
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

HOUSE OF ASSEMBLY

Tuesday, February 05, 2002

Pursuant to the adjournment, the House of Assembly met at 11.20 a.m. on Tuesday, February 05, 2002.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed. (Speaker)

His Honour J. M. EDGHILL, J.P. (Deputy Speaker)

Hon. Miss M. A. MOTTLEY, LL.B. (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.)

Hon. R. C. EASTMOND, J.P., B.A.(Hons.), Dip. Ed., LL.B. (Hons.), LEC (Minister of Labour and Social Security)

Mr. D. CARTER (Chairman of Committees)

Hon. R. N. GREENIDGE, B.A., LL.B. (Minister of Education, Youth Affairs and Sports)

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

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Physical Development and Environment)

Mr. M. Z. WILLIAMS

Mr. T. A. PRESCOD, B.A.

Rev. J. J. S. ATHERLEY, B.A., B.Sc., J.P. (Parliamentary Secretary to the Attorney-General and Minister of Home Affairs)

Mr. D. T. GILL, B.Sc.

Hon. N. A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport)

Hon. A. P. WOOD, B.Sc., M.Sc., M.Phil., J.P. (Minister of Agriculture and Rural Development)

Hon. R. R. FARLEY, B.Sc., J.P. (Minister of Economic Development, Industry and International Business)

Hon. Miss C. Y. FORDE, L.C.P., J.P. (Minister of State in the Ministry of Education, Youth Affairs and Sports)

Prayers were taken by Canon Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, January 29, 2002.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes for the Honourable the House of Assembly for its meeting of Tuesday, January 29, 2002, which Minutes have been circulated, be taken as read.

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

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

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's Sitting.

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

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

ORDER NO. 11 – SECOND READING
OF THE CROWN PROCEEDINGS
(AMENDMENT) BILL, 2002

Hon. Miss M.A. MOTTLEY: Mr. Speaker, the Bill which is before this Honourable Chamber is an amendment to the Crown Proceedings Act such that those persons who are public servants in the employ of the Crown of Barbados will now be subject to attachment orders, with the possibility of attachment orders being made from their salaries for the purpose of maintenance of their children under the Family Law Act and the Maintenance Act.

As it stands now, the courts of Barbados do not have the power to make any attachment order against the salary of a public servant to enforce on him or her the obligation of the payment of maintenance in respect of their children. All other citizens of Barbados who have children and who come before the courts under the Family Act or the Maintenance Act are subject to those orders and it has been felt that in order to bring parity to the situation that this amendment should be brought before this Chamber.

It would be useful, Sir, if I gave some background to this amendment. The Family Law Council, which is established in the Office of the Attorney-General, has been meeting for some time now reviewing all of the arrangements as it relates to the implementation of the Family Law Act and other pieces of legislation pertaining to families and children before the courts, recognising that after the passage of almost 20 years that it is necessary to be able to reflect and review how this piece of legislation has worked in the interest of Barbadian families and Barbadian children in particular. In those circumstances, it has been doing excellent work in taking evidence, and notice of the instances before the court, and making notes of the loopholes which have been encountered along the way.

Some time last year in August, my predecessor would have brought before this Honourable Chamber an amendment to the Family Law Act to give light to the recommendations made by the Family Law Council. In that debate, the now Chief Justice, Sir David Simmons, would have been the only speaker and a decision was taken at the time that since the amendments involved many complex situations, including a likely amendment to the Constitution, it was felt that it should go to a Select Committee of both Houses of Parliament and that Committee should have the opportunity to meet face to face with the Family Law Council to appreciate better the motivation behind the

recommendations and, in particular, the amendments before the House, and be able to bring their deliberate judgement on what recommendations it should make to both Houses of Parliament in respect of the said Bill.

I am happy to report, Sir, that during the course of the day it is anticipated that that Report shall come from that Committee. As you would appreciate, my predecessor would have already led off that debate and I have spoken, therefore, to the Leader of the Opposition with the intention of treating the amendment to the Crown Proceedings Act as well as the amendment to the Family Law Act as a cognate debate such that I will treat to the recommendations made for the amendment of the Family Law Act also under this Bill. The Leader of the Opposition has kindly indicated that he has no objection to that and, in those circumstances, I intend to treat this debate in that fashion.

As I indicated, Sir, the Family Law Council has been meeting for some time and has reviewed a number of loopholes as they perceive them and made a number of recommendations which resulted in the general Family Law (Amendment) Bill that is before the Select Committee. The major problems related to definition of children and loopholes relating to the fact that where two people in a relationship had gotten together in a marriage or a union other than a marriage but one of them had a child prior to getting into that marriage or union other than a marriage that very often when those people separated there was nothing in the law to make adequate provision for that child who had ordinarily become a child of the household, was treated as a child of the household but upon the division of the marriage or union other than a marriage, that child was left out in the cold, so to speak.

These amendments seek to introduce into law the adequate provision and coverage of those children who may have been born to one of the parties of the union, or the marriage prior to the union, or the marriage, but who now once they live in the household as an ordinary member of the household, the courts will ensure that upon division or separation of the parties that that child's welfare must be provided for to the satisfaction of the court.

This is an important loophole because many of us know that the cultural reality of Barbados is such that many people find themselves in long lasting or long relationships, durable relationships, as I am being told by the one person who has been called to another higher calling in this Chamber and, in circumstances where, unfortunately, those relationships break, those children who are not necessarily the children of both parties to the marriage sometimes suffer.

We believe that it is not a right thing where a child has had the benefit of both parties raising that child, where one is its natural mother or father and the other one by virtue of the day-to-day running of the household has

become the other parent that both parents should not assume responsibility for the welfare of that child.

In those circumstances, Sir, the Bill which is before the House as the Family Law (Amendment) Bill seeks to correct that unfortunate anomaly. This is a case of both marriages as well as unions other than marriage.

I think it is fair to say that when this Family Law Act was passed in 1985, it caused a number of controversial reactions, particularly on property division. The truth is that for the Barbados Parliament at the time to recognise the cultural reality of Barbados where persons very often were committed to relationships, but not necessarily blessed by formal ceremony in the Church, that those persons should still have the same rights and obligations imposed upon them by the laws that govern relationships between parties. The law must not only deal with formalities but be flexible enough to reflect the cultural realities of the people if it is to serve the interest of the people for whom it is proposed.
11.30 a.m.

I believe the recommendations, as put forward by the Family Law Council, seek to build on that progressive nature. In those circumstances I can safely say that the Select Committee of Parliament had no difficulty in accepting those recommendations.

Mr. Speaker, there was discussion as to the circumstances of a child who is not the child of both parties who was born subsequent to the marriage or union. It was felt that matter requires more reflection and debate because if we were simply to pass an amendment to that effect, we may be sending the signal that Parliament is undermining the sanctity of marriage or the union. In those circumstances, the Committee felt strongly that this matter should come back before a specially composed Standing Committee on matters pertaining to families and the welfare of families.

Mr. Speaker, I will divert at this stage to say that all Members of the Committee agree that this Parliament should have the benefit of a Standing Committee sitting to resolve matters pertaining to families and the welfare of families because, in a very real way, that is the start of development and where we are capable as members of Parliament in ensuring the greatest impact largely by reason of the legislation and policy or the mix of the two that we bring.

Indeed, many of us have come into public life to make a difference to the quality of lives of individual people. We have come to the recognition in many instances that it is the kind of upbringing, the kind of exposure and the quality of family life very often that have a significant impact on the quality of life that people experience. In those circumstances, to have the appropriate legislative framework as well as the appropriate mix of policies and implementation of same is paramount if we are to make a difference to the quality of people's lives.

Sir, later on I will be recommending the establishment of a Standing Committee on families and the welfare of families. It is anticipated that its focus will cut across a number of Ministries because there is no single Ministry that can adequately address all of the needs of the family. Indeed, we hope one of the things that will come out of the establishment of the Select Committee is the clear signal that the delivery of services as they relate to families in this country must not be centred on the service being delivered but must be centred on the needs of the family who is being assisted. It is a fundamental departure in the delivery of social service that is required at this juncture of our development if we are truly to make a difference.

Mr. Speaker, in the last 10 years we have been seeing the impact of how personal behaviour affects society and the economy and in circumstances where Government is being forced to spend more and more money on matters that result from the personal choices of people, their attitudes, values and behaviour. I refer to things like HIV/AIDS, drugs, crimes, road accidents and those types of things. Mr. Speaker, it is recognised more and more as a fundamental tenet of development policy that we need to be able to work in a preventative way rather than simply providing resources to cure the problem once it has occurred. The clearest way of being able to do that is to be able to empower individual citizens to be responsible for their own lives and what happens to them.

Sir, if we understand the relationship between attitudes, values and behaviour, then we better understand why it is important to be able to facilitate an environment in which families can raise their children in ways that allow this type of development and that allow positive attitudes and behaviour to flow. No Government can legislate that, or no Government can ensure that this happens, but what we can do is to ensure that the legislative and policy framework is such that persons are capable of being responsible for their own actions and families.

Mr. Speaker, we feel very strongly as a Government about these matters and I trust that, given what I have heard from the Leader of the Opposition, he feels that many of the scourges facing this society also require the empowerment of individuals and families to meet some of these challenges. These can be supported by Government but it has to be recognised that the ultimate responsibility lies in the hands of the child and family.

The work of the Ministry of Social Transformation has been premised on this philosophy. It is indeed pleasing to me that in response to the HIV/AIDS virus, in particular, that the Ministry of Social Transformation, the Ministry of Education, Youth Affairs and Sports and the Ministry of

Culture has proceeded to ensure that a joint approach recognise that what is important is not the service being delivered but to what extent are the individuals for whom the service is being delivered changed in their status as whether they remain dependent or whether they become independent.

I have also pledged that the work of the Ministry of Home Affairs should also join in that regard because under the Ministry of Home Affairs is found the National Council of Substance Abuse and under the office of Attorney-General is found the Juvenile Liaison Scheme, the Government Industrial and Reform Schools at Dodds and Summervale. Sir, there are many other services from which people benefit in respect of trying to make people independent.

Sir, I would like to see the day when all social services in Barbados commit themselves to the development of individual plans and programmes for families and work with them to meet those needs whether it is in the provision of training, counselling, to be self-employed or to find employment because, at the end of the day, the things that keep a family together flow first from a strong faith and strong love and also the day-to-day things like having a house over your head, food in the kitchen, clothing and that kind of wholesome atmosphere in a household.
11.40 a.m.

Sir, very often I learnt that when we started to look at a child who had problems invariably someone else in that household or near that household was also experiencing serious problems such that that child ended up in a situation where the necessary support and love was not there and hence the perpetuation of a vicious cycle in regards to that child.

I believe therefore that the establishment of a Standing Committee of both Houses of Parliament can be useful in helping to signal that change in the delivery of social service, in helping to reinforce the message to the public that what is important is the acceptance of the responsibility as well as by the individual, for the individual and the individual's family, as well as fostering a sense of brotherhood and fellowship by non-governmental organisations or other individuals in the society for persons who are less fortunate than themselves.

I also believe that this Standing Committee would also have to grapple with some other interesting issues which have come about as a result of technological improvement across the globe. It is only a matter of time before we have to deal with issues such as test tube babies, surrogate motherhood, or probably in another 10 to 15 years of cloning. Therefore the research which is necessary to inform policy and legislation, in my view, should not be located just within one Ministry but should come, be heard and be considered on the basis by those who have been charged with the responsibility of doing the people's business in the Legislature of this country.

Sir, we talk about executive formed government but we would like to be able to broaden that process. It was one of the pledges this Government made in its Manifesto and we believe we should benefit in many areas from the profound deliberation of the Members of both Parliament rather than having policy only emanate and be managed from a particular Ministry.

Sir, returning to the Bill itself, there are a number of other loopholes which the Family Law (Amendment) Bill, 2002 addresses and in those circumstances, care was taken to be aware of Barbados' obligations under the Convention of the Rights of the Child, recognising that in some instances this Convention may run into conflict with traditional cultural values, as well as religious values. In those circumstances, we felt we would also use the Standing Committee to ventilate some of those issues rather than simply passing legislation affecting the fate of entire families across the country and then coming to the matter of putting the cart before the horse, but that we would try to ventilate some of these issues which would be vexatious issues in terms of the development of policies for some sectors of the community.

Sir, one of the other issues, as I indicated, was whether a child born during the course of a marriage or union but not to both parties should, in fact, be treated as a child of the marriage or a child of the union other than a marriage. We felt that the law should not be too deliberate and too exacting about prescribing who a parent should be because in a very real sense parenting is not just a name or a title, it also relates to what the person does day-to-day to substantiate the title or name they have been given. We are very, very sensitive about that issue and would wish to make that absolutely clear in this debate.

Clause 5 does the same thing with union other than a marriage with that child, as does Clause 4 in terms of children of a marriage born before the union.

Mr. Speaker, we then addressed the issue of marriage counsellors. We felt marriage counsellors had to be persons who were particularly trained and that not everybody because they were either a social worker or priest could, in fact and should in fact, qualify to be a marriage counsellor. Therefore, a person has to be exposed to the very detailed training that is necessary in dealing with conflicts that come out of a marriage, the deep emotional conflict that can lead to scars, the question of how to be able to resolve issues between the individual interest of a parent, the interest of the children, whether there was hope in trying again, or whether the marriage counsellors would be issuing a death sentence, in some instances, by forcing people to remain in a union when, in fact, the relationship had so passed the point of being able to be saved that it would be detrimental to the interest of one party of the union.

This amendment, Sir, gives the court the right to be able to refer persons to qualify as marriage counsellors and for the Attorney General to have the right to have the list of persons who so qualify as marriage counsellors. In those circumstances we believe that the order that will flow from this, hopefully, will remove instances of persons who have no particular training or proper inclination in this area but are providing that service largely because it was felt that everybody who belongs to a particular vocation should be a counsellor. Sir, we know that it does not necessarily work in that way but, in fact, there may be some persons who might be good at counselling different types of conflict but not necessarily as good as others. Therefore, in those circumstances, it should be better regulated.

Sir, we also looked at the fact that there should be judicial discretion for the courts in being able to determine that if a person has fallen outside of the 12 months, under the current law they have to bring their claim before the court. In a union other than a marriage, the court should have the right still to hear the matter if it is likely to impact negatively on the welfare and interest of any of the parties or the children of the union.

Sir, this applies specifically to unions other than a marriage because if a man is living with a woman for five years, his action under the Family Law Act only exists for 12-months after the separation. Therefore, under the current legislation, if the matter is not brought within the 12-months period, the applicant loses.

This amendment may now make it possible that although the application was not brought within the 12-months period when the court looks at the interest of the two parties and also the interest of the children, the court has a right still to hear and determine this matter. The court's interest is not in being so technically correct that it ensures proper provision is made but that if the interest and justice of the situation so merits, it has the right to hear the claim if it is statute bar on the 12 months.

Sir, what the amendment also seeks to do is that sometimes two persons might be living together, then have a quarrel and break up for two or three months, then get back together and the union lasts for a longer period of time. I would not know these matters first hand, Mr. Speaker, I am only speaking from hearsay, as some of my colleagues are urging me – but what the legislation will now do is to recognise how human behaviour works and in those instances where the five years may have been interrupted by a three or five months separation, under the present law the action cannot be brought. The court will argue that the five years is not applicable. If there was just a break up of three months, then resumption of the relationship for two years, the matter can still be brought before the court.
11.50 a.m.

Sir, if people were together for three years and they break up for six months and then they come back together for another three years, the court can look at the first three years and the second three years, and deem that the person has a valid claim to come before the court, because the period of separation is no more than six months which was viewed as a temporary period with two longer substantial periods on both sides.

I hope that makes it clear, Sir, that the Law now is seeking to look at the reality of human behaviour. For example, you have a little problem and you separate for a month or you separate for two months. Anything up to six months is viewed as a temporary separation, such as not to affect the rights of persons to come before the court and have the five years counted as a basis for being a union other than a marriage.

In addition to that, Mr. Speaker, we also looked at the fact that section 42, under which the decree absolute is granted – the final papers for a divorce – under the current situation, you have to prove to the court that all substantial matters relating to the affairs of the children and property have been settled before the court will grant that decree absolute. The court and lawyers in their experience over the last 20 years, have found that sometimes this brings hardship to families. There may be complex property matters that take so long to be settled that the *decree absolute* is not given and people cannot move ahead with the rest of their emotional life and the rest of their lives.

What this new clause at Clause 8 of the Family Law (Amendment) Bill says is that the judge shall have the right to still grant the degree absolute, even if it was not possible within a reasonable time to make satisfactory arrangements for the children or property, but recognising that should be sparingly used.

In other words, it is not anticipated that this will become the new norm, but it simply widens traditional discretion and in widening traditional discretion, we ensure that we are more capable of meeting the complexities of human behaviour, and the combinations and permutations that attach people to peoples' lives, since the Law can never provide for every situation comfortably.

Equally, this Bill also allows the courts to take traditional notice of certain conventions that are international conventions or international instruments to which Barbados is a country of signatory. I refer to the Convention of the Rights of the Child which also allows the courts to take judicial notice of any relevant findings of published research in relation to dealing with matters such as the maintenance of children.

Right now, no lawyer can go into court and bring to the judge's attention this kind of material, and it is hoped by

giving the power to the courts to be able to see a wider purview of information so that we can improve the impact of many of the orders that affect children or families.

Mr. Speaker, there is a key section in this Bill which brings a substantial departure from the existing law and this is at Clause 10. Right now, under Clause 10, if a party dies before the resolution of matters under the Family Law Act as it relates in particular to property, the matter before the court dies as well. There have been many instances, Mr. Speaker, in which this has brought great hardship to families.

What the amendment before this Honourable Chamber seeks to do is to recognise that where a person dies, once proceeds are already before the court, the court should still have the power to be able to make orders in respect of the division of property as it relates to the estate of the deceased person and the other spouse who remains living. I will tell you why this is important, Sir, because in some instances people would have had to just walk away and indeed, Sir, in those circumstances, families would have suffered great hardship.

This recognises that we are only mortals and it is not impossible for someone to fall ill and die during the proceedings before the court, and that action should not just die with the person's death because the other members of the family are still living. There may be children living, there may be another spouse still living and we should not want to rely on the fact that the Succession Act can take care of the children, or that the Property Act is also there. The Property Act only allows the court to make a determination of the property rights that exist, whereas, the Family Law Act allows the court to adjust the rights to the merits of the situation as the judge deems fit.

I believe, Mr. Speaker, that this particular amendment will ensure greater justice to those families who have had to suffer as a result of the fact that one of the parties died during the proceedings being heard by the courts.

I would also want to say, Sir, that this is the clause that may well have implications for section 16 of the Constitution. In those circumstances we have provided in the Family Law (Amendment) Bill, that the Bill should be enacted in accordance with the Constitution, and in those circumstances will require a two-thirds majority vote of the full Chamber for the passage of the same before this House.

There are a number of other things that this amendment calls for and right now, a magistrate has no power to enforce an order that was made by a high court judge, which appears to be nonsense. In those circumstances, Clause 14 provides for the magistrate to have the power to enforce an order made by a high court judge under the Family Law Act. Equally, Sir, the high court judge has no power to protect a

spouse or child from harassment under the Domestic Violence Protection Orders Act but a magistrate has, and we are now ensuring that the High Court judge will now have the same powers as the magistrate, in being able to use the orders under the Domestic Violence Protection Orders Act, in respect of the Family Law Act.

We also looked at the fact, Sir, that there is no provision at the moment in the High Court for ordering attachment of earnings, unless you are in arrears. You have to wait until somebody gets into arrears in order to order the Attachment Order and this does not meet the justice of the situation. Therefore, the import of the amendment is that an order for an attachment can be made, even though the party is not in arrears to ensure the continuity of flow of maintenance for the child or children of the marriage or the union.

