
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

HOUSE OF ASSEMBLY

Monday, April 4, 2005

Pursuant to the adjournment, the House of Assembly met at 10.00 a.m. on Monday April 4, 2005.

PRESENT

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

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

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

Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney General and Minister of Home Affairs) (Leader of the House)

Mr. D. J. H. THOMPSON, LL.B. (Hons.)

Mr. L. R. TULL, Q.C., M.A. (Oxon.)

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

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

Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Public Works)

Mr. R. D. MARSHALL (Chairman of Committees)

Hon. H. F. LASHLEY (Minister of Social Transformation)

Mr. R. St. C. TOPPIN, LL.B. (Hons.)

Mr. D. St. E. KELLMAN

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

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

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

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

Mr. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance) (Leader of the Opposition)

Dr. W. F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS., J.P.

Hon. J. X. WALCOTT, M.B., B.S., F.R.C.S. (Edin.), J.P. (Minister of Health)

Hon. K. D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)

Hon. D. D. MARSHALL, LL.B. (Hons.), L.E.C. (Minister of Industry and International Business)

Mr. R. D. JONES, B.A. (Hons.), M.A. (Ed.) J.P.

Mr. M. A. LASHLEY, LL.B. (Hons.)

Dr. D. C. ESTWICK, B.Sc., B.M., B.S.

Mr. R. L. SEALY, B.Sc., M.B.A.

Prayers were taken by Rev. J. J. S. Atherley.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of March 14, 2005.

Hon. R. C. EASTMOND: Mr. Speaker, it was not possible to send out Minutes to Honourable Members because of how things are and, so, there are no Minutes available for this particular Session. I ask therefore that the Minutes be deferred.

Rt. Hon. O. S. ARTHUR: I beg to second that, Sir.

ANNOUNCEMENT BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I would like to explain that we are following the Rules according to Rule 6(9). Let me begin by saying that on April 2, 2005, I received the following letter from the Honourable Attorney General:

“April 2, 2005

His Honour The Speaker
The Honourable House of Assembly
Parliament Buildings
BRIDGETOWN

Your Honour:

The House stands adjourned until Tuesday, April 12, 2005 at 10.00 o'clock a.m. pursuant to Standing Order 6.9 of the Standing Orders of the Honourable House of Assembly. I hereby submit that the public interest requires that the House should meet on an earlier day than that to which it stands adjourned to deal with an urgent amendment to the Prisons Act.”

According to the Standing Orders my oral reply was given through the Clerk because I was satisfied that the public's interest did so require such a meeting and as such I gave notice of this Meeting.

Thank you.

FIRST READINGS OF BILLS

Hon. Miss M. A. MOTTLEY: I beg to move that the following Bill be read a first time:

Prisons (Amendment) Bill, 2005.

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

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

SUSPENSION OF STANDING ORDERS

Hon. R. C. EASTMOND: I beg to move that the following Standing Orders Nos. 6, 16, 18, 20, 42(5) and 44 be suspended for the remainder of today's Sitting.

Hon. G. A. CLARKE: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

ORDER NO. 1 – SECOND READING OF THE PRISONS (AMENDMENT) BILL, 2005

Mr. SPEAKER: The Honourable Member for St. Michael North East.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I rise

today to move this amendment to the Prisons Act of Barbados, conscious that this Honourable House is requested to meet in an emergency session prior to the date which has been set for its resumption of work and I do so both as Minister of Home Affairs and as Leader of Government Business, conscious that it would only be in the most extreme of situations a Government would take this type of action.

Mr. Speaker, the reality is, as all Barbadians are aware an incident took place at Glendairy Prison last Tuesday, March 29, 2005, which escalated beyond the proportions that you would normally anticipate and led to the breaking out of a number of fires which rendered the place uncontrollable and uninhabitable from the point of view of being able to maintain the prison population within the cell accommodation of the prison.

Sir, I do propose to treat to the causes of that disturbance today because I have not yet received the reports and in the circumstances it would be unreasonable of me to speak in the absence of those formal reports. It would also be unreasonable of me, given what has transpired in the last week, to have required and to have received the reports in the time period, given the security issues and the need for stabilisation of the matter at hand.

Sir, I do not propose to treat to the pre-existing conditions at the prison largely, because a time will come for that and this House must entertain and be afforded an opportunity for full debate on all of the circumstances, particularly given the fact that, as with most cases, serious effort was being made by those responsible but like with everything else they could not report mission accomplished as yet.

Mr. Speaker, I do not propose to treat to the issue of penal reform in general but today simply ask the Honourable House, as we asked it to meet in this extraordinary session, to give us the legal power to treat to a number of issues which are necessary for maintaining the stability which was achieved during the course of the last week and to also allow us to help in ensuring the sterility of the sites which have been chosen as temporary prisons and designated by order in accordance of the Prisons Act, as temporary prisons by me last Friday.

10.20 a.m.

Mr. Speaker, we had a situation which required us to be able to find alternative accommodation for all of the prison population. Over the course of the last week, I have tried to be as comprehensive and as fulsome, without prejudicing national security, with the Barbadian public on a regular basis. I am deeply conscious of the extent to which rumour or unfounded information can lead to panic in a

society and above all, that we also maintain the objectives which we set ourselves to provide stability.

We felt that as far as possible, all action and resources were to be utilised to ensure that there were no escapes. I am happy to report to this House that thus far – and I trust, hope and pray that it will continue to be the case – there have been no escapes from Glendairy Prison over the course of the last week or from the sites where the prisoners are now being held.

We also tried to achieve that mandate in bringing about stability, while trying to ensure that there would be no loss of life at the hands of the security forces and that if there had to be loss of life that it would be minimal.

I am happy to report, Mr. Speaker, that the security forces in Barbados, the Royal Barbados Police Force (RBPF), the Barbados Defence Force (BDF), the Barbados Prison Service (BPS) and the Regional Security System (RSS) personnel who have been deployed here, have all done their jobs in a way to allow us to be able to maintain those broad objectives which were set at the beginning of the week. We have also determined that no resource and no legitimate action should be spared in being able to allow them the opportunity to be able to meet those, because in our view, it was necessary for us to go forward.

We deliberately opted, Mr. Speaker, not to declare a public emergency because we felt that with proper and close management, we could contain the situation and that as far as possible, we would want to be able to do so, without it affecting the ordinary lives and the capacity of people to go about their business with calm assurance in the country. The declaration of a public emergency would not have been able to allow us to do that, Sir.

In addition, we felt that there would have been deleterious consequences to the country internationally, economically and socially, ultimately. Therefore, we have tried to manage the situation without resorting to the declaration of a public emergency as the Constitution of Barbados and the laws of Barbados allow us to do.

Mr. Speaker, I have therefore set out that context so that this House can be aware of the broad objectives which were set, in terms of Phase I of our response to this exercise. Sir, from the outset we indicated that there would be three phases. Phase I would be the stabilisation effort, which would include the evacuation of Glendairy Prison. Phase II would be the reconstruction and recovery effort and the maintenance of stability. Phase III would be the resumption of normalcy.

I believe, Mr. Speaker, that we have been able to come through Phase I which we always knew would be the

immediate and most challenging and tense part, with reasonable assurance and we have been able to meet the objectives which were set by us at the beginning of the week.

I also feel, Mr. Speaker, that at this juncture, it was necessary, as we seek to maintain that stability and to ensure sterility of the sites, that certain decisions would have to be taken at the administrative level. Certain decisions would have to be taken in relation to procurement of items, equipment and additional animals, in particular, dogs to boost the canine facility. Certain decisions would have to be taken in relation to legislation.

Under our laws, Mr. Speaker, the Prisons Act in particular, only prison officers have the right to interact with prisoners. This right allows for certain powers to be conferred upon prison officers. A prison officer, for example, Sir, has the right to require a prisoner to do certain things and where that prisoner fails to obey a lawful instruction of a prison officer, that prison officer has the right to use reasonable force to ensure that the order is carried out. Once that reasonable force is used, he has a duty to report it to the officer in charge, such that there is a clear and proper accountability for the use of force in those circumstances.

Mr. Speaker, what is the difference? If I were a prison officer and asked the Honourable Member for St. James North – not suggesting in any way that he has criminal tendencies – to move down one chair in order to be able to control the situation, and he failed to move down that one chair, then I can use force to help him move to the next chair. That force is not lethal force – and I do not want people to read into what is not there – but, it may simply be holding his arm and helping him to move. That is not a crime that he has committed by refusing to move outside of the context of a prison.

Therefore, while a police officer can take action, invariable a police officer can only do it when he believes that a crime is about to be committed. In a prison, the determining factor is not that a crime is about to be committed, but a determining factor can also be the need to be able to maintain control and in order to maintain control to do such things that are necessary.

A police officer therefore in a prison, would not have the same powers as conferred under the Prisons Act to be able to move and take reasonable force, when a lawful instruction is issued, in the same way that a prison officer would. Equally, all the more so, a member of the Barbados Defence Force would not have those powers. Equally, a member of the Regional Security System personnel would not have those powers.

Perhaps, Sir, for the completeness for the sake of this debate, I should say that we made a formal request on Wednesday, 30th March for the deployment of 120 Regional Security System Service personnel to come to Barbados, under the Regional Security Systems Act, which I would speak to later in my presentation.

Sir, we recognised that if we want to maintain the current level of policing across Barbados, and given that this is likely to be a protracted period, we need the additional buffer, particularly to help us maintain the multiple sites since before, our personnel would have been maintaining one site and now they are maintaining multiple sites.

The other powers available under the Prisons Act, to a prison officer, Mr. Speaker, relate to things such as the use of firearms. The general law may allow a policeman to use firearms, if a crime is about to be committed in certain circumstances or where a person's life is needed to be defended, including his own.

The Prisons Act at Section 20 is very specific and states that firearms may be used in a prison by a prison officer if an escape is being perpetrated, or if a prisoner is trying to escape, or if there is a riotous assembly, as there was last Tuesday, there are certain circumstances in which a prison officer may use firearms that are not stated specifically under other legislation, in relation to the BDF personnel, in relation to the RBPF, in relation to the RSS.

Hence, Mr. Speaker, after consultation with the operational heads, the Chief of Staff of the Barbados Defence Force, the Commissioner of Police and the Superintendent of Prisons, they indicated to me that they felt there was a need to be able to allow the security personnel on the multiple sites, to have the same powers of the prison officer, in order to interact with the prisoners.
10.30 a.m.

Mr. Speaker, while managing Glendairy Prison, we would already have been at the outer end of what would have been preferable in relation to the numbers there but now having to manage six separate sites. I say that because once you have prisoners at the hospital or at the Psychiatric Hospital a prison officer has to be stationed there. We have the female prisoners at the Barbados Defence Force so there has to be prisoner officers there. We have prisoners at four other sites.

Mr. Speaker, I will announce the main temporary prison which would be gazetted in any event very shortly, once I can be assured that one or two things that we were requiring to be done are completely finished. I give the House that undertaking that that would be gazetted as part of the temporary Prison Designation Order.

It therefore means, Mr. Speaker, that while you have adequate numbers of security personnel among the four forces on the sites, there may in fact be a need for us to give them boarder powers because the numbers of prison officers have now to be spread between six to seven sites instead of being at the prison and at most the Queen Elizabeth Hospital if a person happens to be sick which as you know is not every day of the year.

Equally, Mr. Speaker, Glendairy Prison had the benefit of individual cells and blocks. At these temporary sites we do not all have those comforts. Therefore, a larger number of prisoners are being kept in spaces which required even more individual control on the part of security personnel.

Mr. Speaker, we feel strongly that in order to assure a greater level of control on the part of the security personnel and at the specific request of the operational heads of security in Barbados that we have to amend the Prisons Act to give the rights and powers of a prison officer to the three categories of personnel.

Mr. Speaker, I want to be very clear in explaining how these powers are being given because I know that there would be natural concerns on the part of some to become jittery, especially when you mention the word army in relation to civil operations.

Mr. Speaker, the truth is that we have involved in Barbados a model for joint operations that I think is an appropriate model for small developing countries because we constrain it first and foremost by the law. Under Section 9(2) of the Defence Act, the Governor-General has the power, at the request of the Commissioner of Police or the Prime Minister, to deploy the Barbados Defence Force in the use of civil operations. We do it for joint operations in relation to the anti-drug effort. We do it for joint operations for Crop Over when we have a large number of persons in a small space so as to allow for effective crowd control. We do it in relation to the relief efforts after natural disasters.

Mr. Speaker, the reality is that in a small State where resources are limited, the use of a Defence Force across multiplied areas of activity that require extraordinary effort is a principle that I feel strongly about. It is a principle that has worked for us successfully and it is one that we continue to use but which is heavily constrained by law and by command, remaining under the purview of the Barbados Defence Force while operational control may be with the particular civil force that the Defence Force may be working with.

Mr. Speaker, this is another example of the way in which we intend to use it. In order to assure that we can

control the prisoners to minimise and mitigate against the chances of escape and the loss of lives, what we have therefore done – because they are there anyhow – is to give these persons that power to help restrain and control prisoners before the situation becomes dire, acute or critical.

Mr. Speaker, the power that is granted by this Bill would be constrained by time periods in the same way that the operational use of the Barbados Defence Force with the Royal Barbados Police Force is now constrained by time periods. The reality is that there is no blanket power given to the army to work with the police in Barbados. When an assessment is done, and a risk assessment is done on each occasion, the request is made and a determination is made as to whether or not it is an appropriate request, and if it is, a decision is made to deploy, but that is constrained by time.

Mr. Speaker, the directions in this instance, which the Governor-General would be asked to make, will run from April 5 to September 30, 2005 should this House and the Senate agree to this measure. There was a general use of it last week from March 29 to September 30, 2005, so it is not intended that it is to be a blanket use of the army in the circumstances but that it would be constrained by the time period so identified on this particular occasion.

The amendment itself is a general amendment. The amendment has and makes specific reference to the time period for which the person is deployed and the powers given is only for the period that the person is deployed on site, so if there is no deployment after September 30, the army personnel does not have that power any longer. If on October 1, – it happens to be my birthday – there is no army personnel or no Regional Security System personnel on site, they no longer have the same power as a prison officer.

I am taking the time to explain it, Mr. Speaker, because I recognise that the delivery of the Bill is short. Perhaps I should explain the drafting language because as the Chief Parliamentary Counsel and the consultant said to me yesterday, when we were working all through the day, that very often even lawyers have difficulties understanding the language of the legislation.

Mr. Speaker, if I can direct you specifically, even though this is a second reading Bill, to Clause 2 subsection (3) which reads that notwithstanding subsection (1) – and subsection (1) is simply the part of Section 4 of the Prisons Act that said that there shall be a Barbados Prison Service with a Superintendent of Prisons – where, pursuant to directions issued by the Governor-General under Section 9(2) of the Defence Act, Section 4B of the Regional Security System Act – which this Bill also brings into being – or any other law any officers who has been assigned to assist the Superintendent in relation to the management or operation of a prison for any period – that is the point that imposes the

obligation on the Governor-General to do it for a period – that officer may perform the functions of prison officer during that period under and in accordance with the direction of the Superintendent.

Mr. Speaker, let us look at the conditionality. Period: the period is established by formal directions of the Governor-General. We have those directions in draft, as I said, showing that it would start from the April 5 to September 30.

Asides.

Hon. Miss M. A. MOTTLEY: They are not in the Bill, Mr. Speaker, and they never are. The operational directions of the Governor-General are gazetted, as I understand it, but they are not in the Bill because they are not legislation. Mr. Speaker, secondly, that he can only do it for that period which has been designated and that it must be under and in accordance with the directions of the Superintendent of Prisons. Therefore, while the command does not fall to the Superintendent of Prisons, he can give the directions on site of the prison as to how those personnel would operate, so that you would not have a case of more than one person on site giving orders but that the control of the prisons still stays with the Superintendent of Prisons, even though he may be giving instructions to an army person or to a Regional Security System personnel. However, because command stays with the army, should there be a breach by that officer, that officer is accountable to the Chief of Staff and the disciplinary procedures under the Barbados Defence Force. Sir, that is the difference between command and operational control.
10.40 a.m.

Mr. Speaker, I have taken the deliberate time to treat to this issue because I do not want people to feel that what we are here passing is an open-ended situation for the utilisation of the army. It is possible, depending on security assessments, that there may be a need to renew the operations at any time and, therefore, this legislation allows us to do it, whether there is an immediate need to do it on 30th September, 2005, next year or the year after that. The point is that all we are doing here is amplifying in the same way that we have amplified already under the Defence Act, the power for them to be able to work in civil operations. Sir, in so amplifying it, recognising that when they are working on the site of a prison, that they shall have the powers of a prison officer for that period of time that they are working on the site of a prison, and that those instructions that they follow must be the instructions of the Superintendent of Prisons.

Mr. Speaker, the same applies in relation to Regional Security System personnel. In relation to the Commissioner

of Police, the designation and deployment of the Police Force is not at the instance of the Governor-General. Sir, under the Police Act, the Commissioner of Police has full command and superintendence of the Police Force. Sir, it means that he is accountable to the Governor-General for the efficiency of administration within the Police Force and there is only one instance under the laws of Barbados that the Governor-General can give directions to the Commissioner of Police to do something and that would be in terms of operational matters, if we are engaged in a military operation or if there is enemy in the traditional sense of the words 'enemy and war' as we understand it. I believe that is at Section 5 of the Police Act.

Mr. Speaker, other than that, in relation to the domestic, civil authority of the Police Force, the Governor-General does not have the power to deploy as he does with the Barbados Defence Force. These are fundamental issues of difference and we felt that even though the situation at hand was acute and required an emergency session of Parliament, that we would not dilute or alter our principles of governance to resolve the issue. Hence the proposed amendment in relation to the Police Force is not at the new subsection (3) of the Prisons Act but at a new subsection (6).

Mr. Speaker, with your leave, I now read it to the Honourable House:

"Where, at the request of the Superintendent, the Commissioner of Police assigns a police officer to assist the Superintendent in relation to the management or operation of a prison for any period, that officer may perform the functions of a prison officer during that period under and in accordance with the direction of the Superintendent."

Mr. Speaker, what are the differences and what are the similarities between how we are treating to the Barbados Defence Force and the Regional Security System and how we are treating to the Police Force? We say in relation to the Barbados Defence Force and the Regional Security System, that it must be at the instance of the Governor-General. In relation to the Police Force, it is simply a request from the Superintendent of Prisons to the Commissioner of Police, who has full command and superintendence of the Police Force in Barbados, and is not subject to the operational control of any human being or mammal. He may be accountable for his efficiency and administration to his Excellency, but the final decision as to how and where he deploys his officers, is his.

Mr. Speaker, this amendment, therefore acknowledges that and said that the Superintendent of Prisons will not make a request for help to the Governor-General but will make the request for help to the Commissioner of Police. If the Commissioner of Police is satisfied that he needs to

assign police officers to assist, all this amendment seeks to do – and this is where the similarity comes in – is to be able to put on par a police officer with a prison officer, giving that police officer the powers which the prison officer has under the Prisons Act.

