
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

HOUSE OF ASSEMBLY

Tuesday, January 29, 2002

Pursuant to the adjournment, the House of Assembly met at 11.15 a.m. on Tuesday, January 29, 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. Sir HENRY FORDE, K.A., Q.C., M.A., LL.M.
(Cantab.)

Rt. Hon. O. S. ARTHUR, M.Sc. (Econ.), (Prime Minister, Minister of Finance and Civil Service)

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. Miss B. A. MILLER, B.C.H. (Deputy Prime Minister, Minister of Foreign Affairs and Foreign Trade)

Mr. G. W. PAYNE, LL.B.

Hon. R. C. EASTMOND, B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C., J.P. (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. (Minister of Economic Development, Industry and International Business)

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

Prayers were led by Rev. Canon Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: Minutes of Tuesday, January 15, 2002.

Hon. R. C. EASTMOND: Mr. Speaker, the Minutes have been circulated to all Honourable Members, and except there are any motions for amendments or alterations I move that the Minutes be adopted.

Hon. R. D. MARSHALL: I beg to second that, Sir.

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

ANNOUNCEMENTS BY HIS HONOUR
THE SPEAKER

Mr. SPEAKER: I am to report to this Honourable House that I am in receipt, from the Accountant General, of the Accounts and Statements for the month of September 2001.

PAPERS

Rt. Hon. O. S. ARTHUR: Mr. Speaker, I am commanded to lay the Chairman's Report and Financial Statements of the Barbados Agricultural Credit Trust Limited for the year ended June 30, 2001.

Hon. R. R. FARLEY: I am commanded to lay the Response by the Ministry of Foreign Affairs to the Auditor General's Report of the Accounts of Barbados' Overseas Missions for the financial years 1997-1998 and 1998-1999 and the Audit Programme 330 – Direction, Formulation and Implementation of Foreign Policy, Sub-programme 330 – General Management, Co-ordination and Overseas Missions for the financial year ended March 31, 2000.

FIRST READING OF BILLS

Hon. R. C. EASTMOND: I beg to move the First Reading of the Property Transfer Tax (Amendment) Bill, 2002.

Hon. R. D. MARSHALL: I beg to second that.

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

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

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

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

GOVERNMENT BUSINESS

ORDER NO. 13 – TO MOVE THAT THE HOUSE
RESOLVE ITSELF INTO COMMITTEE OF
SUPPLY TO CONSIDER THE GRANT
OF SUMS OF MONEY FOR THE
SERVICE OF BARBADOS

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

COMMITTEE OF SUPPLY

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

ORDER NO. 13 (a) – RESOLUTION TO GRANT
\$5 622 882 FROM THE CONSOLIDATED FUND
TO SUPPLEMENT THE ESTIMATES 2001-2002
HEAD 38 – MINISTRY OF HOUSING AND
LANDS – \$3 729 168

Hon. G. A. CLARKE: Mr. Chairman, it is desirable for every country to have a land registration process, and the land registration process in Barbados has been well-established over a number of years, and today, the House is being asked to vote a sum of money to help with the accommodation of the Land Registry Department.

As we are well aware, the Land Registry Department is presently situated in one block at the Garrison compound. Since 1989 when the Registration Department was moved to its present location, the Land Registry Department has moved from a small staff to a very large staff at this time and accommodation there is very cramped. Since September last year, the Government in its wisdom has determined that the Land Registry Department should be in better accommodation.

Mr. Chairman, I must explain to the House the procedures under which the Land Registry Department operates. As we are aware, the Land Registry Department comprised two units. When it was established, there was an Adjudication Unit and a Registration Process. Although it appears that they work as one, they are two separate processes.

Mr. Chairman, the operations of the Land Registry Department are guided by several statutory provisions which are contained in several legislation. These are, the Land Registration Act, Chapter 229; the Land (Adjudication of Rights and Interest) Act, Chapter 228A; the Condominium Act, Chapter 224, the Tenancies Freehold Purchase Act, Chapter 239B; the Land (Title Deeds Restoration) Act, Chapter 229C; the Property Act, Chapter 236, the Property Transfer Tax Act, Chapter 84A; the Stamp Duty Act, Chapter 91; the Security of Tenure of Small Holdings Act, Chapter 237; the Agricultural Holdings (Options to Purchase) Act, Chapter 221 and the Registration of Judgments Act, 210.

Mr. Chairman, the above pieces of legislation require that certain procedural requirements are followed and that information is kept in an acceptable and retrievable format in the form of indices and registers or otherwise as photocopies of original documents and in other cases as original instruments.

This retrievable information forms the basis upon which all land transactions depend and accommodates the production of statistical information for social and economic transactions.

Mr. Chairman, the principal activities of the Land Registration Department include the compilation of a comprehensive record of land titles throughout the island and provides a data bank as a reference for persons who want title. One can say without a doubt that since the Land Registry Department was established in 1989 that it provided valuable revenue to this country in terms of property taxes and other forms of revenue relating to land. Therefore, we believe that the time has come for us to provide the Land Registry Department with better accommodation.

Mr. Chairman, it is also important to note that the Government over the last three years has also decided that the time had come to put a system in place where it would be easier for attorneys, legal clerks and the legal fraternity in general to get a better idea and to do better searches out of the Land Registry Department.

Presently, there are more than 20 persons who go to the Land Registry Department on a daily basis to do searches for persons and for the various attorneys who are seeking to provide proper conveyances and proper searches for their various clients. Therefore, we believe that the time has come to put an end to the cramped conditions to the vaults of the Land Registry Department. As you know, Mr. Chairman, the vaults at the Land Registry Department are very overcrowded and contained a number of volumes of books and other titles for years. In fact, I understand that some of those books dates back well beyond 1970. Therefore, when one looks at the cramped conditions that exist at the Land Registry Department it is important that we accommodate those persons who visit the department from time to time who are in danger of being hurt with those large volumes of books.

Therefore, this exercise today is to provide the opportunity for the Land Registry Department to find new accommodation and we have found that accommodation at Chelsea Road in St. Michael. We have agreed to pay, I think it is about, \$28 700 per month for newer accommodation at Chelsea House but we need to do accommodation work like providing shelving, partitions, cabling and other necessary equipment for the proper accommodation and that would cost in the vicinity of \$374 779.60. This new building will only accommodate the Land Registry Department.

We have also agreed that the Adjudication Unit when it is fully established would find accommodation at the new National Housing Corporation (NHC) building at Country Road. So the two departments will still continue to work together but they will be under separate roofs for the time

being but we are hoping that the day will come when the two departments will move back together.
11.25 a.m.

In fact, this arrangement is temporary in nature and the contract is signed for two to three years. It is important for us to understand that the two departments will eventually go together where the adjudication process is important to the process of registration. I will come back later today to go through the vision because the vision of the department is to ensure that persons who have to make searches are able to do them in a timely manner. It is important that documents that are needed for legal transactions be done in a way so as to speed up the process.

Right now we know in Bridgetown many lawyers complain that the research takes very long and it is costly. Many people complain that the time taken for these searches is too long. This has been a burden to many legal transactions, to persons waiting for conveyances, persons waiting for mortgages and so on. Government is spending more than \$4 million this year for computerising.

We have just signed a contract with IBM for the back filing process which will look at documents from the 1970s. As we understand it, lawyers do not need to go beyond 1970. Twenty would be an adequate time. The compilation will start in 1970. This will help to improve the time it takes. The back filing process will take about 18 months and as I said we have signed a contract with IBM to put this into place.

There were several tenders to the process and other firms which had quoted various figures. In fact, one firm wanted to remove all the books from the Land Registry to take to another destination. Government has decided that even though the cost is high it has to be done at this time. We want to provide a modern land registry. We want to provide an opportunity for persons who work there or visit that department.

The Land Registry when it is fully computerised will be able to accommodate the various lawyers who will be able to get information through the computer. They will have a system in which they will be able to dial in access and get all land transactions or will be able to see from their offices through visual and the latest technological means a system to enhance the searches that they might need from time to time.

I must also say too that a number of persons do not know but the Registrar of Titles has tremendous power under the Tenancies Freehold Purchase Act and can intervene in times of problems.
11.35 a.m.

For example, if the tenant cannot obtain title, the law gives the Registrar power to intervene on the tenant's behalf. More than 500 cases were done by the Registrar

of Titles since 1989 where the Registrar had to intervene on behalf of the tenant because the landlord refused to give title.

The Ministry has agreed that for matters coming before the magistrate relating to land dispute or any dispute involving a settlement where the Registrar has to be involved, that the process will be modernised and we are currently looking at a system to speed up this process. As it stands today the Registrar can intervene through the Form II Notice and I would like to inform this House and the public that the Registrar stands ready to intervene in these cases.

During the next few months special time will be spent on those cases where we still have problems. I can assure all Honourable Members that the Ministry has geared up itself to deal with the Tenancies Freehold Purchase Act because a number of persons still have not received title to their land.

There are a few cases where a number of Attorneys-at-Law are not acting in the best interest of the tenants and we will ask the Registrar of Titles to ensure that persons who are willing to purchase their land get the opportunity to do so.

Mr. Chairman, I believe that this money for the Registration Department will be money well spent. I believe that the department will be more productive and there will be more accommodation for the various legal clerks who presently have to line up and wait long hours.

I, therefore, commend this supplementary to this Honourable House.

Mr. D. J. H. THOMPSON: Mr. Chairman, I understand some of the reasons which the Honourable Member for St. George North gave for this particular supplementary. One can understand the need for additional accommodation, especially in view of the fact that the Government is blowing millions of dollars in a project at Warrens for new office accommodation for Government departments and no one has the slightest idea when the building will be available for use. Therefore, it is not surprising that the Minister expects this Parliament to put another \$374,000.00 for new office accommodation.

Only in the Parliament of Barbados would a Minister be so bold to do this when a project he is totally exasperated and fed up with and for which there is a Parliamentary Question on the Order Paper which has received no reply for months. Sir, it is only in this Parliament that we would be treated to such an obscure presentation like the one delivered by the Honourable Member for St. George North.

The situation relative to that building at Warrens is a national scandal. Mr. Chairman, those are not my own words, those are the words of the Honourable Member for St. George North.

Hon. G. A. CLARKE: Mr. Chairman, on a point of order. This particular Head deals with the Land Registration Department and not the project at Warrens.

Mr. D. J. H. THOMPSON: Mr. Chairman, if I were the Minister of Housing I would find it preposterous to deliver a speech in here asking me as Chairman of the Public Accounts Committee, Members of the Opposition and Members of the Government, to agree to give him more money to provide accommodation for offices under his ministerial portfolio when he is not able to reply to Parliamentary Questions or indicate to us what is the true position relative to the building at Warrens.

Sir, he sings the songs of lamentation. He laments the problems and wishes they could be solved because they are an embarrassment to him. Mr. Chairman, he expects the country to feel sorry for what is incompetence relative to a major public sector project. Perhaps he has remorse in bringing this particular supplementary and that is why he did not focus on what is causing him the greatest pain and difficulty.

Sir, I think the Honourable Member for St. George North owes us an explanation in relation to this matter because with modern technology, computerisation and all of the other advantages which he has regaled this House with in the past, it is only necessary for him to say that some of the old problems remain and the answer to the old problem is to provide more and better accommodation.

What the Minister needs to tell us is the progress that is being made relative to the land registration project in Barbados. The Minister of Housing and Lands needs to tell us because at the end of the day, Parliament is interested in seeing a level of efficiency from these Government departments as long as they are given the tools. The Minister may be arguing that his department is not being given the tools. If it is not, then simply increasing office accommodation without addressing some of the critical issues that impact on the operations of the Department will solve no purpose. So that is where my reluctance is, we have not been given the kind of progress report nor the kind of analysis of the levels of efficiency in relation to the department for which this money is being sought.
11.45 a.m.

Mr. Chairman, I am also interested in hearing from the Minister of Housing, not so much about the Bush Hill House which is now being identified as a heritage tourism site but I believe that beyond that there are a number of other heritage tourism sites in Barbados which Parliament has agreed, in essence, are heritage tourism sites, for which the Government needs to come to the Parliament of this country with a clearly identified plan for the development of these sites.

Sir, three years ago when I had met with the officials of the Town and Country Planning Department who had been seconded to this project in which the Inter-American Development Bank (IADB) was looking at the entire land use policy in Barbados, they had identified that area from Pico Teneriffe, right across East Point Lighthouse, which was supposed to be a special environmental area. Other areas identified were: Bath, St. John, Browley, Congo Bay and Consett Bay. They had spoken about major initiatives that would have been undertaken by Government in order to develop the entire area from Pico Teneriffe to East Point. Sir, it was at that time that I had met with those officials – many of whom have resumed their substantive positions in the Town and Country Planning Department, *et cetera* – and yet nothing has come to this Parliament relative to those developments.

Once again on the weekend, I had the chance to see that many of the properties in that area are deteriorating. There are areas of land, for example, Bath, St. John which the Government has acquired. This is a major site that is of historical importance, particularly because it is one of those beaches which has been a traditional Barbadian beach. Therefore, I believe that some physical improvements are needed to the road and to the other features of Bath, Consett Bay, the Old Train Line, *et cetera*. We need to know from Government what is happening relative to the development of that area; what other heritage projects are going to be identified. If we are going to be doing it in a piecemeal manner as is happening now where Bush Hill House is identified today, then three weeks later another plantation house is identified, a few months after that a slave hut is identified, then after that a lighthouse is identified; no one therefore would have an idea of what comprehensive plan, if any, the Government has for the maintenance and development of these heritage sites in Barbados.

Sir, recently a gentleman called me about the East Point Lighthouse. He wanted to know if there was an established committee to restore and maintain the area because he wanted to make resources available to that project. Sir, I could not answer him because there was no way one could have identified the works on these major heritage sites that the Government, the Barbados National Trust, or any other entity are undertaking. It is going to be vital and I will tell you why. Those persons who have visited Cuba will recognise that, despite the fact there has been some physical deterioration which in itself may be an attraction, there are several heritage sites that have been developed in the north and south – Havana, Santiago de Cuba. These sites have been maintained in the same condition they were in at the time of the revolution. The State Capital in Havana is exactly in the same condition it was in at the time of the revolution – the same chairs that were used for sitting, the same RCA microphones, the same paintings, the same carpets – and it looks like a traditional United States capital building.

When one visits other parts of Cuba, especially in the country area, there are other well maintained heritage sites. Cuba does not have to pour millions of dollars into it in replastering the walls. We waste a lot of money in this country believing that every time a heritage site is identified that major remodelling has to be done to it – tearing something down, replastering the wall, adding bathrooms, *et cetera*, which to my mind are not necessary.

Sir, in a previous debate I mentioned the fact that I do not think Government has to tear down every old building and rebuild it with the same characteristic it had because some of our older buildings, even in their present condition, have an appeal to tourists. Sir, if the Cubans have been able to maintain the same bullet holes at the Moncada Military Barracks from the year of the Cuban Revolution (1958)...

Asides.

Mr. D. J. H. THOMPSON: They did not paint them over. They did not let loose public sector workers on it but in Barbados when the Government owns a building and public sector workers are sent to do repairs to it, their idea of repairing is to paint over everything in the most ugly green, pink or blue paint that is available, very often destroying many of the characteristics of the building. This can be seen happening time and time again and I do not blame them because they are only there to do a clean-up job.

Sir, as I said, in Cuba, things that were pre-revolution: the tomb of José Martí and all of the other buildings, the Boulevards, the Ruins, they have been able to maintain them. They are not maintained by neglect. People think that they just stay there, but they recognise that even in their present condition they are still an attraction to the Americans.

Sir, why do you think that every Cuban taxi that one sees is not painted over in bright fluorescent colours? Many of them have not been painted since the 1950's when they were first bought. This is a good example of the fact that in that kind of tourism destination they have been able to take American technology and keep it operational for nearly 50 years – cars, pipes, water faucets...

Asides.

Mr. D. J. H. THOMPSON: Out of necessity, it is true, but we do not live in that kind of era. We live in an era in which we discard a lot; we do not repair anything. Again, an era in which we believe that a facade is more important than the maintenance of the character of our heritage.

Sir, all I have to say to the officials who deal with heritage sites and to the Minister of Housing and Lands who, obviously, is going to help identify and refurbish some of these sites, is that we need to have a full debate in this Chamber about their development, the identification of

them and the manner in which public funds are going to be used to sustain them. It cannot be piecemeal. It cannot be the Nelson Statue this week, Bush Hill House next month, East Point Lighthouse two years from now. I think we need to look at the landscape of Barbados and make some decision as a country about those investments that we are going to make to preserve our physical heritage and that this House must have the benefit of a comprehensive programme and an analysis of the way in which it is going to be funded as soon as possible.

Thank you, Mr. Chairman.
11.55 a.m.

Hon. R. N. GREENIDGE: Mr. Chairman, I just want to say a few words on the Land Registry. Unlike the Honourable Member for St. John, I, in *bajan* terms, definitely feel for the Honourable Member for St. George North. The Honourable Member for St. John said he got up and lamented this and that, like he was begging for sympathy. As I said, I really feel sorry for him, Sir, because I know what he has actually inherited.

Our present style of conveyancing is very bulky and cumbersome and in order to prove title, we have to go back approximately 25 to 30 years in order to give someone a good title. This, very often means, keeping a bundle of documents. It also means sending your clerk to do searches, who brings back a bundle of photocopied documents which have to be examined and so on, because you have to get a chain of connection which takes you back for a number of years, before you can say that you have a route of title.

Sir, there may be a situation where in 1940, John Brown sold a piece of land to John Smith and this land might have come through the chain and it might have ended up in my great grandfather's hand. My great grandfather could have said in his Will that this land is to go to me. Then, Sir, when you are doing your search, some years hence, you realise that the executor of my great grandfather's Will did not leave any asset to me to give me the title. I walk into the bank not knowing this to be and I am told, obviously coming from the bank's lawyers that this is not good collateral for security because you do not have your documents in order.

The executor has died and maybe, somebody has to do a foreclosure. The point is that with our system, it is very cumbersome and sometimes you can lose one document out of that chain, and it creates uncertainty and puts the whole process in a tail spin. The other thing about searches is that they can be extremely time consuming.

You can give your clerk a directive to do this particular search and never get to the end of it until a couple of months, because he has to be looking for every mortgage and not only the mortgage, but the release to the mortgage and so on and these things take a lot of time. One of the reasons that we

have moved to this system of registration of title is to circumvent all that work which has to be done in order to give someone a good title.

I want to say, Sir, that since the inception of the Land Registry, it was never given a good testimonial from any lawyer, legal clerk or, indeed, from any member of the legal fraternity. I believe that one of the things working against it has been accommodation. There have always been very long delays and people have been complaining about these things from time to time.

Sir, there is now a backlog of some 5 000 cases at the Land Registration Department and that cannot be satisfactory in anybody's book. Mr. Chairman, as the Barbadians would tell you, when you start wrong, you have to end wrong and I have always said that the Land Registration Department started before they were ready.

When I was in Jamaica at law school, we did Jamaican conveyances which always took us to the Registration of Titles because that is a system they have in Jamaica. They do not have the system that we have, but they have what we are aspiring to have.

I believe that we should have sent some of our officers, who would have been stationed at the Land Registry, to Jamaica to study their system. We could have had them go there and we could have paid them. We could have given them the accommodation so that when they came back here and they took over that Land Registry Department we would have hit the ground running. All of these kinks that we now see at the Land Registry, we could have ironed out by sending those people for training. We started before we were ready and that is perhaps the most crucial thing in all these problems that they are having now.