12.00 noon.

There is one other amendment at Clause 11 which seeks to amend section 59 of the principal Act by ensuring that provision is made for orders to be made in situations where a father or a mother has a valuable property but has no job and has failed to pay maintenance for the child. The court can now take into account the fact that they may now order that a specified transfer or settlement of the property may be made by way of maintenance for that child, but this does not prejudice the court in being able to make further orders for maintenance of that child in the future. This particular amendment brings us exactly in line with the Australian legislation on which our Family Law Act was initially based when it was passed some 20 years ago.

These bodies of amendments represent the experience and the considerable reflection of the members of the Family Law Council who, I must say, have brought their experience to bear because many of them have been either practising lawyers, academics or social workers. Indeed, the Council is chaired by Madame Justice McCormack who was a judge and in the circumstances would have seen many of these matters coming before her for resolution.

The Family Law Council also had a number of public meetings over the course of the years to get feedback from the average man and woman to the functioning of the Act itself and to some of these proposals which are now before this Parliament today, so this has been a long and detailed process, seeing consultations taking place with the general public, reflecting deliberations from all those sectors who have to work with the Act whether as lawyers, judges, social workers or academics, reflecting the deliberations of Members of both Houses of Parliament and, indeed, now here for us to agree to in the terms and conditions before us.

I believe, Sir, as I indicated earlier in my speech, that the Committee was very strong in its view that a Standing

Committee had to be established in order to deal with a broader set of terms of reference than was given to the Select Committee. The Select Committee's terms of reference was limited specifically to the Family Law (Amendment) Bill before the Chamber, and the Family Law Act.

Once we got into the discussions of it, and once we started to recognise the other things that still remain outstanding, such as whether a child born after the marriage but not to both parties of the marriage but only to one party, should enjoy the same rights as a child born to both parties in the marriage, or the rights that we have now given to a child born before the marriage, or as I said, are we offending the spirit that underlies the sanity of marriage or, are we, therefore, using Parliament to send the wrong message or, are we, in fact, trying to meet our obligations to the child as we have promised to do under the Convention of the Rights of the Child. Is the child's interest paramount, or is the interest of the sanity of marriage paramount? These are discussions which we believe should involve the wider community.

Barbados has always been a Christian society and one that even though the Church has been disestablished, prides itself still on being governed according to some level of Christian values. More and more in day to day life, there are aspects where secular life does not always marry well with spiritual values, so how should the legislature treat the meeting of the two and which one should prevail at the end of the day to govern the laws of civil society?

At the same time, Sir, we have to be cognisant of the environment and the cultural realities of the environment in which we live. The majority of children born in this country are born to single parents. The majority of children born in this country do not always have the benefit of both of their natural parents in the same household.

Asides.

Hon. Miss M. A. MOTTLEY: Not necessarily. Some of them are outside the Family Law Act. Some of them, unfortunately, are brought under the Maintenance Act. I would like to see a day where the progressiveness that we showed in recognising unions other than a marriage in the Family Law Act for the first time goes to the next step such that single women in particular do not have to line up and wait in the hot sun to be able to get money from the fathers.

I hope that in my tenure as Attorney-General I can find a better way of allowing single mothers to receive their money rather than they having to stand up and wait for it as if they are lower than pond water. I would like to see a day where we can post the cheques to the parents and have those matters only that are contentious to require the attendance of

single mothers in the environs of the court, but once an order has been made and the money is coming in, that money can be posted in good time to the parents.

I believe also, Sir, that the further anomalies that exist between the Maintenance Act and the Family Law Act have to be addressed because there should not be two classes of citizens going before the courts in respect of the adequate arrangements for families and the welfare of families in Barbados. I think all of us are mature enough to recognise, as I said, that one of the legacies, unfortunately, of a slave society was the continued division of families that took place as a matter of deliberate policy then. In many instances, while it is easy to remove the Laws that buttress that type of behaviour, it is not easy to remove the cultural obstacles in people's mind to free them from that kind of legacy.

I am satisfied, Sir, and I say this deliberately, that there are more men today who are prepared to accept the responsibility of fatherhood than ever before, but there are still a few who feel that it is their right to procreate and to abandon. In my eyes, there is no greater moral crime than to cause a child to be born and then abandon that child to the vagaries of the general society and all of its vicissitudes.

I believe this is not a matter in which we should employ the criminal law but it is a matter in which moral suasion on the part of all right thinking citizens should be brought to bear because I do not believe that the Law can make somebody a parent, but what helps to make someone a parent are the values with which they are brought up, the judgement of their peers in society, their comrades, their drinking mates and the recognition that there is nothing worse for a child than to be condemned from birth to an absence of guidance and support morally and otherwise.

12.10 p.m.

I spent under eight years in the Ministry of Education and while I had a sense of that before I went there, my experience in that Ministry confirmed that in almost every instance where a child was found suffering serious problems there was some level of abdication of responsibility of the parent, whether a parent in marriage or in a union other than a marriage, or a parent nowhere to be found, or even in a visiting relationship, as I am reminded by the Honourable Member for St. Michael East, who may have personal knowledge of this matter, but there are also parents like him and I know that he has a young daughter that he is very proud of who is a student of Harrison's College and whom he takes all over.

I also want to say, Mr. Speaker, that I do not support or approve of a separate family law court. There are many who have felt and have argued for years that we should have a separate family law court. I believe that a judge should have the opportunity not just to be pigeonholed in that area such that he cannot have the benefit of seeing the total picture or being exposed to other circumstances to give a

freshness of vision and perspective to the deliberation. I believe that the system we have with judges rotating allow for that freshness of vision always to be there rather than a person who day in and day out does nothing else but family law. Indeed, Sir, one might argue that a person can easily become jaded and easily lose perspective and that is not what we want.

More than in any other area, this is where the Law must produce justice. More than in any other area of the Law, the practice of Family Law requires the Law to produce justice. As I said, the welfare of children who are not capable of providing for themselves at that early age requires that we do as much as possible to provide for that child and these are interesting matters Mr. Speaker, and ones that require ongoing debate.

I trust the Standing Committee will also find it possible to do something which has not necessarily been done before in recent years, to take ongoing evidence from general members of the public in respect of their experiences, their wishes and desires for how this aspect of the law and aspect of the policy should be advanced to meet the ends of justice.

With those words, Mr. Speaker, I introduce before you formally an amendment to the Crown Proceedings Act which, as I said, is to bring parity so that maintenance orders can now be made as an attachment order on the salaries of public servants just as they are made on other citizens in the country. At the same time, I am treating this debate as a cognate debate, recognising that the excellent work done by members of the Committee, members of the Family Law Council, has resulted in recommendations coming before this Chamber under the Family Law (Amendment) Bill.

There will be one or two amendments which I hope we will treat to during the Committee stage of the Bill, but they are not major and which will thereafter, once formally proposed, see the establishment of a Standing Committee of both Houses of Parliament. I believe this is a significant step and one that will allow for greater dialogue with ordinary members of the public and one which I trust, in future, will show how Parliament can be more proactive in respect of ensuring its validity as one of the three arms of Government in the governance of this country.

I commend this amendment and those amendments to come in the Family Law (Amendment) Bill as well as the Report of the Select Committee which will be circulated to Members and I ask for your support, recognising that what is required specifically will be a two-thirds majority. In fact, also as a result of the transitional provisions in the second Schedule of the Bill which will now validate actions which had, in fact, already died, but only those actions for which there was a commencement by the filing and service of documents on or after March 1, 1996. Therefore, there is a

definitive time period, even though retroactive, and still meets the conventions that would attach itself to when making legislation retroactive.

Mr. Speaker, I commend this Bill and look forward to our being able to build on the already great work that has been done over the last 20 years by the passage of this Family Law Act by a then Barbados Labour Party Government, recognising that while these amendments will fill some loopholes, there is still more work to be done and that work will cross a number of Ministries and hence the establishment of a Standing Committee and the role of Parliament in the discussion and formulation of policy in this area.

I am obliged to you, Mr. Speaker.

Mr. D. J. H. THOMPSON: Mr. Speaker, I support the Crown Proceedings (Amendment) Bill which is before the House today and which deals exclusively with one aspect of the concerns of the Family Law Council which is limited to the wages or salaries paid to any officer of the Crown. I think that that amendment standing by itself is desirable and certainly in the context of the debate though there were other controversial things that the Honourable Member for St. Michael North East raised.

Those were not issues that flowed specifically from this amendment, but let me join both as a Member of the Select Committee and also as a person who supports the creation of a Standing Committee on the reform of laws that would affect families and children to deal with some of the other concerns.

The reason why a Standing Committee is desirable is because on every occasion that we debate issues like this whether they are issues in relation to legal procedure and there are some Members of Parliament who stick very slavishly to those, or whether we go into the deeper cultural and sociological issues of Family Law and relationship in Barbados, on the surface of it one gets the impression that almost every individual member of Parliament has a different view on how the Law should be constructed and how social relations in Barbados should be developed, modelled and sustained.

This is, of course, because people come to this particular task with different morals and religious viewpoints and personal experiences. Because of that, it tends to give the impression that there is a wide divergence of opinion and one of the reasons why when the Bill initially came to this Parliament that perception arose is because Members did not have the benefit of the views of the Family Law Council which had in fact made the recommendations.

I certainly was not going to support the Bill unless I had heard what their concerns were, because some of the matters that were being addressed by the legislation had

and would have a significant impact and would give to the courts in Barbados much wider powers than they enjoy under the present Family Law Act.

Having heard the Family Law Council, I believe they have raised some valid issues and made valid recommendations which, within the limits of the ability of a drafter of new law can be addressed by the Bill.

12.20 p.m.

I think we should be mindful of the precautions usually thrown out by the Honourable Member for St. Michael East in matters such as these that in seeking to solve one problem, very often we open up a can of worms and create another set of problems, not because of the amendment itself, but because of the manner in which the amendment is interpreted.

The reason why a Standing Committee is necessary is because there is no reference point to which one can put those concerns. We do not have a Ministry of Family Affairs, despite pledges on both sides of the Government, and even if we had one, it would be a super Ministry which has the ability to reach into a large number of policy areas.

It would have to reach into issues relating to the health of children, their nutrition, education, discipline and even areas that the Law does not cover like beliefs and religious practices and it would go very much deeper than we can imagine.

The Honourable Attorney General today raised an issue about the manner in which Barbadian women have to go to the Magistrates Court and wait for money and also how maintenance matters are handled in the court which is of grave concern to me. These individual clarion calls have not been responded to and we have not been able to find a way to deal with these issues.

Asides.

Mr. D. J. H. THOMPSON: It is not only the women but there are a number of men who live from warrant to warrant and are forever trying to escape the clutches of the Marshal.

These men come for assistance with maintenance because, having met their obligations, they have no money left to do anything else. There are men who do not know how to deal with those basic problems. There are men who do not know how to apply to get maintenance orders varied and they run themselves into problems as their circumstances change.

On both sides it has created a debilitating environment that is contrary to the ethos that should inform the development of our society, that is, the family is the most important social unit in the society and, therefore, needs to be sustained and nurtured.

If the Standing Committee on families is going to deal with this issue, I think it is a very desirable development. The work of this Committee should be taken seriously and Parliament itself should constantly have the benefit of the advice of social workers and persons in the public and private sector who deal on a daily basis with issues relating to families in this country. This would help considerably in the creation of opportunities of making better laws and adapting procedures and administrative arrangements to support these developments.

Mr. Speaker, I feel extremely strong about this. I make no case out for any special form of family arrangement nor have I ever done so. I have never said that a family relationship in which the parents are married or one in which they are in a union other than married, one in which the father is a visitor or one in which grandparents raise children is any better than the other because in the 1970s when I entered secondary school 80 per cent of the children were raised and nurtured by aunts or grandparents. Their parents were overseas sending remittances back and almost half of that class eventually migrated to the United States of America, Canada and other parts of the world.

There were also arrangements where children were farmed-out or were raised in a grandparent's household simply because the grandparent said the parent was not capable because of the nature of marriage or union so the grandmother would forcefully intervene because she felt she had to "woman handle" the situation and do what was right for her grandchildren. We live in this kind of environment and we need to understand the importance of nurturing those family relationships and develop the policies and legislation that would sustain them.

It is important for Parliament to make amendments to legislation to ensure the protection and maintenance of children born before a union or a marriage. I think this particular amendment reflects the sociological realities of Barbados and there is a wide gap in our present legislation which needs to be dealt with.

In other words, I believe the courts have been doing an improvisation. They have had to do improvisation because there is no strict pattern to family relationship in Barbados except that the majority are those not consummated by marriage. In other words, the majority of them are itinerant relationships and the courts have to improvise in those circumstances and very often deal with mothers of children many of whom had different fathers and in some cases where fathers take responsibility but only for the children who belong to them.

Sir, it is extremely problematic. It is not even something that the courts can resolve because it goes to the question of the extent of which mothers sometimes use child bearing to shore up their own economic circumstances.

How does the court deal with this? It cannot be dealt with on the basis of economy relationship. I believe that would be desirable if we treat it by way of legislation to permit the court to legitimately improvise and look at the total circumstances of the relationship and give wide discretion to a judge but the wider the discretion you give, it means that you have to have people who are better trained and qualified as judges to undertake these responsibilities. This is why people are anxious to call for the development of a family court in which, essentially judges come from a background not related to law alone but it goes a bit deeper than that.

Mr. Speaker, in Barbados we are all aware of the social relationships which have informed the development of the society. What may be more important is to have continuous and ongoing education and training for judges so that they become aware of the need to go beyond the basics in exercising that discretion.

You constantly hear in the United States of America and elsewhere the amount of money being spent to train judges in new areas such as forensic, account, fraud and money laundering. To my mind it is important for them to have contact with people who are involved in social work and health issues in Barbados because there are many things they miss in coming to a determination in relation to matters of this sort and their improvisation is limited to dealing with economic results.

After the economic relationships are resolved, what are the roles and obligations of the parents to those individual children or children collectively in the family? This is what this amendment imperfectly tries to resolve but as imperfect as it is, it is a step in the right direction because it seeks to address an issue that is not currently addressed by our legislation in Barbados.

We hear a lot of disturbing things about the ways in which children in our society are being exploited. They start at a young age facing that type of exploitation and the courts cannot resolve some of the basis issues which go to their identity as individuals and the way they see themselves in society which help them to answer whose child am I and where do I belong. These are basis issues for anyone who is vulnerable and whose identity is in doubt or whose self-confidence has been shattered. The courts need to have broad powers to deal humanly and justly with matters of this sort.

On the question of qualifications of counsellors which is not being addressed under this Bill but under the amendment that you, Sir, so kindly allowed us to deal with, I have always felt that prior to an Application for Dissolution of the Marriage being made in Barbados that the party should have some form of counselling.

12.30 p.m.

Very often, lawyers who are eager and rightly so, to dispatch the divorce quickly take in the statutory fee and get to the business of having the marriage dissolve, I am saying that in some cases perhaps the situation could have been salvaged, particularly where children are involved. Therefore efforts should be made and I believe that it is not just a question of the qualification of the counsellor, because if there is the most qualified counsellor – but if the section of the legislation that requires counselling to be undertaken or matters to be referred to counselling is not adhered to then we would be wasting time.

The legislation, I believe, should be worded to make it almost a condition in nearly every circumstance, particularly where there are children for counselling to be undertaken. I believe that counselling should be undertaken by qualified counsellors and after the first meeting that counsellor do determine that, after the first meeting, these two parties can no longer live together, then they can so certify and the Application for Dissolution of Marriage can be heard and disposed of.

There is also the question of flexibility in determining the separation period and the period for the claim. The limitation does exist in the Act, yes, they are good for the purposes of ensuring the swift administration of the legislation, but it sometimes works hardship against those who have to make applications within the specified time, if it is right to give the court the discretion both to determine the period of separation and also to extend the period within which the claim can be made in certain circumstances.

Mr. Speaker, the final issue relates to the constitutional amendment, and this has arisen because of a proposed change in the legislation that would permit an application to proceed where one of the parties has died, which previously would not have been the case, but under this amendment would occur. Sir, within the discussion of the Committee, there is some debate as to the impact of this provision on persons who, prior to the amendment, would have taken property under the Succession Act and legitimately so. I believe the only way to resolve an issue such as this is to give a judge the widest possible discretion to look at all of the circumstances and seek to apportion the property to parties after having regard to all of the circumstances.

Sir, I do not think that that impacts on anybody's constitutional rights but to the extent that the Family Law Act has been held to do so, I assume that this amendment would likewise have to conform. Sir, what I am uncomfortable with and have always been uncomfortable with are those broad amending provisions which state that this Act amends the constitution to any extent necessary to give the effect to its provision.

I have never liked that because where there is a written Constitution the people of Barbados should be

entitled to go to that Constitution and be able to see very clearly all of their rights, but when we hand a Barbadian the Constitution of Barbados we have to remind him that this Constitution is subject to the provisions of the Tenantry Freehold Purchase Act, the Money Laundering Act, the Proceeds of Crime Act, the Family Law Act, and all of the other pieces of legislation which we have passed, which do not define the extent to which they are amending the Constitution, that is why the wording of the Constitution is not altered. Those pieces of legislation state that the Constitution is altered to any extent necessary to give effect to this Act. Sir, I have always had difficulty with that because I think that where there is a written Constitution, it should very clearly create the rights and obligations of citizens and once that document is given to someone, that person has a clear understanding of what are his rights, obligations and responsibilities.

Sir, I believe that at some point all of these pieces of amending legislation, the Tenantry Freehold Purchase Act, the Family Law Act, the Money Laundering Act, the Proceeds of Crime Act and all other Acts that have been passed in this Chamber, that our Constitution reflects, either in its Schedule or where it is possible to actually amend it with effect to that legislation, that reflect those changes that have been made.

Sir, it does not make sense while you can have broad amending legislation in the United Kingdom where there is no amending Constitution, that is okay, but where there is a written Constitution, it should be clear to everybody, and the provisions of that Constitution, particularly in the Bill of Rights which protects property and all of the other rights of citizens, the extent to which those rights have been amended by other legislation should be made clear.

Sir, I consider this to be legislative laziness. I do not attribute this legislation to the Parliamentary Council in Barbados because the Parliamentary Council in Barbados would have followed all of the precedents that would have been set in many other countries where there are written Constitutions.
12.40 p.m.

There must be a way to make it abundantly clear, the extent to which the Constitution is being amended by any particular subsequent piece of legislation, and what will be the full intent of that amendment.

Mr. Speaker, when the other Bills come, I believe there may be more that will be said about the Family Law Act amendments because the Committee had a very full debate and had the benefit of a Family Law Council, or some of its members. I thought the individual members made very good input into the discussions.

I know this is something you like to see and that more Members would like to see, because what emerged in the discussions was that it was not a debate simply on the legislation, how well it could be drafted and what it should reflect, but we were able to get our teeth into some of the major problems that confront practitioners, jurists and litigants in Barbados.

I believe we now have a fair assessment of those concerns and that the development of a Standing Committee on Family Law would be a boon to those individuals, who wish to bring to our attention as parliamentarians, concerns that they have about the state of family law in this country. Also, that those provisions of the current law which need to be revisited, in the context of what has been happening in Barbados since then, this Committee would be the entity that would revisit that legislation to ensure that laws are fair, just and balanced and give due regard to the rights of all in the family but in particular, the protection of children.

Thank you, Sir.

Mr. T. A. PRESCOD: Sir, I have been informed that this legislation before the House is supposed to be dealing specifically with garnishing of the salaries of civil servants, in demonstrating fair treatment across the board to all employees whose salaries can be deducted, in order to ensure that the children of this land are maintained.

It seems to touch on three or four specific Acts, which have social and legal linkages that impact on family affairs. When we speak about family, we seem to develop a mental construct in Barbados, based on the value judgments that a family comprises a man, his spouse and their children and this legislation only deals with those who live under the same roof.