Mr. Speaker, I should say for the benefit of Parliament that it is of note that the Prisons Act gives a prison officer the powers of a police officer. A prison officer already has the power of a police officer generally, therefore, all this is doing is that for the period of time that police officer is working at a prison under the direction of the Superintendent of Prisons, at his request, it gives that police officer the powers of a prison officer.

Sir, it therefore means and stands to reason that a police officer walking on Broad Street does not have the power of a prison officer. A police officer coming to the house of the Honourable Member for Christ Church East Central, if he calls for help, and sometimes I know he needs help on that side, will not have the powers of a prison officer. A police officer working at Kensington Oval for cricket, to bring about crowd control, does not have the powers of a prison officer. An army person working alongside a police officer during Crop Over and Kadooment, will not have the powers of a prison officer. An army person on joint patrol at night with the police, trying to help find illegal drugs that are trying to be smuggled into this island, will not have the powers of a prison officer. The Regional Security System personnel who have come in to help us, when they are leaving the airport and are going back to their respective countries, will not have the powers of a prison officer.

Mr. Speaker, the only time that police officer, army person or Regional Security System personnel will have the powers of a prison officer, would be when they are under the direction of the Superintendent of Prisons, working in relation to prisoners, either on site of a prison or carrying a prisoner from one site to another, under the Superintendent of Prisons instructions and directions.

Sir, I hope that has been able to explain to all Honourable Members and to the wider Barbadian public what this amendment entails and how it is intended to be used. I, therefore trust that the nods of heads that I am seeing, even in areas where I am not allowed to see, is an indication that it is sufficient.

There is a section here for those keen attorneys-at-law that is not directly applicable at this stage. It is simply there, so that we do not have to come back to the Honourable House in a hurry at any time. It is within the direct purview and contemplation of the Government that the Regional

Security System is not the only country with whom we may have treaty arrangements, in relation to cooperation of military or disciplinary force personnel.
10.50 a.m.

In fact, I can report to this House that there is a draft agreement between the RSS and the non-RSS CARICOM countries that is now before the Legal Affairs Committee of CARICOM and the Ministers of National Security of CARICOM because as we seek to establish the Caribbean Single Market and Economy, we recognise that there is need for broader coordination on security matters and on matters of national emergency.

Mr. Speaker, we took a decision last year to ask draftsmen to prepare the agreement which will go before the Heads of Government for approval and if approved, it will then be incorporated into each country's domestic legislation. The agreement says that if a request comes from a RSS country to a non-RSS country or *vice versa* that there shall be the same cooperation without falling under a single command structure as it does under the Regional Security System (RSS) now that allows for access to each other forces. For example, Jamaica, Trinidad, Guyana, all of whom have large armies, police forces *et cetera*, may also have problems and may want to be able to benefit from the personnel of the RSS without becoming a member of the RSS. Barbados may want to benefit from their forces and assistance without them becoming a member of the RSS.

This agreement allows for countries to retain their independent identity where they are not part of the Regional Security System but presents a modality of coordination under legal format that would eventually be incorporated into the law that allows for that assistance. Had that agreement existed, we would have had the opportunity not just to get men from the RSS but from those countries that would have been signatory to that agreement of coordination.

Mr. Speaker, this amendment contemplates that it may be something we would want to have access to in the future. At subsection (3), we have had to link the use of the Defence Force to Section 9(2) of the Defence Act and the use of the Regional Security System to Section 4(b) of the Regional Security System Act, whenever that treaty is signed by the Government of Barbados with them. Sir, it may even be signed with the UK, China or anybody but if treaties are ever signed by the Government of Barbados and then incorporated into domestic law, the way in which this legislation is drafted gives the flexibility to be able to have the Governor-General to seek to deploy the personnel of a discipline force in the way in which he deems necessary under the Prisons Act.

Mr. Speaker, this power goes to no one else other than His Excellency the Governor-General. It is not a power

exercised by the Prime Minister of Barbados. It is not a power exercised by the Minister of Home Affairs of Barbados nor is it a power exercised by the Attorney General of Barbados. It is not a power exercised by Parliament of Barbados. It is power exercised solely by the Governor-General of Barbados and can only be done if new legislation is passed to incorporate any future treaty arrangements into the laws of Barbados. Sir, I hope that this is clearly understood by all Honourable Members.

Mr. Speaker, it is good drafting because it means that we are planning for the future rather than having to force the House to come into an emergency session again in response to the emergency that we all hope would never be before us.

Mr. Speaker, the Bill also addresses an amendment of Section 26. Having designated two major sites where the majority of prisoners are being kept, we recognise that there would be a need, in order for us to meet the objectives which I set out at the beginning of this debate, to minimise any opportunity for escape and to minimise any opportunity for lost of life that we needed to be able to take a number of decisions, some administrative, some relate to the procurement of items and some relate to the amendment of legislation.

Mr. Speaker, one of the requests of me, was to amend the legislation to create a buffer zone around temporary prisons and to create an offence that any persons who without lawful authority enters or remain within such boundaries of a prison as the Minister may by order declare or any place where prisoners are working, shall be guilty of an offence. If he refuses to leave when requested to do so, he may be arrested by a prison officer or a police constable. Sir, the Prisons Act already give the prison officer the powers of a police constable so that the power of arrest is nothing new.

Asides.

Hon. Miss M. A. MOTTLEY: The reality is that this section of the Act creates an offence for persons trying to come within the buffer zone without lawful authority. Mr. Speaker, you would agree with me that, given the fact that the sites we have been forced to use may not necessarily be in every instance the ideal site, that we had to look at ensuring that we had access to buffer zone. In fact, we are in the process of seeking to lease, in one particular instance, land while we use the area to ensure that we have an appropriate buffer zone.

Mr. Speaker, I am not going into details but already the security forces have been challenged by persons within the general community some of whom are well known to the police seeking to come on site or near the sites where prisoners are being held. Already we have had persons trying

to come near a site in cars shouting out specific names of prisoners, particularly near the Barbados Defence Force site and the army is on full alert to be able to treat to that. Mr. Speaker, we begin to wonder what motivates people to feel that they could be at liberty to try to create that kind of disturbance and destabilisation on or near a site in circumstances such as this.

Mr. Speaker, this amendment will give the police the power to treat to the people. The reason it is drafted to allow the Minister to declare it by order is because every site will have different privileges and boundaries. In one instance, you may be able to have a boundary established on all four sides and in some instances you may only be able to have a boundary established on three sides because of the nature of where it is geographically located. Therefore, this amendment ensures that through subsidiary legislation, through the publication of an order, that you will then have to establish what that privilege is. The Minister does not just say that it is a, b or c. The Superintendent will make the recommendation, an order will be drafted, the Order goes to Cabinet and if approved by Cabinet, it is signed by the Minister, published in the *Official Gazette* and becomes available to all and sundry in Barbados. Sir, it is not a private Act by any means.

11.00 a.m.

Sir, the last major item pertaining to the prison itself is an amendment of the Prison Rules, which is also a request of all three Security Heads, the Superintendent of Prisons, the Commissioner of Police and the Chief of Staff.

Mr. Speaker, you would have heard me say over and over in today's debate that tough decisions have to be made to ensure and assure the stability that I believe we have been able to secure as of this weekend and the sterility of the various sites. I have said enough in the past week about the extent to which extensive searches were made of every prisoner both at Glendairy as well as at the particular location where they were received, body searches, full intrusive and non-intrusive searches as the situation merited.

Sir, one of the problems that they faced, and I am not going to repeat for the records of this Chamber what was found where and how because I think that the Chief of Staff has already done that for the benefit of the public, not to titillate people but to show the extent to which people will go to hide stuff on their person when under incarceration.

Sir, however, one of the weaknesses continues to be issue of hair, that which the Honourable Member for Christ Church East Central does not have. I am not picking on you but you are in my immediate line of sight and you are a perfect example.

Asides.

Hon. Miss M. A. MOTTLEY: The reality is, the Commissioner of Police, the Superintendent and the Chief of Staff, have represented that in their view the length of hair on an individual may in some instances and has in fact, presented security challenges for them.

Sir, many of you who are older and wiser than I am may have determined that the prison used to cut the hair of prisoners and that is true. They did cut the hair of prisoners but that was before there was a case in the High Court which challenged the legal basis upon which hair was being cut in the prisons. While eventually we won the point at the Court of Appeal, we won it because they failed to present evidence but not because the law allowed it fully.

Mr. Speaker, the Prison Rules as they stand address the issue of the Superintendent having the power to cut hair for medical reasons, if it is a threat to your own health or to the health of the wider prison population. It has been represented to me, and the Cabinet and I have accepted, by the Operational Heads of Security in Barbados that they would wish the Superintendent to have the power to make that determination not only on medical grounds but on the basis of public defence, public safety, public order or public health. Mr. Speaker, the reality is, I can in no way refuse what I consider to be in the circumstances a reasonable request.

Sir, the question that one has to ask oneself is simply: Can you guarantee that no one will hide anything in their hair whether it be long hair, locks or otherwise such that a hidden item does not constitute a risk to the life of other prisoners, prison wardens or ultimately the security of the people living or working around the prison or the wider country? In every case, all of the Security Heads said that they cannot guarantee the safety of the prison if they feel that an area as available as hair can remain as an area in which items can be stored. They even represented to me that it was far easier to store an item in hair than it was in some of the cavities that they were stored in and certainly more comfortable than some of the areas they were stored in and found over the course of the last week.

Mr. Speaker, the determination as to whether that method of prescribing the length of hair that a male prisoner shall wear, is to be the determination of the Superintendent of Prisons and the Superintendent alone. It is not a matter for the Minister, the Commissioner of Police or any of us. It is a matter for him who must answer for the security and well-being of the prisons, prison wardens, prison staff and the general public who may have cause to be at the prison.

Mr. Speaker, I know that they may be some issues where people would have hoped, and I myself in the past

would have hoped, that we would never have had to reach this situation but the truth is that we are here and difficult decisions have to be made and this is one of them.

There are those who will feel that their religious rights are being compromised. Sir, under Section 19 of the Constitution it allows for this decision to be taken. The drafters of the Constitution contemplated that no right was absolute in Barbados and that where any action under law that was reasonably necessary for the public defence, public safety, public order and public health of the nation would supersede any action that would guarantee the individual rights of a person.

Mr. Speaker, all we are doing is creating the framework within which the Superintendent can begin to have further control in ensuring the safety of the entities under his jurisdiction. This does not mean that there will be an order, as I understand it, that there will just be a blanket use of it because it has a test. He has first to be satisfied that it is reasonably expedient or necessary in the interest of public defence, public safety, public order or public health. Previously, he had the power but for medical and public health reasons but now he has the power not just for medical reasons but for security reasons.

Mr. Speaker, the events of the last weeks have convinced us that it is insufficient for him to have that power only for medical reasons. Sir, we are not giving him any new power, we are just broadening the basis for the exercise of that power. It is not a new power. He has the power now to do it but we are just giving him a broader basis upon which to exercise that power.

Sir, we met over the weekend and prepared these amendments, we realised that the Regional Security System Act, having never been used, could have been tighter in how it was drafted and we are, therefore using this opportunity to ensure that there is full and complete legislative protection explicitly stated, as opposed to by implication because sometimes you can still have that legislative protection by reason of implication but we want it specifically and expressly stated that we use the opportunity to amplify and expressly state two matters.

Mr. Speaker, the Regional Security System Treaty at Article 10(1) states that the operational control of the Regional Security System personnel shall be vested in the entity of the requesting State, in the State itself. So, if you request them, it simply says that the operational control vest in the State but under the Appendix, Barbados has two persons listed, the Commissioner of Police and the Chief of Staff. Sir, for the avoidance of doubt, what we seek to do here is to amend the Regional Security System Act and insert a new 4(a) that simply says that the Governor-General shall

designate by Order the officer who is to exercise the operational control of the troops.

Sir, even though we have done it and know that it is the Commissioner of Police, we are just putting it on full legal footing so that is known to all and sundry even though there was no requirement to do it because the Treaty vest it in the State of Barbados. Therefore, it is legal but we are just clarifying that in the State of Barbados, two men cannot be in charge at the same time, the old metaphor of *'two men rats cannot live in the same hole.'*

11.10 a.m.

Asides.

Hon. Miss M. A. MOTTLEY: The reality is that His Excellency the Governor-General will now have the power to designate, because the decision comes from them themselves.

Mr. Speaker, one of the things that has worked for us in the last week was the level of cooperation between the security forces, particularly at the level of command and I am going to speak to that before I wrap up.

Mr. Speaker, they know that it is the Commissioner of Police in this instance but we feel that the rest of Barbados has a right to know who it is and not just they among themselves. Therefore, the Governor-General by Order, which is once again a legal instrument that is to be Gazetted, will say who shall have it in every instance. I hope that our use of the RSS would always be rare because the mere fact that we requested it, is an indication that we are dealing with an extraordinary situation, rather than business as usual.

Mr. Speaker, as I said, we also mirrored in the RSS Act, what is at the Barbados Defence Act under Section 9(2), where the Governor-General has the power to deploy the Barbados Defence Force in operational matters. We put an equivalent section under the RSS Act, giving the Governor-General the right to deploy to the RSS officer to have operational control, as a means of ensuring that when that person is deployed in civil operational uses, it is on the same footing that we deploy the Barbados Defence Force personnel, by reason of directions issued to the relevant personnel, the Chief of Staff of the Barbados Defence Force, under Section 9(2) of the Defence Act in relation to this matter, and the Commissioner of Police who has the operational control of the RSS personnel on this particular mission.

I indicated to the country last week, Mr. Speaker, that the RSS is with us, in the first instance, for one month, from 30th March to 30th April, 2005. While most of the members are here, I am told that the other members will be on the ground by Wednesday of this week.

Mr. Speaker, I have taken the time to go through the specific amendments in the Bill because I believe that if I have asked the House to meet in an extraordinary session, I have a duty to justify, not only the Bill but the sense of urgency.

The sense of urgency, Mr. Speaker, simply encapsulated again is that having set the objective of trying to mitigate and minimise against escapes; having set the objective of trying to minimise loss of life; having set the objective of trying to maintain calm and assurance outside of the walls of the temporary prisons that have been designated, having recognised that we still have the challenge of one more massive move of prisoners in the next week to ten days because one of the sites is just a holding site to allow us to move to another site; having recognised that the preliminary assessment of Glendairy will only start this week to put us in a position to make decisions that are sensible and capable of scrutiny and analysis; we recognised, Sir, that the ability of us to properly man and interact with prison officers across multiple sites, would be severely challenged.

Mr. Speaker, as the law stands now, only a prison officer has certain powers in dealing with prisoners, including the power to search individuals or cars that they believe are capable of hiding something or committing crime, including the power to use reasonable force as is necessary, and report it thereafter, when a prisoner fails to obey a lawful instruction, including the power to use firearms in the event of an escape or an attempted escape, or in the event of a riotous assembly, as has happened last week.

Sir, when we considered all of these things, we felt that we would be in a better position to meet those objectives if we extend the powers of a prison officer, in limited circumstances, under certain conditions and only under the direction of the Superintendent of Prisons and for time periods specified in law by subsidiary legislation. Therefore, we should give those powers to Army personnel, Regional Security System personnel and, in the case of the police through the request from the Superintendent of Prisons to the Commissioner of Police for police officers deployed on a site at a prison or working with prisoners at the direction of the Superintendent of Prisons.

Mr. Speaker, could we have waited until Tuesday, April 12, 2005, to treat to this matter, it is my judgment, "no." I know what it was to have slept the last two to three nights...Sir, as I said, while you have adequate security personnel on a site, if you do not have enough numbers interacting with prisoners who are not benefiting from the management controls of individual cells, I think that we would have been putting our security forces under undue risk, not that they could not handle it.

Sir, in the conduct of the risk assessment which was done, it was felt that the laws of Barbados and the Standing Orders of this Parliament allow us to play our role as legislators in reducing the risk that our security forces have to face, as they defend the interest of all of us in this country, and continue to maintain security and to give us the calm assurance that the rest of us can go about our business, while they hold what is still potentially a difficult situation, even if stabilised.

I believe, Mr. Speaker, that we as legislators have a duty to be able to rise to the occasion and to give these security personnel, who are on the front line, this level of legal protection and empowerment as they set about to do their job in maintaining these large numbers of prisoners in less than ideal circumstances without the appropriate control of buildings and cells, while at the same time trying to make sure that the record thus far, of no escapes. Sir, the evidence is still suggesting no loss of life at the instance of the security forces, but we await the formal autopsy of the person who has died. Sir, if they are to continue to manage the situation with minimal losses, as they have done in the last week, then, we have a duty to pass this legislation.

I recognise that some may be nervous about the impending use of widening the existing powers of the Superintendent, in relation to the cutting of hair. Mr. Speaker, I am going to defend the decision and the request from the Heads of the security forces with every sinew in my body because I believe that they are reasonable in their request. If they already have the power to do it for medical reasons, then that power should also be available for security reasons.

11.20 a.m.

Mr. Speaker, I know first hand the extent to which these persons have worked, both at the command level and at the level down the line, over the course of the last six days very often 20 or 22 hours a day and getting less than one and two hours sleep a night in order to make sure that the rest of Barbados could sleep, that tourists could continue to come to this island, that people could go to work, that people could 'lime', that people could go and buy pudding and souse on Saturdays, that people could continue to play cricket and that people could watch and enjoy the performance of the West Indies cricket team even without the star boys.

Mr. Speaker, I hope that before the end of today, even though we are under other preoccupation, that we could celebrate that victory with them coming out of Bourda, Guyana. I am not sure what the score is and I hope somebody...

Asides.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, that is not to lighten the debate.

Mr. Speaker, the point I am making quite seriously is that we have tried to make sure that the things people were doing in Barbados on Monday, March 28, were still being done in Barbados on Wednesday, March 30. I have seen what the head of the Barbados Defence Force, the Commissioner of Police, the Superintendent of Prisons and all the men and the women under their operations have had to do in order to maintain that. It has not been easy, and I want the formal records of this Chamber to reflect the gratitude of this Government and I believe the people of Barbados, to the work and efforts of our security forces in being able to help us maintain stability in the last week.

Mr. Speaker, I say so conscious that in other Caribbean territories there have been disturbances in the last week and in one instance even though the disturbance lasted less than a half day, four people died, a prison officer and three prisoners. Our disturbances and our unsettlement have been now six days and we have been able to have no escapes thus far, and I hope it continues that way. Sir, we have been able to minimise the loss of life at Glendairy Prison. Those continue to be the overarching objectives that they would use while ensuring that Bajans can go about their lives.

Mr. Speaker, I also want to use this opportunity to thank all the other Government departments and to put that in the record of the House too. The School Meals Department has done yeomen service in helping us to feed the prisoners at the multiplied locations. We recognise that we would transition them out to help because they are going back into a school situation shortly. Initially, we will try to start by taking over the breakfast and they would continue the lunches and dinners, but gradually we would phase out as we can.

Mr. Speaker, the Ministry of Health was at the front line last week in the most tense of moments. They had the ability to deploy a team of doctors, nurses and emergency medical technicians on site at Glendairy Prison to help us manage the difficult situation. Sir, most of the injuries were as a result of smoke inhalation. Some were as a result of prisoner on prisoner violence. Some were at the instance of a few persons, less than five, trying to escape and the security forces utilising a use of force policy that did not have lethal force as its first objective, and I think that we should be grateful for that too. They were able to stop the people in their tracks.

