500 and \$700. If there are issues to be tried, paternity disputes, paternity legal issues, the fee on legal aid will be \$1 000.

Application for access to children, \$350. Under the Family Law Act, applications for maintenance or access, \$1 500. Contested matrimonial matters where property is in dispute is \$2 000 and so on.

As I say, there are quite significant increases in the level of fees so this Bill is just to authorise the Community Legal Services Commission to make the regulations providing for the change so that in future, anyone will be able to get a copy of the regulations and see the fee structure that has been provided.

Sir, since I have spoken about this matter before, with those brief remarks, I beg to move that this Bill be read a second time.

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

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, first of all let me welcome you back, you are much rested and your health is much improved.

We do not oppose this Amendment to the Community Legal Services Act. I think the record will show that I have always supported the concept of legal aid in Barbados and I have actually called for a significant extension of those categories of offences and civil matters for which legal aid is provided in Barbados.

I have always felt that this is an area which, in a democracy such as the one that we practise, we have to ensure that no citizen in Barbados is deprived the opportunity where the matter is not frivolous or vexation of either having their rights infringed or not having the opportunity to be adequately represented. Therefore, whatever constitutional guarantees exist for rights in Barbados, can only make sense if persons whose rights are subject to be abrogated in some way, whether legitimately or illegitimately, are effectively represented.

Therefore part of our duty in Barbados should be to ensure that the extent of our legal aid services is sufficient to ensure that persons going about their daily business legitimately are given the full protection of the law, not only in terms of the provisions of legislation, but also access to the courts and adequate legal aid either to defend themselves or to promote their rights.

The very limited categories of offences, the limited civil matters which the schedule to the

Community Legal Services Act covers, to my mind, are extremely inadequate. I believe that as we pass new pieces of legislation in Barbados which may give rise to very complex litigation or procedures - and I am talking about legislation which will promote things like consumer rights, and as we come even to pieces of legislation which effect the human rights of individuals, and particularly where we are introducing even more draconian legislation, and rightly so, in the areas of drugs offences and in particularly the right to forfeit property and so on - that we still at the same time have to ensure that the State provides adequate legal representation to all citizens. I am not saying that we have to pander to them but I am saying that because the new legislation reaches so deeply into the economic rights of individuals that at the same time they should be able to afford adequate legal representation to defend those rights.

I suspect you will find that more and more in Barbados, as people become significantly more concerned about the high levels of crime and about the impact of that on their personal property, on their ability to carry out their daily economic and other activities, the reaction of the State is going to be to promise and very often to introduce even more draconian legislation to seek to deal with the rising tide of crime. It is also going to mean that very often unorthodox and new approaches are going to be used, but that commensurate to that you also have to ensure that the rights of accused persons are not infringed and they do, in fact, have access to adequate legal representation.

This brings me to the second point which is that I believe in the Manifesto of the Democratic Labour Party for 1999 we promised the introduction of compensation for victims of crime. The Attorney General has said publicly, though not in here, I do not think...

Asides.

Mr. D. J. H. THOMPSON: ... he is also in favour of that and I believe that is also an area commensurate with adequate legal representation that is desirable and we would like to hear more about what progress is being made in that regard.

11:35 a.m.

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Continuation of Mr. D. J. H. THOMPSON:

Although the Honourable Member for St. Thomas has given us the background to the reasons for the change in the legislation, obviously, the level of remuneration prior to this was being set by some means. I do not know if it gave rise to complaints from the Auditor General or whatever concerns may have arisen, but the introduction of a tariff is only one part of it.

In recent times, I have noticed that there have been complaints that senior attorneys do not get involved in legal aid matters. Now, this may very well be because the level of remuneration in relation to these legal aid matters is extremely low. Even if the fee is set at \$6 000 for a murder case that would hardly attract a Queen's Counsel in Barbados who otherwise would be able to attract \$40 000 or make somebody sell a chattel house to pay the legal fees to represent them. You need to understand what it is about.

A surgeon who performs brain surgery to save a life does not get \$6 000 for performing brain surgery. Where a lawyer has to intervene in a situation where the maximum penalty can be the death penalty, there are many lawyers who would argue that \$6 000 is chicken feed for the amount of work to be done and for the gravity of the penalty if they have to provide adequate legal representation.

Therefore, my own view in relation to this is that what we should be bringing before the House is not a set formula for the awarding of fees but that we should try to have a more flexible arrangement where either the Registrar of the Supreme Court or some other taxing body would have the authority to look into each case on its own merits and award fees accordingly. In other words, there can be no circumstances in which every murder case in Barbados could attract a fee for a senior counsel of \$6 000 and whatever for a junior counsel and a daily rate.

I think that in other countries of the Commonwealth legal aid has been blown completely out of proportion. For example, in the United Kingdom, some of the wealthiest attorneys have become wealthy on legal aid, that is, not on private cases. You have people like Michael Mansfield, and others who are the top Queen's Counsel, who makes £400 000 on a murder case and if you look at the fees that were paid out on the Stephen Lawrence enquiry, it is causing major concerns. I do not think that we will ever get to that stage but I still think that we need to have a greater degree of flexibility to attract some of the more senior practitioners in performing legal aid services in Barbados. I am saying that a fee of \$6 000 would hardly attract the attention of a more senior attorney.

Now, as I said, the cost is to the State and, therefore, we have to be careful that we do not provide sufficient loopholes to explode the vote for legal aid services provided under the Community Legal Services legislation. Nevertheless, it is extremely important that the level of remuneration, as I said, at the end of the day is going to attract the involvement of some of the better and more renowned attorneys-at-law.

In recent times, there has been some debate in Barbados about the Government's resolve in relation to the death penalty. Although, we are not dealing with constitutional issues, I believe that the Attorney General may wish to speak to this because one of the principal categories for which legal aid is provided in Barbados is in murder cases.

Recently, Barbados signed on to treaties or agreements or whatever which would have attracted the involvement of one of the human rights court - the Inter-American Court or whatever it is called - in the process in Barbados and there has been a lot of public reaction to it and justifiably so. I say so because two or three years ago the Honourable Member for St. Thomas put his foot in his mouth when at an address at the Barbados Community College, he said that the Ministry of Foreign Affairs was investigating the possibility of Barbados, following Trinidad and Tobago and Jamaica who had opted out of existing human rights obligations. He was listing this as one of the ways by which he was going to ensure that the death penalty in Barbados was carried out.

Now, what you have is, a couple of months ago, the Government boldly boasting that they have signed on

Hon. D. A. C. SIMMONS: On a point of order. The Honourable Member is misleading the House. I

had indicated in the speech at the Barbados Community College that Trinidad & Tobago and Jamaica had withdrawn from the optional protocol. I remember my words clearly. They are written down and they are published. In fact, they are published in the journal, the Caribbean Law Bulletin, and in the Journal of Psychology and Criminology.

What I said then was that the Ministry of Foreign Affairs was examining the implications associated with withdrawal from the protocols. I never said that Barbados would withdraw. I never said it, because Cabinet has never taken a decision on it.

Asides.

Hon. D. A. C. SIMMONS: It does not make any difference, I will explain in due course, Sir.

Mr. D. J. H. THOMPSON: I do not know for whose benefit the Honourable Member is explaining, because I never said that the Honourable Member said that we were opting out. I said that he said that the Ministry of Foreign Affairs was examining - and then he said the implications and I repeated the implications of Barbados opting out.

I read the speech because I recently got a copy of the Law Bulletin and I urge Honourable Members and all Barbadians to read it, not just the Attorney General's speech in relation to the death penalty, but to read the critique of it which was written by Douglas Mendes who was a human rights attorney and who had the honour one time of sitting on the High Court of Trinidad and Tobago, because that is a tour-de-force. It was a blast of wind that almost knocked over the Attorney General of Barbados because essentially he accused him of misleading the public of Barbados both on Pratt v. Morgan and its implications for Barbados and in relation to a whole line of Privy Council cases and that essentially his approach to this issue would result in exactly what has happened in Barbados today.

To my mind, the Honourable Member for St. Thomas has been playing politics with the issue. He listed, I think it was, about 10 - 15 steps that the Government of Barbados was going to take including investigating the implications of opting out of human rights agreements.

11:45 a.m.

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Continuation of Mr. D. J. H. THOMPSON:

Now let me make my position clear on this matter. I believe that the citizens of Barbados are entitled and should be entitled to the highest level of protection in relation to their human rights. That is my position. Regarding the speech that the Honourable Member for St. Thomas delivered at the Community College, Sir, had I been there he would not have got any applause from me because I considered that speech to be a demonstration by a Government of panic and political posturing on an issue that does not deserve that kind of approach.

Let us move beyond that. The reason why there are people in Barbados who are attacking the Government for signing the obligations in relation to the Inter-American Court is simply because they must have locked into that, which the Honourable Member for St. Thomas said two years ago when he gave the impression in the constituency of the Honourable Member for St. Michael East that Barbados was looking at opting out of existing agreements which guaranteed the citizens of this country full access to all of the courts and arrangements which would protect their human rights.

Therefore, the confusion which is abounding needs to be clarified by the Honourable Member for St. Thomas. That needs to be clarified because I am not on any bandwagon. I believe that once you are convicted in Barbados and the procedures are gone through, the law says what it says. The people who oppose the death penalty have never moved an amendment to the legislation. Yet, at the same time they end up getting the blame for the fact that the death penalty is not being carried out.

Sir, I cannot understand how in this country where we have had successive Prime Ministers who agree with the death penalty and successive Attorneys General who by and large have agreed except, according to the Honourable Member for St. Thomas, his predecessor in office - all of the others apparently have agreed to it - yet the excuse that is made for not carrying out the law and not fulfilling the mandate of the Barbados Labour Party - because they made a big song and dance about it in 1994 - is apparently some bleeding hearts whom they cannot identify somewhere in the system and are stopping them from fulfilling their obligations. Everybody knows that is not so. It has everything to do with the manner in which the courts are functioning in Barbados today and the lack of speed with which they are able to get through the procedures, despite what the Honourable Member for St. Thomas said.

He may talk about a few cases, but I can point out several cases including one in recent times in which persons are still on remand after a year and a half and situations which procedures are no faster today than they were when the Honourable Member for St. Thomas spoke two years ago.

If you look at this issue from the point of view of manifesto pledges and simply seek to reel off pledges and the achievement of them and do not delve into the real circumstances that are creating the problem, then you will come to the wrong conclusion. I believe that Douglas Mendez meant that in his response to the Honourable Member for St. Thomas and the Honourable Member needs to concede that point. He would agree that it is possible for you to conclude all of the procedures even within the four year period that the last of the line of cases have prescribed. I believe that the Honourable Member had pledged that we would be able to do this.

Let us be frank about it. None of us in here has the power to speed up trials or to do investigations. Let us be frank and the Attorney General needs to be frank instead of, as I said, posturing politically on this issue and giving the impression that he is going to be able to do something that he knows that he cannot do in relation to the death penalty because he cannot deliver on that in the present system. Introducing the Caribbean Court of Appeal is not going to change that either. That is not going to change it and let us be frank about it and assess what is happening in Barbados today and come to a firm conclusion as to whether the direction which was reflected in the Barbados Labour Party's Manifesto in 1994 is possible of attainment or whether the entire issue needs to be re-thought.

We have had a whole constitutional debate about that. I was only waiting and I have congratulated the Honourable Member for St. George North for his contribution. He said that you have a right to life and

you have a right to die. I was very impressed with that that statement and I am certain that the Attorney General was too. The good thing that I can say about that is that he started to get his teeth into, although he was derailed by his colleagues, one of the most important constitutional issues that is in need of attention.

I am waiting for the Attorney General in the constitutional debate to bare his chest or his back, whichever he prefers to bare in the context of the debate, so that we can understand what the position is in relation to this pledge. It is one of those things that floats around out there, like the threat of AIDS, that we are not getting our teeth into in order to help people understand what it is all about. We pander to emotions. We pander to the most base motives of even intelligent people and I accuse the Honourable Member for St. Thomas of pandering to that element and now not being able to fulfil his pledges to that element in Barbados. In not being able to fulfil it, he has created a level of confusion and cynicism where it did not need to exist.

As I said, you have a situation where Barbados signs on to new human rights obligations and the public is saying that we thought that the Attorney General was saying that we would be opting out of them. It is a difficult issue. I do not envy the Honourable Member for St. Thomas. He may be interpreting what I am saying as sharing lashes on him. He has his political obligations. Let us get to a discussion at some point. It does not have to be today, but we need some clarity on this issue. At the end of the day it is a very significant issue. It is one of those issues on which people believe that the level of crime that we have in Barbados from simple assault right up to murder is directly related to the death penalty. They believe it.

One assumes that this is a modern society with a population of 250 000 in which once we do not pick an issue like the death penalty and try to place it at the core of a crime policy and seek to educate people on how we can deal with crime, then we will make headway. I lay this at the feet of the Barbados Labour Party for pandering to the element in Barbados which believes that all you have to do is one thing, that once you have pressed that button that all of a sudden crime disappears in Barbados.

Trinidad hanged nine people in the space of one week. What difference has it made to the statistics in relation to crime in Trinidad? Whether you agree with the death penalty or you do not agree with it, you have to look at what are the other elements of Government's policy in relation to the issue. That is what it degenerates into. Do you want to know my position? My position is part of the record in Barbados and I am not hypocrite enough to come in here simply because I have to pander to others.

Asides.

Mr. D. J. H. THOMPSON: You said that you were not putting any taxi-drivers on the Board of Tourism and you are sticking by your position. Let me stick by mine.

Mr. SPEAKER: Order, please.

Mr. D. J. H. THOMPSON: I am just drawing your attention to principles, Sir. If you believe in something, you do not go wishy-washy on it.

My position is that the law in Barbados today says that the death penalty is the highest offence and it

is also mandatory in relation to murder. I have not changed the law. You have not changed the law. The Attorney General has not changed the law. That is the law in Barbados. If it is not being carried out, it is your fault because you are the Government. It is the Government's responsibility for ensuring that the laws in Barbados are carried out. The Opposition does not run the Government. Even if you believe so, there are only two of us over here. That is part of the problem, Mr. Speaker, that everybody wishes to skirt the issue and get it into this low level of political debate.

11:55 a.m.

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Continuation of Mr. D. J. H. THOMPSON:

I am not climbing there or descending there. If you want to put it that way, because for some people that would even be a climb up but for others it is a descent, I am not getting to that level of debate. I am saying to the Attorney General, let us stop the posturing on the issue and help people understand what it is all about.