In other words, it deals with those who have entered into Christian wedlock and live under the same roof, and those whose relationships might not be so considered as Christianised relationships. Sir, there are unions other than marriages which are persons, a man and woman who live under the same roof for five or more years. Although they are unmarried, there are certain legal provisions within the Family Law Act, that still embrace the interests and concerns of such a union.

Sir, it is supposed to be treated like a marriage, but there are about three or four different pieces of legislation that seem to be interlocked. The union other than marriage still does not have all the rights of a marriage because on occasions, if the spouse deceases in advance of any claims on the property, the surviving spouse does not have the same rights, under the Succession Act, to make claims as though the relationship was a union under a "Christianised marriage", so to speak.
12.50 p.m.

Sir, in addressing this issue, it is still done in a very piecemeal form because it does not touch on all of the individual aspects of the social relationships that ought to constitute a family in Barbados. It seems only to address the interest of a nuclear family structure which is the structure that seems to be accepted as respectable in the society. The majority class where the major social problems exist are the groups of persons who fall outside the Family Law Act and fall within the provisions of the Maintenance Act of Barbados.

Everyday in the Magistrates Courts of Barbados we are seeing men who are being criminalized. I am not dealing with any male chauvinist position. I am dealing with the reality in Barbados. If we examine the social investigation or negate observation of what is happening in the society today, I would have been happy if this Family Law Act was wide enough to embrace and address the social conflicts and problems that emerge out of the union that at present do not fall under this particular legislation. It is in terms of the majority class of the dominant forms of family relationships that emerge out of the evolutionary process of our history.

Sir, the unfortunate position of this legislation over the past few years, as it goes back to the early commission with all its good intention, has been that the persons who put together the recommendations in the early commission looked almost specifically on what was happening in a different social environment. Many of the provisions were taken out of the Family Law Act of the Canadian policies and applied to Barbados.

They were not recognized, in some cases, and in that kind of political arrangement there was more than one layer of government. Rather than having a central government alone as we have in Barbados, there was also a local government and in some cases you had two and three layers in some of those foreign jurisdictions. Where the anomalies or weaknesses are in the legislation at the central level, the layer below is where these major problems are addressed. We did not take into consideration the sociological components that are required if we are going to address issues like this.

Sir, I am hoping that with this attempt to further democratize the discussions and provisions that are likely to come in the next piece of legislation that we will be further able to address the situation in Barbados, but we still will have a serious problem unless the provisions in the Maintenance Act are brought into a central codified body that will be respected as the Family Laws of Barbados. I believe it has a great psychological impact on social relationships that do not fall within the ambit of the Family Law Act.

Sir, I am talking about all of those young men whose characters have already been stigmatized by the incarceration under the Maintenance Act. In most cases, this seems to be

as a consequence of limited income. I am not talking about not maintaining their children. I am talking about cases where even when they come before the court and they hold a different opinion, they are unable to go further because they do not have the income to even take the matter to a higher court to try and resolve their problem.

With regard to custody, while one spouse makes the demand for maintenance, there is the usual counter-position. Sometimes the act before the court is not simply because there is the need for maintenance, but it is used as a weapon against the other spouse in order to bring him or her to Christian feelings. In fact, it is usually the man. It happens sometimes and this is the reality.

Sir, we do not want to make it sound as though we are gender bias in the circumstances. The reality is that sometimes females in this society, and mainly working-class females, take the directions that come from their peer group and use the court as a weapon against the males. These are the realities that parliamentarians do not want to face, because they thrive on the sentiments and emotionalism that men have rights. I am not disputing the fact that there is a duty to maintain their children. If we are going to put legislation in place that is going to address the social problems of this society, then we must understand all the fragments. Put them all together in order to have a true examination of the social conditions of Barbados. Sir, that is where my argument lies.

Therefore, men should also have the right of access to the children. There are too many cases at present that even when the Order is given the other party does not honour that right of the father. It ends up moving from a case under the Maintenance Act to one under the Criminal Act. It happens, Sir. If you live in an environment where there are extended families and multiple relationships, this will happen.

I always say that this study is not subject to sober analysis because many of the offsprings of those relationships feel a sense of inferiority and do not want to face the reality. The relationships and the survival of this black race in Barbados derive as a consequence of the relationships we now describe as promiscuous. This is the reality and this race could not survive throughout slavery unless what is now described as promiscuous existed. You have to face this reality. If you know that, then our legislation should not be a "copy cat" legislation. It has to address the social problems and the merging out of the historical and social conditions of the environment in which we live. That is what I am addressing.

Sir, I think the legislation also seeks to address the problem when judges make decisions in Barbados and at the second stage of the dissolution of marriage the judges

grant the *decree nisi* or *decree absolute* to the parties without totally settling matrimonial claims. This creates a conflict, especially if the marriage claim which is not fully settled gets entangled in a new marriage when one of the parties marries another person and they begin to make arrangements under the Property Law Act where they have joint ownership and the claims are not fully settled, then another legal problem emerges out of those particular conditions.

It would be wise if the legislation makes it mandatory that the *decree absolute* would not be given until all the matrimonial property problems have been resolved. That is why, as the Honourable Member for St. John has said, I have always expressed the view that we have to be careful when we try to resolve one social problem that we do not create a bigger social problem within the environment in which we live.

Sir, as you are aware, I do not have a specialty in this area, but I felt since the opportunity was given to me to raise the issue during this debate on the Crown Proceedings Act, that I had to spontaneously interject and add a few words that might be considered not so wise.

Mr. Speaker, we have a number of charlatans running around in this country pontificating that they have some special divine skills in resolving social problems that exist between persons who are in contention or conflict with each other. These are persons who have no previous knowledge and, in some cases, reputations that are not so wholesome who cannot resolve their own domestic problems but as good actors they are able to attract a few people to them under the pretense that they have divine blessings. They feel that overnight they have been transformed and can now resolve all the problems in the family units in this country.

Sir, I am happy that the new legislation will address that. As I have been told by the Honourable Member for St. John, I will say that you are not alone in your observations. In some cases, these "counsellors" when they have successfully done what they intended to do from the very beginning, because they were incapable of doing anything differently, end up creating a greater cleavage between the two parties and then he rescues the female. The counsellor turns out to be the lover and offers to console this poor victim.

Sir, these provisions in the legislation can be helpful, but I am happy that it is before a special committee so that we can have a greater and more extensive study of the provisions in this new Family Law (Amendment). I am hoping that when it returns to Parliament, which I assume it will be in a different form, we will seek to address many of the social issues which are not presently addressed in the amendment to the Family Law Act before us.

Sir, I believe I have made the brief intervention I intended to make and I want to thank this Chamber for listening to me within this short presentation. Thank you very much.

SUSPENSION

Hon. Miss M. A. MOTTLEY: Sir, I beg to move that this Sitting stands suspended until 2.15 p.m. today.

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

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. N. GREENIDGE, Mr. SPEAKER suspended the Sitting until 2.15 p.m. today.
1.08 p.m.

RESUMPTION

Mr. SPEAKER: This Honourable House is now in session. The Honourable Member for St. Lucy.

Mr. D. St. E. KELLMAN: Mr. Speaker, I rise on this issue. I understand the feeling that children should be supported and I strongly support that view, but we also have to be realistic that there are some parents who feel they have to use children in order to achieve other things. I think this is wrong. I think it is also very wrong for us, as parliamentarians, to use the process of the Law in solving these problems. This is a social problem and I am saying that this should be a problem to be solved by the churches and those godfathers and godmothers within the community.

Sir, I have observed that as soon as there is a conflict, we must pass a new law to solve the particular problem and I have a serious problem with this. Sir, once the Law is passed, it creates conflict and there is no room for a resolution. Sir, suddenly we are moving away from those good old values that were developed within the community and are now seeing the law courts as the source to solving everything. Sir, as a country like Barbados and we are regarding this as development, then it is the type of development we can do without. I believe that in matters like these, the priests, the pastors and community leaders should be the ones in the forefront and where this problem cannot be solved at that level, then the law courts should be the last resort.

Sir, because of jealousy, on too many occasions both men and women find themselves in court over these matters. I believe this type of case cannot be solved because of jealousy because at the end of the day, it is the children who will suffer more because there can be the situation where a husband tells his wife that she cannot see her children and a wife telling her husband that he cannot see his, but that the child maintenance should be there.

There is also the situation in a relationship where a man or a woman might be parent to a child and there is evidence of a third party, then that child support does not seem to be important anymore. What seems to be important now is to get the party before the court so that if he defaults in the payment of maintenance, he might find himself in jail.

Sir, politicians in this day and age cannot be accommodating this type of foolishness because this can create unrest within the community and when it becomes so expansive to such a level, then it creates conflict within the community, not only in terms of child support but as an avenue to solving all problems. Sir, even though I honestly believe that parents should support their children, we have to find a better way in looking at this.

Sir, I am not convinced and as a sitting Member of Parliament and representative of a constituency, I am aware of what I speak and we must be aware of what we are doing here. What we are actually doing is referring everything to the law courts. Children should not be at the law courts at such an early stage, Sir, and even though we might see it as a positive, in truth and in fact, when the matter comes before the law court for child maintenance, we are actually introducing the children to the law courts at an early age.

Is that what we want for our society? I am saying, “No, that is not what we want” and we must find a way to get the parents to come together to resolve this matter. As long as we make it a law, that is going to be the first route because the attitude of some parents might be “let me get back at him”, or “let me get back at her”. I am saying that in a small country we need to build that community life and keep it very much alive. We need not be so contentious but it seems now that everything has to go a particular route these days. My question to you, Sir, how long are we going to continue to solve all of our problems by heading in one direction?

I also hope that the men and women who get children will appreciate that those children have to survive. It is ridiculous to see the miscellaneous accounts of some men and women who can spend X number of dollars on weekends and in the bandits and who cannot support their children.

Asides.

Mr. D. St. E. KELLMAN: Sir, the evidence is now that whereas some do a lot of drinking, the others hit the one-armed bandits. Mr. Speaker, a man with a mike in front of him, standing on two feet, can be a mighty dangerous weapon.

Seriously, Sir, we have to know our social obligations as it relates to our children and we have to appreciate that somebody has to support them. It does not make sense to see

a young person that has grown from a child to the age of about 21 years old and then for some father to point that person out and tell others that that is his child. Nobody should have to do that. The ownership of the child should have been known at an early stage.

Another dangerous thing, Sir, is that this can only happen to men, where men can find themselves supporting children who are not theirs, but are still brought before the courts for child support. Sir, even though these men are supporting the children through the law court, some of them are prevented by the mothers from disciplining those children. This is a very serious issue, Sir.

Sir, I also have a problem relating to the amendment to the Family Law Act. There is a situation where there is an avenue – and I hope that parliamentarians would have recognised this point – which, because of marriage, would allow parents to decide whether they will accept their spouse's children. This is a very serious issue. In other words, if a man marries a woman who previously has a child, the Law now accommodates the child coming to the family. This means that if the husband has a lot of money, the mother might disown the fraternal father for that child to be accommodated within the new family.

This is a point that can cause another legal problem because I know of no man who knows a child is his that will allow another man to support it when he cares for it. If the Law is saying that that can be accommodated because of what is said by the woman then we, as a Parliament, are creating serious problems. Sir, not that we are allowed to say this, neither am I advocating it but we have to be careful with the collins, because a man can cut off another man's hand.

Sir, we as a Parliament, have to be careful how we amend these laws. Sir, I want those persons who are sitting on Select Committees to understand this point. No man is going to support any child that is mine and there is no law that can tell me to accept that. Sir, in the same way that I would not want that for myself, I therefore would not want it for anybody else. Parenting is not like buying a motorcar. It is blood and people must understand these fine points. Sir, if someone says that the child is not yours, it is sometimes very difficult to prove otherwise, especially when it comes from the mouth of a woman.

Asides.

Mr. D. St. E. KELLMAN: Sir, I support the view that if a man has a child and has property, whether he passes on or not before the fact is known, everything should be done to find out whether or not the child has an entitlement to the property, and not supporting the child 16 years ago does not mean that the child should not be entitled to part of his estate.

Sir, I also want to know if in a situation where a man and a woman are living together in a house, but sleeping in different rooms can be counted as five years. Sir, to me, if all they are doing is just sleeping in the same house, then they could as well be in a hotel living together and therefore because of their sleeping apart cannot add to five years.

Asides.

Mr. D. St. E. KELLMAN: They are not counted? Well, they are living together. Do not forget that the Act says that once they are living under the same property...

Asides.

Mr. D. St. E. KELLMAN: I agree with that but who is to prove otherwise if the woman said that it is happening because once they are living in the same house any judge would believe that something is happening...

Asides.

Mr. D. St. E. KELLMAN: No, I am not buying that excuse.

Asides.

Mr. D. St. E. KELLMAN: This car is not well travelled, anyone can judge this car by its age.

Sir, even though we came here today with one intention and we meant well, we must ask ourselves if, at the end of the day, what we are attempting to achieve is in the best interest of all parties.
2.30 p.m.

If it is not in the best interest of all parties, Sir, it means that we should look at the amendments we are making and come back again. At the end of the day, we want fairness and once we cannot get fairness, we cannot make the amendment. I am not saying that the children should go without support. I am 100 per cent in favour of any law that helps the children, but we also have to realise that the Law and the amendment sometimes have nothing to do with the children. Sometimes women give up getting three times as much to get three times less because they want to prove a point.

Sir, sometimes men likewise give up three times as much because they want to prove that they are macho men, *et cetera*. I am speaking about fairness and I am going to lash both sets but, at the end of the day, we have to worry about the children. This amendment or any other amendment, Sir, must be predicated based on the children alone and nothing to do with the father or mother. It has to do with the children and no one set should have an unfair

advantage over the other. Equality is called for in this particular matter and if there is any edge to be given, it has to be given to the children.

Sir, I thank you very much.

Hon. R. N. GREENIDGE: Mr. Speaker, I want to make a brief intervention on this particular amendment and indeed, Sir, I want to begin by saying that with regard to our educational system, it has become very obvious to me that there are many school children who have to pay a very serious price for the delinquency of their fathers. Many school children in Barbados, Sir, cannot go to school because of the absence of financial support from the father. There are children, Sir, who go to school on mornings without breakfast and that is really hard. I know a school that has actually put a system in place to ensure that certain children do not virtually "drop down in bad feels" at school. They have to do this because a lot of fathers are really and truly relinquishing their responsibilities to the State and are asking the schools to look after their children for them. Things like lunch, clothes and bus fare, even soap, some children have to do without because some delinquent fathers refuse to support them.

I have to say, Sir, that some of the children who are deprived of this support are indeed children with a bright future, and that is the sad thing about it because some of these children will do a lot better if only they had that support. It is very sad and I do not think that point can be made strong enough.

I would like us to put it out there to all of those who are neglecting their parental duties that what they are actually doing is causing a lot of social drop-outs. There are some children who have become social drop-outs only because that platform or parental support was not there and it is very sad and that point has been made already. Some of these fathers can do better but they just do not seem to care.

Mr. Speaker, in speaking about this particular amendment to the Crown Proceedings Act, I want to commend the Honourable Attorney General for having brought this amendment, and I am speaking about the facility that we have in law now, to garnish the earnings of public officers, especially as it relates to maintenance matters. We cannot treat one set of employees one way and then treat others another way. There are some public servants, Mr. Speaker, who father children and they are very irresponsible. I am not saying that it is a general statement or that there are many public servants who do this because it is not a large number, but the main fact that we are seeking an amendment of this nature should tell us that there is a problem.

Mr. Speaker, there may be a situation where there are two children. One father may be working in construction and the other father could be a public servant, but you have

the situation where you can garnish the wages of the father who works in construction, but you cannot garnish the wages or the salary of the public servant. Sir, this cannot be fair and I believe this has given us the ability to bring the public servants in line with the other employees.

In a dynamic society like ours, you are going to find loopholes in our legislation from time to time and you are also going to find that there are shortcomings in particular Acts, Sir, because of the dynamics of relationships. It should also not surprise us that from time to time, we have to go to the Family Law Act and make these amendments.

We are having situations, Sir, where a husband may go overseas for two years and then he returns to find that there is a child which he did not leave. You may very well find a situation where he continues to live with his wife who has mothered the latest child and the question will arise whether he should support the child. He may be very angry about what has happened and still the Law is saying that once the child remains there, it must be classified as a child of the family. He may say, "No, I am too angry to support this child" and then we are asking ourselves, what is the responsibility of the true biological father? These things are happening in our society and, therefore, from time to time, we have to examine the Family Law Act and make recommendations.

I recall the example given by the Honourable Attorney General this morning, Mr. Speaker, and I can speak to this with a bit more connection than other Honourable Members, because I was definitely directly involved in working for a young lady to whom this happened.

2.35 p.m.

The young lady has a child for B who actually supports the child. The young lady then gets married to C and C tells her that he is definitely not supporting B's child. B looks at that husband and wife and says, do you know that the child must now be classified as a child of the family, it is not my responsibility to support that child any longer, the child is now the responsibility of your husband? The young lady then says, I am taking you, the biological father, to court because you have to continue to support the child.

The problem was then that the young lady could find no avenue through which she could bring the biological father to court because under the Maintenance Act she had to be single to bring the matter to court, and she was not single, she was married, and she could not take B, the father of the child to whom she is not married to court and she could not take him to the High Court either because the High Court is reserved for a marriage or living in a union other than marriage and she was not married to him or living in a union other than marriage. So here was this young lady who

could not take any action against the biological father of her child because there was no room, either in the Maintenance Act or in the Family Law Act for her to do so, and it is matters like this that the Family Law Council had to address.

Again you have situations where the High Court, in a union other than marriage, says to Mr. Jones, you have to pay \$300 a month to Miss Smith. Mr. Jones says, "Okay", walks out of the High Court and never looks back at paying a cent. A High Court order is not enforceable in the Magistrates Court. All of us who deal with these matters will tell you that in the Magistrates Court you get a much more efficient system of the Marshals running after delinquent fathers than you get at the High Court level, and most people would have loved this to happen at the Magistrates Court level, but it is not allowed because you cannot enforce a Magistrates Court order at the High Court.

I am grateful that the Family Law Council saw it fit to address this matter and now makes it enforceable in both courts. An Order from the High Court is now enforceable in the Magistrates Court and *vice versa*. This is going to solve the myriad problems. I think this is a wonderful change which has been made to the Family Law Act.

We may be asking ourselves, as I said, why are we changing and tampering with the Family Law Act again. I am saying, Sir, let me emphasise the fact, that in a society where our divorce rate is quite high, and people are getting divorced, it appears earlier and earlier. I remember when I was practising, I sat with two other lawyers one morning to take an average of the duration of the marriages on that particular list and we came to the conclusion that there were four-year marriages so you are getting more and more divorces.

I believe the reason for that is because it is easier to obtain a divorce now than it used to be. You do not have to find fault and so on any longer. You just have to say that the marriage has broken down irretrievably and that is enough. One party says I want out and, basically, that is what it adds up to. You get out very easily, so in a situation where you get that type of thing happening, the Family Law Act must always see itself as a very dynamic piece of legislation. That is what it really is. It is a very dynamic piece of legislation because it reacts to the circumstances and to the context in which problems involving families arise.

The Family Law Act is living law. As long as our society needs change I think it is a legitimate thing for us to change to suit what is happening in the society. So we have changed it. We have to say that no law is totally right. Sometimes, we cannot get it right the first time. We are human beings and we are allowed certain chop and change to make the Law as near perfect as possible and that is what we are seeking to do in this instance.

We are building on the existing framework. We are building on the existing Family Law and I do not think that this is a weakness because I have to tell you that the Family Law Act that we have now is an excellent model for any society. It is evidence of our dynamic social life. Therefore, I would want to commend the Family Law Council for the body of amendments it has brought so far.

