
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION OF 2003 - 2008

HOUSE OF ASSEMBLY

Tuesday, January 25, 2005.

House of Assembly Debates (OFFICIAL REPORT) FIRST SESSION 2003 - 2008
HOUSE OF ASSEMBLY Tuesday, January 25, 2005 Pursuant to the adjournment, the House of Assembly met at 10:15 a.m.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed., (Speaker); His Honour J. M. EDGHILL, J.P., (Deputy Speaker); The Rt. Hon. O. S. ARTHUR, M.Sc.(Econ.), (Prime Minister, Minister of Finance and the Civil Service); Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney-General and Minister of Home Affairs) (Leader of the House); Hon. Dame B. A. MILLER, D.A. B.C.H., (Senior Minister and Minister of Foreign Affairs and Foreign Trade); 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. R. St. C. TOPPIN, LL.B.(Hons.); Mr. D. St. E. KELLMAN; Hon. Miss H. E. THOMPSON, LL.B. (Minister of Housing, Lands and the Environment); Hon. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports); Mr. T. A. PRESCOD, B.A.; Rev. J. J. S. ATHERLEY, B.A., B.Sc., J.P. (Parliamentary Secretary to the Attorney-

General and Minister of Home Affairs); Hon. N. A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport); 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); Mr. C. A. MASCOLL, BSc. (Econ.) (HonS.), M.A. (Public Finance) (Leader of the Opposition); Dr. W. F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS., J.P.; Hon. Dr. J. X. WALCOTT, M.B., B.S., F.R.C.S.(Edin.), J.P., (Minister of Health); Hon. K. D. SYMMONDS, B.A., LL.B.(Minister of State, Ministry of Foreign Affairs and Trade); Hon. D. D. MARSHALL, LL.B. (Hons.), L.E.C.(Minister of Industry and International Business); Mr. M. A. LASHLEY LL.B.(Hons.); Dr. D. C. ESTWICK, B.Sc., M.B. B.S.; Mr. R. D. JONES, B.A., (Hons.), M. A. Ed., J.P. ; Mr. R. L. SEALY, B.Sc., M.B.A.;

Prayers were taken by Reverend Canon Ivan Harewood

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, January 18, 2005.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes for the

Honourable the House of Assembly for its meeting of Tuesday, January 18, 2005, which Minutes have been circulated, be taken as read.

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

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

SUSPENSION OF STANDING ORDERS

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

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

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

GOVERNMENT BUSINESS ORDER NO.7

THE FORENSIC PROCEDURES AND DNA IDENTIFICATION BILL, 2005.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, every since man has been recording history, there has been a clear understanding of the intense curiosity of man to discover and to enquire into his existence and his surroundings. Indeed, Sir, the last 3000 years of mankind's history has been marked by the increase in scientific and technological investigations.

There are some who would have wished to have rewritten the history of the world and would have wished to make persons believe that all scientific and technological investigations and discoveries would have started in the last 500 or 600 years in the Western Hemisphere.

Mr. Speaker, a clear understanding of man's curiosity and efforts at discovery has allowed us to understand that for thousands of years ago, in the cradles of the African civilisation, the Chinese civilisation, as well as the Middle-Eastern civilisation, there have been many attempts, as well as many conquests, in being able to understand how one's body works, as well as how one's environment can be used to better the circumstances of the life that we enjoy.

Mr. Speaker, it is, therefore, trite to suggest that scientific and technological inquiry and discovery is inextricably linked in our lives today, and it is only a question of us taking the time to understand how so many things that we do depend on that kind of inquiry and discovery.

Mr. Speaker, we have come here today, for the first time, to establish legislation within the Laws of Barbados that will speak to forensic and DNA identification, largely as a result of efforts over the last 20 to 25 years to increase the use of science and technology within the context, primarily of the criminal justice system but generally in relation to other aspects of endeavour across the country, both economically and socially.

Mr. Speaker, why do I put it as broadly as that? Sir, most persons associate forensics and DNA with criminal justice, largely because within the context of the criminal justice system the capacity to have independent scientific evidence as a basis for proof of innocence or guilt, has been relied upon more and more in the last two decades, not just in Barbados but across the world. Sir, as we understand the power of this methodology and

scientific inquiry, we realise that it is and would be limiting for us to apply it within the context of the criminal justice system only but that we need to be able to understand that there are other aspects of life which this type of inquiry can aid.

