

THE

# House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

## HOUSE OF ASSEMBLY

*Tuesday, December 6, 2005*

Pursuant to the adjournment, the House of Assembly met at 10.15 a.m. on Tuesday, December 6, 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)

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

Hon. Dame Billie MILLER, D.A. (Senior Minister and Minister of Foreign Affairs and Foreign Trade)

Mr. G. W. PAYNE, Q.C.

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. D. St. E. KELLMAN

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. A. P. WOOD, B.Sc., M.Sc., M.Phil., J.P. (Minister of Energy and Public Utilities)

Hon. R. R. FARLEY, B.Sc., J.P. (Minister of Education, Youth Affairs and Sports)

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

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

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

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

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

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

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

*Prayers were taken by Canon Father Ivan Harewood.*

Mr. SPEAKER: The House is now in session.

### MINUTES

Mr. SPEAKER: The Minutes of Tuesday, November 29, 2005.

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that the Minutes for the Honourable the House of Assembly for its Meeting of Tuesday, November 29, 2005, which Minutes have been circulated, be taken as read.

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

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

### PAPERS

Rt. Hon. O. S. ARTHUR: Mr. Speaker, I am commanded to lay the following:

Annual Report of the Insurance Corporation of Barbados Limited for the year 2004.

## ORDERS OF THE DAY

## SUSPENSION OF STANDING ORDERS

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of this day's Sitting.

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

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

## GOVERNMENT BUSINESS

ORDER NO. 2 (RESUMED) – RESOLUTION TO  
TAKE NOTE OF THE REPORT OF THE  
NATIONAL COMMISSION ON  
LAW AND ORDER

Mr. M. A. LASHLEY: Mr. Speaker, I rise to lend my voice to this debate.

Mr. SPEAKER: Sir, are you speaking as the Leader of the Opposition?

Mr. M. A. LASHLEY: I am leading the debate on behalf of the Opposition.

Mr. SPEAKER: Thank you, Sir, go ahead.

Mr. M. A. LASHLEY: Thank you, Mr. Speaker.

Mr. Speaker, I want to commend the Commission on Law and Order for delivering such a comprehensive Report. Indeed, it is clear that the Commissioners moved around the country and met with various sectors of the community. Indeed, this reflects the 'goings-on' in our society.

Mr. Speaker, the Commission on Law and Order was commissioned by the learned Attorney-General and was mandated to advise the Attorney-General on a number of matters.

10.20 a.m.

Mr. Speaker, if we examine page two of the Report of the National Commission on Law and Order, we would see that the Commission's role was twofold. It was to advise the Attorney-General on:

- (a) strategies for promoting cultural renewal and social cohesion, and, in particular, for developing positive social behaviour in young people;
- (b) other policies and programmes to promote law and order;

(c) the effective communication of policies and programmes;

(d) the development of a process for involving the civil society in cultural renewal and crime reduction through consultation, feedback and involvement in implementation.

Mr. Speaker, what was reflected in the Commission's Report was that during the 'walkabouts', mention was made of injustices in the system of Government, poverty and the notion of the concept of our law versus your law. Sir, that speaks volume. Furthermore, I believe the society's reflection was accurately summed up when a young man asked the Commissioners to whom does Barbados belong.

Mr. Speaker, the Opposition has made a number of statements and submissions about the way in which the country is moving, about where national assets are going, and this young man has accurately summed up the concerns of the Opposition and the public in society. Sir, obviously the sentiments of this young man is a reflection of many of the young people on the streets of Barbados.

Sir, we have heard mention made that all is not well in this society, and even that issue was accurately summed up in the report. Sir, why is there a feeling of injustice among people, the poor in particular? Why is there a feeling of disenfranchisement among the average Barbadian? Why is there a feeling of justice for one set of Barbadians and not for the other?

Mr. Speaker, page 66 of the National Commission on Law and Order manifestly and accurately sums up the feelings of the average Barbadian in today's society. It is a fact that a large amount of Barbadians voice their opinions daily on the call-in programmes, at Town Hall meetings or in any open forum, expressing their concerns about being unable to have a say or a stake in this society.

Mr. Speaker, the question must, therefore, be asked: Are we fashioning a society for the privileged few, by virtue or by tenure of legislative, social or economic programmes? Sir, again the feelings of the general public were encapsulated by this comprehensive report of those Commissioners. People expressed the view, and I believe some Honourable Members on the Other Side would agree with me, that there is a psyche where some Barbadians believe that Barbados does not belong to them.

Mr. Speaker, I believe in this context that we must look at the distribution and allocation of the resources of the State, to see how they are being distributed to the average Barbadian. Sir, the average Barbadian looks forward to a fair distribution and allocation of those assets, since there

is a social contract between that average Barbadian and the agency responsible for allocation and distribution of those assets. Therefore, persons believe that their standard of living would be enhanced, if the allocation of these resources are distributed in an equitable and fair manner. Indeed, we have heard the calls and the cries for national resources to be given to certain sectors of the community.

Mr. Speaker, when we speak of injustices, we must ask ourselves whether, by a mere statement, we must agree there are injustices or whether the concerns being expressed or articulated by the poor, about their relationship between the State and themselves, amount to injustices.

Mr. Speaker, if I may draw an example, Sir, quite recently, residents in a particular area in the City were crying out for compensation in relation to involving an agency of the State. They expressed some desire for redress because their lives and their standard of living were being affected. They cried out for the machinery of the State to be a good Samaritan and to assist them.

Mr. Speaker, they cried out that for years, they have been going through some degree of misery. For example, the residents at Lakes Folly. In fact, page five of the Report speaks to injustices in the system of Government. Therefore, we ask ourselves whether the residents in that particular area are prime examples of the notion of an injustice, or the cry for their rights to be respected and for them to be fully compensated for breach of their rights.

Mr. Speaker, if we look at injustices, we can go further. We have now gone through the various acquisitions of land, owned by private citizens. We have seen or heard of citizens begging for representation for matters falling under the Land Acquisition Act. Sir, recently there has been a number of debates on the shortcomings of the Land Acquisition Act. Sir, is it an injustice when the State can acquire one's property ... Sir, under the Constitution of this land one has a right to be adequately compensated, if that right is being infringed...

10.30 a.m.

It is an injustice where your property is acquired but before you are compensated whatever the State intends to do is already in motion.

It is an injustice for that citizen to be kept some years waiting down the line for compensation under the Act. Sir, these matters only lend to the frustration and disquiet.

Mr. Speaker, we are discussing law and order and I have made the call that under the Community Legal Services Act..., although the schedule does not permit for legal aid representation under the Land Acquisition Act. Sir, I know

that my learned friend from St. James North will suggest that under that piece of legislation even if you acquire an attorney that the State is under a duty to pay for legal services but I am saying that it should be a right for the citizen to have legal representation under the Community Legal Services Act before or even during the process of the acquisition of property.

Mr. Speaker, we are not dealing with any simple, fly-by-night matter. We are dealing with a matter involving the fundamental right to property. Sir, our Constitution is grounded in the rule of law and credence should be given to that view. Sir, we should make the necessary amendment to the Community Legal Services Act so that citizens would feel adequately protected in matters involving the State.

Mr. Speaker, when we look at the rights of workers, we must ask ourselves, when a person works year in and year out, has some misfortune, that person is injured and has to travel to the State agency to get what is his just due, why is it that the worker has to wait for some length of time to get what belongs to him?

Mr. Speaker, if we speak about injustices, I have laid out a number of examples. Sir, I draw further examples. It is only quite recently that a matter at Pickwick Gap, falling under the Land Acquisition Act, that the law gives the resident the right to be compensated. The person had title deeds, was the rightful owner, the property was not encumbered but, as a citizen of Barbados, the State has compulsorily acquired the property under the Land Acquisition Act, yet when the person asked for their just due, they are now without house or land and are now swimming in the dark, hoping that some day the State would hold out a hand and give them their just due.

Mr. Speaker, it is the province of the law to protect the rights of citizens, to safeguard the rights of citizens and to safeguard from any intended exploitation and so, we must ask ourselves as a Parliament today whether that is to be deemed as an injustice.

Mr. Speaker, at page 53 of this Report, the issue of corruption is mentioned. It speaks about white collar crime, transparency, accountability, conflict of interest and numerous other matters. I want to draw your attention to the fact that in relation to governance, the Honourable Attorney-General mentioned last week the ability of Parliament to scrutiny. The Executive is one of the main considerations when we are looking at reforming our system of Government.

Mr. Speaker, it is true that the Commission has mentioned recommendations of fairness, honesty, transparency, accountability and integrity in accepting

and using money. It also speaks to trust, confidentiality and prevention of conflict of interest.

Mr. Speaker, earlier I outlined what type of society we are fashioning. Why is it that it was expressed in the body of this Report that there is a law for you and a law for us? Sir, I respectfully submit that Barbados' reputation as a model society, free of corruption is one that other States should follow. Sir, of our public officials, Ministers or be they persons of responsibility, have not been painted by the brush of corruption.

Mr. Speaker, very often in many societies, the issue of corruption arises where a Minister is directly or indirectly involved in matters involving the issuing of contracts between the State and other agencies, especially if that Minister awards a contract to a close relative, good friend or spouse.  
10.40 a.m.

Sir, that is why I am saying to Honourable Members on the Other Side that we have had a system of Government, and successive Governments, and we cannot point definitively to a Minister that has been painted by the brush of corruption.

Mr. Speaker, there is a view on the ground where there is overspending on a project or the lack of information, that they are the judge and jury who will arrive at their own conclusion. Certainly, we do not have a Freedom of Information Act, for the average citizen to make an application under that Act, acquire the files along with the relevant information to come to a conclusion. They can draw inference. Sometimes it might be a fair inference or, to use the language, an unfair inference. Like myself, I cannot point over there and, in fact, I do not engage in pointing.

Sir, I cannot mention a Minister that has been painted by the brush of corruption. However, if the average citizen on the street believes that something is amiss, because throughout this report reference is made to a law for you and a law for me... There is another section where it speaks to why persons of influence are treated differently from other persons.

Mr. Speaker, where do we go from here? I have researched the Prevention of Corruption Act of Barbados, Chapter 144. It is a June 21, 1929 Act, the Prevention of Corruption Act. I have not seen any amendments or changes but it is amazing that when we examine this Act, it treats the offence as a misdemeanor. In fact, Section 4 states that any person on conviction or indictment under Section 3 shall be liable to imprisonment for two years, to a fine of \$2 400 or to both imprisonment and fine.

Sir, it further states at Section 3, Subsection 2 that any person who by himself or in conjunction with any other

person... This even covers where a public official has an interest in a company or any other organisation who makes use of that agency to gain an advantage or benefit through a contractual process. It speaks to any person by himself or who is in conjunction with any other person, who corruptly makes promises or offers any gifts, loan, fee, reward or advantage whatsoever, whether for the benefit of that person or another person as an inducement to a reward or otherwise on account of any member, officer or servant of the Crown or any public, shall be guilty of a misdemeanor.

Sir, Section 5 says that any person being an agent, who corruptly accepts, obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gift or consideration as an inducement or a reward for doing so, shall be guilty of a misdemeanor and shall be liable on conviction of indictment to imprisonment of two years or to a fine of \$2 400 or to both such imprisonment and fine.

Mr. Speaker, it simply states that if you benefit by billions of dollars or millions of dollar, that is the number of years of improvement you will receive, in a day and age where other societies have developed strong legislation to deal with corruption.

Hon. K. D. SYMMONDS: On a point of order. The Honourable Member is misleading this Honourable House. Barbados is at the forefront of a battle in the Organisation of American States, in which we are the lone State championing the cause against corruption. Not only as a public sector offence, but as an offence which can be committed across the private sector. Further to what we have seen internationally in terms of Enron, Microsoft and several other international companies.

Mr. Speaker, the point is, we cannot change our legislation arbitrarily if we are not yet in a position to bring the entire group of the Organisation of the American States members on board. That is what the international movement for the fight against corruption is about.

Sir, this has been said in this Honourable House before. The reason the changes have not been made to the legislation, to which the Honourable Member speaks, is because the matter at the Organisation of American States still remains unsettled. It is led and championed, contrary to what this Honourable House is asked to accept, and Barbados. It is, therefore, the worst form of misrepresentation of fact.

Sir, for the Shadow Attorney General of this country to come in here and make that kind of bland assertion, it is disgraceful, Sir.

Mr. SPEAKER: Honourable Member, you have made your point. Please, you have made your point. Let us proceed.

Mr. M. A. LASHLEY: Mr. Speaker, I anticipated that the Honourable Member for St. James Central would have got up when I mentioned this type of legislation. I would ask the Honourable Member for St. James Central to read the piece of legislation. Sir, is the Honourable Member saying to the Honourable House that Parliament is no longer supreme?

Hon. K. D. SYMMONDS: On a point of order. The Honourable Member cannot be inviting me to read when I represented Barbados at the meetings that were dealing with it, Sir.

Mr. SPEAKER: Honourable Member that is not a point of order.

*Asides.*

Mr. SPEAKER: Please, please. Proceed, please.

Mr. M. A. LASHLEY: Mr. Speaker, it seems to me that when I mentioned the phrase painted by the brush of corruption that it touched and concerned the Honourable Member for St. James Central. I do not know why he was so concerned but I spoke directly, Mr. Speaker, to the Prevention of Corruption Act that is still on the law books of this country.  
10.50 a.m.

The fact is, Mr. Speaker, that they have the majority, they can make amendment to this legislation when it is necessary. Therefore, to get up and say that I was in some big meeting and we discussed this and that is irrelevant and not solving the problem so we are asking for stronger legislation to deal with any case of corruption in Barbados.

Mr. Speaker, I am not saying that we have corruption but I say that if there is a case of corruption, the legislation is weak, the 1929 Act on 21st June and that is not all, Sir, we even make it a hybrid offence. The Honourable Member for St. James North will agree with me because it says that on summary conviction before a magistrate, imprisonment for four months or to a fine of \$240 or both imprisonment and fine.

The Honourable Member for St. James Central would drag his feet on this matter knowing full well that if there is some semblance of corruption that the person can get four months, with billions of dollars in their pockets. They spend four months in prison and all is good and they go back to where they came from.

Is that right, Mr. Speaker, when the ordinary person on the street goes to the law court and is sentenced for five years, but a person in a position of trust and responsibility

can do whatever is necessary to become rich or enrich themselves, goes before a magistrate, pleads guilty and gets four months. How would they feel?