If the majority of Barbadians believe that one single act and that act alone is going to reverse the trend in relation to crime in Barbados they are sadly mistaken. There are far too many other things that have to be done, including improving the quality and speed with which justice is administered and the manner in which it is administered in our courts so that the process which could see the completion of all the appeals within four years or less is attainable. That is what the responsibility of the Honourable Member for St. Thomas is all about. That is what your job is all about. Whether we opt in or out let us give Barbadians all the rights to which they are entitled and which human beings believe that they should have. Let us give all. I believe firmly in that. All of those rights can be delivered and offered within a time frame that is reasonable.

Mr. Speaker, Sir, why I raise it is because this is one of the areas ...

Asides.

Mr. D. J. H. THOMPSON: I want to hear you on it because I am not joining with anybody to say that we should not have entered into the human rights agreement. Understand that! That is not the basis of my intervention. If you are mixed up about the basis of the intervention let us make it clear. What I think you need to do is to explain why entering into such an agreement is not inconsistent with the laws of Barbados and is not inconsistent with the rights of citizens, even in relation to murder cases in Barbados. I say the Honourable Member for St. Thomas needs to look back at the presentation of Mr. Douglas Mendes and reflect on that particular issue and the Government needs to stop its silly posturing on the question of the death penalty, giving the impression that it is easy simply to push a button and to solve all the problems of crime in Barbados overnight because we have a herculean task on our hands which task does not include reducing the human rights of citizens. It may include enhancing them. It may include ensuring that we give them legal representation and a fair trial but, once those procedures are over, whatever the law is, that it is effectively carried out in our society whether people agree or disagree with it.

Mr. Speaker, Sir, there is also the matter of the Caribbean Court of Appeal and I believe the Honourable Member for St. Thomas needs to give the House an update on that whether, for example, legal aid would be extended to the Caribbean Court of Appeal, if you want me to bring it strictly under the rubric of the legislation. I want to know what progress is being made in relation to this issue because there are conflicting positions that one is hearing issuing from CARICOM. Some leaders have had cold feet because it would require a referendum in their countries and because of that the whole process of introducing the Court has been closed down considerably. These institutional arrangements are going to be important to delivering on the Caribbean single market and economy and, in fact, on delivering on any or all of the obligations under the CARICOM Treaty and I think that it is vital that the Government makes it quite clear to Barbadians exactly what direction they are taking in relation to the Caribbean Court of Appeal.

Mr. Speaker, Sir, I am not a romantic when it comes to the legal profession. I believe law is a business. There are still a lot of people who focus more on the ritual and the procedures because that ritual and procedure places lawyers in a special category just as, Sir, the wearing of your wig and gown and the mace is a symbol of your authority so that when people look at you you look different to them and, in a sense, they may revere you because of those robes and the wig, although I would say that you also have some other qualities which should attract you to them. The point is that in the legal profession part of the way by which lawyers have been able to keep their status is to be involved in ritualistic proceedings which give the impression that there is some secrecy or some special aura which surrounds lawyers and to which ordinary mortals should not or cannot reach or breakthrough.

I do not subscribe to that view. I believe that law is a business and should be conducted in a speedy and businesslike manner and I have always myself argued against all of those rituals which to my mind militate against law and the business of the law courts being conducted in an efficient manner.

I am worried that even now some of the nonsensical and archaic traditions which suit a country with 52 million people that have a Queen and all of these other accoutrements of state we are saying that we want to dispense with, yet the profession which attracts most persons from it into politics has not been able to modernise itself sufficiently to come into the real world. So that a young lawyer coming out cannot advertise and there are other ...

Asides.

Mr. D. J. H. THOMPSON: ... I am saying so. I am not blaming the Government. I do not blame you. You are a member of the Bar and I believe you contribute more to the Association than I because my contribution would be nil. I am certain your contribution would be a lot more because I do not subscribe to all of that ritual and so on which I think has consumed the profession for far too long. It is a business and needs to be conducted like a business and my own view is that too many of us are still caught up more in the ritual than in delivering on the business aspects of it.

It shocked me to be some years ago involved in a Privy Council matter and all of the lawyers had on wigs and gowns and the five men who were hearing the appeal came in business suits and very informal. The very highest court for Barbados and for the United Kingdom and five men in business suits, three of whom were sleeping! I should say two men in business suits. One man writes a judgment and the others are there. They work up to a certain time and they are gone. In two twos, the procedures

...

Asides.

Mr. D. J. H. THOMPSON: ... well, on your matter. They may go on to do other things in the afternoon.

12:05 p.m.

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Continuation of Mr. D. J. H. THOMPSON:

The papers are prepared, the pleadings are prepared and they are very swift and quick in getting through what they are doing, unless, of course, they have very complex issues, but very often, they can give you an early indication of whether you have wasted your time or not. Yet we still have very many procedures which are costly, time consuming and unbusinesslike in every sense of the word.

I am saying that it seems to me that unless we seriously look at the way we conduct the procedures of the courts and seriously look at the rituals and the traditions which we are clinging so tenaciously to, we are not going to make progress in dispensing justice efficiently in terms of cost, in terms of time and in terms of manpower. We are not going to empower those young people who come into the profession with all of the energy and the ability that they have and then get swamped, snowed under and frustrated by the way in which the court system and the legal profession function. That is the challenge; and even though the Honourable Member for St. Thomas said it is a challenge for the Bar Association, it is not only there that it rests because that Association is populated at its highest level by people who have benefitted from the system as it is and their duty is to maintain the status quo.

Nobody is dragged up to become President of the Bar Association. You become President, in a sense, based on your ranking within the system. Therefore, let us understand that you are not going to find any revolutionary administrative or business changes coming from the Bar Association because it is an entity designed to maintain the status quo and the Government needs to respond because it affects litigants, it affects the average citizen who is paying money to get results, it affects the average man who is charged with an offence, who wants the matter over speedily and quickly and who wants to see an efficient response from his Attorney. Therefore, it requires a response from the Government and not from the Bar Association. It requires a response from those in Cabinet, to detach themselves from the practice of law, look at the business of law in a serious way and introduce those important reforms which are necessary.

As long as you remain wedded to a lot of those rituals and procedures then you will make no headway either in relation to speeding up criminal trials or increasing the efficiency of the courts in relation to civil matters or helping the average citizen who wants to vindicate his rights in a small consumer matter which is going to be part of the new regime which the Honourable Member for St. Michael North wants to introduce that may also involve the courts in Barbados. The Honourable Member may set up a very

efficient Fair Trading Commission which then gets hobbled in its work by a very lumbering tortoise-like court system and the two, to my mind, cannot function together.

I believe that, if you are going to have that level of institutional reform, to ensure that disputes are handled quickly new alternative measures for dispute resolution should be put in place, that new institutions should be created to solve problems that citizens face every day, and that there must be commensurate reform in the court system to ensure that if these matters end up there they are also treated in a speedy manner.

To my mind, that is at the crux of what we are facing in Barbados, not in relation to crime as a whole but in relation to that element of crime that is coming from people who know the court system; in other words, the guy who is in crime because he knows that he can get around those procedures and can get around what is happening in Coleridge Street. There may not be a lot of people like that but the recent legislation which the Honourable Member for St. Thomas brought, the right of the Director of Public Prosecutions to appeal, was predicated on that basis.

I heard the Honourable Member for St. Peter say that the courts were giving people a slap on the wrist. I do not know if I will accept that analogy but what I will say is that there are people who view the courts in that way. If we start to tackle the court system to deal more efficiently with these matters, at least that element in Barbados which is repeatedly getting around the court systems and knows how to manoeuvre, will be obliterated from the crime statistics. I think that is extremely important.

I have raised these issues because I genuinely feel that very often the Honourable Member for St. Thomas gets sidetracked by responding to issues that do not go to the heart of what is going to improve justice in Barbados and make a difference in relation both to crime and the rights of citizens. As long as his focus gets distracted from undertaking those fundamental reforms that are necessary then, 10 years from now, we are still going to be discussing how we can speed up procedures to deliver to members of the public who are thirsty either to see somebody dead, so that they will suddenly see a reduction in the levels of crime, or to see the system deliver, as I have said, to the average Barbadian litigant, who feels genuinely concerned about the cost of legal proceedings, the length of time it takes and the unbusinesslike manner in which the legal profession carries out its work.

Sir, I have said all of that to say that we support this legislation and will support an even more flexible arrangement, if the Attorney-General proposes it, for awarding fees in legal aid matters in Barbados.

Hon. Dr. R. L. CHELTENHAM: I cannot resist saying, Mr. Speaker, that I am happy and I am sure all Honourable Members are happy to see you back in the Chair. I hope that you are feeling as well as you look.

I normally, Sir, do not speak on matters that are regarded as attracting the attention of lawyers only but I think that it can rightly be argued that a legal aid matter is not a matter that concerns only lawyers but much of the larger community, particularly the poorer members of the community because legal aid was really devised as a mechanism, if I may put it that way, to ensure that poverty does not bar members of the community from having access to effective counsel and to proper representation in matters coming before the court.

The Leader of the Opposition has taken the opportunity to give a wide-ranging address and he has dealt with several aspects of the administration of justice. I do not care to join him in any wide-ranging speech but I think I need to comment on one or two matters before I focus on the particular measure before the House.

Sir, the first has to do with the speed at which appeal matters are dealt with, particular murder appeal matters and I think that he needs to be corrected in that regard. It is not yet at the stage it is in England, where within six months of the trial and the conviction at the Assizes, the appeal is heard but there has been, since *Pratt v. Morgan* a noticeable ...

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. Lest the Honourable Member goes down the wrong road, I was dealing with the entire process including all of the tribunals to which a person is entitled to appeal. I am not just dealing with the Court of Appeal because I will concede that there has been an improvement in relation to the Court of Appeal in Barbados but I am talking about the entire process of appeal.

Hon. Dr. R. L. CHELTENHAM: Mr. Speaker, there is really no divide between us and I will be very careful not to do any injustice to what the Honourable Member has just said. There has been a fairly dramatic increase in the speed with which matters are heard in the Court of Appeal. What worries me, and I think it is a cause for general concern, is that there are a lot of appeals not related to murder, where accused persons have got three years, for example - and we have had cases recently - where the appeal was actually heard on the day when the sentence ran out. I have been involved in one of those matters, the conviction was overturned, the man was acquitted, and there is no provision in Barbados in those circumstances although the Attorney-General did ask me to write him on the matter, which I still propose to do but I am still awaiting the formal appeal decision which is now several months outstanding. There is need to fast-track appeals involving persons who have got short sentences.

Generally speaking, I think that unless our courts are prepared to work two-thirds of a day or a full day, there will continue to be delays in the systems. It is one of the bad practices that has sprung up in this country. When the Attorney General and myself came to the Bar in the 1970s we often worked until 5 o'clock on afternoons at the Assizes as well as in the Magistrates Courts. Certainly there is a provision in the Rules which says that the court stops at 4:00 o'clock but with the consent of counsel, the magistrates could continue working for another hour and often that was the position, you worked until 430 p.m. or 500 p.m. and I have worked until 900 o'clock or 1000 o'clock when dealing with matters in the Assizes.

12:15 p.m.

Tuesday, July 04, 2000

Continuation of Hon. Dr. R. L. CHELTENHAM:

All of a sudden our Courts' business is at an end at one o'clock or 1:30 p.m. Our magistrates for the

most part work half days and so do the judges in the Assizes. It seems to me that unless we return to a full day or at least a two-thirds day we will not be able to get through the large number of cases that now attract the attention of the Courts.

I do not wish to enter into any debate on the death penalty today, except to say that one has got to appreciate what violent death means in a small community as opposed to a large community. When John Brown out there is murdered, who is known to me and all of us we feel it acutely. If we do not know John Brown, we are often directly connected to a cousin or relation in some form or another. So that violent death in a small community affects everybody very acutely and the community has a sense of revenge or retaliation which is reflected in the clamour for the death penalty. Some people call a bloodthirsty clamour, but a clamour, nevertheless, for the death penalty. It has got to be appreciated in that context. It happens, however, that there can be no hanging, and I am a great believer in it, in the appropriate circumstances.

Unless you first have credible evidence that can secure a conviction, and unless, too, that conviction can withstand the challenge of the Court of Appeal. No politician can say that the gallows will swing or whatever because you have no control over that. There must first be credible evidence to secure a conviction and that conviction must withstand the challenge in the Court of Appeal. That is very important, Mr. Speaker.

Let me move to the particular measure before the court and let me say that in Barbados we have a great deal to be proud of in relation to the spread of our legal aid. I do not think that we have, perhaps, gone as far as we could go and should go and I will indicate that in a minute.

Thirty years ago, Mr. Speaker, when I first came to the Bar, there were only five offences for which one could get legal aid. Legal aid in civil matters or quasi-civil matters was unheard of. There were only five matters 30 years ago when I first came to the Bar for which you could get legal aid. Murder, infanticide, as rare as that is, concealment of birth and there were two others which I do not recall. There was a provision written into the Legal Aid Rules which said that if the judge was of the view that a matter was of sufficient complexity, the judge could give a Legal Aid Certificate. Many judges used that provision to make sure that defenceless persons were represented, especially when they knew that should they be convicted it would attract a very severe penalty.

Now, when the Legal Aid in Criminal Cases Act was replaced by the Community Legal Services Act, that particular provision in the rules was deleted, and since then we have had a very uncivilised practice. There has been a block on the administration of justice in this country brewing up in the last ten years. It is this. Many unrepresented persons have ended up with 20 years and at no stage of the trial did the Judge say, look, this is a very serious matter which should it go against you will attract a very severe sentence, and in the circumstances I think you ought to make sure that you are provided with legal aid. Thus, I propose to adjourn this matter so as to give you two or three weeks to get counsel.

Now I have complained about that before our Courts. It is a matter that all of us need to be concerned about, it is a backward step in this country that 25 and 30 years ago, the judges had such a sense of justice as to alert defenceless and unrepresented accused persons that they were not going to proceed in serious matters unless they got counsel, and we have had in the last 10 years a very uncivilised practice

growing up whereby judges have heard matters knowing full well before the matter starts that the sentence, if found guilty, would be very severe, and we have men in prison in Barbados, fellow Barbadians, who have been given 20 years in circumstances in which they have not had any representation, any counsel, in their matters before the court.

I regard that as a serious block for the administration of justice in this country. I hope that we are not too late, that we would make sure that there is provision in the rules whereby, in any matter that is likely to attract a sentence in excess of three years, the judge has the responsibility to offer legal aid and to give you a certificate so that we do not have a situation where persons have been given 20 years, such savage and severe sentences in circumstances in which they were not represented.

