
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

THE SENATE

Wednesday, October 27, 2004

The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, October 27, 2004, at 11.15 a.m.

PRESENT

His Honour Senator Sir FRED GOLLOP, K.A., J.P. (President)

Senator the Hon. E. R. GRIFFITH, G.C.M., J.P. (Minister of Agriculture and Rural Development (Leader of Government's Business))

Her Honour Senator Dame PATRICIA SYMMONDS, D.B.E., G.C.M. B.A. (Hons.) P.G.C.E., J.P. (Deputy President)

Senator T. E. BARKER B.A. (Hons.), M.A. (Econ.) J.P. (Parliamentary Secretary, Ministry of Finance and Economic Affairs)

Senator the Hon. J. E. D. WILLIAMS, B.Sc., (Hons.), M.Sc., M.B.A., J.P. (Minister of State, Prime Minister's Office and Ministry of the Civil Service)

Senator Sir ROY TROTMAN, K.A, M.A.

Senator Sir JOHN STANLEY GODDARD, K.A., G.C.M., B.Com., F.C.A. (Hon.), LL.D. (Hons.) (U.W.I.)

Senator the Hon. Mrs. V. E. NEWTON, S.C.M., B.A., (Spec. Hons.), M.A., LL.B. (Hons.) (U.W.I.), F.L.A. (Gt. Brit.), L.E.C.

Senator R. W. GRANT, B.A. (Econ.), G.Dip., M.A. (Parliamentary Secretary, Ministry of Tourism and International Transport)

Senator the Hon. Miss L. V. EASTMOND, LL.B., (Hons.) LL.M. (Minister of Commerce, Consumer Affairs and Business Development)

Senator I. St. C. LINTON

Senator G. P. B. NICHOLLS, B.Sc., LL.B.

Senator Miss P. E. PARRIS, J.P.

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

Senator Dr. D. S. LOWE, Dip. Theology, B.A., MED, ED.D.

Senator the Very Reverend H. E. CRICHLAW, G.C.M., B.A. (Hons.) (Dunelm)

Senator Dr. F. L. CHANDLER, B.Sc., (Hons.), Ph.D.

Senator A. C. FIELDS

Prayers were led by Father Errington Massiah.

Mr. PRESIDENT: This Senate is in Session.

ANNOUNCEMENTS BY HIS HONOUR THE PRESIDENT

Mr. PRESIDENT: I have received apologies from the following:

Senator G. P. I. Gooding-Edghill

Senator Miss S. C. V. Husbands

PRESENTATION OF PAPERS

SENATOR THE HON. E. R. GRIFFITH: I am commanded to lay the following documents:

1. Value Added Tax (Refund) (Moorjani Caribbean Limited) Order, 2004.
2. Value Added Tax (Refund) (Marjorie Davis) Order, 2004.
3. Value Added Tax (Refund) (R & B Investments Inc.) Order, 2004.
4. Value Added Tax (Refund) (Newspaper Direct (Barbados) Ltd.) Order, 2004.

5. Value Added Tax (Refund) (Norma Cox Astwood) Order, 2004.
6. Value Added Tax (Refund) (MTM (Tax Consultants) Limited), Order, 2004.
7. Duties, Taxes and Other Payments (Exemption) (Commonwealth Construction Canada Ltd.) Order, 2004.
8. Duties, Taxes and Other Payments (Exemption) (National Insurance Board) Order, 2004.
9. Special Development Areas (Tangle Corporation) Notice, 2004.
10. Town and Country Planning (Fees) (Amendment) Regulations, 2004.
11. Public Officers Loan and Travelling Allowances (Amendment) Regulations, 2004.
12. Report on the Activities of the Town and Country Development Planning Office for the period January 1, 2003 to September 30, 2003.
13. Value Added Tax (Refund) (Soroptimist International of Barbados) Order, 2004.
14. Annual Reports of the Barbados National Productivity Council for the Fiscal Years 2000 to 2001, 2001 to 2002 and 2002 to 2003.
15. Barbados Economic and Social Report, 2003.
16. Report on the Audit of the Accounts of the National Insurance Fund for the year 1998.
17. Report on the Audit of the Accounts of the Unemployment Fund for the years 2000 to 2002.
18. Instruments adopted by the International Labour Organisation (ILO) at its 90th Session held in Geneva from June 3 to 20, 2002.
 - (a) The Promotion of Cooperatives Recommendation, 2002 (No. 193); and
 - (b) The List of Occupational Diseases Recommendation, 2002 (No. 194).
19. Annual Reports of the Operations of the Barbados Drug Service for the Fiscal Year April 1, 2000 to March 31, 2002 and April 1, 2002 to March 31, 2003.
20. Judges (Salaries) (Amendment) Order, 2004.

21. Value Added Tax (Refund) (Simone Lorde) Order, 2004.
22. The Civil Establishment (General) Order, 2004.
23. Barbados Citizenship (Amendment) Regulations, 2004.
24. Duties, Taxes and Other Payments (Exemption) (Barbados Tourism Authority) Order, 2004.
25. The Exchange Control (Authorised Dealers and Depositories) (Amendment) Order, 2004.
26. Annual Reports and Financial Statements of the Caves of Barbados Limited for the periods ended December 31, 2001 and December 2002.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that Standing Order No. 45(2) be suspended for the remainder of this Sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that the following Bill be read a first time:

The Copyright (Amendment) Bill, 2004.

The question was put to the Senate and agreed to.

PUBLIC BUSINESS

ORDER NO. 2 – COPYRIGHT (AMENDMENT) BILL, 2004

SENATOR THE HON. J. E. D. WILLIAMS: Mr. President, I rise to move the second reading of the Copyright (Amendment) Bill, 2004. This Bill is coming at a time when Government has committed itself to developing the cultural industry sector in Barbados and is actively pursuing the creation of an infrastructure which would encourage and nurture greater self-expression among all Barbadians.

Sir, this is intended to reposition the country as a whole so that it can capitalise on the rapidly expanding global trade in cultural goods and services. Sir, the Government of the day considers the development of the

cultural industries as extremely crucial to the country's overall development and its success and sustainability will depend on Barbados' ability to provide the tools to sustain and create that spirit and to ensure that we remain committed to the quality of goods and services we offer.

11.20 a.m.

Sir, you may ask why I begin in this fashion, but what we are seeking to do can have a negative impact if we do not as a country address the question of piracy. The Government has done a tremendous amount of work thus far in making sure that we are able to put our cultural industries on a sound footing. Therefore, a Bill of this nature seeks to assist that in every regard.

Mr. President, we are serious about the development of our cultural industries that you will recall that Government has set up a task force to look at the question of the development of our cultural industry. The objective of that task force included the examination of legislation to make recommendations for appropriate amendments or the creation of new legislation, where appropriate, with particular relevance to intellectual property for the development of the cultural industries in our country.

Sir, that task force has another remit because it was also required to undertake and complete an analysis of the cultural industries. It was expected to carry out, review and analyse existing policies, not only in Barbados but to look at models and best practices in terms of the development and promotion of cultural industries in other jurisdictions in a way that would inform us how we ought to develop our cultural industries in Barbados.

Sir, it was further required to identify suitable branding of our cultural products and where appropriate make recommendation with respect to education and technical training relevant to the development of the cultural industries sector and, equally important, for those persons who are involved in providing cultural goods and services for the development of fiscal arrangements for stimulating the growth of the cultural industries.

Mr. President, the task force was initially challenged to determine what would be included in terms of the cultural industries and the task force sought to use UNESCO's articulating definition which has a three-prong category. Sir, one category is arts and culture and under that category there are performing arts, visual arts, literary arts, photography, crafts, libraries and museums, galleries, archives, heritage sites, festivals and supporting enterprises.

Mr. President, the second category has to do with design and within that category there are things like advertising architecture, web and software development, graphic, industrial, interior, and environmental designs.

Sir, the third category has to do with media and within the media sector you will find broadcast, which include radio, television and cable, digital media includes software and computer services, film, video, recorded music and publishing. Sir, the legislation before us today would impact on our musicians, music producers, playwrights, poets and novelists among others.

Sir, I am happy to report that following the completion of the task force report, Government in pursuit of the conceptualisation and development and Cultural Industry and Development Act produced a concept paper to assist in that respect. That concept has also been completed and we are at the stage where we are looking at the incentives that would go with the Cultural Industry Development Act, which we hope to bring to Parliament in the shortest possible time.

Mr. President, with respect to copyright, over the years tremendous strides have been made with respect to developing intellectual property legislation. We have seen the systematic strengthening of the Registration Department. We have also seen the creation of a Copyright Unit and we have put in place systems for the registration of trademarks and patents so that issues relating to these things can be completed in a timely manner to protect the rights of the owners' trademarks and patents.

Sir, I believe that we also need to put in context the intellectual property legislation and its importance to Barbados. In 1981, under the Barbados Labour Party, the Copyright Act was enacted and the Trademark Act of 1981 came into being, that also complemented the Industrial Designs Act. These various pieces of legislation served to protect the intellectual property of Barbadians so that these individuals were in a position to fully exploit the benefits of their creations and innovations.

Mr. President, from the outset of the World Trade Organisation and subsequently TRIPS Agreement of 1995, it was necessary and urgent for us to revise the Laws as they relate to copyright and intellectual property. The process of upgrading our intellectual property legislation was completed in 2001. This means that Barbados possesses information which is in compliance with the minimum requirements of the World Trade Organisation and TRIPS Agreement and it is reflective of modern trends of intellectual property law worldwide and we have been able to reach that minimum point of compliance.

Sir, the Act also makes provision for a copyright tribunal and the creation of the responsibility and its jurisdiction in order that Government would be in a position, shortly, to announce those persons serving on that tribunal so that it can get on with its work.

Sir, Part IV of the Act makes provision for the circumstances in which the Copyright Tribunal may deal with various licencing fees, and that relates to Section 86.9 (2) of the Act. It speaks to things relating to licencing bodies in respect of copyrights in literary, dramatic, musical or artistic work. It also speaks to films, sound track accompanying of film and recovery works and so on.

Mr. President, with respect to the tribunal, that tribunal is created to hear and determine matters relating to licencing agreements. It is expected to solve issues of royalties that are payable for rentals of recordings, computer programmes and film, particularly in relation to the adaptation of original song recordings. It also has the further responsibility of making recommendations to the Minister, so that the rates of royalties and other payment for performances can be made with respect to national and cultural events.
11.30 a.m.

The Regulations, Mr. President, that go along with the Act, and describe the procedures, fees and forms for the commencement of proceedings before the Tribunal, were published in the *Official Gazette* on July 8, 2004. As I said earlier, Cabinet has already approved the persons who would be sitting on the Tribunal and the Minister will be making an announcement shortly.

We believe that the establishment of the Tribunal has the potential to completely revolutionise the existing system of collective administration of copyright in Barbados. It will bring to our minds, a degree of reasonableness, transparency and accountability into what has, in many respects, been a painful, emotive and sometimes acrimonious exercise for both the rights holders, as well as the users of copyrights. We also believe that we must have the appropriate environment where both rights holders and the users can operate in the interest of all the stakeholders.

This, indeed, Mr. President, has been an area of contention for quite a long time. Consequently, the Tribunal will consider matters relating to licensing agreements between rights users as well as rights owners. The Tribunal will also consider matters relating to the payments of royalties. We must remember that these royalties are important for the authors, the people who own the work, and they depend on these royalties to survive.

In essence, we really must encourage all our artistes not to feel that they have to leave their homes and find other jurisdictions within which they believe that their work is better protected. They must feel that they can remain in the country and make a living in Barbados and know that their work is protected and respected and they will be appropriately rewarded. The Tribunal, therefore, Mr. President, will be a kind of a traditional body.

Mr. President, the reason why this is important is that in recent months, the local musicians and artistes have been complaining about the impact piracy had on their work. As you know, quite recently, one of our major festivals was impacted by the actions of some of the local artistes.

The truth is, Mr. President, that in many respects what they were saying was something that is understood and accepted by the Government. I can say this because I was part of a number of these projects surrounding the issue at the time, and there really was not "we" and "they". We appreciated and understood what the concern was actually saying to the Government. It was just a question of approach and methodology.

I am happy to say that I believe a lot has been achieved in the interim. I think the concerned group, if I may say so, is satisfied that the Government is serious, and the Amendment that we are dealing with this morning shows the efforts to address their concerns and once and for all wipe out piracy from the landscape of our country. I know it is a very difficult thing to do but one must have a resolve. It is desirable and we all must be on board.

Sir, during the Minister of Finance's Economic and Policy Statement in November 2003, he expressed in clear terms, the Government's commitment to eliminating piracy of intellectual property in our country. On that occasion, it was indicated that the maximum penalty would be increased to half a million dollars or a period of imprisonment up to 10 years.

The Minister of Finance, on that occasion, also pledged to combat the destructive effect which piracy has on the particular investment. The increase we are putting before the Senate is intended to reflect the seriousness with which these offences must be treated.

Mr. President, in essence, this is the background to the Copyright (Amendment) Bill before us. Those comments and that position of the Government made some 10 months ago, and our commitment today, is no less than it was when it was made. We are hoping that the penalty contained in this Amendment would serve as a deterrent and cause persons to reflect on the possible consequences of their actions, and understand the consequences of the risks they may want to take.

In some instances, we expect penalties would have been increased from \$50 000 or imprisonment of two years, to \$100 000 with an imprisonment of five years. In other instances, as I have said, it would increase to half a million dollars or imprisonment of 10 years. What we are basically doing, Mr. President, is attempting to strengthen the hand of the Judiciary, in terms of the degree of the penalty that can be imposed.

Barbadians, over the years would have adopted a kind of a *laissez-faire* approach, when it comes to the whole question of using pirated copies and so on, but we believe that along with legislation, one also has to complement that with education, as well as to make sure that the persons who are involved in the detection, will improve their skills.

The cost of copyright is significant. The information provided by the Barbados Association of Music Retailers indicated that the revenue loss to the Government was at the time estimated at some BDS\$1.99 million. May I say, Mr. President, that this, indeed, is only a conservative estimate. We are talking about the loss in revenue to the Government, but you can also begin to extrapolate the loss in revenue to those persons who really are the rights holders of that material.

It is not just a question of CDs. In the area of software it is interesting, for example, that figures put out by Microsoft in 1999, estimated that the rate of piracy is some 35 per cent in the computer software industry worldwide. They estimated that there were losses to the tune of some US\$12 billion. One, of course, can only imagine what could have been earned if we had a pirate free environment. The point to be made and stressed is the fact that a large number of Barbadians depend on their intellectual work for their livelihood. Therefore, their intellectual work requires protection if the creative sector that we are seeking to establish can indeed grow and become the significant contributor to our national growth as we anticipate.
11.40 a.m.

Mr. President, some Barbadians depend exclusively on their creative talents to take care of themselves and their families, thus our approach to the question of piracy or intellectual property protection must be one that is strong and aggressive.

Mr. President, there is also another aspect of it. We will not be able to attract and to encourage our young people to use their creative minds and to move into a sector if they believe that their intellectual work is not safeguarded. Our young people must believe that to go into the creative sector is an equal choice in terms of a career option than going into any other area of economic activity, hence the seriousness of what we are discussing today.

Mr. President, I am happy to say that my Government has always been extremely strong in the development of legislation to strengthen the intellectual property rights of persons as well as to safeguard their intellectual property assets.

We also have some other challenges, Mr. President. While we are strong in relation to making sure that the people's work in the area of music is protected, we cannot at

the same time allow people to point to examples of accommodation of illegal practices in other areas. I speak specifically to ensuring that the video stores are transitioned for full compliance. Mr. President, wherever it is applicable, those royalties must be paid because, as I said, they allow the artistes to be able to survive.

Mr. President, I mentioned the dispute with the calypsonians but, as I said, further discussions are taking place on that side. With respect to the video shops, I am also happy to say that there will be a meeting on Friday with the Commissioner of Police, persons from the Ministry of Industry and International Business and others with a view to ensuring that we understand what is involved and how soon we can have people transition from where they are to become compliant.

The truth is that we have an obligation not just for Barbados. The material that is pirated belongs to persons in other jurisdictions as well, so the rest of the world is going to look on how we treat people's material. The World Trade Organisation and others like the TRIPS and so on are looking on to see what happens. I will speak to that a little bit more.

Mr. President, the question of education is important. One of the commitments we gave to the concerned group of entertainers is that, through the National Cultural Foundation, we would engage and assist in underwriting a comprehensive educational programme for Barbadians to allow them to understand what is meant by piracy and the importance of intellectual property. That is a commitment from which we will not resile. However, we need to have more dialogue on these matters.

Mr. President, may I say, before the point is made, that this amendment predates the impasse with the calypsonians because what we are dealing with is a commitment which was given way back in 2003. Mr. President, we spoke with respect to the piracy of music and the video shops.

We also presently have the situation where Barbadians would have no compunction in accessing the MCTV signal by utilising pirate boxes which too is piracy. Persons completely ignore the fact that their actions are illegal and unlawful. They ignore that it is the intellectual work of people that they are actually getting for free and they also prevent the Caribbean Broadcasting Corporation from appropriately paying the required royalties to the various rights holders.

Mr. President, the Caribbean Broadcasting Corporation has sought to deal with this problem at two levels. On the one hand, the Caribbean Broadcasting Corporation has sought to move its platform from one of analog to one of

digital and to seek to eliminate piracy with the use of technology. We all understand that the way technology goes that you have to make sure that you are one step ahead of those persons who would want to be involved in piracy and, therefore, that too in itself will continue to be a challenge for them. However, I believe that the technology they are employing would certainly deal with it in a significant way.

Mr. President, I also believe that it must be complemented by legislation. I believe we have to put before Parliament a signal tech legislation. I believe when individuals understand that what they are doing will have serious consequences in terms of penalties, that coupled with the technology, would help deal with that. I do not believe we can just depend on the technology alone. I believe that we have to use signal tech legislation along with using technology in dealing with piracy as it relates to the Caribbean Broadcasting Corporation's signal being stolen.