I think it is unfortunate, Sir, and perhaps a lot of us do not know this, that because of delays at the Land Registry, many lawyers in Bridgetown have been reported to the Bar Association for delays. The client does not know that the actual delay does not rest with the lawyer, but with the Land Registry and when clients do not get their conveyances, they think it is the lawyer who is doing something.

Aside.

Hon. R. N. GREENIDGE: Sir, people have reported lawyers because the Land Registry was not in a position to give people back their titles. It is unfortunate. I know some of my colleagues who are way above board who were reported for this.
12.05 p.m.

Another big problem is that in the initial stages we attempted to register the whole country all at once. Every time there was a sale of land, you were asked to do

a registration, but we did not have the surveying manpower or the registration manpower to register the whole island all at once and this is where we started out wrong. As I say, Sir, when you start wrong, you will end wrong.

Mr. Chairman, it was that sporadic registration, that caused a lot of the problems. You are doing a conveyance on a piece of land in Marley Vale, you got to register it. You are doing a conveyance on a piece of land in Bissex, you have to register it. To convey a piece of land in Wotton up by you, Sir, you have to register it and we were not ready for that.

Mr. Chairman, in 1994 when I left practice, I had applied for titles for some clients and I can tell you today that they have not yet got their titles. I believe if I were practising still, I might have been one of those people because I actually had a call from the Bar Association about one. They did not report me but I got a call for one. So if I were practising I believe that I would have been hauled before the Bar Association for it. So that just gives you an idea, Mr. Chairman, as to what has been happening with the Land Registry Department. Land registration was designed to make the process simple and to make it fast but sad to say, Sir, the opposite has actually happened.

In spite of all that I have said, it is still to be recommended. I think that with a well-organised land registry system the much criticized foreclosure system will become a thing of the past. In other words, if you lose a document, you do not have to do a foreclosure because once you register you are always registered and there would be no need for the foreclosure. It will also cut down on the possibility of the lawyer being sued for negligence because lawyers can now miss an encumbrance but with registered titles if you have title No. 25, the encumbrances and everything would have been there and you cannot miss them because they would all be there.

Mr. Chairman, as I close, I would want to say that none of this that I have spoken about would have had anything to do with the Honourable Member for St. George North, the Minister of Housing and Lands. All he is trying to do now is to clean up the mess that he has found. He inherited a legacy, Mr. Chairman, which is far from being satisfactory and I think that we have to commend him for any initiative that he is taking to bring sanity to the Land Registry Department.

I am obliged to you, Mr. Chairman.

Hon. N. A. LYNCH: Mr. Chairman, I rise to give some support to this supplementary particularly as it relates to the \$3.3 million that is being allocated for the George Washington House project. I think this raises an opportunity as the Honourable Member for St. John would have stated in relation to some level of debate on our heritage assets, how we manage those heritage assets, how they continue to contribute and how they can contribute to the development of our country, particularly for tourism purposes. What the

world of tourism is crying out for is new concepts, new products and new and unique experiences for visitors. This type of project offers us the opportunity to provide for our visitors some aspect of a new experience and new types of products which they are basically asking for.
12.10 p.m.

Sir, most of these unique experiences at any of these newer destinations are in the realm of cultural and historical buildings and heritage. Let me say that if our tourism is to continue to grow positively in the next decade it has to be dependent upon four key issues: the ability for us to diversify our source markets from which we derive our tourists, the ability to present new products and unique experiences to the people that come to our island, our ability to integrate further the community better into tourism development overall in this country and our ability to manage effectively our environment. When I speak of that, Sir, I speak of the natural environment, the cultural environment and our built-up environment.

Sir, these are not the only issues that will make a difference to tourism development but these factors and the way we manage these four key issues are really going to determine how we do all of the other things that we do in tourism, all the aspects of our traditional action, marketing investment, institutional development and the like.

Bush Hill House fits into this category of built environment and how we manage this historical and built environment. The house was constructed in the 18th century. It is a two-storey coral stone house with thick walls and architectural features that are typical of the 17th century Barbados. We need to continue to uphold the overall integrity of the architectural design of many of our properties because it tells us something about ourselves and gives us a basic foundation for who we are and where we have come.

In addition, Mr. Chairman, a lot of heritage importance that is attached to this house has to do with the fact that the first President of the United States, George Washington, visited this house with his brother Lawrence. Sir, it is the only place outside of the US mainland that George Washington visited and I think that that is of significant importance to us and of even more importance to the people of the United States of America. The date of the visit was somewhere between November and December of 1751 and is of significance in the United States. This house is located in the main military district at the Garrison and is really ideally positioned for restoration and development as a major tourism attraction.

Sir, the Barbados National Trust has been involved in much activity to acquire and do some level of historical and archaeological research and total refurbishing of the house. The Honourable Member for St. John talked about the concept of refurbishing, but the concept surrounding

this house is to restore it to its original state or as much as possible to get it back to its original state in terms of furniture, amenities and the like. It will not be painted green or any of the other things the Honourable Member for St. John referred to, but it will be restored in more or less the same way as when George Washington visited.

In addition, Sir, there will be an interpretative centre in this house, restaurant facilities and a small theatre in which there will be a historical film that will try to recreate what would have happened during the visit by George Washington. Obviously, the management and marketing of that particular site will be important.

Sir, these facts make for a very significant platform for us to create a much better relationship with the United States at the tourism level and also enhance our ability and potential to be able to attract people out of the United States to visit Barbados. It is important that the heritage assets that we have are used not only for us in terms of the preservation of our culture and the preservation of our identity but also if we can use and market them further on to give us more of a socio-economic benefit, then that is what we must be engaged in.

Government recognises the importance of heritage assets to the development of our economy and therefore provision was made during the budgetary proposals of 2000-01 for the development of these properties through concessions and benefits for the development of this type of property. Bush Hill House fits into that. There were concessions given to plantation houses and their development encouraging overall a concept of more inland tourism, getting away from the traditional sun, sea and sand and looking at how we could use all of these assets to develop further the tourism industry to be able to offer a diversity of offerings for tourism and for tourist attractions. Bush Hill House fits that mode.

Originally, Sir, this site was in the hands of the Barbados Light & Power and it was going to be used for office buildings. Government recognised the importance of having it as a heritage site and acquired it. We have also commissioned the restoration and study of it along with the Barbados National Trust. This is one building that has evoked much interest at the private sector level and, interestingly enough, the Barbados National Trust has also been in contact with Senator Bob Graham of Florida who has been trying to raise through Congress US\$1 million to contribute to the development of this site. September 11 has slowed the process but this is very much in train in terms of being able to raise money for it.

In addition, the historic Williamsburg Foundation out of Virginia has also contributed and continues to raise money for the site and, in addition to that, American Airlines has given the National Trust US\$25 000 to develop the site. All US ambassadors to Barbados have set up a fund to be able to

create some level of funding and through that fund we have already raised in the region of US\$8 000 to date. It continues to be a revolving fund.

The Trust has done significant work towards advancing the future of Barbados and the Trust's work needs to be encouraged and continue to be recognised by all Barbadians. Traditionally, we have given the Trust as a subvention each year \$150 000 to help in its work. Sir, this year and in the next financial year we are going to double the amount to \$300 000 a year that we give to the Barbados National Trust. This should enable the Trust which has run up a significant amount of debt to bring it under some level of control.

In addition, Sir, it is necessary and Government has made it clear to the Trust that with the increased subvention and the help that will be given to the Trust to be able to advance its work, it needs to show some level of greater diversification in terms of its make-up and those who actually have access to the reins of direction within the Barbados National Trust.

Government has already stated that we are going to put up the money and in the emergency programme there was a \$2.5 million that was allocated after September 11 for significant development for a more welcoming environment. We are going to use part of that funding, but when there are increased funds going to the Trust there will also be increased participation by Government. The onus is on the Trust as well and we have made it clear that the Trust also needs to broaden its base in terms of the number, kind and quality of Barbadians who are involved in this action.

Sir, it is estimated as well that this year we will be putting up another \$50 000 to help pay the consultants on the restoration of the building.

Sir, there is a property that is very well known to all Barbadians which is Tyrol Cot which cost \$130 000 to \$150 000 a year just to run. It is important that Tyrol Cot as a heritage asset and as a tourism attraction is maintained. It is a place that a lot of tourists visit but the marketing of it has to be enhanced. Government is committed to seeing enhanced the home of maybe the most important Barbadian of the 20th century, that is, Tyrol Cot which is already running into some level of difficulty. This is because of its heritage value and because of its value to tourism and to tourism development.

Government is interested in enhancing the work of the Trust. As a matter of fact, what they have done at Arlington House is significant but let me say one other thing, Sir, on the issue of being able to create a better place. What will happen in the future with this house is a linkage to Mount Vernon House in the United States which was really the home of George Washington. There are over

million people visiting Mount Vernon in Virginia every year because it is the house of the first President of the United States of America. We are about to engage in the concept of twinning Bush Hill and that house as a marketing concept.

If only five per cent of the million who pass through Mount Vernon every year are enticed to come to Barbados then the potential for Bush Hill House and for Barbados to continue to be a better tourist attraction would be significant. If we can get even a tenth of the million who pass through Mount Vernon every year, you can understand the great potential that it shows.

With those words, I give my support to this Supplementary because I think that this particular project will reap significant benefits for Barbados in the future.

Hon. Sir HAROLD St. JOHN: Mr. Chairman, I am glad to have the opportunity to say a few words on the Land Registry and the proposals in relation thereto. I think that all of us would be disappointed at the fact that so well conceived and noble an endeavour which has received support from both sides of the House has failed to achieve its objective. The legislation setting up the modernisation of the Land Law, including Land Registration, was passed in this Honourable House in the late seventies and early eighties. Here are we some 20 odd years and more not in a position to inform this Honourable House as to what percentage of the estimated 120 000 titles in Barbados have actually been transferred to the new system. That is something that we should reflect on. We should make sure that it does not happen in the future in this area or any other area. It is certainly not something that we can be proud of.

I am told, Sir, that a number of recommendations have been made as a result of a report commissioned by the Minister of Housing. The fact that the Minister of Housing has commissioned such a report and the fact that he is bringing before this House this Resolution is indicative to me that the Minister is doing his best to ensure that whatever the past may have been with respect to the operations and the exercise of the mandate provided by both sides of the House he is trying to ensure for the future that all of the problems as far as possible would be solved.

12.25 p.m.

There is absolutely no doubt that Barbados is behind hand with our system of investigation of title and transfer of land. If one examines the situation in the rest of the Commonwealth one would find that very few territories do not have transfer by way of land registration. The great United States of America which had the same historical basis for transfer of land do not have a land registration system and have bypassed the problems that we have with respect to title investigation by the utilisation of a device to insure titles so that all the problems and fears of conveyancing are passed onto the insurance companies. We have never been able in

Barbados to have insurance companies dominant in transfers as the United States of America and we have relied on the alternative, which is land registration.

Sir, it is quite clear, as the Minister has said, that one of the fundamental problems was the failure to recognise that land adjudication and land transfer are two separate things. Land adjudication arises for the simple reason that before the land can get on the register an investigation has to take place to see whether the title of that land is sufficiently uncontroversial and clear before it goes on the register. Once it goes on the register, all subsequent dealings are dealt with under the Land Registration Act.

Sir, I am glad to see that this money is being used to ensure that the Land Registry is given the accommodation that it requires, which presupposes that the land has already been adjudicated. I am also told that the Land Adjudication Office itself is in need of help and I trust that some of this money will be spent in remedying the problems that have been identified in the report in respect of the Land Adjudication Office.

I would also like to say that today, in this modern world, land registration is facilitated greatly by the fact that computerisation has been utilised by many of the land registry systems in the world to speed up the process. I am glad to see that some effort has been made with IBM and other companies to make sure that there is utilisation of modern document storage systems and modern information technology. A visit to the Land Registry will indicate that some computerisation has already started so it is not to say that this money is going to initiate computerisation. This money is going to provide physical facility and improve the computerisation process.

I do not believe that without additional training we will be getting the best value for this money. I trust the Minister will be able to ensure that those responsible for training in the public service will give some preference to the people in the Land Registry because there will be a need for additional training if we are to have this sore properly corrected.

Sir, there is not much more to be said about the land registration system except to say that it is a known fact that some of the obstruction in the implementation of land registration in Barbados came from the lawyers. I am happy to say that the source of that obstruction is not among young legal persons in that profession, those who have graduated since the 1970s. The source of the obstructions was the pre-1970s practitioners. They saw it as a mechanism by the Government to deprive them of legitimate fees. We also had great obstructions from the surveyors so it was that combination of professional obstruction that has put us in this position today. Sir, I have been around here long enough to know that a few people were still able to bulldoze their way through that obstruction.

Sir, I commend the Minister because he is doing something about the problem. I wish to tell him not to allow any of the obstructionists to prevent the full implementation of the system. It is a good system and there are plenty of opportunities for training. Everybody should be sent on training if necessary but he must be persistent because he is in the fortunate position that most of the 300 lawyers today have been trained in land registration systems. Many of the young lawyers will welcome the introduction of this system so he is starting off with a much better wicket than his predecessors.

I commend the Minister for bringing this matter before Parliament.

Thank you.
12.35 p.m.

Mr. D. St. E. KELLMAN: Mr. Chairman, I rise to speak on this Resolution and to say from the outset that one of the principal considerations will have to be the allocation of space for the workers. There is no doubt that this idea which came in the year 1989 was very much laudable but even though it was laudable what was not taken into consideration was the fact that people did not consider the personnel who had to work in that particular department and that provision was not made for adequate space for those persons. For example, even though the department was set up people did not remember that it was not a light document like a dictionary that was to be lifted but that there were other heavier documents. Therefore, they did not supply the necessary support services to make sure for the easy handling or removal of documents from the vaults, *et cetera*.

Asides.

Mr. D. St. E. KELLMAN: I am saying, Sir, that until we understand the personnel needs of that department we are not going to go forward. Sir, we also have to recognise that this particular Supplementary might not be enough to cover the full extent of the expansion of that office, neither do I support the piecemeal approach of removing that department to another department, then having to come back later to deal with the particular department. To do this reminds me of the plantation mentality that "two moves are like a hurricane". Sir, I am wondering what effect it will have on the department when it is moved once, then twice and then possibly the third time. Sir, the Minister of Housing needs to plan what he wants for this department. As you know Sir, I have already accused this Minister as the Minister dealing with the piecemeal realisation concept and therefore I would hope that ...

Asides.

Mr. D. St. E. KELLMAN: I am not a teacher, so you cannot expect me to be capable of defining it. You do not

expect the Honourable Member for St. Lucy to be capable of defining these things.

Sir, the Minister has to understand that whenever he comes to this Parliament, he has to come with a comprehensive plan because this department is one of the most important departments within the Government and that the Ministry of Finance and the Ministry of Tourism...

Mr. CHAIRMAN: What is your point of order?

Hon. G. A. CLARKE: The Member is misleading the House. This particular department, the Adjudication Unit as well as the Land Registry cannot be accommodated at the same time at the new accommodation at Chelsea Road. That is why I was at pains to point out that the new Adjudication Unit will be moved into the new National Housing Building but eventually the two of them will come back together.

Mr. D. St. E. KELLMAN: Sir, I do not understand that point of order.

Sir, the Ministries of Tourism, Housing and Lands and Finance must all come together on this particular Supplementary and must understand that if things are not done properly, the progress of the country of Barbados will be stalled. The Ministry of Housing and Lands cannot continue to stall the progress of Barbadians. Sir, everyone in Barbados knows that people who have worked hard to develop this country cannot now even get one house spot even though the Government has what it now calls a land bank. I do not know if the land bank is tied up in this process because persons cannot get a good title deed. That is why poor people cannot get house spots and they are made to be shown in the daily newspapers with their belongings alongside of the roadways.

I am calling on the Minister of Housing and Lands to understand that the George Washington House might be important to him, but to the poor people of Barbados who have built Barbados and have built both the tourism and manufacturing industries, along with all other industries, must have a space in Barbados. That we as a people cannot continue taking up large sums of money to promote persons from outside of Barbados when our own people who have developed this country cannot even get a house spot. I want to see the same urgency in this Parliament on matters pertaining to the poor people of Barbados in the same way that the Minister brings the issue of the George Washington House.

Sir, this is the second time I am here in Parliament discussing George Washington even though he has only visited Barbados once. Sir, I cannot get a Resolution coming to this House to debate how we are going to solve the problem relating to our pensioners for house spots and even though the Minister will tell me that

we have 1000 house spots in the land bank, apparently that land bank is not for the people of Barbados but for the George Washingtons of Barbados.

Sir, I want to know if heritage tourism only relates to foreigners or if we can develop our own heritage tourism. It is clear to me, according to the Minister's synopsis, that heritage tourism is foreign to Barbados and can only be had when we are speaking of persons outside of Barbados. I want the Minister to understand that the birthplace of the great Right Excellent Errol Barrow in Cane Garden, St. Lucy, can also be used for heritage tourism and that this is not only to the South of the country but also to places like St. James, St. Lucy and St. Peter. Sir, I would like to know when are we going to get a comprehensive plan on how we are going to develop heritage tourism in Barbados and stop operating the piecemeal realisation.

Asides.

Mr. D. St. E. KELLMAN: ...When entering Bromefield near Brereton Griffith whose wife died and whose funeral you went to. That is the house on your right, the first one in the cane field. Do not forget Errol Barrow said that he was born in a cane field but did not remain there. In other words, he was born a middle-class person but did not remain middle-class.

Mr. CHAIRMAN: I will ask the Honourable Member to get back to the subject.

Mr. D. St. E. KELLMAN: This is our heritage tourism, Sir. I want to make this point because persons believe that because they were born into a middle-class family they have to remain there and even though they might go higher they cannot come back to the roots of the people. That point must be made and must be placed in Hansard.

Sir, I am saying that heritage tourism cannot be operated on a piecemeal realisation plan and because of the importance of the Ministries of Finance, Tourism and Housing and Lands, a comprehensive plan has to come to this Parliament where we can debate heritage tourism as it relates to the economy in the housing structure of Barbados and stop this foolishness of every Tuesday a piece here and hoping to get a next piece next week. Do you understand the concept now, Sir?

Sir, I am saying that both the Ministers of Finance and Tourism must tell the Minister of Housing and Lands the importance of his Ministry; that the Minister of Housing must understand the importance of his Ministry as it relates to tourism and as it affects the economy of Barbados.

Asides.

Mr. D. St. E. KELLMAN: Thank God you do. He cannot continue to come to this Parliament and talk about

"the hand he was dealt" because, in my opinion, the hand that was dealt to the Minister of Housing was a good hand that gave him over one thousand house lots in the land bank, yet the Minister of Housing and Lands complains about the hand that was dealt to him, has over one thousand house lots and poor people cannot even get one of those house lots.

Asides.

Mr. D. St. E. KELLMAN: I want to see North Point being recognised for what it is; it can also play a part in heritage tourism. The Naval Base too. Sir, not only can North Point play a part in heritage tourism, it can also play a part in health tourism and I cannot understand why we cannot recognise that because of the landscape in North Point we can promote health tourism and attract tourists to our lands. Sir, I hope the Minister of Housing and Lands is listening but more so the Minister of Tourism who will turn on his tape recorder three weeks from now and replay that tape as if it were new without quoting...

Asides.

Mr. D. St. E. KELLMAN: Sir, I heard the Honourable Minister speaking to community tourism but he could not use the words "community tourism", he had to use a back door approach because he did not want the credit to land on my plate. Sir, that is no problem, he can have it. I will provide the ideas and he will implement them.