Mr. Speaker, all I am saying is that there must be legislation reform. We must look seriously at amending this legislation. This is the stark reality.

Mr. Speaker, there have been reports of overspending on some projects and projects not being done on time. This seems to suggest that the public is not satisfied with a mere ministerial statement or a statement coming from a statutory body putting a defence. I go back to what I said before when the National Commission on Law and Order mentioned issues of transparency, integrity and accountability. There must be a free flow of information to 'John Public' so that he can test a statement from a minister or a statutory body.

Therefore that is where the frustration is coming from because in this report, Mr. Speaker, mention was made of people becoming frustrated and being concerned about the system not meeting their needs, and feeling left out.

The proposal is for fairness, honesty, integrity, trust, confidentiality, and the removal of conflict of interest, because conflict of interest is a form of corruption. This is why 'John Public' would need the information to find out who has a share in a company that has received a contract and who has made an attempt to influence the process of offering and negotiating a contract, because Barbadians feel uneasy and their confidence continues to be shaken.

Mr. Speaker, we only have to look or even a glance at an Auditor-General's report where some rules and procedures have been flouted and where there is some concern that accountability or the full process in matters involving the State have not been properly followed.

Mr. Speaker, I want to say again that this Prevention of Corruption Act, Chapter 144 is too soft. I hope that when the Honourable Member for St. James Central travels again, he would come back, as Attorney-General in waiting, and make the necessary proposals and detailed amendments to the legislation to effect some change to this legislation.

Mr. Speaker, it also touched an area of concern to me, which is the unavailability of land and the affordability of housing. It is a dream of every Barbadian to own a piece of this rock. The Opposition is on record for questioning the rising price of land in this country. The stark reality is that the average Barbadian cannot afford a piece of land in the current market, and even the Barbadian who is looking for a piece of land to rent, will have tremendous difficulty in locating land on which to put his or her house.

11.00 a.m.

It has been argued, Mr. Speaker, that when the current administration made a change to the Property Transfer Tax Act, it gave the non-Barbadian buyer an advantage over the Barbadian buyer and placed the non-Barbadian buyer in a stronger bargaining position. They subsequently made a change, but some people argued that change had been made after the horse had already bolted and that many Barbadians were displaced in relation for the opportunity to buy or own a piece of good land. Sir, the fact is that every day the citizens of this country are crying out for a piece of land that match their wage.

Mr. Speaker, it is a fact that 34 per cent of the labour force earn \$200 weekly. Therefore, given the price of land now, I want to respectfully say to this Parliament, that automatically exclude them from owning a house or a piece of land whether they qualify to own a house or whether they can afford a house.

Mr. Speaker, statistics show that 60 per cent of Barbadians would be unable to afford a house. That was documented in other documents in this House. In this Report, the Commission was informed at page 67 that in spite of efforts by the Government to provide opportunities for Barbadians to own their homes and land, the issue of land ownership remains a vexing problem.

Mr. Speaker, housing is a major concern, so where do we go from here?

*Asides.*

Mr. SPEAKER: Please, leave him alone, please.

Mr. M. A. LASHLEY: Mr. Speaker, the fact is that there is a major problem in terms of the worker who is in a job in a salary range that cannot reach the price of land on the market. Mr. Speaker, what is the present administration doing to curtail the rising price of land in the country? We should look at some serious national discussion on how we would control the price of land in this country so that 'John Public' would have his dream fulfilled of someday owning a piece of land.

Mr. Speaker, I certainly cannot speak on this matter unless I deal with some issues in relation to the administration of justice in this country. Mr. Speaker, this Report mentions the issue of legal aid. For some time now I have posited the idea that our current Community Legal Services Act should have listed in that schedule of offences, murder, rape, *et cetera*, the issue of wrongful dismissals. I have seen situations of workers who were wrongfully dismissed who were looking for representation to put the employer in court, but who could not seek redress because of not having the ability to acquire legal representation of an attorney like the company or the employer or to afford a

Queen's Counsel or a counsel of the experience of the Honourable Member for St. James Central.

Mr. Speaker, a discussion was made on legal aid in such a matter, and I am wondering whether we missed a golden opportunity to place in a document of this House, the need to expand the Community Legal Services Act to include representation for wrongful dismissals.

Sir, it is only right and it is only fair that a person who worked for a number of years – obviously they would have had certain commitments to meet – should be able to get legal representation to test the court to find out whether they were wrongfully dismissed. We know full well that employment matters involved serious legal issues, sometimes complex legal matters and sometimes moving from the Magisterial Court to the Court of Appeal. Sir, where would John Public stand now in the midst of this?

Sir, some people might argue why it is that they can have community legal aid for murder and rape but they cannot have it for wrongful dismissal after working honestly for their dollar and having put in long hours at the workplace then to be subsequently dismissed.

Sir, I am suggesting again to the Attorney General in waiting that the necessary amendment be made to the Community Legal Services Act so that representation be made for employees who have been wrongfully dismissed.  
11.10 a.m.

Mr. Speaker, it might even go further because as an employee, and an employer withholds what I am entitled to, we must not, in one sense, restrict it to wrongful dismissal matters but that we place it broadly on matters of employees' rights because the employee too has rights. Therefore, if, as an employee, I need justice and we are saying this report is a National Draft Plan on Law and Order, that justice would only be done or seemed to be done, if we expand it broadly to cover matters arising under contract of employment. Sir, this would be so because of the fact that John Public, who is wrongly dismissed or who is asking for severance, should be able to apply under the Legal Aid Scheme for an attorney-at-law. Sir, as we are dealing with rights of persons, with the Land Acquisition Act, that social justice will be delivered if that person has adequate representation in a court of law.

Mr. Speaker, I go to the Judiciary. I believe that some time ago, the Honourable Leader of the Opposition mentioned that we should look seriously at expanding the age of retiring judges. I believe that Sections 81 and 84 of the Constitution speak to the retirement of judges. It also says that on the recommendation of the Prime Minister, a judge of the High Court may be permitted to continue in office until he has obtained a period not exceeding 67 years.

Sir, there is clear evidence that there are some High Court judges who have retired at 67 years, who still have a contribution to make to the Bench. Some of them were experts in their field of law, and the opportunity should be given to that High Court judge, to continue on the Bench and to help assist in developing the jurisprudence. Therefore, in the development of the law, they can still make that contribution.

Mr. Speaker, I do not believe any mention was made in this report on how we will deal with Sections 81 or 84 of the Constitution, in relation to the appointment of judges. I know that some time ago, there was an argument that Section 81 of the Constitution, which mentions the appointment of judges being given to the authority of the Prime Minister, some academics argued that it was a breach of the separation of powers doctrine.

Mr. Speaker, we have had so far an independent and fear judiciary, but although there is uneasiness in some quarters about the separations of powers doctrine, which is that the Executive, Parliament and the Judiciary, should be separate in true consonance with the rule of law, which is fully articulated in the Constitution, we must be careful in relation to Section 81.

Mr. Speaker, as I have said we have had fair and, independent judiciary, one being free of scandal and therefore, when John Public goes to court, he can feel that justice has been done.

Mr. Speaker, I speak further on the issue of victim support scheme. It is a fact that in the commission of a crime and the victim is injured and the accused is charged with a criminal offence, that is, of causing serious bodily harm to another person. Sir, after that person is found guilty by the law courts, would imprisonment be seen as true justice being meted out to that victim? Sir, there might be a situation where that injured person might be a man of straw. Therefore, what would be the role of the State in balancing both interests, in ensuring that justice is attained.

Mr. Speaker, in some jurisdictions there are victims compensation schemes. I believe in Britain and Australia there are victims compensation schemes or criminally injured compensation boards. Sir, we have debated these matters before and now that they are embodied in this report, the Other Side charged with the responsibility of bringing legislation to this Parliament can refer to them because those matters have been comprehensively dealt with and should not be put on the back burner. This report also has good information and provides good guidance for those on the Other Side, to bring legislation, in relation to victims compensation schemes. We need to balance the interests.

Mr. Speaker, last week I heard the Honourable Attorney General mentioned that we will soon get back to the Evidence Act for the videotaping of confessions. I recall mentioning it here, where I was informed that it was at somebody's desk and that it would have been here soon. Sir, it now more than a year since that was supposed to have come to Parliament. Sir, we now have information in here that would act as further guidance and as a further push for Government to look seriously at amending or seeking to put that measure in place, to protect citizens while in police custody.

11.20 a.m.

Mr. Speaker, there is a growing problem of domestic violence in this country. We have a Domestic Violence Act, which gives a magistrate jurisdiction to grant certain orders. The magistrate in his discretion can provide counselling. The person is not obligated to go to counselling but the magistrate will ask the person if he or she wants to go for counselling but, Sir, I am wondering if it would be possible under the Domestic Violence Act to expressly state that the magistrate will make it mandatory for the party who has caused the problem to go to counselling and that in breach of that mandate that certain consequences will follow.

Mr. Speaker, there has been some argument that we move matters involving domestic violence towards the jurisdiction of a High Court judge. This has been the view expressed and there is some merit in it. Sir, we know that a judge has more power than a magistrate and that the order and atmosphere of a High Court is intimidating to some. Sir, we should either make it a hybrid offence or put it in the jurisdiction of the High Court.

Mr. Speaker, there has been some indication of continuing Assizes as is done in other jurisdictions but with continuous Assizes we must expand the services of the prosecution. There must be an expansion in the Department of Public Prosecutions if we are dealing with continuous Assizes. Sir, I believe that the Honourable Member for St. James Central would look at the view too.

Mr. Speaker, if we have continuous Assizes, we would expand the Department of Public Prosecutions and this may be a chance for the appointment of specialist criminal law judges to sit at continuous Assizes throughout the year.

Sir, there are many other issues involving the administration of justice. We have been promised a Hall of Justice. There are issues of centralisation of Magistrates' Courts that have to be looked at some day. We have mentioned the danger of placing first offenders in remand

centres with hardened criminals. Those persons charged with responsibility now have the duty to ensure that in any system of penal reform that the view of placing even persons who fail to pay money in relation to a Maintenance Order and are shipped away to Harrisons Point that they should not be placed with hardened criminals. They can only be taught the negatives from hardened criminals.

Mr. Speaker, it is my view that we now look at the way forward. There should be governance through social justice for the governed. Sir, transparency, accountability and integrity should form the barometer for law and order in this country and true justice, peace and security.

Mr. Speaker, I thank you, Sir.

Mr. SPEAKER: The Honourable Member for St. James Central.

Hon. K. D. SYMMONDS: Mr. Speaker, I begin on the very charitable and honest note that I did enjoy the Honourable Member's presentation except for one aspect to which I will relate. I want to start with that aspect where I found difficulty. Sir, the fact of the matter is that in a debate of this nature, we have to be candid with the country. The learned Attorney General made the point in her introduction last week that the *Report of the National Commission on Law and Order* is a report much akin to the September 11, 2004, report in the United States of America. It is a report of individuals in a non-partisan setting, in a professional setting almost sitting on top of a mountain looking down on Barbados from a bird's-eye perspective and making serious and sensible critical observations about the way forward for a country.

Therefore, Sir, it is a dangerous thing sometimes when we place this kind of contribution to the well-being of the country in an overly partisan context. Sir, such took place when we relate to Cap. 144 of the Laws of Barbados and the Prevention of Corruption Act.

Mr. Speaker, I say candidly to the Chamber that there should be no doubt in anybody's mind that the Act in question is an ancient one and borders on obsolescence but it has to be put in the context of what we are trying to achieve. What we are trying to achieve as a country is to have a position taken in terms of our law. We cannot only sit and contemplate corruption any longer only in the context of public sector violation for acts or omissions taking place in the public sector of Barbados.

The reality is that private sector omissions and acts of commissions are equally capable of having substantive corruptive effect in a country. This is why we cross swords with so many member States of the OAS because in a draft piece of legislation, the OAS would have been more than

happy to continue down the road the traditional route of treating to corruption.

11.30 a.m.

Sir, as I observed in my intervention, we looked at the issue of Enron, Microsoft and many other corporate entities across the world. We have to bear in mind that the Caribbean that we are chartering, the Caribbean that will, if everything goes well, come into existence within a few weeks time, will be a Caribbean where the free movement of skills and services, the rights of establishment of businesses will be a reality. Sir, a corporate entity in Antigua that sets up a subsidiary or branch in Barbados – perhaps, I should not use Antigua – let us say one that moves from Trinidad to Barbados, and has with it the slightest tinge of corruptive practice, can cause a deleterious spinoff effect within this economy.

*Asides.*

Hon. K. D. SYMMONDS: That is why I said I would not use Antigua as an example.

Sir, impacting in a negative way on the lives and well-being of Barbadian families. Therefore, we did not wish to go forward, simply to craft the piece of legislation that only spoke to it in the context of the public sector aspect of corruption.

Sir, it would be very easy to go out and trumpet to the world that we have crafted this piece of legislation speaking to both public and private sector corruption and then change the Act. I agree with the Honourable Member that the Act needs to be changed. Let the word go forward that there is no divide on that but there is a question of methodology.

Mr. Speaker, if the Honourable Member for Christ Church East Central would allow me to continue, I would really like to speak on corruption without having to refer to him specifically. I beg you, Sir.

Mr. SPEAKER: Order, please.

Hon. K. D. SYMMONDS: Mr. Speaker, the fact of the matter is, we are trying to create an atmosphere of collaboration within CARICOM, first of all, and by extension within the hemisphere. Therefore, as with other pieces of legislation, Barbados has, the Honourable Member said, to drag its feet, but I prefer to say Barbados paused, so that we can allow the diplomatic line.

Sir, let me say very candidly that a lot has been done to lead that piece of work, by the Attorney General of Barbados. That is a fact. Therefore, let us not come to the point where we are, across the well of the Honourable House, involved in simplistic divides. There is no doubt with regards to the age of the Prevention of Corruption Act.

We, and I say this very frankly, are not going to be happy just to treat to corruption in 2005 and beyond as being only about the public sector.

I listened to the Honourable Member when he spoke and all of his analogies spoke to public sector acts or omissions. The reality is, private sector acts and omissions can in fact impact deleteriously on a community and can be of equal if not greater significance, I again reflect on what has happened in recent times in the United States of America.