Mr. President, to my mind, Barbadians are not as fully aware of the issues surrounding intellectual property as they should be. I think we can all do with supporting organisations, such as those that are found in other jurisdictions, which play an activist role in raising the level of consciousness and the awareness of people.

Mr. President, when persons steal the MCTV signal using pirate boxes, or they purchase pirated CDs or whatever, these actions are not consistent with supporting our artistes. Mr. President, from time to time you would hear Barbadians say they want to support our artistes in their work and they want to make it possible for them to earn a living and so on, but they cannot do that by seeking to purchase pirate copies or using pirated boxes.
11.50 a.m.

Mr. President, when we say that we are supporting our artistes, it must be in the real sense. We have to be prepared to buy legitimate copies. Sir, as "Black Pawn" would say, it is not about lip service, it is about genuinely wanting to help our artistes.

Sir, technology, of course, is allowing persons to be able to make a number of copies of tapes, DVDs and CDs. We talked about persons getting commercial benefit. We only see it as something wrong if somebody is benefitting commercially from selling these things. I just want to stress that where an individual copies 10 or 15 CDs to give to his or her friends, that, to my mind, contravenes what we are talking about. That, too, is piracy.

Mr. President, I must also take this opportunity to compliment organisations such as BAMSI and COSCAP which, over the years, have protected the rights of the owners of intellectual property. I know the going has not

been easy for them but both the artistes in Barbados and in other foreign jurisdictions have been the beneficiary of the work, through the collection of appropriate royalties.

Mr. President, we are now operating in a global environment and there are issues in other jurisdictions where those countries are grappling with issues relating to intellectual property. We too must make sure that we are in a position to be able to address those issues when they reach us.

The International Performing Rights Society is paying greater attention to all jurisdictions, Barbados included, and is prepared to pursue the rights of artistes from all parts of the globe. Every jurisdiction, both small and large, is indeed, being monitored in every area of economic activity.

I know that as a country we like to think that we have our rights and that when measured in terms of our behavior, we stand out. I recently noticed that the institution, Transparency International has, in terms of their corruption perception index, ranked Barbados at position 21 out of 140 countries, in terms of being a jurisdiction that pays the greatest attention to illegal practices in our country. Hence the reason why I spoke about transitioning video shops, *et cetera*.

Mr. President, Barbados' ranking is the highest in the Caribbean and is something of which we all should be proud. If I say that we are at position 21 and that the United States of America is at position number 17, I believe we will all get the point.

Mr. President, may I stress that we are all being monitored by the World Trade Organisation (WTO), to whom commitment was given by way of the TRIPS Agreement. Under the obligations of the TRIPS Agreement and the World Intellectual Property Organisation (WIPO), we have to ensure that the intellectual properties of individuals, from whatever country, are being protected. Hence the protection is for both Barbadians, as well as international property owners.

Mr. President, I mentioned earlier the question of the video shops but I want to deal with the question of the use of technology to help address the issue of piracy. Sir, in some jurisdictions, they use what is referred to as a band-roll system. The band-roll system is a physical or visible device that is attached to the packaging of a product at its point of manufacture, either in light touch, sensitive paper, or holographic format.

It may bear an alpha-numeric sequence that enables the relevant parties to keep track of the number of band-rolls used for a particular product. It may bear a certification mark to indicate the authenticity of the product, products or item. It serves as an indicator of the quality of the good to which it is affixed.

Mr. President, this technology was used widely in Africa and Asia in particular, as an anti-piracy measure, since it is Government which issues the band-roll to the manufacturers, to be affixed to the product of a genuine nature.

Mr. President, may I say to this Honourable Senate that in 1998 and 2001, the World Intellectual Property Organisation (WIPO) sponsored missions to Barbados to assess the feasibility of using this system here. On both occasions, it was judged by the mission personnel that before such a system could effectively be introduced, there was much groundwork that had to be done in terms of collecting the necessary information from all of the stakeholders whose work would then be subjected to the security devise, which is the band-roll system, as well as the preparation of the regulations to guide the operations of the anti-piracy systems.

Mr. President, may I also say that late in 2003, the firm De La Rue Tapes and Holographics of the United Kingdom, sent a representative to Barbados to discuss the possibility of manufacturing those band-rolls here. The Barbados Investment and Development Corporation has already volunteered to produce a template that can serve as a band-roll design.

Mr. President, there was a feeling at the time that the time had come when we ought to establish such a system but, with due regard to its cost and the need to complement it by educating all the stakeholders in the system, at the very least, the system would serve as a technological devise which offers copyright protection, as well as a method of introducing certification marks for manufacturers of cultural goods and products such as CDs and videos made in Barbados.

Mr. President, the disadvantages that were identified were two-fold. They are:

1. The possible reluctance of the stakeholders to purchase the band-roll of that product. Of course, depending on the production cost, this differs.
2. The more challenging one had to do with the reluctance of business persons to reveal their true manufacturing capacity and thus, by extension, the income and profit as a result from the sequential nature of the band-roll purchased.

In essence, we can use a number of band-roll on each CD or video, to know exactly how many rolls are produced. That, of course, is something that would have to be accepted by the music producers. It, in a sense, may be seen by some as extending greater checks and balances, but one has to balance that against the benefit of having a system that can

authenticate those CDs and videos that are produced in the country.

Mr. President, we still hope that this system would be adopted and that by instituting this system, Barbados would become the first Caribbean nation to do so. It would signal to our minds in no uncertain terms that Barbados' position as an innovator of both intellectual property law and practice is strong and this would go a long way in the global marketplace as well as in diplomatic and trade areas to demonstrate the seriousness to which we address this question of piracy and safeguarding intellectual property.
12.00 noon

Mr. President, the introduction of the system appears at this early stage to be beneficial to Barbados in terms of economic interest, both locally as well as internationally. We are talking about technology on the one hand and, on the other hand, we must also complement this by showing that we educate and train people.

Sir, we have been addressing the question of training and education. We see it taking place at three levels. The first level is public awareness of intellectual and industrial property and the importance and significance of these things.

At the second level, we see a need for improved training and development at the level of the law enforcement agencies to improve their investigative and detection as well as prosecutorial capabilities.

At the third level, we are talking about the Judiciary and the other administrative entities and increasing their understanding of the Law relating to intellectual and industrial property.

Sir, improving the knowledge base of all Barbadians will result in an improved response by the public to information sharing in instances where they are infringements as well as those enforcement agencies of Government being able to better detect and prevent infringements.

Mr. President, the provision of training for law enforcement, agencies particularly as it relates to product identification and most important, the establishment of the link between the authority and their counterparts overseas, are important developments in the effort to establish an anti-infringement regime in Barbados.

Mr. President, from what I have said thus far, it is clear that there has been significant progress in terms of the efforts by this Administration to create a legal framework for

intellectual property management administration and enforcement but, despite an emphasis on the legal side, there is still much to be done at all levels of the society to get Barbadians to understand why there is a need for a piracy-free environment and for there to be overall respect by everyone for intellectual and industrial property assets.

Sir, while Government agencies would do all in their power and within their respective mandates to continue with policy implementation, the desired results can only be achieved with the change in the mind-set of the society that is fast becoming accustomed to the fruits of infringement as something of a right.

The one positive aspect lies in those intellectual property owners and consumers who are now awakening to the entrepreneurial possibilities that are open to them. We have to encourage our young people to use their creative talents and skills and they must be given every encouragement if we are to see us being able to develop that creative sector in Barbados.

Mr. President, we hope that there would be a new thrust towards the reduction and eventual elimination of piracy in our country and that people would continue to move towards respecting our laws. Mr. President, I simply want to urge all members to give this Bill their fullest support.

I thank you, Sir.

SENATOR F. J. STUART: Mr. President, this Bill seeks to amend the penalty provisions of the Copyright Act of Barbados. The Act, I seem to recall, was passed by this Government and, therefore, we have been able to see it at work for about six years.

Clearly, the focus of the amendment suggests that Government is generally satisfied with every other aspect of the Act but is convinced that the Act is weak in the area of the penalties which it imposes. Therefore, Government sought these amendments to stiffen the penalties which the Copyright Act, 1998 until the present contains and for which it makes provision.

Mr. President, I would have thought that if a Government thinks it necessary to stiffen penalties in any piece of legislation, the first obligation evolving on the shoulder of that Government would be to show how the existing penalties have been ineffective, how often they have been tried, tested and found wanting. I listened expectantly but, in vain to the Honourable Minister who introduced this Bill, and none of that information was forthcoming. Sir, in my view, it was not forthcoming because it does not exist.

Mr. President, the debate in the Other Place fared no better in that regard. There is really no basis for saying that the penalties at present contained in the Copyright Act are not stiff enough and, therefore, have to be revised upwards because there is no evidence before this Chamber or the other Chamber to show that.

Mr. PRESIDENT: Senator, I would wish that you do not reflect on debates in the Other Place.

SENATOR F. J. STUART: Mr. President, I abide by your ruling. Sir, there is no evidence before this Honourable Chamber that there have been a number of people charged with offences under the Act, that a certain number of convictions were secured and in spite of those convictions, the culprits have returned to their wicked ways because the penalties imposable by the courts have not been stiff enough.

12.10 p.m.

Sir, I do not know how useful this debate can be because it is open to the Government to come back and say that these penalties are not stiff enough, even though they have not been tested. In my view, the whole basis for this debate falls flat.

The Government needs to stand up in here today and say how many people were charged under the Copyright Act for piracy, how many convictions were secured, how many repeat offenders there have been and how the penalties, at present contained in the Act, have proved to have no deterrent effect, and why these amendments are necessary. Sir, that information is not available and I am not optimistic that we can get it from the Government in here today, anytime in the near future or at all.

Mr. President, this is not another way of saying that we on This Side do not feel strongly about piracy. Sir, we do, because it is really not fair that a man should plant, weed and water and when his crops reach maturity and are ready for reaping that somebody else comes along and takes the benefits. In the realm of agriculture and farming that is called praedial larceny and piracy is the praedial larceny of intellectual property, if you want to put it that way.

Mr. President, we are against the principle of piracy but because we are against the principle of piracy does not mean that we can come in here and support attempts to push piracy into the forefront in circumstances where there is no evidence to support what the Government is trying to do through this Chamber.

Sir, piracy is a very old offence. Mr. President, Queen Anne ruled Britain from 1702 until 1714 and in the year 1710 she had to pass a law against piracy of intellectual property. Sir, because of piracy issues of intellectual

property in England, the Constitution of the United States of America devoted a specific article to the issue of piracy of intellectual property.

Piracy is an old offence and there is nothing new about any of this and the Minister, in his introduction, made reference to some intelligence coming from Microsoft, in the United States of America, which indicates a scale of piracy in that area which I supposed would make angels weep. Mr. President, what we are trying to do here in Barbados has to be seen in this context.

Sir, intellectual property is just another form of property. It admits of ownership, trespass, sale and possession in common with all of the titles to the property. The philosophical justification for the defense of the intellectual property rights, I believe, might have had its genesis with the English philosopher John Locke, many of us would have seen headless hostages, but he argued that man has property in his own body and since that man labours with his own body, he also has property in the label of his body and that it stood to reason that if a man has property in his body and in the labour of his body, the fruits of that labour are necessarily his as well, and that intellectual production, therefore, admitted a personal ownership to which the producer was entitled and moreover which the producer is entitled to a certain proprietorial right.

Mr. President, on pure natural justice grounds, Locke defended the existence of something called intellectual property. All around us we see evidence of the validity of Locke's argument. There are people among us who, when they have applied themselves to producing nothing else, are capable of producing some of the most startling and sometimes some of the most mind-boggling intellectual productions.

Sir, we on This Side accept that there is a need to protect intellectual property and to accord it a status consistent with other kinds of property.

Mr. President, not only is there the natural rights, law or justice argument, there is also an economic argument. The fact that intellectual work or creative work is just work of another kind but work, nevertheless, and that persons who are involved in this kind of production are entitled to reward in the same way that other people who produce in other spheres are entitled to rewards.

Sir, if people who produce in this area, artists and others in cultural works, are not protected, then the society can lose the benefits so liberally bestowed now by their efforts as they would have to go into other areas to earn a living. Sir, because you are a cultural worker or intellectual worker does not mean that you do not have families to feed

and you do not have to eat. Therefore, this kind of labour must be respected.

Sir, I know that this is a very difficult doctrine to communicate in a place like Barbados because daily people who work in the cultural and intellectual spheres have difficulty convincing other persons that what they are doing is work. Mr. President, you can justify to a man why he has to buy a cellular phone, but he will ask you for a CD and expects to get it free, or he would ask you for a book because as far as he concerned that is not labour and you are doing it for love. This production is for love.
12.20 p.m.

Mr. President, the stark stubborn reality is that intellectual labour is as much labour as physical labour with which people are more familiar. It seems to me that the time has come when the message has to go abroad to Barbadians to respect the labour of those who use their minds and their creativity to contribute to the treasury of human civilisation, so there is the natural law argument and there is also the economic argument.

There is also, Mr. President, the cultural argument. What kind of world would we have without the works of the great artistes of history? What kind of world would it be without the works of Shakespeare, Gurkha and Tennyson and, in the Caribbean, Lamming or James. These works, Mr. President, have civilised and humanised the human experience of mankind.

Therefore, if people are not properly rewarded, if there is no respect for their property that stimuli to creativity that makes the world a much better place, a much more civilised place, we do such sounds of music, the rhythms of poetry, a world deprived of these things would be a barren place, so any steps that would stimulate human creativity and keep it stimulated is to be applauded. This is why the focus of this Government and of previous Governments of Barbados have been on protecting and respecting intellectual property. Then, of course, societies benefit as a result of all that I have just said.

Mr. President, let it not be thought that we on This Side are unsympathetic to artistes whose works are pirated. Our concerns have to do with the fact that the contents of this Bill have not been defended. There is no evidence available to this Chamber to suggest that the existing penalties have not been working.

Sir, over and above that, let me say this, Mr. President. It has always been said and acknowledged that Barbados is very short on natural resources. The resource on which we rely, is the human resource, from time whereof the memory of man runneth not to the contrary, Barbados has had a large

population. If the human resource is our principal resource, we have a vested interest in ensuring that what that human resource is capable of producing, is free from all fetters and is allowed therefore to produce, uninhibited.

Sir, fortunately, since we believe that all men are created equally and ideas have no shelf life like a tin of sardines, or a bottle of diet coke have no expiry date and are not limited to geographical boundaries, Barbados is in a position, therefore, to make its influence felt world over through creative, cultural and intellectual production.

On that ground, in particular, the Democratic Labour Party solidly supports any attempt to protect and promote the intellectual property rights of our creative sector in Barbados. We have shown in this region that we are equal in the area of intellectual production to people in any other part of the world.

Just a few years ago, a Barbadian who teaches at Oxford University was hailed as having written the best book to appear in Europe or North America for that year, I believe the year was 2001 or 2002. His name is Richard Drayton.

Therefore, ideas and the power of ideas and the power of creativity cannot be constrained by geographical boundaries, and the capacity of creative activity and cultural activity to bring economic benefits, not only to the practitioners themselves, but to the country as a whole must never be underestimated.

Sir, we on This Side are committed to the protection of intellectual property rights in this country and in this region. We believe that what we have to offer the world is as good as what is offered in any other part of the world. When I said earlier that most of us seem to be hostages in the structure of John Locke's thought, Locke wrote since the 17th Century but what he wrote is still controlling us and influencing us today.

Of course, I could go further back to the classical writers or Brice and Rowe and they influence us to this very day. The works of Virgil or Petalous are still as relevant today in their themes and in their focus as when they were first written, but relevant across boundaries and contributing generally to the culture and the treasury of human civilisation.

Sir, the protection of intellectual property rights and a primary agenda item for us in the Democratic Labour Party and to the extent that the Government is similarly committed, it qualifies for our support, but I have to repeat my concern that without any evidence to support what is before this Senate today, these penalties are being increased, but increased to catch whom or to harm whom?

If nobody is being caught, the problem cannot be with the penalties, whether great or small. The problems have to be with the area of enforcement, getting people detected, arrested, charged, carried before the courts and convicted. There is no evidence before us to suggest that since the existing penalties have had no deterrent effect, these amendments are considered to be necessary.

I wait therefore to hear in the Minister's wind-up, or from some other Minister of the Government, what is the real justification at this time for these amendments, outside of the fact, as the Minister said, that some commitment was given to somebody a few years ago.
12.30 p.m.

We are with the Government so far as the protection of intellectual property rights is concerned, but we do not believe that the hollowed pageantry of which these amendments are an expression, should qualify for our automatic support.

Mr. President, I believe that I have made the point which we on This Side wanted to make and I will listen with interest to what the Government has to say on this issue before we determine whether or not this Bill qualifies for our support.

I am obliged to you, Sir.

HER HONOUR SENATOR Dame PATRICIA SYMMONDS: Mr. President, the increase of the penalties is deserved. That is how I wish to begin and that is what I want to stress.

Admittedly, control of property rights is a problem all over the world whether there be patents, trademarks or other kinds. Unfortunately, people's creative talent is not regarded the same way as people's building skills. As has been ably pointed out by Senator Williams, the creative industries are fast growing. In fact, I would say that the two fastest growing industries in the world today are sports and the creative industries. Therefore, they need our protection.

Many songs from the Caribbean and Barbados are being played everywhere. Some of you in this Honourable Chamber who travel far, more often than I do, could support me in saying that even when you travel to very distant lands you have heard Caribbean music being played. In fact, only recently, someone said that when he was in Fiji he heard one of Bob Marley's songs being played, and that is just an example of many.

I think it was in 1978 that Barbados joined the World Intellectual Property Organisation and through that we entered into various Conventions that gave us rights and we then started reforming our laws in the 1980s and training our people then. One of them, Mr. Lewis Hunte is now a

major expert in intellectual property in the Virgin Islands. Barbados also obtained technical assistance from the World Property Organisation in Geneva.

As Senator Williams said, and I think it bears repeating, the Barbados Labour Party Government took the initiative, in fact it is the only Government, to reform and update the Laws on intellectual property. Government proposes now to double the maximum penalties under the Copyright Act. I think the reason for that is clear and it does not need repetition.