I also want to commend them for holding the various public forums to act as the true barometers of public sentiment. I do not think that the Family Law Council could have done it any other way. I do not think they could have been in a cloistered room shut away from reality. I think they had to go out and test the pulse of the people who live this life from day-to-day.

I have always said that we were doing the Family Law amendments in a very piecemeal fashion and I think this is the first time such a comprehensive set of changes would have come to the House. I do not think this is the end of the changes either and we may have to come back some time in the future because the society is changing and we get new problems arising everyday, and I think that is going to continue.

Mr. Speaker, I do not think this was addressed, let me explain what I mean. If you do a divorce or if you have so proven that a union other than a marriage has broken down, you put the matter in court and so on, you have one year thereafter to bring the property settlement before the court and I personally feel that one year after you got your absolute and one year after the union was broken down was a bit harsh. I think that time is too restricted because people sometimes do not even realise what their rights are and so on.

You may have a situation where there was a marriage of 30 years and a union of 35 years, and only because you failed to bring your property settlement to the court within that one year period, you are now told that you have no rights whatsoever. Thirty-five years of your life have gone down the drain. Mr. Speaker, I do not think that is fair. This is a personal thing and I think that a one year limitation is much too short.

Mr. Speaker, I have to say, as I close, that I agree with the Honourable Member for St. Lucy that women are not always free from blame in these matters.
2.45 p.m.

I know of an instance where a young lady for whom I was working came and said that this chap is the father of my child and she was going after this chap and going at his throat to prove to him that he is the father and the chap maintained he was not and went as far as to say, "If the court says today that I am the father of that child, I am going to drink gramoxone because I know that I am not the father."

You had a situation where the social worker and a person at the Welfare were called and they were asked, "When she went to you at Welfare, whose name did she call as the father?" Would you believe, Sir, that she had another name there and had another fellow in court? That was the situation. They are not always free from blame.

What hurt me in that matter, and I was working for her, was the fact that she had a child who now had no father. According to the rules, she is not allowed to come back to the court to say that anybody else is the father. Here is a child somewhere out there this afternoon without a father. Somewhere out there lies a child without a father.

I have to tell you too, Sir, that I do not like technicalities in these matters either. I have seen too many mothers having to walk out of the law courts losing a case, a paternity matter, based strictly on a technicality. I remember and the Honourable Member for St. John was in the court – I am sorry he is not now in his seat – that very day when we had a situation in which a young lady was telling the court, "I only had sex in my life on one occasion." She was sticking to her point that it happened after a fair or a dance when a chap was taking her home and had sex with her. She conceived and she had a child.

This happened about 2.00 o'clock in the morning and here was the evidence. It was Saturday on the 6th when there was a fair. When the girl said two o'clock in the morning and that it was the 6th, a lawyer in the court argued that it had to be the 7th and could no longer be the 6th. That case was thrown out and that child also had to go without a father. I do not agree, Sir, with these technicalities in paternity matters causing young girls to lose fathers for their children and lose cases. It is very sad.

Mr. Speaker, I agree with the Honourable Member for St. Michael East that we have to listen and we have to listen to the men, because a lot of our men have been burnt by the system and by their former partners. There are big men out there who are crying for a number of reasons. There are big men who are crying because they are not allowed to see their children.

I have to tell you, Sir, that if it is one thing that seems to hurt men when it comes to loving their children, it is that they hate to be prevented from seeing them. If you want to see long tears fall from men's eyes it is when they are prevented from seeing their children. It is a very hurtful thing. There are a lot of them out there who are crying because they are paying child support for children who are not theirs.

I have to say, Mr. Speaker, that I do not know how well grounded it is, but there are a number of men who face those law courts in relation to maintenance and child support who think that the system is a biased one. A lot of

men are crying out because they feel that the system is biased. Some of them go into the court feeling that they have lost because of the mere fact that they have to appear 99 per cent of the time before a female magistrate. I believe we have to listen to the cries of these men.

I realise we have now as active a men's forum with a former Chief Education Officer leading it as a women's forum. Let me tell you that a lot of the discussion at that particular forum centres around the bias that men perceive in our system in the Magistrates Courts with particular reference to the maintenance of children.

Mr. Speaker, I close by saying once again that I welcome the changes proposed and I welcome the view of the Family Law Council in this body of amendments, and I also give my support to that substantive amendment in the Crown Proceedings Act.

I am obliged to you, Mr. Speaker.

Hon. Miss C.Y. FORDE: Mr. Speaker, I would want to add some comments to this amendment. I do lend my support to it and support many of the comments made by other Honourable Members. I also would like to thank the resource personnel who would have given of time and service to ensure that the necessary information be brought to help in this debate today.

Mr. Speaker, I support the view that all children should be properly maintained. We know in Barbados there are systems where children who are meeting difficulties, as was expressed by the Honourable Member for St. Philip North, are given assistance by many of our social agencies. Indeed, those whose parents are not around to fulfill their responsible roles are looked after by the agencies such as the Child Care Board.

I believe every child should receive maintenance. We know that in Barbados many of our men have been socialised differently from our females. While I heard what the Honourable Member for St. Michael South said earlier about promiscuity, that we seem to be supporting the idea, I disagree in the light that we would have grown up in the '40s, the '50s and the '60s where our males were socialised to have more than one partner. People say it is an African tradition. I really do not want to deal with that now other than to say that we have known of many households where there were children from the same father, sometimes living opposite each other, sometimes living in the same household and it created tremendous problems.

I think it is unfortunate to be thinking about promiscuity and promoting it at this time, especially now that we have so many other social diseases that are impacting on our people, particularly HIV/AIDS.
2.55 p.m.

Therefore, I do not support the promiscuous aspect of it because we end up with too many families with too many children and hence the men are unable to adequately support these families and children.

Mr. Speaker, all children have the right to live, have proper shelter, clothing and food. Therefore, both parents are integral to ensuring that children are well cared. I say without hesitation that too many of our men abdicate their responsibility and there are some women who do as well. I would support the call for women who are not raising their children and the children live with the fathers, that those women pay maintenance to the fathers for these children.

Mr. Speaker, my difficulty is with those males who are of the opinion that come what may, hell or high water, they are not giving one red cent. The situation is so ridiculous that sometimes the amount owing to the court is more than \$7 000 so it tells you that it is owing for six or seven years and all this time the children are not receiving a penny.

What is worse is the humiliation that mothers have to endure and the insults the children have to endure either at the workplace or on the minibus. The worst stage of the humiliation is when the men say they will give money for the children but they must have sex with the mother. This is the part I totally dislike because they know that the woman is in another relationship but to get this money they insist that the woman must give sex. This means that women will have to sell themselves cheaply to get the money the children deserve.

Mr. Speaker, you know what is the biggest problem with some of our men in this society? They must have a woman for every day of the week knowing full well they have "champagne mouth with mauby pocket" so they cannot maintain all these relationships at the same time, therefore, to live up to the new relationship they ignore all the other responsibilities they had over the years.

Mr. Speaker, I witness males who have children and are expected to pay money in the court spending a lot of money on Thursday and Friday nights on Heineken beer, barbeque chicken and all kinds of unnecessary things when they could buy a whole chicken, take it home and prepare it with their families. They buy the most expensive brand name clothes, they must have the biggest gold chains and they do not remember the baby that needs diapers.

Mr. Speaker, mothers need to look at the way they socialise their male children. They are allowed to be irresponsible while the girls have to remain at home to cook and wash. We are to ensure that males take responsible roles so that later they know what family life is all about because family life is swiftly going through the door and more people in Barbados who know about the extended family should be asked to help with this situation.

Mr. Speaker, some men are afraid to go to jail and will borrow the money from some source, but there are others who will tell you in no uncertain way that they will prefer to spend the time in jail and go back again before they pay a “blind” cent despite what some Honourable Members in here might say. Sir, men should take their responsibility with dignity so that children are not left on the wayside.

Sir, many secondary schools are now giving school meals because parents are not fulfilling their roles. Mr. Speaker, I was a teacher for many years. I also worked in the community and I have seen two children from the same household come to school, one with shoes and books and the other without. When the children are questioned, they say that one father pays the courts and the other father does not pay even though the mother applied for maintenance and hence the children are given totally different treatment. Mr. Speaker, we need to have these issues addressed.

Mr. Speaker, sometimes women trek to court three times a week to get the maintenance and a small percentage of the civil servants treat them like dirt, the same way as they are treated by the men even though they are not begging but simply going to collect the money to maintain their household. When children have to go through this unnecessary emotional stress, it is incumbent upon all of us here to fill the void. Mr. Speaker, I feel that every individual should take his responsibility as a citizen to ensure that children are given the care and love they need to survive.

When we look at animals, they foster and nurture their young so why not human beings who have souls? It is our duty as responsible people in the community to ensure that young men understand their roles and when young women are not fulfilling their roles as parents, that they too be given some kind of formal training.

Mr. Speaker, earlier the Honourable Member for St. Michael East also made mention about persons who do counselling. I took offence to the comments because he should have said that some of the persons who do counselling are really looking after their own needs otherwise. In Barbados while we have limited resources for counselling, there are many professionals who perform counselling services...

Mr. T. A. PRESCOD: Mr. Speaker, on a point of order. The words are not quoted exactly as I said them. I would prefer the Honourable Member to be very clear so that her interpretation of what I said would not be a misrepresentation. I clearly indicated that there were some persons who were giving the impression that they had some divine power or right. I did not generalise, I made the point that there were some counsellors so there appears to be a misinterpretation.
3.05 p.m.

Hon. Miss C. Y. FORDE: Mr. Speaker, I do not, in any way, wish to misinterpret the Honourable Member but what I will do is to speak to what I understand is the counselling services that are being offered and the professional way in which many of those counsellors deliver their services.

There are counsellors in the Child Care Department, the National Assistance Board, and the other private and non-governmental organisations that do excellent work. Where we are operating on tradition is that there are many religious denominations – priests, evangelists, *et cetera*, who have not had the necessary training and at times I would understand there would be some difficulties but we still have to commend them because of their efforts.

Sir, I am one of those persons who believe that one does not have to be a mother to be able to instill and guide children. One does not have to have children to know how to handle, nurture, or care for them. We cannot put these persons down. Instead we must ensure that, as a Government, we put systems in place where people can access further training. As we see daily, the situation is getting worse because of the high level of divorces or promiscuous behaviour of irresponsible persons.

We do not treat them on how to handle conflict nor how to develop good life. We do not do a lot of things that persons take for granted. We expect the educational system to do it all, but there is non-formal education where, within the home or the community, people develop skills that help to prepare them for life in general and to become more responsible and appreciative of the services that are being offered.

Sir, I would prefer to make a recommendation that, as a result of what is happening in the communities and court systems, provision be made that those who take on the responsibility of counsellors and trainers that they access the training and be better able to deal with the myriad of situations that arise.

Mr. Speaker, I also support the garnishment of the funds for child support from the various Government Departments. That is one of the ways to save people from humiliation and also that children would not feel left out, that they need both parents instead of just being there with the mother only and not get the necessary guidance that the male would have given for the child to be able to identify and emulate in ways that would be useful to his development.

At this time, I would also like to laud the efforts of those families that come together and persuade mothers to avoid going through the court system when the other members of the family – the uncles and the aunts – can all pool together so that if a father has to go to prison or lose his

life, one can then imagine the child who had not had that bond could only be hurt.

Mr. Speaker, I have witnessed how those people in North America go on the morning shows and expose their business. I would never like to see that happening in Barbados. They go on the *Jerry Springer Show*, the *Sally Show*, the *Montel Williams Show*, and all the other shows, to talk openly about their relationships. While I agree there must be certain fora where people come together to discuss issues so that there can be commonality and understanding of other people's situation, I think to go on television is not right and we in Barbados must stick to what we have gotten to know over the years and come together in those closed-doors discussions to be able to resolve conflict rather than having to follow suit.

If we are not careful, a number of those other things that are happening in other countries, we might then adopt them and it does not speak well for our culture, neither for our growth and development. Sir, the only thing I like about those shows is that the men are encouraged to take DNA tests. That is where I would want to recommend, as we go a step further, that DNA testing becomes an integral part of whatever happens when it comes to paternity disputes.

Sir, the other thing I would wish to touch on is the Family Court. I am not as familiar with the court system as many other Members because of their legal profession but I would like to think that we need to go a step further so that this backlog of cases where I know there are a lot of women who are out there screaming of what they are experiencing because of the lack of funds. Therefore, I would like the family court to be extended to perhaps a 24-hour court. I am not sure in my mind but I would like to see things happening and turning over in a more rapid way to be able to help to settle some of these issues we are being confronted with daily.

Mr. Speaker, in making my closing remarks, I will say that it is important we find ways of helping to resolve some of these issues. I would hope that dialogue between both parents is important for them to be able to come to an understanding as to the situation and to come up with a compromise. I know that both the Child Care Board and the Welfare Department do a lot of that where families go to have those issues tackled, but I would like to look at the counselling services to see how they could be upgraded.

I would also like to see training and conflict resolution being done at the community level and this is how all of us can help. If we can help men and women to resolve some of those issues at that level, I believe it would not have to go to the extent where it reaches the courts and then the bitterness exists where, for example, persons have to be fighting in public over child maintenance, *et cetera*.

Finally, Mr. Speaker, I would want to encourage Christian education and responsibility when it comes to both father and mother, not necessarily having to agree, but to take on the responsibility of raising their children. I know if we, in this country, can get parents coming together and building on Christian principles, then I am sure it will help to eliminate some of the difficulties we experience with our young children who become deviant or who run away from home. Sometimes these problems come as a result of parents telling their children that they are like their fathers who were never any good, *et cetera*.

If we can get into Christian principles again, into the pooling and sharing of ideas in our community, I think it can help to eliminate some of these problems that the Honourable Member for St. Lucy has said, would not necessarily have to go anywhere in a court of law for us to resolve them. When a man and a woman first come together, there was no law, no court, no legal luminary, that had brought them into the relationship. It was only those two persons coming into a relationship, then a child is produced and if the Law was not present at the beginning, then I believe that it should not be present at the end.

I wish to thank you, Sir.

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

Hon. Dr. R. L. CHELTENHAM: Mr. Speaker, this debate, which has touched on the many aspects of family life in Barbados, has been triggered by the amendment of the Crown Proceedings Act before us, which seeks to make provision for public officers' salaries and wages to be attached for the purposes of maintenance. Sir, by agreement on both Sides, we have been permitted to range far and wide to look at the several aspects to family life in Barbados. 3.15 p.m.

The first benefit of this amendment is that it is going to correct what has been a long-standing piece of discrimination and an anomaly, whereby, for some years now fathers who were not in the public service could have their wages and salaries attached, but those who were in the public service were exempt from that process.

At the heart of the matter is the failure, on the part of an appreciable number of Barbadian men to support their children. There too, that is in itself a very sad commentary on our men folk. The failure of the men to support their children is a larger problem than we know because it is not only the numbers who come before the court that are suffering from the delinquency on the part of fathers, but an appreciable number of mothers in Barbados have been

disinclined to put the fathers before the court. The problem is much wider than is reflected in the numbers of the applications being made by the mothers before the court for child support.

There are two distinct, unidentifiable attitudes which I think we need to talk about and the first has been touched upon by the last speaker, the Honourable Member for St. Thomas. There is a tendency on the part of men when once the relationship with their women folk and the mothers of their children has been fractured to the point where there is no longer any intimacy, to decide that in the absence of intimacy, there will be no child support.

Sir, that is unfortunate indeed and they are really confusing two matters, that is, the child support which is a separate and distinct matter from intimacy with the child's mother. That is an attitude which cuts across all social classes in this country, but it is a very distinct and identifiable attitude which I think we need to address. I will say something further about that in a moment.

There is also another very identifiable and distinct attitude on the part of the women, many of whom are no longer friendly with the children's father. In circumstances where the children's father established a new relationship, the mothers insist that the children be supported but the children must not spend any time with the fathers because the new partner of the man must have nothing to do with the children.

It seems to me that both attitudes are obviously wrong and call for very serious counselling services and counselling assistance in this country. That brings me really to the state of our counselling facilities. There are inadequate and insofar as they exist, they are underused. Many people have had to resort to the Church only to find that counselling is a special skill and because you are regarded as a good pastor, it does not mean that you are an adequate family counsellor. Many persons have walked away from the Church very disappointed over the quality of counselling offered by priests.

I have no doubt that those who share the attitudes which I earlier identified, could all benefit from counselling, but we need to have a larger number of counsellors in this area of the family available. Our organs of public information need to do a job better than they have been doing in the past, advising people about the availability of these persons and the areas in which they can be of help.

The larger number of the cases attracting Maintenance Orders before our courts, carry with them no Attachment Orders. That is very interesting because a lot of the persons in the artisan class, who are put before the court have no stable employer so very often these Maintenance Orders are made without attachments and the mothers look to the

Marshals – the Court Process Officers – to hunt down the fathers and make sure that the maintenance is collected.

The Marshal's Office in this country has been in crisis for many years. Sir, that has been one of the open secrets that money has been paid in and not accounted for and I now see it is public. Many of us have known about it for years and have spoken to some of the people who have the ultimate responsibility, with no success. Now, the matter is very public and people have actually been charged.

It is a fact, Mr. Speaker, and I am at the centre of these matters on behalf of my people, that there are women in this country who had the benefit of Maintenance Orders made by a magistrate and have not collected a cent for three, four or five years, because the Marshal's service has not been properly managed and supervised. Marshals will report that they have not been seeing the fathers who are in the district for which they have responsibility, in circumstances where they are neighbours sometimes of these people, living within 100 yards of these men who they are supposed to be looking for, seen from time to time in the rum shops with them and yet the report is that they have not been able to find the fathers.

I have had, from time to time, to appeal to the Chief Marshal to put a new man on the case or you do it yourself. In those instances, we have had satisfactory responses in three to four weeks, but that is a widespread problem. It is really a very sad commentary on the lack of efficiency and the lack of proper supervision in our Marshal's Office.

Now, I want to say a little about other aspects of family life in this country but before I do so, we really have to applaud our women because the hungry children look to them, two to three times a day for a meal and it is very hard on them when the fathers are not supporting their children. In many respects, we ourselves have been delinquent because this is a matter that has cried out for redress for a long time. I am not sure that what we are doing here today is even going to address the problem in the way it should be addressed.

I will make the call, Sir, for a wide-ranging review of all the legislation affecting family law in Barbados, including the Family Law Act which we put on the Statute Book since 1981, and all of these issues which we are talking about today.

Sir, this raises another issue and it is whether men should go to prison for failure to pay maintenance. I myself believe in that only on one condition which is, if on proper examination of a man's means it is found that he is quite able to support his children and yet he is deliberately and willfully flaunting the court's order to support these children, in those circumstances he should spend some time at Station Hill.

Asides.

Hon. Dr. R. L. CHELTENHAM: But often people find themselves going to prison in circumstances where they have not been working, and there is no proper examination of the means and yet they find themselves in prison and, Sir, those circumstances are unfortunate.

I do not support those who say that under no circumstances must men spend time in prison for failure to support their children. My position is that they should only go to prison, if on a proper examination of their means to support their children, they are found to have that capacity and yet are willfully and deliberately refusing so to do and flaunting the orders of the court.

Sir, that would only be one of several matters that we need to review in Barbados, as we look at the state of our families and how we are treating our children. The Honourable Member for St. Philip North made the point that several of the children who are deprived in that regard are children of talent, ability and with a little support they can do much better than many of them are doing in our school system.
3.25 p.m.

I want to talk about a wider problem relating to family life which is the whole question of divorce because a lot of the children become worse off after a divorce which is a point that is sometimes not made by the people who are treating divorce cases. The adults will, in all probability, find new relationships. They may or may not find happiness, but the young children are for the most part the victims of divorce.