Mr. Speaker, I also want to thank the Barbados Youth Service who have been working behind the scenes with us in helping to get this matter completed. I want also to thank the Ministry of Public Works which deployed a team that work

day and night alongside the private contractors to help us ready the sites. I want to thank the engineers who have been doing the assessments. I want to thank the members of the private sector. I already indicated that there were certain private sectors entities that...

Mr. Speaker, I have asked the Government Information Service to keep some of the footage because I think the public needs to see what would have been done within 48 hours in some instances, in 72 hours in some and in 24 hours in some. It is nothing short of phenomenal how buildings which were completely unsuitable and were capable of nothing were transformed into secured installations and have been able to help us treat to the issue.

Mr. Speaker, very often workers from the private sector worked also without sleeping. I want to particularly thank Coles Engineering, Structural Systems Limited, Clemco Lighting and the fencing companies. We used many of the fencing companies because of the principle that many hands make light work. Given the fact that we had to fence a lot of areas, we took a simultaneous approach to it. I want to thank those who also did the electrical work.

I want to thank the Barbados Light and Power Company Limited which deployed two trucks to help us dig all of the holes to be able to ensure that the fences could be put up at a quicker rate. I want to thank DB Productions which help us with all the portable lighting because once you are going to sites that did not had lighting we had to mobilise massive lighting across the place and across the country. I want to thank the workers who work with them and who continue to work without requesting that rest be the order of the day to guide them.

Mr. Speaker, I want to thank as well the people in my Ministry who worked virtually non-stop. People see the law enforcement personnel but they do not see the efforts of my Permanent Secretaries or the Permanent Secretary in the Ministry of Defence and Security. The Permanent Secretary in the Ministry of Defence and Security, even though not reporting to me formally, has been working with me over the course of the last week. I also want to thank the officers below them who have been working.

I want to thank the officers of the Government Information Service who are the ones who primarily helped me to manage this and helped us to establish the telephone network, the family hotline. I am told that between 9.00 a.m. and 12 noon yesterday more than 156 calls were received. I am told that the majority of those calls were from grandmothers, as is to be expected, who were deeply concerned for the welfare of their grandchildren and who wanted to be assured that they were okay. The members of the Prison Advisory Board and the civilian staff of the prison

were manning those calls and we are keeping a database such that we can hand over to the prisoners at the appropriate time.

I want to thank the members of the Central Emergency Relief Organisation who helped us in front-line management. I want to thank the Barbados Fire Service without whose help the whole of Glendairy Prison may have been razed to the ground but whose quick action have allowed us to save some of the buildings. We still do not know the extent of the damage but we would await a report on that.

I want to thank my colleagues on Both Sides of the House. I want to thank the Leader of the Opposition who has allowed for urgent communication to take place when necessary. As I indicated to him we were available to take him on tour on Saturday morning, we stand ready and available to take him on tour when he is ready. The reality is that I have also had the opportunity this morning to speak to the social partners as well and will be taking them on tour later today. If the Leader of the Opposition specifically wants to go then or on another occasion, we will make arrangements for the Chief of Staff, the Commissioner of Police, the Superintendent of Prisons and myself to take him.

There are some administrative decisions which they will inform me of. All persons going onto the site of the temporary prisons and the prison thereafter, whether you are working as a member of the security forces, whether you are people like the Minister, the Prime Minister or me, must go through the scanners. Previously, only members of the public use to do so. Members of security personnel did not have to do so. As Ministers we did not had to do so, so to set the example now from the Prime Minister and myself back down will be going through the walk-in scanners to once again set the tone that we expect in relation to the prison. Mr. Speaker, there are other administrative decisions which they would continue to take and announce where necessary to ensure the sterility of the site.

Mr. Speaker, I want to thank the media, who even though exasperating at some point because of their desire to publish any and everything without always the most critical scrutiny and independent verification, have for the most part risen to the occasion of the last week and made our job that much easier. I really do want to register my appreciation to them for working with us particularly as the week went on in being able to contain what would otherwise been a difficult situation. Mr. Speaker, I am not naive enough to ignore the fact that in other countries, even with the instincts of patriotism, that persons would not have cooperated. I am, therefore, grateful for the level of cooperation in relation to certain factors such as the location of the temporary prisons, *et cetera*, which we feel would put undue stress and burden

on the security forces. I want to thank them, along with the Government Information Service.
11.30 a.m.

Mr. Speaker, above all else, and conscious of the support given to me by my Cabinet colleagues in particular, I want to thank the people of Barbados who continue to show a level of resilience; who continue to show that within us we have the capacity to rise and to meet situations with equity and determination; that we have the ability to solve our own problems; and that even though we have asked for the help of the Regional Security System to help boost us, it is with the knowledge that it is to help us maintain normal policing of the country in the medium term, since it is going to take some time to have these issues resolved.

Mr. Speaker, I want to thank them for their prayers, their support and their understanding, and to recognise that in life that one is not always able to walk on an easy path but that there will always be bumps and obstacles that will challenge us, to reflect and to define who we are and where we stand. Sir, this past week has been one of those challenges, perhaps the one challenge that has constituted the greatest threat to our national security since Independence. It is one that none of us would ever want to deal with in the future. It has tested our capabilities in a way that we would not have wanted them tested. I believe that in testing our capabilities, while we would not have wanted it, our ability to come together to rise to the occasion, while minimising the losses, has been one that will give us the confidence that we have what it takes to continue to govern our affairs, in a manner that is reflected in the best traditions of democracy and the best traditions in the preservation of the rule of law.

Mr. Speaker, we have not done this at the expense of people's rights, nor at the expenses of breaches of the rule of law. We have continued to believe that who we are and what we stand for as Barbadians should continue to guide us in this process and that as we are guided, while we may have to take difficult decisions, that those decisions do not relate to changing who we are and what we stand for.

I, therefore, hope and trust that in the coming days and weeks, that we could continue to give the country the calm assurance of what we have tried to do in the last week, and that we could continue to give the country the belief that even if there have been difficulties in the past, as there surely are, that we have tried in good faith to meet those difficulties and will continue to do so. Sir, we must recognise that these things will require some difficult decisions being made which will require the participation of all concerned or certain sectors of the country.

Mr. Speaker, I trust and hope that these matters would be reflected upon by all of us in here as legislators and for

us to recognise that as we move forward, that this is not an issue for partisan divide but that it is an issue that must bind all elements of this country, just as it has bound us on the outside in the context of the Barbados Defence Force, the Royal Barbados Police Force and the Prisons Service. I trust that the Honourable Leader of the Opposition, as he has done during the last two days, would hold out a hand that would allow us to take a non-partisan, unified approach in assuring the security of this country and in maintaining the peace and calm that has been the hallmark of the last week, as people went about their ordinary business.

Mr. Speaker, I am obliged to you.

Mr. C. A. MASCOLL: Mr. Speaker, ultimately this debate is about the public safety of all Barbadians. It is a fact that Barbadians, since Independence, have enjoyed relative safety in their homes and in this society, and it cannot be disputed.

Mr. Speaker, while it may be fair to say that the unrest at the prison may be a grave challenge to the Government and to the public of Barbados, it is not untrue to say that we have had several challenges since Independence. We have had economic crises, political problems and social issues to contend with for over 40 years.

Mr. Speaker, while it is also fair to say that the unrest is, in fact, a grave challenge, was it unanticipated? Could it have been anticipated? Were there any signs and warnings on the horizon that, in fact, measures could have been put in place to deal with some of the existing problems at the prison of Barbados?

Mr. SPEAKER: Honourable Member, if I may intervene here early, I do not like to interrupt Honourable Members, so I am trying to make sure that I give the right and clear direction. The Honourable Member who last spoke, did say that the Bill, as is clearly stated, did not treat to pre-existing conditions at the prison and that she would not treat to pre-existing conditions.

Asides.

Mr. SPEAKER: Honourable Member, what I am suggesting is that you could consider what the Honourable Member has said. Please proceed.

Mr. C. A. MASCOLL: Mr. Speaker, it is impossible to analyse the state of affairs at Glendairy Prisons, without being able to assess what would have transpired prior to the unrest. Therefore, in a Press release the Opposition gave critical support to the Government on this matter but certainly we cannot even begin to expect to solve the problems at the prisons, without asking questions of the overall management of those affairs.

Mr. Speaker, some commentators may see the prison unrest as a microcosm as to what could happen in the wider Barbadian society, and I think that we are all aware that there are certain tensions which have been building for several years within our wider society.

Mr. Speaker, another issue is that we have had a previous inquiry, although the contents were never made available to the public for security reasons. I am suggesting that the question of public safety is paramount to the issues contained in this debate. Therefore, the question has to be asked, what precipitated the action at Glendairy Prison. 11.40 a.m.

In all fairness, an initial comment was that a desired act of buggery could have been responsible for the action that ensued thereafter. The truth is that buggery was so commonplace at the prison that it constituted a major national debate to whether or not there should be condoms at the prison. It cannot therefore be said that an act of buggery could be responsible for the resulting action taken at Glendairy Prison.

Sir, the question still remains, what precipitated the action at Glendairy Prison? While the Minister does not intend to speak to the reasons, it is known that overcrowding is, in fact, a major problem that was not addressed even after an inquiry was conducted. Mr. Speaker, we know from the history that overcrowding has been a major source of concern for many persons who visited prison over the years. In fact, in recent weeks, we have had discussion with respect to the overall state and condition at the prison.

The whole question of management and staff relations has been raised as a major concern. The overall morale at the prison has been alluded to over the last several years and several concerns have been raised. This is why I am suggesting that while this unrest may serve to be a grave challenge, it cannot be said that it was unanticipated.

Mr. Speaker, are the changes being requested of us in this legislation designed to solve the real problems at the prison or are they designed to deal with the management of the crisis resulting from the unrest at the prison? While the amendments may be said to be necessary, it cannot be said that they are sufficient to deal with the several problems which have been identified over the years at Glendairy Prisons.

Mr. Speaker, there are concerns even with respect to the Bill itself and not the intent of the Bill to give other persons the authority to be prison officers but the long title of the Bill does not give any specific or definite time period over which the changes being contemplated should be resolved or dealt with fully.

Mr. Speaker, given the problems at Glendairy Prison, it does appear as though the six locations which have now been identified may not be so temporary after all because of the extent of the damage that has occurred resulting from the unrest at the prison. Therefore, we are asking the more significant questions resulting from the problems identified over the years. What are the plans to remedy the problems at the prison in the medium to long term? Is there contemplation of a new building? Is there contemplation of new accommodation?

Sir, in this administration early in the 1990s, we were told that attempts were being made to increase the accommodation and to separate prisoners based on the extent of their criminality. This was never introduced as a specific policy directive on the part of this administration even though it was alluded to over the last several years.

Mr. Speaker, new or more accommodation would have to be a priority for solving the existing problems at the prison since it has been determined that overcrowding is a major problem at the institution. Mr. Speaker, over the last ten years, Government would have had enough financial resources to be able to deal with some of the overcrowding problems that existed and still exist at Glendairy Prisons.

We have seen in this country an abundance of wastage of financial resources over the last several years. We have seen an abundance of wastage at Greenland. We have seen an abundance of wastage across-the-board, National Housing, GEMS and the like. The question therefore, did the administration treat the prison as a priority over the last decade?

Mr. Speaker, it cannot be said that it happened because they have not been the kind of refurbishing or improvement to accommodation, the kind of increase in accommodation that could have been done if this particular area was seen as a pressing social need. Sir, it has not been identified as a pressing social need.

Mr. Speaker, any medium-term plan would have to take into consideration the building of a new prison or increased accommodation at the prison. I can well understand the difficulties in which this administration now finds itself given the World Cup and the expenditure which has to be made in order to execute it and given the extent to which cost considerations would have to be considered in the provision of a new prison to accommodate almost 1 000 prisoners. Therefore, one understands the level of expenditure required to build any new accommodation over the foreseeable future.

Mr. Speaker, beyond the provision of a new building, perhaps what would be of more importance at this stage would be to question the organisational structure at the

prison. There are approximately 100 staff members trying to take care of more than 900 prisoners and that in itself has to be a major consideration in dealing with the existing problem of overcrowding and the existing problem of morale at the prison.

Mr. Speaker, changing the head of an institution is not going to redound to any substantial change in the management of that organisation. You cannot expect that merely changing the manager of an institution is going to substantially change the overall outcome or the intent of the institution.

Sir, even though the contents of the Belgrave Plan have not been made public, it is believed that the change in the management structure was a direct consequence of the findings of the Belgrave Plan. This is the belief of the public of Barbados and certainly the belief on the benches of the Opposition.

Sir, has the change in the management structure or the head contributed to increased tension at the prison between officers and the management of the prison? This is an extremely important question that has to be asked because it is crucial that we determine whether or not we have the right management system or organisational structure in place at Glendairy Prison at this point in time.

We also need to ask whether the change has contributed to the tension between the prisoners and the management of Glendairy Prison. Sir, we are Barbadians, I do not think we are from space and we have been hearing on the streets some tones and suggestions with respect to the overall style of management at the existing institution. While it is crucial to adopt the right management strategy in any environment, it is even more crucial that a management strategy specific to the needs of prison be adopted because rather than discipline being the standard, indiscipline is actually the standard in such an institution. Sir, you are not dealing with persons from whom you can expect compliance or you are not dealing with persons that whom you can expect to be working towards a common goal. It is a question of understanding that indiscipline was, in fact, the reason for they being incarcerated in the first place and, therefore, indiscipline becomes an important issue in dealing with the overall management and functioning of the prison in any country, not only in Barbados.

11.50 a.m.

Sir, it is also crucial to provide adequate resources, especially financial resources which were available in abundance over the last seven to ten years in Barbados but have never been adequately allocated to dealing with the problems identified at that institution.

Mr. Speaker, did the appointment of new management at the prison coincide with new training or better training of staff? Has there been a correlation between the introduction of new management and better training policies for staff to be able to cater to the overcrowding problems that had been in existence over the past 10, 15 or 20 years? If so, is it not an oversight not to have recognised that you needed not only to have a change in the Superintendent but also to have a change in training techniques in understanding the need for the kind of management required in such an organisation?

Sir, the truth is, this administration has a belief that a personality or a group of personalities can solve problems at institutions or organisations without institutional change. This is not the first time. We saw it at the Barbados Tourism Authority where, rather than changing the organisational structure, we simply changed the head of the organisations with the hope that we could effectively manage the affairs of that institution but there are correlations, Sir.

Mr. Speaker, we also saw a changing of the head at the Queen Elizabeth Hospital without there being institutional change in order to effectively bring about change that will redound to the benefit of the organisation. Therefore, a policy of merely changing the management without looking to see what the structure is or what you are intending to achieve cannot in any environment, particularly a prison environment, bring about any such meaningful change.

Sir, beyond that, it is also important to note that prison management is a defined discipline. It is a very clearly defined discipline and no one can deny it. You can go overseas and take courses at both the first degree and post-graduate levels in prison management. It has been identified as a specialised area because you have persons whom you are bringing together, not with common objective of producing anything or delivering anything meaningful but simply with the common objective, hopefully, of being able to rehabilitate these individuals such that they could become part of a society to which they would eventually return.

In that regard, it is therefore very critical to understand what the process is with respect to the management of such an institution and organisation.

Sir, no one can deny the importance in this whole exercise. As I said, we appreciate that the unrest at the prison is unprecedented and we appreciate that it is a grave challenge. This is precisely why we adopted the approach which we adopted on the Opposition benches, but we cannot be seen to neglect our responsibility or duty as an Opposition, in ensuring that there are more substantive solutions to the problems that exist at the institution, rather than the kind of response to the crisis that may now exist at the institution such that plans have to be clearly identified by

this administration to be able to bring more effective management and outcome to that institution.

Sir, we agree with the amendments being made to facilitate and allow for prison officers so designated to be able to interact with prisoners. We understand from the legislation that it was not possible prior to now for a police officer or any other kind of security to interact with inmates at a prison without there being some breach of the law. Therefore, the amendments being made are, in fact, fitting and suited to the existing problems that we are seeking to resolve at the prisons and therefore we can understand and appreciate why the amendments are being made.

Mr. Speaker, it is also critical for us to recognise that not only have we had to rely on request from the Regional Security System but that our local police force has now been asked to come to play on a very special field, that is, they have been requested to put in a herculean effort in order for us to be able to offer to the public the kind of safety that we are desirous of so having in these circumstances.

Mr. Speaker, I will like to praise our security systems. I will like to praise the Barbados Defence Force for having made the kind of efforts that they have made over the last week to bring the kind of calm to the society that is desirable. I would also like to praise the Royal Barbados Police Force for having lifted their game to the requirements of this crisis. Sir, what is most important is that it is also required that we come to recognise and appreciate the work that is being done by the Royal Barbados Police Force and that we no longer hear in the public domain that they are not special, they are not worthy of increases in pay, they are not worthy of better conditions of work or that they are not worthy because in all fairness, you cannot now rely on them to come to the fore in a time of crisis when you have not recognised their value over the last few years.

Mr. Speaker, it has been said that several police officers have not had the kind of sleep that they would have liked to have had over the last several nights. When in crisis we reach out to our police officers and when there is calm we need to have heads level enough to be able to appreciate that they constitute a very important and special part of the public safety and security of this country.

Sir, it is time for some consideration to be given to regrading police officers in the context of the kind of society that we are witnessing and the kind of society that we all can anticipate, given what we are currently experiencing and seeing on the ground in Barbados and given the tensions that have been becoming very evident over the last several years in Barbados. It is therefore important for us to recognise and appreciate that.

Mr. Speaker, it is also crucial, in terms of management style, to understand that a personal touch is required in an environment like the prison. You cannot manage a process heavy-handedly even though you are trying to create order out of chaos. You have to be careful that in trying to create order out of chaos that you do not create chaos from your order.

12.00 noon

Therefore, it is necessary for us to be able to offer certain levels of sympathy and consideration to those who are incarcerated because, notwithstanding their plight, they still have basic needs and they still have basic rights.

Therefore, Mr. Speaker, it is imperative that in managing such a process, you endear yourself to those inmates, if you want the kind of reaction from them that will redound to the better management of that facility.

Sir, I do not say that lightly because it has been brought to my attention that previous managers at that institution had very personal contact with inmates to the extent where they would enquire as to whether there is need for dental treatment, if someone complains about a toothache, by name.

For example, John are you still having those problems? If they persist, could you come back to me during the course of the day or the next two days because we expect that the dentist is going to come next week Wednesday, but in the event that your circumstances deteriorate where you require immediate help, we are willing to offer the kind of service to you that is consistent with you being a human being in the circumstances.

Therefore, more so than any other institution, it is important that a personal touch is offered to those with whom you are seeking cooperation because remember, they were there in the first place because of their indiscipline and you cannot expect that overnight, they are going to change their attitudes towards any set of managers or any group of officers, simply because they are incarcerated and that is very critical and, we on This Side understand that only too well.

Mr. Speaker, there is a need to reach out because there are different needs for each individual, but there is no common bond you can anticipate or expect of a group of prisoners who, in all their circumstances, would really be concerned about self. There is nothing really that is going to demand of them to look at the bigger picture and to look at the whole. This is what constitutes the major difficulty in running any such organisation because no common objective can be identified to bond those individuals together.