Mr. Speaker, even before it was formally written into the Legal Aid in Criminal Cases Act as it were, legal aid in the last 10 to 15 years has been given in a large range of circumstances. Family law, matters arising out of the Tenancies Freehold Purchase Act, matters dealing with minors, in constitutional cases and so on. What is now formal, has been for a long while the practice in Barbados, even though no formal provision was made for it.

12:25 p.m.

Tuesday, July 04, 2000

Continuation of Hon. Dr. R. L. CHELTENHAM:

Successive Registrars and those who have been responsible for managing the legal aid system have seen to that.

There are still, in my view, a few gaps. I think, for example, that the Courts should have a discretion to determine whether in matters falling under the Administrative Justice Act which are quite often challenging the decisions of public officers that are seen to be unjust and because some of the challenges are without merit, that is why I will give the power to the judge to determine - a Legal Aid Certificate ought to be granted at the end. I will certainly make that suggestion to the learned Attorney-General.

There is also, Sir, the cases of in forma pauperis appeals to the Judicial Committee of Her Majesty's Privy Council. Right now there is a tariff which you get in criminal matters where you - and this is a point that is not always understood in Barbados - cannot get leave as of right to appeal in a criminal matter in Barbados, you must always get the leave of the Privy Council so that you have to get the leave in London and only £1 000 is provided for that. If leave is granted, you will be given a plane ticket to go up and either argue or assist in the arguing of it. The expenses of preparing the record will be paid, but in relation to the substantive hearing, there is no provision for that. It seems that as long as our final Court of Appeal is in London, we need to review that tariff in relation to appeals of poor people, in forma pauperis, to the Privy Council and I will certainly urge that upon the learned Attorney General.

There are one or two features about our present legal aid system which though attractive in some respects have arguably led to abuse. A person in prison or an accused person in need of legal aid, Mr. Speaker, can determine who on the legal aid list he wants to represent him. I am overburdened with

calls because I am one of the few senior counsel in the country who, for 30 years, has never taken my name off the list and I continue to do legal aid work, two or three cases a year. I have either assisted others or people have approached me but in the course of a year, I have to decline about 12 requests because I am too busy to deal with them but I still make sure that I do a few a year, particularly relating to children, young people, extremely poor people or very elderly persons.

I am not sure, however, that that system has many precedents and what has been happening is that a few people have been “hogging”, as it were, the legal aid scheme. Perhaps that is clumsily put and it should be better stated but a few attorneys have been attracting the bulk of the legal aid work. It seems to me that if you are on the list, it might be a fairer system that there should be a rotation.

Asides.

Hon. Dr. R. L. CHELTENHAM: Persons who have no expertise or experience in doing certain cases should not be considered and I am not sure that persons under seven years experience should be allowed to do murder cases. Anyone on the legal aid list, I think I am correct in saying this, unless you are a senior counsel, I do not think that you can do murder cases, even under legal aid. It is recognised that the issues are far too grave for the most junior counsel, one six months out of law school, to be taking on a murder case, for example. In that regard many of the young lawyers are described as agents of the Superintendent of Prisons, in the sense that several of the cases will lead to conviction and the onlookers might rightly feel that the case was not as well argued as it could have been.

I am not sure that in Barbados I would wish to insist on that requirement but I would certainly wish to insist that at least there be five years experience in the field before one undertakes a murder case, for example. I do not think that straight from the Hugh Wooding or Norman Manley Law School one should be allowed to undertake a murder case. As in many other areas of life some experience is needed, if it is to be done with some efficiency. That is one aspect of the matter.

Sir, again 30 years ago most of the murder cases that I did on legal aid, I got 100 guineas for them - \$504. That was the fee and I am not suggesting that we ought to remain at that but the tariff that is being set today must be regarded as a reasonable tariff because there is some element of community service on the part of the lawyers who are involved. You cannot expect to get as good a fee as if you were being paid by a well-to-do person in the community charged with the same offence.

I think there must be a recognition that an element of service has to be taken into account in the fee structure and \$6 000 is a far cry for a murder case, many of which last only three or four days, from the 100 guineas which I used to be paid for many years for doing murder cases in this country. So that that is a significant improvement and the range of matters that will attract legal aid in Barbados is also a matter that is worthy of applause.

Mr. Speaker, paternity issues, issues of custody and access, matters of maintenance, matters falling under the Security of Tenure of Small Holdings Act, the Tenancies Control Act and the Tenancies Freehold Purchase Act, Constitutional matters and habeas corpus applications are all formally set out here. Even though for a long while there was no formal provision, legal aid was granted in a large number of these matters.

I think, Mr. Speaker, that we have a good thing going in Barbados but I would like to make an appeal for the more experienced and senior advocates and practitioners to put their names on the legal aid list. I think that we all owe it to our community to do a few cases of legal aid every year and I think it is one of the weaknesses of our system that most of the experienced and senior lawyers have been disinclined and have actually refused to put their names on the legal aid list and make their services available to poor members of the population who, from time to time, may need their services. They need not be criminal law practitioners because there are a large number of other issues outside of the criminal law on which they can give some of their time by way of legal aid. Given the talent that is now obtaining or will shortly be obtaining, they cannot really claim that it is a waste of their time in the sense that they will not get some form of satisfactory compensation. It might not be generous compensation but I think that it will meet the first level of adequacy which is satisfaction and my appeal would be that more senior and experienced practitioners make themselves available to offer this service.

There are I would agree, Mr. Speaker, several other areas in which the administration of justice can be speeded up in this country. There has been a long debate as to whether we do not need to appoint one or two Masters [of the Supreme Court] in Barbados. That would be a position just below that of a judge whose responsibility it would be to deal with a wide range of routine applications, many of which consume much of the attention of our judges from day to day.

12:35 p.m.

Tuesday, July 04, 2000

Continuation of Hon. Dr. R. L. CHELTENHAM:

I know that in some circles that has been resisted. I feel that it would have a dramatic impact on the pace at which matters flow through the court if we had a Master or two to take care of a large range of routine High Court applications and orders such as in England that are routinely dealt with by Masters. I think we need to introduce that institution in Barbados.

I do not wish to say much more beyond complimenting the Government on bringing this new and enlightened tariff. I think it would be widely welcome in the profession. I would hope that the Attorney General is listening to the additional suggestions I have made for the improvement of the system, in particular correcting this stain whereby judges are permitted to hear cases in which persons - fellow Barbadians - are not represented and then proceed to give them 20 years. I think we must bring a dramatic end to that particularly since the Courts on their own initiative have not thus far brought an end to it.

No judge in Barbados must be permitted to hear a case in which a fellow Barbadian is not represented and proceed to give him 20 years. That is an injustice and if the courts on their own motion do not do something about it, we in Parliament have a duty to do something about it. That means writing it into the law, into the rules or into the Act itself, that if a conviction is likely to attract three years or more, the judge has a duty to offer a legal aid certificate.

Hon. R. N. GREENIDGE: Mr. Speaker, I too would want to begin by welcoming you back. As was said, you seem very refreshed and very well rested and it shows in your face.

Mr. Speaker, I was attempting to rise at the same time the Honourable Member for St. Joseph rose and I did that ...

Asides.

Hon. R. N. GREENIDGE: I want to say that the Honourable Member said a lot of what I had proposed to say. Indeed, he was so wide ranging and so thorough that there might be a feeling of inadequacy now as I begin to speak.

Mr. Speaker, I would begin by saying that the whole question of legal aid and community legal services is based on the very firm belief that everyone in society should have access to legal representation and I will begin with that premise.

As was said by the Honourable Member for St. Joseph, representation could very often mean the difference between freedom and imprisonment. Representation can also mean the difference between property ownership and property loss. It is our duty not to deny even the meanest creature access to representation. Therefore, what we are saying here is that it is important for us as a civilised society to keep making improvements in our legal aid scheme.

I welcome this new set of tariffs as one of the measures which we are using to bring about this necessary improvement. I think that it is important for us to note that it is the State that accepts responsibility for those who cannot afford representation on their own. Our policy is that we should not allow the lack of money to prevent a person from obtaining representation. In a very real way what happens when a lawyer takes up a legal aid matter is that the lawyer is actually working for the State. If the State accepts that responsibility and accepts the fact that everybody needs representation, then that carries with it a premium, so the State pays. The State, therefore, will be called upon to pay these tariffs about which we are speaking today.

It has always been my opinion, Mr. Speaker, that a legal aid case should not be treated shabbily. What I mean by that is that the service which a lawyer gives in a legal aid matter should be such that it cannot be criticized. You should give service in a legal aid matter in the same way that you would give service to a matter that you have been fully retained and paid well for. If you are doing legal aid, the point I am making is that you should do it well. Simply because you know that the person might be in dire straits or that the person is penniless does not mean that you should treat the person or treat the matter anyhow. Because the fee is not what it normally should have been, it does not mean that you should treat the matter or treat the person anyhow either.

I believe that every lawyer in Bridgetown should be cognisant of the fact that what is termed as pro bono work - that is work for the goodness of mankind - is a type of work that should be done by lawyers. I have to admit that there are many lawyers out there who do free work and I mean free work even outside of the legal aid scheme.

Asides.

Hon. R. N. GREENIDGE: Many political lawyers as is being said, and some others do a lot of free

work out there. In spite of all the bad things which are being said about lawyers - this is something which has gone practically unnoticed - many lawyers do a lot of free work and I can speak from experience. Some of them do legal aid plus free work.

I know that there is a school of thought, and there are some people who believe it, that where legal aid work is concerned lawyers should not take a fee. Many people have said that if you are doing legal aid work, you are doing free work and if that is what it is, that you should not even take the fee. I have heard that from some people who said that no fee should be paid by the State to a lawyer if the lawyer is doing legal aid work.

I have no problem with that particular view that there should be no charge at all but it must also be remembered that legal aid cases can be extremely problematic and extremely time consuming. You have to do the same cross-examination in the court for them; you have to do the same research and you have to put forward the same arguments in the same way as in a case for which you are properly retained. The work is no less. The fee which you get for a legal aid matter is a discounted fee.

12:45 p.m.

Tuesday, July 04, 2000

Continuation of Hon. R. N. GREENIDGE:

I say that it is a discounted fee because it is not really a true or genuine representation of the work that you do. It is not. It is a contribution by the state. That is exactly what it is. If you want to look at it as a fee, you will have to classify it as a nominal fee. That is the only classification that you can put on it. Call it a nominal fee because it is no more than that.

Invariably what is happening, Sir, is that the junior or senior lawyer or the Crown Counsel, whoever is doing the legal aid case, is merely being recompensed for time. That is all that it adds up to. In terms of what you actually put into the case, you cannot really be paid for that.

As the Honourable Attorney General has said, the attorneys are now paid a set of fees without any legislative basis and we should not look at these fees as full remuneration. The new tariffs are being done in the same way that we would do the tariffs for any other legal matter. We have schedules of fees where there is a gap between what the Queen's Counsel would get and what the junior lawyer would get. Seniority is reflected in it as usual and I therefore welcome these new tariffs.

Sir, I want to say that it has been my experience that legal aid cheques take a very long time to come. I do not know if it is still happening. I am speaking about when I was practising.

Asides.

Hon. R. N. GREENIDGE: The point is that sometimes what happened was that you might do a case in February and you forget. Then you get the cheque in October and you say that I now remember where this one came from. I have always felt that that impacted fairly negatively on the scheme. People would say that the little pittance is now coming. It is as if you were sending a message that you are not

serious about legal aid and the money comes in somewhere down the road.

Of course, the point that I want to make now is that being in Government has shown me a lot and it has taught me a lot. I now understand things like the shortage of money in the Legal Aid Scheme. I now understand the shortage of funds whether it is in the Housing Loans and so on. It all depends on how much you have voted. It all depends on whether the money runs out in this tranche. It all depends on whether you have a supplementary or not. I can understand it and appreciate it much better. That is the point that I am making. I can appreciate it now. But I remember the times when we queried how long it takes for the money to come in when you do a legal aid matter.

Mr. Speaker, it has been said earlier by the Honourable Member for St. Joseph as well as the Honourable Member for St. John that one of the big criticisms of the Legal Aid Scheme has to do with the categories for which legal aid representation is granted. Those categories centre around the areas which are considered to be crucial for maybe the small man. These categories would be things like fairly serious crime such as murder and rape and a lot of family matters of custody, maintenance, access and so on which are also dealt with at the legal aid level. In recent times, they have been giving us quite a few matters that emanate from the Tenancies Freehold Purchase Act.

The point that I am making is that the list is really not exhaustive. The list is not realistic either because it does not cover a lot of problems of the poor. You can have a situation, as I know, where there is a lady who is residing in the United States who is very ill. There is property here belonging to her mother. There is a house virtually falling down on the property and she has to take out Letters of Administration. The poor lady has no money whatsoever. We have to look a bit closer at matters that affect people and see if we can extend legal aid to those areas as well. We have to do some research on it to see if we can make the categories a bit wider. Compare that, Sir, to this situation and this is someone that I know again. There is a fellow who is on his third rape charge and has got legal aid on every occasion. Here is a woman living overseas who is badly in need but she does not come under the ambit of legal aid. You have someone who is charged with rape for the third time, convicted on two of them, comes up again and he is getting legal aid on this third occasion.

Asides.

Hon. R. N. GREENIDGE: He has a name just like yours. I am glad you asked. Mr. Speaker, I am not so sure and this is something about which I have been thinking. It is whether or not one should be allowed legal aid for a second or third occasion and so on. I want to know, Sir, if that is right.

There are occasions as well, Mr. Speaker, where the person might have five hundred dollars and the actual case itself might be one thousand dollars to be done down the road by a lawyer. Now you are asking this person just to find another five hundred dollars. The person may say that I cannot find the five hundred dollars. I think that in a case like that, too, legal aid should come to the person's assistance. When they do an assessment, they might find that something [is within your means] and they may not want to give it to you. The truth is that you may have part of the money and not the other part. I think that in an instance like that that legal aid should also kick in and you should get some assistance.

As I said, Mr. Speaker, I must commend the Honourable Attorney General for bringing these new

tariffs to our attention and to the House. I am sure that this is going to go a long way in making a few of the attorneys, which the Honourable Member for St. Joseph spoke about, put their names on the list so that they can be eligible to do some of this Community Legal Services work.

I am obliged to you, Mr. Speaker.

SUSPENSION

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that this House be suspended until 200 p.m. today.

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

The question that the Sitting be suspended until 2:00 p.m. today was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

12:55 p.m.

Tuesday, July 04, 2000

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. The Honourable Member for St. Lucy.

Mr. D. St.E. KELLMAN: Mr. Speaker, I want to start by saying I am extremely glad to see you back in your place and wish you the best of health.