Formerly, trademarks, copyrights and industrial designs were based on old colonial law which did not favour our artists, our manufacturers or our musicians, and so the Law as it existed had to be repealed.

Mr. President, the Barbadian society has to take intellectual property more seriously and recognise the value in intangibles as the product of somebody's creative processes. Some time ago in this Honourable Chamber I even mentioned how when the Beatles sang that people just thought that it came out of the air and did not appreciate intellectual property even then. One, therefore, has to resort to harsh penalties so that people will value other people's creativity. Therefore, this amendment obviously demonstrates the recognition of the value of the artists and artistes in our society.

Mr. President, I think it may be a measure of our sophistication that we are looking beyond the provision of the basics to other talents in our society which previously we did not recognise. Creativity is an important commodity which can be harnessed and sold, thereby contributing to the economy. If Government does not protect the product of people's creativity, they will not be able to market it and others will reap the rewards unjustly. Therefore, the legislation is another example of Government's foresight and the fact that it is aware of this emerging and developing part of our economy which can only be developed if protected in this way.

Mr. President, I have always felt that however much posterity might recognise the genius of an artist or a writer, that the concept of them starving in a garret, however noble it might sound, is not at all practical, especially in these days. Hence, I am very much in support of any penalties which will make people value and respect other people's creativity.

I also feel that education is very important. In some ways it is the key to people's understanding and appreciation. This amendment will also help to stem the frustration and discouragement of entertainers, designers and inventors.

Therefore, Mr. President, I am very happy to support this Bill.

SENATOR THE HON. Mrs. V. E. NEWTON: Mr. President, I rise to support the Bill before us. I think that to ask the Government to supply a list of persons who have gone before the court or have been in anyway found guilty of breaching the regulations before they were amended is a bit much, to put it in simple parlance because often in these cases you cannot wait until there have been breaches to try to address what is known to be a situation where fines are too low.

I am always in favour of quick action or action to catch a horse before it jumps over the gate, or goes through the gate, or by whatever method it seeks to escape. Mr. President, having said that, I wish to say that the efforts to ensure that our copyright provisions comply with those required by international organisations is an admirable one. I have to say though that speaking as a librarian, as far as I am concerned, the exercise is incomplete. I see as being incomplete the regulations to provide the circumstances under which libraries may photocopy protected work.
12.40 p.m.

Mr. President, there was a draft that was very inadequate, in my view. The National Library Service had a seminar at the Caribbean Development Bank, at which I had prepared some proposals which were discussed amongst the 20 or 25 librarians there. We made recommendations for improving the draft, in which we looked at regulations enforced by a number of Commonwealth countries. To date we have not heard anything.

I know that the legislative agenda is crowded and that the draftspersons in the Attorney General's Department are very busy, but this is an area they ought to look at because, on a daily basis, thousands of copies of material that are copyrighted are being made and there is absolutely no provision for the holders of those copyrights to be recompensed in anyway.

Mr. President, the second point I would wish to make is in relation to copyrighted works, not musicians this time but authors. I am in a situation where I published a book which was reprinted about three times, with thousands of copies having been sold. I have never gotten one red penny in royalties from any company. The only money I ever made on that work was money for copies that I sold, as if I were operating a bookshop.

Sir, even now the work was recently republished. I see the publisher fairly frequently and I asked him what about my royalties and the reply I am getting is that I will hear from him. It is, to my knowledge, that many academics are happy to have their works published and circulated so that

people can benefit from their research. Some of these academics are not good managers and are not as careful as they ought to be in ensuring that they have royalties.

Mr. President, even if an academic does not want the royalties for his or her own use, the money could be given to charity or to some organisation that would make use of it but by being delinquent, many of us allow publishers to escape their obligations that they have made in signed contracts, that is to provide us with royalties.

Mr. President, I cannot place that at the fault of Government because, as an author, one would have signed a contract with a publisher. It would, therefore, be up to that person to make sure that publisher does not escape his obligations but, as I said, some of us are not as careful about those things as we ought to be.

Mr. President, in this case, this Bill is trying to protect categories of copyright holders who are not in the position in which authors, who have signed contracts with a publisher, are. Therefore, even though I cannot say that 10 or 20 persons have breached a previous regulation, I think it is a good effort to send a message to all pirates that the Government means business and that pirates ought to take seriously the rights of persons who use the intellectual properties to the benefit of others.

I thank you, Mr. President.

SUSPENSION

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that the Senate do now suspend until 1.50 p.m.

The question that the Senate do now suspend until 1.50 p.m. was put to the Senate and agreed to and Mr. PRESIDENT suspended the Senate accordingly.
12.45 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed. Senator Nicholls, please.

SENATOR G. P. B. NICHOLLS: Mr. President, I am grateful for the opportunity to participate in the discussion on the amendment to the Copyright Act as intended by the Bill under consideration by the Senate. The amendment in large respect speaks only to the increase of the maximum penalties with regard to certain offences as identified by the parent Act.

While this debate has not been given a wide definition by the Honourable Minister in terms of Government's policy, I believe the Minister was really speaking specifically

to certain issues which the Government believes need to be given attention relative to the development of the cultural industry.

However, Sir, I want to lend my voice to this debate by stating that I believe the Government's intention to develop the cultural industry in Barbados, as a catalyst for the growth and transformation of the Barbados economy, is an important endeavour principally because it is from the wellspring of knowledge and the creative intellect of the Barbadian people that our society can begin to combat developmental discourse and the challenges we confront as a small society in order to shore up this country against the unpredictable challenges and changes in the international environment.

2.00 p.m.

Sir, Honourable Senator Stuart queried whether or not the Government's intention to increase the maximum penalties was well thought out because, as far as he is concerned, there ought to be some scientific link between increasing the penalties, coming as a result of the failure of the penalties in the past, and the persons who complained of the piracy of their artistic and intellectual creations.

Sir, it is well known that this amendment to the Copyright Act is as a result of Government creating a framework in a very broad way to develop the cultural industry. The Prime Minister articulated in the last Financial Statement and Budgetary Proposals, November 2003, that he was going to provide a large number of incentives, not only to the creators of these kinds of artistic and scientific work but also to persons who are willing to invest in these developing industries.

It was a result of the nature of that investment and the result of the encouragement of persons in this country to contribute to the creative development of the society, that the present regime for penalties could not be maintained in its present state.

Mr. President, the cultural industry in this country is basically made up of cultural goods and services. Sir, for a long time Barbadians thought of the cultural industry in this country as something recreational and something to entertain themselves while we were not indulging in anything that was serious.

Sir, with the globalisation of the world as it is presently unfolding, if we do not seek to identify and protect the things that are Barbadian, within the context of things that are Caribbean, we will find ourselves becoming more and more marginally irrelevant within the context of the development of the international group.

Barbados is a vast consumer of the material trappings of globalisation because of our political proximity to north America and some people might say a historical tendency to assume the cultural traits and traditions of societies other than their own. It is within the context of that very broad debate and in recognition that with an economy to pursue a path of development in terms of a 3 per cent growth rate over the next few years, we have to embrace industries such as the cultural industry as a means of promoting and fostering that development.

Mr. President, the cultural industry is made up of cultural goods which seek to convey the ideas and symbols of a way of life of our people and that is the result of one's own creativity or creativity of a particular group. It, therefore, means that the creative element in a person or group of people have an intrinsic legal right which we call a copyright. It is the legal right given to the creators of these cultural goods that we are now seeking to protect in a more definite way.

Sir, there may be literary, artistic or scientific, but there are a number of areas in which this Government feels that we need to pay greater emphasis to, in terms of it being enshrined within the context of the Barbadian social and economic reality, that these rights of the creators are to be protected so that they can maximise any economic benefit for themselves.

Mr. President, the cultural services, while not the focus of this debate, are the activities that are aimed at satisfying the cultural interests and needs of the society but they too are related in a very small way to the protection given to the cultural goods. It is by the use of the cultural goods we can give better effect to production and satisfaction of certain cultural means and interests in the Barbadian society.

Sir, the Government in enunciating in its Economic and Financial Policies last year spoke of the creation of a National Performing Arts School, a Festival and Events Bureau of film and media commission and things of that nature. In addition, the Prime Minister outlined, I believe, in that presentation, a number of fiscal incentives to corporate investors in the Sports and Cultural Endowment Fund to give them a 150 per cent tax deductible on their investment in the cultural industry.

In addition to the corporate investment, other investors who invested in the cultural industry were able to claim a deduction up to \$10,000 on approved projects by the Ministry of Finance. There are a number of other tax incentives on the software development in the cultural industries.

Mr. President, coming out of the incentives, it was thought that Government needed to create a framework to deal with things such as an art gallery, creating a specific legislative environment to deal with the whole concept of housing the creative works of our artistes in this country. There was also a proposal to bring to Parliament the Antiquities and Relics Bill.

Sir, those of us who have been following the news in recent days would have seen that the Government of this country has been supporting the idea of the Federation Archives, which was opened a few days ago and which the Government has given its overwhelming support. This is part of the Government's recognition that for Barbadians *en masse* to ply their trade in respect of fostering that creating genius in our people. We need to create the necessary administrative and legislative framework but in doing so, Government cannot tell corporate and other investors to invest in the cultural industry, to help the struggling artistes, persons who develop craft or persons who have literary and scientific worth in this country without a recognition. Notwithstanding the existing penalties in the Copyright Act, we feel they need to be strengthened.

Sir, this is not as a result of Government getting up willy-nilly and saying that they are going to strengthen the penalties. It is because of the exhaustive consultation that this Government has been engaged in since it came to office in 1994 to give effect to the cultural industry.

We have created a framework by which those persons who are exercising and plying their trade in these industries can come to Government in open dialogue and say that one of the things they want them to do is to strengthen the regulatory framework and the penalties in existing legislation.

Sir, Government does not have to come by way of a legislative amendment to any Act in order to create the Anti-piracy Unit for the Royal Barbados Police Force but that is part of the overall proposal by the Government, to deal with the issue of piracy.

Mr. President, first of all there will be training within the Royal Barbados Police Force, the creation of the respective unit and by doing that, those persons engaged in the investigation of the alleged offences would not only have the legislative framework in order to pursue the alleged pirates but they would have a specific unit charged with the responsibility of investigating and prosecuting these offences.

2.10 p.m.

In addition to this Bill, there is the creation of the Copyright Tribunal whose regulations were Gazetted recently, and the word from the Honourable Minister who

introduced the Bill is that Cabinet is now considering persons for the appointment of that Tribunal.

Therefore, to hear the Honourable Senator from the Other Side speak as if the Government got up from sleeping and said that let us just increase the penalties on persons who are pirating, betrays their understanding of the broader issues, relative to this particular sub-sector of the Barbadian public.

Sir, I believe that when we debate matters in this place, persons must not come to oppose for the sake of opposing and create what the old time Barbadians used to say, "setting up a straw man to lick him down" and then say that we are supporting the legitimate concerns of the artistes because we believe in the intellectual property rights, also that I was a student of History and I understood what Queen Anne was doing in the 14th Century and whatever. These kinds of statements are being made.

Sir, if I make a broad sweeping statement, it shows that I am part of an organisation that loves people. We love to protect you, but this Government does not know what it is doing because it got up "willy-nilly" and just started increasing maximum penalties.

I want to distance the Barbados Labour Party from that kind of rhetoric and notwithstanding the predilection of the Honourable Senator who spoke on behalf of the Democratic Labour Party, I want to say to the people of Barbados that this Bill sits in concert with a broad initiative to embrace the creative cultural industry in this country, to give effect to it by giving certain incentives to persons who want to invest in the industry and to help those struggling artistes and persons of significant intellectual worth.

We cannot do it by creating an incentive environment without addressing their concerns that the necessary legislation is too weak in the areas of penalties, and also the investigative mechanisms of the Police Force and other institutions of Government are not necessarily up to scratch.

Sir, the Bill before this Honourable Senate speaks to certain amendments. I want to spend a few minutes going through them. I believe we have a duty not only to speak to these things on a very broad base but we need to engage the people of this country so that the records will show that we know what we are really doing. We cannot come to this debate and speak in the manner in which the Honourable Senator who spoke on behalf of the Other Side treated this issue.

Sir, section 46 of the Act is one of those sections which has been cited in this Bill in relation to how it should be amended. Section 46 of the existing Act speaks to the penalties in respect of dealings which infringe copyright. I

believe, Sir, that the maximum penalty would be doubled in terms of the fine of \$50 000 to \$100 000 and the term of imprisonment increased from two years to five years.

Section 132 of the Act which deals specifically with the making or dealing with, or using illicit recordings which is really into the realm of piracy of the musical creations of our artistes, expands upon that and increases the fine from \$50 000 to \$100 000, as well as increasing the term of imprisonment from two years to five years.

Section 134 of the Act which particularly deals with the false representation by persons who would say that they have the authority to give consent to the reproduction of certain work, because not only do you want to catch the persons who are selling, but persons who are saying that we have the authority to sell and reproduce works and to give innocent persons a representation that they have the right of the creator of that work to use it.

Sir, one of the more fundamental properties of intellectual property creation copyright, and the international treaties that we subscribe to, suggest that 50 years after the death of the inventor or creator of that intellectual work, the economic rights survived for that length of time.

Sir, this amendment speaks to preventing persons from unnecessarily trying to suggest to others that so and so is dead so I now have the right to utilise their name and their creative work and their creative genius and represent to innocent persons that they have that right. This amendment speaks to increasing that fine, from \$5 000 or imprisonment to six months to a fine of \$10 000 or imprisonment for one year.

The last amendment to which this Bill relates, speaks to the obstruction of members of the Royal Barbados Police Force in the execution of their duty, in respect to the investigation of offenses related to this Act. If the Honourable Senator who spoke on behalf of the Democratic Labour Party took the time to scrutinise the specific provisions of this Bill, which purport to amend the substandard Act, he would see from the very cursory reading of the Bill that it goes beyond the increase of fines, and the increases in terms of imprisonment.

Sir, I cannot accuse him of not listening to financial statements and policies of the Government that might be his only shortcoming. He might not think that he has listened to what the Prime Minister says when he addresses the nation, but one would think that if he was engaged in the business of politics, he would seriously listen to the policies enunciated by the Government.

As I said before, it betrays his understanding of this specific issue because this Bill did not come out of the flight and fancies of the Honourable Minister who introduced it,

or the Honourable Minister for the whole issue of copyright. It is part and parcel of the Government's policy.

Sir, what I am trying to say is that when the Prime Minister in his statement spoke to the creation of an anti piracy unit within the Barbados Police Force, this amendment of the Bill to give effect to the powers of the police to go after persons, not only who breach the copyright privileges of the persons we intend to protect but persons who frustrate the lawful duties of the Royal Barbados Police Force in the apprehension, investigation and prosecution of copyright offences.

Sir, in addition to this Bill, the Honourable Minister spoke to the Copyright Tribunal. I believe that we would hear more and more about this, just as Barbadians woke up one day and heard that there was going to be a Fair Trading Committee, and we are now beginning to understand the import of the Fair Trading Commission, in terms of our day to day activities.

The Copyright Tribunal has, as part of its mandate, as it is required by the Copyright Act to hear and determine issues with respect to licences' agreements and the settling of royalties between the producers of artistic, literary and scientific work, and the producers and persons who assist them with their production. Those are part and parcel of the overall policy.

Sir, I want to conclude my presentation by saying that for a long time, Barbadians turned a blind eye to piracy because it was a means of easily accessing technology and artistic and literary work. In fact, as a student a photocopying machine became your friend because the hours in which the Library operated did not allow you to sit for any length of time to gather all the necessary information from the material that is there for your reading. For a long time we in this country have not operated within the context of giving full effect to the protection of persons' intellectual property rights, and piracy has been like a bone stuck in our throats. 2.20 p.m.

Mr. President, what this legislation has done is to increase the penalties. However, this Government has assured the people of Barbados that it would not be going about any unnecessary witch hunt to lock up any persons who are in breach of the Act. What it says is that we would try to sensitise those persons who have legitimate businesses, particularly the video shops, to bring them in keeping with the Law and the changes to the Law, especially to our international obligations as it obtains to WIPO, Treaties and our commitments under the TRIPPS Agreements in the World Trade Organisation.

Mr. President, we must recognise that if we want the creative industry in this country to develop and to play its role in leading and transforming the Barbadian economy in

a way that we have not necessarily thought of in the last Century, that we must seek to nip in the bud those things which threaten and undermine the development of the creative economy. We must also seek to nip in the bud those things which threaten and frustrate the work of the investors, the creators and the innovators in our society.

Sir, with those few words, I am obliged to you.

SENATOR I. St. C. LINTON: Mr. President, I rise to give support to the proposed amendment as it relates to the 1998 Copyright Bill and to the fact that this Barbados Labour Party has set culture, intellectual property and the development of the arts in Barbados on its front burner of policies.

Mr. President, every one of us knows that because of this development, that piracy of intellectual property has been discovered as a threat to the very fact of developing the industry. There is not one person in Barbados who does not know that piracy of intellectual property is subtle, sophisticated and almost settled in the society. Persons can go to places, as I understand it and buy technical equipment to carry out their crime. They can also equip their computer systems to copy CDs and other kinds of material.

Mr. President, I was taken aback by the statement made by Senator Stuart with regard to the fact that he is saying to me that in order to protect my property, I have to catch the thief first. His car might be parked somewhere around here, but he is saying to me that if I do not catch anybody that steals cars, or have a record of that, that I have no right to protect his car, his property.

Mr. President, I am simply saying that all of us in Barbados today have come alive to the fact that piracy is almost settled in the society. There are business places that carry on and sell equipment for such. Persons can go and buy a device and set up their systems on their house and get all of what the Caribbean Broadcasting Corporation is doing in order to carry out their business.

The most interesting thing is that those who are pirating know what they are doing and they are sophisticated about it, so what shall we do? Do we produce evidence according to Senator Stuart that the penalties under the 1998 provisions have done its job, as if we live in a society that is not dynamic in every event, even in the stealing?