Therefore, it is as if you have a very herculean task to identify each and every specific individual's need, in order to be able to deal and manage those individuals effectively.

Sir, the personal touch perhaps is best exemplified in the response of the Minister to a question, when she said that she had not visited the prison since last year. Again, you may be busy but you have to appreciate that more so than any other institution, that personal touch is going to become very critical to the process of managing and organising any such institution.

I am therefore using it simply as an example of why you need to stay in closer contact with individuals who are incarcerated to give them the feeling that the person who is ultimately responsible for them at least has that kind of care, that kind of desire, so that the person does not rush to the institution only in a period of crisis, but that the person demonstrates a desire to interact and find out their needs, circumstances and problems over the course of time and not just at a specific point in time.

The other problem, Mr. Speaker, is that it is very difficult to understand how any Government could express full confidence in the management of a prison that has been burnt. I am saying that you express full confidence in the management of the prison in a period of crisis. Therefore, when there was the burning of a prison, it is the ultimate test of indiscipline. When persons can burn the very shelter that accommodates them, it must say something about where they have reached in terms of lack of discipline. They could only have reached it if it was precipitated, because you do not burn down your house, unless in a circumstance of love gone bad or in a circumstance of mental decay.

Therefore, when you have a situation in which prisoners have reached the stage where they can do such, and then we can hear across the region, even as far as Jamaica, that prisoners are saying that they would have to use the example of Barbados and Venezuela, it cannot be comforting.

Therefore, Mr. Speaker, it is impossible to come to this debate and not be interested in finding out the reasons for the overall tension at the prison, because it is a precondition to putting the necessary policies and programmes in place, to correct the tensions that exist at the Glendairy Prison.

I therefore, Mr. Speaker, am saying that you cannot separate the causes of this particular action of unrest from the prescription, remedies or solutions. In fact, it is absolutely necessary for the Government of the day to be able to clearly identify what are the real and pressing causes at the penal institution that would have given rise to such unrest, and the nature of the unrest, because there would have been disturbances at the prison before. There would also be acts of indiscipline, but it would never have reached the stage where prisoners would even consider burning their cells.

I am saying therefore, Mr. Speaker, that you cannot take it lightly and, I am not saying that the Government has but, certainly, the Government must understand that there is a requirement to investigate the full circumstances surrounding what gave rise to such action, since such action is not only unprecedented but seemed to be in the extreme, with respect to the maintenance of not only the prison itself but the inmates.

In short, you must be able to analyse what has been happening at the prison over the last decade. You must be able to analyse that there had been social decay across the length and breadth of this country. You must be able to appreciate that we live in a Barbados where we can begin to feel the tensions of social decay on a daily basis.

Therefore, you cannot separate what happened at the prison from what we are witnessing in the wider society. It has become and it will remain an imperative for us to find out what would have triggered the action that was taken on Tuesday, March 29, 2005 because it is not a simple action. It is an unprecedented, unusual action that demands fuller and more thorough investigation.

Mr. Speaker, there is no doubt that as we speak, the country is less safe than before. Those of us who live in the north, over the last couple of nights have in fact been hearing all of the sirens. Those of us who live in the south of Barbados have, in fact, been hearing all of the sirens.

Asides.

12.10 p.m.

Mr. Speaker, while you have a situation in which we on This Side appreciate the need for action to be taken – and we have supported the action, in fact, it has been said by the Attorney General that there was some understanding – we also want you to understand that in an area like Six Roads, St. Philip where some prisoners are being kept that they had been attendant problems associated with noise and persons experiencing some blockage in terms of entry to their homes and in some areas there have been inconveniences.

Mr. SPEAKER: Honourable Member, please, please, please. As I said before, it is not my duty to say to an Honourable Member what he should say. An Honourable Member is an Honourable Member but I believe that in situations like this we could be a little gracious. The Honourable Member for St. Michael North East has not yet stated where the prisoners are being located and I believe that you should not be making a comment about any particular location at this point. I cannot see how the House would want to entertain that at this point. I am only appealing to your sense of decency, Sir, based on what was stated or

not stated by the Honourable Member for St. Michael North East. Just proceed please.

Mr. C. A. MASCOLL: Mr. Speaker, to say that you must appeal to my sense of decency is pretty harsh. In fact, Mr. Speaker, I have expressed all kinds of decencies as have been stated. All I am saying is that there are some communities – I have been experiencing it in the North and some people have been experiencing it in the South – where now you hear noises, but people understand that. What I am saying is that in a period of a crisis like this it is imperative that such information be shared. You cannot hide certain information from Barbadians. People have come to me and said that there are locations in St. Lucy, St. Peter, St. Philip and the like. What is the sense in trying to hide? When you are on the roads of Barbados, you have situations in which there are sirens, so what is the use...

Rev. J. J. S. ATHERLEY: On a point of order. Mr. Speaker, I think it is rather unfortunate that the Honourable Leader of the Opposition would seek to impute such a motive to the Honourable Attorney General and Minister of Home Affairs in terms of her choice of timing with reference to the disclosure of the temporary sites which are being used as prisons.

To suggest that the Honourable Minister is trying to hide information is unfortunate. The Minister clearly indicated that the process of relocation of prisoners is something which is ongoing. There are security and logistic considerations which are still ongoing. Therefore, I consider it rather unfortunate that the Honourable Member on the Other Side should seek to suggest that Attorney General is trying to hide information.

Mr. SPEAKER: I would ask the Honourable Member to rephrase that statement about hiding. I do not think that is what you meant.

Mr. C. A. MASCOLL: I did not mean that and I never said it, but let me rephrase it.

What I am saying, Mr. Speaker, is that we are here today in an emergency session convened to allow for persons other than prison officers to become prison officers and to deal with six so-called locations for prisoners.

Mr. Speaker, what at this stage, would not allow for us in this Chamber to know and to be told of the locations when there are Barbadians who are walking around telling you where the prisoners are located and where the most dangerous ones are. If you have convened an emergency session of Parliament to ask for amendments to legislation, then I think it is only but fitting that you can say it because we live in a small society which is only 166 square miles, so therefore there can be no harm.

Mr. Speaker, it is similar to making a request to visit a prison. Mr. Speaker, I would not visit the prison without the shadow Attorney General and the other members of the parliamentary group. You are going in search of information so what is there that could not be revealed to Members of Parliament who are now being asked to make amendments to the Bill. You have asked for it to be non-partisan. You have asked for us to come in here and give consideration to the nature of the crisis. You have asked for all of that, so why in actual fact...

Asides.

Mr. C. A. MASCOLL: Mr. Speaker, when you come and you make mature comments about the situation, you go and issue a Press Release understanding the needs of the Government at the point of time and the nature of the crisis and you do not make any political comment with respect to the matter because you appreciate only too well your role in maintaining democracy in Barbados and in dealing with public safety in defence of Barbados. For Barbadian citizens to be able to say certain things about where the prisoners are located and to come a week later for it not to be revealed in a debate of this nature...

Mr. Speaker, all we are asking for is to be brought on board. That comment we made from the inception when it was said that what we would like to see is more disclosure of information. We would like to become part of the process that we understand. Mr. Speaker, if we are going to participate in a process like this in the interest of the country, it is not fair, when we make certain comments, to be told that we should not make them. Therefore, my case has been laid.

Mr. Speaker, you cannot come and say that the circumstances on Tuesday, March 29 just came about. They were a direct consequence of a lot of the issues that were evident prior to Tuesday last week. Over the last couple of weeks we have had a commentator making certain comments pertaining to the state of affairs at Glendairy Prison only for it to be rebutted and refuted in public. Therefore, all we are saying is that there can be no need now for us not to be able to make certain comments about the extent of Government's neglect with respect to the management of the Glendairy Prison. It was not treated as a priority and rather than making those adjustments over the years in which you had substantial financial resources, you may now find yourself in a position of having to build a new building for over 1 000 inmates rather than making those adjustments.

Mr. Speaker, if there was a strategic plan to deal with the issues identified at Glendairy Prison over the last 10 years there would have been a more incremental approach to the provision of the new accommodation because you

understand the extent to which a completely new building would require expenditure of a magnitude that may be difficult to acquire over the course of one fiscal year.

Mr. Speaker, we therefore must praise the public of Barbados for having to deal with the discomfort. We must praise the public of Barbados for behaving in the way which they have behaved over the last week or so. They have been extremely mature about it. In fact, it is almost as if they have removed themselves from the potential dangers that lurked in an environment such as this and what they have done was to say simply that they believe the situation can be handled in a matured way. Even on the day in question, when they were asked to stay a certain distance from the prison, they did so; even persons who live within the immediate environs of the prison have acted most maturely in the circumstances. 12.20 p.m.

Mr. Speaker, on the other hand, where there are so many prisoners, it was quite possible for a number of escapes to have occurred, and it could have happened before the security services reached the prisons.

Asides.

Mr. C. A. MASCOLL: Of course, you have to praise the criminals for not making the extra effort to escape but more seriously, you have to praise the public of Barbados for having understood the circumstances and for having acted in accordance with the request of Government.

Sir, while I would have been critical, let me deal with a request for action. It is time to introduce a parole system in Barbados. In fact, Government needs to look urgently at the need for a parole system because I can well understand the pressure that the staff at the prisons would now be under, having to be located, rather than at one place, across six different locations. It makes the ability of the staff to conduct its work even more difficult. Therefore, to ease the tension, it is time to fully consider – and we normally act in crisis of the society – a parole system that can take the less dangerous criminals and those who have been incarcerated for having a marijuana cigarette. It is time to revisit and see whether or not there is a sufficiently criminal act to detain an individual for such length of time. There are other cases such as 'cock' taxes or child support where, perhaps one can even query why it is that an individual is sent to prison, if he is unable to give his offspring a weekly or monthly allowance or stipend.

Asides.

Mr. C. A. MASCOLL: Mr. Speaker, if you are there, you are not in any better position to be able to give the allowance to the child, so that, in fact, such consideration

could be given in these current circumstances, to whether individuals of that type ought to be kept in prison, as we are confronting a crisis situation.

Sir, there must be certain misdemeanors to which one could give greater consideration at this point in time, and, therefore, the request is for us to look and to examine the kind of parole system that we can introduce at this point in time, to ease the pressure of having to manage the prisons resources from six different locations.

Mr. Speaker, I feel that Barbadians would understand. Barbadians have demonstrated an ability to act in crises. Barbadians were able, even in an economic crisis, to make adjustments to their lifestyles. Barbadians were able to save a country's dollar from being devalued because of their connection or the feeling that they need to be responsible, along with Government, for the preservation of the exchange rate. Therefore, Barbadians have the capacity to act during a period of crisis.

Mr. Speaker, I wish to suggest that while we have not declared a state of emergency for the reasons given by the Honourable Attorney General, that, in fact, there are pressing reasons why we need to look to ease potential problems that can occur in the not-too-distant future. They are very real. The amendments made in today's Bill can go towards easing the tension of management at the various sites but it will not go towards resolving the problems that exist prior to last week's unrest.

Mr. Speaker, I will, in fact, be suggesting that we have, therefore to consider, in light of all we have experienced over the last week, whether we can find a way to better secure the public in the foreseeable future; whether we can respond to what has been described as the greatest challenge since Independence, in a way that is more creative; whether we can contemplate providing additional resources, financial and otherwise, towards finding solutions at the prisons of Barbados; or whether we will not begin to see the social concerns of Barbados as critical and in need of immediate attention, since it is believed that, in fact, this particular unrest is a microcosm and indicative of what we could, in fact, experience in the wider Barbadian society.

Mr. Speaker, I, therefore, never intended, like the Honourable Attorney General, to speak for an excessively long time on this matter but simply to get over the Opposition's position with respect to the need for us to consider the circumstances surrounding this unrest at the prisons, and most importantly not to treat the amendments to this legislation as solutions to the existing problems at Glendairy Prisons, when, in fact, there have been studies and

inquiries showing that we need to put other systems in place, in order to effectively manage the affairs of the inmates and in general the affairs of the staff and the morale at Glendairy Prisons.

With those few words, I thought it necessary to give an overarching perspective of the Opposition's position with respect to the amendment. I thought it necessary to outline where we stand, not only with respect to last week's unrest but to the overall problems confronting the inmates at Glendairy Prisons. I still think it is necessary for Government not to see this amendment as a solution to the problems but rather to go and investigate the real causes and then put the necessary measures in place to correct the problems that exist at the prisons.

Mr. Speaker, I thank you.

SUSPENSION

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that this Sitting be suspended until 1.30 p.m.

Hon. R. R. FARLEY: I beg to second that, Sir.

The question that the Sitting be suspended until 1.30 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly. 12.30 p.m.

RESUMPTION

Mr. SPEAKER: This Honourable House is resumed. The Honourable Member for St. James North.

Hon. R. C. EASTMOND: Mr. Speaker, I commence my contribution in this debate by reading from Section 48(1) of the Constitution, the Supreme Law of Barbados. This section says:

"Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good Government of Barbados."

Mr. Speaker, it is my respectful contention that what is before this Honourable House in the form of an amendment to the Prisons Act is designed to bring about order in circumstances where order is necessary and where the need to preserve order has become urgent.

Mr. Speaker, the Bill at hand also raises issues pertinent to our resources and what resources are available to us. As my learned colleague, the Honourable Member for St. Michael North East indicated, the principal purpose of the Prisons (Amendment) Act, 2005 is in the interest of law

and order to allow for the legal deployment and engagement of particular personnel at this time in circumstances where what we are doing is bringing together all the personnel at our disposal to deal with the matter at hand.

Mr. Speaker, permit me to say that we are not on this occasion setting out to grant unlimited power either to the Defence Force or the Police Force or any other agency but are ensuring that we do what is right at this time in a lawful manner. Sir, over the years Government has exploited the provisions of Section 9(2) of the Defence Act to allow for our military to work alongside the civil authority which has been set up to preserve law and order in the interest of ensuring that we are able, in the best possible way, to ensure that our society is safe and make sure that there is no break down in law and order in this country.

Mr. Speaker, it is not just the incident of last Tuesday, March 29, 2005, that has seen us use Section 9(2) to allow for the Defence Force to work alongside the Police Force but in the past, especially at the time of Crop Over, we have actually used Section 9(2) to make sure that the personnel of the Defence Force can work alongside the Police to ensure peace.

Mr. Speaker, the amendment before the House is setting out precisely where we would have been if in the circumstances there were only prison officers involved and also to decide consciously to make available at this time other persons with a measure of training and competence to be able to work with the authority at the prison to ensure that what could have been worse is so minimised that all Barbadians could feel safe.

Mr. Speaker, for purposes of my presentation, I will limit what I have to say primarily to Clauses 2 and 4 of the Prisons (Amendment) Act, 2005 but surely you would permit me to refer to Section 19 of the Constitution and also to put matters in a particular jurisprudential framework so as to let Parliament know precisely how an overarching philosophy and approach to law can blend with practical law to achieve desired results.

Mr. Speaker, natural law theorists are of the view that the highest expression is in the form of what St. Thomas Aquinas call the Divine Law. Sir, to him such law was eternal, unchanging and was perfect law. In time, natural law theory suggested that ordinary positive law passed by man does not always work well and only works well in condition of stability. In 1945, when the Prisons Act was passed, it was unforeseeable that sixty years after, an event which has transpired in Barbados would have happened and the positive law laid down in the original Prisons Act of 1945 dealt with social conditions of that time. Alas, this law has proved defective in light of what happened last Tuesday.

In the mind of natural law thinkers, the positive law as in the original Prisons Act has clearly become defective challenging us now to aim higher to create a form of jurisprudence fitting and relevant to the time. Positivists would say that law should be practical and nobody denies that and so in applying law in a practical way, we identify the background against which the law has to be passed and deal with circumstances in that way.

Mr. Speaker, this brings me to the question of an amendment to Rule 87 of the Prisons Rules. This is bound to attract some controversy because the amendment as proposed would at first glance appear to be conflicting with Section 19 of the Constitution but it does not.

Sir, Section 19 of the Supreme Law of Barbados does grant a limited power of freedom of conscience and freedom of religion subject to the greater national interest. According to Section 19 of the Constitution ... each Barbadian can enjoy freedom of conscience and religion but that freedom of conscience and religion must be read subject to what is reasonably required in the interest of defence, public safety, public order, public morality or public health. I believe that my colleague, the Honourable Attorney General, made mention of this and indicated quite clearly that in amending Rule 87 of the Prisons Rules, we have to look at certain realities.

1.40 p.m.

Mr. Speaker, I recall, about 18 years ago, hearing of an instance of a person who lived in Antigua and grew their hair long and suddenly, after being on the streets with very long hair, this person died and when that person was examined, they found that his hair had accommodated a scorpion for months which ate into his head and killed him. I am making the point that as unfortunate an episode as that was, in circumstances where some people are very creative and ingenious at the lengths that they would go to conceal undesirable implements, if in a culture of discipline it is apprehended that a person's long hair could accommodate a penknife, a box of matches, a cigarette lighter or other things that effectively can compromise safety and security, then it is a question of balancing that person's right to his long hair with the greater social good.

Mr. Speaker, Roscoe Pound indicated that when law is to be applied, there must be a balancing of interests. We, therefore have to balance the right of the person who wants to wear his hair long with the wider public interest. I am quoting what Roscoe Pound said is one of the functions of law. Again, I am in the realm of this thing called jurisprudence and legal theory which when applied bear wisdom to certain situations and which is not as abstract a discipline as those who spurn it would want us to believe.

We have to balance the right of that person who has long hair, known as locks, with the wider social goods. If a person argues that in the pursuit of his religion that he should be given rights reasonably incidental to the pursuit of his religion, then it would only be a religion that goes against the core and foundation of society to use things reasonably incidental to the purpose of the religion for criminal purposes. That point has to be made.

In any event, the prison environment ought always to be an environment where there is quintessential discipline and nobody involved with the prison has to make any excuse to anybody if that person is a disciplinarian. No doubt in all this, there would have been prisoners who would not have dared to do anything that is wrong. There must probably be a majority of prisoners who would not have wanted to do anything that is wrong in all this but where you get a small and vocal aggressive minority seeking to hide behind particular veils, like locks, to carry out acts that can impact negatively on society, then in the interest of balancing rights, the greater good must prevail.

In the words of John Stuart Mill, the common weal must assert itself and the term common weal was the precursor of commonwealth. Sir, John Stuart Mill insisted that in any society, it must be the greatest good for the greatest numbers. Sir, the greatest numbers in this context are the vast majority of law-abiding Barbadians who are very much in favour of obeying the laws of this country, who are in favour of respecting established institutions and who will ensure that ultimately that they make a contribution to this great nation's development.

Sir, I wanted to make those points before looking at Clauses 2 and 4 of the amendment. Mr. Speaker, Clauses 2 and 4 are in my subjective but respectful view the critical and operative clauses of the Prisons (Amendment) Act, 2005. Mr. Speaker, under Clause 2 as proposed, it is aimed at ensuring that notwithstanding what the Prisons Act, first passed in 1945, said, for purposes of the management of the current scenario, an officer can now be lawfully extended to include a soldier of the Barbados Defence Force, a member of the service personnel of the Regional Security System, a member of a disciplined force of a State that is not a Member State of the Regional Security System, *et cetera*.