Mr. Speaker, the most basic and the one that most people in the country have come to understand in the last five years, has been in relation to paternity. Very often before, in a case of paternity, one would have been required to take a blood test. Sir, it was always understood that a blood test was not conclusive as to whether one was the father but could have been conclusive as to whether was not the father. Therefore, it was not fully satisfactory in relation to resolving the issue.

Mr. Speaker, the ability of science to give us a more clinical and exact methodology has meant that there is greater and greater reliance on the use of DNA tracing, which effectively says that one can look at aspects of a person's makeup and say that person alone is responsible for the act, whether that act would have been in the context of the criminal justice system or in the context of other aspects of one's social and economic livelihood.

Mr. Speaker, I set this debate in this context today because we have a responsibility to the Parliament to be able to reflect as to why this Parliament, for the first time, is treating to establishing a framework for the forensic sciences and DNA identifications.

Mr. Speaker, may I also say that I am instructed by my department that this is the first legislation of its kind that will be passed in the Caribbean, even though there are forensic laboratories in Jamaica and in Trinidad and Tobago. Sir, the ability to have a comprehensive framework balancing the rights

of the individual with the rights of the State is what we wanted and, therefore, to that extent, it could only be done in the context of an appropriate legislative framework.

Mr. Speaker, when I come to the details of the Bill, I will be able to show how the safeguards for the individual are there and how the interest of the State are being met elsewhere.

H:No.052(1)1030 a.m.

Tuesday, January 25, 2005

Continuation of Hon. Miss M.A. MOTTLEY:

Sequence 2

As a result of the absence of Caribbean models, we would have used the Australian legislation as the basis for the model for this particular legislation by tweaking it to meet our own peculiar circumstances within Barbados, culturally as well as within the context of the judiciary and the criminal justice system.

Mr. Speaker, this Government has always felt that this area of forensic science and investigation has great potential within the context of this economy not just as an adjunct to the criminal justice system but as an area of inquiry, a niche within the services sector, so to speak, that has the capacity of not only meeting domestic needs but also being a platform for the earning of foreign exchange and for the employment of Barbadians who are prepared to go on and study these sciences at a tertiary level.

Mr. Speaker, once educational opportunities are opened up, it is evitable that we will get a large number of Barbadians wanting to move into this area. It has been coincidental that since we started the construction of a forensic centre in 2000, having taken over the responsibility for the forensic department in 1997 in the Office of the Attorney-General, we have argued with the Ministry of Education, and they were able to implement, that this area should be a priority for training for national development. Sir, quite a few Barbadians have been awarded National Development scholarships in the area of forensic sciences so as to allow us to ensure that there is a ready pool of talent that can be found within the context of these boundaries without having to rely on overseas expertise.

Mr. Speaker, as I said, in 2000 Government took a decision to build the new forensic centre because we had the confidence that what we were doing in terms of creating this as a niche within the services sector was one that would bear reward. Mr. Speaker, Government therefore, invested some \$23.8 million in the construction of a forensic sciences centre at Culloden Road.

We would also have entered discussion and an agreement with the European Union under the LOME IV Convention to be able to access grant funds to help us with the equipping of the centre because, as you would imagine, a key component of any forensic science centre is in truth and in fact its ability to have cutting-edge equipment.

Mr. Speaker, we have put in the physical infrastructure and we have started with the expansion of staffing. This would be a continuing process because we see the staffing of the centre in the context of three phases with phase one having been completed. We are now

about to enter phase two during the course of this year into 2007 and phase three from 2007 to 2010.

Mr. Speaker, we feel there is a considerable demand in this country, the region and globally in relation to the need for forensic services and DNA identification services. As it stands today, the Government of Barbados through the Forensic Sciences Centre already provides assistance and services to nine Caribbean territories, Anguilla, Antigua and Barbuda, British Virgin Islands, Dominica, Grenada, St. Kitts, St. Vincent, Montserrat and St. Lucia.

Mr. Speaker, in this context they provide analytical examination, on site investigation, appear in the Magistrate's and Supreme Courts to be able to give evidence as to their findings and assist in the training of personnel in those countries so as to be able to effect a transfer of knowledge over a period of time. We feel that ultimately we should be able, once we establish DNA tracing and investigation from this year as an additional service, to get other members of the OECS countries.

Sir, this is not the limit of where we can go with this industry because it is not intended in any way that Government should have the only Forensic Sciences Centre in this country. Indeed, the legislation is drafted in a way that if other centres arise that we have a regulatory framework because we do not believe that Government should have the monopoly in this area. Mr. Speaker, in that context it is true that most of the islands would use it for the investigation of murder, sexual offences and drug offences but the potential is far greater.