Asides.

Mr. D. St. E. KELLMAN: Mr. Chairman, I want this House to understand that the day I start to copyright my words like "piecemeal", "realisation", "community tourism", "opportunity cost" and "revenue expenditure", then I will have to charge the Government too big a bill.

Asides.

Mr. D. St. E. KELLMAN: Sir, we have to understand that the Ministry of Culture must also play a part when it comes to heritage tourism. Persons tend to believe that culture is just about tourism development as it relates to Crop Over but we have to understand that if we do not have a culture of people we do not have development and that it must come through culture. That is why places such as Oistins, Six Men's and Moon Town are all playing a major role, not only in community tourism but in getting people to understand the cultural upbringing of themselves which allows them to share in the upbringing of the people of Barbados. Sir, that is why I will always say that in order for us to go forward, we must first remember the basis on which we have started and that if we continue to neglect our basis then this country cannot go forward because it would not have had a good foundation.

12.45 p.m

Sir, too many of us believe that once we put on a good roof, we do not have to worry about the foundation or siding. I am saying that in order for Barbados to go forward, it has to worry about the foundation, the siding and then the roof and not *vice versa*, because any time that occurs, the economy will continue to crumble.

I hope, Sir, that the Minister of Housing understands that even though the George Washington House is important and it can help to develop the tourism industry as it relates to heritage tourism, if the persons who work in the fields cannot have proper homes in which to live, then their offspring will look at them as inferior and this will create a hostile society. Nobody wants to live in a hostile society and furthermore, no one will want to come to a hostile society.

I thank you very much, Sir.

On the motion of Hon. R. C. EASTMOND, seconded by Hon. R. N. GREENIDGE, the Chairman reported progress to His Honour the SPEAKER and begged leave to sit again.

SUSPENSION

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that this Honourable House do now suspend until 2.00 p.m. this afternoon.

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

The question that the House do now suspend until 2:00 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.
12.50 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. When the suspension was taken, the House was in Committee of Supply, to that it will now resume.

COMMITTEE OF SUPPLY

Hon. Miss H. E. THOMPSON: Mr. Chairman, I am very pleased to have the opportunity to speak on the money Resolution before the Chamber at this time. I agree with many of the comments made in relation to the Land Registry by the Honourable Members who spoke before me but particularly the Honourable Member for St. Philip North and the Honourable Member for Christ Church South. My comments today will relate to the whole issue of heritage tourism and the proposed development of the Bush Hill property or Washington House as it is sometimes called. It is commendable, in my view, that work has been done to identify what was truly the George Washington House, the residence to which George Washington brought his brother to convalesce in Barbados many years ago. It was believed

that the House was located on Bay Street and substantial controversy surrounded the correct location, but the historians have now identified the Garrison property as the correct location.

The Honourable Member for the City, were she here, Sir, would say that she was long arguing that the Garrison property was in fact the correct property when nobody was paying her any attention. It, being on the periphery of the constituency of the City, she took an interest in it, and because of her whole interest in cultural tourism, having carried that portfolio when she was Minister of Education in the 1970s.

The history of American Presidents, their terms in office, the legacy which they leave – because the United States is argued by many to be the principal country in the world and the foremost democracy of the western hemisphere – have occupied a tremendous place in the history of the world, than the history of the United States.

They have a system, which we do not have, of ensuring that once a person who has been President leaves office, they are maintained by the State with a certain amount of dignity and decorum. They continue to have security and, in fact, appropriate tributes to their legacy are developed.

Mount Vernon in the United States is the historical site which speaks to the legacy of George Washington, his policy development, and the role that he played in the development of the United States of America and the role that the United States of America would play in the future. It is to Barbados' credit that even at that time, a country which has been described in the 17th Century as having the most foul air and environment had been so transformed, that somebody at the level of a President of the United States, would consider it as an appropriate place for the convalescence of one who was ill. Indeed, Barbados continues to enjoy the reputation of being a place for rest, relaxation, recreation and convalescence, as well a place of interest, generally, for tourists.

Aside.

Hon. Miss H. E. THOMPSON: Sir, what we are attempting to do with the Bush Hill property at the Garrison, Washington House, really speaks to the issue of Barbados' cultural heritage and the issue of heritage tourism. Both of these issues have been significantly ignored, historically.

Barbados, small as it is, is perhaps the site of a tremendous amount of historically significant properties, not only in terms of the history of Barbados itself and the region but, indeed, in the world. It is interesting if one thinks in terms of the Garrison and the surrounding areas, even if one uses surrounding areas in a very loose way, to include Bridgetown. Sir, within that proximity, if we are going to.

go from the Garrison to Fontabelle, in that geographical location, one will find – first of all and I am starting on the most southernly end of the geographical space that I have defined, the Washington property – the Barbados Parliament which is the third oldest parliament in the commonwealth. One would find the Public Library which is one of the first free libraries in the eastern hemisphere housed in a beautiful old structure. A stone's throw away from the library, right there at Synagogue Lane in Bridgetown, having again tremendous history surrounding it, is the second oldest Jewish Synagogue in the western hemisphere.
2.05 p.m.

Between Synagogue Lane and the Public Library is the Montefiore Fountain which was erected to the memory of a man, whose first name I do not now recall, but who was a mulatto. It is interesting to note that as far back as then that a fountain could have been put up to the memory of a black man in the City of Bridgetown, Barbados. History records, I think it is fair to say, but I would not wish to mislead the House, that the man in whose memory the fountain was erected died the day after the fountain was put up to commemorate his life of work and the work was done by his son. That Montefiore Fountain is the twin to the Montefiore Fountain in Italy which commemorates sailing but the Barbados fountain predates the one in Italy.

The same applies to the Nelson Statue. We have a statue in Bridgetown commemorating Lord Nelson and that predates the one in the United Kingdom. There have been a lot of discussions about whether we should have a Nelson Statue or not and whether having designated that whole square differently and giving it a different name whether or not the Nelson Statue should be allowed to remain there. My own view is that the appropriate place for Lord Nelson is in the old screw dock facing seaward with its back to Barbados since Lord Nelson really, history records, did not at all enjoy his stay in Barbados and wrote very disparagingly of it. I do not know why he should continue to enjoy a prominent site in our town centre and if we are going to relocate him, then I am of the view that the screw dock, it being a ship dock, is the appropriate place for him.

There are other heritage sites all over Barbados. Tyrol Cot is one that has been spoken to here and I believe firmly that we should seek to commemorate the birthplaces of all of our former Prime Ministers, as the United States of America does, and of all of our National Heroes because we should know where these people originated from.

There is now a very interesting piece done by a student of the Barbados Community College called "From Place to Prime Minister" and it looks at the life of the Adams family originating in poverty and ending with the life of Tom Adams who in fact rose to prominence as Prime Minister of Barbados. The Right Excellent Errol Barrow was born in

comfort in Barbados. There is no denying that. He himself has said that he was part of the landed plantocracy of Barbados and that cannot be...

Asides.

Hon. Miss H. E. THOMPSON: That is not the point I am seeking to make. I am simply saying that his birthplace, not in terms of physical location but in terms of social, was not from a background of poverty and that means nothing more one way or the other. These are matters of fact over which we have no control. We are simply the accidents of our birth but I do think that we should go to the point where we commemorate the birthplaces of all our Prime Ministers and all of our National Heroes. It is not enough on Errol Barrow Day or on National Heroes Day to speak about these people and have people living largely in ignorance about where they originated from or what their contribution to the society has been. The fact is that a lot of these people reached prominence only after tremendous struggle out of the belly of poverty, so to pay tribute to them only on National Heroes Day is not at all adequate.

Asides.

Hon. Miss H. E. THOMPSON: I am being told by the Honourable Member for St. Michael East who really has tremendous grounding in the social and political history of Barbados that the Nightengale Home was in fact the birthplace of the Right Excellent Samuel Jackman Prescod.

The Farley Hill ruins is another major cultural and heritage site for Barbados. We know little about the history of the fountain, about the date of erection of the Nelson Statue and why it came to be there and we know little about our Parliament. These things are not spoken about and it is really important for young Barbadians in particular, in an era where they are inundated with foreign images on the national television and where there is tremendous cultural penetration, to have a strong sense of self and to know the kinds of struggles that helped to build Barbados and helped to shape that which we consider as "Barbadiana".

We need to start pulling out and marking these heritage sites and making provision for information at these sites to be available so that nationals and tourists alike can have access to them. Historical as this Parliament is, there is no booth in Parliament yard, I am talking about a simple structure, where you can come in and pull a sheet of paper that gives a history of the Parliament or a history of Bridgetown or points out for you other historical buildings in the vicinity that are within walking distance; and that is a tragedy.

So I think it is important when this property is developed that we should also simultaneously develop what I am going to call a heritage passport for Barbadians and tourists alike which will have a list and documentation...

Asides.

Hon. Miss H. E. THOMPSON: I am being told that there is one, Sir, but if that is indeed true, I have no reason to believe that the Honourable Member who is suggesting that there is one is being less than honest, it is a tragedy that people do not get to see it and know about it. How does one get access to it? Where is it to be found? Is it at any of these heritage or cultural sites? It really needs serious marketing. It needs to go into the schools so that young people can learn about themselves and about the country's history.

I believe that we need to have a better perspective of our heritage as a people because we really need to come to grips with who we are, especially at a time when our images of self, to use Errol Barrow's expression which has found prominence and favour over many years, is tremendously challenged by foreign images being brought in within easy access at the switch of a television or at the press of a button on a keyboard.

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

Hon. Miss H. E. THOMPSON: I would wish, Sir, in the minute left to me to make the point that the Town and Country Planning Department, in helping to expand our understanding of our cultural heritage, will, during the course of the next financial year undertake a project with the Barbados National Trust where we will do the listing of heritage and historical buildings which have not been updated since 1994. We are not only seeking to identify all those buildings but to do for the first time the kind of classification which would allow people to know why a building was listed. Is it listed because of some carpentry detail? Is it listed because of the windows or the doors? Is it the overall architecture itself that makes it a historical site? That too will help developers of properties to know the particular component of these buildings which should be preserved when they are going to deal with listed buildings.

I do not have any more time remaining to me, Sir, but I think this is very important work and I commend the Ministry of Housing and Lands and the Ministry of Tourism for this effort at expanding our tourism product and ensuring that our cultural and historical heritage is not kept under a bushel and that it is really exposed and that we maximize the benefits from having knowledge of these properties. I believe that it will diversify our tourism product.

The Ministry of Physical Development and the Environment will work with the Ministry of Tourism and the Ministry of Housing and Lands to ensure that the best possible development of this property takes place.
2.15 p.m.

Hon. Sir HENRY FORDE: Mr. Chairman, I am pleased to support this request to the Committee for a supplementary vote to assist the Ministry of Housing and Lands with its

programme for the registration of land titles in Barbados and for the acquisition of Bush Hill House as a heritage site and part of the heritage tourism project on which the Government has embarked.

I wish, however, to address my remarks in relation to the registration of land titles in Barbados. As the Honourable Member for Christ Church South has said, the Barbados Labour Party Government of the period of 1976 to 1981 initiated a programme for the reform of the land law of Barbados and part of that reform was aimed at simplifying the transfer of land titles by way of sale, gift, lease or otherwise, guaranteeing title through a government system so that the long searches that used to take place would be abolished and, at the same time, because of the simplification effort, making the cost of transfer of title less onerous.

We have partially achieved this, but between 1979 when the legislation was passed and today is a very long time and I would have thought that by now we would have overcome the problems that were confronting that programme. I am told that there are still outstanding the problem of surveying the lots. I do not know why that should be so. I thought an arrangement had been reached with the land surveyors at the time that they would have given their efforts because of the volume of work it provided for them. I believe there are times that Government has to be very positive and, if necessary, issue limited work permits for the purpose in order to deal with the problem.

To undertake a search of title for twenty years and sometimes you have to go back beyond that twenty years and go into forty years before you would find a relevant document, that takes time and costs money. Whereas people complain about fees charged by lawyers, those fees are controlled it is true by statutory legislation, but it is still a consuming exercise and it causes delay and that delay ricochets into the time factor that you can get your land passed for development and the construction of whatever building you want to engage in so that this is a very critical part of economic development. It must not be seen simply as an exercise in itself. It is very closely linked to the economy and it is extremely vital therefore that the Minister sets a time frame within which all titles in Barbados should be brought onto the Land Register.

England had to do it. It drifted in England for a long time but I have gone to places like the British Virgin Islands, Antigua, and I can particularly revert to the British Virgin Islands where this exercise has been done. It is easy to buy a lot of land in the British Virgin Islands, the legal work involved is simple. It avoids a lot of the problems that we have. In a way, it should be compulsory for every new development in Barbados to come onto the Land Register.

I am told by the Minister that this is now being achieved with the assistance both of the Land Registration Act and the Town Planning Department. Likewise, it should be compulsory that now we are doing the redevelopment of the suburban and the urban tenancies that all of those tenancies and any tenancy that is transferred come under the Register in the future. That should not be left to the whims and fancies, as happened, of the lawyers concerned. The other thing that should be compulsory is that wherever a piece of land is titled by way of foreclosure that should automatically come on to the Register. We have had a lot of foreclosure suits, certainly in my time at the Bar in the last 30 to 40 years that have made it certain about transferring land.

Therefore, I would hope that the difficulties which confront the Minister would be easily dealt with. I am told there is a backlog of 5 000 cases which are causing a problem in the Land Registry and it seems to me again that we need to deal with this problem as an emergency. Certainly, if you have for a short space of time an emergency staff available who must work on Saturdays and Sundays and nights on a 24-hour basis we should deal with that problem because it would not only produce work for people but it would reduce the delay that is occurring in affecting ultimately the cost of land and construction costs.

I note that part of this programme involves moving the Land Registry and secondly doing what is called a back-filing project which means going back to all the titles and putting them on a computer's record. I am not sure whether the Minister is aware that there is a private sector person who has done part of this task and I would hope that we are not on an exercise of putting that private sector person, a local person, who has done part of the task for many years and has helped the legal profession, Computer Information Services Limited, whether that expertise should not have been tapped and used and the Government fit into that sort of exercise.

I am told *sotto voce* that the work he has done is pretty limited but it is true that it is not complete but even the Government side depends upon his work, and it is reasonably good work. One does have to check sometimes but I would hope that the Minister could give us some assurance that when the Government goes into this exercise it is not with the intention or does not result in getting rid of someone who has lent his expertise for the last 20 to 30 years in filling in areas that the Crown was unable to do.

I do not know what insurance the Government has in place for land titles, if any, or whether we just rely on the Consolidated Fund; but if the Government is going to be providing titles that we can rely on by a title search, then I would expect that Government ensures its liability in this respect.

Aside.

Hon. Sir Henry FORDE: I am told there is some in England. I would like some idea of how heavily the Government is covered in this region. There are people who insure this sort of risk and I am sure that through the Insurance Corporation of Barbados and other insurance that this risk could be adequately insured.
2.25 p.m.

Sir, the programme also has to be revisited in light of the need for further law reform of the land law. We must reach the stage where we can further simplify our land law.

Since the reforms were done in 1980 on land law, very little else was done since then and there are still some contradictions in that legislation. I must ask the Minister when he replies to tell us what the Government has in mind for further reforming the land law of Barbados, particularly in conveyancing and in the area of landlord and tenant because that is in a terrible mess. If there is one area that ought to be reformed, it is the landlord and tenant legislation.

Sir, I want to speak on what is referred to as "heritage tourism". I want to speak on it from the point of view of preserving our architectural heritage. I see the acquisition of Bush Hill House in the context of the whole area of the Garrison and not because it was a place where the first President of the United States stayed before he became the first President.

The Honourable Member for St. Michael South and myself are fortunate to be the representatives for an area that is rich in its architectural heritage. If you take the Savannah Club, the Garrison, the old Guard House and the area which now houses the museum and the other buildings, some of which have been allowed to fall into disrepair, Barbados in that small geographical area, has a rich architectural history.

We, as a country, have not preserved it well because we have not become deeply conscious of the wealth and treasure that we have in some of our buildings. This applies whether they are buildings like Bush Hill House, the Savannah Club, the Garrison which houses the Defence Force and particularly our churches. We also have perhaps some of the finest architectural structures in our churches throughout Barbados. In fact, they can be used in a way to encourage tourism if we look at the religious side of tourism.

I am concerned that the Garrison buildings have not been preserved as they should. I see repairs being undertaken to one of the red brick buildings over the last few months and I was horrified to notice that the material being used was cement blocks instead of the correct material which is still available today.

I want to congratulate the Barbados National Trust and the people who have dedicated their years to preserving

these buildings sometimes without people recognising the value of the buildings and often time criticising the people preserving these buildings as though they are a group of cranks because they do not recognise the tremendous history and significance.

Sir, people get it wrong and believe that the buildings mirror only colonialism. They may mirror colonialism but they also mirror the architectural skill and ability of the average common man in Barbados who built those buildings. Very often people forget that. Sir, my father is still alive at age 106. He was a carpenter and he was one of the people whose handiwork I admire as I drive along Bay Street. Those people who were carpenters were really architects and designers themselves because there were no other people who did this sort of work. There is another gentleman, Mr. Thomas, who lives in my constituency, who grew up with my father, who is also 106 years and was also an artisan and did a lot of the architectural work and designing in Hastings.

I am horrified when I see that we have allowed places like the Marine House to be lost to us. We have allowed Ocean View and other buildings on Hastings Road to go and others are falling down. Sir, I would say that the entire Hastings area, including Harts Gap, is ripe for restoration and renovation.

Sir, two years ago I made a speech at the Barbados National Trust on our listed buildings and what was necessary to preserve our national heritage. I am going to make a copy of that speech a document of this House at a later date. There is almost a contradiction in our legislation where people can knock down listed buildings and get only a small fine. We need to reform the Town Planning legislation to put in place adequate provisions to prevent people from destroying the architectural heritage and history of our country.

Sir, I want to say that the programme that the late Tom Adams instituted for making money available to help people whose buildings were listed, that the fund has never been adequately used and the Government must revisit the concept and the fund. I am also calling on private enterprise, those persons who are making a fortune from the transfer of land to help preserve our heritage. We must find a way, even if it is a specific tax, to preserve listed buildings and Barbados' architectural heritage.

I, therefore, hope I will have another occasion to speak in this House on this subject.
2.35 p.m.

It is too important a subject for our people to destroy its history. Whether that might be viewed by some as bad or good, history is important and when it is manifested in the work of our craftsmen who had, with little opportunities for

education, made it an outstanding exercise on their behalf, then I think we ought to be proud of it. Sir, as the son of one of those craftsmen whose handiworks can be shown on buildings well over 100 years old, I am deeply proud to say that I will support the acquisition of this house and hope that it be used as an impetus to the Minister and to the Government to have a more considered programme for the protection of our architectural heritage.

I thank you.

Mr. CHAIRMAN: The Honourable Member for St. Michael South.

Hon. N. A. LYNCH: Mr. Chairman, now that the Honourable Member for Christ Church West has raised the issue relating to the buildings in places like Bay Street *et cetera* that, as he said, are falling down, there is a significant programme under the Barbados Tourism Investment Inc. (BTII) that is looking and working with other agencies to save a number of these older buildings that speak to our cultural heritage and, in the process, seek to create a basis for us to have that sense of identity.

Sir, not only are these things important, this Bush Hill House is important also in that respect as a tourism site but the BTII is also working on the restoration of a number of other sites that speak to our cultural heritage which are important tourism sites in Barbados.