In my view, divorce in Barbados has become far too easy and the requirements of the Law, as had been pointed out by the Honourable Member for St. John, that there be proper counselling before you proceed to divorce is honoured in the breach.

The first point that needs to be made is that divorce, unfortunately, which is an aspect of Family Law tends to attract very young attorneys. There are very few attorneys who are long in the practice of the Law and matured in their years who practise Family Law, so you have persons at 25 and 30 years old or under who are advising people on divorce matters but they miss a lot of the fundamentals about human relationships and man and woman relationships.

Let me illustrate. The first thing that goes when a relationship is fractured is communication between the parties. There is a report, false or otherwise, that the man had been seen out on two occasions with a lady and thereafter there is an immediate collapse of communication, the man is not being spoken to in his house. That is only one of the triggering events.

The lady involved may or may not be in the Church. If she is in the Church, she may not want to involve the pastor

and she may not want to tell one or two of her friends who she may regard as able to give her sound advice. So, she makes her way to the lawyer's office. The experienced lawyers, for the most part, are not doing this type of work so she finds herself in the hands of a young lawyer.

In the early days of her hurt, she said that she is finished with him and that he has not been faithful to her but that remark is really a cry for the restoration of communication. The lawyer, anxious to secure a fee and not appreciating what is in truth and, in fact, being told, says, well, it takes two to tangle and there cannot be any reconciliation if you are finished with him so we do not have to go to counsel.

The next step, once it is certain that there has been a breakdown for a while, and even that is quite often arranged whereby 12 months is often not the period in which, as the Law said, there has been this breakdown, the lady is requested to bring her Marriage Certificate and is told that if she could raise \$2 000 it could be arranged very quickly. The result of that is that a lot of people in our country who have been divorced could have benefited and would have benefited if they had proper counselling.

One of the advantages of counselling is that it builds a delay mechanism into the whole process which gives people the opportunity to reflect and to be reconciled and insofar as the Law makes provision for counselling, that law is often honoured in the breach, so that is the first unfortunate thing about it.

The second thing is that this whole question of a failure to support children that I have spoken about is not only among children born out of wedlock but many persons who have been the product of marriages that have become fractured find themselves not being supported by their fathers.

There are other matters we need to talk about because there is a growing perception among the men of this country that they are being unfair and that the many legislative provisions relating to the family favour the women and not the men. That perception has been made worse by the provisions in the Domestic Violence Act whereby men are frequently ordered by courts in this country to leave their homes and not be seen within 150 yards and so on of it.

It is to the credit of a few of our judges who, in the face of that sort of application by counsel, have said to them, "and where are the men to go, do you have a house for him?" Often, they do not answer to that question and so the discussion then gets on to a rational basis. If you ordered a man away from his house and tell him that he cannot go within 100 yards or 200 yards of it, that is not the

except in extreme cases of uncontrollable violence, to address the matter because most men attitudes become very hardened indeed and they then decide that they are not going to give any support at all.

If I have to pay the mortgage and in other respects maintain the physical structure of my house, I cannot see the children, I cannot even come to my house, why should I support the children? So there are only a few of our judges, very sad to say, who have understood the importance of trying to tackle whatever problem there is or might be from another perspective. These are some of the serious problems which have developed in the family.

On the whole, the part of the marriage ceremony that said "until death do us part" has been misinterpreted and is being interpreted now as "until the love lasts".

Asides.

Hon. Dr. R. L. CHELTENHAM: My friend on my left is saying "until the love and the loving last". But that is the approach now to marriage and it has made divorce very frequent. Because a lot of the lawyers who are dealing with these matters are immature in terms of human relations and the complexities which are triggered by marriage, they do not explain to a lot of the people that one of the adverse consequences, especially when children are still of tender years, is that the children invariably will become worse off.

We have been approaching this problem, Mr. Speaker, by piecemeal amendments to legislation here and there. The introduction of our Domestic Violence Act was the result of an aggressive female lobby in this country and many of the persons who sat on the Committee were virtually overwhelmed by the aggression of the female lobby, so after a few years now, I think the Act needs to be revisited because there is a certain imbalance in it.
3.35 p.m.

I would make a call for a wide-ranging review of all the legislation dealing with the family and also a serious review of the state of the family which is still the basic unit in society in our country. We are being impacted by the attitudes from abroad. The world, as we have so often heard, is now a village and all the attitudes of North America and Western Europe are now the attitudes in Barbados.

I will make the point in conclusion, Mr. Speaker, that although I support a Committee of Parliament looking at this question and reviewing this whole question of the state of the family, unless the Committee is going to be serviced by a wide range of experts, knowledgeable persons in this field, the Committee will be in vain. It needs to be an active committee and be serviced by a wide range of persons in the community who are equipped to tell us something about the state of the family and help us to arrive at positions which

would be reflected in our legislation which will benefit the state of the family in the country.

Thank you, Sir.

Hon. Miss H. E. THOMPSON: Mr. Speaker, I join this debate which has been wide-ranging and interesting and before I took to my feet, some other Member was observing that it is a debate of tremendous quality coming from a Chamber that has so many divorced people. I thought that was an interesting observation. I think it really speaks to the maturity of the Chamber, and what we are seeing is the wealth of people's life experiences speaking today. That is important because it so reflects the character and nature of the society in which we live.

One of the things that, in my view, clearly emerges from today's discussion is that the Family Law Act, useful as it was, has now come to the point where it is, in fact, outdated and where there is a need for comprehensive legislative review. We need to put in place a new piece of legislation which will take the whole delivery of family care services forward, which represents the thrust of modern thinking, which is not so much to regulate and impose as to try to bring some aspect of care to the modern family.

We need to determine what are the challenges facing the child and the family in today's society. We need to confront issues frankly relative to the marginalisation of men. We need to determine what, in fact, are the strides that have been made by women and whether or not they erode male dominance, whether they have brought equity, parity and justice, that is, between the genders, and to what extent have these changes impacted on the wider society, and what is the potential for growth and further change in the social dynamics if these changes are allowed to continue.

What we need, too, in my view, is a proper functioning, well-regulated family law court. We adopted in Barbados the Australian Family Law Act which was viewed as the most comprehensive Family Law legislation of the time. Regrettably, we either did not have the resources or the foresight while adopting the legislation almost verbatim to import into our system the counselling and other administrative and support services needed to administer the Family Law Act.

We imposed it on a fragmented court system rather than a proper functioning family court. We gave no specific training in family law matters to our judges or to the support personnel in administration. We did not set up any system for the proper collection of maintenance or any other dues or decisions made as a result of an order of the court. Hence there is little or no follow-up on that whole matter of the Family Law Act, if indeed we are going to continue with it, look at what amendments it needs and determine how we need to go forward with it, by putting it into the structure

and context of a properly regulated family law court system with proper support facilities, including adequate training.

I am concerned, Sir, and this is one of the reasons why I would advocate one family law court to deal with all kinds of issues relating to the family. There is tremendous disparity in the awards given in the Magistrates Court to which nonwed mothers are compelled to go and the quantum of maintenance given by the High Court which deals with matters between husbands and wives or marriages which are breaking up. That represents a social stigmatization and bias which comes out of our historical development. I know that this is something with which the Honourable Member for St. Michael East would agree.

To me, it is not fair that if you are an unwed mother you must go and stand up in the Magistrates Court yard to get \$20 a week while if you have the fortune or very grave misfortune of having a man carry you to church and put a ring on your finger, you can go into the High Court and get hundreds and thousands of dollars a month. There is absolutely no rational or logical reason for that disparity; but it exists. Invariably, the persons who are most affected by this are women from the lower socio-economic groupings who already have great difficulty collecting maintenance from them.

I want to see that disparity in the collection of maintenance money done away with and a system that puts people of all social levels on the same footing and equal to getting the same amount of maintenance from persons of similar income and in similar circumstances. I think, too, that the awards coming out of the court for maintenance are far too arbitrary, that a man who works for \$300 a week with a disposable income of \$175 could end up paying anything from \$20 or \$25 a week to \$100 or \$75 a week.

There seems to be no benchmark that is used to measure what is an appropriate quantum of maintenance for a child. Far too often the award is predicated on what the man tells the social worker he can afford and is not predicated on what the needs of a child are at the particular age group of the child for whom you are seeking maintenance.

It is my experience that if you are raising young boy children that they can eat you out of a house. They need their cricket and sports gear and have tremendous needs in a way that a girl child may not. If you have young children in pampers – I have never borne children but I have a lot of god children – every two minutes you have to change them, all the teething medication they need, all of the gripe water. Children consume vast amounts of money and, very frequently, Maintenance Orders in the Barbados courts bear no reflection to the needs of the child at whatever age that child is, but is predicated, especially in the lower courts, on what the defendant said he can afford.

That brings me to another point, Sir. We cannot have maintenance awards made in court without proper systems for the investigation of the needs of the persons who are before the court. It is not enough and not at all adequate or satisfactory even though they try hard for what exists in the present system, which is, the man comes before the court talking to the Magistrate, “Mistress, I cannot afford that”.

“How much can you afford?”

“Well, she wants \$25 but I can only afford \$10.”

The woman is there saying,

“Don’t mind he, don’t mind he! He does work for \$150 when the week comes.”

The two of them start to quarrel and then the Magistrate in frustration slaps the desk and says,

“I cannot take this anymore. Call the social worker.”

The social worker comes and the case is adjourned and it is put before the social worker to talk to them and make a decision.

3.45 p.m.

I have six or seven children and the social worker records the information. It does not represent any proper investigation of the means, but that is what exists in the Magistrates Courts every day and it is how children are robbed of proper maintenance. Mr. Speaker, there is no adequate system or computerization for keeping court records today so when maintenance is not paid, the mother of the child has to keep going to the court repeatedly to ask the clerk of the court to look physically at her card.

Sir, there is tremendous confusion and by the time you are able to get information, the man is about three to four months in arrears for maintenance, and there is no automatic collection of money. You then have to reapply, go back to court again, go through the process all over again, remind the court that an order was given a few months ago and that no money was paid.

Sir, it is the most demeaning and offensive treatment of women and children. Our social and family services have to function in a way that allows people to feel they have more dignity than this and our services should treat people better than this.

Sir, if I had a child for a man as an unwed mother, I could not carry him before the High Court so I would have to go through that demeaning process in the Magistrates Court and there is no way that I would do it, Sir, because no self-respecting person, unless they are absolutely desperate,

would go through that. A lot of women decide not to go, no matter how hard they have to work in order to support the child. Sir, there is tremendous need for the improvement of the service and for equity between married people and unmarried people.

Sir, wherever possible, it is my view, that the court should attach a maintenance order in respect of a child. In the majority of cases there is no attachment so there is still a discretion on the part of the man whether or not he is going to give maintenance or pay properly.

Sir, people in my constituency come for jobs and when I give jobs to women, I am certain that families and children are being supported but there is no such guarantee when jobs are given to men because a lot of the money is spent on brand name clothes and carrying out a lot of different women and not on the support of children.

Asides.

Hon. Miss H. E. THOMPSON: I am not suggesting that any man should not look good. I am simply saying that we have to agree that our children are to be well treated whatever the circumstances, if we accept that they are the future of the country and if we accept that they did not choose to come into the world, then we have a responsibility to care for them and we must act on that responsibility and give them priority attention.

Honourable Members in this Chamber made the point that a lot of men refuse to support children if they are not having sex with the mothers. Frequently, a lot of women whether they want to or not, do have to give in to the demands for sex just to get the money for maintenance.

Mr. Speaker, you can always tell when it is pay-day on construction sites and industrial estates because you see women and children hanging around hoping to get two cents before the money gets to the rum shop or elsewhere. Sir you see women and children walking behind the men asking them for money and it is a most distressing thing.

Sir, ultimately I blame our women because we are the ones who nurture and socialise the boy children and if we taught them to treat women with respect and that the maintenance of children was important, they would not behave in this way.

Asides.

Hon. Miss H. E. THOMPSON: The Honourable Member for St. Joseph is making the point that there are counter values and peer pressures outside of the homes and that is a point well taken.

Sir, we need to do more as a Government to teach people from the classroom more about parenting. There are programmes in the United States of America relative to parenting where children are usually given a boiled egg or some toy and told to take care of it as if it was a child. They have to take it for walks and bathe it three times a day. Sir, it is a good parenting experience because it allows children to understand very early the kind of continuous care a child requires.

A lot of young girls live in a matriarchal situation where children are raised by all members of the household through a joint effort so they see a lot of women bear the full responsibility of raising children and they enter motherhood far too early and easily. The boys, since they are on the block, they can escape it altogether. Except that I would have to say that during my 40 years on this earth, I would have to admit that I am now seeing a lot more men going to the doctor with their girlfriends and children.

They walk out the children on evenings, pick them up from school and take them to fairs. They are giving them some form of care and I wish to commend those young men because they are the good examples of what male parenting is about because parenting is not only a female responsibility but a responsibility to be shared by both men and women.

Sir, I believe that absence of parenting on the part of men and their refusal to properly maintain the children is seen on the other spectrum of the life span. I will explain what I mean, Sir. During their youth and child bearing years, men refuse to support their children. Then these men get old, a lot of them are not married or they have had a lot of visiting relationships or were married and got put out of their homes. They refuse to support the majority of their children who now ignore them. Neither the women with whom they were involved, who have bitter memories, nor the children who saw the extent to which the mother had to go to court and who knew that the father failed to play an economic or emotional role, care about these men. In my view, this is why in their older years we see so many men on the streets without anybody to care for them. They have been rejected both by women and children.
3.55 p.m.

There are older women, I do not deny that but the vast majority of older persons we see on the streets are men. In my view that is not an accident. It has its axis in this social behaviour that we are seeing and are commenting on today. This is because women have cared for and have raised their own children, along with other people's children. Invariably there is somewhere they can go to have a meal or some kind of accommodation but people will pass the men on the street and look at them with contempt and say nothing. These children will remember the kind of treatment that was meted out to them at the hands of these men.

I believe that while it is important to talk about how men are being marginalised, *et cetera*, we also believe it is important that we should stop treating these men as if something has caused them to suffer simply because a few women are doing well. We have to teach them to accept their responsibility and to become a real man. Men are always talking about how they are big men. One does not hear a woman talking about she is a big woman because there is never any doubt in her mind. She does not need to affirm it by repeating it therefore why do men have to keep repeating it? What is a big man, Sir? I do not know if that refers to physical or penile size? Either you are a man...

Mr. SPEAKER: Are you hoping that I would answer you?

Hon. Miss H. E. THOMPSON: Not while we are on the Floor of this House, Sir. I do not know what that means but clearly we have to find out what it is that fails to motivate our men and to determine what are the social pressures that will cause them to behave in the ways we think are negative. Sir, I believe that our men are special and should be nurtured in special ways but men must not feel threatened simply because women may appear to be doing well at the social level, nor should men abandon their role as men. A man shoulders and carries his responsibility even when there are difficulties in so doing.

Sir, I would wish to turn to another matter with which I wanted to deal, the court system. Even in changing the legislation where there is a dispute over paternity, the Maintenance Act allows blood testing to be done to determine that paternity. As you well know, Mr. Speaker, blood tests can show that a person is not the father of a particular individual if they are excluded by blood type, but it can only show a man may be the father of a particular child. Sir, so many people are of the same blood type that it is entirely possible two men with the same blood type could have been involved with the same woman and the father could be counted by a blood test when, in fact, he is not.

Sir, we have a system to compel, not blood testing, but DNA testing as a legislative requirement. DNA testing can show definitively whether an individual is the father of the child but the decision on a balance of probability based on a blood test is not a satisfactory standard.

Sir, even though Members today have shared certain anecdotes from their practices, I would like to share one. There was a situation in which there was a much wanted child. The mother had claimed that man A was the father of that child, while man B was insisting he was. Sir, eventually the mother had to admit that either of these men could have been the father of the child because she had had a relationship with them both during the fertile period but she was of the opinion, given her menstrual cycle, that man A was the father.

Eventually, the matter became so hotly disputed between the three of them that it became very messy and in the end, one of the men suggested that the two men and the child in question take a DNA test. Interesting enough, Sir, the man who the woman was swearing was the father of the child, was not. It was the other man who had fathered the child even though she was saying that it was not. Therefore, this notion that a woman knows the person who has gotten her pregnant is false.

A woman may want to believe that because she has enjoyed the sex with A better than with B, that it has to be A but that is not necessarily true. There is no scientific basis for these matters and therefore we cannot allow that kind of consideration to come into the courts. We have to insist on DNA testing as part of the legislative requirement how these matters are addressed.

Sir, the Honourable Member for St. Joseph – and I regret that he is not now in his seat, has raised a point on which I want to challenge. It was said that very frequently, under the Domestic Violence Act, Orders are made to exclude men from their homes. While I think this is an option of last resort which should not be abused, the Honourable Member for St. Joseph seemed to be saying that there was no circumstance in which it was justified but Sir, there are circumstances.

For example, within my constituency, there was a woman living in a house with other family members. A man within that household had raped both mother and daughter. These ladies were being subjected to both emotional and physical abuse and had nowhere else they could have gone. Now, Sir, in that circumstance that was a case that was ripe for the intervention of the Domestic Violence Act to exclude that man from the household and to insist that he continues to pay the mortgage and support that household.

There are also other examples I can give from my practice because there was a time at which I practised Family Law even though I did not practise it during my recent return to the Bar. Therefore there are circumstances where, under the Domestic Violence Act, an exclusion order is not only justifiable but indeed necessary if women and children are to be protected but it should only be a measure of extreme resort where the other options are all depleted.

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

Hon. Miss H. E. THOMPSON: Thank you very much, Mr. Speaker. Sir, I believe that if we look comprehensively at this whole matter of the treatment, maintenance and care of our children, there is yet one matter which we need to address today and which, I concede, does not fall under the ambit of the legislation that we are debating but comes within the umbrella of family issues.

Sir, I am deeply concerned that I am seeing on the streets every day a large number of minor children both boys and girls dressed in home clothes and apparently, having no intention of going to school but clearly going about their own business. Sometimes one sees them flying kites, playing with scooters, having a good time, *et cetera*. I do not know if these parents are having financial problems and therefore are not sending them to school.

4.05 p.m.

I do not know if it is that the children leave home for school and then change and come back when their parents are not at home. Sir, because we are living in a society where we no longer care for our neighbours, we do not know who are our neighbours and we do not want to know them. We do not speak to the neighbours so they do not intervene to say, "Mrs. Bishop, do you know that Joan does not go to school when the days come?" which would have happened when many of us here were young people. The neighbour would have intervened to tell your mother, "look that child is not behaving, you had better pay some attention."

Today, people would see the child roaming the streets and walk the other side. Of course, if they speak to the child and tell the child something, they would be blistered in language of tremendous colour which neither one of us would have thought of using to an adult when we were children. That speaks to the kind of social breakdown, either at the level of the parent, the truancy officers in the school system or the teachers not reporting long and suspicious absences of children, without proper letters or notes from the parents and so on.

Mr. Speaker, we say in Barbados – we pay lip service to it – that our most valuable resource is our people. It is really very true, Sir, that our most valuable resource is not only our people but our young people and it is incumbent on us as a Government – and I am not talking today about the Barbados Labour Party Government, I am talking about the Government of Barbados with all its arms, with all its departments and including the Opposition, state services and the quasi state organisations and civil society – that if Barbados is to have a future, we cannot talk about a lost generation.

Sir, we cannot write-off young people as some of us have been inclining to do, but we must put in place mechanisms to steady them, mechanisms to make sure that their future is secure, mechanisms to make sure that they are cared and nurtured, emotionally and financially. If the family and the community do not provide that support system, where the grandparents are being left at the Queen Elizabeth Hospital, and are not being looked back at so they cannot play any roles in the families, the State has to step into the breach and provide the quasi care and the services, the counselling services that are necessary, if we are to save Barbados.