Mr. Speaker, I want to talk briefly about legal aid expansion. While I agree that there is a need for us to revisit legal aid, there is no practising attorney in Barbados who can realistically be content with legal aid. I have a difficulty with the suggestion that on the question of compulsory acquisition of land by a landowner, this is an issue where the State must provide fully funded legal service. I would say why.

Mr. Speaker, legal aid, the world over, is for those who are dispossessed, the most vulnerable and it is really a way in which the legal system reaches out to the community of the dispossessed and the vulnerable and tries to bring them on board to ensure that the scales of justice are always held even.

Sir, if you are a landowner, by definition, you cannot be dispossessed. It seems to me that you can draw categories of landownership but you cannot say that a landowner is dispossessed. Therefore, there has to be a point at which a small economy sits down and reflects. Sir, the Honourable Member for St. Philip North knows this. He must not speak from two faces.

Mr. Speaker, the Honourable Member is a practising attorney and he knows, as well as I do, that while the client gets the benefit of legal aid, the State carries the bill. They would have to carry the bill reflecting the complexity of the matter.

Sir, are we going to say to Barbados that in every instance, up to and including where a man is propertied. As a result of your property you have access to the equity. You are not dispossessed. You are not the most vulnerable. Sir, at what point do we then draw the distinction between those who would be entitled and those who would not? We have to be very careful if we come to Parliament and for purely political reasons, make a case that the floodgates should be open and all and sundry should benefit.

Mr. Speaker, there are persons who are landowners and who would be heard to say that they are poor, struggling and all of those little euphemisms that we as a community have treated now as part of our culture, but we have to be also economically practical. The question is, to what extent you

realistically expect that the State can cover the legal representation of every category?

Mr. Speaker, if we were to turn to the question of legal aid on indictable matters, I will even go further, legal aid on summary matters which are likely of capture long periods of imprisonment. In those cases, I do not think that there could be any doubt about the necessity for us to reflect long and hard about the utility of the current system.

I believe that there was no good reason for us to arbitrarily say that you could have access to legal aid for rape cases and murder cases, but no access to legal aid in other matters which are of an indictable nature. Those are things which I think are reflected in some of the concerns brought out by the National Commission on Law and Order. Those are things which I believe that we would do well as a country to reflect. That is the broadening of the category of legal aid offences, and to include those summary offences, including drug offences which are capable of attracting long periods of imprisonment.

Sir, the deprivation of the liberty of the individual is a fundamental point. If you want it as a political point, then we should be also saying that legal aid is, in some instances, almost useless to a man if he does not have it from the time he goes into the police station. When he goes into custody, it is then he is often subjected to the austere circumstances of the bowels of a police station. Sir, it is within those circumstances that many an allegedly innocent man, mark my word, I said an allegedly innocent man – has been heard to say, that from him has been extracted a confession which he later would wish to retract, but it is already too late.

Sir, I agree those who would argue... and I am one who have championed that cause in the past and I continue to do so now. It is necessary, in my view, for Barbadians to enjoy the benefit of legal aid from the very beginning, *ab initio*. From the time a man is in police custody, he should be given the opportunity.

Let me also say that we must not stand on ceremony and condemn the legal aid system in Barbados. What this document has not put before the public and what needs to be said very clearly, that unlike what happens in the United States of America and most of the Commonwealth jurisdictions... I am not sure that Britain has now recently changed to model itself on Barbados, but from the very beginning, Barbados' legal aid system was a system in which the poorest of the poor, the most vulnerable in our society, who stood charged with an offence, could access the legal services of the most esteem, experience and capable Queen's Counsels. There are not many legal aid systems that can offer that and it is a fact.

11.40 a.m.

Sir Richard Cheltenham, who had been knighted only a couple of days ago, his name would still be on the legal aid list. There are several other learned and esteemed lawyers who are still on the legal aid list such as the Honourable Member for St. George South. Sir, that is one of the benefits of our system that sets this country apart. Therefore, we have to be cautious in the way that we condemn because there is a lot about the legal aid system in Barbados about which we should be proud.

I would want to go further, Sir. I believe that the question of remand centres is very important. I would not speak on a matter like this without spending some time on what I consider to be one of the most grotesque social ills that potentially face this society. Indeed, Sir, as we look towards the whole question of integration, we have to look at it in the context now of a regional society. There is to my mind, a need for special accommodation to be made in a remand situation for first time offenders.

There is no doubt, Sir, that a situation in which a young man or woman who is taken into custody and remanded to a central prison location and is put into association with hardened offenders on a daily basis... Sir, that individual stands, almost naturally by way of association to be tarnished by the hardened offender with whom he or she is interacting. This has been seen on repeat occasions.

Sir, sometimes a lot of the difficulty that the police force in Barbados and the police forces of this region face is the fact that there are comparatively innocent and naive first offenders who emerged from the remand system, even if they are acquitted, they have emerged from a remand system which, in effect, has been a training school in what not to do. Sir, that is something we have to pay very careful attention to. If we think about some of the offensive cases of gang rape that we had in Barbados... I represented the so-called "dead bolt man" and I know that when he was in remand for murder, he was in the open prison system with first time offenders.

Sir, this is something which has posed a practical challenge to our society because we are a small society and there is obviously going to be constraints on our economic resources and the physical capacity to separately house offenders of certain categories. I believe that if one carefully went through the criminal justice system, one would see a number of instances in which the actual circumstances of association have all but tarnished the young offender and it is something which we would wish to do our utmost to avoid that situation continuing in perpetuity.

I want to say, Sir, as well that I have written, spoken, I feel deep conviction about the question of compensation for victims of crime. There has to be a human face on the justice system. Any justice system which only speaks to the rights

of the accused is lopsided. We in Barbados know only too well that the victim has rights as well.

One of the benefits of a small society which tries to address the challenge of capital punishment is that we feel and understand capital punishment issues, in a way in which a large society cannot. When someone is murdered, he is the family of, the friend of, the acquaintance of most people in that same society. Everybody knows the family. Everybody knows the antecedents of the offender. The reality is that we understand these things in the way that a big society does not because it is just one of several millions who has died and so it does not make that much of an impact. The reality then, Sir, is that there is a flip side of that point because the victim has to have rights and very often, we have a situation in which the criminal law has bent over backwards in its effort to be fair and to manifest justice.

We say all the time that justice is not just an empty maxim. It is a practice in our courts. Justice is not only to be done but it must be seen to be done. There is a whole litany of categories of rights which the accused man must have but equally, Sir, in a small society in particular, we must be very cognizant of the rights of the victim. I would want to say that the rights of the victim, in our view is a human face on our justice system.

Therefore, it seems to me that it is necessary for the State, either through some creative mechanism of insurance, or through some other mechanism to find a way in which we can compensate victims of crime, especially victims of serious crime for injury to their life, limb and loss of property.

It is a very serious thing, Sir, that in a situation in which a man could be hale and hearty today and has his own business, and that business be robbed and he is left as a cripple, an invalid, a dependant upon his family and upon the State that he has absolutely nothing to compensate him. This is the reality we face in matters of serious crime. It has happened to a number of Barbadians. I continue to make the point that we have to begin to see this thing in a broader, regional context. Therefore, I believe that creative mechanisms have to be found.

I was most happy to see that the reports spared a paragraph or two to the question of victims of crime. I know that there was a former Attorney-General who felt very strongly about this matter. I am one of those who believe that Barbados must now elevate the way in which we speak to the question of justice to understand that, inherent in criminal justice, is the issue of social justice. One is inextricable from the other. They are forever linked. Sir, there has now to be a way in which we look towards, even if only in part, compensating victims of crime for injury or loss which they have suffered.

In my view, a debate of this nature of my view, Mr. Speaker, should not be conducted if we do not spend some time on the question of the offences which take place on the roads of Barbados. I speak specifically of charges for violations of the Road Traffic Act, of course, and what I perceive to be some of the economics of what we know as the ZR culture.

Mr. Speaker, let me say that I have no grief to bear for anybody. I never wanted a permit. I have never owned one and quite frankly, Sir, I look at that marketplace and wonder why on earth anyone could realistically want to work within it but the reality is that many Barbadians eke out an existence in that which we now call a ZR culture. Therefore, we have to speak to it in the context of a debate on law and order because this is where some people find their livelihood.

Sir, it would seem to me that there is something absurd in a situation in which charges for violations under the Road Traffic Act are brought only against the crew and never against registered operators, in the context in which they are the registered operators who demand of the crew a minimum day's taking. Therefore, your contract of employment tells you that if you are to continue to earn a living in that environment, then you must bring in x amount of dollars, which is at the arbitrary discretion of the operator.

As a result, men go out on the street and hustle and this is coming down to a class issue, which Parliament has to speak to in a developing society. I would agree that many people have to hustle for a living, but what I am also going to say is that you are not told that you would be cut off at the throat if you fall a dollar underneath. That is the day to day existence of those in the ZR culture. Therefore, when charges are brought against the crew only, the crew is then targeted not only by their employer but by the State which then brings a heavy burden, because as a result of a man compiling a certain number of charges, he is then told that he is not eligible to get insurance and so on.

11.50 a.m.

Mr. Speaker, the fact of the matter is that at some stage we have to be prepared to speak to capital. Capital is not innocent in this exercise. I have no brief to bear for any ZR operator or any ZR driver, that is not the reason I am making this point. I accept that there are rules on the road and I have to abide with them so he or she must abide with them too.

Mr. Speaker, I find that it is sinister that there are contracts of employment out there which would virtually force a man to the precipice of personal disaster if he does not bring in what the owner wants. The owner sets what he wants and tells the worker it is his vehicle and he wants them to bring in \$300 today and the worker must go out there and

bring in \$300 otherwise he has to go along about his business, that is the owner's discretion, and there is nothing that the worker can do. The worker has children to feed too so he says to the owner, okay skipper, I am going to do that, because the little bit of balance that he gets is his.

Sir, we have created a vicious circle in which capital has determined the livelihood of the driver and the conductor, but at the same time capital is innocent of charges because no charge is brought against capital when the vehicle is seen in a reckless and lawless way on the streets. The only thing that the operator walks away with is profit. Quite frankly, Mr. Speaker, I feel that is wrong. This is not a matter that I have ever heard being discussed in this Parliament and I have never heard anybody on That Side of the Floor, *en cathedra or ex cathedra*, talking about, but I feel that I must speak from my heart about it because I think that we are doing something which is almost akin to creating a mischief in the lives of the people of Barbados.

Therefore, I believe that there has to come a time when as we look at the future of this country's law and order arrangements that we look at the inescapable realities of what is called a ZR culture. Public transportation is a necessity in Barbados. We do not have the kind of infrastructure which would accommodate trains and so on, so there will always be that aspect of our private/public transportation.

The reality, Mr. Speaker, is that we therefore have to decide how we are going to treat to that important sector which is providing a critical service to the people of this country. Sir, if in providing that service there is a situation in which a mischief is being done to ordinary Barbadian men and women by owners and operators of vehicles who remain untouched and have the liberty to set the most austere circumstances on their crew, then I feel that it is perhaps time for legislative intervention with a view to looking at correcting that situation.

Sir, simply put, I believe that it is based on an operator's ability to demand a minimum day's taking, which has certain implications for the recklessness which we see. Sir, the consequences all flow from the fact that charges for violations of the Road Traffic Act are not brought against registered operators in any form or fashion.

Sir, I am not sure how much time I have remaining to me so that I could structure...

Mr. SPEAKER: You have three more minutes.

Hon. K. D. SYMMONDS: Only three minutes, Sir?

Sir, I feel very strongly that we need to speak to some extent on the question of housing availability because that continues to be a bugbear in this society. Mr. Speaker, when I suggested to the Honourable Member for St. Philip North, albeit from my seat, that he should quote the document in its entirety, I wanted him to go ahead, not just to point to it being a vexatious issue because everybody knows that housing is a vexatious issue.

Mr. Speaker, the document also says that the agency charged with making the necessary provisions in land and housing should continue to adhere to the established policies. Sir, that, even if only implicitly, means that there has to be a policy that we can point to and that there is an understanding at least by the Commissioners, even if not by the Opposition, that there is something useful about the established policy and that we should continue and build upon that policy. Sir, what is that policy, because you cannot only hear the negative.

Sir, I say this in all seriousness. We do the debate an injustice if we are only going to sit in a partisan setting and cast verbal stones across the Floor. The fact of the matter, Mr. Speaker, is that there has been some benefit as a result of the introduction of 100 per cent mortgages to first time landowners in Barbados. Sir, if you wanted to put it in the blandest political form, that means that there were some benefits as a result of this Government's policy.

Sir, there also has to be a recognition of the fact that when, if you have an opportunity now, not just to perpetually rent a unit... I have units in my constituency in Bagatelle Gardens and I am anxious, and I know the folks down there are anxious... Nobody is going to say that the National Housing Corporation has been the best landlord in Barbados. Under successive administrations, for almost 30 years, the National Housing Corporation has been far from the best landlord, so it is not a partisan political thing.

Mr. Speaker, the reality is that if we are giving a person who has been a tenant for 15, 20 and 25 years an opportunity to own that unit and in so doing to make the necessary transformations and expansions and so on to make him or herself comfortable, then there is a benefit to be found in the established policy of Government. That is the point that I wanted the shadow minister of housing to speak to. Sir, I have called him the shadow Attorney-General, but I forgot that he does not enjoy that confidence by the Leader of the Opposition and he is not likely to, I gather.

Mr. SPEAKER: Could you conclude, please.

Hon. K. D. SYMMONDS: Mr. Speaker, needless to say, I regret the fact that there are so many other areas that we can go into which I am not allowed, by time, to speak to but I really would want to throw my support behind this document and beg to support the Resolution.

I thank you.

Mr. D. St. E. KELLMAN: Mr. Speaker, I rise to speak on the Report of the National Commission on Law and Order and to say from the outset that I am happy to see that at least within this Commission that some of the commissioners were social engineers because it is clear to me that this Parliament believes that the solution to everything must be the passing of a new law, the expansion of a prison and the empowerment of more magistrates and judges to solve the social problems of Barbados.

Sir, I want to say from the outset that is not the solution. The solution is to find ways and means to make a better life for the citizens of Barbados. Sir, it is alright to have this Commission on Law and Order, but one must recognise that our job here is to look after the interest of the masses of the people in Barbados and to make sure that they have a better life.