Mr. President, you can also use his argument not only in the area of piracy of intellectual property, but in the situation as it relates to the ZRs and minibuses. If we were to look at the convictions and the pending convictions, is he saying that the penalties should be mounted on the fact that so many convictions are coming in this area.

Mr. President, I am not going to put it down to the body politics in the Democratic Labour Party. I will just lodge this to the Honourable Senator himself. I think he is basing this on his own thinking because I do not think he will get support from the body of his party, that you have to catch the fellow before he steals the item and punish him for it.

Mr. President, you have to have systems and laws in place that are appropriate to the crime that is committed. Since the policy of the Government is to put on the front burner within its economic structure cultural skills in which our Barbadian artistes should prosper on their production, why should we have to wait for a result of convictions and penalties?

Mr. President, a society should never operate like that. The fact is that it is my right for the Government of the day to protect my property, whatever that property is, not bound by any circumstances of conviction and punishment.

Mr. President, I got up to make this short presentation to the point that Senator Stuart has no answer to get on the question he asked, particularly as he is a practitioner of law.

Mr. President, and Honourable Members of this Senate, we are serious people in here and we have a responsibility as a Senate to protect the rights of every Barbadian, and it must not be built on any results in penalties but in bringing perpetrators of the Law to justice.
2.30 p.m.

Mr. President, one cannot enforce the Law if there is no provision to enforce it. The penalties that are there are not sufficient. Sir, the practitioners and the artistes have made it clear that Government is not doing enough to protect their rights and within the context of its policy in the cultural industries, Government has responded to their requests. We know in the most recent past what the artistes were calling for. They were calling for a law which would have anybody who pirated their material being found guilty before they were proven guilty.

Mr. President, we could not accept a law like that in the context of the Laws of Barbados, but the Government had to come up in discussion with them and answer their problem. The answer must not only be for conviction. It must be for deterrent. It must make provisions which would make it more difficult for pirates to steal the intellectual property of others. The Government of Barbados has brought this amendment to go somewhere in satisfying the requests of the owners of such properties, to protect their rights.

I thank you, Mr. President.

Mr. PRESIDENT: Senator Eastmond.

SENATOR THE HON. Miss L. V. EASTMOND:
Mr. President, I too wish to support this Bill which is an Act to amend the Copyright Act, Cap. 300.

I believe, especially in these days in which we live, that it is important that all of these issues which come before us, be placed within the appropriate context. The appropriate context for this matter has to do with the several challenges which continue to face us as a country and as a region, with respect to meeting the challenges of trade liberalisation and globalisation.

Sir, within that context, most Barbadians would know by now that this Administration was very quick to ensure that Barbados was compliant with international obligations at the level of the World Trade Organisation (WTO) and has, as a result, implemented the legislation that will support the trade-related aspects of intellectual property rights agreement, which is one of the World Trade Organisation's (WTO) Agreements.

Mr. President, this particular amendment seeks to amend the Copyright Act, which is part of that suite of legislation dealing with intellectual property. Of course, it would include other pieces of legislation such as legislation dealing with patents, trademarks and industrial designs.

Sir, to view this within the context of which I speak, one must recognise that one of the greatest issues facing Barbados primarily has to do with its international competitiveness and, as a result, its focus on efficiencies and productivity within the Barbados market.

Sir, international competitiveness, in my view, has to do with ensuring that all sectors of the Barbados economy are functioning to their ultimate capacity. This then not only includes the sectors with which we are more traditionally familiar, such as agriculture, tourism, and manufacturing, but also those which comprise the creative or the cultural industries, or those industries which will be based solely on the development of ideas and innovations.

Mr. President, the distinction with some of those industries has to do with the fact that one can develop an industry that does not result in the manufacturing of any finished product at all, but one that is based on intellectual property. This means that one could be in a position where the intellectual property rights themselves are sold, where the innovation itself is sold but without actually moving to the point of manufacturing any product at all in Barbados.

That is a concept which is important for Barbadians to understand because I do recognise that it is difficult for us, as human beings, to understand that something which is

intangible would be of value. Maybe the Dean would think differently. He probably is one who understands the value of tangibles.

Mr. President, it is often difficult for the ordinary human being to understand the value of intangibles and this has been the difficulty in Barbados with respect to intellectual property. I think, for a long time, it has been difficult for us to understand that an idea, a concept, a way of doing something differently, can be, by itself, something of value.

This is what intellectual property at its basis is about. Therefore, when we speak of the Barbados economy and about ensuring that these days that all sectors of the economy are functioning to their maximum potential, one is not only speaking of the traditional sectors but of the creative industries and also new industries that would be based on intellectual property alone.

Mr. President, in terms of economic development and opportunities for growth, one of the areas in which many Barbadians have been focussing in recent times, is related to World Cup, 2007. It was through that entire process which started some time ago when Barbados submitted its bid to be a host venue for this event and individuals recognised in some kind of conceptual way that they may be able to benefit out of this activity being held within the region broadly and within Barbados more narrowly.

There is a lot that we would wish to gain out of this whole experience, both materially in terms of profitability, and intellectually. I believe that one of the things we will learn coming out of the World Cup is a lesson in what intellectual property rights are because the World Cup 2007 itself, will come with certain intellectual property rights, which will not be owned by Barbados but will be owned by whoever the international organisation is or organisations are, or international commercial players or stakeholders are, that will have a stake in the whole franchise that is known as World Cup, 2007. Sir, those rights, many of them, will not be owned by Barbados. We have already had experiences where, contrary to popular belief, Barbadians could not simply determine that they could use the logo World Cup 2007 as they felt like because it did not belong to Barbados.

2.40 p.m.

We in the Ministry learnt that lesson and all Barbadians will have to learn the lesson that certain rights will come to that event which do not belong to this island or to us as individuals. However, that situation does not prevent us as Barbadians from creating our own intellectual property rights that might be, however slimly, associated with the event.

Mr. President, it is important that it does not come as a shock to us because we live in a cultural environment where we believe that if one individual comes up with an idea and we like it that we can simply use it and not face any fear that any action would be taken against us either in the criminal courts or through civil litigation but that would no longer be the case.

Sir, our suite of intellectual property legislation already provides the framework for this but there is a difference between putting in place a legal framework and actually educating and sensitising people to the value of intellectual property.

Sir, my observation is that the issue of understanding intellectual property goes much deeper than simply not understanding the value of intangibles. Often, it resides in the fact, that as Barbadians, and often with respect to people in the region, fundamentally we do not value what we can produce on our own accord.

Sir, there is still deep within our breast the notion that ideas, statistics, reports and things made in the developed countries and from international organisations based far away in places like Washington are somehow of greater value than our own ability to review our own statistics and circumstances and come up with our own ideas and analysis.

Sir, after all these years and after all the education we have received, fundamentally, we still do not value what we are capable of developing and someone from abroad has to validate the value of what we do. Mr. President, this has been the case with many of our artistes.

Many of us recognise the greatness of Bob Marley from Jamaica but I believe his value was only recognised after it was acknowledged by the Europeans. The Caribbean did not recognise the greatness of Bob Marley first. It was first recognised by people outside and then the Caribbean said it was true. This is why we often lose the value of the intellectual property that we create.

Sir, people have been able to purchase our music and catalogue for "next-to-nothing" because we did not recognise the value of the work we were selling. If there was recognition, we would not have sold it at that price or sold it at all. Sir, this is still the nature of how we see ourselves and unless we change that fundamentally, even though we have intellectual property legislation on the books, we still would not be in a position to make the most and to get the greatest economic return from our intellectual property.

Mr. President, this leads me directly to the comments made by Senator Freundel Stuart. Unlike my colleagues, I am sympathetic with his view but this stems from the fact

that I believe that people who come from St. Philip West deserve representation especially those from the Democratic Labour Party knowing that at the moment they are not getting any representation. I would seek to put his comments in context and say what he did not wish to say for fear of offending.

The amendment we are making might come across as though Government is doubling these penalties simply because we had a loud Calypsonians lobby. Sir, if that were the case, I would be worried as well because I believe when Senator Stuart speaks that he speaks as a person who recognises the importance of changing the Law in a systematic fashion, especially the Criminal Law. Sir, it is my view that it must not be done in an arbitrary, hasty fashion, neither is it to be done in a manner that simply responds to a lobby. I wish to assure the Honourable Senator that this was not the basis on which the penalties were increased.

In my view, the penalties now truly reflect those commensurate with the type of loss suffered when music is pirated. I know that within Barbados many of us feel there is no harm to buy a CD that is burnt by someone but, I have said before that what Government is doing must be placed in the context of Barbados' international competitiveness and the desire to ensure that all our economic sectors are functioning properly.

Mr. President, in my view, this measure is also a facilitating one so that Barbadians understand the damage that is being done to the entertainment industry when there is pirating of even one CD. What are the implications of that in real terms? Sir, many of us think that we are getting a copy of a song legally, but when the work of a particular artiste is pirated, the next year he or she is unable to make a CD. Sir, if the artiste cannot put out a CD the next year, it is directly affecting the artiste who is actually performing the song. Sir, the producer, arrangers, the individuals who play music, drummers, guitars, horns, *et cetera*, would be affected because they would not have as much to do had they been able to produce their CD the next year. Who else does it affect?

2.50 p.m.

Mr. President, when you are not able to promote your music in the way you would like to do, or the next year you are not able to bring out any music, do you know what happens? It means that if you cannot popularise your music, you are not going to be invited to perform at any event. It also means that there is a possibility of you affecting other performers. For example, there are dancers who would have performed with you.

Sir, if we get a slowdown in the production of music, because people believe that they would lose ultimately, it would mean that those people involved in stage lighting, building stages, sound and all those who provide goods and services surrounding the entire industry would be affected.

Mr. President, when I talk about trying to ensure that the penalty is commensurate with the potential loss to the entire economy, it seems as though, maybe the fees are not high enough when you think about it in terms of the economic loss involved and the number of people that can be affected by that simple act of stealing the work of an individual.

Sir, that is an immediate impact, but what about the situation where that person is not able to benefit from royalties? We have heard stories of individuals being able to make four songs and they retire on their royalties. Mr. President, because of the legitimate promotion of their work, they are able to benefit from the royalties on an annual basis.

In my view, the penalties that have been included in this legislation are appropriate to the economic circumstances we are dealing with, and the loss that would possibly be incurred if people are not deterred from engaging in these acts of piracy. I have given the example that is most known to us being in the music industry, but this affects all other areas where copyright is applicable such as the literary arts.

Mr. President, I wish to support this Bill and to say that in terms of the development of businesses within Barbados and developing a culture of innovation in Barbados that I believe this amendment to the Copyright Act and this Administration's policy, with respect to intellectual property generally, is most important.

Sir, when we are speaking about the music industry, especially, we are speaking about many small businesses in Barbados. Many of us would recognise that the performers who have taken their industry to a level where they treat it as a business are the ones that are most successful. The ones who continue to believe that they are simply making sport continue to do that. The ones that treat it as a business can use this sector of the economy to support their families and create wealth for themselves.

Sir, the second point, in terms of innovation, especially relating to the industrial designs and patents, *et cetera*, I hope that this piece of legislation would help to create some degree of awareness in the society to the importance of being able to create intellectual property that can be turned into innovations.

Mr. President, if we look around the world at the countries that value intellectual property, innovation and research, we will see that those countries tend to be the most advanced countries in the world and that is where Barbados needs to get. Therefore, an amendment such as this is important to ensure that we take these matters seriously.

I am obliged to you.

Mr. PRESIDENT: Senator Dean Crichlow.

SENATOR The Very Rev. H. E. CRICHLLOW: Mr. President, Senator Eastmond dealt with a number of things and explained to the whole of Barbados the importance of this Bill. Many of the points that I have here she mentioned.

Sir, in Barbados intellectual activity is not usually thought of as working. If I was mowing the lawn or helping to clean the grounds, people would consider that work, but if I am in my study preparing a sermon or even praying that is not supposed to be work. Mr. President, to work is to do something manual or physical. If a director had been signing cheques all morning that kind of activity is not considered work.

Sir, we are only beginning to understand a little of what intellectual activity is about, although we have had relations in our history and it is true that most of us who did that kind of activity were not thought of doing anything.

Mr. President, the context of this Bill which the Minister touched on, the public understands that this amendment is the result of the consultation between certain of the stakeholders in the Crop-Over culture and the Government. I think that culture should be kept separate from Government activity. I know that this may be misunderstood. I do not mean that culture should not be important. I think that culture should not be directed by this Ministry. This Ministry should be encouraging and supporting wherever possible and I see a danger in this.

Sir, every year, about five or six months before Crop-Over, people see it as a convenient time to go on strike or take industrial action in order to force the hand of the Government. I am not saying that workers should not fight for their rights. Of course, they should, but I think not in the matter of cultural activity where creativity comes. I mean one cannot create under pressure. The spirit has to come, the muse has to be there and sometimes people will go for years without being able to write a line, or sing. Therefore, I think it is unfortunate to link this kind of cultural activity, as seen in Crop-Over, with the Government, whichever Party is in power.

3.00 p.m

I am sure that the artistes who protested, will feel that the Government has done something by looking at the Act again and, the harsh penalties, in addition to what Senator Eastmond said, would still have acted as a kind of deterrent. Sir, when you look at it first, you think that it is too harsh, and that they will not achieve the purpose for which they are intended.

I think the point has been made that it is so important a matter that it needs to be dealt with. People as a whole, in Barbados must be aware of the importance of intellectual property, and I think that this will act as a kind of jolt and so it has some value.

The awareness that was brought about *vis-a-vis* in this debate on cultural activity is bound to heighten the awareness of people. Education takes a long time and our young people should be aware of the value of intellectual property because most of them will be involved in it, if our educational aims are realised.

Another benefit, I think of this Bill is that along with others, it heightens or ought to heighten respect for law. Like the Irish we in Barbados tend to take the Law lightly as opposed to the English, or the Americans, for example. The policeman in England or the Cop in America is always in people's minds. Sir, generally speaking, it is only so among prisoners, and they always think of the policeman.

Sir, a prisoner would say this to you. If somebody knocks at your door, what would you do? My reply would be that I would go and open the door to see who is there, or who wants me. He would think that is very strange, because how can you just hear a knock at the door and go and open the door because for him, the policeman is knocking and he has now to go through the window at the back. Sir, most Barbadians do not think of the police like that and it is a good thing.

Sir, we as Barbadians must also maintain the law, which is there for our freedom and we must have a respect for law. I think that a disrespect for the law is developing and that is a very dangerous development and, I hope that this Bill would help us to have a greater respect for law.

Mr. President, I see the same thing happening with the PSVs. The only thing is that in the case of the public service vehicles is that this will be done for a few weeks and then it will stop, and we would go back to business as usual. Maybe in another five or 10 years, it will start up again.

What we need, I think, is to have this respect of maintenance of the Law done seriously, and the police have to keep this up, for the next five years, so that people would get into the habit of remembering that there is the Law. I say to the Police administration that it is no-good being very firm on the public service vehicles now if you are just going to keep it up for six weeks and stop.

Sir, talking about seeing that the Law is respected and so on, I do not know if we should expect the Police Department to do all the maintenance that is required. I think the Government Departments, in this case the Ministry of Culture, should have a built-in unit that polices the Act.

Sir, when dealing with white collar crimes and so on, people who are experts in these fields are needed to detect this kind of crime, so that this is not left only to the members of the Royal Barbados Police Force. The idea of policing an Act should be extended to those in the Ministry affected. The people who are working with the Copyright Act will have a keener appreciation of the Act and they should help with the detection work and the information should be passed on to the police or the Director of Public Prosecutions.

Sir, for years I did a programme on the radio called, "For Love of Country". Then I did a column in one of our leading newspapers which was also entitled, 'For Love of Country'. Then, a book was published called, 'For Love of Country' and people thought that this book was a collection of the articles or the radio programmes that I did. I guess that is why some of them bought the book.

Sir, I did not copyright my programme. I am in the business of speaking publicly and hoping that someone will listen and maybe years from now, find something useful of what I had to say, so I am not in the business of copyrighting all I have said or written. I thought that since this, "For Love of Country" was about for a number of years that somebody using that as a title ought to have known this, but I see that it was not known. The moment people hear, "For Love of Country", they think of certain creative programmes or certain columns in the newspaper. If you were to think about the amount of money that Haitian artists lose, people from all over the world go to Haiti and purchase very valuable paintings at very cheap prices and then turn around and make a fortune out of selling those same paintings. Haitian artists lose a lot of money that way because you are bargaining all the time.

3.10 p.m.

The artists might start with US\$500, but if you keep on bargaining you can get the item for US\$10 because the artist really wants some money in his pocket. I am sure we would not want to have that happening in Barbados, so the amendment to the Act which I support even with its harsh penalties, is going in the right direction and will bring us in line with modern trends in the western countries.

With those remarks, I support the Bill.

SENATOR THE HON. J. E. D. WILLIAMS:
Mr. President, I would like to thank the Honourable Senators who spoke and gave their support to the Bill. Everyone who spoke underscored the importance of preserving and protecting the intellectual property of the right owners.

However, Mr. President, there were just one or two contributions that I would like to make a brief comment on. First and foremost, Senator Stuart placed what I may consider a caveat on his giving final support to the

amendment provided, of course, that one could advance the statistical information that he is seeking. I believe he would agree that it has been clarified, and I am getting that nod from the Other Side.

Mr. President, I am very much obliged to Senator Gregory Nicholls and his ministerial colleague Senator Lynette Eastmond, both lawyers like himself, for eloquently responding and putting in context as to the need and the reason. In essence what we are saying is that legislation alone cannot do it.

We recognise, and I did say in earlier comments, that it has to be buttressed by education and making sure that we inform our people about the importance of intellectual property and along with that to make sure that our agencies are brought up to speed in terms of investigations and protection and, at the end of the day, making sure that we are able to identify and prosecute those persons who are engaged in such practices.

Mr. President, Senator Crichlow made one or two points that I must respond to. He spoke about the fact that the artistes who protested may now feel that Government has done something. I said this morning that when the Minister of Finance made the statement that we were going to increase the maximum penalty, it was in November of 2003. The issue with the concerned group of entertainers was in 2004, so Government signalled its intention to increase the penalties long before we had the recent unfortunate situation with the Concerned Group of Entertainers.