Sir, this is why the Bush Hill House along with other sites are so important that we not only preserve them but that they are added to the pool of attraction that we have to enhance our tourism product. Sir, with Barbados as a destination, our partners are already telling us that the attractions we are offering are already becoming or are already stale in their eyes; therefore we need more products particularly as it relates to the cruise tourism to which the Honourable Member for St. Lucy is very enamoured of. Harrison's Cave, Sunbury House, St. Nicholas Abbey, the Flower Forest, the Andromeda Gardens – these are sites that are visited often and there is the need to be more diversified in terms of the products we are offering. Persons are already telling us that the value-for-money concept from seaport to airport in terms of the tourism of Barbados is just not there at certain levels. Therefore, the price-value relationship in terms of our offering, particularly to the level of tourists that we are attracting, has to be improved. Therefore, these places like the Bush Hill House fit squarely into the future of Barbados' tourism if we are to grow, let alone survive in this industry. Sir, there is a Barbados customer out there who is willing to pay value for money. Therefore it is important to place more emphasis on offering value for money in this price-value relationship.

Sir, there is the need constantly to upgrade our surroundings that are ancillary to all of these things and

the BTII has already been doing this. Sir, for the edification and education of the Honourable Member for Christ Church West, plans are already afoot to have some level of partnership with a joint venture relationship with a number of investors to be able to restore a number of these buildings: the Old Post Office project in Speightstown, Fort Denmark, the Savoy and the old Eye Clinic. Last year alone the BTII spent in the region of \$11.8 million in terms of being able to upgrade the surroundings. The St. Lawrence Gap seascape project was a project that cost \$8 million. They have already done the Princess Alice bus stand and the Waterfront car park in addition to the Dover project. Sir, during the next financial year, the old Eye Ward and the Savoy Development are both projects in which the Government, through BTII holdings, is going to hold a 10 per cent equity stake. We have already found a joint venture partner – I am not prepared to say here as yet – who is going to develop that area into a restaurant, restore the old Eye Ward and the Savoy and even develop the jetty at that point to have a restaurant and some other amenities there. In addition, Fort Denmark, the old Town Hall and the old Post Office will all be restored to have a museum and a sporting centre at the bottom. The Jubilee Gardens and the Pierhead Project speak a lot to our heritage as well.

All of these plans for Bridgetown create a better platform for tourism development, particularly cruise tourism. The Bush Hill House can create a significant platform for us to be able to create a better relationship in the United States market and with the United States market. This is a unique opportunity that can help to make us the heritage capital of the Caribbean in terms of where United States visitors travel. Sir, because of the unique relationship that we have – no other place outside of the United States was ever visited by George Washington – therefore our United States business needs a boost at this time. It is nowhere near what it should be and what it needs to be therefore we need to be able to do something about it in the short-term.

Sir, there are a number of persons who have been bombarding me with issues relating to the United States market. One journalist has even asked me why is it that Barbados was not doing well; that our marketing dollars were not paying off. Sir, I need to make this point; there are destinations around the Caribbean which are much more dependent upon the United States' market than Barbados is or ever will be. Sir, Puerto Rico, the Bahamas, Jamaica, the Cayman Islands, and parts of Mexico, in terms of top of the mind awareness, for the United States consumer, they will always be on the top of the mind of the United States consumer because our markets are much more diversified.

It does not mean that Barbados is not doing well in the United States market, depending upon what we spend because they are spending a lot more than us but projects like this will help to raise the profile of Barbados in the United

States market much more than it is being done now. We want to retain our uniqueness that will help attract persons and whenever one deals with Puerto Rico and the Bahamas, *et cetera*, a lot of those islands are like Fort Lauderdale and Miami. Our cultural heritage, like the project at Bush Hill House, will add to that and make us much more sought after than a number of these other destinations. The United States customer has continued to come, even in the downturn and even at this time of recession but we need to do better in the United States market than we are presently doing. The only way that we can do that is by creating that very special relationship with the United States' market which the other islands cannot develop and this project does just that.

Sir, it makes absolutely no sense to have the world's most powerful economy at our doorsteps and not being able to take advantage of that. Obviously, some of the other islands in terms of their proximity will be able to have a better relationship because of their profile and their geography but, at the end of the day, what we need to have is a better relationship with the United States' market and this project offers us a unique opportunity to be closer. As I said earlier, there is a project afoot to twin this Bush Hill House as a marketing ploy. As a matter of fact, because of the fact that we now have non-stop airlift with US-Air coming out of that Washington region, there are plans of being able to twin this house with George Washington residence, which is Mount Vernon in Virginia. If we were to do that we would attract millions of visitors a year.
2.45 p.m.

Sir, with the reforms we are doing in terms of our marketing agency, that is, putting a business development officer in Virginia and Washington, D.C., you should see a better relationship and better marketing in that particular market as it relates to twinning these two destinations and these two houses. This is an opportunity for us to create that unique relationship and I therefore give my full support to this Supplementary.

Hon. G. A. CLARKE: Mr. Chairman, there is no doubt that the registration process is important to this country. One of the difficulties that was faced over the years is that we inherited a system of unregistered titles or the common law system. When it was introduced, we sought to put a registered system with an unregistered system, without putting the correct mechanism in place.

Therefore, it is incumbent on us at this stage to look at the full registration process where we put the necessary mechanisms in place in terms of manpower and technology with the reforming of a number of laws related to land.

Our system has been in place for many years and the system seems to be very archaic in nature. Mr. Chairman, one of the laws that we would have to look at carefully is the Land Acquisition Act. We are also looking very carefully

at how we do conveyancing. I believe that the old system of conveyancing will have to change for the future. It makes no sense that if I buy a piece of land and it is conveyed through the system, and then you buy it from me in another five days or even a year, you have to go back through the same system. Then, if I sell it to somebody else, it goes back over and over again. As I said, I believe that system will have to be looked at very carefully.

Mr. Chairman, in terms of the registered parcels, so far we have only been able to register approximately 7 000 parcels of land out of 120 000 parcels in this country. Now, that is a very small percentage of the amount and the reason for this is that we have to suspend the sporadic registration of parcels of land because we do not have enough surveyors in the system. Even though we were trying to get surveyors from outside of the region, it is very difficult. As you know, Mr. Chairman, all surveyors have to be registered because they cannot practise unless they are registered. They also have to go through an initiation period and that has been the difficulty as far as the surveyors are concerned.

The registration system is another process which has to be examined and when this is undertaken, we are hoping to provide the necessary equipment for the civil service and for other statutory boards to make their jobs easier. I believe that the benefits to be derived from this process would be a more efficient system of back filing and registration. It would save time because it would be a faster transaction and, of course, the fees for land searches may be reduced. Also, the Government will derive revenue from this activity.

Mr. Chairman, this Resolution will benefit the legal fraternity in a number of ways as well as the Government. Part of the Resolution speaks to the acquisition for the payment for the Bush Hill House. We are seeking \$3.3 million for the Bush Hill house. It is important for me to explain at this time that we purchased the Bush Hill House from the Barbados Light & Power Company Limited in March 2001 for approximately \$4.5 million. We still have legal fees outstanding as well as other transaction fees. It is also important to note that accumulated interest at 6 per cent has brought the total that the Crown will have to pay for this property well over \$5.6 million.

I believe it is important that when the Government buys a property such as this, sometimes the owners can waive the interest fees in light of the fact that this is an important undertaking. I would urge the Barbados Light & Power to waive the interest fees of 6 per cent because of its importance, and this may very well be their contribution to this worthwhile venture.

I also want to say that when the Government realised that we were putting an office at this important site, we decided that it would be better to make this into a heritage site for the benefit of Barbadians. I must say that throughout

Barbados, we have a number of old buildings that can be restored.

For example, I have looked at Bath House in St. John as well as similar properties in the St. Andrew and Belleplaine areas and I believe that they can be restored. I also realised that there is a lake just north of Belleplaine that to me, is virgin soil almost. I understand it is called, "Lakes". Many people do not know about that. There are other areas which I do not think are owned by the Government but this particular site should be part of the heritage of our country and it should be part of crown property.

There are also a number of people who would want to transfer their lands to the Crown. I notice that there are a number of woods, where there is an overgrowth of mahogany trees and many owners have been asking to give them to the Crown. We would wish that we can accept some of these gifts and we hope that we can do that as soon as possible.

This particular Resolution is important because it gives us the opportunity to vest the Bush Hill House in the Barbados National Trust which, as I understand, has raised funds locally and abroad to refurbish the Bush Hill House to bring it back to its former glory.

Mr. Chairman, I want to say also that part of this Resolution is to provide a scanner for the Department of Lands and Surveys. This scanner is important since the work that they do involves the use of heavy equipment and the scanning of a number of parcels, papers and files that they use from time to time. This scanner was voted for in 2001 but because it came in late we have to revote it in this present year's financial arrangement.
2.55 p.m.

Mr. Chairman, I beg to move that Head 38 be amended as shown in Schedule II of the Resolution and stand part of the Resolution.

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

The question that Head 38 stand part was put and resolved in the affirmative without division.

HEAD 34 – MINISTRY OF EDUCATION,
YOUTH AFFAIRS AND SPORTS –
\$1 893 714

Hon. R. N. GREENIDGE: Mr. Chairman, this supplementary for the Ministry of Education, Youth Affairs and Sports relates to a total sum of \$1 893 714 which is broken down into two separate sums. The first sum of \$70 158 has to do with the rental of property and the second sum of \$1 823 556 which is much larger is for professional services.

Mr. Chairman, let me begin to deal with the question of rental of property by saying that as we try to make a lot of our primary schools ready for our EduTech programme we have to do a lot of remodelling and refurbishing work on them and very often we underestimate the true cost of that remodelling and refurbishing exercise. I believe, Sir, that this has to do with the fact that a number of our primary schools have not been repaired for upwards to 50 years and, therefore, these are posing significant problems to the consultants when they have to budget for the refurbishing and remodelling work.

The refurbishment and the remodelling of these schools very often mean that we have to look for alternative accommodation. This rental of property that we are dealing with relates to the rental of containers and toilets for what we call the Phase II primary schools. The containers would contain the furniture for the schools and containers are presently being rented for Pine Primary, St. Jude's Primary, St. Luke's Primary, St. Matthew's Primary and St. Paul's Primary. These additional funds are now needed because a larger number of containers were needed than were originally estimated and because the rental period for the containers has been lengthened due to the delays of the implementation of the civil works at those relocated schools. We are hoping, however, that this situation will work itself out on or before the end of March.

Now, alternate accommodation also means that we also have to rent waterborne toilets for the temporary sites because when you are working on a school very often you have to close that school down for the primary school children because you cannot have building works going on with these young children around. You may take that chance perhaps at the secondary schools but certainly at the primary school level we have to go on the safe side and put them at an alternate site. So it is there at that alternate site that we have to rent these waterborne toilets. Obviously, the children will use those toilets the same way that they will use the toilets if they were going to school.

Mr. Chairman, with respect to that, I do not think that we can say that this is negligence or anything of the sort on the part of the Ministry of Education, Youth Affairs and Sports. These are unavoidable delays and in our daily lives we very often have to pay for the rental of some properties whenever there are delays. For instance, that happens if we have articles that come to us whether by barrel or otherwise at the Port and sometimes we have to pay for them if there are delays. Indeed, if you rent video tapes from a video store, sometimes you have to pay for them. Even the corpses at the funeral home, the longer they remain there, the higher the rental. The point I am making is that these little things add up so even though it may appear to be just a container or just a toilet, when you are renting 30 and 40 of them they will add up eventually and these delays were due because they said the projects took longer than we anticipated.

Mr. Chairman, the supplementary for professional services is needed to meet the cost of the continuing services of the clerks of works, the design consultants, the supervision consultant and the procurement consultant. Presently, there are two clerks of works who have to oversee about 11 sites and they actually have to be the eyes of the Ministry. In fact, there are 15 sites in all. They have to be the eyes of the Ministry and they have to ensure that the contractors, the people who are working on the buildings, are doing the work to the satisfaction of the Ministry of Education because very often there are complaints that certain contractors are not living up to our expectation and, therefore, the need to have even more clerks of works now has become essential. We would want to budget for this as well. Presently, there are two on staff and we just had an additional two on contract and we need now to get even more.

3.05 p.m.

In addition to the consultancies which I mentioned previously, that is, the design consultant, the supervision and procurement consultant, we also need later this year to get a public relations consultant and a technical consultant as well as a legal consultant. We must have these funds. We think that it is critical to our effectively implementing this programme. The works of those consultants which I have mentioned are directly related to the implementation of the programme.

The cost of the design and the supervision services and the procurement which have actually exceeded the budgeted amount and the increase in expenditure can be partially attributed to the fact that a number of schools in Phases II and III have had to be redesigned. The increase in the estimated expenditure on the procurement consultancy has resulted because the consultants' services have been required for a longer period than was originally envisaged. That, Mr. Chairman, would be, in a nutshell, the rationale and the reason for our having to ask for this particular supplementary.

Mr. Chairman, one way in which we can realise how effectively EduTech will be is if it is given the funds to do what it is supposed to do. I do not think that we can derail the effort of EduTech at this stage. We have invested much in this programme. Like most things which are revolutionary, there will be a cost and all of us have agreed at some time or another that there is indeed a cost to EduTech. We have to emphasise as we go along the continuous development as well of our teachers, the delivery of the tests and these tests are tests whereby we have to diagnose the competencies of our children as we seek to find new methods whereby our children can be taught.

Sir, I think that what we are doing is a positive step towards the educational needs of the future and that

the concept is not wrong. Indeed, Sir, I think that it should be applauded. Our teachers, as we continue to train them for this particular programme, are becoming more and more competent to use the computer as a tool to diagnose the weaknesses of our students, and we continue to give them training to bring them in sync with the technology as against those teachers who will not change.

We believe that our students must be world students, that the workplace for a Barbadian student when that student leaves school is going to be the world and we believe that the demands that are going to be made on them are demands which will be no different from those which will be made of students living in the most developed corner of this world.

Mr. Chairman, the way the world is structured now, technology in education is a *sine qua non* for development. Like Barbados, you will either get it now or you will have to play catch-up later on. I think that we should all be pleased that Barbados has taken a giant step to be in the forefront of educational technology in this region. We must remember also that we are not existing on our own, that we are part of a world that is marching merrily along and if we want to be a market for the world then we have to do what others in the world are doing.

A good educational system must respond to the demands of our society and if it does not respond to the demands of the society then it is shortchanging all of us and in particular it is shortchanging our students. Sooner or later, every single person that those students interact with will be speaking the language of technology. Indeed, the language of the office in Barbados at our workplaces has now virtually changed.

Mr. Chairman, you and I might have been able to get through in this world without becoming computer literate but I do believe that the school children of today might find it more and more difficult to do so. In that regard, Sir, I think we have to applaud the Ministry of Education for the steps it would have taken to try to ensure digital literacy for our students.

Sir, we know that our students will ultimately benefit from what we are doing and that their competency will help to transform Barbados. Our objective therefore is to have as many students as possible in the picture. We do not want to cater just to the minority. We think it is our duty to reach the majority of students and the reason for that is quite clear.
3.15 p.m.

We know that most children in Barbados do not have the practical exposure of technology and the computer and we aim in a positive way to bridge that gap. Equally true is the fact that we do not want to shock students when they reach secondary school. The most important reason for introducing the concept of technology in the primary schools

is to prevent children from entering secondary school unprepared. Sir, we cannot have the programme implemented in every primary school as yet because it is a pilot project and it is only at certain schools for the time being.

Sir, not only Barbados but the Caribbean region has to get on board at some time and those in this region who thought they could get along without programmes such as EduTech are now realising that they cannot. Every developing country has to address this particular problem. We must admit that everyone will not be able to achieve their objectives within the same time frame and that every country will not be ready at the same time because we are at different levels of development. Sir, we are not as fortunate as other countries for example, the United States of America where large computer companies give computers to schools to get children to use computers early because they are aware that when they grow up these children will have to purchase computers.

Mr. Chairman, I want to close by saying that our educational system remains one of the best in the world. People all over the world listen to Barbados when it comes to educational matters. Believe it or not, the only people who criticise our educational systems would be we ourselves. We have a duty to do this because we want to keep Government on our feet and we want to ensure that we are still the best. Of course, EduTech will have its critics. They criticise the whole idea of giving students laptops and were asking some very negative questions like if the students could use the laptop to watch pornographic materials or if the parents would steal the laptop computers and sell them and all different types of negative questions were being asked.

Mr. Chairman, we are dealing with children who would never in their wildest dreams have another computer to practise on but thankfully we have given them the opportunity to learn all the necessary skills at school. I want to say that these laptop computers that are given to students have built-in security systems to ensure that they are used by the students to whom they belong. The security ensures that the sites which we consider to be out-of-bounds are indeed out-of-bounds. Mr. Chairman, these computers give the children access to an educational website which brings alive topics for them and when children do not go to school, they can log onto their school website and find their classwork and homework.

The controls ensure that you can only access educational sites. Indeed, Sir, there are limits to them but in spite of that we still get some people who focus and comment only on the negative aspects.

Mr. Chairman, I am trying to justify the whole EduTech project but I know it would be a difficult exercise

in the short time allotted to me and I would hope that the House would find it necessary and possible to support the supplementary request for \$1 893 714. This is mainly for rental of property, containers and waterborne toilets as well as \$1 823 556 for professional services in relation to consultants.

Mr. Chairman, I am obliged to you.

Hon. R.N. GREENIDGE: I beg to move that Head 34 stand part.

Hon. R.D. MARSHALL: I beg to second that.
3.25 p.m.

On the motion of Hon. R. C. EASTMOND seconded by Hon. R. D. MARSHALL, Mr. Chairman, reported to His Honour, Mr. SPEAKER the passing of one money Resolution with amendment in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. R. C. EASTMOND, seconded by Hon. R. N. GREENIDGE the Resolution was read a first and second time and passed.

ORDER NO. 14 – TO MOVE THE PASSING OF A RESOLUTION TO APPROVE THE GUARANTEE BY THE GOVERNMENT OF BARBADOS OF THE PAYMENT OF THE PRINCIPAL SUM AND INTEREST DUE IN RESPECT OF THE ISSUE OF BONDS BY THE UNIVERSITY OF THE WEST INDIES TO THE SUM OF US\$10.475 MILLION FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF ITS INFRASTRUCTURAL WORK AT THE CAVE HILL CAMPUS OF THE UNIVERSITY OF THE WEST INDIES

Mr. SPEAKER: The Honourable Member for St. Philip North.

Hon. R. N. GREENIDGE: Mr. Speaker, the University of the West Indies is presently carrying out much infrastructural work at that institution.

Mr. Speaker, you, too, would have been one of the shining lights that would have passed through the halls of the University of the West Indies, Cave Hill. Sir, even though there have been some renovations, refurbishment, *et cetera*, from time to time, we can still visit the UWI and recognise the rooms we sat in and the pavilions from where we walked on Saturdays. Sir, the Cave Hill Campus must continue its building programme if it is to come in line with a 21st Century university. Sir, even the classrooms will have to be changed because we have moved at such a rapid rate in terms of technology that we need a lot of internet facilities, *et cetera*, in order to bring it in line with other universities.

Sir, one of the biggest projects which will be undertaken is the students' accommodation in terms of the

facilities there. If I remember correctly, the Sherlock Hall was constructed sometime in the early 1970's and since then not much has been done, even though the numbers would have tripled and the applications might have quadrupled. Sir, in terms of accommodation, it has virtually burst at the seams and I believe that university accommodation is an extremely critical element of university life. The cafeteria has to be expanded and I am told that the Sherlock Hall is only able to offer accommodation to less than 25 per cent of the 1 000 students at the Cave Hill Campus. That is not anything to match up with what happens at the Mona Campus, Jamaica. Indeed, there is a new Hall called the Worrell Hall which was built at Cave Hill which is better and bigger than that of the Sherlock Hall.