Mr. Speaker, the Community Legal Aid system is a system that seems to be developed for a particular group of people. That is, if you are a criminal, it lends support to you but if you are a person that has property it seems to ignore the fact that you have property and you might not have money to protect that property.

I think that we as people in Parliament must recognize that the legal system must be a system that helps people to protect the property they have, or the property that they might be entitled to, that is, you might be a beneficiary of some property left to you by some relative of yours, you do not have the financial means to go through the necessary legal procedures and that property is taken from you, but you do not have any recourse because you do not have the money to pay the legal fees, but if you go and commit a criminal act, it is clear that system is in place to protect you.

I think that we, as Parliament, must recognise that we should be here also to protect the rights and interests of those underprivileged people who also have a right to retain assets in this country. It cannot only be the legal system for criminals because it is from that example that sometimes you wonder if a system like this does not encourage people to get involved in criminal activities. Those people who would like to fight for the rights they are entitled to, they are not able to fight for those rights that they

are rightfully due.

I hope, Sir, that the legal aid system can be expanded to help those poor and deprived people who sometimes have to give up their legal rights because they do not have the necessary funds.

I also want to say, Sir, that I would like to see the day where we recognise that there must be a way to start encouraging a particular group of people from finding themselves before the law courts. It is rather remarkable that sometimes when you look at the persons who find themselves before the law courts and are seeking legal aid it seems to be that group of people who cannot afford to be in front of the law courts.

I think, Sir, that we sometimes have to look at our educational system and see how we can use that system to educate those people into recognising that the legal system seems to be a system where they find themselves entangled. I do not want to expand on this particular point at this particular time, Sir, but I think that is something we should look at.

Another thing, Sir, it hurts to know that sometimes because you do not have money you cannot get the best legal representation, and just because somebody else has money, they can find the best lawyer which sometimes deprives that person from getting the best legal representation because that person cannot attract the lawyer he thinks he is entitled to. Sometimes a person can have a very strong case and he can lose that particular case because he cannot pay the legal fees.

I think we as Parliament should do something to correct that particular problem because it means that if this is allowed to happen, many people who have legal rights would lose their legal rights just because of the fat dollar. That is something we need to consider or we can easily come to the conclusion that the legal system is only a system for the rich and the poor must suffer at the hands of the legal system.

There is also another situation where, when you listened to the speeches earlier, one gets the impression that there are some lawyers in Barbados who are not prepared to do what I would call community work. They are only prepared to do work where there is a large fee. I think that considering our educational system would have been one that was used to educate and promote the interests of these lawyers, that sometimes they have to recognise that they have a duty to give back something to society. If the educational system was used to promote them and sometimes bring them to a situation that they might not have found themselves in if there was no educational system, then we must ask whether they are prepared to recognise that the same way the community did something to get them where they are, they also have a right to bring along the community with them.

In an age of globalisation, we have to recognise, Sir, that it is the same community that the lawyers would have to depend on when other lawyers are allowed to practise from within the Caribbean, for then there is going to be a matter of choice.

If lawyers do not recognise that they need to look after their home base, then you might find a situation in Barbados where clients tend to go within the Caribbean for legal representation because they would probably use an example that prior to globalisation some lawyers failed to recognise that they should represent certain underprivileged people in Barbados. That, I would say, is a word to some

lawyers who feel they can only represent clients that have large pockets and those who really need the protection of the lawyers they shy away from.

Also, Mr. Speaker, the increase of fees must not be seen by lawyers as a way to extract large funds from the Treasury of Barbados. I do not think that the people of Barbados should be held to ransom by lawyers for increased legal aid fees in order for them to represent certain cases. This is something we must tread on very carefully.

It is good to hear senior lawyers in here saying that they also are part of the legal aid system and there are some lawyers who are not prepared to be part of the legal aid system because of the fee. We would not like to have a situation in this Parliament where we have to come back later to increase the fees for justice to be done. I think it would be a backward step. It would be an insult to our educational system where only the fee is important and not the rights of people and we have to guard against that, Sir.

There are also some lawyers who must recognise that the legal aid system sometimes is the only system for some of them to survive. There are some lawyers who might be doing well now and feel they do not need the legal aid system but with globalisation there might be a lot who might be forced to attach their names to the Legal Aid list. Competition is going to be so great that for the protective clientele that some of them had recently they may now find themselves having to compete with people within the Caribbean and even further afield for that same small clientele. A lot of lawyers who said previously that they would not attach their names to the legal aid list might find themselves having to beg to get piece of the cake.

It is better to be part of the legal aid list now than to be forced into a situation where you might have had a protective market and finding that the protective market is not there, then you are forced to go on the legal aid list because I would say to you that point will be recognised by other people within the system. I hope a word to the wise is enough, Sir. That is all I have to say on this particular matter.

Hon. D. A. C. SIMMONS: Mr. Speaker, it is a distinct advantage when you have been in Parliament for as long as I have and you know the Opposition. As I had to remark to the Leader of the Opposition during his speech from my chair, I anticipated everything he was going to say today.

2:15 p.m.

Tuesday, July 04, 2000

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

You will note, Sir, that my introduction of this Bill was not in my usual style where I tend to be expansive and historical and provide a context and it is because I wanted the opportunity to hear him, draw him out so that I could respond point by point to whatever he said.

Let me say that some good contributions have been made in this debate and I am grateful to all Honourable Members, even on the Other Side, who said that they support the Government in this

legislation. The Honourable Member for St. Lucy began to make a point which I thought he would have developed further and then he stopped short. He said that the present legal aid system tends to support the criminal and he would recall that in a previous debate in here I made the point that we had come to that juncture in our history where we need to balance the rights of the criminal and the rights of the victim, particularly the victim of violent crime, and I explained that Government established - and this is something that the Leader of the Opposition said that he wanted to hear about; I am going to repeat it now and this is the third time for this calendar year - a working party to advise on compensation for victims of violent crime. The working party has reported. Among the recommendations was a cap on the amount recoverable as compensation by a victim - \$25 000.

The second recommendation of real significance was that the working party recommended the establishment of a separate statutory board to administer compensation for victims of violent crimes. I do not accept that, Sir, and I have referred the matter to the Community Legal Services Commission which is headed by Mr. Justice Chase to ask them for two things: their observations on an expanded Community Legal Services Commission administering both legal aid and compensation for victims, and also any recommendations for expanding the legal aid scheme into new areas not presently covered.

That is the point that the Honourable Member for St. Joseph was making, that there are areas still not covered by legal aid which he would like to see covered. I am prepared to act on advice. Do not let us forget, Sir, that the way the Community Legal Services Commission, even though it is a separate statutory board, works in relation to legal aid is that the Commission consults with the Bar Association and the Judicial Advisory Council and then makes recommendations for a change in the tariff and that is what was done in this case. Recommendations are made to the Minister responsible.

I want the consultation process to continue in respect of an expanded role for the Community Legal Services Commission touching upon compensation for victims of violent crimes.

Mr. Speaker, Sir, we have to recall that in the fiscal year 1994-95 the amount of money that the then Government was giving to Community Legal Services was \$361 241 of which \$123 600 represented operating expenses from which the lawyers would have been paid. Of that \$361 241, when the Honourable Members on the Other Side formed the Government and left it in September 1994, \$123 600 was made available to pay lawyers.

Asides.

Hon. D. A. C. SIMMONS: Let me interject here. I did 33 murder cases in my time, won 32 and the last two that I did Griffith from French Village - a fight over a dog or a dog-fight - and Lynch from Melrose were legally aided. I never drew the fees. That is by the way, Sir.

Sir, the Government therefore is making a very heavy contribution to the provision of legal aid from \$361 241 in 1994-95 to \$1 017 501 in this financial year. That is what we are paying the Community Legal Services Commission. We have tried to modernise it because ...

Mr. D. St.E. KELLMAN: On a point of order. The Honourable Member is trying to mislead the House in giving the impression that crime has gone up by three times, if you multiply the amount,

seeing that he is now coming for an increase in fees.

Mr. SPEAKER: No point of order.

Hon. D. A. C. SIMMONS: Mr. Speaker, I am saying that we are making substantially more money available for legal aid. I did not have the breakdown because the Estimates this year did not show the breakdown into operating expenses and personal emoluments. I gave the global figure for the transfer from Central Government to the Commission. I would guess that about \$800 000 of that million is in respect of payment of fees for lawyers.

We have also tried to modernise the system in recognition of the greater demand. Family law cases, access and custody cases can get legal aid now. We have a director who is being paid. Even though under the other Party the position of Director was on the Establishment, there was no separate director. They never appointed a director. The Registrar did the work of director free and gratis. We pay a full-time person to administer the Community Legal Services Commission.

Sir, when the State makes this kind of contribution it is in recognition of the developing right of the citizen to legal representation to assist in his business but in discussing legal aid you must always start with the Constitution of Barbados. Nobody so far has adverted to the Constitution.

There are two important provisions in section 18. Section 18(2)(d) says that a person who is charged with a criminal offence:

“shall be permitted to defend himself before the court in person or by a legal representative of his own choice.”

The Constitution gives the person charged with a criminal offence the right to legal representation. When this was framed in 1966 the drafters and the forefathers were very careful.

In section 18(12) of the Constitution there is a limitation placed on the business of legal aid because the Constitution says:

“Nothing contained in subsection (2)(d)...”

- that is the right to representation -

“shall be construed as entitling a person to legal representation at public expense.”

The Constitution itself does not give an automatic right to legal aid. When the Honourable Member for St. Joseph spoke he had to appreciate that it was within the context of section 18(12) that the Government offers for people who go to the Judicial Committee of the Privy Council in forma pauperis some assistance with their legal representation, but the Government does not intend to pay the full, if you like, economic cost of that representation. We are fortified in that view by section 18(12) of the Constitution. We make a contribution as the Honourable Member said. We pay his airfare to go and represent the client and we do all the photocopying and the preparation of the record and we pay for those expenses.

2:25 p.m.

Tuesday, July 04, 2000

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

We will pay for all those expenses and so on but beyond that the State is not going to pay the full economic cost. All of this has to be related to the capacity and the financial ability of the Government to bear these services. We are still a very small developing country and even though we would aspire to some of the systems which are almost second nature in other jurisdictions, to apply those without modification in Barbados would break the Treasury. When the Honourable Member for St. Philip North was speaking, he made the point that legal aid must be seen as a contribution to legal representation.

The Honourable Member for St. John spoke about legal representation for the protection of consumer rights but the Fair Trading Commission legislation is specific that Public Counsel will be provided at the expense of the State to assist consumers who are pursuing their rights before the Commission or elsewhere.

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. The point I sought to make was that where an appeal or some question of law has to be determined outside of the Commission itself, that if you want the system to work effectively, you would have to consider a process which would include some of those new areas under the Community Legal Services Act. In other words, if it had to go to the court and not if it appeared before the Fair Trading Commission itself.

Hon. D. A. C. SIMMONS: Sir, I am sure that the Minister when he introduced the Fair Trading Commission legislation may have addressed those matters but certainly, they will come back before us after the Select Committee has met.

Sir, I have dealt with expansion of the categories, compensation for victims and I want to deal now with the death penalty.

Mr. Speaker, it is a fact that the Government in its Manifesto in 1994 said it would carry out the death penalty in accordance with the law, I think that those are the precise words that were used. I would have thought that by now Members on both sides of the House and perhaps the whole of the Caribbean would have recognised that from 1994 in *Pratt v. Morgan* and then in 1995 in *Guerra*, with all these cases starting to be determined in the Privy Council, that carrying out of the death penalty has become a matter of the greatest difficulty for all Caribbean countries. Trinidad & Tobago was able to deal with Chadee and his accomplices but no other country has since then. Jamaica has not been able to deal with theirs; The Bahamas had one - Fisher; St. Kitts had one and I believe that St. Vincent & the Grenadines had one, but as the Honourable Member for St. Joseph rightly observed in his speech, the carrying out of the death penalty assumes that there is an impregnable case in which the conviction could not be overturned.

I have explained to the House before what has been the experience in Barbados which made

headlines. In Chadee's case he fought against all kinds of things but they could not find fault with the judge's summation, right up to the Privy Council, so that they could not hold that there was a misdirection and the conviction was affirmed. Once a conviction is affirmed at the highest level there is every chance that the state can carry out the execution.

The Honourable Member for St. John agrees that the period between conviction and appeal is the important period. In Bradshaw's case and in Pratt v. Morgan, the complaint was that the local Court of Appeal had not met expeditiously to dispose of the appeal and the time ran out. In Pratt's case, I think it was 12 years, we have sought to deal with that and the Honourable Member would have it in the article which he spoke about. Whereas previous Governors-General never had the warrant read to the condemned man as soon as the appeal was dismissed, the present Governor-General has ensured that the warrants are read expeditiously in the cases which we had to deal with, which were three or four cases.

The Privy Council in Pratt v. Morgan said that the proper time to exercise the prerogative of mercy is at the local Court of Appeal stage so that once the local Court of Appeal says that the appeal is dismissed, the warrant should be read as soon as practicable thereafter. That forces the condemned man to move expeditiously to get to the Privy Council. What has happened before 1996 is that as long as the local court said that the case is dismissed, the case rested there and the five-year rule in Pratt v. Morgan kicked in. A different approach has been brought. It is true that we have not had a cast-iron case but we have tackled this matter to deal with delays systematically. Once the Court of Appeal affirms the conviction and dismisses the appeal, the warrant is read which causes action on the part of the appellant to the next step which is to the Privy Council.

Secondly, this Government found that there was a backlog of cases and there is still a backlog - I am not telling you that we have got that out of the way but the Government created two additional judgeships. In that old building out there we constructed two new courts, No. 6 and No. 7 and created two further judicial appointments to help with the backlog. I believe that there is a case for an additional Court of Appeal judge and perhaps another two High Court judges. But where are we going to put them?

2:35 p.m.

Tuesday, July 04, 2000

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

We have no more space in the Supreme Court building.

I have explained to the public before and to Members of the House that the new Supreme Court building of which, I am still advised, the construction should start on October 1, would make ample provision for additional space for judges. At the moment we could not think of appointing additional judges down here in Coleridge Street. There is nowhere to put them. At least we took the existing space we had and we made up two other courts and properly fixed them up, Sir.

In addition to that, to speed up the process, we started the Computer Aided Transcription Programme. I explained at the time that there was no way that you could short circuit that programme. The basic course was two years. Only last Wednesday, there was a meeting at which the first 13 positions have been identified for Court Reporters who have been trained in the new systems. They are the first graduates. The first 13 have just graduated, Sir, and the Chief Personnel Officer is making the necessary arrangements to place them at an appropriate point in the scale commensurate with their training. You will see at assizes the persons who are now trained in this Computer Aided Transcription taking the evidence and summations on the new machines which they have.