Senator Crichlow went on to say that every five or six months before the start of the Crop-Over Festival there is this, as he called it, a big row taking place. May I say that on this occasion the National Cultural Foundation did what it thought necessary to ensure that we did not have those difficulties. We obviously did not anticipate that we were going to have that issue with the Concerned Group of Entertainers because the issues of payments for performances, price money and whatever were resolved before the start of Crop-Over, and we really thought that this was going to be one Crop Over where it was going to run smoothly.

Mr. President, Senator Crichlow is absolutely correct when he said that when people have a difficulty and they want to resolve the problem they use occasions that are the most impactful. For example, you would find that it is just coincidental that around the height of our tourist season workers within the hotel sector who are members of a trade union would have difficulties with wages negotiations and so on and when the sugar crop is about to begin you may have to resolve issues of wages, so that speaks for itself.

One would imagine that the concerned group of entertainers or the artistes felt that the timing was right for them to make a statement. However, I believe that is very much behind us. I think they are satisfied now that Government is very serious in terms of addressing the issue. I believe progress has been made and we will go forward from here.

Mr. President, the only other point I want to make before concluding is to say to Senator Crichlow that his suggestion that culture should not be directed by Government is one that I, in a different opportunity, would really want to speak to because no one can deny that since culture was placed at the level it has been, certainly by this Administration, that we have made tremendous strides. It takes a lot to develop our culture industries in Barbados and at some point in time I will speak to that, but I definitely do not share his view that culture itself should not be directed by Government.

With those few remarks I beg to move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. J. E. D. WILLIAMS, the Senate resolved itself into Committee, HER HONOUR SENATOR Dame Patricia SYMMONDS in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is in Committee.

Clauses 1 to 5 inclusive, were called and passed.
3.20 p.m.

On the motion of SENATOR THE HON. E. R. GRIFFITH, Madame DEPUTY PRESIDENT reported to His Honour the PRESIDENT, the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. E. R. GRIFFITH the Bill was read a third time and passed and cited as the Copyright (Amendment) Act, 2004.

ORDER NO. 3 – RESOLUTION TO TAKE NOTE OF THE GREEN PAPER ENTITLED: “TOWARDS A SOCIETY FOR ALL AGES – A NATIONAL POLICY ON AGEING”

SENATOR THE HON. E. R. GRIFFITH: Mr. President, the matter before us deals with the national policy on ageing. This phenomenon of ageing which was quite evident in a number of developed countries since the turn of

the 20th Century, has eventually caught up with us in Barbados and in a number of developing countries.

Mr. President, the reasons why we are now experiencing this particular phenomenon are fairly well-known. For decades, we have had a situation in this country where there has been a low birth rate; improved nutrition as far as the consumption of food is concerned. In spite of any deficiencies which may have existed over the years and may still exist, our health care has been excellent; and our control of infectious diseases has been of a very high standard.

In addition, successive Administrations have seen to it that the standard of living of citizens has improved considerably over the years. All of these developments have come together to make this situation where today persons are living longer. In that sense, we are experiencing a type of situation which is seen mainly in developed countries.

Mr. President, as good as that may be, it has a number of implications for us and in our planning, we have to take the changing demographic situation into account, so that the country will still be able to achieve its full potential as far as development is concerned. The result is that we have to put systems and programmes in place which will guarantee that all of the citizens, young, middle-aged, and the old, are well taken care of.

The question of ageing is, in a sense, a life-long exercise. Sir, we even now have to start speaking to the issues from the point of view of the youth, to help them to prepare themselves for the day when they will reach 60 years or beyond. Meanwhile, we have to make sure that those persons who are 60 years and over and, therefore, the category of the elders, are well taken care of and can still play constructive roles in the development of the country.

All of us know that, in spite of their age and because of the improvements in health services, with many of them not being affected by some of the illnesses that affect the aged but even if they are affected, the treatment is available to them so that they can still live good lives and are still able to make a contribution in terms of work.

Mr. President, more importantly, they are still able to pass on the experiences and knowledge to the younger folks that they would have gained over the years and so would create that harmony between the elders and the young, making sure that our society is one where everybody can live together. The idea is that we are speaking about a society which takes care of all of us.

Mr. President, this question of ageing is one which has attracted the attention of the United Nations from as far back as 1960. In fact, it was in 1950 when the General Assembly of

the United Nations had first addressed the matter of the elderly. At the time, the international community, and on an initiative from Argentina put forward in 1948, the General Assembly adopted a resolution concerning a draft declaration on the rights of the elderly.

Mr. President, subsequent to that, in 1969 the issue was again raised by Malta and a further resolution was adopted dealing with the declaration on social progress and development. Sir, Governments were encouraged to consider the implications of the changing proportions of older persons in the population. Again, in 1978, the General Assembly spent some time in looking at the question of the ageing population across the world and by 1982, the United Nations supported a Plan of Action that had been developed at Vienna.

Mr. President, subsequent to that, there was a further assembly held by the United Nations, when some 62 recommendations were made on the rights of the elderly. That was followed up by further discussions in 1990 and coming out of the 1990 discussions, a Plan of Action was developed, with some 18 entitlements being identified, where the United Nations suggested to member countries that even though these were not binding on them, that they should take note of them and that in developing their legislative framework and putting in place their various social and economic policies, they should try to embody as much as possible out of these recommendations which dealt with the rights of the elderly. Our National Policy on the Aged seeks to do similar things and indicates the manner in which we will deal with the elderly in our society.

3.30 p.m.

Mr. President, as far back as 1950, the United Nations foresaw this phenomenon coming upon the world. In fact, according to their statistics, across the world there were 200 million people 60 years and over. At that time, they forecasted that by 1975 there would be about 350 million people, and that by the year 2000, it would reach 590 million and that by 2050 it would be in excess of one billion people.

Certainly, the indication is that the trend is moving in that direction. Even in our particular case, as set out in the document before us, the average life expectancy is 72 years for males and 77 years for females. The document also says that Barbados has the highest percentage of persons age 60 and over within the English-speaking Caribbean.

Sir, there is a greater number of females in this group than males and this has indications for the type of care provided for these persons, so we have to take that into account in structuring our programmes for the aged. The issue which confronts us as we provide for the elderly has to do with ensuring financial security, adequate provision of health care, the question of housing, the creation of opportunities to be actively engaged in employment if they

so desire and also creating opportunities for them to share their skills with younger members of the society and to be involved in the community activities. Sir, this is what the Plan seeks to do.

Sir, it is fortunate that this development did not come upon us unexpectedly and that we were anticipating it. In fact, some time ago when Government made the changes to the National Insurance Scheme, we recognised that it was part of the preparation to deal with this issue. At that time, the provision was made for the retirement age to move from 65 to 70, if persons chose to do work until then.

Sir, previously people worked until age 60 but that short-sighted approach had to be changed because it soon became clear that by putting persons out of the workforce at age 60 in a situation where they were now living longer, that the fewer persons now in the workforce would have to contribute a greater portion of their earnings to provide pensions for those persons who were living longer. Sir, we almost ended up in that situation but we had the foresight to make the adjustments and encouraged people to stay in the workplace longer but if they retired before the age of 70, their pension would be appropriately adjusted.

Sir, those changes were made to the National Insurance Scheme and the actuaries have reported that the Scheme is on a sound basis and will be able to meet its obligations for quite a long time.

Mr. President, we have to encourage persons when they are yet young to make additional provision. This is why I fully supported the initiative by this Administration to provide a tax incentive to persons who purchased retirement savings plans. Recently, I bought two retirement plans for my youngsters, ages 21 and 26.

When I told them I was proposing to do this, they felt I should do it for myself but I explained to them that this is time for them to start getting involved in the purchase of such instruments to prepare for their future and not to wait until they were ready to retire to get the plan because it would not be worth much at that time. They quickly saw the wisdom in my advice and they concurred.

Mr. President, we have to try to encourage people wherever possible to buy retirement instruments. We accept that it is not always going to be possible to do so and in those situations the burden will have to fall on all of us by way of provisions made by the State. Wherever possible, we must encourage people to take the decision now to help to secure their futures.

Mr. President, it involves more than that because we have to encourage people to take the opportunity to be trained in various areas and to develop skills other than their

occupation so that when they reach the age of retirement, they can still engage in activity, which can bring them some revenue to supplement their pension. That is very important. Mr. President, even if they are not dependent on an additional source of revenue, they still need to be able to keep themselves active by being able to do things. That is where their skills would play a very important part.
3.40 p.m.

Sir, it is heartening to see the number of elderly who are now being trained in the use of the computer, granting that activity came after they had retired but they are making use of the opportunity. That is why it is important for us to make sure that we prepare our youth and others to develop themselves so that when they reach that age they would have acquired various skills.

Mr. President, we have to provide social services for the elderly. Unfortunately, some persons have reached retirement and do not have any housing and I came across a few cases like that. We also have to provide more opportunities for persons to be able to enter retirement homes. Sir, even if they own homes, at that age they are unable to contend with large houses especially if these houses have a lot of stairs which they have to climb.

Sir, a retirement village becomes critical where the elderly can relate to others. The Government has indicated that it is their plan to continue to provide facilities similar to that in Vauxhall, but it will also encourage NGOs and other groups to do what the Soroptimists have done because this is a task that requires that everybody plays a role. It is not going to be adequate if it is left only to the Government to provide these facilities.

Therefore, this National Plan is seeking to involve everyone, and Government, NGOs and other social groups are being encouraged to participate and by so doing we can create the kind of environment which will allow our elderly to continue to make a meaningful contribution to the development of the country and live the remainder of their lives in dignity.

Mr. President, it is proposed that the Government will be setting up a department for the elderly and I think that is something that is worthy of our support.

Sir, the question of the retirement age of persons is interesting because while we look at the retirement age in relation to the National Insurance Scheme which has been adjusted, the one in relation to the Public Service remains unchanged. I understand that there are a number of public servants, on approaching that age, who are now enquiring if they would have the opportunity to go beyond that retirement age on the basis of what is being suggested in relation to the other employees in the country.

I think it is something that has to be examined because we ought to have one national retirement age and not a particular retirement age for persons in the private sector and an age for those retiring from the public sector. That is one, I imagine, the Civil Service will look at and, in due course, that will be done.

Sir, with those few remarks I commend this document to the Senate and encourage Honourable Members to acknowledge it.

Mr. PRESIDENT: Senator Lowe.

SENATOR Dr. D. S. LOWE: Mr. President, I am delighted to have the opportunity to speak on this matter, perhaps, because I realise that fitting nicely into this category is imminent and, of course, though there are those who tend to engage in a titanic struggle to stave off ageing, we have to visit this issue with some measure of seriousness because I believe that the way we treat the issue of the aged is a reflection of how we are inviting others to treat us when we would have descended upon that stage of our human development.

Mr. President, as I understand it, a Green Paper is a document that allows Government to engage the public in a series of discussions so that the Government can formulate a responsive policy that should emanate from what is commonly now known as a White Paper. The Green Paper does not reflect any substantive policy on the part of Government, as I understand it, in that the content of a Green Paper does not bind Government to any particular policy position but only serves as the forerunner to the White Paper or what contains the Government's position in that regard.

Sir, the Green Paper is not about conclusions as much as it should be about the exploration of salient issues relative to the subject matter under discussion. It really should be the gathering of leading edge ideas that harmoniously connect themselves to the reality of the population study, so that at the end of what would emanate is a policy that makes direct contact with the realities of those persons it seeks to serve. Therefore, this particular document cannot be treated as the Government's policy or if it should be, that intention should then be made clear.

Sir, a true policy position, in my view, on the aged, should be guided by a pragmatic social position that is rooted in a stiff philosophy that seeks to regard the elderly as the true statesmen and women of the society. They are the ones who are timely reminders of the toils of a society, the contributions made to make the society what it is, and what we should look forward to, as we progress nicely across the life-span. It should give the fullest opportunity to all and sundry for them to engage in a process that allows for the unearthing of those issues that have not been covered

through Government's policy across time. It is not so much about what the Government today is doing, versus the Government yesterday.
3.50 p.m.

As far as I am concerned, Mr. President, to treat this issue with the dignity and regard that it deserves, all persons involved in policy development must get on board to ensure that when we would have reached the stage where we are categorised as within that age band, that we can look with pride at the contributions we would have made to make a policy that is truly responsive, not for a time, but across time, so that as generations would come and would move to that stage of development, they can credit all of us for the contributions we would have made in that regard.

A Green Paper really must look at what is available, in terms of research and information. A Green Paper should be guided by rigorous qualitative, quantitative and ethnographic research. Qualitative because it looks at the substance of the experience of the elderly; quantitative because it looks at the numbers associated with the elderly and ethnographic because it looks at the social and cultural implications of the experience of those in this category of human development.

The policy on ageing must be a policy, therefore, that seeks to extract maximum social benefit out of the State's programmes on education, health, economic, politics, and the spiritual, as well as the psycho-social which takes into account, the psychological development and milestones of the elderly, as well as the social travails of older persons, as they move across the life-span in a society.

A national policy on ageing cannot possibly be the compiling of scattered ideas with which no connectivity to quantitative and qualitative research has been achieved. In other words, Sir, I heard the term, "willy-nilly" thrown around earlier. It cannot be a "willy-nilly" policy. It cannot be a set of ideas simply generating from the fantasies of people.

It has to be, Mr. President, a driving document that has achieved what is called, protest, which is the relationship between the theoretical and practical, so that as the programmes of that policy are implemented, they would be able to make the most significant and impactful contact with the population we are seeking to reach.

It must be a policy that seeks to drive, therefore, Mr. President, every possible social good for those persons who have given their life blood for the advancement of this great country of ours. It must be reminded that what Barbados is today, is not simply a reflection of the policies of the current Government, but is a collection of policy positions, implementations and programmes that reflect upon the governance of the country, over its history.

Therefore, all Governments must be given credit for their contributions and, perhaps, this particular Government, if the Green Paper is to serve its function, may benefit more than those that preceded. Mr. President, it will benefit from the articulate ideas of social and behavioural scientists who are now part of the scheme of political thinking that will inform a policy that is indeed responsive, but a policy that hinges upon a clear understanding of what it means to be old.

Sir, old is not simply a reflection of the ravages of time. It is not simply the changing texture of the hair or the face. Mr. President, age reflects a journey of travail.

Asides.

SENATOR Dr. D. S. LOWE: Mr. President, it is a time and not simply an image. It is a mural of a journey of a society and the role that those persons must have played in allowing the society to become what it is.

Mr. President, the point is that a Green Paper must find its harmony and its rest in rigorous research that reflects upon the journeys of the people, not only in terms of research that is based on domestic policy but cross-sectional, cross-generational and cross-territorial research, that gives us the best possible opportunity to understand what it means to put together policies to address the needs of the aged.

Sir, a comprehensive needs analysis must be done which should first look at the developmental journey of the aged: physical needs, disabilities, chronic illness, the general decline of the physiological functioning of the elderly and how policies must respond to those issues.

Research must also look at the psycho-social life of the elderly and by this we mean understanding the developmental milestones that older persons go through, and the entire generations go through. These milestones must also look at adulthood and we make a distinction between adulthood and elderly.

Sir, researchers suggest that adulthood falls into three general categories. There is young adulthood where you cross the border of adolescence and begin to take on personal responsibility for self and the building of family.

Then, there is middle adulthood, Mr. President, all of which are distinguished by age bands and, then there is middle adulthood where we begin to look at a review of our adult lives to see whether or not we have accomplished the things we set out to accomplish.

May I suggest here, Mr. President, that a lot of the travails of the elderly happen because the society has never given them the opportunity to accomplish self-actualisation.

Therefore, as they build their dreams through adolescence and they begin to assemble the platform for their life for the future, the society has not put in place the kind of responsive programmes and measures to allow these persons to be able to achieve that level of realisation and maturation.

Therefore, we have young adulthood, ages 18 to 35, approximately where individuals contemplate intimacy versus isolation. They get involved in relationships or they do not. Then, they move across the age band and they go from ages 36 to 65, where persons begin to get into – and I am going to give some people a good lesson so that they know where they are – this stage of adulthood which is characterised by what the psychologists call generativity versus stagnation.

In other words, either that you are moving in a productive fashion across the life-span in adulthood or you are stagnating, where you cannot find employment, where you cannot pay your bills, where you have difficulties with your family and these kinds of things and they hold you back, in that stage of development.

Sir, if these earlier stages do not function, then they land us into what we are discussing in this particular debate which is, ages 65 and above. The Honourable Minister who launched this document in this Honourable Chamber paid a lot of courtesy, and understandably so, to these matters, because it must mean something to him to treat this with a level of sensitivity.
4.00 p.m.

He talked about discrimination and not displacing the older people by finding space for the younger people, but rather creating an expansive programme where there is room for all. I endorse that, Mr. President, but I feel his anxiety also. At the age of 65 and about, we talk about integrity versus despair.

Mr. President, the reason why I think it is important to touch on these issues is because if we are going to be able to create a policy on the aged, it has to be guided by a full understanding of what the true developmental task of this age group is all about. It is as simple as that.

I am not trying to demonstrate my competence in this area. I am simply trying to say that those who are framing this policy must give the society the best possible opportunity to engage in these kinds of issues because if you do not know what a man or woman goes through in a particular stage of life how can you justify developing a programme to meet that person's need. It is like a patient going to the doctor.

There must be a diagnosis before you write a prescription. You must know what is happening before you begin to suggest that this is the way we are going to treat what is going on. Therefore, it is important that we look at those issues now that we in this Chamber collectively understand what stage we are in individually.

Mr. President, let me move on to say that the policy must also look at dysfunctional patterns of behaviours. Drugs and alcohol are major issues in some circles of the elderly. Abuse – we are now learning through AIDS statistics that there is an emerging figure among older people in terms of infection. Crime – I know of an old lady in my district who does not go to church at night anymore not because she does not want to go to church but because she is afraid that if she goes out something is going to happen to her property or herself.