It is now hoped that the renovated Sherlock Hall will provide accommodation for 90 persons in total. In addition, Sir, to the renovation of Sherlock Hall, there are also plans to build a Creative Arts Centre which will provide a home for the Performing Arts as well as the Visual Arts. That physical plant is going to incorporate facilities for drama, creative writing, music, sculpture, painting, photography and dance. There is going to be a 500-seat theatre, an exhibition area, music rooms, dance studio, a recording studio, a library, a reading room, a production room and a dressing room. The point is that those of us who had the good fortune to study at some point in Jamaica, will all say that at Mona Campus something happens every night in their Creative Arts Centre; on the other hand, Cave Hill sleeps at nights.

Mr. Speaker, the University is one of those institutions of which all Caribbean people should be justly proud.
3.35 p.m.

Sir, very little of that is done by the graduates of the University of the West Indies. The University of the West Indies needs the support of its graduates and the entire Caribbean.

Over the years, Sir, certain countries in this region have pledged their support and then they became very delinquent on their payment. Even though the amounts supplied by Governments never give the university the funding it wants – and Barbados, Mr. Speaker, has gone the extra mile on numerous occasions – we have often paid our portion. Barbados has always had a very positive relationship with the University of the West Indies.

On this occasion, Sir, the Government of Barbados is guaranteeing on behalf of the University of the West Indies, the payment of principal and interest in the sum of US\$10.475 million to assist with the infrastructural work which I have spoken about at Cave Hill. The injection of funding for tertiary level education is to be very highly commended. The idea, Sir, of the bond issue has become very popular nowadays. It is commercial paper, and this particular Government guarantee, I believe, is the type of security which investors prefer.

Mr. Speaker, the arranger is the Republic Finance and Merchant Bank Limited and that is a banking institution located in Trinidad and Tobago. As I said, the amount is US\$10.475 million and the issue date is the 31st July 2001. It is to be drawn in three tranches, the first on 31st July, 2001, the second on 31st October 2001 and the third on 30th June, 2002.

Let me say, however, Mr. Speaker, that if the University of the West Indies is to depend on our respective Governments for this type of funding and security, then it has to convince us of the quality of its programmes. In this regard, Sir, I think that it behooves all of the Governments who subscribe to the University of the West Indies to ensure that there is quality assurance in the programmes.

Moreover, Sir, we have to be convinced at these very difficult times that the combinations of courses which are offered by the University of the West Indies are useful to its graduates after they complete their course of study.

It is no use having them doing courses and coming out with degrees and they have to remain unemployed because they cannot fit into this particular slot or that particular slot. I think it is something which all of us who subscribe to the University of the West Indies have to recognise that perhaps we need to break away from the traditional – just a little bit – so that we can get our people placed in slots in the marketplace.

The University of the West Indies is in the process of creating, as I told you, Sir, a creative arts centre at Cave Hill. I think there was one at Mona for the longest time and now, this will add a new dimension to Cave Hill. They realised quite clearly that they must move beyond the traditional areas and expand to meet the needs of the society. Sir, university education is not supposed to be limited or narrow. I think that this is one occasion that we can clearly see the quest of the University of the West Indies for some diversity.

I believe that there are hundreds of University of the West Indies applicants who want to study creative arts, who are forced to major in something else because there is no place for them at the University of the West Indies or they are forced to go outside of the region in order to fulfill their dreams. Mona, as I said, could handle a very limited number and this therefore is a way of encouraging people from the region to stay within the Caribbean. We can say that the University of the West Indies at Cave Hill is changing to embrace the demand of our Caribbean region. This is what a university is supposed to do, that is, to ensure that the demands of the region are met.

Mr. Speaker, we have to realise also that many of the students who come to Barbados do not necessarily live on campus. They pay rent to Barbadians, they take our public transport, they shop at our supermarkets and perhaps in a very insular way, Barbados has a vested interest in ensuring

that the doors at Cave Hill are kept opened and wherever possible, that they are not only kept opened but they are opened even wider. Mr. Speaker, I think anything that Cave Hill does to attract more students, the better it will be for Barbados.

As I close, Mr. Speaker, I want to say that come October 2002, the Principal of Cave Hill, Sir Keith Hunte, will retire and therefore one of the issues which the University of the West Indies will have to address, perhaps very shortly, is the whole question of the leadership of the University of the West Indies, Cave Hill.

I am obliged to you, Sir.
3.45 p.m.

I am intervening in this debate, Mr. Speaker, to support this Resolution. For a long time now the Government of Barbados, in fact, successive governments of Barbados have placed an enormous premium on the delivery of education but in the specific context of supporting the University of the West Indies, this Government of Barbados has been devoted and conscientious in meeting its obligations.

I say so against a background of the harsh reality that during the life of the University of the West Indies there have been contributing member states within the university system which have not always lived up to their obligations. On occasions, a given Caribbean country would be in default in its financial obligations to a given faculty. On another occasion, a separate Caribbean country would do basically the same for a different faculty.

Over time, the Government of Barbados has done its utmost in ensuring that a university education is not the sacred exclusive preserve of a special elite or privileged group. We have seen the result, as the Honourable Member for St. Philip North has said, in terms of the turn out of persons from the University of the West Indies who on graduating, have gone on to assert themselves in the field of commerce, medicine, law, arts, general studies, humanities and natural sciences.

It is a good thing that the Barbados Government has been meeting its obligations even when counterpart governments have been defaulting because we can be justly proud both as to the number of persons from this country who have graduated from the various campuses of the University of the West Indies, and at the same time make bold to say that the University of the West Indies, without practising xenophobia, has been able to focus the delivery of its education in a very distinctive way by adding a Caribbean flavour to the delivery of instruction.

If Barbadians go to a university beyond the region, it is highly probable that they could very well be exposed to

a learning which is not directly relevant to the Caribbean. Even though that it is true, a lot of international tertiary institutions do have some programmes that lend some sort of emphasis on the Caribbean. The fact of the matter is that the University of the West Indies has been able to "Caribbeanise" its education without excluding areas and disciplines that have a connection or relevance to international developments.

By the context of this specific Resolution which is broadly worded as paving the way for financial support for infrastructural work, I want to say that educational institutions, as you very well know, Mr. Speaker, do require vast outlays of finance both to keep current and existing programmes going and at the same time to add to modifications and improvements.

You would have heard mentioned in this debate so far, the role of the creative arts. Time was in Barbados when a number of talented Barbadians in fields like drama, poetry, music and folklore simply did not have the opportunity to get training in the creative arts either in Barbados at the University of the West Indies, at the St. Augustine's Campus of the University of the West Indies or even at Mona Campus.

I well recall that some of our best Barbadian graduates actually went to a separate institution, namely the Jamaican School of Drama which was at that time, years ago, not an integral part of the University of the West Indies. So there would have been those who despite being trained in the Caribbean were trained in a separate and distinct institution.

When we consider this, we also have to bear in mind that it is a stated policy of this Government that we develop the cultural arts commercially and as businesses. Over the last three or four years, Honourable Members of this House would have heard that this Government, in an era where we are developing tertiary production beyond what it used to be, would have dedicated itself by developing copyright, encouraging entertainers to become truly professional and encouraging our people to see the involvement in culture, drama, music and in dance as areas of opportunity not just for self-fulfilment and the expression of talent but also very much for earning a living.

There used to be a time when our talented entertainers and dramatists of 40 years ago, good as they were, were not able at that time to optimize or maximize what flows logically from the expression of their talents, and a lot of them were never able to become truly professional in a sense that they were not able to depend on themselves for a living. They were doing things and would practise their talent on weekends on the hotel circuit but they had to maintain full-time jobs as carpenters, masons, messengers or porters and they were not able to professionalize the involvement in culture the way this Government is now encouraging them to

and that point has to be made in the context of the finance that is being provided in a way where it is to activate more cultural activity at the University of the West Indies. I want to make that point, Mr. Speaker.

At the same time, we also have to bear in mind that when one considers the general term of education even though there would have been those of way back in time, 70 years ago, who saw education as being inexorably linked with academia. We have now to broaden the concept of education to include non-traditional areas of instruction and learning because as the world evolves and as new opportunities emerge the old-fashioned approach to education cannot continue. The world is a changing arena and increasingly with each passing year there are new developments.

As I support this Resolution, I want to make this point too. A fellow, 70 years ago, would have wondered why would a university want to train people in the arts. I saw a programme where a British university is doing political football hooliganism as a course and at seminars because in the context of their culture this is a concern, they want to find the root cause, they want to see what motivates them to get involved and they want to have a solution to the problem. So, a university, as the Honourable Member for St. Michael South Central who has not yet spoken would say, is really the bringing together of many unique, versatile and different disciplines into one institution, and this is where we are at. The Honourable Member for St. Michael South Central no doubt will join with the Honourable Member for St. Michael North West and take part in this debate because these gentlemen have, even before becoming parliamentarians, always had it in mind both to see their culture promoted and at the same time to get an opportunity to be part of a movement to foster the development of culture. I remember the Honourable Member for St. Michael North West, a genius for a local man in terms of his constituency, 30 or 40 years ago taking on the role of impresario and promoter of cultural activities, sometimes mocked and scorned and called "Smarts" and all these things, but he had a vision and his intention was to get back into a political movement that was prepared to engender these activities and take them to their logical heights.

3.55 p.m.

Mr. Speaker, in a situation where the University of the West Indies has never required each student to pay the full cost of his or her education, it would have to fall to Government to subsidise or encourage financing. The average Caribbean student going to the University of the West Indies is not called on to meet the full cost of his or her education. In fact, it would be nigh impractical to expect the average poor boy from Goodland, or Eagle Hall, the poor girl from Carrington's Village or Tweedside Road or from Upper Carlton or Sion Hill, St. James to meet the full cost of education at the University. It therefore must be a credit

to those governments which have faithfully supported the University of the West Indies that they would more or less subsidise the education of their youth and their citizens in a way that would empower them to contribute to national development.

On this occasion, what is happening as far as this measure is concerned, is that Government itself is not being required through this Resolution to finance directly the University in the amount of US\$10.475 million but, like a benefactor, Government has allowed the University to go to raise funds through a bond issue with Government standing as guarantor, encourager and facilitator in the event that things go badly. We do not anticipate that things will go badly. If the University of the West Indies is primarily liable for the repayment of this debt and only if it defaults would the Government have to step in. So long as the management of the finances is done in the way our Minister of Finance would encourage it to be done or would encourage the University of the West Indies to do it then we should have nothing to fear.

In any event, we have to bear in mind that as we agree with this we have to ask ourselves what price or what premium or what amount of money is too great or too small to invest in our people. The answer would depend upon the ideology of the person who is invited to respond to those questions but, at the same time, in the context of having a social conscience and wanting to see the best for our people then there can be no doubt that such a government guarantee is very much in order.

I am assured that with the type of thinking now informing decision makers at the University of the West Indies then the programmes contemplated to be developed in consequence of this finance would certainly redound to the benefit of our people.

With these brief remarks, I am deeply obliged to you.

Mr. D. St. E. KELLMAN: Mr. Speaker, I rise to speak on this Resolution and to make some observations. I want to say that one can tell who is the issuer, the arranger, the amount borrowed, the issue date, the tranches, the terms, the purpose of the issue, the interest rate, the interest payment, the repayment, the commitment fee, its reverse and the denomination. What is missing from this is how the University of the West Indies is going to be able to raise the money to finance this particular loan?

Neither of the spokesmen so far have been able to guarantee this House or the people of Barbados that this contingent liability, and I believe that is what the Honourable Member wanted to refer to just now, how this contingent liability is going to be financed by the University of the West Indies or whether this is really a contingent liability or the

Government of Barbados will have to pass this liability to its Consolidated Fund because there is no source of revenue coming from the University of the West Indies to finance this particular loan.

Discussing and reading this particular matter, this is the type of thing which would interest a mind like mine. As you know, Sir, I have been accused of having many different types of minds, but I believe that this particular mind-set is the most important mind this afternoon.

Any banker would want to know this type of information, how are you going to finance it and what source. So far this evening, the most important question has not been put or answered in this Parliament. I want to know if the source that was first given to us where the student council will be asked to collect some fees – I remember this quite well. My brain might not be good but my memory might be good – to help finance this loan.

Sir, I want to know how \$20.950 million could be financed by the student body by some minor fees over a twelve-year period which is roughly about three quarters of a million per year. I want to know the source of financing and how they are going to tap into the student body to get this money back to finance this particular loan.

It is true that our University of the West Indies has been turning out some very good students, but there was a time that the University as we referred to it as the “boys on the hill” were very proactive and progressive where when you had ticklish matters relating to finance and otherwise you could have depended on the fellows on the hill for an opinion. The truth is, as it appears to me, that the “boys on the hill” are now so caught up in politics and are so politically blind that sometimes they give opinions that they do not even allow their brains to come into action. They have been able to be wishy-washy on many opinions. They know who are political leaders and who are not political leaders but yet they cannot give an opinion on a simple legal matter.

I want to know, Sir, whether our University is still doing the things it did in the early seventies and the eighties, or is it so caught up in generating political leaders that it is not interested in the constitution of the law in Barbados anymore. I want to know. I have kept silent on this particular matter but I have now been afforded an opportunity to speak. I want to know whether the same opinion given by our university gurus on simple legal matters is the same concept they use to give an opinion to our students on simple legal matters, and they end up being wrong at all times. Am I to judge the University of the West Indies’ gurus by the opinions they have given and I have read in the newspapers of Barbados? Am I to believe that that is the same teaching? If it is so, Sir, I beg to differ from that grouping and do not want any part thereof.

I also want to know, Sir, if this particular loan is only a loan for Barbados and if there is a new policy in place that the member state will finance the expenses of the particular university, whether Barbados is now supposed to look after Cave Hill, Trinidad to look after Hugh Wooding and Jamaica is supposed to look after Mona.
4.05 p.m.

I cannot understand why it seems to me that we are supposed to be 100 percent Caribbean, using the words of the Honourable Member for St. James North, but 100 percent Caribbean seems to be 100 percent Barbadian because when it comes to financing Barbados seems to do all the financing.

I want to know if there is a change in the policy of the University of the West Indies in relation to its three campuses or whether we have taken the decision on ourselves in Barbados to hold the whole hog and allow others to go "scot-free".

Sir, we have dealt with this particular matter in here on many occasions and there are many Caribbean States which are not paying their dues. Sir, many times we come to Parliament with a supplementary for \$28 million for the University of the West Indies and when it is questioned we are told that the tabulation is done because the university has commitments where people did not pay their share and Barbados was left to "hold the bag".

Sir, I have said that within the Caribbean there are many jealousies as it relates to Barbados. We in Barbados have to tell the other Caribbean leaders that we cannot continue to carry the weight for them because it appears to me that Barbadians are expected to be good to our Caribbean brothers and sisters but they are not expected to be good to our fishermen.

Sir, I am saying that this University of the West Indies matter must be tied to the fishing agreement within the Caribbean and that we cannot continue to isolate it as an issue. I will not support this Resolution until the Government of Barbados recognises that the university in the Caribbean is the same thing as a fishing agreement within the Caribbean. If the Honourable Members on the Other Side cannot understand this argument, then the educational process would have failed us.

Asides.

Mr. D. St. E. KELLMAN: Sir, can you imagine that this debate has reached such a high level that the Honourable Member for St. Michael West Central cannot understand the level of the debate. This is the opportunity we now have to flex our muscles and to let Caribbean people understand the importance of our fishermen who are expected to pay into the Treasury, to pay into the University and keep the

University afloat so that all Caribbean people can come and study. Sir, the Honourable Member for St. Michael West Central does not understand the logic in that argument.

Mr. Speaker, this is the type of Resolution that we need more often to be able to make a connection between the boys on the hills and the fishermen of the Caribbean. Sir, when all is said and done, if there are no fishing boats, there will not be anything to pay into the Treasury to help support this Resolution. The Honourable Member for St. Michael West Central, as usual, is always out to sea when the debate reaches this level but I cannot help him, he has to help himself.

Mr. Speaker, I hope when this is done at the CARICOM level that this will be a matter put on the table because we have to decide whether we want to continue to share our university with other people who do not want to share their territorial waters with us and if we are going to continue to pay debts on their behalf when they do not want our fishermen to fish in their waters. If the universities are there for everybody in the Caribbean then the territorial waters must be for everybody in the Caribbean too.

Sir, we cannot isolate these issues.

Mr. SPEAKER: I would like to help the Honourable Member because you go too far in your fishing boat.

The Resolution says that this money is for the purpose of financing infrastructural work at the Cave Hill Campus. I just thought I should point that out to you.

Mr. D. St. E. KELLMAN: Sir, I am glad to see that you have taken advice from the Honourable Member for St. Michael West Central who is very much out to sea and I know you are not out to sea, Sir.

Sir, it must be said that capital projects must be financed and that the fishing industry is also part of that productive industry that helps finance the capital projects of the Caribbean and also of Barbados.

Sir, I also want to make the point that dentistry is being studied in the Caribbean in Trinidad at Mount Hope. Even though it is affiliated to the University of the West Indies, there are certain gurus who feel that when you have completed your study you cannot practise within the Caribbean.

Hon. R. C. EASTMOND: Mr. Speaker, on a point of order. What used to happen a few years ago is this. Because Mount Hope was a new institution persons trained in dentistry had to go abroad to be certified because the Dental Association of Trinidad did not lend their blessings to Mount Hope.

Mr. D. St. E. KELLMAN: Mr. Speaker, I have high hopes that the Honourable Member for St. Philip North will put this matter right. Even though Trinidad and Jamaica have accepted that the training is good, Barbados has not accepted the training up to now.

Asides.

Mr. D. St. E. KELLMAN: I am very sure about this because one of my constituents has been here in Barbados now for seven months waiting for this particular problem to be corrected. I am sure that the Honourable Minister will do everything in his power to correct it within the next two months because he understands the sufferings of the young people who studied overseas.

I am calling on Barbados to recognise that although we were leaders all the time we have allowed the other two islands to come ahead of us and that it must be corrected. I am giving the Minister up to the end of February to correct this problem because people in the Caribbean are very capable.

Sir, the most important thing in this debate has not been brought out by the Other Side and I hope that the Honourable Member for Christ Church East will be able to shed some light on this particular matter. The University of the West Indies has financed this particular loan and as it stands now, it is a contingent liability to the Government and people of Barbados and if the capacity is not shown to finance this loan it could easily be an expense to the Government and people of Barbados.

Sir, this loan is BDS\$20 million and this is no small sum. This is the same amount that could easily be used to buy licences for fishermen so that they can fish in Trinidad waters.

Asides.

Mr. D. St. E. KELLMAN: I said it was a contingent liability. Sir, if you have a guarantee and the person cannot pay back the guarantee then it becomes a loan.

Sir, I am hoping that we will learn to appreciate that this particular issue is important as it relates to this loan and the people of Barbados would need to know this information because we need to know whether we have to plan ahead to put this as an expense towards the Consolidated Fund or carry it as a contingent liability so that we have the capacity to deal with the amount that is owed to the Merchant Bank of Trinidad.

Sir, I thank you.
4.15 p.m.

Mr. SPEAKER: The Honourable Member for Christ Church East.