Sir, we have a problem in this country where a large number of our people who cannot find work are included in the statistics called employable – even though there are a large number of people who can find work, who we do not include in the statistics called employable – and because of that, there are certain social problems that would lead to legal problems.

Sir, our command here today is not to find a way on how to get more magistrates, how to appoint more judges, how to get a larger prison or how to employ more policemen for locking up people, the reverse must be true. We have to find a way to make sure that the intake at what used to be Glendairy and now what is called the real prison of Barbados, Harrison Point, is decreased and not have a provision for an expansion because when you do all of these things, the young minds of Barbados are being told that society will not get better, it will get worse.  
12.00 noon.

Mr. Speaker, I am saying that we on This Side want to take an alternative approach to it. We do not need anymore magistrates, lawyers, judges, policemen, or a bigger prison, to lock up our own people. We need to find opportunities to make sure that these persons are gainfully employed, so that they would not have to turn to the role of drugs or breaking the law. Sir, I can see that the Honourable Member for St. Michael West is already on board with this suggestion.

Mr. Speaker, one has to understand that young people today are thinking people. Therefore, it is amazing that in this country...

*Asides.*

Mr. D. St. E. KELLMAN: I agree. They have always been thinking people but they are even more so now

than ever. They can tell you about the laws that have been passed, that have been oppressive to their foreparents and about the laws that are still on the Statute books, which continue to oppress them. Sir, in a society like Barbados, it is easier for a man to bring a plane load of English potatoes into Barbados, without an import licence and sell them, than for a 'small man' to plant a quarter of an acre of potatoes and then go on the streets of Barbados and sell those potatoes.

Mr. Speaker, can you imagine that? When that Barbadian does that, it is said that he has broken the law, while, on the other hand, the 'big man' who is bringing in containers of English potatoes to sell, is not breaking the law because of the fact that we have removed licences to protect that 'big man', while we insist on having a licence for the small Barbadian man to sell his potatoes on the streets of Barbados.

Sir, in addition, the coconut vendors, people who sell ackees, among others, are being seen as criminals by many persons, even though they are not doing anything illegal, neither are they costing Barbados anything in foreign exchange.

*Asides.*

Mr. D. St. E. KELLMAN: Mr. Speaker, I am being told from the Other Side that these people steal the ackees to sell but I have no evidence of that, neither am I sure that the 'big man' who brings in the container of English potatoes, has not stolen those potatoes.

Hon. K. D. SYMMONDS: On a point of order. I think I understand what the Honourable Member is trying to say but he is misleading this Honourable House, in that a person who is seeking to import English potatoes is still subject to a number of criteria which have to be met, such as proof of origin, standards, *et cetera*. Therefore, it is simply not a question of bringing things into the country without any standard or proof of ownership. There are standards and criteria which have to be met and which must be conformed with in law.

Mr. D. St. E. KELLMAN: Mr. Speaker, all I said was that person does not need an import licence. Sir, I challenge the Honourable Member for St. James Central to tell me that I am misleading this Honourable House by stating a fact. Sir, it seems to me that these days when one states a fact, which is known to be true, people think that you are lying. Sir, the Honourable Member seems to believe that even though he said he has changed his ways, that it is a consistency that he must continue.

Mr. Speaker, we have to understand that we have to be very careful about the examples that we set for our young people. It is also clear to me that the masses do not have the

same privileges but that we are very quick to find room for them, whether at Glendairy Prisons or at Harrison Point.

*Asides.*

Mr. SPEAKER: Honourable Member, please address the Chair.

Mr. D. St. E. KELLMAN: Sir, I know that you cannot hear asides but I am letting you know that the Chairman of this House is interrupting this House.

Mr. Speaker, I am saying that previously we felt that every time we have to find ways of solving problems, that we must bring legislation which is to lock people up. Sir, the legislation must be to see how the problem could be corrected. If that fails, then we could go to the alternative. Sir, instead of that, we are not going through the primary, secondary and then tertiary stages, we are going to the tertiary stage first and then coming down to the other stages, which is wrong. We have to understand that if we continue to send our young people to prison, we would not have productive persons in Barbados. We would then have to turn to outsiders, then we would hear that Bajans do not want to work when, in truth and in fact, they would be incarcerated elsewhere.

Mr. Speaker, on the other hand, when we bring people into Barbados, we do not have any history of their backgrounds but we still employ them as though they are saints. Sir, there is no room or provision in Barbados for our own people, and that must change first and become the first order for the Commissioners on the National Commission on Law and Order.

Sir, fairness is lacking in this country. In this country we speak about slave owners but in this country today, nothing that has occurred by the slave owners can be worst than by what is occurring by our own people, on our own people. Sir, I do not want to hear anything more about slavery because at least out of slavery, we were brought here and today we are here but what is worse is when your own people treat you worst than slaves.

Sir, people believe they must go to politicians begging with cap in hand. I am saying from the Floor of this Honourable House that it must be and will be stopped, as long as I have breath in my body. Sir, people must understand that the respect of the masses must be paramount because the masses are the engineers of Barbados. People must understand that if they want Barbados to be productive, that those are the people who must be treated fairly. If workers are not treated fairly, how can we expect the country to progress? Sir, we have to understand that

the National Commission on Law and Order must be about how we can empower the masses of Barbados and about how we can equate everybody.

Sir, we came up with all kinds of fancy names such as Social Partnership, *et cetera*, but when one judges the Social Partnership, one would see that the masses are not included in this Social Partnership because they are only supposed to buy, to spend and to do whatever else but they are not supposed to get returns. Sir, in order to have a Commission on Law and Order, there must be justice first.

Sir, I am saying that we have to understand that the true engines of the economy must be the masses of Barbados and until we treat them like important people, we will not make any progress in this country. We will become unproductive; we will not continue borrowing on the foreign markets; we will continue talking about what we should do every year; and we will continue talking about deficits and not surpluses.

Mr. Speaker, if we could have good law, order and reform in this country, we would not know anything about deficits, larger prisons, more magistrates, more judges, or more policemen but we would know more brothers and sisters in the focus and in the betterment of everybody.

Mr. Speaker, I am saying that we must not start with a negative. Therefore, it is clear to me that every thing I have seen in this Parliament are negatives. Sir, let us look at the number of legislations that have come before this Parliament. If we have passed 1 000 pieces of legislation in this Parliament, one would see that 997 of them would have been about how to attract foreign investment, while only three would be how to deal with Barbados.

12.10 p.m.

Mr. Speaker, how can you prop up someone else when you do not prop up yourself? When people are invited to Barbados, you are expected to prop them up even though you are trying to survive as well. Sir, you must be able to survive first before you can prop up someone else.

Mr. Speaker, I am not here to talk law today because I leave that to the lawyers. I am a social engineer and I deal with that side.

*Asides.*

Mr. D. St. E. KELLMAN: Sir, I am from the People's Academy. You find people like me in every district in Barbados. I know that persons in here would not understand what I am saying but whatever district you go into, you will find people understanding exactly what I say.

Mr. Speaker, we have to understand that we need to reverse ourselves because in this society we feel that we can

go back 300 years and focus the attention of everyone backwards. We are not behaving as though we are the ones in control of the destiny of our brothers and sisters. Sir, the problem in this country is that as soon as we have elevated ourselves, we remove ourselves from the people, talk down and ignore people and believe that on a particular occasion we will go to the people who will see us as the new slave masters and endure whatever we have done to them.

Sir, the young men and women on the 'block' are not for that. They have gone to school and they understand and have an appreciation.

Mr. Speaker, people tell me that young people do not have manners but I do not believe that. Sir, the most interesting and fascinating catch words in Barbados today are "Mr. Speaker, Sir." Mr. Speaker, young people love these words but these words cannot come out of the mouths of uncouth people or people who do not appreciate manners.

Mr. Speaker, they love it when I say the words "Mr. Speaker, Sir." Sir, I hope you would understand how they see you and the high level at which they have placed you. They respect your position even though there are not in the House. Sir, sometimes I wonder if we should not bring some of those young persons in here and put them on the other side to let them understand your position in that Chair.

Mr. Speaker, young people understand your position and appreciate the respect I give to you. How can someone say that something is wrong with them? Sir, the system is wrong and, Mr. Speaker, you and I have to correct that system. We have to continue to make sure that democracy is very much alive, that is not for the 'too-few' but for the masses of people in Barbados.

Mr. Speaker, if we come here every Tuesday but cannot protect democracy, we should close Parliament and go home. If there is an expectation of us but we are not carrying out that expectation, then we have failed the people of Barbados.

Mr. Speaker, I know that you were in these Chambers from 1994 and I know that you do not want to leave these Chambers believing that you have failed them and the people of Barbados. Sir, this is law and order and, if you carry out the law, I will carry out the order which you gave to me.

Mr. Speaker, I hope that when these men and women went into the community that they got the information for which they were looking and not the information they want to plant in the minds of people. Sir, until we in this country recognise that the Rastas in Swan Street who make shoes are contributing to Barbados. If we do not want to see this as creative foreign exchange, we will have to see it as

import substitution and stopping foreign exchange linkages because money is not being spent on shoes and belts.

Mr. Speaker, the same way a person brings something into the country and can get concessions, we need to give concessions to those brothers and sisters on Swan Street who make belts and shoes to the right size, to make sure those persons who are diabetic would not have a problem of poor circulation.

Mr. Speaker, people do not understand that within the black race, we have a particular problem and that men and women in Swan Street have been correcting our health problem. Sir, we do not realise this because we see them as being backward. We need to bring them on the front burner and give them concessions because once they are empowered in the right way, there would be no time to do anything to break the law or to interfere with order.

Mr. Speaker, Government has to take the blame because they are bright spots out there but we have not tapped into those bright spots. We have to provide the same equal opportunity for local manufacturers as those provided for the foreign manufacturers whether they be Rastas or whatever. The important thing is that they be encouraged to be productive and fuel the fire so that they can take off the same way.

Mr. Speaker, we believe that foreign exchange should only be seen in a loan coming in because we are not exporting these days but in order to keep law and order, we must have what is necessary in the country to keep people happy. If the Rastas keep us happy by making shoes, belts, *et cetera*, then they are contributing. It seems that people prefer to see them importing than to see them exporting. Sir, I prefer to see them exporting belts, shoes and creating import substitution than importing.

Mr. Speaker, this country is at a critical stage in its development. It is also clear that we need help from the Press because democracy must be protected by the Press in Barbados. The Press must be careful how they write editorials attacking people who protect democracy. Sir, the only countries where that type of behaviour exists is in Cuba, *et cetera*. I am not aware that we are in a dictatorship and law and order must be protected. It can only be protected when freedom of speech and freedom of association is allowed as enshrined in the Constitution of Barbados.

*Asides.*

Mr. D. St. E. KELLMAN: Mr. Speaker, of course we have it in our Constitution. Sir, after the Bible, I stand by the Constitution.

Mr. Speaker, no way in a democracy should you find the Press behaving as if we are in a dictatorship. I do not care what the formation of the shareholdership is, democracy must be protected by the Press and by Parliament. Sir, in order to keep law and order the first thing is to protect the Constitution. The Press must understand that they have to help Parliament protect the Constitution. When the Barbados Labour Party comes to Parliament with constitutional matters, I always make sure that they are on their P's and Q's.

Sir, sometimes I pride myself as the hawk of standards and rules in this Parliament. I also believe that it is not my business to create a quorum in here... Are you ashamed of being a Rasta. You live in the city. You should not be ashamed.  
12.20 p.m.

*Aside.*

Mr. SPEAKER: Honourable Member, none of that, please.

Mr. D. St. E. KELLMAN: I am sure I saw the Honourable Member for St. Michael Central teaching Rastas at his school when he was in a different position. So, I know that he has nothing against Rastas but if you have a problem say it. What is the problem with the 'I'? Anybody that speaks about an 'I' can see.

*Asides.*

Mr. SPEAKER: Honourable Member, please proceed.

Mr. D. St. E. KELLMAN: Sir, if we were allowed to wear sandals in this Honourable House, I could show you the sandals that I purchased from my brother.

*Asides.*

Mr. SPEAKER: Honourable Member, could you proceed, please? You have six minutes more. Could you make it?

*Asides.*

Mr. D. St. E. KELLMAN: I sometimes wonder, Sir. After praising a man why stump his toe. I know that you would not stump your toe because you know rules quite well and you will never be political in anything you do or say in this Honourable House.

Mr. SPEAKER: Honourable Member, just proceed, please.

Mr. D. St. E. KELLMAN: Sir, we have to understand that we must make laws in Barbados for better people, not worse. It is clear to me that we do not understand the mandate given to us by the people of Barbados. We also have to understand... I want to disagree here with the Honourable Member for St. James Central as it relates to the Land Acquisition Act.

I want to make the point that I believe that if the Government is not going to change the Land Acquisition Act, that the Shadow Minister of Housing should move to have the Private Member's Motion brought to this Honourable House. I am not one who believes in Private Member's Motion, but on this particular one I will support, the change to the Land Acquisition Act to make sure that the vendor has the say and not the purchaser.

Mr. Speaker, as you know, the purchaser has always been able to dictate the pace in the Land Acquisition Act. It is possible for you to have a piece of land and a Minister for some reason with the best excuse in the world – even though it could be vindictive, an act we do not expect to occur in this Honourable House – take your land without allowing you the moral right to dictate your compensation.

I am saying that if the Government wants land, that is their right but the vendor must be allowed to dictate to the Government his compensation. Not everybody in Barbados wants money, they are people who prefer land.

Mr. Speaker, as you are aware, as it stands now in Barbados, for a poor person to get a piece of land, they will have to get the money from Government which only allows them to fly to Guyana for a piece of land. Sir, the market in Barbados is competitive and it is not easy for a poor person to get a piece of land in Barbados. That is why I have said to Barbadians, since 2002, be careful how you treat the Guyanese because soon from now, the only place you can get a piece of land will be in Guyana. I said that in Harts Gap at a political meeting in 2000. So, we have to be very careful.

Sir, land in Barbados is for the highest bidder, as was pointed out in a document by the Inter American Development Bank many years ago, and which we have adopted as policy. We have to be careful how we continue to ignore the rights of our brothers and sisters within the Caribbean. We also have to understand that it is not our brothers and sisters within the Caribbean that are taking the jobs, land or profits, it is the people with no identity to the Caribbean. Therefore, the National Commission on Law and Order should go back to the drawing board, study these factors and then return. It is not only about the guys on the street, it has to be elevated. You have reached the primary stage, now you must advance to the secondary and tertiary. If this problem is not corrected, it will destroy Barbados.