First of all it would mean that the judges would not have to record in long hand every word that is given by a witness. The second advantage would be that, after a day's hearing, by the next day you would get a transcript of the previous day's hearing, and you should be able to get the summation within - I am going to be generous, because I am telling them that they are up to the standard of "top notchers" - I would say that you should be able to get the summation completed, clean and accurate within three days of the judge delivering that summation.

Right now we are not doing badly. In murder cases the period between conviction to appeal, on the outside, is six months. In "Wharfie's" case it was four months. In the average period you will have your record in six months. So that the Court of Appeal can pronounce on the conviction within six months of the person being convicted. Then it goes from there to the Privy Council.

Two other points I want to make, Sir. On the question of speed. The Judiciary deliberately decided, after Pratt v. Morgan, when we started the Computer Aided Transcription Course at the Barbados Community College, that they would give priority to murder cases. We contracted a specialist Court Reporter from Canada, Mrs. Alleyne-Mapp, and she was assigned to work only on the murder cases and when they were out of the way then she could assist with other criminal cases. That is how you see "Wharfie's" record was ready in four months. The Government contracted a specialist to work in this area to make sure that there were no delays in murder cases which could lead to an invocation of the principles of Pratt v. Morgan.

In addition to that, Sir, there used to be a problem up until the system was changed in 1995-96. All of us who practise know that the judges used to record the evidence in the big evidence books. So, you do a murder case today and you finish it on Friday. You then start a robbery on Monday and in the same book you record the evidence for the robbery. Then on Thursday next week you would do a rape and all the different cases were in one evidence book; the shorthand writers, the Court Reporters if you like, would then have to get the book physically from the judge to go through and transcribe the evidence in relation to the murder case. The murder is in a book with all different kinds of cases. That caused problems.

They have stopped that. The Chief Justice introduced a system whereby each murder case is assigned its own separate notebook. When you have finished the murder case you hand over the notebook to the court reporter and they can go off with that. So you do not have to wait until you finish a robbery and all of that. Those have been some very practical innovations that have been made to speed up the process, Sir. I am satisfied that in murder cases the system has been working very well in terms of getting the record of appeal ready in good time so as to avoid the strictures of Pratt v. Morgan.

Pratt v. Morgan has caused considerable confusion in the jurisprudence of this region. I will speak about this again and I will repeat myself during the constitutional debate or even earlier for something else that I am going to say this afternoon. Honourable Members must not hold me to this. It is either in the case of Fisher, The Bahamian case, or in the case of Thomas v. Hilaire, the Trinidadian case, where Lord Goff in the Privy Council said that the problem in Trinidad (when they held that the decision of the Cabinet of Trinidad was unlawful), the Privy Council said the Cabinet of Trinidad acted unlawfully in specifying time limits for every step that a condemned man had to take including going to the human rights bodies.

In Thomas and Hilaire, they said that the Cabinet had acted unlawfully in setting a time limit, and they said the time limit that the Cabinet in Trinidad set was disproportionate to the gravity of the offence; but Lord Goff said words to this effect, Sir. When I deal with the death penalty as a separate issue I will quote it exactly. He said words to the effect that a combination of Pratt v. Morgan and the attitude of international human rights bodies, these words I can put in inverted commas, "have placed Caribbean countries in an impossible position". That is our highest court in England saying that what they said in Pratt v. Morgan, the effects of Pratt v. Morgan plus the attitude of the international human rights bodies, have placed Caribbean countries in an impossible position.

2:45 p.m.

Tuesday, July 04, 2000

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

Now, the Government through the Governor-General in his Throne Speech in February last year, indicated that we will have to bring legislation to deal with the Pratt v. Morgan difficulties. Sir, everyone of us at the time genuinely believed that we could have amended the Constitution of Barbados last year to take account of the Forde Commission's recommendations.

The first point. I recall the Report of the Constitution Review Commission was handed to the Governor-General, I think it was on December 15, 1998, and in the course of things we felt that we could probably do the recommendations for amendments in a Bill during last year. Now that proved impossible.

Secondly, we had a series of cases in the Privy Council within the last 18 months where the Privy Council was giving one decision today and six months later coming and reversing themselves.

Asides.

Hon. D. A. C. SIMMONS: ...I do not mind what Mendez says - on a majority, three to two in each case. So that in Thomas v. Hilaire and Fisher, you will see as I will demonstrate when we have an appropriate debate; I will go into it in detail.

The Privy Council was in twists and turns. Now where the law, as stated by our highest court, is in a state of turmoil and indecisiveness, the Government had to be very careful how it legislated. Let me

just expand that a bit. In 1996, there was the case of Reckley v. Minister of Public Safety which said that the condemned man had no rights before the Governor-General and the Privy Council, the local Privy Council, and that it is for the local Mercy Committee when that body is meeting to determine the exercise of the prerogative advice.

They had said that they had a right to appear and be heard and so on. Our Constitution says what are the requirements on a mercy hearing. You must have a written report from the judge (and the record of any appeal), the superintendent, the chaplain of the prison, a medical officer and you get the whole record of Appeal, so that the local Privy Council could review the appeal. But they directly wanted the right to come and appear and argue and they said, no.

Would you believe that today, July 04, 2000 the Privy Council has re-entertained that argument in a case which is causing confusion in Jamaica, the case of Neville Lewis? They are not giving the decision on Neville Lewis but they heard arguments and the Solicitor General of Jamaica, Dr. Rattray, has to go up there and argue because they heard arguments recently about the point which they had decided in 1996 but we were not alerted.

The Attorney-General of Trinidad & Tobago called me and asked if we were going to contribute. We did not have anybody before the Privy Council but we were told that the Privy Council intended to have seven judges hear this matter, just as they had seven judges when they came out to play in Pratt v. Morgan. The end result was they had five but you know that they were arguing with the Solicitor-General of Jamaica up to three weeks ago that they have the power to review the exercise of the prerogative? That is the extent to which they want to carry the law. I do not know what is going to be the decision but we had that before us last year, the Neville Lewis case.

We had Thomas v. Hilaire, the decision on which came out in March last year. I had three judges saying one thing and two saying another and just before that you had Fischer, The Bahamian case.

Now, the point the Honourable Member for St. John was making today in relation to human rights bodies relates to the concept of legitimate expectations and the argument is very simple. Sir, a condemned man who has petitioned either the U.N. Human Rights Committee or the Inter-American Commission for Human Rights cannot be executed until those bodies have determined his petition. That is how the argument runs and to execute before they have made a decision would be unconstitutional, due to lack of due process or whatever.

Sir, those arguments have been bedevilling the Privy Council in the last three years and they have not been settled satisfactorily. In the case of Fischer they say that all the State has to do is to give reasonable notice to the human rights bodies if you do not complete the petition within 18 months. Fischer had said six months and they found that was reasonable. Trinidad had a shorter time. They say you can give reasonable notice but you had two judges including the very influential Lord Steyn, arguing that you cannot do it at all. You have to allow the system to operate and wait upon the international human rights bodies to pronounce, no matter how long it takes.

The flaw in that argument which I have dealt with in an article being published by Florida State University is that if you wait on the international human rights bodies until they are completed, then it is conceivable that you will go outside the five year limit set by Pratt v. Morgan. You know how the

Privy Council dealt with that? They said that in those circumstances the clock stops, so once they go to the human rights international bodies, they do not count the time. Sir, you have two views in the Privy Council, one saying the clock stops and the other saying you must give reasonable notice. Now, how can I try to amend the law in Barbados far less the Constitution when you have all these contortions and convolutions going on in our highest court?

Nevertheless this Bill is going to Cabinet on Thursday for Cabinet to determine. It is a simple Bill to amend the Constitution because - let us be clear about what I am saying and what I am doing - we have not even finished the debate on the Forde Commission's Report. I do not know when we will finish it. I expect we will finish before the end of this month and certainly before the House rises in August but I do not know what recommendations we are going to accept and we have to prepare an amending Bill to deal with those recommendations which we accept.

In the meantime, I am seeking the direction of the Cabinet as to whether we should not amend the Constitution in terms of the Bill which has been drafted which provides what follows.

Remember, section 15 of our Constitution says that no person - and that no person includes a prisoner - can be subjected to torture or to inhuman or degrading punishment or treatment. In *Pratt v. Morgan* they said that if you do not carry out the death penalty within five years it amounts to cruel and inhuman punishment and it is therefore contrary to section 15 and it is therefore unconstitutional.

2:55 p.m.

Tuesday, July 04, 2000

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

Now, when you add on top of that the human rights bodies and the petitions there are and so on, that is where the problem comes. You have no control over the time limit. We can control the local procedure up to the Privy Council but we cannot control the procedure with the international human rights bodies.

We have therefore drafted a law which says as an amendment to section 15 of the Constitution:

“(3)The following shall not be held to be inconsistent with or in contravention of this section:

any delay - that covers human rights - in executing a sentence of death imposed on a person in respect of a criminal offence under the law of Barbados of which he has been convicted;”

He could take 10 years to finish with the human rights bodies. This law will hold you now. Once it is a solid conviction, impregnable, this law will operate. It said any delay and this is going into the Constitution of Barbados if my Cabinet colleagues agree on Thursday.

Secondly, Lord Steyn argued in *Fisher* that - I think I have got his words here, he said these words

and I quote:

“In other countries in the Caribbean death row conditions may not meet the criterion of minimum civilised standards.”

He was then dealing with a Bahamian case and he said I myself am not talking about The Bahamas. Now, Sir, do you understand the implications of this?

Lord Steyn would be prepared to say that in our prisons in the Caribbean, conditions on death row may offend the constitutional imperatives such as we have in section 15 or Jamaica has in section 17 about subjecting to cruel and inhuman punishment.

Now, imagine, if they go that far ...

Asides.

Hon. D. A. C. SIMMONS: ... no, no, he said he was prepared to examine it - read the whole case. You know what they say about examine now? Take affidavit evidence. So that you find in Trinidad and Tobago, they have been petitioning not only the Privy Council but the Inter-American Human Rights Commission and the UN Human Rights Committee to argue that, they do not have hot water to bathe with, those sorts of things. You have to be careful you know.

Lord Steyn said he may be in a minority but a dissenting judgement anchored in the circumstances of today may yet be the majority decision tomorrow. In other words, if he can get two more with him in another case what he now stands for in the minority may well be the majority position and become the law for Barbados emanating from the Judicial Committee of the Privy Council.

We have drafted a second clause in the Bill to deal with Lord Steyn and his arguments about what I called static physical conditions.

We say:

“(b) The holding of any person, who is in prison, or otherwise lawfully detained, pending execution of a sentence of death imposed on that person in as mentioned in paragraph (a), in conditions, or under arrangements, which immediately before the coming into operation of the Constitution (Amendment) Act, 2000

(I) were prescribed by or under the Prisons Act,

as then in force; or

(ii) were otherwise practised in Barbados, in

relation to persons so in prison or so detained.”

We say that those conditions and the holding of a person in those conditions is not a contravention of

section 15.

Quite simply, we are providing a provision in the Bill that I am taking to Cabinet on Thursday that will prevent death row conditions from being held to be cruel, inhuman and degrading.

The third provision in the Bill deals with the appearance before the Mercy Committee. We are proposing to amend section 78 of the Constitution to say that

“(5)No person has a right, either in person or through a legal or other representative, to a hearing in relation to the exercise by the Governor-General or the Privy Council of any of their respective functions under this section.”

That is to say that you do not have a right to appear before the Mercy Committee.

We have to go back to the language of Lord Diplock in 1974, Malik’s case was in 1975 - Malik was followed by Abbott - but you will have to go back to the mid-70's to Lord Diplock where he said this:

“Legal rights end where mercy begins.”

Now they want to turn Lord Diplock upside down in his grave, today’s Judicial Committee of the Privy Council.

I want it clearly understood that the recommendations that I am taking to Cabinet are to put in the Constitution of Barbados these new provisions as part of the supreme law of Barbados. There is no higher law than our Constitution. All other laws must be subject to the Constitution. Let me hear the Judicial Committee of the Privy Council say that they are going to review the Constitution of Barbados which is the supreme law. That is all we can do.

Sir, it could not have come before because I was being advised all along by the Government’s lawyers in London - Charles Russell and Company who work for all the Governments in the Caribbean who have been doing all these cases with Sir Geoffrey Lequesne - to wait and see. They like their changing their minds on this. They keep changing their minds on that. One bench is 3-2, then the next bench is 3-2. They overrule that and so on.

Now that I think that we are seeing a little daylight is the time when we can come with the legislation. It is up to my Cabinet colleagues. I have had the law drafted.

3:05 p.m.

Tuesday, July 04, 2000

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

Sir, in relation to Barbados agreeing to accept the compulsory jurisdiction of the Inter-American Human Rights Court, I was away at the time when I read a letter that was faxed to me and written by Hon. Oliver Jackman who is a judge of the Court explaining that what appeared in an editorial in the

Sunday Sun some weeks ago was misleading and erroneous. Quite simply, when Barbados signed the Inter-American Human Rights Convention in 1983, it reserved its position on the death penalty. It is allowed to carry out the death penalty notwithstanding its signature to that Convention. It is as simple as that.

As I indicated earlier, the Inter-American Human Rights bodies tend to delay the hearing of petitions by condemned persons. This new law which I just read to you all about any delay covers that. They cannot delay forever. No, no. The Inter-American Human Rights Commission has got away with arguing that they are part-time, they have a small staff, they meet twice a year and they are inundated with petitions. One judge in the Privy Council has said that really is no excuse and they have to get their finger out and do these cases a lot more quickly.

Sir, I think that I have answered in as short a way as I can the main concerns of the Leader of the Opposition in relation to the death penalty and where we are.

Sir, I turn now to the Caribbean Court because he mentioned that he wanted an update on the Caribbean Court. The Heads of Government last year in July at the conference in Trinidad and Tobago, similar to what is going on in Canouan now, established a Preparatory Committee to supervise the inauguration of the court. Now that Committee comprises Attorneys General of the region. They asked me to chair it. I cannot tell you why. That is another piece of work for me, Sir. This requires a lot of up and down, telephoning, faxing, E-Mail and so on. But the Prime Minister of Barbados told me that the Heads determined that I should do it and I have been chairing it. We have Jamaica, St. Lucia, Guyana, Trinidad & Tobago and St. Kitts & Nevis as the Committee of Attorneys General.

Now we could not do all of the administrative work that has to be done to get the court going. The first thing that we had to do was to create a Project Unit. I sent to the Heads and told them that we needed their assistance and funding to support a Project Unit. We have a Project Unit and it is operating in Georgetown. It is headed by Mr. Sheldon McDonald, a Jamaican lawyer, and he has as his assistant, Mr. Robert Simmons, the Deputy Registrar of the Court of Appeal of Barbados. He has gone down to work on secondment.