Hon. R. R. FARLEY: Mr. Speaker, over the years the University of the West Indies (UWI) has proved to be the great level in Caribbean society. It has always provided the educational capacity for talented, though disadvantaged students across this region, provided opportunities for citizens to maximize on their God-given talents and to rise as high as their talents would merit in the Caribbean region. By the assistance of the University of the West Indies, not only would one require talent, one would also need to be in possession of means in order to pursue an education, not only for personal gain but for the glory and edification of the wider society. Therefore, the University of the West Indies has made an invaluable contribution to the society and in fact, stands as one of the foremost examples of Caribbean cooperation and achievement. It is to UWI's credit that certifications given by the UWI are regarded more highly than those of the many universities across North America and Europe.

Sir, many persons do not know that in this age of private universities and many other institutions that call themselves universities, that every university certification is not equal. In fact, one's ability to get into Masters and other programmes can turn on the quality of the certified institution and, to this end, the UWI has persistently maintained the very high standard as to ensure the Caribbean students, who are being prepared by this University, are able to ply their various trades across the global landscape without fear of being outwitted by way of talent and without fear of being unwelcomed by way of the nature of their certification.

But of course, Sir, good things do not remain in good and serviceable condition always; they need the continued input and adjustments and it is to the University's credit that it has set about to do so. Sir, the University has not set about this programme of expansion on the basis merely of putting up some buildings; this particular expansion programme is part of a five-year development programme which not only covers the Cave Hill Campus but the other two Campuses of the University of the West Indies: Mona, Jamaica and St. Augustine, Trinidad. That programme has several components. It was identified by the University that the sum of US\$115 million would be required to finance its development programme over the five-year period. They have developed a programme of implementation which covers the period of the fiscal year 1998 to 1999 and through 2002 to 2003, with expenditure proposed to serve at different levels during the course of those years. During the first year US\$9.15 million. The second year, US\$25.03 million. The third year US\$37.64 million. The fourth year, US\$31.80 million, and in the fifth year, US\$11.96 million.

Sir, what is this money to be used for? It is to be used in the provision to support the infrastructure of the building efforts – US\$65.62 million. Again, that is across the

three campuses. Sir, 50 per cent of this money will go directly towards providing additional infrastructure for the teaching of these three campuses. Sir, the Heads of Government of the region, recognising the critical importance of human resource development to our overall economic and social development in this region, have established targets for university admission as a percentage of total population. Unfortunately, Sir, even though we have made great strides by way of expanding admission of the enrolling of these persons, as a region we lagged behind the United States of America, Europe and the other developed countries of the world as far as the number of our percentage of our population who are enrolled in these universities and, indeed, in tertiary education generally. Sir, as a region-wide target, they have set the figure of at least 15 per cent of the adult population that should pass through university, not taking into account the other tertiary education institutions.

In Barbados, we are more advanced than other member countries in the region primarily because we have a campus here. This is why we need to do all we can to continue supporting the expansion and development of this campus because we have the advantage by way of getting students into the University of the West Indies because of its physical location. Our students here, in order to attend university, do not have to undergo the additional expense of finding accommodation and securing other provisions in ways that students from non-campus territories have to – and that is important. Therefore, this five-year development plan for the University, for which resources are being committed stems from the more important commitment by the Heads of Governments to expand the percentage of the adult population who get the opportunity to go to university.

Sir, in this age of technology, making universities meaningful and practical in world-related activities, the sum of US\$45.32 million is intended to go towards the infrastructure for non-academic institutional support: e.g. laboratories and other support. This is very important. We need to ensure that UWI not only continues to excel in its Arts and Social Science programmes, which have always been good but we need to become one of the leading centres for Science and Technology. Again, we in this region of the world suffer badly. We lag far behind the world's average as far as the per capita figures for scientists and technologists. We do not have enough chemists, physicists, engineers, computer technicians and software developers, *et cetera*. In all of those areas, Sir, we need to have our own experts. Also, in the context of an expanded university system, we also need to provide some US\$8 million over the five years for infrastructure and administrative support. Sir, student accommodation on campus is a key aspect of university life. There is no university across the world that does not make provision for a wholesome and sound campus life.

4.25 p.m.

Additionally, Sir, in these days of heightened concerns about security, campus life also has to be provided within the framework of security. Students need to make sure that when they are making a decision to attend a given university, particularly to reside on its campus, that they can do so in comfort, safety and in a cost-effective manner. In the case of the University of the West Indies, we need to continue to pay attention to that aspect.

Sir, the importance of the University is that it proves to be a unifying influence across the Caribbean. What better and greater thing could we have than young people, 17, 18, 19, 20, 25 and even older ones, from St. Lucia, St. Vincent, Jamaica, Barbados, and Antigua, wherever spending three to five years, whatever time it takes, but spending some time together and living shared experiences? That is the stuff of which regional integration is made and that is the stuff of which the removal of ignorance and suspicion and bigotry is made.

Sir, it is a wonderful thing and Caribbean unity in the post-independence period has been forced, to a large extent, on the functioning of the University of West Indies. The fact that we have reached the point where the majority of the leadership at the level of Prime Ministers in this region are products of the University of the West Indies, and the vast majority of the civil service or the Members of Parliament are persons who would have known each another from university days, is a tribute to this great institution. The continued provision of extended student accommodation facilities ensures that well into the future, this vision of the university, as a unifying Caribbean force, will soon be on the forefront of our endeavours. Of course, Sir, added to that is the direct issue of security, where \$1.55 million will be allocated to ensure that these premises are safe and secure.

Sir, a number of important things have also occurred in terms of infrastructural plans, as far as the Cave Hill Campus is concerned. Sir, I should let this Honourable House know that the plan, by way of the financing of this activity, is that the campus territories: Barbados, Jamaica and Trinidad will work with the University to ensure financing. Financing is to come from several sources, such as the placement of bonds, grant aid by the national community for specific education programmes, as well as from private donors and other sources.

The bottom line, Sir, Barbados will provide a Government guarantee for the issuing of this bond of US\$10.457 million. Jamaica will assist in the financing of the \$50 million and Trinidad will provide an amount to equal the amount of Jamaica. Sir, the amounts vary from campus territory to campus territory.

What is being provided, Sir, was already contemplated by way of legislation passed by this House in July, called

the University of the West Indies Guarantee of Bonds Act, 2001. Section 3 of that Act makes provision for Parliament, by way of a Resolution, to approve the guarantee of this loan.

With respect to the Cave Hill Campus, all of us who attended that campus are very pleased, if not mystified by the expansion which has occurred over the years. I remember after a break of seven years, I visited the institution and places that used to be open fields – not playing fields, Sir, just open areas – have now grown buildings. Indeed, Sir, the halls of residence stand proudly on the hill, overlooking the tomb of Sir Frank Worrell, but more work needs to be done.

We have an expanded academic programme at Cave Hill which needs to be supported by infrastructure. We have, for example, Sir, the work as mentioned by the Minister of Education, on Sherlock Hall. Sherlock Hall, as you will recall is the original hall of residence. Much of it now is no longer usable and substantial work is to be done, by way of refurbishment, to add to the accommodation on campus.

Sir, the new leads that challenge the university are these: The University has established the Centre for International Services. That Centre is meant to be one of the University's most recent and most strategic responses to the changes in the Caribbean economies. The Caribbean economies, as you know, Sir, can no longer depend on the production of tangible goods for the bulk of their foreign exchange and economic activity.

The agricultural production in the Caribbean region is under threat, be it bananas or sugar. Manufacturing, Sir, continues to be under the threat of trade liberalisation, and it is in the area of services that the Caribbean has to be able to find its way. The tourism services are exploited by all and, more recently, the international business and financial services sector and the offshore sector, have also been exploited.

Certainly in Barbados, Trinidad and Jamaica, the cultural services have been exploited. There are other aspects of the services sector, which we sell within the region and which we have the potential to sell outside of the region, which need to be fully exploited.

We have the potential to fully exploit areas such as health care. It is not widely known that there are doctors in Barbados who maintain clinics in other islands in the Caribbean on a two-day basis. On a Tuesday they may be in St. Kitts and on a Thursday, they may be in St. Lucia. There are attorneys who service clients across the region and who have the potential to service clients beyond this region, operating out of Barbados. There are, Sir, our technicians in the entertainment industry who are widely defined. There is a young lighting company whose employees travel throughout the Caribbean region, Sir, to do the special

lighting and other production requirements for shows throughout the Caribbean. We have, Sir, the persons who are into the management of arranging special events.

There is the redevelopment of the Barbados sound and film industry where we were able, in November two years ago to have a thirty-minute segment of a movie, filmed in Barbados to be aired on TNT. Barbados has that potential, Sir, to deliver the goods as far as services, widely defined, are concerned.

In addition, we have in the education sector, the traditional export of Barbadian teachers. As you recall, Barbadian teachers would have gone to Guyana and other places over the years to teach throughout the Caribbean region and they continue to do so with distinction. We have teachers producing educational material by way of books, computer software and other multimedia educational tools. Again, that is an area for the export of services.

Sir, in order for us to fully capitalise on these and others, including the international financial services sector where we need to train more actuaries for the offshore insurance sector, we need to train other specialists: we need to have more computer programmers and other persons in the international technology industry, we need to have more telecommunications experts but that will be done by this Centre for International Services.
4.35 p.m.

In addition to this, it is intended that the Centre will provide valuable research and product development information for governments of the region. What is new on the horizon? In what direction can we look in order to earn our way into the future? What must be done by way of policy and developmental work to train our people to put our policy infrastructure in order to capitalize on these opportunities? Those are the issues which the Centre for International Services has to address. That is important here, so provision has to be made for that.

We have been fortunate as well to have the Sir Arthur Lewis Institute for Social and Economic Studies, which was once the ISCR, headquartered in Barbados, to fill the breach which previously existed in the Caribbean region where we did not do enough research and writing and where we did not study the contemporary issues and issues which were keyed to policymakers such as myself.

I am pleased to say, Sir, that I have been able over the years to make use of the research material published by the Sir Arthur Lewis Institute for Social and Economic Studies in helping to come to a number of policy positions to look to see what is happening across the region and to position our policies within that wider context. Of course, you heard already about the Centre for Creative Arts. Sir, I would not repeat the information provided there.

Sir, all of these are very sound reasons for investing in the future of our people through the Cave Hill Campus of the University of the West Indies. The question has been raised, and legitimately so, as to how we will pay for this. The Government of Barbados, obviously, would have exercised its mind on that. The University of the West Indies has created a sinking fund, which is a mechanism by which when bonds are issued, funds are deposited on an ongoing basis, usually twice a year, so that at the maturity date whenever this loan matures and we have to repay the principal and interest there is money in the kitty for that.

Barbados is represented on the Campus Council, the Finance Committee and the other organs of the University. Financially, Barbados made sure that the University makes adequate provision on an annual basis for the redemption of these bonds. What would also be done, is that the university will use some of the funding which is already available for investment purposes, because the other way of meeting an obligation in the future is to leverage what funds you have at present by way of prudent investments to ensure that your earnings not only keep ahead of inflation but that you are earning investment income which can be used to assist in redeeming the bond when it should fall due, so that there are no plans or no contemplation of fees being charged to students for the payment of this money.

The Honourable Member for St. Lucy, as is his wont and as he usually does, tried in not too veiled a fashion, in fact, he said it, Sir, that the students will have to pay for that. That is not the case, Sir. This is an investment in their future.

As is the present case, the Halls of Residence of the University of the West Indies, Cave Hill will be operated on a commercial basis. The Halls of Residence up the Hill, I do not know what they are called...

Asides.

Hon. R. R. FARLEY: The Frank Worrell Hall is operating on a cost recovery basis. The rent that is charged to students living on the campus for the use of these facilities covers the operating and maintenance cost, and the contribution which they make will pay for the financing which will accrue. Similarly, when Sherlock Hall is developed using the funding in this \$10.45 million, that will be the case as well. The funds will be used for the cost of operation, maintenance and the repayment of the loan. Some places, like the Centre for Creative Studies, in addition to its teaching and developmental function, will become another resource which the community can use and they will, like other places in Barbados, earn income from being used by private individuals and organisations to put on shows. So the university is building not only space for teaching and learning but also building infrastructure to be used by the artistic community which will generate income as well as this Creative Arts Centre.

We all know that there are very limited places around as it stands where one can put on shows of certain types particularly where there is dancing and other things involved and, therefore, this kind of quality infrastructure which is provided will earn some income.

Additionally, places like the cafeteria which would be part of the students' facility will not be run by the university but the space will be leased on a commercial basis and this again will become part of the income earning activity of the university in order to assist with the financing of this facility.

Asides.

Hon. R. R. FARLEY: Sir, those are the reasons why we needed to put this investment in our future. I am also given the very clear plan for the financing into the long term of this investment. A government guarantee is not a means of saying to the university that they no longer have responsibilities. We will be using our position, the finance committee and the other organs of the university, to ensure that the arrangements which I have outlined are indeed put in place. The government guarantee will make the bond more attractive to investors and, therefore, will ensure that the university is able to achieve its objective so that we in Barbados and the Caribbean will be able to benefit from an expanded university serving all of our developmental needs into the future.

Mr. Speaker, I am happy to support this Resolution.

Hon. R. N. GREENIDGE: Mr. Speaker, I want to thank all Honourable Members who spoke on this particular Resolution, particularly the Honourable Members for St. James North and Christ Church East and in a curious way the Honourable Member for St. Lucy for their contributions. I think all speakers acknowledge the role which the University of the West Indies has to play in our region and the contribution that it has made to the Caribbean. Indeed, I think from all of the arguments we have heard it is clear that the University of the West Indies is an institution deserving of any assistance which our Governments can give.
4.45 p.m.

It has been pointed out to the Honourable Member for St. Lucy that we are not going to tie this debate to any fishing agreement. We think they are two separate issues and they must remain as two separate issues. We are not going to go into any arrangement where we are not going to help the University of the West Indies if there is not a fishing agreement between Barbados and Trinidad & Tobago. I think that is a non-point in this particular debate.

The University's obligation and responsibilities are still theirs and we are not going to be asking any students to pick up any collection to pay for this guarantee, as the Honourable Member for St. Lucy would want to give the impression that we would do. This is not a meeting turn

that we are operating. What we want to say is that by meeting the University half way that we acknowledge that a stronger University of the West Indies means a stronger Caribbean people. We have always said that if there are two things that we can boast about as being strong and regional and being the symbol of our togetherness, they are our cricket team and this institution called the University of the West Indies.

Sir, it is therefore a real vote of confidence that we are giving to the University of the West Indies as we let them know that we know that they are going to be responsible and use the money responsibly. We believe that the University of the West Indies is synonymous with regional integration and we will support it. In fact, I can say that Barbados has a very good reputation when it comes to the University of the West Indies. Whenever you meet with the people at the University, they will always sing the praises of Barbados that if there is one country they can depend on always it is Barbados.

It is not that we are holding the till and people are asking us to do what they are not doing, but I think, as has been said by the Honourable Member for Christ Church East, we have to make sure that those doors of the University of the West Indies at Cave Hill remain open. It helps Barbados and even though we might appear to be insular in this regard we still have to say that once there is a University of the West Indies out there we know that more Barbadian students will have access to university education than would have been the case if we did not have that campus.

Mr. Speaker, I would again want to thank all Honourable Members for their contribution and beg that this Resolution do now pass.

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

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

ORDER NO. 12 – FIRST READING OF THE PROPERTY TRANSFER TAX (AMEND- MENT) (NO. 2) BILL, 2002

Hon. R. R. FARLEY: Mr. Speaker, I rise to move the amendment to the Property Transfer Tax Act. That legislation, as you know, provides for the collection of taxes consequent upon a sale or lease of property. In fact, a number of amendments have been made to the Act over the years. The issue has always been one concerning the efficiency of collection as well as to exactly where the burden should fall.

As it stands now, Sir, the vendor is liable to pay 10 per cent tax and this also applies in the case of leases. Leases over a one-year period are liable to property transfer tax as well.

This Government has made a commitment to provide opportunities for business growth and development by a number of strategies. We have provided additional financing by way of creating institutions for finance, the Enterprise Growth Fund, for example, the Barbados agency for Micro-Enterprise Development Fund Access and others. We have created special funds, the Tourism Loan Fund and several others, and we have made a commitment to reduce the cost of doing business as well as to so structure our policies as would widen the availability of private financing.

Today, Sir, one of the most attractive and interesting and more frequently used methods of providing financing for business is the strategy of sale and leaseback. That is a strategy in which the owner of real property, be it land, an aeroplane, a boat, can sell that property and thereby obtain the cash up front. The person or the business as it proposes to continue in the same line of business will in turn lease the property back to have continued use of it and obviously pay to the new owners a rent. That has an important impact on business.

As you would appreciate, Sir, it provides a means of putting a cash injection into the business. In most businesses the sale and leaseback option, the contract, would make provision for the first owner as the person who is now leasing to be able to buy back the building at the expiration of the lease.
4.55 p.m.

If I wanted to have a financial injection into my business I could look at several possibilities. I could go to the bank to borrow money, I could float a bond, if anybody would take it or I could look at a leaseback. Sir, if I went with an outright sale, I would no longer be the owner of the rum shop and that would be the end of my interest in the property but under the sale/leaseback arrangement I would still have the opportunity to get the cash I need to run my business and I have also entered into an arrangement with the new owner to say that I will rent him the building for a given period of time. The agreement may also specify that at the expiration of the agreement I have the option of buying back the building under certain terms and conditions. I have, therefore, been able to eat my cake and still have it.

This strategy is very much in use in industrial countries as part of options for financing and has come into increasing use in Barbados. I believe that one of the earliest sale/leaseback arrangements widely known to the public was in 1980 when the previous operators of the telephone company, Continental, would have sold Windsor Lodge building and then leased it back.

Sir, the use of this particular means of financing is an important option which must be made available to small and medium-size businesses to give them another option

rather than simply going to the bank or another financial institution.

Sir, there was an element of double tax as this stands and which we are now trying to amend. As it stands, I own the shop, I have made the sale to the financing company and I pay 10 percent property transfer tax. Sir, if you remember, leases over a period of one year are subject to property transfer tax as well so when the leaseback is made to me, the finance company pays 10 per cent property transfer tax as well. Therefore, the Government has in effect increased the cost of the finance. Sir, as you understand the finance company is not undertaking this activity out of the goodness of its heart and, therefore, all costs associated with the sale and leaseback operation ultimately goes towards the cost of the lease. Therefore, the hardship is not felt by the finance company but by the business which is trying to use its sales and leaseback provision as a means of enhancing its business or in some cases, for mere survival.

This amendment which was announced in the Economic Policy Statement laid before this House on August 8, 2001, is saying that the leaseback on the property will be set at 5 percent so there is a 50 percent reduction in the property transfer tax on the leaseback component of the sale and leaseback provision. This will have the net effect of reducing the cost of the sale and leaseback financing option to businesses which have a need to use it.

Therefore, Sir, this amendment will serve the purpose of reducing the cost of doing business and making sure that this new, interesting and exciting option for financing of small and medium businesses remain an option whose liability is beyond question.

Sir, I am pleased to commend this amendment to the Property Transfer Tax Act and urge Honourable Members to support this attempt at reducing the cost of doing business and for finding another opportunity for financing businesses in this country.

Sir, I beg to move that this Resolution be read a second time.

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

Mr. G. W. PAYNE: Mr. Speaker, I will be very brief in my response to the contribution of the Honourable Member who just spoke. I made my contribution on this particular amendment during the budgetary proposals and I would like to restate my position, notwithstanding the fact that I support the Bill before the House.