Sir, notwithstanding the original Prisons Act of 1945, we are now including personnel who can play a part in the management of the problem which we have to deal with. As I indicated originally, we are not going to give expansive and unlimited powers to non-prison officers to go on in this particular situation for an unlimited time but we are making provision to ensure that in a situation where the prison officers by themselves would not have been enough, we are

recruiting the assistance of other agencies to ensure that things proceed apace.

Mr. Speaker, my friend and colleague, the Honourable Member for St. Michael North East and Attorney General, made it transparently clear when she indicated that unless this law was passed, you would have had a curious set of anomalies where a member of one force subject to the discipline of that force, would have been required to take orders from somebody else from a different force, and with that type of anomalous situation you would have had all sorts of problems.

Mr. Speaker, in any event, looking closely at what is intended here, there would be those skeptics outside of this Parliament, those people who are always arresting statements and critical of public deeds who would have been wondering how lawful and legitimate it would have been for non-prison officers to be involved.

Sir, there would be people in Barbados who would wonder aloud and even begin to argue that there is no lawful authority to deploy policemen and soldiers in a prison. So, to counter that possible argument, the provisions here have been included to make Government conduct its affairs in accordance with law and so the rule of law once more asserts itself.

Sir, in the event that I have not been clear, I am saying that for the avoidance of doubt and in the interest of making sure that all things which are done are not only presumed to be done correctly but are indeed seen to be done in the right fashion, this amendment sets out to ensure that the management needed now, done in accordance with the personnel at our disposal, is carried out with the highest principles of law and ultimately justice in mind.

Mr. Speaker, I am also attracted to a provision within paragraph (6) of Clause 2 which reads as follows:

"Where at the request of the Superintendent the Commissioner of Police assigns a police officer to assist the Superintendent in relation to the management or operation of a prison for any period, that officer may perform the functions of a prison officer during that period under and in accordance with the directions of the Superintendent."

1.50 p.m.

Sir, this at first reading is manifestly clear, but reading it even more closely shows that these measures are to apply for a period of time. The word, period, occurs in this Clause more than once, so we are not here abdicating our adherence to proper legal principles, what we are doing is bearing in mind, the need to preserve law. We are also refusing to invoke Chapter 161.

Mr. Speaker, what is Chapter 161? In some countries, the authorities of the day would not have hesitated to declare a state of emergency. Indeed, in this very country, I received phone calls last week from persons asking me when we are going to see emergency powers but, Sir, for reasons that are prudent and politic, it would have been unwise to invoke the provisions of Chapter 161.

Mr. Speaker, I know what it is to live in a country which is undergoing a state of emergency and it is not pleasant. Shortly after Abu Bakr made his attempt in Trinidad, through the good offices of a friend, I got a license and a permit to be on the street 24 hours a day and, even though I was a licenced person to whom the rules of the coup did not apply, the tension was great.

Imagine being in Trinidad and all you could see at night are people from the Light and Power, the Army, the Police, so that Trinidadians, perhaps for the first time in history, had to go underground to have parties. They would start the parties before curfew and continue through the duration of the curfew, so much so that there were 12-hour and 18-hour parties in Trinidad. Sir, during that curfew, the whole reality of having to go under a state of emergency was striking to me.

Mr. Speaker, there are other arguments against invoking the provisions that speak to a state of emergency. The fact that a country goes through a state of emergency impacts on the country. The word goes abroad that there are serious and grave problems. In fact there are people in this House who are old enough to know that in countries that have had state of emergencies in the 1960s and 1970s it was as though the country had ceased being governable.

I remember as a youngster going to Coleridge and Parry in the 1960s and 1970s, there were times when particular countries invoked the provisions of their emergency law and the word hitting the world was that the country was undergoing a morass, the country was ungovernable and the country had come to a crisis, out of which it could not easily get itself.

Clause 4 in support of Clause 2 does permit the Regional Security System to be properly deployed. The Attorney General made it quite clear that for the avoidance of doubt, where there was a possibility of two different individuals being commander, that this law here brings about some coherence and cohesion to signal who is the ultimate authority and who is the head of the chain of command. It is crystal clear.

Sir, I want to congratulate the Attorney General. I want to say, in the event that people are of the view that particular religious personnel in the prison ought to be given a very easy time. First of all a lot of the people who wear the

headdress that smacks of a particular religion, do not belong to that religion, some are people who wear the headdress for reasons which are other than religious. Some are people who wear it as a style and some wear it to attract people of like minds for particular activities.

The point must be made that in the context of a prison which should be safe to people, you cannot pretend to be magnanimous and expose yourself to security risks in so-called freedom of religion, when there are those who are hiding under freedom of religion, and those things reasonably incidental thereto to carry out acts that can impact severely on this sovereign nation of ours.

Mr. Speaker, I am of the view that in all the circumstances, this particular piece of legislation is timely. I could not see how a responsible Minister of the Crown could realistically defer it even for five or six days. I lend my support, but in conclusion, I also want to praise and commend the very personnel whom the Attorney General commended for praise. I want to say to Barbadians that this has been a test of our strength and character. It is entirely unprecedented. It is okay to try to apportion blame but it is never always that easy to find out the ultimate truth.

I do not go along with the view expressed by people who are beginning to point fingers, especially since no report has yet come to this Parliament or no report has yet come to the public at large. Until such time as we are sure exactly what transpired, I would think that as responsible Barbadians, it is our bounden duty to be supportive of any measures that are intended to ensure the peace, order and the good governance of this our father land.

I thank you, Mr. Speaker.

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

Dr. D. C. ESTWICK: Mr. Speaker, I want to take this opportunity to participate with respect to this Amendment to the Prisons Act, the Regional Security System Act and to the Prison Rules.

This is the first opportunity that I have had to participate in a debate that I believe has the potential to affect, not only the social and economic fabric of this country, but can have long-term implications for our continued development.

Therefore, I am going to introduce my presentation with respect to not only the importance of the amendments even though with respect to national security issues, the amendments may be necessary to deal with a present situation at this particular point in time, but I have to address my mind to other aspects of this particular debate.

We are talking about amendments to the Prisons Act and amendments to the Prisons Rules. As a result of this, Mr. Speaker, I believe that there are certain elements with respect to this amendment that looks at an individual civil rights with respect to whether or not you are a prisoner.

I believe that when one looks at balancing legal elements with those of the individual rights, we are getting into very serious debates. As a result, Sir, I do not think any member of this Opposition has a problem with an amendment that attempts to secure, protect and promote the national interest. There are some elements that need to be carefully analysed.

Mr. Speaker, I think that our response as a people, as a Parliament and as a Government must necessarily be to commend the sterling performance of our security personnel and all those who are involved. I think, Sir, that when there is a crisis, you cannot just simply analyse what you have to do to contain the crisis, because that must be analysed and juxtaposed against the essential causes that are related to the crisis, otherwise you would be *ad idem*.

What is also important Mr. Speaker, if that we do not attempt in this debate to look more closely at some of the underlying elements that may have given rise to the conditions that we now have to deal with, we will not find the appropriate solutions because there would be incongruence.
2.00 p.m.

Mr. Speaker, I want to be like a teacher today and use the adverbs why and when. I want to find out with respect to when and why we are in this problem. We all know where the problem exists, and as a result these are the questions I would ask. The constituents of St. Philip West are intimately involved in this process. I have had some dialogue with them and I am going to raise some of their issues because I am a politician when it all boils down and I have to balance the national interest against my constituency interest, and that is what I will do.

Mr. Speaker, riots do not occur every day. A riot is a unique event. A riot is usually born out of unresolved conflicts and chronically so. There can be no dispute that because the conflicts are usually longstanding unresolved conflicts that they represent an incapacity of the management to resolve those internal conflicts. In order to resolve the conflict one therefore has to know the internal problems and be able to address them.

Mr. Speaker, I believe that in order for us to have reached the stage where there has been no resolution to the internal conflict that would have resulted in the type of riot

that we have had, I cannot but deduce that what we had was a dereliction of responsibility. I would go as far as to question whether we are dealing with inappropriate management that not only is blind to the types of conflicts but to the types of solutions that are required in this type of situation.

Mr. Speaker, I see this debate and look at my own experiences from having discussions with persons in the prison. I know what experiences many of them have had, and I am not going to hide with respect to making my comments clear. There are several issues that have become obvious to me that could have been dealt with by this administration in the period of time that this administration has been in power.

Mr. Speaker, the discussions that I have had with various inmates and employees at that penal institution impinge on fundamental elements which relate to health care issues and security issues. By that I mean personal security issues that involved prisoner to prisoner abuse and warden to prisoner abuse.

Mr. Speaker, there are some who may believe that because you are in a prison there are no legal or procedural elements to protect your interest. I believe very strongly that there are some privacy issues here even though I understand the ramifications with respect to why one may want to look at amending Rule 87 to allow for the introduction of cutting of the hair in the case of public safety or public order. However, I think that we have to be very careful about what we are doing because when you start a process you have to ask yourself where that process is going to lead you.

Mr. Speaker, it would be very easy to move to the next step if there happened to be a disturbance in a school. In the interest of protecting the school population you may say to people who for whatever religious reason may wear a particular turban on their heads or other forms of haberdashery, whether it be religious or otherwise, not to wear any more headgear in school, but in the interest of trying to protect people you can infringe on those individual rights. Therefore, I am saying that we have to be very careful what we do with these types of amendments and the type of precedents that we want to establish here. That is just a caution.

Mr. Speaker, based on my own discussion with many workers at the prison as well as with the inmates, I do not disagree with the positions that were articulated by a recent employee of Government who came into the public domain and indicated many of the conditions under which people at the prison exist, because that have been the data that I also received.

Mr. Speaker, I want to say to the Honourable Attorney General that if such statements were made about an institution that falls under my particular ambit, I would be embarrassed to say that I was up there last year. I was indeed very disappointed. Sir, I would have been up there the day after. It happened under the Honourable David Simmons now Sir David and the Honourable Member for St. George South and they both went up there.

Mr. Speaker, let me get into other elements because I am seeing a pattern of behaviour of this administration that bothers me. That pattern of behaviour is also evident within what happened at that prison and relates directly to the fact that this administration seems to have a belief that they could bring in Tom, Dick and Harry irrespective of their training and introduce them into positions because they are politicians friends. Mr. Speaker, let us get into the crux of this matter today.

Sir, after investigating what is required with respect to prison management, and I look at the systems in the United States of America, Canada and Europe, I am well aware that prison management is a discipline that requires specialised training and many times you can go to post-graduate level. Sir, from my own investigations up there at the prison, I found out that we had five individuals who have had training in prison management. I have also been informed that none of these individuals exist at the prison at this time. Those who have not been sent home have been seconded elsewhere. These are the facts we have to deal with. Mr. Speaker, the reality is that prison management must integrate several components of an individual's life. It is not only a matter of having a militant approach or a matter of rules and regulations. It is about integration of health care, rehabilitative elements, education and understanding psychology. It is about bringing all these elements together and ultimately the final objective is to make sure that individual can be reintegrated into society in a productive way.

2.10 p.m.

Mr. Speaker, therefore I must ask myself what are some of the obstacles to that happening in Barbados today. How many Government departments now employ an ex-convict? What structure or systems exist in Barbados today where an individual, who may have been incarcerated for whatever reason, to still have the opportunity to be integrated into society in a formal way to be productive. Sir, too little is being done with respect to aspects of the penal institution and its reform. It makes no sense to have an institution that is so significantly overcrowded. We have not made the types of adjustments that will make it necessary for us to understand that a drug user is an individual who has a healthcare problem and not a legal problem. There are many other persons of this society who are incarcerated at the

Glendairy Prisons, who should not be among hardened criminals. Therefore, that brings me to the question, why has it taken this administration so long to make sure that there is the appropriate separation of hardened criminals, from first-time offenders and people who are incarcerated for child maintenance? I know that recently there have been problems with respect to juveniles being brought into the penal system there.

Sir, if it may be accepted that we believe that young men and women cannot be managed within their own context, I do not believe the solution is to bring them in with hardened criminals. That can only have a more deleterious effect in the long run. We have to find another way of doing it. Therefore, essentially there is a bottleneck occurring in one institution, and I am saying that Government had a responsibility to make sure that the further development and specialisation of the penal institution in Barbados should have occurred. Instead we have a situation where there is major overcrowding, where an individual does not have his own space, where an individual has difficulty, not only with respect to that individual's space but with respect to personal security elements of that individual such as access to toilet facilities and clothing.

Sir, if a man is treated like a dog, eventually he is going to bite. If we do not understand that as part of the reform process, if you create an environment that does not allow rehabilitation to represent the type of existence that person will have in a true society, it cannot happen. Therefore, as a result, I am well aware of what is the function of a prison. Sir, at the same time, the reason why there are still certain fundamental rights to protect that prisoner is that his dignity as an individual must be preserved, otherwise there will always be a criminal element, once that dignity is being undermined. Therefore, I am not convinced, from my knowledge of what happens at Glendairy Prisons, that dignity is preserved. I do not want anybody to tell me. I have been there and have experienced those things.

Mr. Speaker, a riot is a unique event, and any individual who seems to believe that all you can do is to create containment for a riot would be missing the boat. What we must now do is try to find out why it has happened and then try to deal with those problems from the bottom.

Sir, for the next few minutes, I will speak to a number of parochial issues that affect me.

Mr. SPEAKER: Honourable Member, if I may guide you, the Attorney General did say that she was speaking in the face of not having got a report as yet and also to the fact that the Honourable House will be afforded an opportunity to debate the issue of penal reform.

Dr. D. C. ESTWICK: Mr. Speaker, I accept, however, I believe that I am an elected politician and, therefore, I must come to a position where I must determine, based on what I see happening to the people who have elected me, who have asked me to raise some questions on their behalf. That is my duty and an obligation that I have and I am going to fulfill those obligations. I am well aware of the national importance of this matter but I think I have a singular responsibility as well to my constituents just as I have to national security. Sir, I do not believe that there is anything I will say in this Honourable Chamber that can affect national security. Can something I say here affect national security? What about the FBI report?

Mr.. SPEAKER: Nobody has said that to you, Sir.

Dr. D. C. ESTWICK: Mr. Speaker, my constituents have complained that it was very difficult for them to have gotten up one morning...

Mr. SPEAKER: Do you have to go into that?

Dr. D. C. ESTWICK: Yes, Sir. The reason why I have to go into this is that it is a national issue. A national issue does not simply revolve around Glendairy Prisons, it involves people, and my constituency is involved. Therefore, as the Honourable Member responsible for that constituency, I believe that it is my right and responsibility to speak to matters that affect it. I am not going to be dealt with at the back end, as though I am a little back street boy. As a Parliamentary representative, one does not expect to tell me that when my constituents awoke one morning and found about four or five flood lights spotting over them and prisoners keeping noise all day long, that I am not supposed to say anything. My constituents got up one morning and realised that they cannot travel the normal roads that they used to travel, to get into Six Roads. When they attempted to go down that road, they are being turned back by soldiers holding guns, and you are telling me not to say anything.

Mr. SPEAKER: Honourable Member, you will have to withdraw that.

Dr. D. C. ESTWICK: I will withdraw that, Sir.

Mr. SPEAKER: I never told you not to say anything.

Dr. D. C. ESTWICK: Mr. Speaker, well, I misinterpret it. Sir, my position is very simple. I am going to say what I have to say because the Opposition is not here to rubberstamp anything for Government. We all have constituencies to represent and I am going to represent mine.

Mr. Speaker, what is also important is that I believe that in a national emergency, even though there is a need for

sensitivity, that Government has to be sensitive as well. You cannot ask people to be sensitive while the Government is insensitive because the same tolerance being asked for must be executed across-the-board. Sir, these are the concerns of my constituents and I am asking that they be addressed.
2.30 p.m.

Mr. Speaker, in this national issue, as it is so called, it is important that we never forget that there are people living in Barbados and that whatever we do will have an impact on the people of Barbados. This is of critical importance because the Honourable Member for St. James North spoke to the philosophy of the common good with respect to whether a law becomes ethical or not.

Mr. Speaker, if an individual can speak to common good of a law as it affects the majority, it is the test of a mature society and not what is done for the majority. Sir, the test of a mature society is not what is done for the majority but how the minority is protected and treated. This is the reason utilitarianism was a secondary philosophy to the categorical imperative because the categorical imperative meant universal appliance.

Mr. Speaker, I will teach all those who do not understand the philosophy today because it is what underpins the law. Sir, I spoke this way today because I must look out for the interest of my people who happen to be a minority in this situation.

Mr. Speaker, I started out by saying that this amendment is to deal with a specific event and to contain that event. I want to know why the event occurred, why it could not be contained and why the event could not have been anticipated. I also want to know why the action of the employees of the Government, who came public and said what was happening in the prison, was not acted on. Mr. Speaker, I want to know if this administration did not have enough capacity to allow for specilisation in terms of numbers to occur in the prison by building a new prison and create other areas to which you could move specific types of prisoners. I believe that this administration has more than enough capacity to do this. Therefore, I hold this administration responsible. This administration is culpable and, as a result, I will not desist because it is a national issue and the blame should be cast where it should be.

Mr. Speaker, the Opposition is not here to rubberstamp the activity of Government but to analyse it in the interest of the people. Sir, nothing I have said today has in any way affected national security. I believe that I have carried myself with integrity as an elective representative to protect the people of St. Philip West and the people of Barbados by

explaining that this administration had eleven years to solve the problems at Glendairy Prison but, all of a sudden, this has erupted to the point that we do not have any more prison and I am being told to keep my mouth shut in the interest of national security but, Sir, that is rubbish.

Mr. Speaker, our security forces are now so stretched to the point that they themselves do not know where the prisons are because it is supposed to be secret.

Mr. SPEAKER: Honourable Member, could you conclude, please.

Dr. D. C. ESTWICK: Mr. Speaker, I do not know what I am supposed to do in here but, I thank you very much.

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

Mr. D. St. E. KELLMAN: Mr. Speaker, today we have been called to Parliament to discuss the amendment to the Prisons Act, the Regional Security System Act and the Prisons Rules.

Mr. Speaker, the truth is I have a problem, as usual, because my brain does not allow me to think the same way as the brains of those on the side of the Government. Sir, I am told that a police officer has no rights within the walls of the prison. I am also told that we have no more prison, that the building is not now being used as a prison and that outside the wall of the prison that the police has control. This means that if the police has no control at Glendairy, this tells me that any amendment made should not be to the police officer but to the prison officers who have to come out of that particular location at Station Hill to go into wider Barbados and, as it stands now, it is clear to me that prisoners can be held any place in Barbados.

Mr. Speaker, we have to ask ourselves whether we are making the right amendment and whether we should not be empowering the prison officers instead of empowering these other officers to be under the command of a person where there is a possibility that there might be a Commission of Inquiry under the particular jurisdiction.

Mr. Speaker, this is a serious matter because in 1980 one prisoner escaped from Glendairy and there was a Commission of Inquiry in that matter. Sir, many people were called upon and many types of things occurred in Barbados but now that we are being told that there is no more prison but, all of a sudden, thirty Members of Parliament must come to Parliament and behave as though nothing has occurred in this country.