Sir, let us be absolutely clear about it. The day that we write-off our children and talk about a generation being lost, and the day that we fail to put proper mechanisms to save those people, is the day that we are really writing off Barbados and if we are going to do that, we might as well all pack and move out now.

I am much obliged to you, Sir.

Hon. R. C. EASTMOND: Mr. Speaker, I take it that the principal measure before this Honourable House is the moving of an amendment to the Crown Proceedings Bill. I would use the proposed amendment, Mr. Speaker, the Crown Proceedings Bill, as my point of departure.

At present, when men are considered to be parents of children and when the mothers express doubts to the willingness of these men to support these children in the absence of being persuaded by the court, there are different methods which are used to compel compliance with what the court may order, and by court I mean Magistrates Courts, as maintenance for children, especially children outside of wedlock.

Mr. Speaker, if one looks at the scenario in the Magistrates Courts, you can get a situation where a private employer, especially a private employer who is well established, whose business has been in existence for years and whose business is perceived to have a strong and durable future for an order to be made, attaching part of the earnings of an employee working for that employer to go towards the mother as maintenance for a child. That is one system.

There are occasions when some fathers, being aware of their responsibilities do actually, freely and voluntarily provide maintenance. Then, there are occasions when because of "bad blood" between a given mother and a given father and because of an entire absence of communication, the father would not want to approach that mother to provide maintenance for the child.

There are occasions too, Mr. Speaker, where the mother does not want to see the father because of "bad blood" that real problems can result if the father is adamant both that he should carry money and, at the same time, insist on seeing his child. I will come to the point about access to children later.

Mr. Speaker, there exists within the Magistrates Courts of Barbados, a mechanism by which maintenance for children can be paid into the Magistrates Courts. Sir, up until now, there is no similar mechanism in the High Court where an order of the High Court for maintenance provided for children – money – can be paid into the High Court to allow for the child to be maintained. So much so that lawyers at their wits' ends, would normally encourage those

who have to pay money, to pay the money into a bank account or hope that the other parent would willingly accept money.

Again, as I said earlier, Mr. Speaker, when a woman and man having brought a child into this world are not getting along, there are real difficulties in the father going to take the money to the mother. It is not advised, especially when the children are very young, that the father should try to give the money to the children directly.

Sir, as I see it, the purpose therefore of this amendment, is to ensure that a category of workers who fall under the Crown Proceedings Act and who up to now are more or less immune from having their salaries or wages attached or garnished, will now through a court order, have to give up some of their wages or salaries towards maintaining children.

When I look at Statute and what informs Statute, and when we look at amendments to Statutes and what informs amendments to Statutes, usually we would say that Statutes result from policy. What we are saying today, Mr. Speaker, is that through a policy, an amendment is being made to the Crown Proceedings Act to allow persons who previously were exempt from having their salaries and wages attached, could be now susceptible to having this method prevail against them in the interest of children. Even as we talk about the policy informing the amendment, Mr. Speaker, we have to look at the reality of the situation.

In matters to do with children, whether it is maintenance, custody or access, a principle which I have not heard here for the day stands paramount and that principle is the welfare principle. Whatever Statutes affecting children's rights over the years have done, there is a movement – and there has been for 15 years now – when in matters dealing with children, the welfare of the children is paramount. Courts are inclined to go the route of the welfare principle to secure the welfare and the interest of children, even when a given Statute is silent or sometimes even go contrary to the principle.

Mr. Speaker, if you peruse the Minors Act of Barbados, the Act says that if the mother of a child dies, the father gets rights of care, custody and control. In the real world, the courts are asked to go for that person best able to secure the welfare of the child, and so, if a parent dies and there is a surviving parent, the surviving parent can only be sure that he or she will get access and full custody, care and control if he or she is fit enough to ensure that the welfare of the child is protected.
4.15 p.m.

In speaking about the welfare of children, I anticipate, without anticipating the House too much, that shortly this Honourable House could very well be called on to set up a standing committee on family law and on family law reform.

When we consider what we have, by way of legislative proposals before this Honourable House, there is no question that, piecemeal as we have been over time in looking at amending laws, we still have to consider a number of mischiefs that happen in the real world.

In the context of the maintenance of children born entirely out of wedlock, the legislative regime is found in the Maintenance Act, Chapter 216. Under this Act a number of things are possible, including when a man denies being the father of a child and the court being able to do an enquiry and finds him as father. This Act can also impose terms as to the maintenance of a child.

Amazingly, Mr. Speaker, when a single mother has a child, even though this Act allows for the father to support the child, it is entirely silent as to access by the father to the child. This Maintenance Act, Chapter 216 which was passed in this Honourable House around 1984 is entirely silent on the question of a single man being able to have access to the child he has from a woman and it is also silent on the question of care, custody and control of that child, so any proposed standing committee of family law and family law reform is going to have to look at this matter.

In the real world, Mr. Speaker, you get a situation where a man is told that he has to pay X amount of money in maintenance for a child, whether he pays it directly, whether he pays it to the court to be paid to the mother or whether it is taken from his salary, but when the father insists on seeing his child and the mother does not agree to that father seeing the child, he cannot, by this Act, see the child, so this Act leaves a gaping hole.

What also happens in the real world, Mr. Speaker, is that invariably, if the man has a lawyer and the man is at the other end of a court order by which he must pay maintenance, a lot of lawyers tell their male clients, even though the court has ordered them to provide maintenance, not to pay the money since the court had not facilitated their access to the child. That happens, Mr. Speaker, and it has happened repeatedly in Barbados where a number of lawyers in seeking to appease their male clients, some of whom are bitter and having to pay the amount imposed, advise them that since they have no automatic access to the child, either by the Statute or by the agreement of the mother, and since the court in anyway cannot order access that they should not support the child.

That happens and then there is more bad blood because the first thing that happens is that the father withholds support simply because he cannot have access to the child and the first thing that will happen is that the welfare of the child is compromised.

You must forgive me, Mr. Speaker, if I harp on the welfare principle by insisting that in matters to do with

children, their welfare stands paramount. I am also saying, Mr. Speaker, that in a clear situation where a father is denied access to a child, even if the father does not want to withhold support, that in the real world, the child may keep asking its mother who is its father.

If the child is in a setting, whether in kindergarten or in a school, and hear the other little children boasting about their fathers, as the Honourable Member for St. Thomas will tell you, perhaps, that child having been denied the right to see his father may develop an emotional scar or some psychological malaise simply because as part of his or her socialisation process he or she is denied the opportunity to be in contact with the father. In any case, if an Act of Parliament is so manifestly negligent in refusing to confer visitation rights on fathers, then we in this Parliament are under a high moral duty to put the matter right.

As any good counsel will tell you, this very Maintenance Act, Chapter 216 that I was criticising, both as conceptualized and as is applied, deals with children as the product outside of marriage and can only be applied in the Magistrates Court. The Magistrates Court has a formula by which the court clerks can set out to pursue or have pursued a father who is in arrears and it has happened in Barbados sadly that a lot of men have been in arrears sometimes for 10 years and, as the Honourable Member for St. Thomas said, some people have been in arrears for staggering sums and all that time the child suffers.

Before I go on, I should mention something. We are into an area that causes a lot of concerns. This very Maintenance Act from its tone and its purpose indicates clearly that it is the duty of both parents to support the child equally, but in the real world, you find a tradition and a veritable culture in Barbados where some females see it as the responsibility of the man to support the child 100 per cent without any contribution by them and a lot of them are urged on by attorneys-at-law who tell them that since they have the child at home and the father does not live with them, they having the child by themselves will reduce their financial liability to the child. That happens in the real world.

What you also find, which is very galling, is that a lot of irresponsible mothers, aware that a father is under an obligation to provide financial support for the child do not treat that financial support as being for their children but for themselves to purchase garments, to live good and to have a trip to Margarita, Puerto Rico and Miami. Sometimes you will catch out the woman when she says, "I am going to Noel for the child's money because I have to buy a dress" but not because she has to buy a dress for the child, or "I am going to Reggie to get the \$6 000 arrears", not because it is for the child but because she has to go to Miami to shop for Christmas. This reflects a sad situation. Noel and Reggie are

hypothetical persons, Mr. Speaker. They exist only as the product of my very fertile imagination and have nothing to do with the default of people not entirely unknown to this Honourable Chamber. The fact is this, Mr. Speaker, that there are women liable of seeing that finance provided by fathers not as something designed to go towards the welfare of the children, but as theirs, as a subsidy for their profligacy and spendthrift ways.

4.25 p.m.

It often happens in the real world that conscientious as a man may be to support his children or compelled as he may be by the courts, whether through a direct court order, through attachment or whatever, that you also have situations where some children are very sadly deprived.

I join a lobby today. I have never had difficulty with the idea, but bearing in mind where our society is going, I join that lobby of people who are suggesting that a lot of our social problems are derived from bad parenting and if we assume that a family, whether nuclear whether led by a single parent, whether extended, lies at the basic unit, then clearly any mandate given to any Standing Committee of this Honourable House to look at family law will have to bear that in mind. We must ultimately aim to restore the ethic and those norms to this community that go in favour of strong families and deflect those tendencies for children to be badly brought up and to be inclined towards mischief and deviant behaviour.

I was to make the point, Mr. Speaker, that there exists in the Magistrates Court a formula by which the court can accept maintenance on behalf of a child. The Court Clerk, seeing a man default, can set in train the process by which the man is compelled to pay back money. In the High Court where you get awards being granted in the context of the breakdown of a marriage, there exists no formula in our High Court where if an award is granted that a mother contributes \$150 a month and the father \$150 a month that there is a formula by which that money is collected in the High Court.

I know there is a view held by my respected and revered colleague on my right that we should initiate legislation by which the High Court can make an order in a way where money paid on behalf of a child can be paid into the Magistrates Court so that it is somewhere for the child.

What do you have in the real world? In the real world, Mr. Speaker, when the High Court has no mechanism in the Registry by which it can accept maintenance on behalf of the child, where the parents who are under a duty to pay the maintenance are in default, invariably it means that the innocent party, the innocent mother usually, will have to go back to court, incur expense, have to see a lawyer, have to experience a delay, endure emotional pain to continue a matter perhaps a year or six months after she is effectively applying for arrears due to be paid on behalf of the child. We need to look at all these things.

Mr. Speaker, a welcomed piece of legislation was passed in this Parliament some time ago to treat to the issue of domestic violence. Happily, the Court of Summary Jurisdiction which would normally be quicker, cheaper and in every sense more understanding, perhaps, of these matters, was given authority to entertain matters to do with matrimonial violence; but for a long time under section 91 of Cap. 214 of the Family Law Act there was a provision where a party who was the victim of matrimonial abuse could have gone to the High Court for injunctive relief in terms of section 91, but it would have meant expense, facing the formality of the High Court and such like.

Mr. Speaker, what we also have to look at is this. We should see ourselves as social engineers. Each of us in here has a constituency and each constituency is necessarily going to have the unfortunate and the underprivileged. There exists in the interest of the unfortunate and the underprivileged something called "Community Legal Service". We will have, as a House inspired by a permanent standing committee on family reform to look at how legal aid works in the context of family law matters. A woman who is poor and unable to afford a lawyer can access legal aid whether it be for the Magistrates Court or for the High Court, whether she is single or married for maintenance, but she might need other forms of relief. She might need other orders, especially at the High Court stage when she is married which Community Legal Services at the moment does not cover.

Mr. Speaker, suppose there is a woman who is married and is not going to the Magistrates Court for anything, what exists on her side right now through the legal aid process is that she can get maintenance. If she wanted principal relief in terms of section 27 or 42 of the Family Law Act, there is no legal aid in Barbados for applicants seeking principal relief in the High Court. Indeed, if she wants to come under section 91 of Cap. 214, which is still law in Barbados, she cannot get legal aid for that either, because the system of legal aid in family law in Barbados does not go far enough.

While it does not go far enough, there will be social problems affecting family life since children are inevitably caught, especially young children under 18, in matters where there are disputes between families, and the children will suffer.

Mr. Speaker, I started with the Crown Proceedings Act and I am going to finish with it. It is amazing that in Barbados you might get a little fellow who is a messenger at Geddes Grant who willingly takes his \$60 a week either to the court or to the mother of the child for child maintenance but there may very well be a clerical officer in the Post Office, a messenger in a Government Ministry, other persons who fall within the Crown Proceedings Act well and able financially to support their children, but who do not voluntarily cooperate with the system, and so this is what we are doing today.

If a person is a public officer well and able to pay maintenance but who will only pay when an element of compulsion is applied to him or her, then what we are doing here is good enough where, in the absence of his cooperation and consent to support his child or children as ought to be his moral responsibility, Parliament is now through legislative compulsion allowing for a court to be able to make an order that his wages or salary be so attached to allow better provision for the maintenance of children that he would not otherwise have supported.

Mr. Speaker, I want to conclude by saying that time was before 1980 when as children we were born and grew up in this world there used to be some view that when it came to the maintenance and support of children, that such was the exclusive responsibility of the father or the male. The current thinking now as is reflected in our legislation is that the financial support of children is the responsibility of both parents. That is clear. For those mothers in Barbados who hold back from supporting the children and impose that obligation on the father entirely they are definitely wrong.

Mr. Speaker, I must be fair. In any situation where it is the obligation of both parents to support the children, there should be provision that no child be wantonly refused access to his parents. I can understand a situation if the parent is unfit. Suppose the parent is very sick mentally, suppose the parent is a person who has not drawn a sober breath since September 2, 1961, suppose the person is abusive and found to be incapable of raising a child, I would have no difficulty restricting the right of that parent but, in clear circumstances where children need the emotional care of parents, even if both parents are not living under the same roof, the time has come for us here to set in train the process by which full parenting can occur.
4.35 p.m.

It is a good sign to see the number of men who take their children to school. Twenty years ago children were taken to school by mothers, aunts or grandmothers. Everybody now knows that increasingly more men are taking their children to school, attending Parent-Teacher Association meetings and playing an active role. Unfortunately, even though it is a good sign, I am still wondering, in light of the amount of teenage delinquency, truancy from school and the clear refusal of a lot of children to cooperate with authority, whether we, as a developing country and a country singled out for achievements, have been able to prove ourselves to be a nation of truly responsible parents and persons well positioned to take care of our youth and children.

With these few remarks I am deeply obliged to you.

Mr. M. Z. WILLIAMS: Mr. Speaker, I too would like to lend my voice to this debate in this Honourable

Chamber from the same perspective as the former speaker and also to speak from another angle having lived a life of what we are speaking about today from the point of view of having to deal with people faced with this situation of maintenance both from the male and female perspective.

I believe that this issue relating to the family that is before the Honourable Chamber, that both parties should understand clearly that no child was asked to be brought into this world. However one looks at it, it was a situation that developed between two persons regardless of their social background.

Sir, in some cases the man has a doubt whether the child is his and sometimes the women carry a doubt because she might be dealing with more than one person at a time. I am opposed to a situation where a man lives with a woman, the woman becomes impregnated and the man says the child is not his even though scientifically, it can be proven whether the child belongs to the man or not. If the child does not belong to the man, then it is fatherless and that child is then left for the grandparent to support it. Yes, we are talking about maintenance but we need to mention the grandparent who supports the child and gives the child love.

Mr. Speaker, a child is born by two people, it goes into the day nursery which is a different environment. It goes from the day nursery to a preschool which is also a different environment and then we see the child doing negative things but from early in that child's life the love, understanding and responsibility of the two parents were missing. The society then rejects the child at the age of 14, but it did not happen at this age. It happened because the love and understanding of the two parents were missing from the child's life.

Mr. Speaker, laws and amendments are necessary, but we need to understand that no child was asked to be brought into this world and should be given love and attention.

Mr. Speaker, women often come to me and say that the money for maintenance has not been paid but that the child still has to eat and wear clothes. In some cases the woman finds herself in a situation where child number one is not maintained so she talks to man number two and the same thing happens with man number two so now the woman has two children who are neglected. She has already put child number one's father and number two father in court but neither child is receiving maintenance.

I personally believe that father should understand that it, the maintenance and love of the children, that counts. Neither do I believe that mothers should spite fathers because the relationship was broken off for another woman. We then have the situation where the mother tells the child that it does not have a father and that the father is no good.

The mother is receiving the maintenance from the father yet the child is being told that it will grow up to be no good like its father.

Mr. Speaker, the Law of the country should remain but it goes much deeper than law and what we do in this Chamber so we have to get to the root of this matter.

We also have a situation where the father spites the mother because the relationship has broken off and the father cannot accept that the relationship has ended and the child then suffers because the father refuses to pay maintenance. 4.45 p.m.

The child stands to suffer as a result because the father figures that since she is the mother of his child and has nothing more to do with him, he is ceasing his support and maintenance of that child.

Sir, look at the reverse situation. The mother or grandmother of that child spends time and looks after that child to the point that it has grown and has become respected in the community, or fits into a proud and fitting job. It is then that the father recognises that child and starts introducing it to other people. The father has now identified himself with the child when it has grown to become a man but where was the love and upbringing of the father during the child's upbringing?

Sir, the reverse to that is that children have been brought up in this country believing that they do not have any father but somewhere along the line, the father has been maintaining that child throughout its life by way of sending money to its grandparents, or through a friend and not through the courts, but that father is not allowed to see the child since the mother has never allowed it the opportunity to see its father.

Sir, another aspect is that when those children have reached an older age, the mothers will then send them to their fathers for money. Sir, too many children have found themselves in situations where, when the relationship was at its best but soon becomes broken, the child then becomes the pawn in that situation where it is played between the two parents and as a result of that, children then start to rebel against their stepfathers.

Sir, persons in this country only feel that men maintain children. I have had the experience where mothers have to pay maintenance to fathers. As a parliamentary representative, there was a case where the mother had to pay maintenance to the father for the child. What happened was that at an early stage, even though the mother had brought that child into the world, she did not carry the kind of love for the child she should have because, unfortunately, she had become pregnant for another man and hated that child because the child was fathered by father number one.

Sir, in Barbados children suffer these things. For example, in a home where a mother despises a child because she and the father have separated and is now involved in a new relationship that child does not get the love of the mother because that mother has conceptualised that child as not being of any good. Sir, there are maintenance cases brought before the Magistrates Court that are simply done out of spite; where the man was not recognised as being the father but as soon as he becomes a national figure or is recognised, he is now recognised as the father, wherefore, he is now placed in a situation where he does not even remember the connection he then had with the mother.

Sir, there are too many mothers in this country who have to journey to St. Matthias Magistrates Court, then to be told that there is no money there. There was a situation where a lady was turned around by the Marshals. She went to the St. Matthias Magistrate's Court to see if there was any money. Sir, this is now three years that she has not gotten any. What the father would do is to stand on the Bridge and show the mother a beautiful gold chain that he was wearing and tell her that she was not getting one red cent. Sir, when she told me that, I advised her to go and speak to the Ombudsman and I believe that what we have been reading quite recently is as a result of the several cases of maintenance that have come before the Ombudsman.

I am not blaming the Court Process Office nor the Court Marshals because, in truth and in fact, some of the money may not be there. But how it is that Marshals can see people standing on the Bridge daily and knowing there is a writ of execution out for them but are still saying they cannot find the fathers of the children? Therefore, the mothers are left in the position of having to send to school children and to provide them with clothing.

Sir, I am going to be frank and fair. There is another situation in this country where mothers are being supported by the fathers but are also receiving welfare grants. I think the Church and counsellors should start looking at the children who are hurt in this situation. Sir, not being given the love at an early age, it is only the child that stands to suffer.