Over the years there have been numerous attempts at making changes to the Property Transfer Tax Act and the

Land Tax Act. Mr. Speaker, I believe that the time has come when we definitely need to look at these two pieces of legislation. It would seem to me that it is very appropriate coming from year to year at the time of the budgetary proposal to make the types of amendments which would satisfy certain interest groups in this country. Mr. Speaker, some interest groups have no voice and their interest is not protected in the type of amendments that come to this Honourable House from time to time.

While I support this amendment, the only way we would be able to satisfy the concerns of these various interest groups would be to have a complete look at the Property Transfer Tax Act along with the Land Tax Act. It is difficult sometimes to look at the Property Transfer Tax Act without looking at the Land Tax Act or without looking at the valuation for property and, Mr. Speaker, this is a case where one interest group is actually gaining an advantage over another interest group.

Mr. Speaker, I will do this by way of example. In this particular case, this amendment seeks to reduce the tax payable in respect of the lease transaction of property on half of the capitalised value of the consideration specified in the Schedule.

We made certain amendments over the years to the Tenancies Freehold Purchase Act. I will not go into the Tenancies Freehold Purchase Act but there is a component of the value in the Tenancies Freehold Purchase Act which has something to do with the Property Transfer Tax that is actually paid on a subsequent sale disposition of the property. Even though this property cannot be sold within a specified period of time, does not mean that one cannot dispose of the property in some other manner. Under the Tenancies Freehold Purchase Act, one cannot dispose of the property by way of sale but can do so otherwise. Therefore, there might be the situation where the property is actually purchased under the Tenancies Freehold Purchase Act and because of the circumstances of the members of the family, whether or not a mother wants to make some improvement to the house, she decides to give the property to the son or daughter who might be in a better position to get a mortgage; this can be done by way of a conveyance or a deed of gift. If it is done by way of conveyance, then the value of the property has to be stated. If it is done by way of deed of gift, then a valuation will have to be done and in doing that valuation it becomes much higher than the actual valuation. Then having received that valuation, because of the new proposals in the last Budgetary Proposals, the property transfer tax is 10 per cent which is provided for by the vendor.

5.05 p.m.

This means that there can be the situation where a property costs \$10,000 – ignore the exemption to the property to the dwelling house – and the way how valuations are now done, this might amount to approximately \$150,000. Therefore instead of paying property transfer tax on \$10,000 a person might end up paying tax on \$150,000 and that is actually more than the price which the original vendor pays for the land.

Sir, in cases which affect properties, where we are making changes to legislation, we should always take into consideration the land tax component and the property transfer tax. Sir, obviously tenants under the Tenancies Freehold Purchase Act cannot establish the type of lobby to have these kinds of changes and therefore I believe the time has come when the Attorney General and Government must think seriously about a systematic rethinking of the Property Transfer Tax Act so that these anomalies do not occur.

Mr. Speaker, there might be the situation where a property is sold to a tenant who is not under the Tenancies Freehold Purchase Act, where that person is free to dispose of the property subsequently. Then, on the sale of that property because of the way in which valuations are now done – it puzzles me at times the types of valuations that we are now seeing coming from the Valuation Department – sometimes these are even in excess of the market value. Sir, a situation might arise where a tenant wants to dispose of property at the market value. A valuation might be done at a price where the property transfer tax is even more than the tenant has actually paid for the land.

A very good example which would verify this is an experience that I had in my own constituency of St. Andrew. A tenant wanted to buy a parcel of land which she was living close to. The price of the land – it was not under the Tenancies Freehold Purchase Act therefore it was not a question of the Freehold Purchase Act. She wanted to buy the land but could not raise the \$5 600 to buy the land. She came to me for assistance, both as her Member of Parliament and as an Attorney-at-Law because she could not acquire the loan from the bank. I assisted her in buying the land for \$5 600. The amount of the land was 7 000 square feet. This money was repaid by installments over a period of time and without interest. Sir, by the time that she had finished paying for the land, obviously the valuation had changed somewhat and the 10 per cent property transfer tax had come in. I did not know her that well and when the transfer for the \$6 500 was done, not having adequate security, I did a conveyance back to myself. The conveyance was done in that way while I was holding the conveyance until the money was repaid.

Somewhere along the line, the conveyance was recorded. When the money was finally repaid, I then did a conveyance back to her while using the valuation on the tax bill but by then the valuation on the tax bill had changed from \$5 600 within the period of three years, to \$12 400.

Sir, in the beginning I had told her that I would have taken care of all expenses. I calculated the property transfer tax on the percentage. The conveyance was then sent to the Registrar of the Supreme Court to be adjudicated for property transfer tax. Sir, I would not say that because the Registrar saw my name on the documents and wanted to question whether or not this was the true value, but the Registrar decided, as was her right, to send the conveyance for a valuation. When that was done, the valuation returned at \$4 300. Sir, I ended up having to pay property transfer tax on \$4 300, along with stamp duty. I could have given the lady the money and forgotten the whole thing.

Sir, the amendments that we are seeing are representative of certain interest groups and the only way that we can deal with the situation with the lady from St. Andrew is by deciding to come with a new Property Transfer Tax Act, so that we will be able to deal with these problems. Sir, whenever we are making amendments which affect property we should look at all of the respective Acts and deal with them in the same way.

Sir, similarly, the Tenancies Freehold Purchase Act. I did an appeal with the Valuation Tribunal where a lady had paid \$1 600 for land and simply because she had made a number of improvements on that particular land, she was now called upon to pay land taxes for \$124 000. Sir, the only thing that saved her from the property transfer tax was if she had disposed of it to a son or daughter because of the exemption for the \$125 000. But at least where you are not doing a systematic rethinking of the property transfer tax, the Land Valuation Act and the Land Tax Act, apply the exemption across-the-board. I believe the exemption should be increased while taking into consideration valuations at this time that are under \$250 000 if we are dealing with, as the Honourable Member of St. Lucy likes to talk about the “poor people”.
5.15 p.m.

Sir, these are the types of changes that I would like to see within the property transfer tax. Mr. Speaker, you are dealing with the big companies when you are talking about a leaseback. You are not dealing with the small leases like the ones where you would actually want to lease the other property that you have on the West Coast. These are the big transactions.

Asides.

Mr. SPEAKER: Is it this Speaker, you are referring to?

Asides.

Mr. G. W. PAYNE: Mr. Speaker, seriously speaking, if you could give an exemption in a situation like this and there is also another exemption which comes within

this category, in situations where you might have a property and because of certain interests that you might have in business, you might want to transfer that property in a company.

Sir, if you do not have an exemption in full on the valuation of the transfer, you should be able to have some percentage of that valuation, not subject to property transfer tax. This is a daily occurrence.

The Honourable Member for St. Lucy is a businessman, and as a small businessman from time to time you have to give your business as security. Sometimes for Income Tax purposes, it is better to do it through a company than to do it as an individual. You might have to transfer your property to your company, Mr. Speaker, if you have to leave these Chambers sooner than you think.

Mr. Speaker, where the land property is being transferred to a company that is controlled by the purchaser, the property transfer tax should also bear some exemption. There are also other situations where properties in an estate are being transferred to a relative, because of the fact that legally, he might not be entitled to more than one-third of the property, it is actually being transferred to that relative and there is no money involved because you are transferring the property to a relative, within an estate.

For example, if a man dies leaving six sons and decides that everything goes to this particular individual, if there is no Will and you decide to transfer this property, it is true that some people might do it in a different way, but if you do it the right way, you will do a transfer of land. Obviously, there must be a valuation. If you do a conveyance and you quote a particular price, the Valuation Department, obviously, would have to do an assessment when the Registrar makes a request in that respect.

Sir, 10 per cent is a lot of money. In this particular case, you can have a situation where you genuinely want to do a transfer to assist someone, and you could end up spending, \$10 000 to \$100 000 in property transfer tax, simply because of the valuations in that particular area.

Nowadays, it does not make sense if you cannot afford to live in certain places, to even think about paying property transfer tax or doing business in the way that you would want to do it, especially when you are living in certain areas near the West Coast, even though you are not part of the West Coast elite.

Sir, there are people living on the West Coast who own property and want to genuinely transfer the property to their children by a Deed of Gift. You might be living near Sandy Lane and you want to transfer property to a child, by way of the Deed of Gift, or you want to transfer the property to a relative, by way of a Deed of Gift. Or, you are going into

business and want to use that property as security and you want to form a company, you will find yourself paying 10 per cent of the value of that particular property, and it does not make sense. So you might find yourself going to the bank to borrow \$200 000 to go into business and you formed a company, say, "David Gill and Company", you live in Paynes Bay so it is a good property near the beach. Then, all of sudden you realise that property is worth \$200 million and when you go to the bank and agree to transfer, then the lawyer tells you, well look, you know you have a problem here, you are borrowing \$200 000 but you have to pay \$200 000 in property transfer tax because you are living on the West Coast, so you are being penalised for where you live.

Mr. Speaker, I think it is time that we look at the property transfer tax to deal with these types of problems, as we are being unfair to ourselves. It does not make sense – notwithstanding the fact that I support this amendment for the purposes for which it is brought – our coming in here, year after year with these types of amendments, and the same people whose support we need, are being disadvantaged by the same type of provisions that we are bringing. Yet, we are assisting certain interest groups.

Mr. Speaker, I would hope that the Attorney General would certainly look at these provisions. Not only the Property Transfer Tax Act but the Land Tax Act, so that we could really sit down and have an Act that would reflect the types of amendments, or rather would not bring the type of hardship that this particular Act is bringing to the ordinary Barbadian.

If I may say one more thing with respect to valuations. Sir, I believe it is time that we actually look at the way in which valuations are done by the Valuation Department. I also believe that you should not have an increase in valuations outside of a given period of time. In the sense that if you have a valuation in one particular year that valuation should not be increased above a certain limit, simply because of a golf course next door to you, so I believe that the Commissioner of Valuation should be constrained to the extent of the quantum of valuations placed on a particular property.

Mr. D. St. E. KELLMAN: Mr. Speaker, I would like to associate myself with the comments made by the last speaker.

Asides.

Mr. D. St. E. KELLMAN: If my memory serves me correctly, Sir, this matter was first brought to this Chamber more than three years ago, when the property tax rates were changed. There was a heated debate on whether property taxes went up or down. I argued that based on the system, they had increased and I also warned the Government at that

time, that increasing the property transfer taxes and putting the burden on the vendor, while relieving the purchaser, was a serious error and that it had significant changes to the cost of properties.

It is clear, Sir, that if you were selling a piece of land and you knew that you were going to sell that land previously for \$10 000 and your property transfer tax at that time was 5 per cent and now it has increased up to 10 per cent, you would not continue to sell that piece of land for \$10 000. What you would do is to increase the price of the land so that you would end up either equal or better off than you were previously.

Sir, even though the purchaser is not the one paying the property transfer tax directly, the purchaser ends up also having to pay the property transfer tax, indirectly. We would argue – I know the Minister of Housing would use this argument – that the reason why the property transfer tax was removed from the purchaser to the vendor, was because this would assist the masses of people in Barbados in buying house lots.

The truth is, Sir, that even though there are more poor people buying house lots, those house lots are now more expensive than when the land was sold by the vendor to the purchaser, and both of them had to pay the property transfer taxes. Sir, you would not believe this, but the biggest culprit abusing this Act, is the biggest beneficiary which is the National Housing Corporation, because they are now the biggest speculators of land in Barbados, so the property transfer tax has been used as a “whipping boy” by the National Housing Corporation to amass large sums of money off the backs of the poor people.
5.25 p.m.

The National Housing Corporation (NHC) is now competing on the market like any normal vendor and is now asking the masses of people in this country to pay high prices for their houses and land the same way the private people are doing. What this means is that the National Housing Corporation (NHC) is not now only getting large sums for their land but is transferring large sums of money into the Treasury while at the same time claiming to be helping the masses of people in this country.

Sir, I understand the logic why any Government would want to transfer the property transfer tax to the vendor but it cannot be in every single case. There have to be exemptions. I can understand why the Government would want some money from someone who wants to sell a massive hotel for large sums of money that they bought for little money. I can appreciate why Government would want some of that money, but when it becomes regressive where it affects the lives of the masses of people in Barbados, that is when I would call for an exemption on that particular property.

Do you know what is the problem, Sir? The Government has to understand that there is a difference between land and property because that is the biggest problem we are having. Everybody thinks that land is property and I am saying that land is not property. So when you tell people that you are exempting \$125 000 on a property everybody automatically believes that if they have land and sell it for \$125 000 they are exempted. That is foolishness and that is where the difference has to be made. The \$125 000 has to be on land and property, it cannot be just on property.

Asides.

Mr. D. St. E. KELLMAN: If the Honourable Member wants me to explain what is property I will. Property is house plus land. That is the problem. So what we need is a further amendment to this amendment to make sure that this is not regressive to the masses of people in Barbados.

If you were to go back to your Hansard, Sir, you will see that the same argument that is now being put by the Honourable Member for St. Andrew has been well put by me in this Chamber.

Asides.

Mr. D. St. E. KELLMAN: No, no, no, it is true. I have put many good arguments but the truth is the Honourable Members in this Chamber do not have the capacity to understand them at the same time and there is a time lag between them and me. As simple as that. I am saying that if one were to go back to the Hansard debate, one will see that the argument being put by me this afternoon is nothing new. So I think Honourable Members in the Chamber better understand the argument now.

So I hope now that they have a better understanding of the regressiveness of the property transfer tax, that they will now have a heart and recognise that in order to catch the sharks that sometimes you trap the pilchards in the net and we do not want to trap the pilchards or the small fish. We want to allow them to live their full lives but we are being so regressive that we are trapping all and behaving like the Japanese who rape the sea, take what they want and dump the rest in the sea. So I am hoping, Sir, that there will be a clear understanding on this.

I also have a problem with the sale/leaseback because if you are going to tell me that it is nearly one and the same transaction even though it is slightly different, when you sell something and lease it back into the same hand, and that calls for 15 per cent, something is wrong. That is like taxing a tax and that is exactly what is happening here and we need to have a re-look at this.

We are not losing anything. It is the same property that has been constructed and there is nothing wrong with saying

that on the sale, in a case like this, is five per cent transfer tax and the leaseback is five per cent but you cannot have the sale at 10 per cent and the leaseback at five per cent. That is 15 per cent when you intended only to get 10 per cent. So I am saying that we have to understand the workings of what we are doing and we need to come to a common ground on this. As I said previously, the main bone of contention is that land and property are not the same and once one can understand that, we will not have a problem.

Asides.

Mr. D. St. E. KELLMAN: Is it the same? If you sell land at \$125 000, do you get the exemption?

Asides.

Mr. D. St. E. KELLMAN: That is what I am saying.

Asides.

Mr. D. St. E. KELLMAN: No, but we are dealing with the purpose of the Act here. Sir, I was told at that point in time, nearly three years ago, that the \$125 000 exemption is not on land, that it is on property. If I am wrong...

Mr. G. W. PAYNE: On a point of order. What the exemption seeks to do is to make an exemption in the situation where there is a dwelling-house on the land, so the \$125 000 valuation comes in where there is a dwelling-house on the land. It has nothing to do with property and land in the way how the Honourable Member for St. Lucy is mentioning it, but even if it did, there are certain Acts that make certain definitions for the purpose of the particular legislation. Even he himself would readily admit that even the books that he has in front of him are property.

Mr. D. St. E. KELLMAN: But in normal terms, Sir, when one speaks of selling a property it is referred to as the land and the building. I am saying that if you have a piece of land and it is valued at \$125 000... even though some persons on the Other Side at that point in time gave the impression that my argument did not hold water because the \$125 000 refer to land, that was not true. Now he is much clearer today that that reference was for land and building.

I am saying, Sir, for the exemption to make any sense, it has to be on land or on land and building, but it cannot be just on a house plus land, it has to be also on land in order for the amendment to work. What one will have to do to get an exemption is to go and buy somebody's old house and put it on one's land. That is wrong. Nobody should have to do that. The Act should be clear. If you have a piece of land, property, as the lawyers would call it, because the lawyers would call land property, valued at \$125 000 you should not have to hunt around to find out whether you will be exempted. It should be known that anything up to \$125 000

is exempted and that is the amendment we need here today. That is why I am calling on the Government Side not only to appreciate what I have argued at the point in time but to appreciate the argument of their own Member and understand what we are talking about, because what we are talking about is something that is very progressive.

I am saying that there is no doubt that Government understood the demand for land by outsiders and the amount of money that the vendors inside were going to make and so they wanted a piece of the cake. There is nothing wrong with that, but at the same time they cannot just throw a net like the Japanese and rape the whole seabed, and that is exactly what the Government did.

5.35 p.m.

I hope that these finer points will be appreciated, and I am also calling on the mover of this particular amendment to withdraw this amendment. Instead of having an amendment just to come back to do another, the most decent thing would be to withdraw this amendment.

I hope the Honourable Member for Christ Church West whose constituents will be affected by this, would understand the point we are making and that we ask the Honourable Member for Christ Church East Central to withdraw this particular Bill and bring it back with the amendments that have to be made because it is a waste of time to discuss this amendment when they know full well that it has to be amended again in order for it to be progressive.

Legislation is not about regressiveness. It is about progressiveness. I find it very difficult that the Honourable Member for Christ Church East Central would bring this amendment without understanding the implications of this particular amendment. I hope he has listened to the debate, not only from myself, Sir, but from the Honourable Member for St. Andrew who has a very progressive mind on these matters and not a regressive. I know that the Honourable Member for Christ Church East would want to be progressive in these matters and that he would be prepared to withdraw this particular amendment, seek clarity on it and bring it back, refined and retuned, and instead of being regressive being progressive. Then it would serve to the benefit of all.

The major point is that property transfer taxes if you want to keep them must be also on land as it is on building and land and it cannot just be on building and land. If you know anything about the history of the masses, Sir, they all strive to own a piece of land and what you are saying to them is that as long as you own that piece of land we are going to whip you and make sure you keep it because we are going to use a property transfer tax to make sure you cannot sell it.

You have to consider persons' financial position. It is not everybody who can afford to give up 10 per cent of the

value. We also have to realise that at the same time there will be more poor people buying land than selling. No vendor will keep the price constant but will increase the price to the purchaser which automatically increases the legal costs and the stamp duty. Because we have increased the property transfer taxes we have increased many costs to the purchaser even though we claim we are relieving the purchaser of this particular burden.

The property transfer tax has done more damage to the masses of people in Barbados in acquiring additional land than anything else. What you have done is to tell the vendors to increase their prices so that they can get back the money that the purchasers used to pay.

Sir, I am hoping, as I said previously, that the argument put by myself three years ago and the argument put by the Honourable Member for St. Andrew a year ago and now today and the argument now being put again by myself, that it would be fully understood and some action taken in the name of the masses of people in Barbados and in the name of progress.

Sir, I hope the examples used where a poor person wants to transfer the land to their offspring that the valuation, which would not relate to the cost of the land which obviously will be higher than the cost of the land, will not be burdensome and we would not have a situation where families are gone from these shores and the owners of the land do not want to get a conveyance because they are scared that even though the conveyance gives them a legal entity and a legal right to the land, they know that if they go to get the conveyance that they would have a situation where they have to pay high costs and the cost is so high that sometimes they might not even end up with the conveyance because they end up owing somebody in order to get the conveyance. That is not what we want, Sir.

What we want is a smooth transition so that when something is left by someone to someone else it can be received at the minimum cost. What we are getting is the complete opposite where sometimes the cost of transferring the property is more than the cost of the property. We are saying that is what has been occurring because of the property transfer taxes.