We learnt through intellectual property that if you are working and delivering, it is part of your property and your right to protect, so the elderly are concerned about these issues. Therefore, I am saying that the policy that is responsive to the needs of these individuals must reflect upon these concerns that the individuals have.

Then there are their psycho emotional needs, the fear of death and dying. A lot of older persons contemplate repeatedly how it must be to die. Many of their peers are dying particularly when they get above 65 years. Their world becomes a lonely world and there is a need for adjustment and a policy must therefore create for them a society where in spite of the natural ravages of time, they can still live their golden years with a measure of peace and satisfaction. That is what we are talking about.

Social isolation; there are a number of cases at the Queen Elizabeth Hospital where members of families have taken the elderly and deposited them there and they have not been able to be retrieved because they cannot make the connectivity between themselves and the family member who left them there. This is within the context of a society where the extended family was a natural line to protect and to take care of the elderly.

Nowadays, what you are finding is that people are dumped not only in the hospital lobby but in different agencies. I am saying that this must generate some measure of isolation. Social isolation, fear, neglect and abuse are occurring among the elderly where they have younger family members who are addicted to substances and are terrorising the elderly within their own homes. Therefore, a policy that is responsive must take into consideration those very critical areas.

Mr. President, as you look at the developmental trends of this age group, the cognitive functioning, you would see that it has been reduced significantly. There are some older people who are sharper than some of us but that is the exception versus the rule. In most cases, developmentally, your mental agility decreases as you get older, so they cannot respond as quickly. If you go to a store and an older person is purchasing or they are trying to pay busfare, it takes them much longer to calculate what needs to be given and sometimes when correct change is given back, they spend a lot of time calculating whether or not it is right because that mental agility that they once possessed has now slowed down significantly.

Mr. President, then there is spirituality. Perhaps the one mechanism that elderly persons in the society can hold on to with some measure of security is that there is, in fact, an eternal God who does not change and that while the society and its members may change, these persons can still rely on their faith in God. Therefore, a policy must also reflect some sort of treatment to the whole area of spirituality.

Mr. President, in developing this research, you must look at the economic circumstances. Many of us have been fortunate to take advantage of opportunities that we have had either by lineage or by luck, and now live in advantaged circumstances where we do not have to fight on a daily basis for our survival and our vidual needs are taken care of with a level of ease.

However, I happen to live in an area of this country where that is not the norm for many persons. It hurt me when I drive through places like Wilcox and Gibbons and see people in their 60s still bending over in the hot sun simply to feed themselves.

I am saying that a society must find a method of sustaining the well-being of its older persons. It is an arduous endeavour to have to live from the cradle to the grave on a continuous struggle. You come into the world and it is a struggle and on your way out, it is a struggle. You have never been able to sit back and throw your feet up for a year without having to worry about whether the lights are going to stay on or whether there is going to be food on the table.

This happened when I was a boy back in the 1960s. I remember my mother would sit sometimes and pray and hope that somebody would send home a hand of bananas and a couple sweet potatoes to have food to put on the table. But in this day and age, in a society that is advancing and a country that is now moved out of the Third World, if you will, by virtue of its standards, it is heartbreaking. This is where the rubber hits the road for us as persons who were involved in policy development.

It is heartbreaking to see some of these persons still hardly able to hold their heads up straight because their backs have now become conditioned to bending for so many years, therefore, a policy on the aged has to take into consideration these realities.

Mr. President, I would urge my colleagues on all Sides that we cannot make this an issue of partisan politics. This has to be an issue where we understand our obligations as members of a progressive society. As members who have benefitted from education most of which has been free, we have to understand our obligation in this regard.

This Green Paper should really entice researchers to get on board and participate in the development of this nation. Some comprehensive demographic profile of this population has to be presented. There are a few courtesy calls in the document about that but I want to know about the race. What is the race composition of this 41 000 older people in this society and how does that correlate or not correlate with social status indicators or measures about this population? In other words, how many of them are poor and how many are well-off, and of those who are poor, how many are black, how many are white and how many are other.

4.10 p.m.

Mr. President, this should drive how we develop our policy because, at the end of the day, the traditions of an Indian society or that of a white society versus a black society are different, and the policy must cover all. It must be an all-inclusive policy, one which reaches every man and every woman in this country, regardless of his or her ethnic origin. He or she must feel a part of the process.

Mr. President, we have information in the gender profile and on the geographic locations, how many are from what areas. Would that make a difference to the policy profile? Yes, because the needs would be different. For example, people living in St. Andrew and St. Joseph versus those living in Crystal Heights, St. James or Fort George and, therefore, it has to be different.

Mr. President, it is not my position that anyone should be batted around because they have taken advantage of their opportunities and resources, to become advantaged but I would hope that our society understands that the strong must somehow feel the infirmities of the weak and that they must share their resources to the extent where they can take this society along as one family. If we do not wish to do that in a social programme such as this, we are going to have to do it if we are ever going to be able to achieve a single market and single economy. We may have to be taking the hands of persons from another state in order for this concept to work in this society.

Mr. President, you know my position. We have to take care of our own first, in order to demonstrate that we are capable of taking care of others. It is significant. It is important. Therefore, we must look at those demographic features.

Mr. President, health and wellness are also concerns that must be treated and I am pleased that some time has been spent on these areas. Again identifying health needs is also driven by those features that we have talked about earlier.

With regard to gender issues, there are some diseases that are more prevalent among blacks versus whites. Obviously those who are poor are more susceptible to a lot of the diseases that are now plaguing the human race than those who are well-off. Those persons who are well-off can afford things more affluently than those who are struggling to make it.

Mr. President, that is why I urge our Government to position itself where what it seeks to do for this country is not simply a reflection of rewarding those who already have, but it is a clear reflection of their understanding that all men and women are equal, and that equality in the society is not a philosophical notion.

It is how we assemble our policies because when I reach 65, 70, 80, or 100 years old, I want to be able to look back, regardless of what political party then governs the country, and say that it was because of our contribution that the circumstances under which I now live are much better than they would have been, had I not participated.

Mr. President, we also have to look at the disabled. Any policy that is worth its salt in a modern society has to take into account the uniqueness of the needs of the disabled, yet we still have public buildings in this country where the disabled cannot get from the ground floor to the fifth floor. It is the same thing with doctors' offices or with educational institutions. Therefore, a policy on the aged must take into consideration some very vigorous research in how to improve conditions for those with disabilities.

Mr. President, I hear and read in this policy that one of the methods of improving the educational lot of the elderly is EduTech, but what if an individual is blind, deaf, or chronically disabled because of a neurological dysfunction? If this is so, that individual would not be able to get to the school. What if there are no relatives to get the individual there?

Sir, it is about access. It is about getting persons to where the service is and, therefore, if we are going to be successful in our policy development, we would have to look at that. It is about the socio-economic status differences that we have just spoken about.

Mr. President, in this society, family patterns are rapidly changing and what we used to know as a nuclear family, is no longer the reality. Therefore, it is possible to go to a home, as I have done recently, where the husband, an amputee in his 70s and the wife in her late 60s, live in a home by themselves, without any home-help assistance. The home-help assistance discontinued because of the irregularity and the poor quality of the service. Sir, Government cannot throw 'home-helpers' into other people's homes without first socialising them and making sure that they understand how to treat to the needs of those persons whom they are attempting to serve.

Sir, I often say to myself that unless we walk a mile in the shoes of those who suffer in this country, we would never be able to appreciate the difficulty these persons go through. The truth is that very often those who are driving policies are persons whose lifestyles pale in comparison to those persons struggling in the society. Therefore, persons may go to a board meeting or to a group of people and scout ideas around. Persons will only reflect their needs through their ideas. We need to make sure that persons understand the general implications of this kind of policy.

Mr. President, therefore, creative and responsible policies that make sustainable contact with the real issues driving the journey of the elderly must be deliberate and must contemplate the following issue: What is a true social status distribution of the elderly?

Mr. President, I do not know if they have counted my family, but a few years ago my mother boasted of becoming a pensioner. The truth of the matter is that God has blessed her with 10 children. That is probably her only saving grace because the truth of the matter is that it is hard to live on a pension in this country and God help us now because water and electricity rates are going up. I am not discussing the right or wrong of that, but I am saying the strain that persons who have been living in this society at a level has gone up.

Sir, with regard to increased water rates, last night I heard the Honourable Minister of Energy and Public Utilities making a pledge that the Ministry of Social Transformation will ensure that those who are old and disadvantaged will be taken care of, and that they will not feel any further decline in their quality of life because of the rate hikes in these critical areas.

Mr. President, do you know what I asked myself? I asked myself then what is happening now? Why am I paying so much electricity bills for persons who cannot afford to

pay? Sir, one would have to be an absolute animal not to be willing to help an older person living in the community, whether it is in Christ Church East or anywhere else. One would have to.

I do not interpret the world along political lines as some may do. I believe that my chances of becoming a Member of Parliament does not rest along that line. It is based on my commitment to people, therefore, I do not kick too much to any comment that suggests otherwise. I am saying that if you are any kind of a human being and come across someone who is having a difficulty in keeping the service of their water supply on, you would have to be some kind of subhuman not to want to reach out and assist, if you can.

Mr. President, I am saying that Government must speak now because if the Honourable Minister of Energy and Public Utilities has made such a pledge – this is not in the Other Place, this is in the public domain – that the aged will be taken care of, I pray to the good God that will be the reality because I know that some people would, inevitably, fall by the wayside.

Mr. President, we sometimes are titillated by the fact that we are on one side, meaning in power, but a matter like this cannot be dictated by that. It has to be driven by a degree of sensitivity, by a degree of commitment to humanity and by a prospecting that tells us that one day we are going to be in that chair.
4.20 p.m.

Mr. President, I would get there after you but I pledge that anytime you need a hand you will get one. I hope that I would help to create a society that would make them want to extend the same hand to me regardless of what political affiliation I may have because this has serious implications.

What are the social, political, economic and political indicators employed to measure the true quality of life of the elderly? First, the quality of life is driven by access and ownership and the keen balance between earning capacity and spending demands.

We must ask ourselves what will happen to the spending capacity of the elderly when they now have to contemplate their economic circumstances. We have to accept it as a reality that the elderly live in disadvantaged circumstances for the most part and do not have their own cars so they now have to rely on public transportation.

Mr. President, now that water rates are to be increased, what will happen to the elderly now? Sir, rental rates are most erratic in this country and there are no controls over them. The couple I mentioned earlier are not living in their own house. They are renting and have to deal with these erratic rates. Do we understand the psychological import of persons who have to struggle on a daily basis simply to eat

and sleep in comfort and also have to struggle with failing health?

Mr. President, this is a serious matter. I do not find the heart in the Green Paper which I am looking for and when it resurfaces as the White Paper, I will be here with my teeth sharpened because when I give it my stamp of approval, it would be a reflection of how I expect the society and the Government to treat me when I become an old man. Sir, I am not like other people who are afraid to get old, because I look forward to being old.

What are the current economic responsibilities facing the elderly? The Honourable Minister spoke about financial independence versus dependence. Sir, many of them do not own their house or land even though many of them have worked from the cradle to the grave. They have lived from cheque to cheque. This is why when the National Insurance does not get cheques to the elderly on time, it creates much anxiety. Sir, these are the things that must be fixed in this regard.

Sir, there are psychological challenges facing the elderly because some of them are living in isolation and despair and that must be addressed.

Do they have opportunity to share their wisdom and nurture the development of the succeeding generation? Sir, this must also be addressed.

Mr. President, we talk about integrity versus despair. If the critical task of the life of the elderly is integrity versus despair, then the elderly should be given the opportunity to pass on their knowledge. Sir, a lot of elderly persons live at the Psychiatric Hospital and at Glendairy Prisons and one of the challenges is how to reintegrate them into the society if they want to, because they have become stigmatised and do not want to return to the society.

Sir, many of them are living in their homes with their family but are in isolation because they reside in a room in the back of the house. These things concern me and this Green Paper gives me an opportunity to join my colleagues and speak to these issues. Sir, this is not about whether the Paper is right or wrong but it is about what the Paper contains and whether or not it gives the public an opportunity to get involved in the process.

Have the elderly reached that ultimate plateau of self-actualisation and what does it mean? Sir, many of them have worked, saved and sent their children abroad but the children have not returned. Also, some of the children of the elderly live here on the island and earn good salaries, but make no contribution to the quality of life of their parents.

Mr. President, we are now building retirement homes and we expect those homes to rectify these psycho-social issues, but we still have to look at the cadre of services employed and whether or not this research has been done to ensure that those who work at those homes are responsive to the treatment of the elderly.

Mr. President, here are some thoughts I would like to leave with the Chamber on how to go forward with the elderly. Sir, we must focus on fixing the social and economic imbalances in the society especially in those cases where there are persons who could be doing better, but the mechanisms are not in place for them to do so, because the matter has not been addressed. Sir, some of them have been disinherited from their land because of development. I know of a lady whose land has been taken up to build a pavilion years ago but she has not yet been paid.

We must focus on developing a lifelong learning curriculum which promotes learning that focusses on human growth and development across the life-span. We cannot wait until people get 65 years and older to prepare them for old age, so it must be done as part of the school curriculum. One of the reasons why young people do not “hang out” with old people is because they do not understand them because fewer young people are going to church.

Sir, at one time it was compulsory to go to church. I went to two Sunday schools one at the Anglican and the other at the Pilgrim Holiness Church, so I was constantly among the company of the older people who went to church. We must promote the development of educational policies that take a socio-political and socio-economic system approach to life long living. In other words, we must look at the macro and micro implications. We must also look at the exo-implication which includes the non-governmental agencies and the meso-implication which includes the family and other extended systems of support.

There should be a general solution to administer to the needs of older people with disabilities, this is critical and also progressive health care solutions that include the future decentralisation of health care. Mr. President, once upon a time if you were in St. Andrew and fell into some physical difficulty because of an accident, there was an institution, part maternity and part medical where you could be treated for minor circumstances.

Sir, some years ago, a man died on the East Coast Road because he had an asthmatic attack and because of the length of time it took the ambulance to get from the Queen Elizabeth Hospital to St. Andrew and back to the Hospital.

Mr. President, I live out these experiences because, unlike some people, I am not one of affluence. I am saying that the decentralisation of health care is not only about planting polyclinics but at some locations basic stabilisation

care can occur, where ambulances can be located at various locations to cut down on the lag to get from one place to another.

Mr. President, I am suggesting that with the modernisation of health care that is on the table, that further decentralisation of our health care system is necessary and that, perhaps, we can revisit the St. Joseph Hospital as a place where some intermediary care can take place and if not there, a location with similar capacity.
4.30 p.m.

Mr. President, decentralisation means that we would be able to hire more health care professionals and we will be able to increase the quality of care across the network of the country, which I think is critical and vital. Sir, the promotion of preventative health, through health care education awareness, drug prevention education and the like should be woven into the curricula that starts from cradle to the grave.

Finally, there should be a post-retirement workplace reintegration for those persons who have retired, and the Honourable Minister spoke to that issue earlier. They should be given the opportunity to go back into the workforce and develop their skill.

Sir, there are a lot of people who have retired but are at a level where they can make substantive contributions to the workforce development. We are bringing in a lot of international consultants to teach us about ourselves, who they do not know anything about.

If we do it right, we can bring back some of those retired persons, not because of political favouritism, but wherever they are, find them and allow them through consultations or volunteer services, mentorship and coaching programmes, put them back in the system because critical developmental task in this age is integrity versus dismay, and part of the giving back to the society can accommodate that developmental task. That is why we went through that whole process.

Mr. President, this is not a policy paper as I understand it. It is really the development of a road map that can get us at point A in the infancy of developing this policy to the point where the policy can be brought to the Chambers and can be so approved.

Sir, I request my Honourable colleagues to look at this document outside of political affiliation and let us give of our souls and hearts to preparing for ourselves today for tomorrow.

I am much obliged, Sir.

Mr. PRESIDENT: Senator Dame Patricia Symmonds.

HER HONOUR SENATOR Dame PATRICIA SYMMONDS: Mr. President, I want to begin by assuring the last speaker that I am not being partisan when I say that the Manifestoes of the Barbados Labour Party of 1994, 1999 and 2003 underscored Government's deep concern for the well-being of the elderly and that is not to say that other Governments have not shown concern as well.

Sir, in 1999 the Ministry of Social Transformation was set up and we all know of its significance and the part it has played in helping to alleviate poverty or in some instances eradicating it and we might say that this is a culmination because we have the Green Paper in 2004.

May I remind Honourable Members at this stage that a Green Paper is designed to evoke public dissemination and comment. Therefore, there is time for much consultation and many more recommendations on the part of every Barbadian of every class, colour, political persuasion and, therefore, Senator Lowe be not dismayed.

Mr. President, as our Leader pointed out, population ageing is a relatively new phenomenon in Barbados and this Green Paper is divided into two major parts, the first concerns the situational analysis and ageing in Barbados. The second part examines the principles that should guide a national policy and made proposals for the creation of an enabling environment for older persons to ensure that they are encouraged to use their skills and live in safety, with independence and dignity.

Sir, I think this Green Paper is an excellent document, comprehensive, sensitive, challenging and far-reaching. The National Committee on Ageing, of which I have the honour to be in the Chair, agrees with me on this. If its proposals are implemented, they can lead to an enhanced quality of life for the aged.

Sir, when I was a child, old people were respected and in some cases, even revered, and grandparents were regarded, not only with love but with awe. I see Senator Crichtlow leaving but I wish he would stay a moment because I want to say at this point that as a child I was terrified when I heard at Sunday School and Church the story of Elisha and what happened to the children who mocked him when they shouted, "Go up thou bald head. Go up thou bald head" and two "she" bears ate them up. It is something I have never forgotten and I do not think I could be disrespectful to old people, like myself, even if I tried.

Thank you, Senator Crichtlow.

Aside.

HER HONOUR SENATOR Dame PATRICIA SYMMONDS: The Ministry of Social Transformation, according to a significant statement on Page 11 of the document, "... is aware that our seniors are a very diverse group with lifestyles, incomes, health status and social needs that can vary dramatically."