Sir, I can relate an experience which, only Sunday night last, I had to deal with, where a mother of a son who impregnated a young lady, actually telling the supposed father of the child, age 21, not to support the child; that the child was not his. I could not believe it and so I spoke to the mother. She was shielding him from being a responsible father. I advised her not to go down that track, then how would she feel if another mother told her son not to support the child of her daughter.

Fortunately for me, I was able to convince that mother that her son had the responsibility of looking after the child

but I do not know how long this will continue. On Saturday when I asked about them I was told that the father was still supporting the child and therefore I would hope that will continue.

4.55 p.m.

Mr. Speaker, this piece of legislation before us is wide and varied. We can talk about the maintenance of children but we also have to look at situations in a divorce procedure, where children are involved and they have to be maintained as ordered by the court. That is also another serious element as far as the Crown Proceedings amendment before us but, "all in all", it is the society in which we live.

Mr. Speaker, there are some men and women who feel they cannot let what happened to other people happen to them, or that things happen to them because of their bad luck. It is not bad luck. No child on this face of the earth is bad luck. Any man who knows that he has been involved with a woman – and not a "one night stand", which is a question mark where he has to ask himself if it is truly him...

Asides.

Mr. M. Z. WILLIAMS: I am proud to stand in this Chamber to say that I am a proud father. I am not in this debate from the point of view as what I would consider to be a law maker or somebody who is in Parliament. I am privileged to stand here as an experienced person in what this debate is all about. I say that to say that the important part is – and I would repeat again – there is a question mark to any "one night stand". Sir, 10 years later you, would then understand what the "one night stand" really stood for because you might have picked up something which is now a killer.

Aside.

Mr. M. Z. WILLIAMS: A "one night stand", Mr. Speaker, needs to be explained for the Honourable Member for St. Philip North. You go to a party or some place, you move into a situation where you see some person and the person and yourself make an understanding between each other. You end up taking the person home or the person ends up taking you to their home. You end up being wrapped up with that person and you never see that person again. That is a "one night stand" and some of us in this Chamber must admit to this because at sometime in the past we went overseas.

Asides.

Mr. M. Z. WILLIAMS: Mr. Speaker, my point is that any man who has been sleeping under a roof with a woman for a period of time and she became pregnant, it would be strange and awkward for him not to feel that that child is his, even though there may be a doubt in his mind

to the faithfulness of his partner. Sir, *vice versa* – this happens in the reverse as well.

There are situations where women have discovered that the man who has been sleeping with them, is sleeping with somebody else. Then when a child comes, the lady obviously feels hurt and this is where the problem comes, they breaking up and the child is in the centre of it all.

I would hope, Sir, that as I said earlier, there may be a full understanding, instead of having to put a father in court, that the mothers and fathers are people who believe that they cohabited at some time. They should sit down and discuss the fact that they are bringing into this world a human being, some person who may end up at a later stage in life to become a leader of this country or to become someone in a prominent position.

I think what we need to establish is love, understanding and acceptance at an early stage of pregnancy. It does not have to be a situation where that child has to be born and somebody lifts up the child and says, “you look like your father”, or someone may try to distinguish at an early stage in life whether the child looks like the mother.

Sir, a child knows his parents. Everybody in this Chamber should understand that a child knows his parents from a very early stage. Children respond to their parents and they do not go to people that do not love them or who have an attitude to them. You may notice that sometimes you may try to take a child from some person and the child pulls back and goes back to the mother or whoever has that child because the child senses that somewhere along the line, there is something between you and that child which prevents that child from coming to you.

Mr. Speaker, if you watch clearly, every day you will see across this country of Barbados, fathers with children, taking them to the day nursery, to school and out in general. I must say that most fathers in Barbados are honouring their responsibilities but there are still some fathers whom I would like to appeal to, that should be able to do the same thing, that is, honouring the responsibility of fatherhood.

Sir, again there is a reverse. There are some mothers that I would like to appeal to from this Honourable Chamber, who have a responsibility to act as mothers. There are too many mothers in this country who feel that by bringing a child in this world that is all. They will probably leave that child with a friend at 6.00 p.m. and never return until probably 3.00 a.m., or 6.00 a.m. and, Sir, that happens nightly. What is going to happen to that child? That child will come up being more familiar with the friend than the mother.

The responsibility here is not only the fathers, it is also the mothers. My appeal is also for certain mothers to honour and respect the responsibility for what I consider to be a

God-given gift because there are many people that would like to have children who have not been able to produce and as a result of not being able to produce, they love other people's children.

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

Mr. M. Z. WILLIAMS: Thank you, Sir.

Sir, I believe that it is extremely important that the high level of names in St. Matthias at the maintenance court be reduced.

I believe in the Detachment Order, but you also have to understand that even though you set the Detachment Order, some of those people may not be in a permanent job. Also, if that person loses his job, there will be no money for that purpose.

However, I believe that people who have worked to the point where they can receive unemployment benefits, if they have lost their jobs and there is a child to support that a Detachment Order should be attached to those unemployment benefits because, Sir, the fathers will give the mothers the excuse that they cannot maintain the child because they are not working, when they are in fact receiving cheques from the Unemployment Department.
5.05 p.m.

I believe the same way you can have a detachment from the workplace, that there should be a detachment from the National Insurance Scheme so that the child can still be maintained.

In closing, I think the answer here is one of love. I would like to establish to young people, the grandmothers and the fathers who are listening to us that they must understand that no child was asked to be brought here and that an understanding of love has got to be established from very early in that child's life.

I thank you, Sir.

Hon. R. St. C. TOPPIN: Mr. Speaker, I rise to make a very brief contribution to this debate. I fully support the concept and the principle that every child must be properly nurtured and properly maintained. Therefore, I fully support the principle contained in our legislation that before a divorce is granted, which normally means that two married people have reached a stage where they want to go their separate ways, unless there are very exceptional circumstances, that the welfare of the children should be properly protected and properly provided for.

Therefore, while the provision in the current amendment seeks to ensure and empower the court to grant a divorce even in circumstances where the child's welfare may not necessarily have been fully provided for, I support it in the context of the fact that it provides that only in exceptional cases could the court make an order to grant a divorce without adequate and full provision being made for the welfare of the child.

I believe that the principle of supporting children should also extend to everyone. The fact that we are now seeing for the first time an amendment to ensure that the salary of the civil servants can be garnished or taxed has to be a very, very serious oversight and, in my submission, may have well bordered on being classified as a dereliction of the duty of Parliament through the years because certainly there can be no justification for persons being subjected to the principle where their salaries can be garnished, but a special class of persons called civil servants have through the years been able to enjoy an exempt status, so I am pleased to associate myself today with the principle of roping them in to this principle.

I have no quarrel with children being maintained and parents being compelled to maintain their children but I do have a difficulty with the fact that invariably while there are two parties to the proceedings it is almost always the man who feels, and I would say is entitled to feel, that he is being penalised in the process of trying to reach a stage of an assessment of maintenance for a child. In fact, sometimes this feeling of the male that he is perhaps being persecuted or penalised starts from the very stage where parties represented by attorneys are trying to reach a settlement in the matter.

One of the worse things we could want to have, and this may sound like a strong statement but it is true, is a situation where a woman seeking rights in relation to a child is represented by a female attorney because hell hath no greater fury than a female represented by a female attorney because all reason loses its seat in seeking to reach a settlement for a figure for maintenance of the child.

I well remember, Mr. Speaker, a case I was involved in. I was representing a man who was earning \$600 a month and the wife was earning some \$2 200 a month and the issue of maintenance for the child arose. The husband was offering \$175 per month for the child out of \$600, and the wife, through her attorney, was pressing for some \$350 per month out of a salary of \$600 a month. The wife's attorney was adamant during our discussions that she was not going to advise her client to accept less than \$350 per month. So I then had to resort to something that no one ever talks about in this whole issue of maintenance, that is, that a husband can also apply for maintenance from his wife.

It is also very sad that no one ever seems to advise a man that he can apply for maintenance from his wife.

Therefore, I had to resort to the strategy of saying that I too will now have to institute maintenance proceedings for the husband against the wife who was earning almost four times as much as he was, if we could not settle the reasonable terms proposed by my client. After I put forward that position and thereafter put it in writing we were then responded to favourably with the wife readily accepting the proposal of the husband in the particular matter. So from the very inception the male is always persecuted.

When you go beyond the stage of trying to resolve the matter outside of court, you find that you have the court to deal with and there again the man is entitled to feel that he is at the receiving end of antagonism from the judicial system where unreasonable demands are made for maintenance and for rights in relation to children in terms of custody, care, control and access which is almost granted along the lines sought by the wife who is usually the applicant.

The husband is dictated to when he would get access to the children. Invariably, he is granted joint custody which means every little in practice. In fact, his rights are sometimes so circumscribed in relation to access to the child that whenever the husband is denied access to the child, even in pursuance to a court order, and the husband takes the step thereafter, because he was not able to see the child as ordered by the court, and say that he is, therefore, going to deduct a sum of money commensurate with his obligation then to maintain the child while the child was with him, the wife then takes the matter back to the court and complains that the husband has failed to provide all the maintenance that he was supposed to provide and when he makes the counter argument that he did not have the child when he was supposed to and, therefore, deducted a sum from the maintenance, the court said no, he still has to pay the wife the full maintenance although he was not being allowed access to the child as the court had ordered. So again the man finds himself being the persecuted party.

The point must be stressed, and the Honourable Member for St. James North started to make it and I wholeheartedly support it, that the issue of maintenance of a child is a joint obligation between the wife and the husband. Too often in accessing the maintenance that a husband or a man is supposed to pay to a wife it is as if the husband alone is the party that has to support the child, so you have to look at the husband's earnings, his obligations and his other financial commitments and then come up with a figure that he is to pay for the child.

No recognition whatsoever is usually given to the fact that the wife or the applicant also has a duty to support the child. In other words, the husband's payment is a contribution to the maintenance of the child but the

applicant also has to contribute to the maintenance of the child but that principle is very seldom realised. In fact, one magistrate made the point some time back, and quite correctly so, that there are some women who see the issue of maintenance for a child and marriage as a whole as a means ticket for life. Of course, I am not here bashing women but merely trying to put the other point of view. It is a fact that there are some women who see the sum of money they are going to receive or they are asking the courts to order a man to pay to them for the maintenance of their child as their sole income. They are content to approach their life from the point of view that from the time they have a child the husband will support both the child and them. They do not worry to pursue any other avenues for gainful employment. 5.15 p.m.

Mr. Speaker, it is also a fact that sometimes men are put in court for maintenance for the sheer purpose of being embarrassed. I know of situations as well and I have worked for men through the years as an attorney-at-law.

Aside.

Hon. R. St. C. TOPPIN: One Honourable Member is saying that it happened to him although I have not yet said what happened. I guess he found himself in all sorts of situations in the world. The fact is that a man who was served with a writ for an application in relation to the maintenance of a child when he told me the amount he had been giving to the child it was more than adequate for the support of the child but for some reason the wife had decided that she was still going to put him in court for maintenance, obviously for the sole purpose of embarrassing the man. That is behaviour, Mr. Speaker, that we should not condone. There are also women who for whatever reason decide that they will put a man in court knowing full well he is not the father at all, just to embarrass him. These are situations which I think we have to guard against.

If I, in closing, may put one counter proposition. There are times when the courts have in fact granted custody, care and control to a man and have in fact ordered that the wife be the one to make a contribution towards the maintenance of the child of which the father has been entrusted custody, care and control. Do you know, Mr. Speaker, that on the information supplied to me it appears that in a few of those cases when maintenance orders are made against women to contribute to the maintenance of their child which the father has that the women do not make any contribution whatsoever in relation to that child? It happens that men being macho, wrongly so, never bother to come back to the court for any contribution from the mother because we feel that it is the male thing and the right thing to do and we will handle the question of maintenance of the child on our own.

Mr. Speaker, I wanted to join the debate just to put that perspective or that twist on it because it is easy during debates of this nature to focus always on the rights of women

which I fully support and always portray the man as the vile delinquent who is uncaring and unsupportive of his child without recognising what it is exactly men often find themselves up against.

While I fully support any legal instrument or amendment to any legislation to ensure that all men contribute to the maintenance of their children, I also saw it as my duty to bring a measure of balance to this particular debate. Thank you.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I rise to wrap up this debate and to thank all Honourable Members who have taken the time to contribute. I think we can safely say that we have had a very full debate on the matter of family law and maintenance in Barbados generally and in circumstances where members have even introduced some novel concepts and novel views into the debate. Such is the richness of life in this country and it is only to be but expected that any such debate would therefore refer to these things.

Can I say that if there is one thing that flows through the Family Law (Amendment) Bill is an intention to give greater judicial discretion largely as a result of the recognition that persons can never plan for every possibility and variable in human life and relationships and circumstances. In that instance, it is better to empower the judge within a given broad set of parameters to be able to take decisions to meet the justice of the case.

In my earlier speech, I indicated if there is one area of the Law which should always try to provide justice for sure it is this instance in Family Law. Sir, there are amendments which affect the Constitution and therefore will require a two-thirds majority on the Family Law (Amendment) Act largely as a result of the empowering of the court to be able to keep alive the actions where a party to the action has died and in circumstances where other persons may have obtained new rights of property under the Succession Act. Therefore, out of an abundance of caution, when we come to the Family Law (Amendment) Bill shortly, we will see the need for the constitutional formula such as to ensure that it is in compliance with the Constitution.

Sir, I also want to add to what the Leader of the Opposition said and agree that we need a strong public information programme informing people of their rights and obligations in these matters. I believe it was the Honourable Member for St. Michael East who made the point that very often men are unaware that if they are unable to meet the sum that has been ordered by the court that they can go back to the court and have that sum varied.

What happens is that the sums just build up and the next thing you know there is an inability to pay and what

they in fact go to prison for is not the debt itself but the failure to comply with the order of the court and hence it being contempt of court and hence they still owe the money when they come back.

I believe the Standing Committee that will repose on family matters should at some time look at the provision in the Fijian Constitution which says that persons should not normally be imprisoned for civil debt unless it is shown that they wilfully and deliberately refused to pay once they have the means to do so. I believe like all of us in this Parliament that you should not cause a man to go to prison simply because he is unable to have the means to pay but where he has the means and he wilfully refuses to pay, that is a different matter.

I hope and trust that after due consideration we look at bringing that amendment to this Chamber recognising that in many instances it places a greater onus on the person to go back to the court to say that they cannot pay because if you breach an order of the court, then it is appropriate that the court should hold you in contempt. The power to imprison when a person is in contempt of court must be a power the court should always have, if not, you will weaken the court and make it ineffective in its capacity to maintain the rule of law.

I have taken note of the comments made in this debate and I simply say at this stage that once we establish next week a Standing Committee on family law matters, hopefully, we can investigate a wider range of issues to be able to improve the circumstances which govern and order the environment under which families and individuals within families operate and the services from which they benefit.

I have also given a commitment that we will be immediately investigating the circumstances under which women in the Magistrates Court collect their money. We all agree that it is demeaning. The Leader of the Opposition has made the point and, despite the comments being made here that nothing has changed, I hope I will have the will and capacity to make that change because I do not think that in the year 2002 it is appropriate for people to be milling about and be pushed from pillar to post simply to collect what is an order of the court in respect of their maintenance fees.
5.25 p.m.

Persons should only be in the court if a contentious issue is being settled and not for the ordinary collection of maintenance. Sir, I also hope to provide figures shortly showing what percentage of children in Barbados are maintained through the court because these kinds of statistics may cause us to sit and take note. I still believe that children should be maintained without having to receive maintenance by order of the court and that both parents should come to the task of parenting voluntarily.

The Honourable Member for St. Michael North West said that at the end of the day it is about love. Indeed, it is about love, trust and acceptance of responsibility. If we recognise that we are permanently affecting the life of a child who is vulnerable, it might lead to a change of attitude in this country.

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

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

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

On the motion of Hon. 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. Miss M. A. MOTTLEY, seconded by Hon. R. C. EASTMOND, 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. Miss M. A. MOTTLEY seconded by Hon. R. C. EASTMOND the Bill was read a third time and passed and cited as the Crown Proceedings (Amendment) Act, 2002.

RECOMMITTAL

PAPERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I am commanded to lay the Report of the Joint Committee of the Joint Select Committee of the Family Law (Amendment) Bill, 2001 which has already been circulated to all Honourable Members.

In the circumstances I would like to move that this Report be now adopted by this Chamber.

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

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

ORDER NO. 7 – RESUMPTION OF DEBATE ON
THE SECOND READING OF THE FAMILY
LAW (AMENDMENT) BILL, 2001

Hon. Miss M. A. MOTTLEY: Mr. Speaker, under the Crown Proceedings (Amendment) Bill I indicated that we would be taking the debate on that Bill and the remainder of the debate on the Family Law (Amendment) Bill as a cognitive debate and there was no objection by the Leader of the Opposition in this respect. This is as a result of the fact that this debate was previously led by my predecessor who, as we know, is not now a Member of this Honourable Chamber.

In the circumstances, the Select Committee has reported to Parliament. We have had the substantive debate on the Crown Proceedings (Amendment) Bill and at this stage I simply propose that this Bill be read a second time.

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

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

On the motion of Hon. Miss M. A. MOTTLEY the House resolved itself into Committee, Mr. D. CARTER in the Chair.
5.35 p.m.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: This Honourable House is now in Committee of Supply. The Honourable Member for St. Michael North East.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, before the first Clause was called, the Report of the Joint Select Committee made recommendations for two amendments and earlier today the House would have adopted this Report. In the circumstances, one of the amendments was an amendment to an enacting formula of the Bill and in the circumstances I would wish to propose that amendment.

“Enacted by the Parliament of Barbados in accordance with provisions of section 29 of the Constitution of Barbados”.

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. St. C. TOPPIN the question that the enacting formula as proposed was put and agreed to.

Clauses 1 – 4 inclusive, were called and passed.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, in respect of Clause 5, I would wish to propose an amendment as

recommended by the Joint Select Committee of both Houses of Parliament and previously adopted by this Chamber.

Sir, within Clause 5, at section 3A© we would wish to delete the comma after the word “union” in the first line and inserting therein immediately the words “born before the commencement of the union”.

In the circumstances Sir, I beg to move that Clause 5 stand part, as amended.

The question that Clause 5 stand part, as amended, was put and resolved in the affirmative without division.

Clauses 6 – 17, inclusive, were called and passed.

The First Schedule was called and passed.

The Second Schedule was called and passed.

On the motion of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. C. EASTMOND, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. C. EASTMOND, the Bill was read a third time and passed and cited as the Family Law (Amendment) Act, 2002.

Mr. SPEAKER: Honourable Members, this being a constitutional matter, we will now ask the Clerk, first of all, to ring the bell to ensure that all Members are present and then, of course, the Clerk will go around and have the names of those agreeing and those dissenting.

(The bell was rung).
5.45 p.m.

The question that the Bill do now pass and be so cited was put and resolved in the affirmative without division as follows: –

Ayes: Hon. Miss M. A. MOTTLEY, Hon. R. C. EASTMOND, Hon. R. N. GREENIDGE, Hon. R. St. C. TOPPIN, Hon. A. P. WOOD, Hon. R. R. FARLEY, Hon. H. F. LASHLEY, Hon. R. D. MARSHALL, Hon. N. A. LYNCH, Hon. Miss H. E. THOMPSON, Hon. Miss C. Y. FORDE, Hon. Sir HAROLD St. JOHN, Hon. Dr. R. L. CHELTENHAM, Hon. G. A. CLARKE, Mr. M. Z. WILLIAMS, Mr. D. T. GILL, Mr. T. A. PRESCOD, Rev. J. J. S. ATHERLEY, His Honour J. M. EDGHILL, Mr. D. CARTER and Mr. D. J. H. THOMPSON – 21.