We are going down hill quickly, and we need to regain our balance. We need to involve more productive minds in Barbados. We also need to compensate those who are working. That is why people can talk what they like and call me as much 'I' man as they like. I want to congratulate the Honourable Member for St. James Central, because there is a feasible theory on this Floor that when practised would empower the masses of Barbados and improve the country.

Sir, if we do not compensate workers for working and punish them for unnecessary consumption, we are not going anywhere. We must allow people to work twenty-four hours a day if they want to work, but they must also understand that there is a cost attached to what they use. If they must use them, then they must be prepared to pay. You cannot have a system where you punish people for working, and also punish them for consuming. It is a double punishment occurring within the economy.

Sir, in other words, this economy runs on negatives. We need to see some positiveness in this economy. That is why I have been begging this Parliament in their wisdom, to have an understanding and an appreciation that the real engineers are not being acknowledged.

Mr. Speaker, why should we contract foreign engineers to work at the hospital? Why should they work all over Barbados? We do this because there are people in Barbados who believe that our workers should not be fairly compensated; to avoid blame, they allow foreign contractors to bring in workers who can be disadvantaged. They believe that we would not have a social conscience because that social conscience does not have a direct connection.

We have to look at the indirect connection and the frustration it will create if we have a country where all workers are imported and our local workers are unable to find work. Sir, what will happen? We really would need a larger prison. I am saying that we do not need a larger prison. We need to reduce the size of our prison and convert it to productive work, but not at Harrison Point. Sir, we are not here to increase the population at Harrison Point, we are here to increase the working population of Barbados.

I thank you, Sir.

## SUSPENSION

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

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

*The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.*  
12.28 p.m.

## RESUMPTION

Mr. SPEAKER; This Sitting is resumed. The Honourable Member for St. Michael West.

Rev. J. J. S. ATHERLEY: Mr. Speaker, it is a bit unfortunate that the Opposition voices which would have spoken thus far on this matter and especially on this day, would have sought to suggest that the efforts on the part of the Barbados Government of the day to deal with the important matter of law and order... in the context of national development. Those efforts can be summed up in the way they were described by those Opposition voices as simply amounting to efforts to increase the number of judges and to build a bigger prison. I think that is a total misrepresentation of the fact, which is regrettable.

Mr. D. St. E. KELLMAN: On a point of order. The Honourable Member is misleading the House by giving the impression that the present Government does not plan to build a larger prison.

Mr. SPEAKER: I do not even know what to call that. Just proceed, please.

Rev. J. J. S. ATHERLEY: I will repeat, I think it is rather to be lamented that the efforts of the Government with respect to law and order, which are worthy of honest appreciation and honest applause should be summed up in the way that they unfortunately were by the Opposition.

I think the reality would suggest that we need to have more judges to in part respond to the problem of the backlog in the courts in an effort to ensure that justice is as swiftly dispensed as possible, if one goes to the maxim, which is popular and perhaps sometimes of use, that justice delayed is justice denied. I would have thought that was a view commonly held by those of reason in this country.

With respect to the matter of building larger prisons to accommodate more people and to house our unfortunate working class people rather than employ them in legitimate areas of income earning endeavour, is also to be lamented.

The reality, Mr. Speaker, as you would know, is that we have a prison which houses about 1 000 persons who have run afoul of the law. We also have a prison which does not lend itself to properly accommodating persons according to the category of the offence which they have committed of which they would have been sentenced. We also have a facility which does not lend itself to allowing for persons who constitute varying levels of risks, both to the prison population and to the wider society, to be so confined as to adequately address that particular situation.

Mr. Speaker, if you are dealing with a population of about 1 000 currently and you are in the process of building a facility which can accommodate just over 1 200 persons, I do not see that it can honestly be said that we are building bigger prisons because we are hoping and planning to accommodate more people rather than alternatively giving them the opportunity to be employed in legitimate endeavours.

Mr. Speaker, one must also bear in mind the context of the times in which we live. The national security interest of the country is also of paramount importance and therefore we must have the kind of facility that allows us to confine persons in circumstances of detention which would satisfy the national security needs and serve the national security interest of the country. Therefore, I think that particular issue must be looked at in that context, just in part, and if we do, then we do not easily come to that conclusion that this is where we are going according to the Opposition.

Mr. Speaker, I think it must be said and can honestly be said that this particular Administration has done more in terms of providing opportunities for workers. The official unemployment statistics to date suggest, with unemployment at its lowest levels, that under this particular Administration more has been done to create opportunities for workers.

Mr. Speaker, it is also this Administration that has enshrined in law mechanisms which would seek to protect the benefit of workers in Barbados. I can speak with reference specifically to legislation passed in this Parliament to assure that the salary of public servants in this country cannot be unfairly adjusted by any Government in office.

Mr. Speaker, if you are talking about empowerment of working class people, we can make that point with reference to land ownership especially in urban Barbados and in a culture where people have traditionally live in tenantry situations on rented land for long years, this Government again is in the lead and should take, rightfully so, credit for making it possible that workers can come into greater levels of empowerment.

Sir, if you are talking about empowering the working class, if you are talking about protecting benefits, if you are talking about providing opportunities, if you are talking about seeking to protect workers rights, that is nowhere better enshrined or embodied than in the establishment of a Social Partnership Mechanism which works and the tripartite arrangements which we currently have.

Mr. Speaker, I would want to dismiss the view being echoed from the Other Side that when it comes to law and order, this Government ignores the plight of working class people in this country and ignores that plight, only to

the extent that this Government seeks to provide for the institutional capacity to lock them away and the judicial mechanisms to charge them at court and sentence them to confinement. Sir, I think we can depart from that view and on that score, I dismiss the view coming from the Other Side.

Mr. Speaker, we face some serious challenges in terms of national development. If you consider the present European Union position with respect to pricing on our agricultural products, particularly sugar, you would recognise that is a significant challenge which we have been facing and which is becoming more and more the reality with every passing day. Therefore, it is a reality which we would have to live and a challenge to which we would have to respond.

Mr. Speaker, we also find a challenge to our national interest being served up by the dictates of the World Trade Organisation liberalisation prescriptions with reference to trade with which we have to comply in large measure. The notion of marginalisation, premised upon our geopolitical position in the total global scheme of things, suggests that there are challenges which also come to us. Pressures on our attempts to develop our financial services market also present challenges. There are challenges in relation to notions of sovereignty as enjoyed by us for some time. In this new environment, that notion is being challenged.

Mr. Speaker, I said all of that to suggest simply that when we talk about the challenges which we now face and we make reference to those things which are immediate and obvious, but we cannot ignore the fact that there are challenges presented to our national interest and to our national development which revolve around this issue of law and order.

Therefore, whereas some people might question the profitability of having commissions such as this and various other commissions from time to time, the establishment of this Commission, I think, is one which would have found ready support. I think that the Report which we now have the privilege of considering is evidence to the fact that this was necessary work and that this Report before us is of the type of substance which gives us a basis for further and proper discussions, as we formulate policy in the continued attempt to respond to the law and order challenges which we face.

Mr. Speaker, challenges to law and order would revolve around the issue of the resources, which we have the privilege of employing in the effort to sustain and enhance that climate of law and order. Those challenges would also revolve around the formulae which we as a Government and as a people can devise to deal with issues of law and order. For example, the challenge of devising new ways of tackling

old problems. Just this week that one which has been perhaps most prominent in public dialogue circles, the issue of domestic violence, is an old problem, so we are now seeking for new ways to respond to an old problem.

We have the challenge of devising new initiatives to deal with new emerging problems. We are now living in a cyber context and the issue of cyber crime would mean that we have to devise new judicial and legislative ways of dealing with any type of law and order issues which may arise out of that new phenomenon.

We also have to deal with challenges which themselves are in the nature of threats to our national interest and to our national security. Some of these threats obviously are induced by criminal behaviour and some are being induced by cultural change, a lot of which is imported cultural behaviour and imported cultural change, which is throwing up for us new challenges around the matter of law and order. Therefore, we must find ways and means of responding to those new culturally induced challenges some of which come out of the very positive, normal and natural process of national economic development.

1.40 p.m.

Mr. Speaker, as we do better, we find that there are new areas of threat to the sustained well-being of our country and we want to protect that which we have been able to attain and to achieve. Therefore, the process of development, as a natural phenomenon, will throw up challenges with which we would have to deal. Sir, I think that Government will take this report with the seriousness that it seems to merit and will respond to these issues and be bold in confronting the challenges with which we have to face.

Mr. Speaker, governance is very much a part of the platform of the pursuit, if a climate of law and order is to be achieved. Therefore, to start from that base, we need to have sound Government and good governance. Sir, we live in what can be regarded as a representative democracy, that is a certain type of democratic frame in which we live. It basically means in part that decision-making power capacity and privilege is placed in the hands of the few, on the behalf of the many or majority.

Sir, out of this form of representative democracy, a number of issues have arisen, some of which this report seeks to address. I think there are issues to which we are nationally in dialogue, to some extent, which is healthy. There is a notion of supremacy of Parliament, of which we are a part, and of which you, Mr. Speaker, as leading officer, now have the privilege of presiding over. Therefore, the question of how meaningful is the notion of supremacy of a Parliament, in the context of a representative democracy in which we live, where one might easily say that instead

of Parliamentary governance, we have Cabinet Government. One may go further and say that, in fact, the culture which attends to the practice of Cabinet government, in a representative democracy such as ours, is that of Prime Ministerial Government. Therefore, perhaps if one follows that trail of thought, in our particularly politically-cultured context, one comes quickly to the conclusion that too much power is sometimes vested in the hands of one person who wields significant influence over Cabinet and by extension over Parliament and brings into question the notion of the supremacy of Parliament.

Mr. Speaker, there are those who, having arrived at that point in their own analyses and thinking, then offer and propagate the view that the power of the Prime Minister ought to be curbed and that our system of government ought to change, such that the Prime Minister, through Cabinet, is not so dominant over Parliament.

Mr. Speaker, there are those who, in other prescriptive ways, may want to curb the powers vested in the representative of the people but I want to make it clear where I stand on that issue. I believe that power should be vested in those who are by process held accountable to the people. I do not subscribe to the view that we set in place corporate mechanisms of whatever sort, size, character, or nature or composition, which severely prescribes or constrains the powers of the representatives of the people, so that those who are, therefore, in positions of power and decision-making, are those persons who are not held accountable to and by the electorate.

Mr. Speaker, I think that is a point I can honestly and properly represent and whereas there are, in fact, need for checks and balances, I believe those checks and balances should not so reflect themselves through such mechanisms, as to curb the power given to the people's representatives to do the people's business, and to exercise the privilege of decision-making on behalf of the national body.

Mr. Speaker, alternatively, as some would suggest, that power should be vested through checks and balances substantially and mechanisms put in place to ensure that power does not run rampant. I am simply saying there must be checks and balances, that power should not be allowed to run rampant and though our style of Government may not be the preferred style of some other governments, it has work for us.

I do not subscribe to the notion of curbing the powers of the Prime Minister or curbing the role and powers of Cabinet in relation to Parliament, in the pursuit of more idealistic ways of representing the notion of the supremacy of Parliament. I very much believe that those who have the

privilege, those who have been vested with the powers to make decisions, are those who are held accountable to the people, and not an appointed or selected set of souls, who have not faced the people and asked for a mandate on their behalf, to bear that privilege of decision-making. Sir, I feel very strongly about that.

Mr. Speaker, however, I support the use of the Senate and Back Bench of the Lower House, to be a source out of which Parliamentary Committees can be drawn. These committees would be given charge to have specific oversight of critical areas of our policies of governance. They would be given the capacity and power to make enquiry into areas of relevant concerns, to the proper order and functioning of this Parliament, to the pursuit of ministerial responsibility and safeguarding the interest of our people at large. I believe that is important and that it would prescribe a far more meaningful function. I believe it would also enhance the role of the Other Place and the role of the Back Bench in Parliament.

Mr. Speaker, I support that wholeheartedly. I think it is a good check and balance mechanism, that gives more meaningfulness to the role which those who sit in the Upper House and those who sit on the Back Bench of the Lower House are charged with dispensing.

Mr. Speaker, I am very much supportive of the notion enshrined in this Report that we have to have a system of people's initiatives. I believe that though power is vested in a representative few exercise discretionary power on the behalf of the masses or the national body, I firmly hold that there should be the opportunity given on critical issues, where reference can be made by that representative body to the national opinion, on issues of tremendous import.

Sir, there are some of those issues now facing us, which I would not want to enumerate or identify at this stage, but certainly they are issues of critical importance. There are new and emerging issues which we have to deal with as a country and perhaps the wisdom of the national mind should be sought in instances such as those. In addition, through the simple mechanism of people's initiatives, some kind of system can be employed whereby through process of a ballot, the people's mind might be enquired into, as to what the popular feeling is on those matters.

Mr. Speaker, I, therefore, very strongly support the notion of citizens initiatives and the expression of popular national opinion by process of ballot. Sir, from time to time, we know it is employed in other cultures or societies and in similar systems as ours, where people are asked questions at periods which are appropriate. Again, at opportune times, people may be asked to decide on particular issues.

Mr. Speaker, presently we are preparing our nation with respect to seeking the national response on the issue of the status of Barbados, *vis-à-vis*, the country becoming a Republic and having a national as Head of State. I wish to say that is an issue which is thought to be important enough, that we should have a national referendum on the issue. Sir, we do not have to have a referendum of everything, but certainly questions may be asked of the electorate, from time to time, as to what is the national view on issues for which the people's representatives might need more immediate guidance.

1.50 p.m.

I think that is a process which is affordable and familiar to us, though not practised by us and one which I would be willing to support because it can only help to enhance the culture of governance in the country.

Mr. Speaker, we are living in a day when this Government has made it almost a common practice to employ the mechanism of national consultation on issues of importance. We have had them in reference to the economy which is an annual exercise now and in reference to health issues. We have had them in reference to tourism and other issues like trade. I think that this should be encouraged because it can only enhance the culture in which we live of social exchange on issues of governance and how we move forward.