The Forensic Sciences Centre has the capacity to provide services rooted in chemistry, trace investigation, toxicology, the use of poison and to that extent, it has an important role to play in helping those within the industrial sector especially in the context of occupational health and safety and being able to do the scientific inquiry to allow others to make effective decisions about safety within the workplace. It has an important role to play in relation to paternities and, Sir, you would be surprised how many of them are disputed in Barbados yearly. It also has an important role to play in relation to the health services and is really an ally to the health services particularly in scientific and laboratory investigation. Mr. Speaker, what is significant is that the opportunities for us in the context of serious foreign exchange earning lie outside of the region because of the clear recognition that there is a shortage of comprehensive forensic services in many countries of the world, some of them developed. Sir, not just within the context of the forensic for criminal justice but within the context of health care and other aspects of economic life in particular.

Indeed, Mr. Speaker, if one were watching the aftermath of the tsunami and their recovery efforts in Thailand, one would clearly remember that one of the key comments made every day in the first few days was that there was need for a serious number of forensic scientists to be able to identify many of the bodies that they were incapable of dealing with within the context of the resources of Thailand alone.

Sir, this is serious business globally and Barbados has chosen it as a growth area for this economy and as an area of opportunity for Barbadians to develop their skills to provide domestically and also for export. We believe, Mr. Speaker, that within the context of the next decade, this would not simply be an adjunct to

the criminal justice sector, important as that is, but that it would be a serious growth area within the context of the economy.

Mr. Speaker, there is another opportunity that has come upon us within the last few months and we are only now analysing it. It is for Barbados to become the centre for testing in the context of the Cricket World Cup, for the World Anti-Doping Agency, recognising that in almost every sporting endeavour at an international or regional level, there is need for testing to ensure that people do not give themselves unfair advantage by taking stimuli to be able to outperform others.

Mr. Speaker, we are seriously considering the request by Cricket World Cup 2007 for us to become the agency for testing all samples from all players recognising that in the context of the Americas, from Alaska to Chile, there are only four centres which do this and that Barbados will become the fifth if we take on this challenge. Sir, in the English-speaking Americas there are only two, one in Montreal and the other in California so, Mr. Speaker, even though it may be spurred by World Cup Cricket 2007, there is a clear capacity for a comprehensive legacy in relation to our going for this.

Sir, this will require investment on our part because, in order to do the testing for stimuli and steroids, we have to ensure that we have international accreditation. We would have to go for this international accreditation anyhow in relation to other aspects of the DNA services, as well as the forensic services, if we wanted to be able to work outside the region in relation to getting additional business.

Sequence 2

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Continuation of Hon. Miss M.A. MOTTLEY:

Therefore, this international accreditation would make us compliant with the World Anti-doping Agency conditions. Equally, the other international accreditation would make us capable of offering services as far as Uzbekistan to Africa and Australia. Indeed, we have already been doing preliminary inquiries in the United Kingdom where there is a clear recognition of a shortage of such services. Sir, with the marriage of technology, the capacity to send data electronically and to treat to the preservation of the substances in a manner that does not affect the standard of testing, we believe that this is an excellent area for growth.

Mr. Speaker, the other area relates to the need for independent verification. Very often there is need for persons to have a second opinion because at the end of the day while the tests are scientific, what is rendered in a court of law is invariably an opinion based on the results of a test. To that extent, the ability to provide independent verification for a range of State entities, corporate entities and individuals, regionally, hemispherically and globally, it is also an opportunity for growth for us in terms of the revenues of this agency.

Thus, far, all of the services provided to Government agencies are provided free of charge. After this legislation is passed, if it is the will of this Parliament, this will allow the Minister to make regulations, and in this case it will be the Attorney- General, charging and prescribing fees to be paid for every service in

relation to it.

There is a provision for the Minister of Finance to waive the fees, particularly in relation to Government departments depending on how they want to treat to the issue of the growth of revenues. This will now for the first time allow the department to charge fees from the myriad entities that require its services, even now we before we expand into DNA testing this year.

Sir, the local client base ranges from the Royal Barbados Police Force, law courts, Government Industrial School, The Edna Nicholls School, which is the out-of- school suspension centre, Queen Elizabeth Hospital, Psychiatric Hospital and other private and public medical institutions who are in need of the services, particularly in relation to toxicological and forensic investigations.