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

COMMITTEE OF SUPPLY

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

ORDER NO. 12 – RESOLUTION TO GRANT THE SUM OF \$1 237 791.00 FROM THE CONSOLIDATED FUND AND TO PLACE IT AT THE DISPOSAL OF THE GOVERNMENT TO SUPPLEMENT THE ESTIMATES 2001-2002 AS SHOWN IN THE SUPPLEMENTARY ESTIMATES 2001-2002, NO. 12 WHICH FORM THE SCHEDULE TO THIS RESOLUTION

HEAD 15 – CABINET OFFICE IN THE AMOUNT OF \$108 377.00

Hon. Miss M. A. MOTTLEY: Mr. Chairman, in begging to move that this Head do stand part, I seek to rise to explain that the expenditure being requested and required of us, is to allow the Government to settle outstanding debts incurred as a result of the staging of the St. Thomas by-election. These debts would have been incurred by the Electoral and Boundaries Office in their duties on election day.

They would have ranged from the remuneration of the election officers, the provision of remuneration for island constables as well as lunches for them, stationery and supplies, publication of notices in the media, rental of buildings to enable them to execute their functions, transport and travelling to ensure, of course, that the polling boxes would have been transported to and from the polling stations and then of course to the counting house, the marking of roads, payments of National Insurance, provision of election circulars informing people where to vote and indeed, Sir, other miscellaneous expenditures which would have been incurred as a result of the staging.

I believe this Honourable House should have no difficulty in us wanting to meet this expenditure. Indeed, it is of significance that in a region where electoral results now are becoming more and more difficult to understand and electoral procedures equally difficult to manage, Barbados' unblemished record today stands out as something of which all persons on all Sides of this Chamber could be justifiably proud and indeed, all citizens of Barbados.

In the circumstances, Sir, you would have appreciated that in the time the Estimates would have been voted upon last year March, it would not have been known that we would have been facing a by-election, as the then

Honourable Member for St. Thomas was still very much a Member of this Honourable Chamber and, in the circumstances, this expenditure could not be predicted.

This is truly the proper nature of a Supplementary and I can only commend it as absolutely worthwhile for support by Honourable Members. May I also say, tangentially though, Sir, because much debate has been taking place in this country recently as to the appropriateness of our political systems or otherwise, particularly in the context of constitutional reform. Indeed, the Deputy Prime Minister of Barbados in opening a specially sponsored Conference by the OAF in Antigua on Constitutional Reform, indicated a view which seems to have also found favour with other members in the community.

Indeed, the Leader of the National Democratic Party has been writing on it recently, the Leader of the Opposition has gone on record as supporting it and I, Sir, in closing that Constitutional Conference also indicated that I thought the time was right for a review of the process we have had. After some 35 years of independence, we would have justification in wanting to review whether the intentions of wanting to build a strong democracy can be met, simply by reducing the people's participation by the exercise of a single vote in a first past the post system in elections.

I believe, Sir, the time has come for serious discussion to flow on this issue. I further believe, Mr. Chairman, – and these are my personal views, Sir, – that in circumstances where the first past the post system has always been able to produce viable Governments for us, that it does not necessarily reflect the popular will of the people always, as we saw in 1986 and as we saw even now because to the extent of their being an imbalance in representation of absolute seats in Parliament, it does not necessarily reflect the proportion of persons voting for the parties.

Equally, Mr. Chairman, I also believe that different people in constituencies vote for people for different reasons. Some people are looking for people to defend and define their constituency interest. Clearly, others are looking Sir, for persons to be able to identify and defend national interest and then what happens when we reduce it into one vote alone and have one category of representation in the House is that we end up in a situation that does not necessarily serve our total interest in the best possible way.

I think the time has come, Sir, for us to have discussion nationally, in a formal way, whether we may not be better served by having a combination of both the first past the post system and some element of proportional representation. It may well result in an enlargement of the Chamber, but in the interest of a better serving democracy, I believe that this debate should take place during the course of this year. I use this opportunity, Sir, to define that programme and to hope that we can find a consensus at

least on the staging of the discussion, even if not on the outcome of the same.

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

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

Mr. D. J. H. THOMPSON: Mr. Chairman, I am not going to get into the matter which the Honourable Member for St. Michael North East raised at this stage. I am dealing exclusively with the Electoral and Boundaries Commission. There was one matter that was brought to my attention which has been of great concern to me, and even though the Boundaries Commission really functions independently, in a sense, it is a matter which I think should be of concern to all parliamentarians.

In recent times, even though for a temporary period, the Electoral and Boundaries Commission, instead of using the services of the Data Processing Department, contracted a private individual to undertake work on the electoral list, outside of the arrangements that applied when it was using the Data Processing Department.

My view is that this is a very serious matter which needs to be carefully examined. I understand that since this incident occurred, the list has now been done, once again, by the Data Processing Department. To my mind, the question of the preparation of the Electoral List and the work that is done to insert and delete names and all that is necessary to keep the list updated, is something that should be done by a department under the control of Government.

It is not something to be contracted out and I believe that far too often we have had examples of people being able to manipulate information that is even less sensitive than that of an electoral list.

I am not saying that is so with the person who is employed since I do not know the individual and I am not questioning it from that point of view. I believe the Government should give assurances, and we should make sure on this Side, that our representatives on the Electoral and Boundaries Commission are clear, that this list should be managed by the Data Processing Department and not by any other individual, unless there is a consensus on that matter and that consensus would find expression through the representatives. Both political parties have representatives on the Commission.
5.55 p.m.

This does not mean that every detail of the Commission's operation is under their control, nor does it come to our attention. I believe that to ensure the integrity of the Electoral List and to ensure that there is no opportunity for questioning the information contained on the Electoral List that the arrangements we have established and

have worked sufficiently for us in the past, should be maintained and that there should not be a departure from those arrangements unless we have built up a consensus on the matter.

Beyond that, I believe that the Electoral and Boundaries Commission, particularly the Deputy Chief Electoral Officer who was acting, at that time, as Chief Electoral Officer, should be congratulated for the efficiency with which it conducted its work in the St. Thomas by-election. I was extremely satisfied with the contacts they made with the political parties and with the manner in which the general arrangements for the election were carried out.

I believe, except for a few minor hitches, that by and large we should be grateful that we are able to manage and undertake elections in Barbados without major disputes. The St. Thomas by-election was one of those elections which came off without any concerns by either political party which either had to be dealt with by the Commission or its members, or under the legislation, and certainly none of which were brought to the attention of the media. So all told, they should be congratulated for the efficient way in which they carried out their obligations.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, I note the comments of the Leader of the Opposition. I agree with him that the election was one in which we could take a sense of pride in the manner in which it was carried out.

Indeed, Mr. Chairman, it would be fair to say that the most controversial aspect of the election was the later resignation of the Leader of the Opposition as leader of the Democratic Labour Party and that nothing else really was controversial prior to that.

I have also noted his comments in relation to the outsourcing of the contract for the compilation of the database, but not being the substantive holder of this office, I cannot comment any further on this matter but suffice it to say, that he himself has already indicated that this matter is being done by the Data Processing Department, so I can only give him the assurance that we took note of his comments and shall ensure that the requisite officials at the appropriate department also take note of the same.

With those few words, Sir, I beg to move that Head 15 do now stand part.

The question that Head 15 stand part was put and resolved in the affirmative without division.

HEAD 27 – MINISTRY OF TOURISM AND
INTERNATIONAL TRANSPORT
\$703 448

Hon. N. A. LYNCH: Mr. Chairman, the matter before us is to supplement the Estimates of Expenditure to the

Ministry of Tourism and International Transport to the tune of \$703 448.

Mr. Chairman, most of the funds requested are to be utilised to supplement the payment of utilities at the Grantley Adams International Airport. This is the result of the increased activity we have had at the Airport during the past six to eight months, much of which was unplanned activity and, therefore, could not easily have been budgeted for. More than \$400 000 is to pay for the usage of electricity associated with the new lighting that has been installed at the Grantley Adams International Airport.

The parking aprons, the taxiways and the runway were all repaved during last year. During that exercise, it was necessary to install additional lighting because the lighting at the Airport had become particularly bad. Also, because of the extension to the taxiways, both to the eastern and the western side of the terminal buildings, it was necessary to install additional lighting which has resulted in the increased fuel charge associated with the electricity usage.

Most of this cost was associated with increased activity at the Airport during the last quarter of the calendar year 2001 and \$50 000 has also gone, and another \$40 000 plus has also gone to the Maintenance and Development Unit because they had to pay personal emoluments, National Insurance and the like.

There are many more planes coming into the airport now than what came previously which has resulted in an increase of oil spills and debris on the runway when the planes land because of the increased activity. Therefore, it is necessary to pay a measure of overtime to the existing staff at the Airport.

Sir, this supplementary debate also offers the opportunity for me to speak of some of the activity at the Airport and what is going on there. Sir, two million passengers passed through the Airport in 2001. This is really just a small decrease from the year 2000, but it certainly pushes us up in terms of the 1990s, and way beyond what we have estimated the Airport would have been able to handle during the first part of this new century. There were 877 352 arrivals, 822 000 departures and 236 000 transiting.

Sir, during the last quarter of last year there has been a substantial increase in the amount of air capacity at the Grantley Adams International Airport. US Air was at that time flying a service from Philadelphia four days a week, which has now increased from February 1 to seven days a week. Virgin Atlantic was flying four days a week and they have increased their capacity to seven days a week. We brought back Condor Airlines from Germany, Lauder Airlines out of Italy, Air Transac and Sky Service out of Canada, so there is much activity going on at the airport.

It is estimated as well that there will be an increase in new services. From May 1, American Airlines will be flying two services daily to Miami rather than the one as we were accustomed to. It is also predicted, and this is on the cards, that BWIA may be doing the same in terms of flying two daily services to Miami starting some time later in the year.

Sir, there is much more to come in 2002 because, as we know, airlift is maybe the most critical component of our tourism development strategy for this country. It is proposed, starting in July this year, that Air Jamaica will fly a non-stop service from Atlanta to Barbados. We are also in discussions with Continental Airlines to fly a non-stop service into Barbados from Newark in New Jersey. There are also new services coming from Manchester this year and we are also in deep discussion with the probability of having a new service from Ireland.

6.05 p.m.

In addition, Sir, I returned last week from a meeting in Grenada of eight Ministers of International Transport in the region and representatives of CARICOM with the Minister of International Transport in South Africa. We signed a Letter of Intent which is intended to produce a Memorandum of Understanding between CARICOM and the Government of South Africa by March 31.

We are looking before the end of this year to have a non-stop service between Johannesburg and the Eastern Caribbean with Barbados being the hub. That service is being planned and we are in discussion with them – Johannesburg/ Barbados – then onto Miami and coming back the same way. It is not a *fait accompli* but we believe that before the end of the year we might be seeing service directly from South Africa into Barbados.

Sir, that particular service is going to open up to Barbados and to the rest of the Eastern Caribbean a part of the world which traditionally we have not had easy access to. It is the first time, if it becomes a reality, that we would have direct non-stop air access to the African continent.

In addition to that, because South African Airways has shares with many airlines in the southern part of the world, airlines in New Zealand and Australia, that means that it opens up an immense area for us to trade not only in tourism, but immense opportunities for trade in terms of the southern part of the world. That is obviously South America included.

Now, Sir, after September 2001, security became a topical matter within the circles of aviation much more so than previously. At the time of the attacks on New York and Washington in the United States of America, our airport authorities were already in the process of installing new security equipment at the Grantley Adams

International Airport in terms of the airfield perimeter fence and in terms of the terminal complex.

A lot of what we are doing now, and we have stepped up the operation in terms of making this security issue a reality, is to do all that we can in terms of restoring confidence in air travel. There is closed circuit television, monitoring and upgrading security and communications equipment, including explosive detectors and the like. This installation is expected very shortly because we have been in contact with the contractors that are needed to do this work.

Many new security procedures are already in place at Grantley Adams International Airport. Those of you who may have travelled in recent times to the United States of America will realise that there are inspections of all bags going into the United States of America and this is done by a manual search at the counter and at the gate as well.

Sir, a lot of these are a requirement of the Federal Aviation Administration. It is really the responsibility of the airline but the airport authorities must also provide all support necessary in this regard. In addition to that, Sir, there are inspections that are carried out periodically by foreign authorities, including ICAO, the International Civil Aviation Organisation, and Barbados has always satisfied all its requirements.

In terms of the Airport Expansion Project, the pavement works have been completed, the runways and the taxiways have been completed, the parking aprons have been completed. Because the cargo facility at a part of the old terminal had to be demolished to be able to prepare the new parking aprons, part of the building is still standing but when the new cargo facility is built, we will therefore have even more.

In the interim, most of the work that was already planned has been completed. There is an outstanding issue in relation to payments to the contractors which will soon be resolved and very soon we will also be getting the new arrivals hall at the Grantley Adams International Airport.

A contract has been awarded to start the terminal work and we are in discussion in terms of the legal process and we expect by the end of this month that work will start on the new terminal buildings.

In addition to that, there is one other thing, the installation of the common user terminal system for checking in bags. This is where any airline can use any counter space at the Airport to check passengers and this system will be installed at the Airport as well within a month. Finally, the radar system at the Airport is up and working. It was installed last year and is now fully functional.

This speaks overall to the type of activity that has been going on at the Grantley Adams International Airport. There have been many complaints about the congestion at the Airport but the fact of the matter is that we have outlived the capacity that the Airport can accommodate during these times. During the winter period, it is particularly acute because we receive many complaints and it is unfortunate that we have gotten to a stage where this Project has not been completed and has been delayed as long as it has been.

The problem we have, Sir, can easily be resolved once the terminal buildings are expanded. It is therefore our wish and will come to reality that by the end of the month the new terminal buildings at the Airport will be started.

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

Hon. R. St. C. TOPPIN: I beg to second that.

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

HEAD 34 – MINISTRY OF EDUCATION \$425 000

Hon. R. N. GREENIDGE: Mr. Chairman, this Supplementary relates to funds for the Barbados Language Centre Project. If I may just give a brief background. Some time in 1995 there was a study which was undertaken by the Government of Barbados and the European Union and that study showed quite clearly that Barbados needed to step up efforts in the area of language training and to do this adequately then the intake at the Language Centre at the Barbados Community College should be at least doubled.

This Project is part-funded by the Government of Barbados and the European Union and you can rest assured, Mr. Chairman, that whenever you hear of European Union arrangements there also will be something called "special conditions" and in those special conditions, very often, there are time limits and time constraints which are put on you and if we default at our end it is possible that we may lose some money.
6.15 p.m.

The Honourable Member for St. Michael North East would have signed off on the financial arrangements for this Project since June 2001, so it is imperative for us to continue the work and to do so with as much alacrity as possible. The actual Supplementary has to do with the selection for the design of the supervision consultant to the project. No provision was made in our Estimates this year and this is the reason for this supplementary.

Sir, the actual Language Centre is going to be a state-of-the-art complex and we hope to attract some of our regional brothers to this institution. The Barbados Community College presently has the Barbados Language Centre but this only accommodates a small number of students. If we are going to build a new centre, then it must be properly done. The equipment to outfit this centre must be of this century and the space should be adequate. Sir, we can no longer push the Language Centre into a corner. It should be accessible by a large number of people who can learn there at the same time.

Mr. Chairman, we also hope to introduce the kinds of programmes and methods of teaching which cannot now be undertaken at the Barbados Community College because of inadequate space, poor facilities and inappropriate equipment for distance learning and so on.

Mr. Chairman, there will be new premises. The building will be three storeys and will consist of 14 classrooms, training room, computer room, recording room, computer lab and administrative offices. As I said before, the premises will be located at Eyrie, St. Michael and will also consist of a student centre and car parking facilities.

Mr. Chairman, teachers of language will be the first to tell you that the books and materials which are now used for the teaching of languages are inappropriate. Sir, I know, as a former teacher, that the teaching of language has been a Cinderella area in Barbadian education for a long time and it has not been treated with fairness. Mr. Chairman, we pay a lot of lip service to the teaching of language and we have to change our approach and attitude to the teaching of foreign languages. We also have to make Barbadians aware of the importance of being able to speak another language. Most importantly, I think we have to improve the method of teaching foreign languages in Barbados.

Mr. Chairman, one of the things that bothers me is the demise of Latin in our secondary schools. Doctors will tell you that having a background in Latin allows you to pick up trends easily in medicine. The same is true of law because law students who had a background in Latin will also tell you that they pick up concepts very easily because Latin is a subject that deals with roots and origins. Sir, in my view, Latin is the key to understanding English and Grammar and it is a pity that we have stopped teaching Latin in our schools.

Sir, nowadays we believe that once teachers of languages are trained that they are always trained but with this new centre and new facilities for ongoing training, teachers at our primary schools will be able to benefit from ongoing training in foreign languages.

Mr. Chairman, when I was a teacher I was not taught how to teach foreign languages but this is now being done

at Erdiston College. I was taught how to teach Mathematics and English but not how to teach foreign languages. Students shied away from doing foreign languages and one of the major reasons was because of the method that was used.

Mr. Chairman, I believe that language teachers and departments should be met halfway either by Government, hotels or some other agency because when secondary schools go on trips to a foreign country every summer they have to raise funds and sometimes the trip is called off because the funds are not raised to make the trip a comfortable one.

Mr. Chairman, I want to commend those schools who see the wisdom of taking schools to Cuba, Venezuela, Martinique and Guadeloupe every year so that children can have a practical experience in the way the language is spoken and to see the culture of that place.
6.25 p.m.

Sir, I would want to further commend those schools for holding fairs, cruises, sponsored walks and cake sales in order to raise funds for these trips that are so beneficial to them. Sir, because of those trips children are truly exposed to the language. They learn the way in which the language is spoken; this is because the ear for the language has now become very important.

Sir, when I was at school the emphasis used to be on writing the language. Sir, even though I will admit that the writing of the language should be encouraged I want to say that the emphasis now is truly on oral Spanish and French. Sir, because of the number of persons that are leaving Barbados and travelling abroad, the emphasis has to be on communication.

Sir, when persons travel to places, for instance, Miami, sometimes there is a problem in communicating with the sales persons there unless one knows some level of Spanish. There are some sports stations that broadcast some of the best sports, also some of the best movies are coming on Spanish stations, therefore, we have to get our businessmen on board and be able to have them communicate with their Latin American and European counterparts with whom they do business and trade.

Sir, this Language Centre should be supported. I think it is in preparation for globalisation purposes because, as a world, we are shrinking and becoming neighbours. It is very sad to see only a small number of Barbadians can speak in a language other than English.

Our tourism experts also have to realise that they cannot be talking about tapping into the South American market if persons in our hotels and restaurants cannot effectively communicate with our South American guests.

Therefore I think all tourism employees are in need of benefiting from that additional language, whether it is French or Spanish. I think our education should be broad enough to prepare us for anything we might encounter in life because one does not know what will happen to him.

Sir, we have farm labourers who go to Quebec, Canada, to work and their employers speak English to them. We have hotel workers who go to the United States of America and the only guests that frequent the hotels at which they work are guests from Latin America. Sir, some of our farm workers have to work alongside Mexicans in the same fields and have to be able to communicate with each other.

The Language Centre is essential; it is a tool that will open up a lot of avenues and opportunities.

In closing I wish to say that I think this Supplementary for the Barbados Language Centre Project is a very worthwhile one and should be supported. I am obliged to you, Mr. Chairman.

I beg to move that Head 34 stand part.

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

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

On the motion of Hon. R. N. GREENIDGE, Mr. CHAIRMAN reported to His Honour the SPEAKER, the passing of one Money Resolution in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. N. GREENIDGE the Resolution was read a first and second time and passed.

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, this brings us to the end of Government Business for the day. I therefore move that this Honourable House do now adjourn until Tuesday, February 12, at 11.00 a.m.

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

The question that the Honourable House do now adjourn until Tuesday, February 12 at 11.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
6.32 p.m.

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