I wish to focus on some of the proposals to put programmes in place which will assist the elders or seniors to maintain independence, dignity, emotional stability, which is very important, and an acceptable quality of life.

Sir, I recall sayings such as "Age is honour". That is something often quoted when I was a child and in later years reading from such poets as Browning who stated, "Grow old along with me the best is yet to be". He goes on to state that life is made up half of old age and half of youth and he contends that the best is yet to be as you grow older.

Sir, Tennyson, who Senator Stuart quoted and I had to say that were we on Other Sides we could often see eye to eye, at least about literature.

Asides.

HER HONOUR SENATOR Dame PATRICIA SYMMONDS: Tennyson said, "Old age hath yet his honour and his toil".

Sir, we are told in this Green Paper that elders are the receptacles of knowledge, tradition and culture but ageing presents challenges as well as opportunities for the whole society. We have to accept the fact that some people age well and some do not. Therefore, it is a personal belief of mine that any knowledge should be tapped early, before memory begins to fail and is blurred. Sometimes, we talk about all the things that we can learn from the aged.
4.40 p.m.

I remember when I was doing a book that some of the people I called told me straight that they could not remember anything, they were getting forgetful. One or two that I was trying to get hold of had just died and so, you can see the moral in that of tapping their knowledge when they are very lucid and alert.

The document talks about preparation for retirement and this is very important. I know that Senator Lowe spoke about it and it is a question of self-reliance and financial security. The document says that the Government will facilitate and encourage retirement preparation programmes in the private and public sectors, but beyond that, Mr. President, seniors must be prepared psychologically and socially, as well as financially for retirement.

The Minister of Social Transformation's message rightly speaks of the Government's determination to make sure that the expanding life-span of our elders will be

enriched by a sense of purpose and accomplishment. To this, might be added a sense of fulfillment, emotional contentment that is relatively stressed-free, and physical comfort.

I do not recall and if we did, I missed it, Senator Lowe's talking about elder legislation which is another very important area. Although older persons are included in general legislation which affects all citizens, there are gaps which make the elderly more vulnerable, and as indicated, improved legislation which is specific to their needs will ensure greater security and help to safeguard their rights.

Sir, I think that is very important. Examples are given in the Green Paper, such as deprivation of property, cruel treatment, abuse and neglect, medication abuse, abandonment, self-neglect, improper nutrition and care and discrimination on grounds of age. Along with this legislation, there must be ongoing public education to increase an awareness of ageing and its implications. There must be moral suasion and to appeal to conscience, compassion and sense of duty.

Mr. President, abandonment of the elderly is wrong. I think that is irrefutable. It is also unconscionable but, at the same time, it must be recognised and I can speak from experience that some elders, however lovable can be very difficult, stubborn and demanding, through disease or depression or sometimes through mental complaints like anxiety or cognitive impairment. By that I mean dementia or Alzheimers, and relatives are not always able to cope, especially when there are these mental problems.

Many caregivers of the elderly face enormous challenges of their own and they have responsibilities, in addition to those involved in the care of the elderly person. These additional responsibilities include, for example, child care, maintaining full-time employment as well, marital responsibilities, or for spouse or partner, and significant personal stress. Additional stress may decrease family functioning and satisfaction.

Sir, because of all these, attitudes towards the elderly person sometimes change, so that close contact and physical and emotional health of both groups may be compromised.

Mr. President, this is where another important element comes in and that is Respite Care. It is intended to provide temporary relief for caregivers and it is very important. Caregivers need time off from their caregiving responsibilities to relieve stress and to prevent being burnt out. Research shows that Respite Care decreases family problems and improves family functioning, family satisfaction, attitudes towards and between family members and enhances the physical and emotional health of the elderly person.

I understand that all the feasibility studies on Respite Care have been done, and a pilot project will soon be started in Tudor Bridge and this is very heartening. I referred earlier to the determination to make sure that the expected lifespan of our elders will be enriched by a sense of purpose and accomplishment and this is already being shown by a great innovation here.

The Senior Games started here three years ago, and we know how important that is for healthy ageing. It has been a resounding success. The Regional Senior Games also took place in Barbados in September this year and participation in the Senior World Games in Utah in October also took place. For these, the Minister of Social Transformation and all those involved, merit the highest praise.

Mr. President, with your permission, Sir, I should like to elaborate somewhat on the World Senior Games and their importance, as they relate to healthy ageing, a sense of accomplishment and continued participation in sporting activities. Sir, no longer do old people, like me, have to feel put out to pasture, or that they have to sit on a rocking chair. They can go out and run and compete.

The World Senior Games were founded in 1987 and are held annually in St. George, Utah. They are opened to men and women 50 years and over and have increased from 500 athletes in 1987 to 7 200 athletes in 2004. This year, teams from all 50 States in the United States of America, and 46 foreign countries took part in the 22 contested sports.

Sir, thanks to the vision and resolve of Minister Lashley and his team, a Barbados delegation went to the Games. It comprised 9 athletes and 4 officials, together with 3 supporters. They won 21 medals, including 12 gold, 5 silver and 4 bronze and gained first and second places respectively, in the men and women 4 x 100 metres relay. What is more is that they were awarded the medal for sportsmanship. I also understand that someone who was 104 years took part in the Games, so Senator Lowe there is hope for you and me.

Asides.

4.50 p.m.

HER HONOUR SENATOR Dame PATRICIA SYMMONDS: Bus outings for elderly persons, programmes such as "Looking Back" and "Down to Brass Tacks" and beautiful music on Sunday afternoons are all stimuli for the elderly when it comes to healthy living. Sir, it is important for them to be stimulated because it decreases the intellectual capability loss. Inter-generational linkages are also efficacious for both the youth and the aged.

In my day the term “generational gap” was unknown and even though children were supposed to be seen and not heard, I can count some older people, and these were very old, among my friends. This interaction helps to develop tolerance, mutual respect, understanding and sometimes in the case of younger persons not only knowledge, but wisdom. That, I think, is another valuable aspect where the young and old can meet and learn from each other. There is much wisdom sometimes to be gained from the aged. We must not be carried away and say that we will always learn but we can learn.

Mr. President, much attention is being paid to the mental and physical health and rightly so. I want to draw attention to something to which Senator Lowe alluded to in passing. Although presently in Barbados HIV/AIDS is primarily a disease of young people in their productive years, over the past four or five years there has been a rise in the number of people over 55 years who are contracting the disease, so that although nowhere at this stage is there a state of consequence, it is something to think about in planning for the elderly. We have to remember that treatment is cost.

Mr. President, in conclusion, although I would like to go on longer, I wish again to heartedly congratulate the Minister of Social Transformation, the Ministry of Social Transformation and all those organisations that were involved in the research and who have contributed to this Green Paper. Therefore, I support this Resolution with the greatest possible pleasure.

I thank you.

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I wish to support this Resolution which is to take note of this Green Paper which would be used to facilitate national consultation on the development of a policy for the treatment of the elderly which I believe is an extremely important initiative.

First of all, I would like to commend Dame Patricia, because I believe that Dame Patricia is an excellent example of what contribution the elderly can continue to make on this society. Dame Patricia is a great credit to the Barbados Labour Party, but seeing that we are going to take a bipartisan approach on this matter, we will also allow the Democratic Labour Party to take credit for her as well.

Mr. PRESIDENT vacated the Chair and Madam DEPUTY PRESIDENT assumed the Chair.

SENATOR THE HON. Miss L. V. EASTMOND: This initiative to bring to us a Green Paper on developing a policy for the aged is one that comes from, one might actually say, the much-maligned Ministry of Social Transformation. There have been those who in the past did not understand what was meant by “social transformation” and therefore did not understand the mandate of the Ministry of Social

Transformation and would, therefore, seek to derail its work over matters such as the cutting down of ackee trees, not recognising that the work of this Ministry is much more profound to the continued social and economic development of this country than some would recognise.

Madam Deputy President, to create a Ministry like this, I believe, was a stroke of genius which this Administration was able to implement in a very tangible way and which over time we have been seeing the fruits of it. I personally have been deeply impressed by the work that this Ministry has been doing.

The Ministry of Commerce as we know is responsible for information communications technology in Barbados. In recent times, we have been interacting with the Ministry of Social Transformation in its excellent community technology programme where basic technology skills are being taken to the Barbadian community with participants ranging from 18 to 80 years old. This Ministry has been able to do what many of us wish we were able to do, which is, to bring technology in contact with the broad masses of people in Barbados including the elderly.

Madam Deputy President, I declare to you that this is not a story that I am making up because we know that our political friends meet all kinds of strange people at all kinds of strange places in order to explain some situation in order to bring some humanness to it, but I would not tell a lie about going to Church.

I could say to you that quite recently when I attended Church at the St. Patrick’s Anglican Church, one of the elders in the congregation came to me and said that he hoped that the technology programme would be brought to the skills training centre at Pritchard Hill in St. Patrick’s very soon because he is very eager to start using the computer.

I think that this is a wonderful thing. This is some of the wonderful work that the Ministry of Social Transformation has been quietly doing in this country. To be able to graduate thousands of students in information technology over a short period of time is a wonderful achievement.

Madam Deputy President, despite the fact that we talk so much about e-commerce, technology and computers and even though we say that we have some “techkies” amongst us and we talk about developing software, the truth of the matter is that if the majority of people in the community cannot use the technology, it does not matter how many computers you put in your business, your customers would not be able to access your services via the Internet if they do not themselves know how to use it.

We are hoping through this particular ICT programme that the elderly would soon be able to stay at home or go to a community centre and be able to access services by using the Internet instead of having to contend with taking the bus to go into town amongst the younger people who are always in a hurry to get where they are going and to contend with traffic and then to stand in long queues to get access to services. Madam Deputy President, that is one of the things we hope will come out of this Information Technology Community Programme.
5.00 p.m.

Madam Deputy President, we can, therefore, see a linkage between the community technology programme and this policy on the aged. Madam, that is one of the wonderful things I think about the Ministry of Social Transformation. They are able to see quite clearly the linkages between the Information Technology Community Programme, the elderly and the disabled. I am looking forward to seeing much more from this Ministry.

Madam Deputy President, I will speak very generally because I hope and expect that this Green Paper on Ageing will be discussed in other settings, where we will have an opportunity to discuss our recommendations in greater detail. I think one of the critical issues in speaking about the elderly has to do with dignity.

I believe that dignity is an aspect of our experience in life, where we are asking that dignity for the elderly should be continued. I believe that without dignity there is very little value to one's life, and that dignity starts from birth, through childhood, through adulthood, then onto one's elder years. The one thing one would like to have throughout that continuum is some dignity.

Madam Deputy President, this is why too I would wish to caution here that the elderly amongst us are not children. We must not make the mistake to believe that we can develop an environment that would be peculiar to all of the elderly and that all of them would wish to do a particular thing. They are actually adults and, therefore, for example, while I know that Senator Lowe would be concerned about the elderly continuing to work, there are some elderly persons who actually want to continue to do that. Therefore, if we were to prevent them from waking up at 5.00 a.m and going into their kitchen gardens to do gardening, but instead make them stay at home, they would die the next day because gardening is what is actually keeping them alive. They like going out and working in the garden, planting a few things and reaping them. It is something they have done all their lives and would wish to continue.

Madam Deputy President, we would also be making a mistake if we were to make them stay home because what they are doing may look difficult to us but the important thing would be for them to retain their dignity and, therefore,

if that is what they wish to do, they should be allowed to do it.

Madam Deputy President, I think that this consultation which we propose to have must include all aspects of the society. It must include the family, the churches, and I would even venture to say that it should include the school. I believe that when we all, in our various capacities, have these various consultations, the question in our minds should be what can we do to make the life of the elderly in our communities easier, or what can we do to assist them in living a more dignified life. We know that people will ask what is the Government going to do but it has to be what can we do?

Madam, ensuring the dignity of any individual does not have to do with Government putting in place a legislative or policy framework, or about ensuring residential care. It has to do with how we, as a society, collectively view our elderly.

Madam Deputy President, we know that within the animal kingdom that sometimes the elderly are treated in the worst way possible, often they are abandoned. I believe that as human beings and as a civilised society, we like to believe that we are made higher than the animals and, therefore, this notion of abandonment of the elderly, which seems to be creeping into our society, is something we should abhor in the strongest terms possible. It is only mammals that are less than human beings that should be abandoning their elderly in the way some individuals are now abandoning theirs.

Madam Deputy President, therefore, we must consider whether or not the fact that we can simply abandon human beings is a criminal offence and if it is not one, we can consider whether it should be made a criminal offence. Madam, in the same way that persons should not be able to abandon children, they should not be able to abandon the elderly in the way in which they are now doing.

Mr. President, there are two groups of individuals that I worry seriously about in Barbados, that is our children and our elderly. I worry because of the horrific stories of neglect and abuse of these two groups of individuals within our society. This is something I think needs to come to a halt.

In this society, we have now become so individualistic that we believe that we are good people and that we have achieved much if the children in our own family are not abused or if the elderly in our own family are being taken care of. However, we have no concern whatsoever for whether the children and the elderly in our wider community are being looked after.

As I have said on numerous occasions, certainly with respect to the young, even the animals in the forest recognise that collectively they have a responsibility to look

after their young. Therefore, it seems to me completely horrific that within a community of so-called civilised people, that adults in the society would not see that they have a collective responsibility to look after the young in our society.

Madam, I would argue further that we have a collective responsibility, not an individual one, to ensure that our elderly are able to live in a manner that is suitable to them, so they will retain their dignity.

Madam Deputy President, as far as having great interaction with grandparents on both sides of my family, I will tell you that my own personal experience has been one where those two individuals were able to provide for their grandchildren with confidence because they had the time to spend with us, to provide us with the confidence that we could not have learnt anywhere else. As you know, parents always tend to be busy and have other things to do.

Madam Deputy President, if the grandparents in this society were allowed, they would have the time to provide that kind of nurturing which sometimes parents are not able to provide. Madam, I find it surprising that there are some parents in this Barbadian society, because we have become so modern and Americanised, would not allow their children to stay with their grandparents because the parents are afraid that the grandparents may give that child a piece of pigtail because the child is not supposed to eat pork.

Madam, I do not feel that a child would die if that grandparent gives them a piece of pigtail but there are actually parents who say that they cannot allow their children to stay with their grandparents because the parents do not want the grandparents to give those children something to eat which they should not be eating. To me that is ridiculous. The amount that one can learn from one's grandparents would outweigh the piece of pork that the grandchild might have eaten.

Madam Deputy President, I know that because it is something that comes out of a North American way of life that has not been traditional to us at all. Traditionally, we have always used grandparents to assist in the raising of children. I believe one of the things I missed out on completely, which I regret, is that I was never able to meet my grandfathers. Both of them died before I knew who they were, but what a great experience that would have been for me. Madam Deputy President, there are individuals in Barbados fortunate to have both grandparents who ignore and neglect them and would not even carry a breadfruit for them.

5.10 p.m.

Madam Deputy President, I believe it is ridiculous and we should be ashamed both individually and collectively in this society because in terms of developing a national policy on ageing and whether or not the society considers it to be a

matter that is important has to do with how individuals view the role that the elderly plays in our society.

Madam Deputy President, if as individuals we do not consider this Green Paper to be important, the White Paper would also come and, generally speaking, persons in Barbados would not care if any progress is made on the recommendations for the elderly.

It has to be that the majority of Barbadians consider this issue to be important because it is not an issue simply for the politicians but for everyone in the society. This is why I mentioned that in terms of the consultation, I expect to see all interest groups coming forward with their recommendations with what they can do with respect to the policy on the elderly.

Madam Deputy President, thank you very much for taking my comments into consideration and I support the Resolution.

SUSPENSION

SENATOR THE HON. E. R. GRIFFITH: Madam Deputy President, I beg to move that this Sitting be suspended for ten minutes.

The question was put to the Senate and agreed to and Madam DEPUTY PRESIDENT suspended the Sitting accordingly.

5.13 p.m.

RESUMPTION

Madam DEPUTY PRESIDENT: This Sitting is resumed. Senator Linton.

SENATOR I. St. C. LINTON: Madam Deputy President, I take note of this Green Paper on the elderly. Since I am qualified to do so because within seven days from today I will be celebrating my first birthday of three score and ten and I have a rich relationship with the elderly within my family because on both sides of my household we are long-livers.

Madam Deputy President, I recall that when my great-grandmother died in 1939 at the age of 107 that I was six years old at that time and about two days before she died, three of her grandsons were called to her bedside and were blessed as Jacob blessed his sons. Madam Deputy President, that is a rich heritage. Since many of my aunts and uncles lived past the age of 90 years, I think I have a rich knowledge of how the elderly should be treated.

Madam Deputy President, when my Parliamentary Party examined this Green Paper, I was hoping that it would have been a White Paper. However, having heard Senator Lowe today, I am aware that he has taken note of this

Green Paper and I want to applaud him. Senator Lowe also made the point that we should have a bipartisan approach to this Green Paper. I hope that he would submit his proposals to the Minister so that they would be cognisant of his thoughts and his Party's approach when this document comes in a White Paper.

I also want to say that in the future, whether I am here or not, when it comes to matters relating to the elderly, we should always have a bipartisan approach because very often Opposition Parties usually speak well and support policies at the time when they are in Opposition but do not follow them up when they become the Government. I do not want to cite any particular areas because I want to stay on a bipartisan line.

Madam Deputy President, I want to say to the young Senators in this Honourable Chamber that they have a responsibility to take care of us, the elderly, in this Chamber. I am using this opportunity to say that when we speak of Barbados almost being a developed country, we have to remember who was responsible for it reaching this stage. The elderly are the ones that worked hard, at every level in this society, to bring this nation to where it stands in the world today and they worked with little or no reward.

Madam Deputy President, we must have a balance to the issue of the care of the elderly. It is the responsibility of the younger society to take care of us because the privileges which they enjoy today, education and infrastructure, were provided for them by the elderly under very difficult circumstances.