Mr. Speaker, if one is to be honest, one must note that these consultations have had much for in which those who have composed the principles and dialogues have been the elite of the society, executives in industries and business, and persons of a certain socioeconomic ilk. Therefore, though the consultations are to be encouraged and have been fruitful and effective, yet one would have to concede that they have been very much undertakings which have been taking place around and amidst those who are of the elite and executive type of the society. I simply say that to suggest that we must move to a platform where we have mechanisms for national dialogues and consultation on critical issues which take on a more working-class character as well.

Mr. Speaker, there should be town hall or community meetings periodically where problems can be addressed in a parochial context. This is to be appreciated but we have reached a stage where we can go beyond that and ensure that the type of national consultation we have will include those which will bring together the minds, views and sentiments of those of the working class in Barbados, so that they too would have an input of issues of importance to themselves and the wider state. We need that mechanism for working-class consultation.

Mr. Speaker, the Report also addresses the matter of the industrial relations climate and practice in Barbados, the

issue of trade unionism and the protection of workers' rights. It is just that it should speak to that because if we understand what those issues are all about, then we realise that we are dealing with social justice and order emanating from a context of social justice, which renders to every citizen opportunity, which is characterised by a sense of equity and fair play. Therefore, those things are to be given cognisance of in this Report and it speaks to these things.

Sir, the Report focuses on the Constitutional rights of workers, the issue of delinquency on the part of companies to meet their statutory obligations to workers. These are issues of tremendous importance to national well-being, to good social order, to wholesome and healthy economic practices and to sound national development in economic terms. Therefore, these issues are properly broached in this Report and should be very much a part of the substance of the debate taking place in this House.

Mr. Speaker, in the current industrial relations context, there are some dynamics which operate and which we would always be careful to take note. We have transnationals and multinationals operating in this country which bring a foreign culture here. The foreign culture is then superimposed on the Barbadian traditional industrial relations culture and sometimes there is conflict. Sir, that has to be addressed in the pursuit of social justice and order.

Mr. Speaker, the whole notion of competition taking place among industry and sectoral interests on a global scale between companies and corporations and this competition facilitates and encourages some of the negatives that we see. Sir, people in their haste to get advantage cut corners and are not always careful to take note of the rights of workers. Sometimes there is competition at the level of the workers for scarce jobs in some situations and that facilitates some of the negatives which these foreign companies are ready to practice if they can get away with it. Sir, we have had some experiences of this in our own situation.

Mr. Speaker, the practice of consolidation and mergers is now commonplace. Again, these things take place out of necessity and expediency will drive these things but then sufficient note is not taken of the rights of workers in the scheme of things. If a country is not careful through its industrial relations practice and culture to ensure that although we have to accept the reality that consolidation and mergers can bring advantage and greater levels of viability to companies, then the rights of workers can suffer in all of that.

Mr. Speaker, there are those who come from a cost-conscious posture and these firms operate to the extent that there can be profitable in a certain jurisdiction and when circumstances change, they leave overnight and in their wake is left tremendous hardship on workers.

Mr. Speaker, in the whole matter of addressing law and order and social justice, this aspect of the climate and culture attaching to industrial relationships is a matter which must be addressed.

Mr. Speaker, I thank you.

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

Dr. D. C. ESTWICK: Mr. Speaker, it gives me great pleasure to participate in this debate on this Report of the Commission on Law and Order, as it seeks to form the basis from which we could develop our social policies and programmes in the future. Sir, from that context, I would like to have the opportunity to look at a few areas in this particular Report.

Mr. Speaker, I want to say at the outset that because of the comprehensive nature, I will confine my look at some of the historical features that would underpin our present socio-economic circumstances as well as those laws that would have been inherited during the colonial period that may very well now be used in a way that are creating some disaffection in Barbados socially and not allowing full expression of many of the tenets so defined in our Constitution.

Mr. Speaker, law and order and compliance with law is easier to achieve when the people in society find that it is easy for them to access social services; when it is easy for them to fulfill their basic needs; when it is easy for them to see economic development, which has a direct impact on their social and economic conditions; when it is easy for them to see that the present application of elements such as freedom of speech, association, economic and social rights are adhered to in a very comprehensive way. Sir, when citizens have access like this, compliance with law and order become easier. This independent country of ours Barbados is thirty-nine years old, but we must be cognizant of the fact that our laws are not; they are transplanted laws that were designed in keeping with the British unwritten Constitution, at a time when there was blatant ignorance of the universal laws of nature; when conquest and pillaging were institutionalised; when racism and slavery were institutionalised and when women were third-class citizens and property. In fact, when any race which was captured, became property.

2.00 p.m.

Even though a lot has changed over the years, a lot of positive elements have been utilised that help to define our particular legal and economic structures – Barbados has benefitted from that – there are still too many facets of our political and socio-economic system we have inherited in a

pre-independence period that still exists today. Those elements were not designed to promote change, they were designed to promote the *status quo*. There were not designed to promote social and economic equity, they were designed to prop up and maintain a *status quo* that effected oppression and exploitation of Barbadians.

Mr. Speaker, now that we are masters of our own fate, I believe that we have to systematically review the Constitution that we inherited, the Westminster model of governance; our public service policies so derived; our social policies and our laws with respect to our specific interest at this time, 2005, and consistent with international obligations.

Sir, it appears to me this is not what we are doing. Even though we are dismantling our inherited arrangements with England and entering into new arrangements with Canada and the United States of America and new regional arrangements with the Caribbean Single Market and Economy, we are trying to do this while at the same time maintaining the same political and social structures that existed during colonialism.

Sir, while we are executing these radical, social and economic changes in Barbados, we are trying to promote social harmony with a set of systems, political and economic, that were designed not to promote social harmony. May be this is why we have so much disaffection in Barbados at this particular time. I hope to be in a position to look at a few of the reasons.

Mr. Speaker, those of us who were at school after independence had expectations of independence that have not yet been fulfilled. That is one of the problems. It was thought that Independence was supposed to be a panacea for a lot of the social ills, it promised Barbadians a new and better life under self-rule, but this has not occurred for many Barbadians and it is fueling a lot of hostility and resentment in Barbados. Sir, I believe that this is a fact we have to live up to.

Mr. Speaker, the television and travel abroad have educated Barbadians as to what life could be, the type of life that they could have, even though Barbados is better than a lot of other places. That understanding of a better social and economic existence is fueling in Barbadians a sense that we are not moving fast enough to execute the upliftment and better fulfillment of their lives. This is fueling disaffection in Barbados.

Sir, I speak as one of those people who went to primary school shortly after independence and certainly thirty-nine years after independence we would have a Barbados today where a small minority still controls the largest tracts

of land in Barbados and the major socio-economic interest in Barbados. This is what the children are seeing. It is not a matter of politics, Barbados Labour Party or Democratic Labour Party. This is what the children are seeing or this is what I saw.

We did not expect, those who are honest enough, to still have black businesses in Barbados struggling, for we cannot point to any significant successes that have grown like the other businesses in Barbados. It is becoming more and more difficult, because of the vertical and horizontal integration of these businesses, for small black businesses to compete, because of that reality of vertical and horizontal integration, without appropriate access to finance because of how the banks operate in Barbados.

Sir, I am not sure whether there is any equity with respect to how Government treats them with respect to contracts as a fundamental element that determines whether a business survives in Barbados. We all know that this is true.

Mr. Speaker, we are seeing that the same business interests are amalgamating, growing stronger everyday, yet we sit in Barbados and acknowledging a set of political realities, but expect our children, who we educate, not to understand the realities with respect to what is happening in Barbados. We are fooling ourselves.

Mr. Speaker, the matter even becomes more daunting, when we are still classified as a developing country, when our economic institution, particularly our financial institutions, should have a developmental set of policy positions, like what existed with Barbados. Even the Barbados National Bank should have had a set of policy positions that are very much oriented to the method used by the International Monetary Fund and the World Bank, when dealing with the early development of countries.

Sir, with the multiple funds that now exist in Barbados, I hear small businessmen cry out about accessing the money, and the qualification requirement. Mr. Speaker, can you tell me that a man in Barbados who has one house, that houses his six children and himself, and you ask this individual who wants to get into business to put up the only house that he has worked for forty-five years and is there to defend his children as the only asset, to take a fundamental risk? That is why I spoke about having financial institutions oriented with a developmental policy.

2.10 p.m.

Mr. Speaker, after 39 years of Independence, we did not expect that you have to become qualified in Barbados to find a job in the same businesses or at one of their subsidiaries that existed in Barbados when I was a little boy.

Mr. Speaker, we did not expect a Barbados where there is no room for school leavers at the Samuel Jackman Prescod Polytechnic (SJPP) with the numbers of persons that are turned away every year; where there is no room at the Barbados Community College (BCC) with the numbers that are being turned away every year; where the University of the West Indies (UWI) is filled up and there are over 3 000 persons leaving school every year.

Mr. Speaker, I am being told that the economic growth in Barbados is good and we could employ all of those persons, including all the Guyanese and everybody that comes to Barbados but I do not see the businesses. Sir, show me the business of growth and development.

Mr. Speaker, we never anticipated, and I in particular, that we would have our Barbadians being told today, 39 years after independence to go to school and do well, get certificates. Now you are told it is all right to go and find a job in Guyana, Jamaica or Trinidad and Tobago, when those residents are running away from those countries because of crippling social economic conditions and crime. This is what my children are being told. I heard it in this Honourable Chamber.

Mr. Speaker, we never expected, and I in particular, to have a Barbados that 39 years after independence, a public service is beginning to operate very much like those in many of our neighbouring territories, where you have to pass some money under the table to get something done.

*Asides.*

Dr. D. C. ESTWICK: We all know it is true.

We never expected, Sir, a public service where there has been a litany of unfair promotions and hiring practices in Barbados that have been highlighted by every single union in this country, where people have had to go on wildcat strikes in Barbados to express their disaffection with these realities, 39 years after Independence.

Mr. Speaker, this is what this debate is about for me. It is also about paternalism versus moral individualism. It is about being a social Darwinian, those who believe that it is a jungle thing. If you cannot survive on your own, well then the system will not take care of you. It is a dog eat dog world.

Sir, when I speak about moral individualism, I am talking about those **extremists** who believe that they are the only people who should live in Barbados and want to define their own laws and rules.

*Asides.*

Dr. D. C. ESTWICK: I know what I am saying because I live it and I understand it, Sir.

Mr. Speaker, there is not a Barbadian now who has not felt the weight of oppressive public service practices, where the morale within those institutions is low and getting lower because of elements of supersession and all the other components that have been spoken about in Barbados, time over time. Whom are we trying to fool in here?

Do you know what bothers me? You have a man who is working for a Government department and he gets \$250 every week. He has six children but he needs to make \$600 a week to survive. We have such a backward and archaic system that would not allow flexibility to be developed so that this individual can provide adequately for his children. We leave a system in place, Sir, that does not allow him to go out there and have a second or third job to take care of his children and we are 39 years after Independence. Do we understand what we are doing?

Mr. Speaker, in Barbados, our people believe you have to align to a political Party to survive. I do not care who supports it but I say it is sad. We also have in Barbados, a scenario where our children are disrespecting us. They do not want to hear anything we have to say; the laws mean nothing, church means nothing, elders mean nothing and we do not seem to understand why that is happening.

Do you know why? This is because of double standards. The educated children see the double standards and let me identify some for you, Sir, adults are craving material things but the children are not to; adults are doing whatever is necessary to get the material things but the children are not to; adults break all rules of decency and moral living and the children are not supposed to; the law-makers break all the laws in their interest and the children are not supposed to, Sir. Children are supposed to go to school and learn well and find a job, when they see others in the society with big houses and cars and never went to school one day. They see politicians supporting specific interests in Barbados. I hear it every day when I canvass and those on That Side would have to hear it as well but at the polls, the people will say, no more. The politicians are neglecting their own and they are not supposed to respond by disrespecting that same system. No. They are fooling themselves. I am not going to be part of that, Sir.

Mr. Speaker, they see open victimisation in the public service and they are not supposed to disrespect the Government. They see unqualified persons moving up to the top based of whom they know, and the children are not supposed to live the life that got the person to the top where they live like kings. They see one Government comes and one Government goes and yet, they are at the bottom of the ladder all the time and struggling. Are they not supposed to question all of us? They have every right to, Sir.

They see welfare benefits being cut in Barbados while millions of dollars are wasted. They see people on disability getting \$33 every week or two weeks and welfare recipients on \$50 every week or two weeks and they have to try to live in Barbados, when one light bill alone is \$100. This is the reality we are facing here, Sir, 39 years after independence. I am not going to be a political hypocrite.

Mr. Speaker, they see some people become richer and richer every single day in Barbados, while they get poorer and poorer and cannot afford to buy a piece of land, house or car in Barbados. What are we as lawmakers and politicians supposed to walk about and say to them? We see it out there every day and that is the reality.

Sir, it is even more devastating when you walk the street and talk to people. They have no respect or regard for politicians or politics because they are very few politicians who tell the truth. This is a fact and that is what they tell you over the years. This is what the people say that politicians are no good. They say that we are no good and that we are all crooks.

2.20 p.m.

Mr. Speaker, when it is all over, what the people out there see, is that life is getting harder and harder for them and as long as that is felt by them, law and order will become more difficult to exercise. Once the distance between the haves and the have nots continues to spread worldwide as well as in Barbados, and we do not understand how to take the political and social systems and revamp them with respect to our modern political reality, we are going to run ourselves in some more trouble. Mr. Speaker, this is what my experience as a practising politician has said to me and that is the reason I have said what I had to say in here.

Mr. Speaker, let me qualify a couple of areas. Mr. Speaker, during the post-colonial period, all the average Barbadian had to sell was his labour and his brain, he had nothing else. Therefore, our parents placed a priority on education because it was the mechanism for mobility beyond the labour element alone when you work in the field and pick pond grass. Today, we have a society where education does not mean anything anymore because the people out there recognise that when they become educated they actually earn less money than those who are sitting down on 'the block' doing nothing. We have refused to place a premium on education in the way where we reward and promote excellence and we take our teachers and other people who struggle to instil those fundamentals and pay them a pittance or nothing, and we do not understand what is happening.

Mr. Speaker, the only way we could survive is to have a re-education of our people. Sir, when I hear people

talking to social this and that, it is a re-education of the people and we must start paying a premium on science and technology in Barbados. Sir, it is time that we start to appreciate that there is no discrepancy at all between the capacity of an island and the capacity of its people. Sir, England is smaller than Guyana but it owns more than three-quarters of the world, but we somehow seem to think that we should just educate our children to get a job, not to build the new space shuttle, if one is to be built or to create its drawings or to think that way, we want them to simply go out there and get locked into perpetual property.