Sir, there are a number of documents which you have to have in place before the court can happen. Now really the president and the judges of the court should draft certain documents. But to save time in the Legal Affairs Committee of CARICOM, not the Preparatory Committee, we have drafted almost all of the documents except for the rules in the original jurisdiction. We have the agreement which is really the treaty that the Heads who support the court will sign. We have that draft agreement which is there. We have done some work on it in Jamaica a few weeks ago as a result of certain submissions from the Jamaica Bar Council. They put forward some very useful thoughts.

We are creating a Regional Judicial and Legal Services Commission of, I think, nine or ten persons from throughout the region to form the Regional Judicial and Legal Services Commission. I do not get myself involved in the politics of other countries, but the radio stations in Jamaica do not stop calling me to take part in call-in programmes. The other day I was on with Edward Seaga and Golding and others. In 1989 at Grand Anse, when Seaga was Prime Minister of Jamaica, the Heads of Government took the decision to set up a Caribbean Court then called the Caribbean Supreme Court or Caribbean Court of Appeal. The only reservation Mr. Seaga had was that he wanted the judges appointed by a

Regional Judicial and Legal Services Commission. Now we drafted that and we have all the rules and the protocols relating to the establishment of a Regional Judicial and Legal Services Commission.

We have a headquarters agreement dealing with the privileges and immunities relating to the court and draft rules in the appellate jurisdiction because the court has two [levels of jurisdiction]. The only thing that has given us a little trouble in completing is the rules of the court for an original jurisdiction where the court will be sitting as arbiter of disputes arising under the single market and economy. We hope to have those rules finished by the next Legal Affairs Committee Meeting in September. They are drafted but we were not happy with one or two aspects and we sent them back for further work to be done. All of the other documents to support the establishment of the court are finished in draft stage so that we can hand them over to the president of the court whenever that happens.

When the Heads of Government set up the Preparatory Committee last year, they also insisted that there should be a public education programme for the region. Now we recall the Federal experiment. One of the criticisms of that experiment was that the people of the region were not involved. We are determined in the Preparatory Committee to make sure that the people of the region have an understanding and appreciation for the Caribbean Court.

Sir, a firm called Saunders & Franklin has been appointed as public relations (PR) consultants and they have developed with the Secretariat a PR programme for the whole region. That PR programme involves not only the establishment of national committees in certain countries, but it involves the dissemination of literature throughout the region. I will talk about that shortly. It involves doing radio factoids and there is a Barbadian journalist who is working on those. It involves the appearances of Attorneys General throughout the region talking to town hall meetings, interest groups and so on. I will have to go to Jamaica and we will have exchanges talking about the court. It involves, as I said, the dissemination of literature. Now let me explain.

We believe that a lot of discussion on the court is because people have not bothered to read the documents.

3:15 p.m.

Tuesday, July 04, 2000

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

So that you hear people telling you that they would like the court to come to Barbados. We have provided for that. It is provided in the agreement that the court will be an itinerant court just as the Federal Supreme Court was. That is important in terms of access to justice. To get to the Privy Council now will rinse you out of a few thousand pounds very well. The Court will come. Then they say, and you hear this argument in Jamaica about judges, that they want to insulate the judges from political influence which is very prevalent in Jamaica. Do you know that we have provided that a judicial appointment can go to any lawyer from the Commonwealth who has been a judge of a superior court for 10 years or an attorney who has been in practice for 15 years?

It is quite conceivable, and I hope it happens that you will see a Canadian judge or an Australian

judge sitting on our Court, particularly when they have to deal with some of those difficult international trade law matters where we acknowledge that there is greater expertise in those countries on those matters. All of the documentation is ready except for the rules in the original jurisdiction.

The public education programme has started. I started it in something on CBU in March this year. The Prime Minister of Barbados because of the linkage with the single market and economy spoke in Georgetown at the Caribbean Media Conference. He spoke with such telling effect that the Jamaican private sector want him badly to come to Jamaica to speak to them about the single market and economy and the Court of Appeal. He and I were to have gone when we had the last Attorneys General meeting but it could not happen so his visit is deferred.

The momentum for public education is going to increase. I will try to get for Honourable Members before we close today from the Government Printery 50 copies of a history of the debate on a Caribbean Court of Appeal. It started in 1947.

We contracted as part of the Committee Mr. Hugh Rawlins from the Faculty of Law to prepare a paper on the history of this debate. The diskette was formatted by CARICOM and has been given to every Attorney General in the region. I passed it on to the Government Printer here and he has printed 1 000 copies already. I sent 150 to the University and gave 100 out at the Public Sector/Private Sector meeting two weekends ago and I am going to get some for Members of Parliament, judges and whoever is interested.

The University is so keen about this matter that they have had three of their lecturers write on different aspects of the Report and that is coming out in a separate paper in Contemporary Legal Issues which will be out anytime now. That is the second body of literature.

The third body of literature is what I call the compendium where we put together in one document all of those other 7, 8 or 9 documents that I spoke about - the agreement, the services commission, regulations, the appellate rules and so on. We put them all together. That is really targetted at the lawyers to look and see, go through the legalese and tell us what they find wrong with it so that we can correct it. That document should also be out within a week. It is formatted and, by the same procedure that we used as with Hugh Rawlins, the diskettes will come to the individual Attorneys General and we will get our printerries to do them and we will give them out to people who are interested.

You will have a body of literature. CARICOM itself has got another document which asks some questions: The Caribbean Court of Justice - what is it? What will it do? Or words to that effect. So you are going to have at the end of the day that people who are interested can have a body of literature which will tell them all they want to know about the court.

The public education programme which was mandated by the Heads is on its way. We have also been in the Legal Affairs Committee looking at what constitutional hurdles have to be surmounted by States to join the Court. We asked every member state of CARICOM, including Haiti, to indicate what constitutional requirements they needed to de-link from the Privy Council or to join the Court. All the replies have come back. There are only two States which need referenda - Antigua & Barbuda and Grenada.

In the meantime, Sir, we are working on financing for the Court. Because of our history of delinquency in respect of regional institutions, the Heads have been careful to make it a precondition for the inauguration of the Court that at least five years financing is identified. They told the Ministers of Finance to do that and they then referred it to us. We came up in the Legal Affairs Committee with a mechanism and we prepared a financial protocol which essentially calls for establishing a fund located in the Caribbean Development Bank which will yield income to sustain the operations of the Court.

We have done the budgets for recurrent expenditure. It will cost approximately BDS\$40 million - US\$20 million over the five years. That is what we are looking for to as a corpus of the fund. Trinidad & Tobago has been renovating a building in Port of Spain for the Court and I am to go shortly to have a look. I have not been since February. In February, they said that it was scheduled for completion by October but, as I said, I have not been there recently. They are doing that and, in addition, Trinidad & Tobago has identified another portion of land on Queen's Park West opposite the Savannah where the paddocks were. They want to build an imposing structure as the ultimate seat of the Court. In the meantime, they have identified that other property which they are renovating for the Court. A lot is happening to ensure that the Court happens as the Heads desire.

I believe that the Heads should allow some time for the public education programme to get underway throughout the region before signing. That is my personal view and it is a view also shared by the Legal Affairs Committee. It is my personal view that otherwise it may look as though there is an imposition of an institution on the people. Let us discuss it. They can sign later on. I want to repeat, Sir, that the Heads themselves had said that the Court will not happen until that corpus of funds to sustain its operations is identified.

The final point both for the Member for St. Joseph and the Member for St. John. It is acknowledged that there is need for reform of the Court rules and the procedures, particularly in civil procedure. New Magistrates Courts Rules have been signed by the Judicial Advisory Council.

3:25 p.m.

Tuesday, July 04, 2000

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

There are one or two small amendments to be made to the Magistrates Court Act to bring the new Act (Act 1996-27) into operation but the Rules have been settled and we will soon have the new Magistrates Court Act and Rules in place.

The area that I am sure the Leader of the Opposition was thinking of was the area of civil procedure. I may have said in here and elsewhere that Australian Legal Resources International have offered us a judge to come and help us modernise our Rules and take us more into the area of case management - judge-driven procedures rather than litigant-driven procedures, which is what we have here. Australia thinks that it is ahead of us and Lord Woolf, when he was here, said that we are ahead in certain areas but he thinks that they are ahead of us. What we want to do is to take the best of both. We have agreed that we will establish a committee of the Bench and the Bar to work with that consultant and they are finalising the details now as to when he will arrive in this financial year. Members will see that

provision is made for his consultancy in this year's Estimates. They will 'bat' about drafts among themselves so that the members of the Bar and Bench will be engaged on the ground floor and it will be a learning process for them. When they are completed, I do not wish to foist them on the profession and I would prefer to have them out there for a year, have people come in and do seminars and workshops on the new Rules; prepare all our forms and documents as we go along and get the Bar and everybody else involved.

There will be copies printed of the draft Rules for everybody in the profession but I really do not think that we should perhaps make the mistake Trinidad & Tobago made and rush and thrust the Rules on the profession. There should be a time for genuine participation, consultation and discussion between the Bench and the Bar. We are looking at January 2002 to introduce the new Rules. A lot is happening, Sir.

Mr. Speaker, I beg to move that this Bill be read a second time.

Hon. Miss M. A. MOTTLEY: I beg to second that.

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

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

COMMITTEE

Mr. CHAIRMAN: The House is now in Committee.

Clauses 1 and 2 were called and passed.

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

On the separate motions of Hon. D. A. C. SIMMONS seconded by Hon. Miss M. A. MOTTLEY, the Bill was read a third time and passed and cited as the Community Legal Services (Amendment) Act, 2000.

ORDER NO. 8:

TO MOVE THAT THIS HOUSE RESOLVE ITSELF INTO COMMITTEE OF SUPPLY TO CONSIDER THE GRANT OF SUMS OF MONEY FOR THE SERVICE OF THIS ISLAND

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

COMMITTEE OF SUPPLY

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

**RESOLUTION TO GRANT THE SUM OF \$1 630 859 FROM
THE CONSOLIDATED FUND TO SUPPLEMENT THE
ESTIMATES 2000-2001 AS SHOWN IN
SUPPLEMENTARY ESTIMATES 2000-2001 NO. 1.**

Hon. H. F. LASHLEY: Sir, the Cabinet at its meeting of March 16 transferred to the Ministry of Social Transformation the payment of school uniform grants to parents of children entering secondary school from the Estimates of the Ministry of Education, Youth Affairs and Culture.

Sir, it must be noted also that the Ministry of Education, Youth Affairs and Culture notified the Ministry of Social Transformation of the above Cabinet decision and advised that a move-in should be sought to accommodate the decision of the Cabinet in the Ministry's Estimates for the financial year 2000/2001. However, the action suggested could not be taken at that time since notification was received after the Estimates for the financial year 2000/2001 were approved in Parliament.

Mr. Chairman, I want to make the point clear that means testing will be done and will involve the analysis of the financial situation of the some 3 826 children who sat the recent common entrance examination in May.

3:35 p.m.

Tuesday, July 04, 2000

Continuation of the Hon. H. F. LASHLEY:

Sir, because the grant is to be administered now between July and August, which would allow sufficient time for parents and guardians to acquire uniforms prior to the opening of the new school term in September. The grants for this financial year, I want to repeat that, Sir, the grants for this financial year will be disbursed to all parents and guardians of children entering secondary schools for the first time as was previously done by the Ministry of Education, Sir. In addition to avoid charges being levelled at the Welfare Department, Sir, as discriminatory, parents and guardians will be notified of the proposed screening procedures well in advance.

I want to say, against a background of rationalisation of the Ministry of Social Transformation, that by now most Barbadians would gather that we are moving away from a system of welfare to one of independence, and hence we are currently examining the probable feasibility of changing the Welfare Department to that of pure family affairs, Sir.

I would like to draw the example to this Honourable Chamber, for instance, of some of the duplication of services that currently exist in Barbados, where you will find under the National Assistance Board you have assistance programme which is basically responsible for the grants for things such as mattresses, stoves, tables et cetera. Then under the current welfare system, at the Welfare Department, you have the Welfare Department responsible under another segment, under the

assistance programme for things such as spectacles, dentures, wheel chairs, prostheses, clothing, fire and flood and now , Sir, school uniforms. What we want to do is to bring all of that under one system as part of the new rationalisation process within the Ministry of Social Transformation.

I have just returned from Geneva after attending the Summit on Social Development, and what the entire world is trying to do is to move away in terms of social policy from that of a mendicant dependent system to one of a more fortuitous system where we teach people to do things by providing them with the necessary skills, do the proper analyses so that we can develop and bring about a holistic approach to this whole new social revolution in terms of making families in Barbados more independent.

Mr. Chairman, Sir, you would see that a great deal of training and more opportunities in relation to civil societies, the CBO and NGO networking with the business sector, all across Barbados will be part of the new framework in terms of the revolution that we call social transformation.

This is a very basic and straight-forward request for this supplementary provision. Basically we are just seeking for the transfer of the responsibility for administering the uniform grants for school children from the Ministry of Education to that of the Welfare Department. We are asking for \$400,000 which will now put this department under the Ministry from \$50.4 million to \$50.8 million and that is our position in relation to the transfer of the responsibility for administering the uniform grants for school children.

Mr. D. St.E. KELLMAN: Mr. Chairman, I rise to speak on this particular Resolution and to remind the House that when we were doing the Estimates, I highlighted certain problems pertaining to the Ministry of Social Transformation, and I am extremely happy to hear the Minister batting on a new wicket today and for the first time admitting that he is in total agreement with what I said during the Estimates.

There is another problem which I would like to highlight. Sometime last week there was a particular case being highlighted in a publication in Barbados, relating to a gentleman living somewhere in St. Lucy. The impression was given, Sir, that that gentleman was now getting the attention of a politician for the first time. That particular case, Sir - I must admit, when things are written in the newspaper I do not really worry, especially when they land on my plate. When we have situations, Sir, where people are prepared to fabricate certain stories and sensationalise them to give the impression that certain people are not looking after the welfare of the masses and the poor in this country, when it is well known that 99.9 per cent of my time is spent in this House fighting on behalf of the under privileged people in Barbados, it hurts.

Since 1994 I have been writing the National Assistance Board on behalf of the gentleman that was highlighted in the particular newspaper. The truth is, the National Assistance Board has responded to this particular gentleman's case. Sometimes people find themselves in situations and their families sometimes can help but they do not help them. Certain people are walking around looking for praise and to write stories. Even though they are given the facts they do not publish the facts as they are given.