Sir, in 1986, members of the Opposition were allowed to go all over Barbados because one prisoner escaped from

prison and were allowed to say whatever they wanted to say. Apparently, the Opposition is now to be brought to Parliament and led in a direction where they should not say anything and behave as though nothing has occurred in this country.

Mr. Speaker, if the other members of the Opposition want to go along with that particular dictate, I am not going along with it because I was in this Parliament long enough to know when a Commission of Inquiry was called because one prisoner escaped. I also knew of other Commissions of Inquiry and I want to know why a Commission of Enquiry has not been called in this very serious matter. In 1990, in England, on All Fools Day the same thing occurred and by April 5th a Commission of Inquiry was called for but in Barbados we are supposed to play a different game.
2.30 p.m.

Sir, it is alright to say that it is a national matter but this is no national matter because there is nothing to hide about this matter. Mr. Speaker, from the time they left Station Hill there were sirens and police outriders heading in a particular direction and everybody in Barbados knew where they were going, so much so, that people from all over Barbados were able to telephone me and tell me where they were heading and I was not given a common phone call to tell me what was going to happen in my constituency. Are you telling me to come in here and play lamb, Sir?

Mr. SPEAKER: I never said that, Sir. Please, do not let the imputation be in the record. I would like you to make that clear.

Mr. D. St. E. KELLMAN: I would never say such a thing about, Mr. Speaker.

Sir, I am saying that my constituents are not happy with this matter. They want to know how come that when I come to this Parliament and request things for St. Lucy, the Government of the day are always making 'laughing sport' by saying that I want an airport, a seaport and a cricket complex. I cannot get those things.

Mr. SPEAKER: Honourable Member, what did you get?

Mr. D. St. E. KELLMAN: We can now get a prison in St. Lucy in less than twenty-four hours.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, it is hurtful that when St. Lucy Primary School was under construction and I told the Minister of Education that the school should have been resited at the Atlantic Manufacturing plant, I was

told that building belonged to Industrial Development Corporation and they cannot touch it. Sir, I want you to come to St. Lucy and see how it is being touched now, Sir.

Asides.

Mr. D. St. E. KELLMAN: I am angry because my constituents are angry. They believe that they should have been notified one way or the other and they should not have to hear every night, at 8 o'clock, that the prisoners are going to an undisclosed location and at that particular time when the Minister is having a Press conference, they can hear sirens and I will get a phone call telling me that the prisoners just pass by.

Asides.

Mr. D. St. E. KELLMAN: Sir, I am asking you to stop playing with the people of St. Lucy.

Mr. Speaker, I also requested that particular location to be the town centre and I was told...

Asides.

Mr. D. St. E. KELLMAN: I was told that the police station should not be rebuilt at the location requested but it should be relocated to that particular location. I was told no. Sir, we cannot get a police station there but we can get a prison. My constituents are worried about that.

Mr. Speaker, the school children in my constituency had to take a bus from St. Lucy and go to St. Peter, then take another bus to go to another part of St. Peter. The school children could have remained in St. Lucy and use that same building until the school was completed but nothing like this could have happened but in less than twenty-four hours everything is possible. I am saying that we must understand that we have to stop abusing the people of St. Lucy and respect the rights of the constituents.

Sir, when we said that the cricket complex should be located in the north of the island, everybody felt that it was too good for the north and all of a sudden look what has happened. Mr. Speaker, during the Estimates when I spoke about changing the demographics of St. Lucy, people thought it was a joke and less than twenty-four hours the demographics of St. Lucy have been changed and not one phone call was made to inform the Member of Parliament who represents that constituency.

Sir, when my constituents called me I could not tell them that we have a national security problem so they should...

Asides.

Mr. SPEAKER: Honourable Member, address the Chair, please. All the Honourable Members who have spoken so far have addressed the amendments and I believe that you are coming to that.

Mr. D. St. E. KELLMAN: Sir, that is the first thing that I started with but if you did not hear I apologise to you, Sir. You know that I do not like offending you and I know that you would not offend me either.

Mr. Speaker, I know that we are not in Committee but there is a particular section that we should also look at. That is Section 3(b)

"... any place where prisoners are working.

shall be guilty of an offence if he refuses to leave when requested to do, may be arrested by a prison officer or a police constable."

Mr. Speaker, I do not like that. A prison officer can be anybody working with the prison but when you talk about a police constable, it tells me that only the constable has the right to make the arrest. I believe that should be corrected. It also tells me that if at the point and time that Commissioner or any Gazetted Officer is there and a crime is being committed, that person has no authority because of this amendment. I would prefer if the wording was police officer.

Sir, leave that to the discretion of the Commissioner of Police – we as a public cannot dictate who should be the arresting officer for the police – if the only person who can arrest someone is the constable. Sir, when we seek to make amendments we always get ourselves in trouble. It is only when it goes to the other place it is corrected and it is sent back to us. I hope that is not a situation that will occur today where there will be some kind of correction.

Mr. Speaker, we must appreciate that this is a serious matter. Sir, in the same way that the Democratic Labour Party was expected to treat the matter of the breakout of one prisoner and a Commission of Inquiry was made for one prisoner, I expect this Government to have a Commission of Inquiry on this particular matter. I think that the public of Barbados is expecting to hear something on this matter.

Mr. Speaker, we also believe, based upon information given to us and at this point in time, I want to congratulate the prison officers who in the initial stage did a very good job to bring the situation under control. Sir, because of the security measures that are in place at this time I will not proceed to say anything now but I will make a point at a later date.

Sir, I want to personally congratulate the prison officers who contained the situation that was occurring. I speak in this vein because those officers did well and those are the officers that should be congratulated. Mr. Speaker, I have no intention of putting any snag in the way of the officers but I want to say that we in this Honourable House wanted to bring legislation to this Parliament that would have created snags in the way of prison officers. I hope that now that this has occurred that we would remove those snags out of the officers' way. That is all I have to say on this particular matter. I thank you, Sir.
2.40 p.m.

Mr. SPEAKER: The Honourable Member for St. Michael South Central.

Mr. R. L. SEALY: Mr. Speaker, I rise to make my contribution to this debate and these proposed amendments that have come to us, under some unanticipated circumstances.

Mr. Speaker, I believe – as indeed all the Honourable Members on This Side have said so far, those who have spoken and those who will speak – that it would really be irresponsible of us as an Opposition, and we would be guilty of gross dereliction of our national duty, if we did not try to speak to the entire circumstances that have led us to this situation.

Mr. Speaker, let me say at the outset that I know I speak on behalf of the Honourable Members on This Side. In fact, the Leader of the Opposition has said that we laud all of the disciplined forces that have been marshaled insofar as mitigating the actual incident, the members of the Royal Barbados Police Force, the Barbados Defence Force, the Fire Department and, of course, the various private sector interests that have gotten involved in helping the recovery effort, for going beyond the call of duty, which is usually the case, when we find ourselves confronting these disasters.

Mr. Speaker, while we laud the officers, the civil servants and the citizens generally, by the same token, the policy makers and the political leaders have to be on the receiving end of a rebuke for failing to address a number of concerns that have been simmering for a long time. The warning signals have been clear. It is not only the recent utterances of a former worker at the prison, I believe he was a counsellor who was paid out of the public purse but the Government itself recognised the shortcomings.

Mr. Speaker, in the draft National Plan on Justice, Peace and Security, there is an entire section dedicated to the importance of penal reform and outlining the serious situation that existed at Glendairy Prison. In the report of the National Commission on Law and Order, there is an entire section dedicated to dealing with a very serious problem...

Mr. SPEAKER: Sir, the Honourable Attorney General did say that the House would be afforded an opportunity to speak on the national matter of penal reform. I do not know if you were here then, but the Honourable Member said that in the absence of reports, she could not go into certain details. As I suggested the same thing to other Members, I am suggesting these two points to you, so they will condition some of what you have to say.

Mr. R. L. SEALY: Thank you, Mr. Speaker. I am well aware that you, like me have a vested interest in this matter because the Glendairy Prison is a stone's throw from our constituencies. Therefore, having heard all these promises for eleven years, you can understand that now we have been brought to what has been described as the gravest threat to our national security since Independence, and those are the words of the Minister of Home Affairs, but when we can see that grave threat was predicated on those empty promises that you were alluding to just now, which we have been hearing over and over again, understand that we as an Opposition have to speak out.

Mr. Speaker, the point has been made that one prisoner escaped and there was a Commission held. We were told that coming out of that Belgrave Commission, some of the recommendations were implemented, such as dealing with the leadership at the prison, and making certain adjustments to the physical plant at the prison.

Asides.

Mr. R. L. SEALY: The point I am making, Mr. Speaker, is that these issues have been under the microscope for some time, and we have now been brought to the point where we are rushing in here dealing, in a hurried fashion, with our gravest threat to national security when, let us face it, the Government must take the entire blame for bringing us to this situation.

Mr. Speaker, I heard the Leader of this Government say during a recent debate that Estimates is not about just spending money. It is a serious debate about accessing the priorities of a Government and it is the most important statement that a Government can make, in terms of the fact that it is the most powerful fiscal tool they have. Sir, we are saying that having had all these millions of dollars to address the situation of Glendairy, it is unfortunate that it should take a riot for us to be brought to this situation.

I will wait, as you say, to hear what the details are but having said that, I find it a little hard to believe that one instance of alleged homosexuality, voluntarily or forcibly could cause a whole prison to burn down.

Asides.

Mr. R. L. SEALY: Mr. Speaker, having said that, I was told that this was so commonplace at the prison that we had to facilitate this activity that was so widespread at the prison. Of course, we are hearing something different now but it is clear that more than enough has been told and, has not been told, more than enough has been done and has not been done, that we need to get to the bottom of this, no pun intended, and we need to have a judicial inquiry.

Mr. SPEAKER: Sir, the Honourable Member clearly stated that she is waiting to have an official report. She has clearly stated that there will be a national debate afforded to the issue, I have the exact words here, of penal reform.

Mr. R. L. SEALY: Mr. Speaker, I am not speaking to how the Honourable Member decides to run the Ministry of Home Affairs. What internal report she wants from whom is up to the Honourable Member's discretion. I am speaking in the national interest. An independent judicial inquiry needs to be held.

Sir, you heard from the Honourable Member for St. Lucy that when as such a large scale occurred in England, within a week Lord Wolf had his instruments and a Commission of Inquiry was established. I am only saying, without prejudice, to what the Honourable Member is doing internally, I am suggesting that we in the Opposition are making this call very clear and pellucidly.

Sir, we were supposed to have one in GEMS and we were told it was abandoned because the Opposition said not to bother with that, so they are not going to say that they are not going to have any inquiry because we said not to bother.

All Barbadians need to be assured, Mr. Speaker, insofar as these amendments impact the conduct of the prisons that they can feel comfortable.

Asides.

Mr. R. L. SEALY: Mr. Speaker, it is supposed to be secret but to the best of my knowledge, there are no plans to relocate prisoners anywhere in St. Michael South Central but I am still a Barbadian and I am concerned. Therefore, I am suggesting that if we are going to take the problems that existed at Station Hill, and through the use of these amendments, multiply them by four, five or six sites throughout Barbados we can have an even larger problem on our hands. This is the concern of the Opposition and this is why we have to speak out about these concerns.
2.50 p.m.

Mr. Speaker, I have a very fundamental point to make here as well. It is clear that with the decision to bring in the Regional Security System and to involve the use of the

Barbados Defence Force and the Royal Barbados Police Force, that one of the problems which was spoken about in other earlier publications by the Government, is that the ratio of prisoners to prison officers was way too high.

Mr. Speaker, it is a shame that the whole prison had to nearly burn down for them to finally realise that the number of prison officers and those charged with supervising prisoners should be increased. Mr. Speaker, I believe that there are other important lessons that Government could learn from this whole unfortunate episode.

Sir, it was either the Honourable Member for St. Philip West or the Honourable Member for St. Michael North West who spoke about looking at what is occurring at Glendairy Prison as a microcosm of the wider society. Mr. Speaker, I had the opportunity to interact with some of the young people in my constituency only last night on these areas that we referred to as 'the block' and I can tell you that some of the comments that I heard frankly scared me. The solidarity which they seem to be showing with the actions of the prisoners is one thing, but we need to understand that they themselves are not happy.

Mr. Speaker, everyone speaks about crime but no one speaks about the criminals. It is a fact that many of the criminals in Barbados all come from a certain gender, mainly male, from within a certain age range, young men, and from certain social backgrounds. Therefore, we need to understand what is really going on with that sector and understand the disquiet that is going on in our society.

Mr. Speaker, to look at what happened at Glendairy Prison in isolation is a gross mistake. I hope that the Government would understand that there are lessons to be learnt from the wider society. It is a fact that people are not naturally disorderly, not even the prison population. Uprisings do not occur in Glendairy Prison on any regular basis as has happened in several other jurisdictions. Therefore, when violence, disruptions and disorder meet at the junction and order is forced to yield, it tells us that we need to wake up and try to learn something from it.

So I would like to encourage Government that in continuing to mitigate this most unfortunate situation, they must wake up and take note and recognise that they have brought us to this point because they knew of the situation at Glendairy Prison. As I said it was published, so it was not a secret but it was left unaddressed in the face of lush resources, money which could be found to engage in some very suspect activities, but Glendairy Prison was just left there to fester and the situation just went from bad...

Mr. SPEAKER: As a parliamentarian you are not supposed to use those kinds of words even if you are talking about a Government; suspect activities. I would ask you to withdraw that word.

Mr. R. L. SEALY: I would rephrase it, Mr. Speaker. Government was able to engage in spending monies on projects and activities that we on This Side and the wider Barbados asked several questions about, and yet the situation involving our penal system has been left to go from bad to worst.

Mr. Speaker, I note that the Attorney General was very eloquent in explaining that the use of our military forces to engage in various types of civilian activities, relief *et cetera*, is sort of understood in our small society. I understand that, but I must say that I am just a little uncomfortable with the way in which we seem to be using the military for police activity and for what is now going to be an activity involving our prison. Mr. Speaker, I would sincerely hope that having taken note of recent appointments – the leadership of the prison right now is a military officer – that this is not anything that we would see continue.

Mr. Speaker, as has been said already on This Side, it is understood that correctional care, rehabilitation and the preparation of our prisoners to re-enter the world of work is a speciality. There are several Barbadians, I am sure, that are engaged in various types of activities like this overseas. Sir, instead of coming back here and facilitating them to get their automobiles and furniture duty-free, maybe we should try to encourage some of them to bring those skills here and input into our institution and make it worthwhile.

Mr. Speaker, I sincerely hope that when the Honourable Leader of Government Business gets up to wrap up the debate she would take that idea on board, as she would take the suggestion by the Honourable Member for St. Philip West to do more in rehabilitative care, as she would take the idea from the Honourable Member for St. Michael North West to improve the patrol system and to see that there are good, genuine well-intentioned ideas here.

Mr. Speaker, we are not here to compromise national security or be unpatriotic because we and our constituents are generally concerned. We just want to see that we can get things back to normal as soon as possible.

We have seen internationally what occurred at Abu Ghraib, Iraq with military officers in control of the prisons. We do not necessarily need that type of situation, it is not desirable. However, we must get things back on an even keel as soon as possible.

Mr. Speaker, as I said we have our general concerns over what has been occurring but we stand at one with all Barbadians to see that the situation is resolved as soon as possible but that the correct lessons are learnt once and for all and brought on board to deal with the situation of our penal system.

I am grateful to you.

Mr. M. A. LASHLEY: Mr. Speaker, I rise to make a contribution to this debate and to associate myself with the comments made by the Honourable Member for St. Michael South Central who intimated that it was the Government's responsibility to ensure that all was well at Glendairy Prison.

Mr. Speaker, on Friday, November 22, 1996 in Deacons Farm during the by-election campaign in St. Michael North West, a statement was made on the platform by the Honourable Member for St. Peter who said that he was going to take drastic action to get Glendairy Prison in line. He asked us to bear with them and that is our approach.

Sir, mention was made of overcrowding and inadequate staffing at Glendairy Prison, but I will get to those two points later. Mr. Speaker, I want to go specifically to the amendments. What the amendment is generally stating is that a police officer, who was described by this Government as not being special, is now given additional responsibilities. Sir, we know that conditions at some police stations are not that well.
3.00 p.m.

Mr. SPEAKER: So what does that have to do with the amendment, Sir?

Mr. M. A. LASHLEY: The amendment is giving additional responsibilities to the police.

Mr. SPEAKER: Honourable Member, please do not take it to the extreme. You said that you were about to speak about the amendments. What has amendments got to do with police stations and conditions at police stations? Please proceed on the amendment.

Mr. M. A. LASHLEY: Mr. Speaker, at this point in time, it is relevant because prisoners are kept... and I will not go into it. We know where they are kept. Sir, Government is now giving additional responsibility to police officers.

Sir, the amendment now gives police officers jurisdiction to guard and to take care of prisoners. We all know that police officers are not trained to deal with prisoners like that of the prison officers but obviously we would now need to retrain them to deal with prisoners.

Mr. Speaker, I am submitting that the problem we had at the prison was with overcrowding and we had options to explore, which would have released some of the stress or would have impacted on the prison population. In fact, we have heard from a number of Parliamentarians, even from

the Opposition, that we are placing young, first-time offenders with hardened criminals. We want to say that there is a problem when first-timers are placed with hardened criminals because we know to what they would be exposed. Sir, we had promises made by this administration since 1994.

Mr. Speaker, we are saying that what has taken place in prison could have been avoided. Sir, had the proposals or promises made by this Government been acted upon, then this bomb would not have exploded. In fact, in my capacity as attorney-at-law, I have journeyed to Glendairy Prisons, having made requests to visit persons charged with certain offences. When I reached the prison, I was informed that I might have had to go back or reschedule the visit because there were only three prison officers on duty. Sir, that raised a number of concerns because at that time there were not even 10 prison officers to man the prison. Sir, what resulted was that we had a 'trustee' going to fetch that particular person and, therefore, that 'trustee' was now acting in the capacity of a prison officer on that day.

Mr. Speaker, we know full well that there is evidence that we had overcrowding. In fact there was about 1000 prisoners to about 200 prison officers. Therefore, there was this situation where we are asking the prison officers to work and to manage prisoners in such a manner. It cannot work because of the fact that we are asking 200 prison officers to manage close to 1000 prisoners.

Mr. Speaker, I am saying that if we had that institution for young offenders, which was promised in 1994, for those young people who had a need to get back into society, this would have helped to alleviate some of the problems at Glendairy Prisons, but we had nothing of that nature. Attempts were also made to have a rehabilitative programme at the prisons but even at the juvenile institutions and at Glendairy Prisons, there is no aftercare programme to deal with those persons, to reintegrate them into society.

Sir, I want to say that this Government is responsible for the uprising at the prison because the warning signs were on the horizon. We heard much talk about this country that a man should not be imprisoned for child maintenance, and obviously when we imprison that person for child maintenance, it adds to the prison population. Again, that was a promise made by this administration in their 1994 Manifesto, that they would have abolished imprisonment for child maintenance. It was a view that people of that sort should not be in prison with hardened criminals.