Sir, in the context of the construction of the building, there are two aspects that most of the public would not know about but which are critical. We have provided a major training centre because we recognise the need for ongoing training, not just of the forensic staff but, indeed, various stakeholders in relation to the practice of these sciences which is critical. To that extent we anticipate that those training facilities will also be used by the medical students being trained here, under the aegis of the University of the West Indies, as well as students in the pharmacy and health science departments of the Barbados Community College because it would be a critical part of their overall training.

Sir, we also recognise that there is need, and we hope that we will never have to use it, for a state to plan for the worst sometimes. We

have built, in the basement of that building, a huge room, which really approximates to a morgue, that is capable of storing bodies in the event of a major disaster, although after we have seen the tsunami, I do not think that we can use the word major anymore. In relation to a large disaster that would be out of the ordinary for this country so that we can ensure that we can appropriately store in excess of 120 bodies in the event of a major disaster.

Mr. Speaker, recognising that the capacity to store and to do the work that may be necessary either in terms of identifying who they are and the cause of death is key but the capacity to store becomes even more critical. While a disaster is bad in and of itself, the aftermath of a disaster usually has serious consequences in relation to negatively affecting the public health of the country and being able to spur on further death and misery. Mr. Speaker, to that extent, in the planning OF this building, this Government saw to it that we provided a capacity in Barbados that we could deal with these things should they happen.

Once again, look at what happened in south east Asia and what is happening Guyana. In Guyana, while the number of deaths may not be very high, the reality is that any natural disaster, if it is not handled quickly and properly in the first few days can have negative public health consequences.

Sir, this represents what the Government has done in relation to the construction and design of the Centre in relation to the staffing, which is over three phases, we would have completed phase one. We are about to move into phase two later this year in relation to the staffing of the building. Before I come to the details of the legislation, I want to say that it is expected in this year that we would be able to move to those aspects of DNA profiling.

Mr. Speaker, if I can just give you the schedule, which they have given me for the benefit of the public, in January 2005, we have started DNA profiling in criminal cases. From the end March 2005, we hope to be able to make available to the public DNA testing for the purposes of paternity. By January 2006, we hope to be able to offer civil DNA testing applications in relation to inheritance disputes, divorce proceedings and immigration issues where persons who wish to utilise DNA techniques in order to be able to address either legal or business issues within the context of their work.

Sir, by July 2006 we hope to be able to expand the DNA services such that we have a collection and maintenance of DNA profiles in electronic format for the purposes identifying persons in case of accidents or natural disasters, which I spoke of earlier. We also hope to be able to work with regional law enforcement agencies in that context.

Mr. Speaker, I have spoken to you regarding the fact that we are in the midst of considering whether to accept the request from Cricket World Cup 2007 in relation to being compliant with the World Anti-doping Agency and becoming a hemispheric centre of excellence for testing for sporting purposes. We are now doing a cost benefit analysis but we expect that we should be able to make that decision within two because there is an aggressive timetable in order for us to get ready if we so accept.

Sir, we are also hoping to get additional equipment from the European Union this year and we will hope that equipment will allow us if we use the private agency, just under US\$900

per sample.

H052/ 10.50 a.m.

Sequence 3

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House 052, sequence 4, 10:50 a.m.

Continuation of Hon. Miss M.A. MOTTLEY:

In addition to that, because there are issues of chain of custody of the particular sample, it therefore costs you the airfare, accommodation and any other ancillary expenses because you have to ensure that a person carries the materials overseas.

Therefore, we expect, Mr. Speaker, upon the introduction of the capacity for DNA testing this year that we would begin to save funds within the Royal Barbados Police Force and save foreign exchange for the country, which is now currently being expended, largely because of we have to send overseas.

It is true that the FBI offers free services but you still have to deal with the airfare, accommodation and the ancillary costs there. Also, anything that comes free, means that you cannot determine when you are going to get it back, and very often, the police have been forced to wait for long periods of time because the FBI may not want to give it the same level of priority that the police have given it. It is critical that we develop this capacity nationally, so as to be able to control our own circumstances.

Indeed, last year, Mr. Speaker, much of the public may not be aware that many of the

serious crimes which are being resolved by the police in this country, have been aided by the use of forensic procedures. Separate from the Forensic Centre, the Royal Barbados Police Force has its own Forensic Department which has a documents examiner, two fire arms examiners, one forensic scientist, seventeen forensic scenes of crime technicians and two forensic scenes of crime officers.