Sir, the disrespect that now exists in Barbados for knowledge occurs because the system itself does not reward it aptly. Sir, what we need to do is to go into our secondary schools – if it is not already happening, I am not aware, I can be corrected – and start putting not only social workers in the schools but psychologists as well. Sir, we need to start having an evaluation of our children at a level where the system intervenes, if there is early pregnancy, there is emotional immaturity, poor finance, broken families, social and psychological problems, peer pressure, deviant behaviour or confidence problems. All of these things are critical if we are to get back our people understanding the premium that education must be again, because it is the only way we are going to have an affront to the global onslaught.

Mr. Speaker, my final statement is that we have to promote excellence not mediocrity. There are persons who leave school at age 16, who cannot read or write, that is the reality that exists in Barbados 39 years after independence. It is a failure of the system and it has to be corrected if we are to move forward.

Mr. Speaker, I mean very, very, very from my heart that we have to promote excellence and once we do this and our people understand what that means at all levels of our society, we would have an opportunity to advance this country of ours called Barbados.

I thank you very much.

Hon. R. R. FARLEY: Mr. Speaker, I rise to make a contribution to this Resolution to note this Report of the National Commission on Law and Order. I want to start by congratulating the commissioners on what I consider to be a very important publication.

Indeed, Sir, this Report should be required reading for all persons in Barbados because it provides for us the opportunity, which in a simple sort of way, and in a bit deficient sort of way, the last Honourable Member sought to do, he saw only one side of the coin, I may see the other.

*Asides.*

Hon. R. R. FARLEY: In all seriousness, I want to say that the Honourable Member was right on at least one thing if nothing else. Sir, it is important that on this 39th Anniversary of Independence that we look at ourselves, where do we intend to be, where are we now and where are we going. In a sense, this Report provides that opportunity for the society as a whole to look at itself because this Report recognises that the matter of law and order is not a matter restricted and related only to the enforcement of laws by a police force or the passing of laws by a Parliament. Sir, when I looked at the Report, the Report treats that area as a minority part of the Report.

Sir, if one looks at the eight chapters, one would note that Chapter 1 speaks of the Objectives of the Plan on Justice, Peace and Security; Chapter 2 on Constitutional Support for A Just Society; Chapter 3 on Social Institutions: Issues & Change; Chapter 4 on Governance & Civil Society; Chapter 5 on Cultural Values; Chapter 6 on Law Enforcement; Chapter 7 on Criminal Courts and Punishment and Chapter 8 on Contemporary Issues.

Sir, two chapters out of the eight would have dealt with what those who may see this issue in its narrow context would have focussed on. Sir, what the commissioners have been able to do is to remind us that our society functions as a whole, that you cannot disaggregate the various elements out and deal with them separately. Sir, that has always been this Government's position.

Mr. Speaker, the maintenance of law and order is fully tied up, as is pointed out in this Report, with the general success, happiness and prosperity of our people. Sir, for my part, I am particularly pleased that the Report looked at the issue of social institutions, issues and change, because it is the matter of our social institutions and the impact of contemporary culture on the institutions to which we have to pay particular attention.

2.30 p.m.

Mr. Speaker, indeed, as it stands now, we still expect our premier social institutions, such as the family, the school and the Church, to play the traditional roles that they have played over the years, without recognising that even those institutions have been subjected to a changing culture. Of course, you would know, Sir, that by culture, we are not talking about what happens from the waist down. We are not talking about the performing arts or about "wukking up". We are talking about the real meaning of culture, about the things we say and do or about the way we live. It is that bond that draws us together. It is the things that we have in common.

*Asides.*

Hon. R. R. FARLEY: Mr. Speaker, all of our culture should not be the way it is, but the fact is that we are who

we are. The fact that one might ask a Bajan: "How are you doing?" He is more likely to say: "Not Bad" or "I here suffering". He would say: "I'm fine", or "I am abiding." Bajans only admit to doing average or below average. Sir, celebration of success is not part of our cultural mix. In my estimation, it should be, but that is a reality of how we are.

Mr. Speaker, I am making the point that there are contemporary aspects of Barbadian life, which have negatively impacted on some of the institutions, which have historically played a very strong positive role. These institutions can and must continue to play that strong positive role, but we must examine the way in which contemporary cultures have affected those institutions. Sir, what are some of those aspects that have been impacted upon?

Mr. Speaker, for example, we have a mass media which sometimes advertently but most times inadvertently, mainly through third party solicitation via advertisements, *et cetera*, that promotes a culture of instant gratification and extravagance. It runs completely counter to the culture which, in our days, our institutions would have promoted, such as thrift, honesty, postponement of instant gratification for the benefit of some longer term and greater good, and respect for elders and for ourselves. Sir, in a way, those are some of the realities that we face.

Mr. Speaker, another aspect is that of the changing role of the family. Sir, do you know that we can no longer today take for granted that every one of our citizens has access to an extended family? We cannot take it for granted that, at a time of need, every Barbadian would have access to support from that extended family. Sir, the evidence is there. How many people are left in the Accident and Emergency Department, or if they are in hospital wards, they cannot be discharged because there is no place to take them? Sir, we have reports of ambulance drivers taking persons back to their last known addresses, only to discover that when those elderly persons were hospitalised, their relatives would have moved out of their homes, without leaving any forwarding addresses. Therefore, they would be leaving their senior citizens to the good care of the State.

Mr. Speaker, there are situations in which young children, who are subjects of abuse and other unfortunate circumstances, do not have the option of going to an aunt, uncle, grandfather, grandmother or family friend.

Sir, as we go forward and as we need to look at what we must do, and what these key institutions cited in Chapter Three of this Report must do to achieve the objectives that we want for this country. We must face the reality that we live in a different cultural context. We must, therefore, recognise that some of the ways that we see the world have been fashioned by these new circumstances.

Mr. Speaker, many years ago there were only two types of places where one would have lived, either in a plantation house, or in a village. In that way, as the old African proverb says, it takes a village to raise a child, in that village there was access to everyone.

Mr. Speaker, the reality is that as we move forward and as we change our mode of living, there have been some unintended consequences. Sir, the creation of new developments, as wonderful as they are, making living very comfortable, have created what were not intended to be, but in reality for many people have already become dormitory communities.

Mr. Speaker, there are places where people go, eat and sleep, but it takes then another 20 years for those new districts to create a sense of community. Therefore, we take it for granted that the bonds of kinship and friendship, which would have existed in our villages of 50 or 100 year old, will instantly be created in a district of five years old, so that there are some persons growing up in society who would not see the world in the same way in which we would have. Sir, those are the realities we have to face. Mr. Speaker, therefore, in examining the role of these institutions, such as education and the programmes for the support of our youth, we have to recognise those realities.

Mr. Speaker, I have carefully studied the recommendations which have been made in this report. We can all express our own views but at the end of the day, there are Commissioners who would have canvassed widely across Barbados. They would have done their research and would have made recommendations concerning the way forward for our society and for these institutions.

Mr. Speaker, I would like to say that the Ministry of Education, Youth Affairs and Sports, has not only been integrally involved by making submissions to the Commission, but have also studied their recommendations. Indeed, a number of them are already in the implementation process. Sir, we recognise that talk is talk and action is action, and that we want to make sure that through our educational system and through our other programmes, we are able to contribute positively to the development of our country.

Mr. Speaker, I want to say that I have every confidence in the future of Barbados going forward. Sir, sometimes when we hear people speak, they are always lamenting the outcome of young people. Of course, that has been the cry of every generation, who thought that the future was lost because of young people, but because of young people, every generation has been better than the last.

Mr. Speaker, I want to say that I congratulate and commend the young people of Barbados for the great

role they are playing in our development. Indeed, during the month of November, when we focused on Independence, the communities at large got an opportunity to see something they would not normally see. They have seen the good side of our young people. Sir, it is still a fact that the landing of aircrafts at the airport every day is not news, but if one were ever to fall short of the runway, then it would become news. Sir, that is the same thing with our young people. There are a few young people who would get into fights or other problems and unfortunately would make the news.

Sir, during November the media condescends to give us a perspective where we are able to see, through the National Independence Festival of Creative Arts, young people who are producing their own plays, choreographing their own dances, making speeches and other forms of dramatic presentations, which indicate quite clearly that English is alive and well in our schools and that our children are learning.  
2.40 p.m.

Sir, the Spelling Bee Competition is going on between the Ministry of Education and a private sponsor. We have had essay competitions sponsored in November by the National HIV/AIDS Commission. I could go on and on but the reality is that the vast majority of our young people in all age groups are active not only in their schools but in their community groups like the scouts, cadets, guides and they are active in the churches although not enough of them are active as they should be. We have to take note of the National Youth Survey, which indicates that over the years a declining percentage of our young people had a religious affiliation, which is less their fault than it is the fault of their parents.

Mr. Speaker, a vast majority of our young people are taking their education seriously and are pursuing academic excellence but we must take the point and note the reality that contemporary culture does not place as high a premium on education as in the past.

Mr. President, I usually do not talk out the business of my wife because it is not a good thing but my wife tells me that every now and then that students would ask her what kind of car she drives and she answers that she drives a Toyota Starlet. They usually respond that they do not intend to hurt their heads with Mathematics to then drive a Toyota Starlet when other people who pursue an alternative lifestyle is able to drive a BMW.

Mr. Speaker, those are the cultural realities which our children face. These are not the cultural realities we want in Barbados and another aspect of law and order will take care of that. Sir, as we go forward, we need to acknowledge the fact that our children are on the right track and also be

prepared to recognise that there is no longer the strong bond and convergence and mutual support between the family, especially parents, and the school as there was before.

Mr. Speaker, in devising our programme, we in the Ministry of Education have sought to make sure that a special effort is made within the framework of a revised curriculum and that the school has a prime responsibility to be the premier agent of socialisation. It is the single aperture through which all children in the society would pass. Therefore, we have to take the opportunity to pass on the mores, value and culture of our children. Therefore, Sir as is recommended in the *Report of this National Commission on Law and Order*, the revised curriculum focuses on a number of important non-academic aspects of development. Sir, within this revised curriculum already in use, are areas relating to health and family life education, citizenship, ethics and related matters. Indeed, at the level of our secondary schools, we have mandated that the groups associated with the schools, are considered an integral part of the school experience and that all students are required to be members of at least one of these groups, whether it be the scouts, the cadets, guides, etc.

Sir, we have also been seeking to build greater bonds with the community by having a number of mentors, whether they be retired persons or otherwise coming into our schools to pass that knowledge because we are concerned of the lack of inter-generational contact. There are young people in our society, who because of the nature of the nuclear family as the predominant family structure today, do no have contact with old people. What used to be common place that our toddlers would have been raised by the grandmothers and great, great grandmothers, is not necessarily so. It is between the parent, the nursery and the school and, therefore, as part of our institutional building, we have focused on that as well.

Sir we believe as well, that we need to continue to celebrate achievement and award excellence and I must agree with the Honourable Member for St. Philip West on that. He was in a different mode today, Sir. I do not know what caused it but it was a most pleasant, unusual mood and I hope he could recognise himself after that level of pleasantness. Sir, we must reward excellence because one of the things that happens in our society is that we seem to make bashing young people a national past time. I am not advocating that we tell them that every thing they do is correct even when they are wrong but whether it be at the level of the family or the level of the institution or nationally, we must hold up their achievement.

Sir, for our part, we have launched, earlier this year, our national youth awards and we have already sent out invitations to youth groups and the wider society to nominate young people, who are achieving so that we can

reward them. The Sir Conrad Hunte Award for Excellence in Sports; The Colin Hudson Award for Excellence in Innovation both in 16 and over 16 categories. The Bamboo Award for Entrepreneurship, creation and operation of a business, The Challenge Award for those persons who are physically or mentally challenged, who have excelled in any of the above areas. The Hope Award for secondary schools that have a special programme for working with young adolescents as well as individual awards in sports, the performing arts, visual arts and community service. Those are among some of the awards we would be making to our students. Sir, I want to say that notwithstanding the fact that the majority of students are on course because our survey of academic performance indicates that 66 per cent of students leave secondary school with CXC certification and move on to work or to study further.

Sir, we also have others who go into temporary unemployment and some who become completely unattached from society and run almost parallel to society. We recognise that in the post-secondary situation that we need to have a carefully structured programme. It is noted in the Report that whilst we celebrate the success of the existing Barbados Youth Service, there is a need to do something new and more comprehensive. We propose a new National Youth Service, which would be comprehensive in its scope and would cover not only the residential programme as it is now for persons unemployed and unattached but would cover all young people, those employed, those studying and even those still in school.

Sir, that National Youth Service would have at its core the restoration or interest in and commitment to community service.  
2.50 p.m.

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

Mr. R. D. JONES: Thank you very much, Mr. Speaker. One cannot but enjoin and commend the work of those gentlemen and ladies who formed the National Commission on Law and Order. I believe that what is contained within this document is an excellent capture of both the mood, tone and intension of the wider Barbadian society, particularly those individuals who thought it necessary, either by pen or voice to speak to this Commission.

Mr. Speaker, as such, I would want to quote from page 10, Chapter 1.6, the part that, as I went through the document sort of hit me in the face entitled: **Law and Justice: law aspires to, but does not always achieve justice.**

“Justice” is a set of ideals based on moral and ethical principles to which “law” aspires, but which it

does not always achieve. Law, on the other hand, is a set of rules made by men and women for the regulation of every aspect of the life of their communities.

In spite of its imperfections, “law” remains the foundation stone of a nation. It is the cement which holds together the building blocks of a society. It creates rights and imposes duties; it empowers enterprise and regulates its practice; it protects the security of the state and safeguards the rights of the citizen; it resolves dispute without fear or favour, and it tries to ensure that no one is above the law, however mighty they may be. But it has to be admitted that it is not always possible to get the mighty before the courts or to obtain justice when that has been achieved.”

I thought that I would use the quotation from the very excellent work of the National Commission of Law and Order as the departure point to my contribution on the Resolution relative to the work of that august body.

I believe, Mr. Speaker, one has to accept that we are in some of the most difficult times, as human society evolves. If one takes a biblical perspective, or is attuned to the teachings of the Bible, one might be moved to suggest, as has been suggested before, that we are, in fact, in our last days and if that is accepted that we are in our last days, then what we see occurring in our society and in other societies where there appear sometimes to be a breakdown of law and order, where violence appears to be endemic, where corruption in all of its various forms seem to be captured in the minds and hearts of men and women, then you can almost conclude that we are in the end times.