I have also spoken to the plantation owners who said they could not allocate another lot on the particular land because it was going through a certain process because of the investment of people from

outside of Barbados who want to buy large portions of land in the St. Lucy area, and who have a project of which they are speaking with Government at the present time. The owners have said that they had no problems provided that they were not committed to the process.

That is not the main point that I want to make. The point I want to make, Sir, is that during the Estimates I highlighted in this Parliament that the main threat for any National Assistance Board's assistance is not necessarily houses. It is the lack of house spots for old people in this country. I said at the time that there are many houses in St. Lucy where the National Assistance Board was quite prepared to grant to people, but the truth is, there is no land to put the houses on. I challenge anybody anywhere in Barbados to deny that.

When people are walking around trying to promote the interest of one politician against the other, I would beg them to keep me out of it, because I have no intention of highlighting the plight of the poor or under privileged

looking for political mileage. It is a serious issue and you should not use old people to play off politicians against one another.

When I come to this Parliament and I speak on behalf of the underprivileged in the country, I have no intention of looking for political favour or looking to highlight my particular position. I come here to Parliament to represent the interest of the under- privileged. I am saying leave me out. I must say that I regret that I have to highlight this particular case. After investigating what was said in the newspaper and hearing the facts from the particular gentleman, it was rather surprising to me that one person could report one thing and something else can be reported elsewhere.

3:45 p.m.

Tuesday, July 04, 2000

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

I am saying it is not fair and I would like the type of foolishness stopped that people are trying to practise. If people want to get on the political high road, they have to come clean. I have always fought political campaigns dealing with issues and if people feel that they want to fight me on things that are not issues, then maybe I need to change my political stance and fight fire with fire.

Sir, believe me, if I have to get back to my 1986 style, there are a lot of people who would not like to hear me because it was rather destructive. I even had to apologise to certain people whom I said certain things about on political platforms at that time and who recognise that it was because of my particular stance at that time that probably I am in the House now, but I do not want to get back there. If people want to be dirty in politics, I am prepared to fight fire with fire by using the truth.

Asides.

Mr. D. St.E. KELLMAN: Using, using, not losing the truth, I must stick on the high road at all times.

I want to say, Sir, that instead of using the parliamentary representative as the excuse, I would like to see the Government allocate more money to the Ministry of Social Transformation which I have been calling for since the Estimates and recognise that we in Barbados have to do something about the way our old people are living in this country.

It is regrettable, Sir, to see that somebody might be prepared to give somebody a house but they cannot find the land on which to put that house. Can you imagine those same old people would have been the ones who worked so hard on the land to develop Barbados but yet still they cannot find a piece of land to site their particular house when the National Assistance Board gives them a house?

Sir, that is the issue which should be discussed, not people coming and running red herrings to create stories. There are a lot of old people living in conditions in this country that they should not be living in and the Minister is trying his best but he needs a bigger vote. I cannot understand how any country that collected over \$2 billion in additional taxes since 1994 until now, cannot find it feasible to allocate a fair share of that money to the people who would have built up Barbados the way it is.

I want people to understand that Bridgetown is the way it is not because of the capital brought to Barbados but because of the sweat and the hard work done in the fields by the people Barbados - who are now suffering - to make sure that Bridgetown was developed. I am saying that it is the Government's duty to make sure that an allocation is put there to make sure that those people who worked hard in this country get something from the sweat and hard work done for this country.

The young people in this country will judge us by the way we have treated the older ones before them. Maybe that is the reason why there are young people in Barbados now who feel that they cannot do certain types of work for the simple reason that when they look back at how the people before them are being treated, it is obvious that if you treat the ones like them in that way, what do you expect of them now. So we need to change the way we do things in Barbados and understand that old people who worked so hard should not be held up in newspapers as if they are scrounging to get a house or a house spot.

I am calling on the Government to go back and look at my speech during the Estimates and recognise that I highlighted house spots as the major problem for old people. I would like the Minister to reflect on what he said during the Estimates and recognise that he was wrong and I was right because I could nearly cite the twelve houses in St. Lucy that are sitting on land belonging to other people who want to use the land and cannot get their land to use because the Government welfare houses are on them and people cannot live in the houses because other people want to live in the same properties but they want them removed from the land. That is why I will use this occasion today to call on the Government to provide the necessary amount of land for those old people and not think that because the old people have problems that the young ones do not have a problem.

I can name thousands of people in Barbados who could tell you where to find a house but do you know the biggest problem? They cannot find a piece of land on which to site the house and everybody is saying that we have a housing problem. Foolishness. What we have is a land problem and if we do not solve it now that the land is here and is available, two years from now, going at this rate, we will not have a land problem, we will have a problem in Barbados of where to put people to live.

Mr. Chairman, I am saying that this is something that should interest the whole Parliament of Barbados so all those who feel they have to write stories and they have to use my back as a wicket, my back is broad enough and I can deal with those issues.

Asides.

Mr. D. St.E. KELLMAN: This one is broad enough. It held off 28 and more of you with your Backbenchers.

Asides.

Mr. D. St.E. KELLMAN: I am not afraid. If I have to fight an issue, I will fight an issue but do not use me as a scapegoat.

I am saying, Sir, that we also have another problem, those same pensioners deserve to get an increase in their pensions but yet still they continue to get the same old rate in their pensions. It is regrettable that I have to come and put a case for pensioners to get more money, when everybody in Barbados recognises that things are tight. Even the calypsonians, both men and women, this year admitted that things are rough and the Cabinet of Barbados seems not to understand that those old people need to have more money in order to have purchasing power.

It is regrettable that every Tuesday you have to come and lay a story for those people who cannot lay one for themselves and I would expect, Sir, that after what is said in here the Minister will get some support at Cabinet on issues like these.

Asides.

Mr. D. St.E. KELLMAN: I have said already that social transformation cannot be a Ministry and I stick by that, because there is a clear case now that social transformation cannot be a Ministry and it has to be a policy. It is clear in my mind that the Government does not understand that and that is why they have to come and argue this case because even though the Minister understands what he stands for and he has a policy in his mind, the Cabinet does not have a policy towards old people in this country. This is why you have to argue and that is why I am not surprised that the Minister understood what I said in March and has used the occasion now to agree with me. He could not do it in March but now that the lashes are flowing his back has to be broad also.

I am saying, Sir, that the Welfare Department needs the support of every single Cabinet Minister and Cabinet must understand, as I said before, that social transformation must be a policy. Every Minister must come together and make sure that the social transformation policy is carried out in this country or what we will get in this country, Sir, is a situation where our underprivileged people continue to be depressed, deprived and people who do not understand Barbados will be able to fly in here and get all the benefits.

I will be back.

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

Hon. G. A. CLARKE: Mr. Chairman, I am indeed supportive of the increase that is being sought today to provide some assistance for the Ministry of Social Transformation. It really is a transfer of funds from the Ministry of Education to the Ministry of Social Transformation.

Formerly, Mr. Chairman, this fund was provided by the Ministry of Education and I hope that the funds which are being provided will be well-organised and fairly distributed to those children who are going to secondary schools for the first time this year. I am aware that sometimes in past years many students did not receive funds and I am hoping that the Ministry of Social Transformation would use the funds to assist all those students out there who are deserving.

Mr. Chairman, I think even though the Government provides this fund for all students, I wonder if the time has not come where we need to look at some of the standards that have been set to ascertain if there are some students in Barbados who really do not need the fund.

I believe that there are a number of children who really are more in need and to provide the funds across the board, for example, ...

3:55 p.m.

Tuesday, July 04, 2000

Continuation of Hon. G. A. CLARKE:

I think we need to look at that very carefully because surely there are some children in Barbados who are really in need. Sometimes it is important to note this because as Members of Parliament at the end of summer we have to be able to supplement sometimes what the children received.

There are a number of children within the villages who come to us or go to the churches and other organisations within the community for assistance. I believe that there are cases where children have parents with a higher income who should not really collect the funds but should donate them to children who are really in need. There are many children who sometimes have to go to school with the support of the school system and some teachers have assisted these children.

I think we need to look at some system where the poor within our society would be able to get better assistance from the National Assistance Board. Those families who are not really in need should say to the Ministry of Education or the Ministry of Social Transformation that they can do better. I know that we have a system where sometimes it is difficult to really detect those children who are from a better off family, or whose family income is better off I should say. It is very difficult but I think a system must be devised and I hope that in the new dispensation which the Minister is speaking of that something could be arranged for that.

I want to take this opportunity to look at some of the things that were said by the Honourable Member for St. Lucy. The Honourable Member seems to be implying that the Government does not look after their old people at all. He seemed to think that there is no policy for persons who receive pensions. He

said something about Cabinet. I think that the Honourable Member is really trying to mislead the House. Surely, he is not misleading me.

I believe he is trying to mislead himself because he is well aware that every time salaries increase in Barbados, pensioners get an increase as well. He is aware that grants are provided for pensioners. He is also aware that pensioners can travel free on the buses. He is aware that there is a free health service in Barbados for pensioners as well. To make the claim that we do not care for our pensioners is really misleading. I think that he does not really believe what he is saying because in this society, I believe that we can say that our senior citizens are well looked after. I think it is really unfair for him to say so.

We have spent a fairly big chunk of our money on our senior citizens. We have spent a lot in various forms through the Ministry of Social Transformation and through the Urban Development Commission by repairing homes and putting them in a better way of life. I am sure that all cannot be done overnight, but surely the Honourable Member is aware that a lot of money has been spent by the Urban Development Commission and the Rural Development Commission in trying to provide assistance for those persons in society who do not have a fairly high standard of living but they try to provide at least the minimum standard. He is also aware that the Ministry of Social Transformation is about to embark on a programme of eradicating pit toilets from their homes. I am sure that he is aware of that. This is done not for the rich but for the poor in our society.

We must not try to pull down a system that we are aware of in which we are trying to provide for the people. We must not try to pull down and trick ourselves. We must congratulate when it is time to congratulate and also criticise if it is just. He is aware also that a number of programmes are instituted by the Ministry of Social Transformation to help the senior citizens. I know of self help programmes that are being done across the country for the senior citizens.

As far as house spots are concerned, he is making a case for the removal of houses. I have never heard a case in this House in which a Member of Parliament is agreeing with landlords to remove houses from their house spots. This is what the Honourable Member is seeking to advance. He is saying that it is okay for landlords to throw people off their lots but I thought that he would be making a case for landlords to retain the houses on their house spots.

Mr. D. St.E. KELLMAN: On a point of order. Mr. Chairman, I was hoping that you would have corrected the Honourable Member but it is obvious that you did not hear the point made by the Honourable Member or you would have done it.

The Honourable Member is misleading the House by giving the impression that I am supporting landlords in removing poor people from the lots that they have. I think the Honourable Member should withdraw that remark although I will deal with that particular remark when I speak next.

Mr. CHAIRMAN: What is the remark, please?

Mr. D. St.E. KELLMAN: The Honourable Member is saying that I am in agreement with landlords to kick old people off their lots.

Asides.

Mr. CHAIRMAN: Well, when you speak again you can clarify that.

Hon. G. A. CLARKE: The Honourable Member is asking us to find house spots to help those landlords ...

Asides.

Hon. G. A. CLARKE: The Honourable Member is saying to the House that we should help those persons who are asking the senior citizens to vacate their spots. That is what he is asking. What I am saying to him is that what he should have been doing is asking those landlords to have mercy on those old people who would have done yeoman service to the community. Give them a chance. Government cannot do everything. He has a lot of land in St. Lucy and I believe the case that he is making would be for the wealthy persons who own lots of land in St. Lucy. The plantation owners ...

Mr. D. St.E. KELLMAN: On a point of order. Mr. Chairman, the Honourable Member is totally out of his ...

Mr. CHAIRMAN: What is your point of order?

Mr. D. St.E. KELLMAN: The Honourable Member is misleading the House, Sir. I am not putting a case for any wealthy landowner as the Honourable Member does every Tuesday. I am putting a case for an old gentleman who happens to be occupying a lot in a tenantry that belongs to somebody else who is also a tenant. If the Honourable Member is not aware of the case that I am talking about and which he should be aware of, he should really seek advice and stop misleading the House.

Hon. G. A. CLARKE: Mr. Chairman, I am not aware of any such thing. This is the first time that I am hearing the Honourable Member for St. Lucy saying that the Ministry of Social Transformation ought to find spots to help those persons in St. Lucy who have to vacate their house spots. I am saying that the Honourable Member should have been saying in this House and to the landlords that they should have mercy on those persons and give them a chance rather than to push them away from their house spots.

I am further saying that the Honourable Member has not written to us as a Member of Parliament asking for lots for those senior citizens. In any case, we have a policy and I have discussed it with the Minister of Social Transformation. We are aware that the National Assistance Board has houses scattered all over the island and what happens is that whenever senior citizens get a spot they may say to the Ministry of Social Transformation that they have a spot and they will go and beg for a house. This has been happening over the years.

4:05 p.m.

Tuesday, July 04, 2000

Continuation of Hon. G. A. CLARKE:

We are saying that we are providing enough land for the total transformation where we can put up villages rather than to have houses scattered all across the island. Now this is a new trend that we have started. In fact, under the previous administration, land was provided in the Vauxhall area. We have also acquired land at three or four sites across the island to do similar programmes. So that we do not want senior citizens to be scattered all around the place where they have to put up these houses without adequate toilet facilities. It is better for us to put them in organized villages and at the same time provide them with nice toilets and good amenities for the people. That is what the Government programme is all about.

Sir, I am saying that in the meantime before this programme gets going do not encourage the landlords to eject the people off their property. Ask them to have mercy. That is all that I am saying to the Honourable Member. We are aware of the problem but at the same time we want to encourage landlords across Barbados to give us a chance to get the programme going properly.

Sir, we have cases where a number of landlords want their property and we are aware of this. We want them to give us a little chance so that we can get the programme fully going. I believe the Minister of Social Transformation is trying to put forward this programme. We have discussed it with him and I am hoping that during the year we can have the Vauxhall, Christ Church programme going on there. I think there are 28 houses which are being built at Vauxhall within a community setting. We have a similar arrangement for the parish of St. Lucy. I was told that there is some land at Lamberts that we are trying to acquire as well. Some will be done in a senior citizens village.

We also have land in St. Peter and St. George that we are looking at as well.

Mr. CHAIRMAN: The Honourable Member has one minute to wind up.

Hon. G. A. CLARKE: We will have a small village for senior citizens. Until that programme gets going, we want the landlords to understand that these senior citizens would have performed throughout their lives and we want the landlords to give them a chance until the programme gets going. Thank you.

Mr. CHAIRMAN: The Honourable Member for St. Lucy.