It is rather interesting, Sir, that at the same time the property transfer tax has been increased the land valuation has also increased their values. It is rather interesting. What it means is that you have a triple cost. You have the property transfer tax increasing, the valuation of the land going up and the other add-on costs will automatically increase because of the advent of these two things. So where do we go from here, Sir?

Instead of being progressive and continuing to say that we want to empower people, we are now being regressive not allowing people to achieve what they want. I am calling

for the Property Transfer Tax Act to be amended and for the person who proposed this particular amendment to withdraw it from Parliament, because it would be self-defeating if this particular amendment is passed as it stands, because we would have passed it knowing full well that it is regressive and not progressive. I thank you, Sir.

Hon. G. A. CLARKE: Mr. Speaker, I want to make a few remarks on this particular Bill. It is important for us to look at the property transfer tax in a holistic manner. This particular Bill will always create some type of confusion in certain people's mind and surely the Member for St. Lucy is really confused as far as this Bill is concerned.

Mr. D. St. E. KELLMAN: On a point of order, Sir, the Honourable Member is misleading the House by giving the impression that I was confused in my thoughts when I only repeated what the Honourable Member for St. Andrew said.

Hon. G. A. CLARKE: I am sure that the Honourable Member for St. Andrew did not mention anything at all concerning the National Housing Corporation. I am sure that the Honourable Member for St. Lucy was a member of the National Housing Corporation Board and he is well aware that National Housing does not pay property transfer tax. He is also aware that properties in the valuation of \$125 000 do not attract tax. Therefore, I am saying, Mr. Speaker, that persons buying from National Housing, especially poor people, according to him, properties under \$125 000 do not pay property transfer tax. The vendor, being National Housing Corporation, is the one that pays the tax.

I am saying that even if you say to us that we are charging poor people the tax, the vendor would be the one who is paying the tax and not the poor. The point the Honourable Member was making earlier is one which I believe some people have been adopting in saying that people will push the valuation higher but that cannot be. Before you sell your property, you should get valuation for it. A vendor cannot put an arbitrary valuation on a property because the purchaser has a right to get a valuation.

Mr. D. St. E. KELLMAN: The Honourable Member is misleading the House by giving the impression that the vendor is not the person to put the valuation on his own property.

Hon. G. A. CLARKE: Mr. Speaker, we could go on and on, but the point is that whenever you are buying and selling land both the vendor and the purchaser should get their own valuation. I would not buy a property unless I get my own valuation and then you agree on the price. The point is that over the last 10 years or so a number of persons especially on the West Coast of Barbados have been selling land, not necessarily to Barbadians but to foreigners and the purchasers have been walking away with a lot of value in

assets. Therefore, if you say to us that Barbadians want property, why would they sell their property? The onus is on the vendor to pay the tax. If a vendor sells his land for \$4 million, obviously it is only fair that some of this money be raked in by the Treasury, so you pay 10 per cent on it. The poor people who buy the land at 10 cents under the Tenancies Freehold Purchase Act do not pay property transfer tax. The people who buy the land at \$5 a square foot from National Housing do not pay property transfer tax. We sold over 500 pieces of land last year and they did not pay property transfer tax.

I am saying too, Mr. Speaker, that valuation is not an exact science. I have made the point that it has to do with if you are valuing land for the purchaser or the vendor. I have argued with the Valuation Department and also with those entities that do valuation that they need to look carefully at how they value property in Barbados. You can buy a property today for \$200 000 and sell it tomorrow for \$250 000 or \$300 000. I have argued that we definitely need a system of valuing property. I must tell you that as far as Government is concerned, Government uses the Commissioner of Land Tax for all valuations. Before we sell a property, the Commissioner of Land Tax is involved in the selling and the valuing of the property.
5.45 p.m.

I believe that there must be further amendment to the Act. The Prime Minister has given the assurance that there will be further amendment to the Property Transfer Tax Act in the next few months. We have to look at ownership of properties in this country because, by and large, the majority of Barbadians still have the right to own their land and keep it as an investment and there is still a great demand for land.

There is still a great demand for land in the constituency of St. Lucy and the north in general is attracting a lot of people. If you look at the statistics from the Barbados Water Authority or the Barbados Light & Power Company, it will show that the demand for land and property is great. Recently, I was listening to the radio and one particular real estate company was boasting that they were selling properties by the hundreds every month.

The Honourable Member for St. Lucy would have us believe that this is a regressive move but there is still a great demand for land and property.

Sir, if you buy land under \$125 000, you will be exempt from property transfer tax.

Mr. D. St. E. KELLMAN: Mr. Speaker, on a point of order. It is wrong to give the impression that if you purchase a piece of land for \$125 000 or less that the vendor is exempted from paying property transfer tax because the exemption refers to the purchase of house and land and not

to the purchase of land alone. The Minister of Housing should correct himself on this particular matter.

Hon. G. A. CLARKE: Mr. Speaker, there are not many poor people who could buy land alone for \$125 000. The average lot, Mr. Speaker, that any person buys from National Housing Corporation is 4 000 square feet at \$6.00 per square foot and I want to make the point that National Housing Corporation does not pay property transfer tax. If the land is bought from a private individual, then the vendor pays the tax, not the purchaser, and the vendor cannot increase the valuation of the land.

Mr. Speaker, I believe that eventually there will be further amendments to the Property Transfer Tax Act because we want to encourage more people to own land and property.

Hon. Sir HENRY FORDE: Mr. Speaker, I want to begin by saying that I support the views expressed by the Honourable Member for St. Andrew. The Property Transfer Tax Act was first introduced in 1969. At that time, the principal objective was to put in place a tax which would help to conserve land in Barbados in the hands of Barbadians rather than the land going to non-nationals without at the same time preventing us from attracting genuine investment.

In fact, in the 1960s the Democratic Labour Party introduced an Aliens Landholding Act but there was a reaction against that Act and the Democratic Labour Party lost its nerve and never had the confidence to bring an Aliens Landholding Act before the Chamber after that. As a result, the Property Transfer Tax Act took its place.

Unfortunately, during the years the Property Transfer Tax Act has been amended on several occasions almost on each annual budgetary exercise. It has come to be seen now as a revenue gathering Act and that now seems to be its principal objective.
5.55 p.m.

I regret very much that the legislation is not clearer in its language, its meaning and its intent and much easier to interpret because we have heaped on it quite a number of things. We have given exemptions at times, we have taken them back. We have, at times, tried to close loopholes. I believe the Act, as it stands, is an unwieldy, unsatisfactory piece of legislation. I think the Government needs very carefully to look at this legislation, both in its role as a tax gatherer as well as a social engineer to make sure that it has in place proper legislation which will not prevent investments but which, at the same time, will have such an effect on its citizens of which the Honourable Members for St. Andrew and St. Lucy have spoken. We are not talking about plantation tenantry because that land is pegged at approximately \$300 but to the other lands that attract a tax. Land does attract a tax in the hands of the vendor and prior

to amendments made, it attracted a tax both in the hands of the vendor and of the purchaser.

Sir, in one of the Budgetary measures the Minister of Finance moved the tax from the purchaser under the Act all to the vendor so that 10 per cent falls to the vendor. I do not know what was the complete rationale for that and I think that we have to think these things through more carefully, but I think it would be a mistake for Members to assume that that 10 per cent, in many instances and particularly in developments where land is being developed, is not passed onto the purchaser. It is different from the person who might be coming in and building a villa but in the normal development and selling of land it is built into the purchase price and therefore one has to carefully analyse with any measure to see what effects it has although it is borne in the first instance by the vendor. In fact, he is going to recoup that as he recoups his development cost from the purchaser and it can have an effect on these land values that are escalating, especially in circumstances where Government has to control land values in some respect.

Sir, I have already spoken in this Chamber and said that the Government, which has a large segment of land in this country in its hand; some acquired since we have been in this House over the last few years, must at times effectively intervene in the market particularly in controlling the price of land in relation to various groups in the country.

Sir, I find it difficult in representing a constituency that has very little free land and where I have to say to young persons that they have to pay \$10.00 per square foot. Luckily there are some persons in my constituency, for instance in the Eastmont Tenantry who are getting land at \$5.00 or \$3.50; but that is the exception rather than the rule. Therefore Government has to monitor this. If it is being monitored then when the genuine criticism of things that might be wrong as well as the purely political criticism hits home, it will not affect the society and lead to societal disruption. I believe this is an issue that we must deal with and deal with in an objective manner so as not to lead to societal disruption and concern.

Hon. G. A. CLARKE: On a point of order, Sir. I do not want to interfere with the Member's flow but I want to remind the Honourable Member that over the last seven years Government has been intervening in the market and land is still being sold at \$5.00 and \$6.00 per square foot. Sir, the majority of land for the poor people of Barbados is being sold by the National Housing Corporation. We have also passed the amendment to the Tenancies Freehold Purchase Act which allows for persons to buy land at \$2.50 per square foot. In the constituency of the Honourable Member, lands that we have recently acquired will be sold at the universal price of \$6.00 per square foot.

Hon. Sir HENRY FORDE: Mr. Speaker, I know that you have been very generous to the Honourable Member and

I thank him for his information. Sir, I have been generous to him too when he deserves the praise but he must also listen to the voice of complaint and whether complaints are made for purely political reasons or whether they are made, the Government has always to be amenable to complaints that are not necessarily critical of the Government but are the concerns of the people. Where there are those impressions that are out there, they must be dealt with and dealt with on a factual basis so that persons understand what is happening.

Sir, it is true that Government has a programme in which tenancies over 5 000 square feet – the Government pays \$2.50 but that does not answer the non-tenantry areas where there are persons buying lands that are outside of tenantry lots – urban or suburban tenancies. There are those large number of persons who are faced with the position of looking at land at US\$5.00 per square foot and these are the cases to which I am referring. These are genuine cases and therefore the Minister must not have a closed mind on this.

Sir, let us not let this issue become such a burning one that Barbadians believe they are not getting fair prices. Mr. Speaker, the trouble is that there is too high a developmental cost for land in this country and I believe that that should be examined. As land becomes scarce and developmental costs are built in, people are going for the kill and particularly when an economy has grown like ours has. Sir, I believe that politicians must be social engineers and that is why I commend the Government on buying as much land as it has bought but Government must intervene in the market and bring its own price down, especially for the middle and low income persons, in order to bring that land at a proper pricing. Sir, that is the point I want to make; that is proper social engineering. One does not have to label a person, whether they are socialists, liberals, or whatever, the commonsense thing is that persons must be made to understand that they can make a profit but it must not be at a run-away cost that distorts the society in terms of sociology, *et cetera*.

Sir, with respect to this particular amendment I have explained to the Honourable Minister that I have some difficulty regarding the lack of a definition in the Act to deal with what is called the capitalised value of the consideration specified under section 5(1). I would like to say that I understand the purpose of this legislation. It is vital that Government encourages developments where persons come in and build, then lease out on a sale-back programme. This is putting money into the economy and helping in a developmental position. I think to that extent this is to be encouraged and the Government must also encourage the position where they are genuinely prepared to lease lands for long enough periods but not to alienate the lands from Barbadian hands. Sir, that is one of the sociological encouragements and it cannot be done if the method of

taxing is going to be in doubt or of such a nature as to discourage the very objectives that one is seeking to achieve.

Sir, whilst I concur with what is happening with the existing legislation, most people do not register leasing and the Government must know that it is losing revenue. The same thing has happened in St. Lucia and recently St. Lucia has amended its legislation to make leases registerable and that has increased the level of taxation. St. Lucia has reduced its stamp duty in order to take care of this legislation.

Sir, we have similar legislation in Jamaica, Antigua, Canada and the United Kingdom. I have sent a bound copy of property transfer tax legislation to the Government which they can use as a model. If Government uses the Canadian model it is simple to understand and straightforward. Legislation must not be so complicated that the only persons who stand to benefit are the lawyers and the accountants. It has to be simple.
6.05 p.m.

I believe that our Property Transfer Tax Act is rightly criticised when the Honourable Member for St. Andrew said that it is now a mess. We need to simplify this legislation. One of the things I would wish the Minister to consider and take back to the Cabinet is to ask for a Committee. There are many of us in this country who give of our time freely, who are willing to sit down, without self-interest, would make available to the Government, our knowledge, not to make the decisions for the Government but so that the Government would have simplified and proper legislation on the Statute Book, in order to deal properly with this problem.

Sir, I was trying to find out what is the capitalised value of the consideration specified under this Act. I think the intention of the Government is to encourage sales and leasebacks. The social objective is that the land eventually remains in the hands of Barbadians, but you allow investment to come in and this is absolutely proper.

However, when you talk about the capitalised value of the consideration, I must ask the Honourable Minister, are you talking about taking all of the rentals over the period of the lease and finding what is that value? If it is 20 years and you are paying \$20 000 a month, so it is $20 \times 12 \times 20$, deducting from it all the operating expenses, whether those will be insurance, land tax, the borrowing cost or the cost of management and then discounting, to arrive at a value. That is one way and I believe that is how they look at it in England.

Another way, is that people look at the market value. They consider the money that you are paying. Is that market value a fair market value? And if it is zero, then you pay zero. I am not sure what is intended here. Other persons however say that you look and see if it is a lease with a premium up front but then you are not certain what is the consideration.

There is much difficulty in the way by which the amendment is formulated. Frankly, Sir, like the Honourable Member for St. Andrew who deals with a lot of these transactions, and myself who do not deal with them so much by way of sale and purchase or conveyancing, but by way of tax opinions and interpreting legislation, I have some difficulty with the amendment in the way it is drafted.

The Minister has very kindly told me that he was going to find out whether there was anything in the Income Tax Act that would help. I had a quick look and I do not think there is but I have not had a concerted look. The Honourable Member for St. Andrew and myself are trying to put our heads together to see how it will be done, but at the end of the day, this amendment might find itself before the law courts for interpretation, unless we really have a definition that is much clearer. I am not sure that the Land Tax Commissioner is going to be much wiser than many of us. Maybe, it may work out but I am not certain.

In some countries, they tax you on 1 per cent or 2 per cent of the value of the lease, over the period of the lease. In other cases, they take the number of years, let us say it is a lease for 15 years, and they take that out of the consideration, as they have taken that consideration and multiplied it by the number of years, and from that, they take a percentage. Those are different ways of approaching the matter.

I am not certain, Mr. Speaker, and I wish I was certain, so as to be able to say what is going to be the effect of this legislation. I hope the Minister is clearer in his mind than I am in mine, but I understand the objective and I think it is laudable. I also think that the draftsmen have tried to draft, but we need a bit more than that and we really need a definition section.

Sir, I am going to go back in general to deal with the Property Transfer Tax Act, and I will probably repeat myself. I can see, in looking at the Act, that since it was passed in here in 1969, it has had 21 amendments. Any legislation that has been amended 21 times in such a short period, needs further study.

Asides.

Hon. Sir HENRY FORDE: As a matter of fact, it should not be a Consolidated Act. We need now to look at the legislation, understand what are the purposes that we want to pass it for, or repeal it if those purposes are no longer proper and draft it simply.

I do not believe that the legislation is that simple. Sir, I can say that I work as a lawyer and I do know that there are many instances that are not covered in here, that are covered under the Canadian legislation and where there should genuinely be a property transfer tax. It is covered in such a

way that the tax is not punitive and therefore, people do not seek to evade the legislation.

Some people consider this to be a punitive tax and that is why you have seen, Sir, they have entered into agreements for a lease by a letter, so you do not have to go through a lawyer to start anything. Therefore, the lawyer is not breaking the ethical professional standards. Some people will have to wait if they want to, as the Honourable Member for St. Lucy and the Honourable Member for St. Andrew were saying, to give land to their children by way of gift. Whereas, you can go the Minister sometimes for an exemption but that is not always convenient.

It took us a long time before we brought an amendment here, if a husband and his wife or a wife and her husband owned a bit of property and they disagree and go through the law courts, we had to go at times to apply in order to exempt the transfer of the one-half, whichever portion, from tax. That really was wrong. They have made some changes to that, but there are these difficulties in the legislation. Speaking both as a practitioner who has to deal with these matters on a day-to-day basis, I am genuinely asking the Government, as a matter of urgency, to look at this legislation because it creates problems.

The Honourable Member for St. Andrew is driven to the point where he understands that there are good objectives to be covered, but he has to say, repeal it, because if this is what is going to be the effect, then it is an unsatisfactory piece of legislation.

I hope, Sir, that our intervention is not misinterpreted by the Minister, the Government or anyone, as saying that we are criticising the Government's land policy. What we are saying is that there comes a time when legislation gets to such a stage that it is recondite, it is very esoteric, it is very difficult to understand and therefore, it is not good legislation. Sir, unless you have legislation that people could understand which is simple, and if you are driving people by legislation to look not for genuine interpretation that avoids tax, but where they deliberately evade tax and create a criminal offence, then that legislation is not good for the country.

I believe genuinely as a lawyer of some 40 years standing now, Sir, that this legislation has reached that stage. As a parliamentarian of almost as long standing – Sir, 31 years – I also believe that this legislation is in urgent need of deep surgery in order to restore it to something that is useful for the country.

Hon. R. R. FARLEY: Mr. Speaker, I rise on the conclusion of the debate on this Property Transfer Tax (Amendment) Bill to thank Honourable Members for their rather full, technical presentations. I say to them that there is the need for constant revision of Government's legislation, particularly as it relates to the area of property in all of its

context, remembering also that The Property Transfer Tax Act deals not only with land but also with transfer of shares.

In fact, we have had to visit the matter of the transfer of shares, as it relates to the function of the Securities Exchange, the registration of shares and several issues. The Government is looking at this legislation and several other related bits of legislation.

6.15 p.m.

There is, however, a need to ensure that even whilst we undertake a comprehensive review that we are able to implement those policies which we have announced and which we have identified as being immediately applicable to the situations such as they are so that the implementation of this item from the August 8, 2001 Budget is not inconsistent with the calls that have been made and with the submissions made by way of this debate for a comprehensive review of the Property Transfer Tax Act.

Indeed, the Honourable Member for St. Andrew has indicated, not only on this occasion but previously, a need to look generally at the matters that relate to the transfer of land. In fact, I would venture to say that the review to be undertaken is the matter as it relates to land. As you would see, the Government has shown its commitment to the reform of the entire process by way of the matter on which this Parliament exercised its attention earlier today, the matters relating to the Land Registry and the process for the transfer of titles to land. So I just want to assure Honourable Members that the essence of their contribution would be conveyed to the Minister of Finance and his staff who are working on the review of this particular legislation.

It just remains for me on this particular occasion to indicate that while that comprehensive review is ongoing that we propose to press on with the specific matters which need to be done at this time.

I, therefore, 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. R. R. FARLEY, seconded by Hon. R. N. GREENIDGE, the House resolved itself into Committee of Supply, Mr. D. CARTER in the Chair.

COMMITTEE OF SUPPLY

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

Clauses 1 – 2 inclusive, were called and passed.

On the motion of Hon. R. R. FARLEY, seconded by Hon. R. N. GREENIDGE, 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. R. R. FARLEY, seconded by Hon. R. N. GREENIDGE, the Bill was read a third time and passed and cited as the Property Transfer Tax (Amendment) Act, 2002.

ADJOURNMENT

Hon. R. C. EASTMOND: Mr. Speaker, there being no further business, I beg humbly to move that this House be now adjourned until Tuesday, February 5, 2002 at 11.00 a.m.

Hon. R. D. MARSHALL: I beg to second that, Sir.

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