Mr. Speaker, we had a number of promises made by this Government in 1994 and if Government had gone through with these promises, we would not have had the overcrowding at the Glendairy Prisons. We might argue that

there are a small amount but one or two added to the population would put additional burden on prison officers. 3.10 p.m.

Mr. Speaker, I want to further say that reports were made that the security arrangements and building structure were not designed for the modern prisoner. We have all this evidence about Glendairy Prison but on May 21, 1982, when there was an attempt to commit criminal acts which would have damaged the prison, the then Attorney General visited the prison, spoke to the prisoners and other persons involved and the situation was brought to a calm.

Mr. Speaker, I have said in here before that when the issue came up that there were problems at Glendairy Prison, the prison officers were crying out for better working conditions. The prisoners were also crying out and wanted to hear a voice and for someone to come to the prison to talk to them but this was never done. Yet we hear that a visit was made to the prison some time last year.

Mr. Speaker, this is a clear act of Government turning a blind eye to the problem at Glendairy Prison. I want to further state that we need to look at what solutions we can bring in order that the problem would never come about again. We heard mention made of a parole system. The Attorney General said that the time would come when we would debate sentencing options. I want to say that things like parole would have solved the problem.

Sir, this administration has had ten years and the parole system would have assisted in the rehabilitation of offenders. It would have acted as an important system of supervising prisoners after release and would have decreased the population of the prison. Obviously, it would have done something in relation to the aftercare support of the prisoners.

Mr. Speaker, we need to look at this whole thing in context. We need to look at the juvenile institution because I have come across persons at the juvenile level who sometimes graduate to bigger offences and then end up at Glendairy Prison. Sir, a serious aftercare programme for the juvenile offender after he is released from the juvenile institution is important so that he would not graduate on to Glendairy Prison.

Mr. Speaker, I want to say that many promises were also made in respect of a young offenders institution and a new prison in the Report of the National Plan on Justice, Peace and Security. The promise is made that the new prison would be built in the year 2004/2005 but it does not say the exact time in 2004. Mr. Speaker, I want to say that there must be an independent inquiry into this matter because this is an issue of national security and the Attorney General had

the opportunity to deal with the matters at Glendairy Prison. I want to say that we must work swiftly on solutions, on other sentencing options and bringing a new modern young offenders' institution so that young offenders cannot be placed in the company of hardened criminals at Glendairy Prison.

Sir, I thank you.

Mr. SPEAKER: The Right Honourable Prime Minister.

Rt. Hon. O. S. ARTHUR: Mr. Speaker, Sir, the House has been called into session for an extraordinary session for an extraordinary purpose. Having heard the speeches from the Other Side, I do believe that it is vitally important that the purposes that cause us to be sitting today should be refocused.

Mr. Speaker, as I speak to you, Glendairy Prison, the only prison in Barbados, is incapable of being used as a prison. This in itself raises a situation that is not only without precedent in the country but that, minute by minute, raises challenges and risk to the security and safety of the society of Barbados on a scale and of an extent that we would do well not to underestimate.

The immediate challenge of moving virtually 1 000 prisoners to new temporary accommodation has been a logistical difficulty of an enormous dimension. Sir, to house virtually 1 000 prisoners in accommodations that were never intended to be prisons, that do not have the security features of a prison, clearly, is a matter that cannot be taken lightly. Sir, even as these persons are being housed in alternative accommodation not intended to be prisons the task is being made even more complex that around them things are being done of a physical nature to try to make those accommodations approximate a prison in the interest of the security and safety of this country.

3.20 p.m.

Mr. Speaker, it is not a matter to be taken lightly because at the end of the day those 1000 persons are Barbadians who have rights under the Constitution and have to be treated in a humane way but paramount in all of this is the safety and security of the citizens of this country.

The Attorney General and the Minister of Home Affairs had been given a very clear mandate, working in collaboration with the discipline forces in Barbados and using such assistance that we can access under the Treaty to do everything within our means and within the law to make sure that the safety and security of the people of Barbados are assured. I stressed the point within our means but more

especially within the law. The point is, that is also paramount.

Mr. Speaker, we have a challenge in relation to security and safety that is unprecedented and it is of an order or magnitude that it approximates a crisis but it does not give the Government the latitude to act outside of the law and that is why we are here today. Insofar as there are things that are deemed necessary and urgent to be done to protect our safety and security and to the extent that our existing law does not allow those things to be done properly, it is proper and urgent that this Parliament should be reconvened to create such powers as will enable the necessary things to protect and preserve the security of the country to be done within the law.

Mr. Speaker, whatever happens, I do hope that we take away from this, that there is no challenge that should ever face this country that should ever encourage us to want to act outside the limits. Sir, the law and the purpose why this House is being convened in an emergency session is that the Government is insistent that such powers as may have to be assumed by those who are in the leadership position of our discipline forces must be validated by being rested in the sure foundation of the law. That is the responsibility of the Parliament and the Parliament is being in that capacity responsibly being made to function as part of this general effort.

Mr. Speaker, the time for inquiries will come and no one has to put that case. I want to set the context that the people who are in charge of our discipline forces, in less than a week have had to find temporary accommodation for 1000 prisoners in circumstances where our one prison is incapable of being used as a prison.

Sir, we have a choice. We can either ask the Superintendent of Prisons and others to come away from the job at hand and do an inquiry or we can require them to try as best they can to bring stability and normalcy to a situation where stability and normalcy are hard to achieve. Mr. Speaker, to find within a week temporary accommodation for virtually 1000 prisoners and to hold them in places that were never intended to be prisons; to hold them in places that do not process the security of prisons and to do so while ensuring public safety and security is an enormous task. It would have been an act of the highest irresponsibility for the Attorney General and the Minister of Home Affairs to require the Superintendent of Prisons and the other officers to come off the task of stabilising the situation to carry out an enquiry. Sir, the time for the enquiry will come but the immediate pre-eminent responsibility is to establish conditions of stability and normalcy to get to the task of reconstruction and rehabilitation and to carry out to the fullest the reforms to make sure that solutions, once put in place, are lasting and sustainable. Sir, it is cheap and shrill

for anyone even in the midst of this situation to be making these strident and silly calls for an inquiry at this time.

Mr. Speaker, I have had the benefit of being allowed to make a visit to all of the temporary facilities where 1000 prisoners are being held. It would be good but it is not possible if every Honourable Member of Parliament could be availed of the opportunity to see for themselves the tremendous challenge that faces our disciplinary forces. Every time that a prisoner has to be moved, it presents a security challenge. Every time that a prisoner has to be fed it presents a tremendous security challenge because what now obtains at the three sites are not normal prison conditions, yet, discipline still has to be maintained as if those persons remained still under prison circumstances. It is as difficult a situation as you could possibly ever want to have to manage.

Sir, that it has been managed in a manner that allows all Barbadians to sleep peacefully without there being any threat to their safety and security is commendable. Sir, that it has tested the capabilities that we would not have wished tested, goes without saying. Sir, I give this Honourable House the assurance that everything that can be done within our means and within the law is being done to establish conditions of safety and security and which can be used as the platform on which we go next to conditions of stability and next to the platform of reconstruction.

Mr. Speaker, I am the Minister of Defence and Security of this country and the very simple mandate that I have given to all involved in this exercise is that we must establish the basic conditions for safety and security then we move to stabilisation and then use that as the launching pad to move to conditions of rehabilitation, reconstruction and inquiry.

Sir, to have an inquiry at this stage would be to have an inversion of priorities. It is not the wish on the part of the Government to run from the situation, to hide or to seek subterfuge.

In fact, may I also make the point that I need on this occasion to express gratitude to members of the media who have shown restraint by understanding the collective threat to the security that faces us all by not feeling that they had to disclose everything that was within their possession. I wish today that I could say the same thing in relation to the behaviour of the Opposition, especially its Leader.

Sir, I am not going to disclose whether some of these prisoners are located in my constituency, that is not the point, it is not a constituency matter. What is important is the potential threat to the collective responsibility of all the people of Barbados on a scale with which we have never before had to grapple. It is not whether we like the circumstances under which the prison was set afire. We do

face a threat to the collective safety and security of the people of Barbados. Sir, for Honourable Members to come to this Parliament and want to grandstand about constituency matters is irresponsible and I think unworthy of a Parliament in an emergency Sitting of this nature.

Mr. Speaker, the public should be told what they need to know but the public need not be told things that can put the safety and security of the people of this country at risk and that is the point. It is what the Leader of the House was at pains to point out in her various encounters with the media and it is what the media understood.
3.30 p.m.

Mr. Speaker, it seems as if the Opposition cannot rise to any occasion. Sir, some of these temporary facilities which may be located in constituencies known to some Members of the Opposition, do not absolve them of the responsibility to be part of the effort to ensure the safety and security of all of the people of Barbados.

I strongly, Mr. Speaker, must say how deeply I regret the ill-chosen words of the Leader of the Opposition who has now fled, Sir, in seeking to disclose from the Floor of this Parliament, the nature of the temporary accommodations as if in so doing he, by that one act has now elevated himself to some superior platform of knowledge, intelligence and purpose.

Sir, I feel that to claim credit for this, has done a greater damage to the constitutional position of the Leader of the Opposition, than any act by any Leader of the Opposition in the Independent history of the country. Sir, to commit an act by way of the disclosure of information that could be used by persons who, thereafter and therefrom, could perceive to do things to undermine the security of the country and the safety of its citizens, is an act that is so reprehensible that it ought to be the subject of a censor.

Mr. Speaker, as I said, there will be a time for an inquiry and no one has to press for it from the Other Side because that has already been said. There also has to be a carrying out of the purposes of sustained reform to ensure that situations such as this are not likely to happen.

Sir, having said that, you must allow me to use this occasion to place on record, the gratitude of the Government, the entire society and, I really want to include the Opposition in this matter, for the extraordinary efforts made by the leadership of our discipline forces in helping us to establish what comes, as near as one can categorise as conditions of stability in this most dangerous situation.

I want to say, Sir, to the House that Barbados is very greatly blessed and fortunate to have persons of the highest

calibre and strength functioning as our Commissioner of Police, Superintendent of Prisons and the Chief of Staff of the Barbados Defence Force. I think, Sir, these have been three men of extraordinary calibre and they have worked together as a team in a way, devoid of any sense of ego but motivated only by a determination to use every capacity available to them to meet the standard set for them that this country must be safe and secure. I think the House, even as we debate these measures, Sir, would want to express our commendation for what they have done.

Mr. Speaker, I want to also express the gratitude of the entire country and the persons living in the vicinity of these temporary facilities for their sense of forbearance, their balance and the way in which they have related to the physical developments of an unexpected nature, taking place in their neighbourhoods.

As I said, Mr. Speaker, I have been privileged to be able to see the situation and I have spoken – I say this for the benefit of the Honourable Member for St. Philip West who seems not to know his constituency well – to some of the people located on the immediate fringes of these temporary locations and people understand.

In all of this, Mr. Speaker, we would do well not to underestimate an important aspect of the character of the Barbadian personality. The people of Barbados, Sir, understand that the Government would not have wished for this to happen. The people of Barbados understand, Mr. Speaker, that when individuals are involved in an altercation and it leads to these unfortunate situations, that a time must come when there must be an inquiry but they also understand that the immediate response of the Government must be to make sure that they are safe and secure. The people of Barbados, Sir, understand and they reject political grandstanding and I do feel that they understand when they are being properly led, and when they are being unled and when they are being misled.

On this occasion, Sir, I want also to use this Floor of Parliament to thank the Attorney General and the Minister of Home Affairs for her extraordinary leadership in very difficult circumstances. Sir, the last week for her has been a severe trial having to manage what, in my judgment, has been the greatest threat ever to the safety, stability and security of Barbados. She has managed this situation with a calm assurance, aplomb with a seriousness, that was expected of her, but it is very much to her credit that Barbados feels that much safer and that much secure because of the calm assurance with which she has approached this most difficult assignment.

Sir, I want just to say that what is before us, is but the first in a series of important, necessary measures to address

the situation, relative to the imprisonment of persons in Barbados. This obviously is merely to bring within the ambit of the law, the necessary powers that have to be conferred on those in our discipline forces who have to continue to do necessary things to ensure the stability and safety of Barbados.

During the course of this week, Sir, important meetings will be undertaken to begin to establish the full cost and the range of things that have to be done by way of mobilisation to bring back stability and normalcy. Those important evaluations have already started and decisions to make sure that stability will be taken very soon.

Mr. Speaker, I am absolutely sure as well that a programme of full reform and rehabilitation will be seen through and that, in the near future, there will be full disclosure relative to the nature of the inquiry that will be undertaken of all the circumstances that were the cause of this extraordinary matter which caused Parliament to meet and to prescribe corrective actions.

May I say, Sir, that the burden of the Opposition's argument is that they want an inquiry and review now. I say that in some instances, you have a simple choice. Should you be calling off Mr. Nurse and others to do a review and write a report or should they be involved in establishing the stability of the country?

Sir, the Opposition may want to tell us how far we should carry aspects of the review. There is a feeling in this country to which I subscribe that there are a lot of things that have been done in the recent past that which strikes at all sources of authority in this country and have created a climate under which some of these extraordinary things appear to be justifiable.

Sir, this is a country that is always full of allegations. There have also been allegations about the relationship between Members of the Opposition and part of the criminal class. We hear about these things but I do not feel that should be part of the review. On many occasions I have seen the Honourable Member for St. Philip West in company such that would give him what he feels is an authority to speak today. He himself might have been part of the breakdown in the sense of authority that should exist in certain important institutions in Barbados.
3.40 p.m.

Asides.

Rt. Hon. O. S. ARTHUR: Sir, I was alone. I was not fraternising with entities from certain institutions or causing them to feel that they should accept orders from me rather than from the Superintendent of Prisons.

Sir, certain Members of Parliament should be careful of the company that they keep, that is the point I am trying to make. The Honourable Member for St. Philip West came in here today to grandstand, as he always does, but he is not telling the House about certain relationships he had with certain people at the prison which could itself be a very important factor in causing a destabilisation.

Asides.

Rt. Hon. O. S. ARTHUR: Sir, if there is to be a review, it may well be that we should use the opportunity to do that which should have been done long ago to evaluate some of the relationships between Members of the Opposition and our criminal class. Sir, I do not feel that is an irresponsible statement and its relevance will be borne out in due course.

Sir, what is immediately before us is for us to ensure that everything that is done, no matter how deep the crisis may appear, is done within the four corners of the law and that this country must in everything become a society that is fully governed by the rule of law.

I am obliged to you, Sir.

Mr. R. D. JONES: Mr. Speaker, I rise to speak on this issue conscious of the delicate parameters in which this matter is encased. We are here today in what has been called or referred to as an emergency session of the House to amend the Prisons Act, Cap. 168 at the appropriate areas.

Mr. Speaker, as a Barbadian who is conscious of the reality of our country and as one who looks on and sometimes participates in various actions to secure the safety of all of our citizens, I, along with all the members on This Side, would want to commend those individuals who placed their personal safety at odds in seeking to ensure the safety of all Barbadians of whatever class, culture or creed.

At the same time in making that compliment and in making that praise, we must agree that maybe acts of omissions have catapulted us today into the kind of desperate situation that we now face. It is not one which we must gloss over, but it is one which we must face head-on as a people with sense to ensure that once again the notion of safety with which we embrace ourselves at least returns to this country.

Mr. Speaker, the efforts over the last five or six days were part of a mammoth task. One does not take from the Attorney General and all of those from the Government side who were involved in this endeavour that they were able to place prisoners in various parts of Barbados, places that I do not know because they were not shared with me. I do not know if those places were shared with any of the Members on This Side. I do not know the reasons why that was not

shared because I believe as part of the system of leadership and management of the affairs of Barbados that sometimes we must embrace to our chest, all of those who sit within the management of Barbados. In this instance this was not done. We were treated as 'outside children' in a matter of such serious import.

Therefore, if the Government is willing to take the plaudits for its actions, then it must also be willing to take the condemnations for its inaction over some period which has been spoken about by members on This Side.

Mr. Speaker, as I addressed these amendments to the Prisons Act, I do not want to be brutal to anyone, that is not my nature nor my name. However, many on This Side have spoken to issues which must be addressed as a matter of course. We do not believe that there is going to be any instantaneous resolution of the issues which catapulted those elements at Glendairy Prison to behave in the manner in which they did.

Therefore, in keeping with that type of argumentation, I would want to suggest to the Honourable Prime Minister that the call made on This Side for a judicial inquiry is not set within an immediate time frame by no stretch of imagination. None of the members on This Side are so irresponsible as to divert scarce human resources and scarce financial resources that are being called upon to protect the 269 000 Barbadians from those who might find an opportunity now to test our security forces and those from the Regional Security System at this time.

Mr. Speaker, we cannot believe that we are protected because we might know some of those who might be now part of the criminal class as the Prime Minister has said. So I want to erase from the minds of any person on the Government side or any person who might be listening to this debate that this call is precipitated by immediate action relative to an inquiry. This call is more precipitated by the hope that as we look to the future for the safety and security of Barbados that systems and processes are put in place to ensure that such similar circumstances do not arise to cause the kinds of difficulties that we now have.

Mr. Speaker, even with the amendments and the security measures in place, I am not going to be so bold as to predict that nothing else of such a nature will ever happen. We are a people who always believe that it would never happen here buttressing ourselves with false notions and false beliefs. Therefore, when these things do occur then we are at sixes and sevens to understand the reason why. Way back in 1937 there were hundreds and thousands of Barbadians who believe that they would not have been an uprising of the poor and the depressed working class but of course they were conditions relative to that uprising and all

it took was a slight stroke to cause this conflagration to occur in 1937.
3.50 p.m.

I am not, by any stretch of the imagination, comparing the popular uprising of a depressed people to the kind of behaviour which was manifested by persons who did not want to have freedom among the 269 000 of us, out in the open spaces of cane fields and valleys. I will not mollicoddle anyone who breaks the laws of this country in the many forms that the laws have been broken. Those persons were moved to a place whereby the wider society could be protected, as a result of other criminal acts which were manifested. Sir, the destruction of public property is a criminal act. Therefore, I will not support any conscious Barbadian who stands in praise of acts such as that.

I believe, nevertheless, that in order to ensure our own dignity as a people, we must have conditions which will ensure the dignity of those we place in penal institutions. Sir, I cannot look at myself in the mirror and feel confident and comfortable when those who were among us were taken and placed in a prison, and then for us to treat them with subhuman acts. To do so, I would feel that my own dignity was being circumscribed in such circumstances but I will never go along the road of shouting and praising them in a glorified manner for the wastage of the hard-working taxpayers' funds in this country. I will never support it, not here in the now or there in hereafter, where we all will sometime go.

Mr. Speaker, I hold no brief for the law-breakers of Barbados. I hold no brief for the reactive behaviour of the Government on this matter. We have to prioritise what we are doing in this country. We have to allocate the resources relative to those priorities, not to current whimsical behaviours or feelings that we must do one thing now and another thing tomorrow, but serious prioritising is needed.