Mr. Speaker, as you watch popular programmes like CSI and others, popularising the art of forensic science and scenes of crime, you realise that how you contain a scene of crime, is absolutely critical to protecting and preserving the integrity of the sample, which is to be the basis for scientific study and, ultimately, the basis for evidence to be used to prove either innocence or guilt.

Therefore, the Forensic Centre and the Forensic Department in the Royal Barbados Police Force have to work extremely close, in order to ensure that the system is functioning properly and there are no allegations that they are lacking in integrity and indeed, Mr. Speaker, to ensure that the interests of justice are met. Sir, just because the police sends a sample does not mean that sample will often result in the indication that a person is guilty. A lot of the time, it allows for exculpatory evidence to be provided and for a person who would otherwise be the subject of a very tenuous case going before the jury to be able to say that it could simply not have been me, based on the scientific evidence.

I know, Mr. Speaker, as a criminal justice practitioner myself before coming into public life, that more often than not, the majority of cases we would have won in the High Court in murders and serious offences, that it was the

scientific evidence which was able to conquer, very often, confessions whose authorship may sometimes have been disputed within the context of voir dire, a trial within a trial, which gave a defence counsel a competitive advantage with the jury. Sir, very often, our ability to access many of those services in those days, were limited.

This centre will be available, equally, to defence counsel and doctors, as it will be to the police. In that context, it enhances the capacity of an individual accused person to be able to have a greater array of measures at his or her disposal, in order to be able to treat to the issue of an appropriate defence, in the context of criminal charges.

Mr. Speaker, we want to ensure, however, that there is synergy and proper planning between the Forensic Centre and the Forensic Department of the Police Force. The Force, as I said, has to deal with scenes of crime, preserve them and ensure that appropriate samples can be taken from them. They have to deal with document examination. They have to deal with latent print examination. They have to deal with serial number and restoration. They deal with blood stain pattern analysis. They deal with crime scene reconstruction. They deal with footwear and tire track examination. All of this currently done within the Royal Barbados Police Force. Many people may not know that but the reality is that we have, systematically over the years, been able to develop a lot of these capacities.

We are not in a position, as I said, to deal with DNA domestically and that goes overseas. The advent of the Forensic Centre entering that area, will mean that there will be a more comprehensive framework available now. However, at this particular point in time even before the DNA testing, as you know, the

Police Force relies on the Forensic Centre for Drug Analysis. Every drug case that comes before the Court, a sample of the drug has to be tested by the Forensic Sciences Centre. They have to give a Certificate of Analysis indicating whether the particular substance falls under the Control and Preventive Substances of the Drug Abuse Act. They now currently deal with the analysis of some suspected poisons or analysis of body fluids.

Last year, or perhaps late the year before, there was a particular murder that we were able to solve because the accused person defecated in the premises before leaving. The police were able to take a sample and get that person charged, as a result of being able to find the independent scientific evidence, through the DNA testing. Mr. Speaker, there is substantial work being done now, but there are long ways that we can continue to go, in relation to this department.

Sir, if I may come to the provisions of the Bill, as I indicated at the beginning, the Bill seeks to extend the capacity of the state, in being able to assist within the context of the criminal justice system, the powers of the police, in terms of their detection capacity, as well as investigative capacity.

It has, however, the wider uses to the economy that I mentioned in relation to health services, occupational health and safety in the context of the workplace, as well as for sporting purposes. It is in the area of the criminal justice system that, apart from the procedures that we set out for how we regulate forensic centres and forensic scientists, we have tried to balance the interest of the state with the interest of the individual.

Mr. Speaker, this Bill, over and over, has been the subject of consultation with the judiciary, the police force and some members of the Bar, in order to allow us to be able to reach this point. The first draft would have gone to them last May, and therefore, over the context of about seven months, there were extensive consultations and amendments to ensure that the interests of justice were being met.

Mr. Speaker, we feel that we have a duty to balance those interests. The Bill speaks to the fact that you can take intimate or non-intimate samples from persons who are either accused or suspected of committing a crime. The Bill specifically defines suspect as any person who is suspected by a police officer, not just anybody, on reasonable grounds and there are tests as to what reasonableness is, in the Bill, a person who has been charged with an offence, or a person who has been summoned before a court to appear, in relation to an offence. Those are the persons who would therefore be liable to have non-intimate or intimate samples taken of them.