We must not have a situation where the younger people believe that they will have the State to support them in their old age. The younger society must provide for their own care when they reach the ages like us, like Madam Deputy, Dean Crichtlow and the Leader of the Senate, Senator Griffith. The Leader of the Senate made a cogent point in his presentation that he demonstrated to his two sons what they should do about themselves, in providing for their old age, apart from what the State will provide.

5.40 p.m.

You would agree, Madam Deputy President and Honourable Senators, that the kind of wages we earned and coming from the T scale style of labour, the position which I held before I retired, our wages were very meagre. The Government would have liked to provide even better circumstances but we were not able to do that.

Could you imagine that when I had to retire after 25 years, that my service pension was \$142, and I still had children at secondary school? I am saying this to show the difficult circumstances on which we, as elderly people, contributed to this country and this society, and have left a rich heritage in Barbados for the youth and the younger working folk in this country. The kind of jobs they hold and

the kinds of earnings they receive they must take an account of that in the future. Provision for old age is going to become more and more costly and the State would not be able to provide for as much as they may be providing for us now.

It is their responsibility to do so. The young people who are enjoying our educational institution and are living having a rich growing light, have to look carefully at their future, so that if they come to our age that they will not be so much dependent on the State for certain aspects of their lives.

This is why I am saying that there must be a balance between what the State can afford and what the younger people can provide for themselves. I am saying this because I want not just for us as Honourable Senators in this Chamber today to hear me on this point.

I hope that the young people in this society are listening to me today because it comes out of a rich experience of ageing in my family. We had a society in the community that looked after its older people, even if they were not blood relatives. Today, in this society older parents and some not so old, are being left on the wayside by their children and, in some cases, by their grandchildren whom they have provided for and done their best to educate.

It is a real hurt to know that children will abandon their parents in an institution in which they have gone because they are sick. I am appealing to children and other members of the family – you know one of the things the Bible says, I think it is in Matthew 24:13, because lawlessness shall abound, the love of many shall grow cold.

We live in a society that this is happening and one of the things I want to stress today that not only the Government, I am also talking about the Opposition as well as those who govern and administer in their various Ministries, civil servants and teachers must bring to attention, the responsibility of our younger people to make sure that they extend love.

Madam, do you know what it was like when I was growing up? We used to play a lot of games at night, especially when the moonlight was bright. The girls and boys played all sorts of games such as "brown girl in the ling" with the judge. When we played at night in the moonlight, my great-grandmother, grandmother, aunts that were old, used to come out in front of their houses and sit in their three-corner chairs, and would enjoy watching us play.

Madam, we need to get our societies back where they were three and four generations ago, on that playground in the bright moonlight. I think that somewhere in the archives of the history of Barbados, there should be some record of what Barbados used to be like.

I can remember that even though my family might be preparing breakfast or dinner, and you would hear a knock on the door and they would call the head of the house by name. My grandmother was Miss Thompson, and you would hear them say, "Miss Thompson, I bring a plate of my food for you". Even though you were preparing your meal, they shared whatever they had.

I am saying this because we have lost a lot of our Barbadianism and these are the things that bring about the lack of relationship between the younger society and the older society, at a time when we are better off, richer in education, culture and understanding, and it is a tragedy. I would like to see discussions on this Green Paper where we can listen to a Member from the Government Side and a member from the Opposition in the same circumstance. I would even like to see that on the question of the Caribbean Single Market and Economy because at every level of the society we need each other more than ever for the future of Barbados.

5.50 p.m.

I remember, Madam Deputy President, when I used to go to your parents home for coupons to buy rice during the War and meeting such a fine family and now to stand in here and hear you speak, Madam Deputy President. I knew you from the time I was a little boy. My mother used to supply your family with vegetables which I had to take sometimes.

Madam Deputy President, there was something about your family life that rested with you throughout your life, not only because you are a Dame, but you have always been ladylike. That is a pattern of the society in which I grew up and long to see some more of.

Madam Deputy President, when we talk about caring for the elderly, we must have a kind of relationship that has meaning on love toward each other whether it is your son Senator Lowe, whether it is a son or daughter of Senator Stuart, or whether it be a son or daughter of Senator Grant, or Senator Williams. We should be mothers and fathers to each other's children. We must have that kind of relationship which I grew up with, and that stands with me today, between the youth and the elderly. It is an example of what Barbados is about.

Madam Deputy President, I thank Senator Lowe for bringing up the point of persons with disabilities. I did not raise it. Let us by God's grace as we seek to turn this Green Paper on Ageing into a White Paper bring with it a twin White Paper for persons with disabilities because in some cases the elderly and the disabled share the same maladies and the same problems. Certainly, I would call on my Party to see that both of these White Papers come as twin papers to support persons who need our help, our friendship and our support.

Madam Deputy President, in giving support to this Green Paper, I am appealing to all of us to put our hands together to bring about the circumstances for those persons who stand in need of our help, our brotherhood and our love. As a Parliament on both Sides we need to provide the kind of life expectancy for the aged and the people who have disabilities.

Thank you, Madam Deputy President.

SENATOR Miss P. E. PARRIS: Madam Deputy President, I rise to support the Resolution taking note of the Green Paper "Towards A Society for All Ages – A National Policy on Ageing".

We are all aware that our population is ageing and we need to implement programmes and policies that would assist our seniors to enjoy the evening of their days. These senior citizens have made an invaluable contribution to our society and they should not be left aside. We need to put programmes in place so that we can improve the quality of life of these persons.

The Green Paper speaks to the social and economic programmes where it proposes to build on its existing community technology programme. It does not intend to expand the various resource centres across Barbados but proposes to give young persons the opportunity to partner with older persons and gives them the opportunity to acquaint themselves with the computer and the use of the Internet.

Madam Deputy President, such a programme would be seen as allowing young persons to develop a relationship with older persons as well as narrowing the generation gap. There are lots of stories to be learnt from older persons and when these young persons work with them, there is an excellent opportunity for them to understand the things of the past and to appreciate the senior citizens.

Madam Deputy President, I would like to see youth groups and other service organisations undertaking a programme where they will go into the homes of senior citizens at least once a month and read to them, interact with them and engage them in discussions of topical issues. There are lots of stories, as I said earlier, to be learnt and the young people need to interact with the older persons and appreciate the contributions they have made to this society.

Very often I am in conversation with older persons and at the end of the conversation, I go away with a story and learning something new. Younger persons, and I consider myself to be a younger person, need to spend quality time with our senior citizens. They are not just to be thrown aside.

Madam Deputy President, the Green Paper is addressing the need to have a scheduled bus service to collect our senior citizens and take them to a post office, to the polyclinic and other public buildings. That is an excellent idea.

Madam Deputy President, I am appealing to the drivers of vehicles to exercise more empathy when they see our senior citizens attempting to cross the street after alighting from buses or just crossing the street. They oftentimes signal that they want to cross the street and the road users in their haste to get to their destinations completely ignore these persons and I would appreciate if some more attention and assistance is given to them when they want to cross the street.

Senator Eastmond spoke earlier and asked what we can do to assist the elderly when the Green Paper is up for the debate. I believe that as a community we have a role to play in looking after the elderly in our community.
6.00 p.m.

Madam Deputy President, several people live alone and I believe that a greater effort must be made to check daily on these persons to see whether or not they have been given a meal or to check on their condition.

I believe there is need for more community involvement centred around the senior citizens who live alone in these districts. Very often days go by without them receiving a meal, neither does anyone check on them to see if they are alive. Madam Deputy President, if we pay them a visit or inquire what can be done for them, it will go a long way in assisting with their survival.

Madam Deputy President, of concern to me is the number of elderly persons who are not benefitting from their old age pension because family members or other persons would cash their pension cheques and would use the money on other things, thus leaving these old persons to fend for themselves.

I believe where we have evidence to show that this is being done, and where persons are found guilty, that we investigate it and save these elderly persons from the hands of such unscrupulous persons.

In closing, I would like to congratulate the Honourable Minister and the Ministry of Social Transformation for the preparation of this Green Paper on ageing. I would hope that we will see it come to a White Paper very soon, and that persons will benefit from all that is contained therein.

I thank you, Madam Deputy President.

Madam DEPUTY PRESIDENT: Dr. Chandler.

SENATOR Dr. F. L. CHANDLER: Madam Deputy President, I would like to commend Government for its initiative in collaborating with other relevant organisations to produce the Green Paper: "Towards a Society for All Ages", with the ultimate objective of putting in place a national policy on ageing.

Madam, this document, in my opinion, covers most of the areas which are to be considered in improving the status of the elderly. Although I think that, in general, and I know there are exceptions, that the elderly in Barbados are in a better position than those in many other developing countries, there is obviously a lot more which needs to be done.

I believe that the delivery of the services, mainly health services which senior citizens receive, need to be much more efficient. Older persons should not be subjected to the long periods of waiting, to which they are presently subjected, in order to receive these services. I believe too that they are not always treated in a dignified manner by the service provider.

Madam Deputy President, in Barbados, I think we have more access to occupational therapists and equipment to assist the elderly than in many other Caribbean countries. However, I think that Custom's Regulations covering these items are not very clear and that much is left to the discretion of the particular Custom's Officer. I also believe that the equipment for the disabled and the elderly should be VAT-free.

I, among others, feel that one of the underlying problems is the general attitude to the elderly. In many other countries, more so the Eastern countries, the elderly are revered as being wise, if not well-educated formally and as having made a significant contribution to the younger generation and to the development of the nation.

Here in Barbados, possibly because of our quantum leap in education in such a short period, many children appear to be ashamed of their less-educated parents and tend to cast them aside. We have seen horror stories in the media recently where the children live in well-appointed homes and the parents living in very poor conditions in the backyard.

Madam Deputy President, also of note is the fact that the parents are being abandoned at the Queen Elizabeth Hospital and other places, which many Honourable Senators spoke about. Many children who have moved to the "heights" and "terraces" do not look back at their relatives living in the villages in which they grew up. I think we must encourage a change in this attitude, which probably has to start in the schools.

I think that the Church should play a more active part in visiting the older members of its congregation. Some of this is done and many Church groups and individual members are actually doing good work quietly but I do not think that this is a general rule. I think that in the past, priests would have visited their congregation more than is being done now.

I think, therefore, that in addition to trying to improve the plight of the elderly physically, we must seek to instill in the next generation a more caring attitude towards their parents. As was also mentioned in the Green Paper, persons must be encouraged to prepare for their olden years, which should be their golden years.

Madam, first and foremost, the elderly need economic security. Since all nationals, when reaching 65 years, will be receiving either a contributory or non-contributory pension, the list of such persons should be readily available. I believe that these persons should be surveyed and divided into categories according to their needs. Not everyone needs to be in the public geriatric hospitals. Some can afford to be in private nursing homes and pay their own expenses, but there are not enough places available within these Homes.

Madam, I think I saw mentioned in the Green Paper that there would be incentives for entrepreneurs to set up more of these nursing homes, and I think that is a good idea. Some may be able to pay part of the cost of these nursing homes but may need some financial assistance. In other cases, families are willing to have their relatives at home but both husband and wife work and this creates a difficulty. Therefore, assistance may be needed in hiring a helper.

Another area of concern is that where some older persons may be capable of looking after themselves physically, but may need monitoring. Therefore, relatives may want to build what is commonly known as "granny flats" on their properties. In my opinion, these persons should be given some assistance or incentive to do this, if necessary.

I realise that the National Assistance Board does to, some extent, help but I am not sure that the access to this help is as easy as it should be, or that the Board is aware of where the help is needed most. Therefore, as I said before, a proper survey needs to be done.

Madam Deputy President, with regard to the misuse of pensions by relatives and others, as Senator Parris has mentioned, I think there are some measures already in place to try to curb this, but these may need strengthening. I do business for some elderly persons, and sometimes when I go to the bank I sometimes have difficulty with depositing their pensions on their own bank accounts. I am asked numerous questions even though I have a mandate on their accounts.

With regard to the high cost of food, as was mentioned in the Green Paper, there is a lot of wastage of food in Barbados. There are vegetables that may be mis-shapened, too small or may have a blemish, which result in those vegetables being discarded because the consumer has become so sophisticated that he or she prefers a "perfect" vegetable.

I know this is so because daily in my work when I visit my clients, I have great difficulty walking the pathways trying to avoid walking on vegetables such as tomatoes, cucumbers, *et cetera*. I have advocated a "Grade B" market where all this produce could be sold at a lower price. There should be an opportunity for an entrepreneur to start a market like that.

Madam Deputy President, as was mentioned in the Green Paper, we should not be looking at the economic and health matters alone but also at the mental, social and spiritual help of the elderly. The Soroptimist Club is doing a good job with the elderly at their Village and Activity Centre, but there needs to be more done in this area.

Seniors should be encouraged to remain active and it is my experience they can contribute to the society in a meaningful way. My mother, who is 80 years old, belongs to a senior citizen's club with about 60 members who meet monthly. The club's motto is: "Let the rest of your life be the best of your life. Continue to serve and not only be served." They keep active, go on picnics and bus tours and donate funds to the needy, *et cetera*. I think that more of this should be encouraged. However, I find that the younger relatives of these club members are not always as involved as they should be in the club.

6.10 p.m.

Madam Deputy President, I am an Honorary Member and I try to do whatever I can. I know from experience that older people are capable of learning new skills. I taught a former neighbour how to use the computer when she was eighty years old. She is now 87 years old and has written two books.

Madam Deputy President, we have to decide on who is a senior citizen. The Green Paper states that senior citizens are older persons, age 60 and over whereas on page 9, it is stated that persons 65 and over are entitled to obtain medication, *et cetera*. We know that persons have to be older than 65 to travel free on the bus. However, persons who are 60 years old, only if they can prove they are receiving a pension, will receive an ease on land tax property values over and above the general allowance of the first \$125,000 in value. Madam, as I have said before, there should be no discrimination and all persons age 60 and over should receive this allowance.

Madam, Minister Lashley in his message stated that no obstacles should be greater than the cause, so it is written, so it would be done. I trust that he and all others involved in making it happen would remember this statement. I have said many times before that we tend to be a nation of talkers rather than doers.

Madam Deputy President, I thank you.

SENATOR R. W. GRANT: Madam Deputy President, the hour is late so I shall be brief with my remarks. I think that this Debate in a sense demonstrates that Barbados as a country has characteristics of a developed nation even though we are a developing country.

It is interesting to note that in 1950, the average global life expectancy was 46 years, in 2000 it was 65 years and it is anticipated that by 2050, global life expectancy will be 74 years. Barbados has been experiencing an ageing population and many other Senators have spoken to the reason for this. It relates to the level of health care, nutrition and the various types of economic and social facilities that have been provided. In my view, it certainly reflects the positive aspects that successive Governments have put in place.

The Honourable Leader of Government Business indicated that Barbadians living long have economic and social implications and as a responsible Government, it is our responsibility to make sure that we set the right policy framework to ensure that, in a very positive way, we enable our elderly not only to receive the maximum benefits from the society, but that all members of the society are able to benefit from this ageing population.

Madam Deputy President, the "Green Paper Towards a Society for All Ages" is significant and I wish to give it my fullest support. As a Government, we have put the policy framework in place so that the elderly can continue to add value to our society and there needs to be no fear of Barbadians growing old.

Madam Deputy President, very often the debate with respect to the elderly is centred around economic issues and the cost of taking care of the elderly. I was happy throughout this Debate to hear Honourable Senators speak about other aspects which are important in relation to the elderly.

Madam Deputy President, a few months ago, I left home to attend a function and as I was driving I saw a man about 80 years old walking down the road and I asked him where he was going. He said that he was going home, told me the name of his family and I was able to take him home. When he arrived home, his sister said that she did not understand why he would not stay at home and he asked her if she wanted him to stay at home and die.

Madam Deputy President, when we see elderly people on the road, we have to appreciate the fact that there is no pressure on them, but that they need to be engaged in activity.

Madam Deputy President, it brings me to what is happening in the Ministry of Social Transformation. It is an important aspect of the work of the Ministry where there is a focus through the National Assistance Board in relation to the elderly in our society.

The last Senator spoke briefly about aspects of the Home Help Service where there are approximately 860 persons in the Programme. There are outreach programmes and residential care programmes where the National Assistance Board manages the Joyce Daniel Senior Citizens' Home, the Black Rock hostel and the Sir Clyde Gollop shelter for the homeless.

Madam, the welfare services provide assistance in the payment of house rents, electricity bills, water bills and construction and repairs are done through the Ministry of Agriculture and the Rural Development programme.

There is also contribution made by non-governmental organisations like the Barbados Association of Retired Persons which has more than 8 000 members which has been giving significant assistance to the elderly. There are other clubs, churches and organisations like the Soroptimist Club with the Soroptimist Village, the St. Barnabas Senior Citizens' Home and the Red Cross giving assistance to the elderly.
6.20 p.m.

I mentioned all of these things, Madam Deputy President, because it is important that we recognise that the issue of ensuring that we properly and adequately take care of the elderly is not only one that we must approach in a bipartisan manner but it is one which requires collaborative effort of all organisations – Government, non-governmental, family units and communities. I think that this Green Paper, as it is presently structured, seeks to ensure that we have the correct framework to look after our elderly.

In addition, the Green Paper also looks at the important areas where the elderly are able to remain independent and to be active in their old age and to assist them in improving the quality of life.

Madam Deputy President, it is not acceptable for family members to discard the elderly and Government also has a responsibility to look after the elderly.

Madam Deputy President, it is certainly a pleasure to support this Resolution wholeheartedly and I look forward to the policies being put in place by all organisations.

SENATOR THE HON. E. R. GRIFFITH: Madam Deputy President, I wish to thank all the Senators for their discussion on this Green Paper for the Aged. I am confident that at the end of consultative process which will follow that we will have a set of policies which, when implemented, will create the kind of environment which will allow our elders to live useful and constructive lives and our society will be a better society as a result of the policies which will be implemented.

I, therefore, beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. E. R. GRIFFITH: Madam Deputy President, I beg to move that the Honourable Senate do adjourn *sine die*.

The question that the Honourable Senate do now adjourn sine die was put to the Senate and agreed to and Madam DEPUTY PRESIDENT adjourned the Senate accordingly.
6.24 p.m.

I thank you.

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