Mr. Speaker, it is as a result of the lack of the inadequate prioritising that we are here with these temporary amendments, or to create these temporary situations in Barbados. Therefore, let us accept the blame where the blame lies. That blame is not a blame which is placed on the Minister of Home Affairs, the Attorney General, or on the Parliamentary Secretary because I am sure they did not go to the prison with matches or lighters. They did not equip those prisoners with cellular phones to communicate to the wider Barbados because they are honourable men and women and will, therefore, never be part of that process.

Mr. Speaker, inaction sometimes breeds reaction, and one of the things that we again in this Honourable House today seems to be fooling ourselves with, is that Barbadians do not know where these temporary prisons are located. In

fact, I heard the Honourable Attorney General saying that persons were driving around in their cars and were calling out the names of prisoners at these temporary locations. I did not know that, that was told to us in a candid manner by our Attorney General. Therefore, I am only in a reportative mode relative to what has been told to us by the Attorney General. Sir, I do not always quote what she says but in this instance, permit me to quote exactly as she said. I will never mis-represent what she has said.

Mr. Speaker, the Right Honourable Prime Minister has been great in his praise of the media for showing restraint. Sir, in a democracy, we are sometimes threatened as a consequence of living in that democracy, and the media is an important and magnificent segment of that democracy. Sir, because the media have shown what is called restraint, we seem to be proud of that particular behaviour when, in fact, it is a denial of the very fundamentals of our democracy that is taking place. I do not praise them for what they call restraint. I am not saying that the media should have disclosed the temporary locations of the prisons, what I am asking for, and maybe this will come, is an analysis of the issues and processes.

Mr. Speaker, if the media, as they have done, wanted to praise the Attorney General, that is the media's right. If the Attorney General, as leader in this process, has done an excellent job, let her be praised. Therefore, one can see that during this crisis, there would have been some careful and measured management of that crisis and, therefore, I too commend her and all associated with her.

Mr. Speaker, as I have said, there will come a time in this House when my tone on this issue will be different, when, in a true school teacher's mode, with bamboo cut from the hills of St. Thomas, I will have to flay the Honourable Attorney General for sitting too comfortably and allowing the kind of disruption of the normal tone of Barbados to be fractured. Sir, that time is not now.

Mr. Speaker, This Side will support these amendments. It is only reasonable, fair, just, sensible and decent, relative to the over 269 000 plus persons who reside in this country.
4.00 p.m.

Mr. Speaker, I do not want to hear of one escape prisoner. At the same time, I want to see the security forces still being able to get that necessary recreation of mind and of body which comes through sleep and rest so that they can continue to guard and secure not only those in the temporary prisons but every one of us including the Honourable Member for St. Thomas. Sir, do not let us fool ourselves, there are persons who have been in that institution for some time who have bred mental tendencies who have no respect for any one, 'big-up' or 'little-up'. Therefore, our comments

must not be taken to suggest that we are not in unison with Government relative to the safety and security of Barbados.

Mr. Speaker, as I sit, I want to underscore the point relative to that. Sometimes we are burdened with how we handle a lot of these issues and how we seek to look after the demand of persons who say that we represent them when they call and demand that we must raise issues on their behalf. Mr. Speaker, how do we run between the rain drops in order to ensure that we are faithful to our constituents and the wider Barbadian interest relative to that?

In the first place we say to the 8 000 persons within the parameters of the constituency that we will represent their interest when they send us to the House of Assembly and we see that as our major priority but then we are part of a total Barbados in which that constituency is enmeshed. Therefore, the balance as we toss left and right become almost difficult to manage.

Nevertheless, I believe that on This Side, there is fair and reasonable response to the crisis in the country precipitated by criminal elements. Sir, as the Attorney General and all those under her charge continue to address the issues, she can rest assured that with a responsible Opposition, such as we are, once embraced, the burden of carrying the crisis will not be on her broad shoulders alone or the shoulders of the Commissioner of Police, the Chief of Staff of the Defence Force or the Superintendent of Prisons but would also rest on the shoulders of every one of her colleagues in this House and in the Other Place.

I thank you, Mr. Speaker.

Mr. SPEAKER: The Honourable Member for St. Michael North East will now wind up.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, Sir, this is not the occasion for the engagement of partisan/political debate. This is not the occasion for me to respond to the wild allegations, in my view, that have been cast by Members of the Opposition, as tempting as it may be for me to do so, in all that I normally stand for, I shall not do so today.

Mr. Speaker, I indicated at the outset of this debate that today was a day when we were being ask to treat to a specific task and that in so doing, I gave this House the full assurance that it would have an opportunity for a full political debate on these matters, a debate when the record of the Government and my own record in relation to the efforts of penal reform, in relation to the steps taken pursuant to the Belgrave Report, in relation to the expenditure approved by this House and spent by those departments would stand available for scrutiny. Sir, that day shall come soon.

Mr. Speaker, Honourable Members in this house, including the Honourable Member for St. John, know that from the day I have entered this Chamber, I have never run from the opportunity to stand and be accountable for my action in public life. Perhaps, I may well be the only person in this House to know what it is to stand accountable under a no-confidence motion, that motion having been filed against me within the first three months of my being a Minister of the Crown.

I may well thank the Leader of the Opposition, the Honourable Member for St. John for ensuring that from the outset, I came through a process that put me on guard for the rest of my political and public career as a Minister of the Crown.

Mr. Speaker, I give the House the full assurance that there will be an opportunity for accountability in this matter and that there will be a receipt of a report from the Superintendent of Prisons as well as the Commissioner of Police on this matter, that there will be, if it is deemed necessary, an independent inquiry into these matters.

Mr. Speaker, in my speech, before I wrap up in moving this Bill, I appealed to the Leader of the Opposition to let us rise on this occasion, as the House meets in emergency sessions for these very difficult and extraordinary purposes, to show the public of Barbados as they want us to do, that in the same way that the three heads of the security forces of this country could have worked seamlessly in the course of the last week to make Barbados safe in the face of the challenges, that we too, as legislators, Mr. Speaker, could also work together seamlessly to give them the necessary power to do their job.

Mr. Speaker, I appealed for that seamless coordination, having given the assurance that there would be the opportunity soon for that political debate within the next month in this House. Mr. Speaker, regrettably, this was not to be today. This is unfortunate, Mr. Speaker, and I regret that this House, on this occasion, has failed to rise today to the very simple challenge and entreaty that I placed before the Leader of the Opposition to give the country that sense of confidence and calm assurance that when the country's national interest requires it, that we the Government and Her Majesty's loyal Opposition can place the national interest first and before that of the individual interest.
4.10 p.m.

Mr. Speaker, the country would expect it of us, having had the recent experience in the last two years of witnessing when other Parliaments were required to treat to these matters. In the United Kingdom, less than two years ago, when they were required to treat to a matter of national security, not even involving the geographical location of the

United Kingdom that Parliament spoke with one voice and in one firm manner that gave the British security forces the clear understanding that the Government of the United Kingdom and Her Majesty's Loyal Opposition would do that which was necessary to assure their security and capacity to do their job and that Parliament put aside partisan political interest in the national interest in the United Kingdom.

Sir, I do not normally measure our performance by comparison to the United Kingdom but on this occasion I do so because that is recent, not only in my memory but in the memory of all Barbadians. I believe that when I spoke this morning, I trusted and I hoped that there would be that level of maturity and judgement exercised by all Members of this House. It stands for clear notice and comment that the one person in the Opposition who has experience, the one person in the Opposition who has almost twenty years membership in this Honourable House chose not to speak. I would not purport to say why or how because that is not within my peculiar knowledge but it gave me the sense of comfort, whether it is true or not, that he understood the magnitude of what this House was facing here today in relation to the time frame of giving the legal protection to our security forces.

Sir, the mere fact that there is an unprecedented Sitting of the Senate at 6.00 p.m. today; the mere fact that His Excellency the Governor-General is on standby to sign to the Proclamation such that our soldiers and police should not have to go through one more night where they feel threatened by reason of not being able to use powers that they should and could use but were it for the absence of legal protection, is an indication of the seriousness of the issue and why the Government chose to come back today rather than wait until April 12, 2005.

Mr. Speaker, worse than this was the clear and blatant breach by the Leader of the Opposition followed by some Members of the Opposition to announce the location of where the temporary prisons are in this country in spite of the fact that on at least three separate occasions I said in public that it was not the Government's intention to announce the location until we receive an all-clear from the Heads of the operational forces because we wanted the time frame to assure the security of our forces in being able to protect not only the prisoners but to protect themselves.

Mr. Speaker, I did not say then why but the reason is that our intelligence and actual evidence noted the presence of known criminals and people on bail at least at one of the sites as we were about to commence work on it. It was the judgement of the Commissioner of Police and the Chief of Staff of Barbados that they job would have been made so much more difficult if we were to have it published for the entire population of Barbados to know. While we recognised

that the people in the various localities would obviously have known, not just by the presence of the security personnel, but contrary to what was said by the Honourable Members for St. Philip West and St. Lucy, by reason of the fact that Station Sargeant Barry Hunte, who is the Public Relations Officer of the Royal Barbados Police Force, along with a constable Desmond Linton and a Miss Kathy Lashley visited the residents in St. Lucy. Station Sargeant Barry Hunte visited and engaged house-to-house with the residents in Six Roads. Sir, the Government Information Service even has them on tape, as we do a documentary for the rest of Barbados, not objecting to the location of the sites and that we have...

Asides.

Mr. D. St. E. KELLMAN: On a point of order. The Honourable Member is misleading the House. I did not tell this Honourable House the type of action that my constituents ask me to take on this particular matter, which I have guided them not to take the action, Sir. I think that it is wrong to go in this particular direction. Sir, if I have to be guided by my constituents, the action would be harsher.

Asides.

Mr. SPEAKER: Order, please. Continue, please.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I do not know what that has to do with what I said but suffice to say that I have in my possession reports submitted to me since Friday evening and another one submitted today indicating that the Royal Barbados Police Force took all reasonable efforts and in particular in St. Philip, prior to the bringing of a single prisoner to St. Philip, that they canvassed every household in the vicinity of where the site is. I also canvassed some households and had on more than one occasion to treat to them in St. Philip. Therefore, it is unfortunate that this matter should now be paraded in this Honourable House in the way in which it was paraded by the Leader and Members of the Opposition.

Mr. Speaker, I spoke to the Leader of the Opposition and I thought that I was briefing him and on many occasions I told him that it was not public knowledge but for him to do this I hope was an unfortunate error. If it were an unfortunate error, it is not good enough because in my view, it constitutes a breach of his duty as Leader of the Opposition to the country of Barbados. Sir, in my view it raises the question as to whether what we have witnessed is the clear behaviour of this Opposition saying that it is no longer Her Majesty's Loyal Opposition and that it is rejecting its role to be loyal to the State, at a time when even the media have consented not to do and publish information not by my directions but by my request that the people of the law enforcement agencies' security not be threatened.

Mr. C. A. MASCOLL: On a point of order. The Honourable Attorney General is misleading this Honourable House and if she does not reveal what she told me then I will have to reveal it.

Mr. SPEAKER: Honourable Member, that is not a point of order. Let us proceed, please.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I am not going to go into the intricate legal details as to whether the Leader of the Opposition has in fact breached his Oath of office by treating to this information such as it went out on the radio to all Barbados when he breached it. That is a matter that will not engage me this afternoon.

Asides.

Mr. SPEAKER: Order, please, order.

Mr. C. A. MASCOLL: On a point of order. The Honourable Attorney General did not tell me where all of the sites were and I could repeat the ones she told me about. She did not tell me where all of the sites were and I have not revealed any information that the Honourable Attorney General told me.
4.20 p.m.

Mr. SPEAKER: You have made your point, please.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I am not going to engage in this, and the Leader of the Opposition's behaviour will stand to be considered by his own Party and by the public of Barbados. I say to you, Mr. Speaker, that what has disappointed me is that all of this was done for no more greater purpose than for mounting a platform, in my judgement, of political expediency.

I believe, Mr. Speaker, there are other opportunities for platforms for political expediency. It is my judgment that the quality of governance of our country has been tarnished by this episode here today and that this, Sir, has been a sad commentary on our own Parliament that it has not risen in the way and that this information, which now puts those security officers' capacity to operate in jeopardy, that it should have come from this Parliament, that their increased risk has arisen is a sad commentary on this Parliament today.

Mr. Speaker, I believe that our behaviour as legislators is clear. We are here to pass laws. We are here to make laws for the peace, order and good governance of Barbados under Section 48(1) of the Constitution of Barbados. The purpose of these amendments which are before us today is to give legal protection to the security forces to operate within the precincts of the prison, in a way that can give assurance to the people of Barbados that they are making this country safe.

They, Mr. Speaker, are doing their job. They are trying to ensure that there are no escapes. They are trying to ensure that they can keep this country safe without loss of life and, Sir, all they have asked of us as legislators is to do our job and to pass the law that will make it possible so that they will have the legal protection to do their job in a way that can continue to make Barbados safe and to keep the calm assurance that is necessary at this stage.

Mr. Speaker, as I said, this House has been asked today to do its job now. The Senate will be asked at 6.00 p.m. to do its job and His Excellency, the Governor-General will be asked to assent and sign the legislation and proclaim tonight, not even tomorrow, because we do not want to give them any more exposure than we have to give them.

Mr. Speaker, of all of the challenges, we as legislators have simply been asked to do our job and I have not addressed it in the public before, such as to raise the spectacle that they may have felt that they wanted this protection, so that those who are more criminally minded among our population, may have wanted the opportunity to exploit them. Sir, this is after consultation with all and sundry.

Mr. Speaker, we are here to do our job and to ensure that in doing our job, the security forces can keep this country safe within the rule of law, and that is all that this House has been asked to do today. I am obliged to the Honourable Members on This Side.

I noted the silence of the former Leader of the Opposition and the way in which the Honourable Member for Christ Church East Central tried to pull back from the rest on His Side. Sir, in respect of the rest of what I heard, I really do regret that this House has not risen to the occasion that was demanded of it at this extraordinary Sitting of the House.

Mr. Speaker, I ask that this Bill be read second time, so that this House can provide the security officers of Barbados with the necessary legal protection to continue to keep this country safe.

I am obliged to you, Mr. Speaker.

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

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

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

COMMITTEE

Mr. CHAIRMAN: This House is now in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Mr. D. St. E. KELLMAN: Mr. Chairman, in Clause 2, Section 3, the Section that deals with "...of a prison for any period", I believe should be for a period and not "any period".

I am asking that this amendment be made if the Attorney General feels fit but let the record show, Sir, that I have raised it.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, there is no difference in substance and I do not believe in second guessing the people who are trained in drafting. Therefore, any amendment that I move, I check with the draftsmen first, such as to ensure that there are no deleterious or otherwise consequences falling before us. My judgment is that it means the same thing and I will prefer to stay with what the draftsman has done.

Mr. R. St. C. TOPPIN: Mr. Chairman, at subsection 6 when it says that at the request of the Superintendent, the Commissioner of Police assigns a police officer to assist the Superintendent in relation to management or operation of the prison for any period, that officer 'may', and I wonder if that should not be 'shall'.

Hon. Miss M. A. MOTTLEY: I do not think that is necessary either because may is wider than shall in these circumstances. I understand and once again as I said, I do not like touching legislation without the specific advice. There are going to be some amendments in this Bill but those are the ones that I have run passed them already.

Hon. R. C. EASTMOND: Mr. Chairman, thank you for giving me the opportunity to respond to both queries raised, one by the Honourable Member for St. Lucy and the other for the Honourable Member for St. Michael North.

Sir, in the first instance, "any period" at Clause 2(3), as raised by the Honourable Member for St. Lucy, can be used interchangeably with a period. It does not purport to mean for such an indefinite period as to last forever but here, any can be construed as a. As a matter of fact the terminology, "any period" is used throughout, meaning any in the sense of a or an.

Sir, with regard to the query raised by the Honourable Member for St. St. Michael North over, "may", if you say

shall perform, then it forces the officer always to perform; shall perform will apply imperatively and it will be mandatory and compel the officer to act on every occasion, but "may perform" is enabling the officer to perform as circumstances will warrant.

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

Clause 2 was passed.
4.30 p.m.

Clause 3 was called.

Mr. D. St. E. KELLMAN: Sir, I want to draw attention to Section 3(b) which states: "any place where prisoners are working", and the paragraph that follows which says: "shall be guilty of an offence and, if he refuses to leave when requested to do so, may be arrested by a prison officer or a police constable." Sir, I believe that should read a police constable or a police officer.

Hon. Miss M. A. MOTTLEY: There is no real need again but if it makes the Honourable Member for St. Lucy happy I would say police officer which would cover both police constable and police officer.

I beg to move that the word constable be deleted and that the word officer be inserted.

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

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

Clause 3 was passed.

Clause 4 was called.

Hon. Miss M. A. MOTTLEY: Mr. Chairman, I want to move two small amendments to Clause 4. The first one is subsection (a) which says: "designating that Rule as 87(1);" I want to make that Rule 87 and that we insert the following words and the following subsection in 87(1) after the phrase Offences Against the Person Act.

Hon. R. C. EASTMOND: Before actually seconding and putting my consent to the amendment, for the avoidance of doubt, for posterity and for interpretation, effectively what is now 87 becomes 87(1) as my friend said. So for the future what is now 87 in the rules would be 87(1) and then the amendment that she just proposed takes effect in Rule 87(1).

Hon. Miss M. A. MOTTLEY: The second amendment is that we delete the word “male” coming in Clause 4 subsection (2) where it says “...hair of any male prisoner...” It should then read as hair of any prisoner.

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

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

Clause 4 was passed.

Clause 5 was called and passed.

The Schedule was called and passed.

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

On the separate motions of Hon. Miss M. A. MOTTLEY, seconded by Hon. R. C. EASTMOND, the Bill was read a third time and passed and cited as the Prisons (Amendment) Act, 2005.

Mr. SPEAKER: We will now revert to Government Notices and First Readings of Bills.

GOVERNMENT NOTICES (RECOMMITTED)

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to give notice of the following:

1. Caribbean Court of Justice (Amendment) Bill, 2005.
2. Constitutional (Amendment) Bill, 2005.
3. Caribbean Community (Amendment) Bill, 2005.

FIRST READINGS OF BILLS

On the motion of Hon. Miss M. A. MOTTLEY, seconded Hon. R. C. EASTMOND, the following Bills were read a first time:

1. Caribbean Court of Justice (Amendment) Bill, 2005.
2. Constitutional (Amendment) Bill, 2005.
3. Caribbean Community (Amendment) Bill, 2005.

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, this brings us to the end of Government's Business for today's Sitting. As I move the adjournment for the House to be adjourned until what would otherwise have been its normal resumption date, had this extraordinary Sitting of the House not been called, I wish to give notice, as I confirm on the last occasion that we met, that when next the House meet we would be dealing with the amendments to the Caribbean Court of Justice Bill.

The three Bills which were just read for the first time are in fact being taken together. They simply attempt to incorporate the protocols which were recently signed. So I am serving notice that the Government intends to debate the three Bills together in one debate to have consideration of the other two as we debate the first one and that we shall do so on Tuesday, April 12, 2005.

I beg to move that this Sitting be adjourned until Tuesday, April 12, 2005 at 10.00 a.m.

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

The question that the House do now adjourn until Tuesday, April 12, 2005 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
4.40 p.m.

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