Mr. D. St.E. KELLMAN: Mr. Chairman, it is clear that the Honourable Member for St. George North does not understand his Party's housing policy when it comes to the senior citizens of this country. I have heard in this Parliament on many occasions Government requesting of people to keep their parents and grandparents at home so that they can remain in the community in which they live and work.

Now I am hearing of another policy by the Minister of Housing where they are going to set up senior citizens villages which mean that you are divorcing the older folks from the communities in which they lived previously. I am confused because I do not know which policy to accept from the Barbados Labour Party Government which seems to have two policies running concurrently. That is not the major point.

I am also hearing a Minister of Housing in this Parliament telling me that poor people in Barbados who cannot get land for themselves and who sometimes have six children and twelve grandchildren and

one house lot that they should have a good heart and leave that house lot for somebody else when Government has thousands of lots all over Barbados. The Government does not want to give up these lots to the people who have built Barbados, but yet a poor person can afford to give up that lot to somebody else. What type of nonsense am I hearing in Parliament, that poor people might have to give up their land but the Government cannot give up its land and the rich cannot give up their land?

I am saying, Mr. Chairman, that you as a politician have many people in your constituency over 65 years who can get a welfare house but cannot even find a house lot on which to put that house. Every single parliamentarian in this Parliament has the same problem that I have. I now understand why old people cannot get land in Barbados because Government thinks that a person who has one house lot must give up their land to somebody else. Yet, Sir, the Government can acquire large parcels of land and keep them in a land bank.

Sir, it is clear in my mind also that the Government of Barbados has to be the biggest speculator now in land in Barbados. The Government recognizes the importance of land and it is holding the land in a land bank to make sure that they get large sums of money off the sale of that land. Also, it has no intention of selling the land to the poor in this country to uplift those people.

We also have a situation where for the first time the Ministry of Social Transformation will be allocating the funds for those school children going into this school year for school uniforms. It is rather amazing, Sir, that the policy is changing at the same time that the Ministry is changing. I know, Sir, that when total confusion is created in this country concerning this matter a lot of people will forget the Ministry from where it originated and the Ministry of Social Transformation will now have to take the lashes.

I am calling on the Minister to make sure that this vote remains the same as last year or even larger for the simple reason that you cannot go around making an assumption in Barbados anymore that anybody can afford to do anything. If a man is working for what you consider to be a good sum of money, it does not necessarily mean that he is not struggling because you have to be careful. I think that a situation like this requires the use of moral persuasion to convince people that you think might not need the money not to come forward rather than to have a situation where the Ministry is prepared to make a decision not based on facts.

I am warning the Government to be very careful how this policy is implemented. Not only that, Sir, but it is even more dangerous because you are going to have a situation where you start with the school uniforms. Next thing you will hear, Sir, that those people who can afford to send their children to secondary schools should pay for going into secondary schools.

Sir, you would have heard that already in another place. We have to guard ourselves. Next thing we will hear will be that you should pay to go to the university. I want to remind this Parliament that it is not the rich and famous who will suffer because of this policy. No matter what the Government implements, Government has the money to pay for it. Sir, it will be the underprivileged who will suffer. Some people might feel that is the only way to get them to become maids and gardeners by depriving them of the right of having a secondary education. That might be a back door tactic to create the maids and gardeners in this country.

Sir, I am saying that as long as I am in this Parliament it is my duty to highlight these particular problems. To all of those who want to use the back door tactic to confuse people in Barbados, I will be here to explain it so that Barbadians can understand what is going on. It is rather surprising because in the 1990's the Democratic Labour Party was accused of signing an agreement with the World Bank to implement these same things. They never implemented them. Now I am hearing that the country is doing well, but yet still these things are not being implemented. I want to know what is the true story in Barbados today because everything is well, but yet still the social programme of the Government is being cut and curtailed. I want to know what is going on.

I am wondering if my friend, the Honourable Member for St. Michael East ...

Hon. R. R. FARLEY: On a point of order, Mr. Chairman. The Honourable Member is deliberately trying to deceive the House. First of all, the Government's expenditure on its social programme has increased each and every year since the Government has been in office. The Estimates which are laid in this House can prove that. Secondly, Sir, the Honourable Member confessed to being confused and that was in relation to his last presentation. He has carried that state of mind in this presentation. He clearly has to be confused, Sir, when he does not remember that it was the Democratic Labour Party whose chief and principal spokesman, Miss Laszlo, labelled the maids who are decent women of Barbados as toilet scrubbers in such pejorative terms.

4:15 p.m.

Tuesday, July 04, 2000

Continuation of Hon. R. R. FARLEY:

He really should not cause us to remember those dark days of the Democratic Labour Party. He really should not attempt to deceive the House when it comes to the facts in that the Government's social spending has increased and that it was indeed the Democratic Labour Party that was planning to charge fees for attendance at institutions of higher learning while this party has instead increased the numbers attending the Polytechnic, Community College and the University and not charged fees.

Mr. D. St.E. KELLMAN: Mr. Chairman, it is always good to hear a Government Minister getting up and spitting in the air and it falling back in that Minister's face.

The Honourable Member for Christ Church East has just admitted that they have had to increase the vote for the welfare system in this country every year since 1994 without increasing the amounts allocated to the people which automatically means that there are more people in the welfare state in this country than ever. Do not tackle me, Sir. Be careful how you want to argue with me.

The Government since 1994 has been increasing the vote on welfare. They have not increased the amounts allocated to people and if you know anything about multiplication or division, it is obvious that if the total has increased and the amount remains the same the numbers would have to increase. It is simple maths, Sir.

I am glad that you have finally admitted that we have a situation in this country where too few are

getting everything and the masses are suffering and have to run to the Government for welfare.

Hon. R. R. FARLEY: On a point of order, Mr. Chairman. The Honourable Member continues to want to put to this House the distortions which will remain only in his mind. The Honourable Member also does not understand the ordinary usage of the English language, as I understand it, Sir, and according to the Standing Orders of the House, the debates are supposed to be conducted in the English language.

The Honourable Member accused the Government of reducing expenditure on the social sector. The Honourable Member confuses the social sector which is a broad term speaking to various aspects and he attempts to perform some sophistry to then use welfare and social sector interchangeably. The Honourable Member knows better than that because there are less persons who are specifically in need of what he defines as welfare than there were before but the Government has increased its expenditure on the wider social sector which I will not bother to enumerate right now, Sir.

Mr. D. St.E. KELLMAN: Mr. Chairman, I would bet any amount of money that if you were to look for the amount of money allocated for school uniforms under the Ministry of Education last year and you would note the amount to be allocated now, that it is going to be less. If the Honourable Member for Christ Church East disagrees, he should get up on a point of order and tell me that I am lying. I want him to deny that the amount of money allocated for school uniforms from this year onwards will be less than what it has been the previous years and I will give way to him. This is the point of order I want. Get up and say that I am misleading the House.

We have a situation, Sir, where the Honourable Member for Christ Church East feels he can jump up out of his seat and take me off track but it will not happen because from his own conclusion it is clear to everybody on the Government side that the Honourable Member for Christ Church East does not understand financial matters and that is why it might be difficult for others to agree to make him the Leader of the Barbados Labour Party because by being Leader he might want to become Prime Minister and Minister of Finance when he does not understand financial matters.

Mr. Chairman, I hope what I said will be taken into consideration. I am sure that I have the ear of the Minister on this particular issue and also the Honourable Member for St. Thomas on this particular issue. Once I have these two honourable gentlemen, I am sure that at Cabinet meeting next Thursday ...

Hon. D. A. C. SIMMONS: On a point of order, Sir. He has my ear but I am not listening.

Mr. D. St.E. KELLMAN: Mr. Chairman, I am surprised that the leader of the party he is now supposed to be in charge of and acting Prime Minister would say that he does not support helping the old pensioners in this Parliament. I always thought that my parliamentary representative would have been helping me to put a case on behalf of those old people in St. Thomas who will be looking for house lots just like anybody else.

Asides.

Mr. D. St.E. KELLMAN: I want to correct what I said, Sir. I want to apologize to the Honorable

Member for St. Thomas. He has finally admitted that the Minister of Housing does not even understand what his comrades have to go through and that this morning ...

Hon. D. A. C. SIMMONS: On a point of order, Sir. How did he get there? He has to engage the brain before he engages the mouth. I was only saying to him that as early as this morning I was in my constituency with the Rural Development Commission looking at doing some things for some old people.

Mr. D. St.E. KELLMAN: Mr. Chairman, I am very happy to hear that at least there is one member on the other side who understands the plight of old people and that up to this morning the Honourable Member for St. Thomas was doing exactly what I have been doing for the last six years, looking for house lots for senior citizens when the Minister could get up in Parliament and give the impression that that is not a problem.

I hope, Sir, seeing there is a Caribbean Heads of Government meeting and that the Deputy and the Prime Minister are out, that the Honorable Member for St. Thomas who will happen to be the Chairman of Cabinet, will impress on Cabinet on Thursday that they make sure they find the necessary house lots to look after the old people who worked so hard in this country and to impress on the Minister of Housing that there is a dire need in this country to make sure that those people who work so hard have a right, at least, for somewhere to get a house to place on it. I thank you very much.

Hon. H. F. LASHLEY: First of all, Sir, I would like to thank all the Honourable Members who have made contributions under this Head, Sir. Before I make the motion that this Head stand part, I would just like to respond to a couple of items raised by the Honourable Member for St. Lucy. I know when he gets up and speaks he normally speaks from his heart. I know that he always has his ears to the ground and in most cases he is very aware of what people are saying and actually what is going on.

Suffice to say that much, Sir, I would like to respond in these areas because, as he would know, probably more than anyone else, my heart, particularly in the Ministry of Social Transformation, is with our senior citizens who are the most vulnerable in the society. Therefore, it is incumbent on this Government and the Ministry of Social Transformation to make sure that these senior citizens are protected in every sphere of life. It is against that background, Sir, that the Ministry of Social Transformation is bringing to Cabinet shortly a National Policy on Ageing, after the process of consultations with the public is completed.

As I speak, Sir, the National Assistance Board is currently in the process of finalising and will soon have on display a new design of welfare houses throughout Barbados in which initially one will see the poverty eradication programme that we will be putting in place.

4:25 p.m.

Tuesday, July 04, 2000

Continuation of Hon. H. F. LASHLEY:

I think the Honourable Member for St. Lucy would know most definitely that only two weeks ago we

put the home helpers who were there from the inception on a five day a week programme. We would now implement a seven day a week programme for the elderly across Barbados in a phase one process. We are currently again in the process of finalising a Senior Citizens' Protection Bill for our senior citizens.

In addition, Sir, this financial year will see those senior citizens living in their welfare houses across Barbados and smoke detectors will be installed in these houses. Also, we are currently in the process of developing a newly designed day care programme for our elderly. With the new initiative undertaken and centrally located in the Ministry itself, it will be geared primarily towards our senior citizens under Relief 2000 and next month, Sir, we will be taking some 20 senior citizens from Barbados to New York to perform in a production called "Butting Through the Century" which really is exploring a new market that we know has always been there and that is the drama market for our senior citizens throughout this part of the hemisphere.

In addition to that, Sir, there have been considerable consultations between the Ministry of Social Transformation and the Ministry of Housing because whether we like it or not the Honourable Member for St. Lucy raised a very vital point and that is about house spots for our senior citizens throughout Barbados. Let us say that the Ministry of Housing and the Ministry of Social Transformation are working on a collaborative exercise to make sure that where there are some unscrupulous landlords across Barbados who evict senior citizens from their homes and from lands that they have been living on to sometimes 15 or 20 years or more, we will rectify this social injustice.

In addition, Sir, we are currently looking at three senior citizens villages: one in Vauxhall which will be a continuing process, one in Cottage and one in St. Lucy.

Outside the aspect where a great deal of verbal horseplay is always exhibited when we get to the practicality of the events that are currently happening on the social landscape, it is certainly against the background of a new policy of globalisation that is affecting developing countries like Barbados that this Ministry is poised at this particular time to create what we would call the social revolution. This social revolution calls for all of us playing a part, both Government and Opposition, civil society, NGOs, CBOs, and not leaving it only to the Ministry of Social Transformation when something does not happen on time for that one entity of Government to be faced with the backlash or the ridicule simply at times for political expediency.

As we go along, the system of governance as we know it in Barbados is one where Government will not only govern on its own but will govern now in partnership with civil society, public sector, CBOs, NGOs particularly as we move forward into a new sphere.

With those few words, Sir, I now ask that this Head stand part.

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

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

HEAD 28 - MINISTRY OF HOME AFFAIRS

Hon. D. A. C. SIMMONS: Mr. Chairman, this is a Resolution to correct an oversight in the Estimates 2000-2001. Honourable Members will recall - and I am not going to be long on this because we did this twice already this year - that in February the Government came for a supplementary as a down payment in respect of the purchase of certain vehicles and equipment for the Police Force, the Defence Force and the Prisons. In the Estimates itself, provision was made, but through an oversight in preparation of the Estimates no provision was made for the balance of the purchase price in relation to the prison's vehicles and equipment so that we have to supplement the Estimates by bringing this Resolution to include the figure of \$1.5 million. Purchase of vehicles \$1 194 528 and in respect of plant, equipment and furniture, Item 6EX25 - \$36 331.

It is also necessary to amend the Explanatory Notes to the Estimates as follows:

In respect of purchase of vehicles, Item 6EX24 we have to delete the existing note and substitute the following:

“Provides for the purchase of 1 Motor Car, 1 Double Cab Pick-up, 2 Landrovers 90, 1 4x4 Two-Berth Ambulance, 1 Tractor, 1 5000 litre Tanker C/W Pump, 1 Tipper Truck with HIAB Crane, 2 Buses for Prisoner Transport, 1 Station Wagon, 1 Mini Backhoe Loader/Excavator.”

Under Item 6EX25 to insert 1 rake, 1 roller, 1 baler, 1 cattle crush and radio equipment. That is the purpose of this. The Addendum shows that the Government entered into an arrangement for suppliers' credit with NSG Exports Limited.

I beg to move that Head 28 stand part.

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, 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 the separate motions of Hon. D. A. C. SIMMONS, seconded by Hon. R. C. EASTMOND, the Resolution was read a first and second time and passed.

4:35 p.m.

Tuesday, July 04, 2000

ADJOURNMENT

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that this Honourable House be adjourned until Tuesday, July 18, 2000 at 11 o'clock in the morning.

Hon. Miss M. A. MOTTLEY: I beg to second that.

The question that the House be adjourned until Tuesday, July 18, 2000 at 11 o'clock in the morning was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

4:40 p.m.