Those persons who believe that some spiritual Saviour might have to emerge from another place to rescue man from this dark and despairing situation to come, well then we are at that stage. At the end of the day, we as human beings exist on an earth and in a particular firmament, where we still have to make sense of our lives and a place in which we live. As such, we have to seek always to put in place systems, embodied by policies, directives, guidance, mores, values, or at the end stringent laws to guide and keep us as people going forward, then it is important that we do those things.

In our society since this document has been prepared, based on the discussions and debates in our society, it is our society that we have to focus on. As humanity emerge from a century of upheaval and startling change, its need for moral and spiritual renewal become even more apparent that the 20th Century was a century of both darkness and light revealing, the capacity for human depravity, as well as human achievement underlies the confusion that pervades our times.

It is simply saying that you had on one side, a whole period of darkness, a whole period of criminality, a whole

period of want but on the other side you had the strength and character of human beings being revealed in some of the most profound ways where man has been able to use his ingenuity, talents and will to fashion systems and structures, as well as tools to make the quality of life for man even better.

It is sometimes to those things that we might need to speak, as we move away from the darkness and depravity because we have to also confront that darkness and depravity. We must not spend all of our time burying our heads and hearts examining that darkness and depravity to the total exclusion of some of the other strengths and substances and positive virtues within our space, quality and society.

I believe, Mr. Speaker, that we must always come face to face with the various realities. Sometimes those realities can be constructed as ideal or idealistic realities. We know as human beings, we are always affected by issues, either as we look at our own selves, as we go through the examination of self that to some extent we have fallen short of our own ideas of what we think we can be, fallen short of the expectations others have on us, or fallen short of the laws of our land or the laws of the society, which we say is a Christian society.

Notwithstanding these constraints and obvious challenges, we need to come to grips and try to, as the Honourable Member for St. Philip West and I normally commend persons for clarity of thought and cohesion of ideas, I would want to commend the Honourable Member for St. Philip West for what tugged at my heart, as he elucidated very fundamentally, a lot of the issues which underpin this society. I felt for the first time the heart and the head combining very deeply in a very spiritual and emotive way, not only reliance on intellect but reliance also on passion, emotion and spiritual connectedness, a whole set of truths which underpin the essence of his contribution.

I thought that at one time I was speaking, Mr. Speaker, and therefore there is no need for an expression of jealousy but an expression of support for the Honourable Member for St. Philip West. I thought it was an excellent elucidation and a very poignant reflection of what many others would like to say but possibly do not have the capacity to say. I would want to commend the Honourable Member for St. Philip West.

I believe that the capturing of the tone and the mood of the society was reflected in that particular enunciation but it is not my job to examine the contribution in that kind of way but I thought it was a brilliant enunciation of issues affecting Barbados. In fact, I think it captured the essence of a society that is going through change which seems to impact on a small segment of our society and keeping so many others buried under levels of frustrations, need, desperation and

fear, issues that sometimes boggle the mind. Therefore, we who are legislators have to come to grips with the wider realities.

3.10 p.m.

Mr. Speaker, sometimes I believe that we are persuaded that because we build lovely highways, because we can construct large buildings of steel and glass and because we can drive along the well-patterned roads of Barbados, that all is well. We need to move away from those well-beaten paths and from looking at the ostentatious development in the society to find that there is a substantial and major segment of this society who do not feel part of the society.

The Commission on Law and Order, as it examines many of the social issues and many of the social impacts, caught many of that tone and the voices of the people who spoke. To some extent, when one reads, one almost feels that spiritual denial and one almost feels as though persons are saying we will never be. Mr. Speaker, if you allow persons in a society to believe that they can never be, that society is almost dead and that society cannot achieve what fundamentally it has to achieve to make itself better. Mr. Speaker, a society can only make itself better if the society, operating at its maximum, can get the best out of its people.

Mr. Speaker, in our current constructs, in our current denials and in our current frustrations, this society is not achieving at its optimum. Too many people are caught up in trying to make a meal out of scraps. Too many people feel shut away from the benefits or the benevolence of this society. From its surplus that is thrown up, too many people feel denied. Sometimes one gets the feeling that many of those who themselves emerged from the system of real need are the same persons who turned around and create barriers to those persons achieving those needs that they would have achieved.

Mr. Speaker, it is a sad reflection of the society that should be egalitarian, where equity, justice and fair play should be at the foundation of the democracy that we have tried to fashion since 1937, since adult suffrage and since independence. This is the society that we said we want to fashion on behalf of our people, yet we are still plodding, it would seem, persuaded as I said, Mr. Speaker, by looking at the material development in Barbados, without looking to see that there are persons who cannot achieve or develop at the same rate or at the same pace or cannot develop at all with their meagre resources, with their scarce resources and with them being shut out from accessing any of the resources.

Mr. Speaker, I am not calling for persons who have to get into a mode where they believe that they should give and give to their own detriment. What I am calling for is for society not to continue to place barriers in the face of or in

the presence of those who essentially have found a niche to work themselves out of poverty, desperation and out of frustration. Needless to say, there is still too much of that in this society. One sees it every day. One sees the collapse of businesses, as have been spoken about on This Side, for reasons which sometimes are institutionalised and the 'tiefing', as we refer to it in the vernacular, of other persons ideas and then you purport to have those ideas as your own and the person can only look on and say well that was mine and I took it somewhere to have it valued. This still happens in this society. Persons would march to the banks and deposit their earned cash without recognising that the simple earning of that cash came from a system of deception, from a system of dishonesty, from a system of lying and from a system of corruption, which is endemic within this society.

Mr. Speaker, I do not want to 'postulate' because that is not my call at this time, but politicians, just like preachers, pastors, reverends and other social actors, cannot escape the duty to speak to each other and to speak to others on each and every occasion that they can, in relation to the emergence of people who are less fortunate than many of us or many of you are and cannot stop using their voice and their pens whenever necessary to bring those persons from the position that they are at.

Mr. Speaker, this Report speaks very much to that. The Honourable Minister of Education, Youth Affairs and Sports spoke to education and to emerging numbers relative to success. Yes, I want to give credit to thousands of our young people who do not abuse the resources that the people of this country every day placed in the coffers of the State for their education. I want to commend them for recognising its value to their upliftment as human beings, for their upliftment of spiritual beings, for the upliftment of moral beings and for the upliftment of ethical beings within our society.

However, Mr. Speaker, there is still a substantial segment of people generally who feel it necessary to waste the contribution of Barbadians who look after themselves and their welfare. One does not recognise that an extra year spent at the University of the West Indies is a cost on the taxpayers, when one should be finishing in three or four years, but because of wastage of time one spends five, six and seven years, when someone else could be benefitting from the allocation of those resources. These are things that we must talk about.

Mr. Speaker, when a student goes to a secondary school for five or six years, having looked at your capacity and your ability to learn and all of these things being relatively constant, they should not leave those institutions without the benefit of some qualification because at the end of the day the society examines your learning as a result of your possession of a qualification. Sir, even though that must

not be the only standard, it is an important standard by which the society judges one.

Mr. Speaker, as we look at the whole social ethos, as we look at the way the society must evolve and where the society must improve, the call, is that we must go back to the 50s, the 60s and the 70s in this country when the family, not the school, said to you each and every day you must learn because A, B and C can happen. The family never guaranteed you a job because education is not about guaranteeing you a job, it is about removing the dusk which settles both in your heart and in your head so that you can think and act with greater clarity of purpose for your own development, for your own evolution and for the evolution of the society.

Therefore, I do not necessarily accept when any student says to any teacher, may that teacher be the wife of an Honourable Member, that you are driving a Toyota Starlet and somebody else is driving a Mercedes Benz, who might very well be involved in criminality. That must not be ever held up in our society as the important symbols of achievement and the evolution of the spiritual man which we all are. Therefore, it must be rejected out of hand. Mr. Speaker, those who seek to raise themselves up by ill-gotten gains, by corruption, lies, hypocrisy and deceit, must be told that. Therefore, this society must stop burying its head and applauding those who have gained wealth through these things, as though they are Saviours to this society or any other society. It is said that by the sweat of a man's brow, he shall eat bread. Sir, I am not saying that we must slave endlessly without some degree of satisfaction at the end of the day, but I believe there are tens of thousands of workers in Barbados who slave daily.

3.20 p.m.

Mr. Speaker, we also talked about equity, fair play and justice. Sir, it might seem strange that I am turning to the speech made by the Honourable Member for St. Philip West, where he spoke to a sensible posture, where an individual who need \$600 per week to make a living but somebody says to him you can only have one job, especially if that individual is what we call a civil servant.

Sir, once that individual pursues decent and legitimate work and is able to do his other job as well, we must remove the harness and chains from these people, to allow them to work. Therefore, there must be legislation, either in the General Orders or wherever it is captured, to allow Barbadians who want to work beyond 8.30 a.m. to 4.30 p.m., to be able to do that, so long as it does not impair their functioning in other places. Sir, it happens in every society. We have over two hundred thousand Barbadians existing in the Cosmopolitan centres of the world and they tell us that have they been doing two or three jobs for over

thirty or forty years, but there is the view in this society that a civil servant must have one job.

Sir, this nonsense must be removed. It comes from a vestige of time that is irrelevant to the present and, therefore, that must change. Let us free up the talents of our people to exercise them in different ways and facets to allow them to be able to look after their families, their communities and themselves.

Mr. Speaker, as a society, we are still creeping into the 21st Century, into an almost irrelevant mode of development and to some extent an almost irreverent mode of progress. We must change these things. We must make some sense of where we are. If we do not, we are going to find ourselves way behind and knocking on the backs of others in our Caribbean space and in the wider world, asking to be let in the door because we would have been like the five foolish virgins who had no oil in their lamps.

*Asides.*

Mr. R. D. JONES: Mr. Speaker, we are going to find ourselves there. We are going to be pursuing or having our law running people down, charging them for all kinds of things, those which exist and those which do not exist.

Mr. Speaker, the Honourable Member for St. Lucy spoke earlier to the building of prisons. Every society has to have its prisons. Sir, it would be a manifestation of greatness and the coming of the Saviour on this earth, if there were no prisons but let us not fool ourselves, the heart of man still has areas of darkness in it. Therefore, society would still need to create those barriers.

Mr. Speaker, we have not yet understood how to use those barriers. We have not yet understood how to ensure that, as we incarcerate persons, that what emerges at the end of a period of confinement is a changed personality. What we get most of the time, are persons who are, in fact, changed for the worst and therefore we have failed. In this way, what we would have done, would have been to take them away for a period and put them in prison, with the hope that they would change and that there would be this magnification of spiritual awareness, where suddenly those who are criminally bent, who have broken the laws of the land, would have been changed in the passing of an eye. Sir, that is not true. Therefore, you would understand very well that for persons to change, it would be from transformation in a spiritual way, in a moral way, and in an educational way. We, therefore, have to hope that the persons are able and ready to imbibe all of what I have just mentioned.

Mr. Speaker, one could bring the horse to the pond to drink but the only way you can get it to drink would be by

drowning it because there would always be resistance. Therefore, unless a person is open, willing and able to accept whatever is brought to them, they would resist that change.

Mr. Speaker, one of the things I want to say today, as I cast my eyes on the clock, is that there are persons in this society and in this Honourable Chamber who believe that there is no corruption in Barbados. They believe that corruption necessarily lies with the passing of a large suitcase filled with hundred dollars bills, for some deed someone would have committed on the behalf of another.

Sir, corruption is insidious. It comes in strange contortions and with strange faces. It comes with an interesting acceptance of the baskets that have been passed by somebody, who is looking for a contract from somebody else and to soften up the malleable, those who can be shaped and reshaped to the patterns of others. There are persons in our society who accept this easily and most of the time, it is meaningless trash that they want to pass to persons in authority. After this is done, they are then the ones who would get in their living rooms and in their backyards with their friends and would laugh, criticise and condemn, saying those persons are no good. These people would then walk to the Church altar during communion and take the blessings of bread and wine.

Mr. Speaker, the corruption flows to those who can be corrupted and the 'corruptor'. Many times people look at the corrupted and not at the 'corruptor' and both should be dealt with in the identical way, both must be condemned. Sir, there are persons right across the length and breadth of Barbados, who hatch ideas of how to corrupt in order for their own nasty, despicable and selfish ends, and much of it is to keep the majority of the population of this country in virtual bondage. Therefore, until persons on That Side and until we on This Side can join together and reject those persons out of hand, then none of us would be able to see the liberation of the Glory of God.

Mr. Speaker, that has to be the case. Sir, all of us who exist in political parties who, from time to time, get the little handshakes of the 'corruptors' in our society, with us believing that we can then rule, legislate and guide from a position of conscience. We cannot.

3.30 p.m.

Sir, all of a sudden, somebody break my concentration by thinking out loud. Mr. Speaker, let there be silence, it is Christmas so they should go and prepare for their constituents.

Mr. Speaker, it does not remove all of the vestiges of corruption but the structure of the State must support *bona fide* and legitimate political parties in Barbados almost looking to insulate politicians from the corruption of

handouts and things of that ilk. Sir, we need legislation to support political organisations and funding in Barbados.

Mr. Speaker, as sensible people, we can arrive at the formula. There has been an initial start to this but we have a long way to go. I hope that before the mighty pen and power of the Prime Minister comes down on this Chamber in this term, that such a legislation could be done and encouraged by the Other Side and I am sure this side would support it. Mr. Speaker, This Side has supported this document with its excellent quality of delivery and work so whenever sensible legislation, policies, initiatives and ideas come to this Parliament This Side will support. Mr. Speaker, This Side will also condemn corruption. If you pretend that corruption does not exist, we would dismiss whoever says so because we know the truth and reality. Sir, those who say that it is not true, lie to themselves, their constituents and, most of all, to God.

Mr. Speaker, I thank you.

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that further consideration of this Resolution be deferred.

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

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

#### ADJOURNMENT

Hon. R. C. EASTMOND: Mr. Speaker, this brings us to the end of Government Business for today. I beg to move that this House be adjourned until Tuesday, December 13, 2005, at 10.00 a.m.

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

*The question that the House be adjourned until Tuesday, December 13, 2005 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.*  
3.34 p.m.

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