The Bill clearly makes provision that where a person is incapable of making decisions, you have to be able to use their parents or their guardian. The Bill clearly makes provisions, Mr. Speaker, that in the case of non-intimate and intimate samples, you first ask the person whether they are consenting to the taking of these samples. If they either say, no, they are not consenting, or change their minds as to consent, having said, yes, initially, then there are clear procedures that have to be followed. An Attorney-at-law is entitled to be present to communicate in private with them, before they give an answer.

House 052, sequence 4, 11:0006

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Continuation of Hon. Miss M. A. MOTTLEY:

Sir, there are a whole host of things, similar to the Judges' Rules, that the police must tell the person prior to wanting to take samples. Samples can only be taken by an investigating officer or an officer above the rank of an inspector. An investigating officer in the Bill is specifically defined as a person who is in charge of the investigations and not simply one of the team who is doing the investigations. The Bill has provisions that require that if it is an intimate sample and there is no consent, there must be an order of the court in order for such an intimate sample to be taken. So the police cannot just decide that they want an intimate sample and you say no, that they will just go for an order.

However, there are provisions for an interim order in the case where there is a likelihood that the sample can be destroyed within a short period of time. If an interim order is given by a magistrate, that is the only instance in which the accused may not have to be present, other than that the accused or the suspect has to be present when the police is trying to get permission to take an intimate sample where the person is refusing it. However, if an interim order is given in the absence of that suspect because there is a likelihood that the sample is likely to be destroyed then the magistrate must within 14 days bring all of the parties to determine whether to confirm or revoke that order.

Mr. Speaker, I have said to the Chief

Parliamentary Counsel that this is a defence counsel's dream, because while we are seeking to expand the capacity of the State and the Police Force, the level of compliance that is required by the police in relation to the taking of samples where a person has not consented, is such that any defence lawyer, doing their job properly, will enjoy working under this legislative framework. By the same token it does not give the defence lawyer powers that are not there if the police do their job properly. As a result, the mere passage of this legislation will be insufficient to guarantee the appropriate administration of this framework. Therefore, protocols would have to be developed within the Police Force for how they will deal with the obligations placed upon them by this legislation. Protocols would also have to be developed by the Forensic Sciences Centre in relation to how they will deal with this.

Mr. Speaker, I give the undertaking today that there would be a public educational programme for all Barbadians so that Barbadians would understand what their rights and obligations are under this piece of legislation if they were ever, unfortunately, to fall into the hands of the Police Force, such that in the same way that people know that they must be cautioned by the Police if they are arrested, they will know what their rights are before any sample of an intimate or non-intimate type may be taken.

Mr. Speaker, for the benefit of the House it may be useful just to read the sections that define intimate forensic procedure and non-intimate forensic procedure.

Mr. Speaker, an intimate forensic procedure is:

"1.an external examination of the genital or anal area, the buttocks, or, in the case of the

female, the breasts;

2.the taking of a sample of blood;

3.the taking of a sample of pubic hair;

4.the taking of a sample by swab or washing away from any of the areas referred to earlier in (1);

5.the taking of a sample by vacuum suction, by scraping or by lifting by tape from any of the areas referred to in (1)

6.the taking of a dental impression; or

7.the taking of a photograph of, or an impression or cast of any womb in any of the areas referred to in (1)."

Therefore, it is important that when we do the public education programme that people understand what is intimate and what is non-intimate in relation to the context of this legislation.

Mr. Speaker, a non-intimate forensic procedure is:

"1.an examination of a part of the body, other than those areas referred to in (1) of the intimate forensic procedure."

If you are talking about your hand, your arm or your leg, that is a non-intimate procedure. The taking of any sample of hair that is not pubic hair, the taking of a sample from under your nail or from the nail itself, the taking of a sample of saliva or a sample by buccal swab, the taking of a sample by swab or the washing from any external part of the body other than those few areas that I mentioned that fall within the context of intimate procedures or the taking of handprint, a fingerprint, a footprint or a toeprint, are all non-intimate procedures.

Mr. Speaker, these things relate to what procedures will flow depending on the type of sample that the police want to take of you. Mr. Speaker, only those persons who are suspected by a police officer on reasonable grounds or who have actually been charged would be subject to this. You cannot go and take John Doe off the street, neither can I say to somebody on the other side that come I want to take him to get a sample done, there must be a basis for it. Just as the deprivation of liberty in the context of our society has a basis of reasonable suspicion of an offence having been committed, this is to aid in that respect and not just to be utilised in a cavalier manner.

Mr. Speaker, having said that, I recognise that it is important that we let people know what the legislation provides for both in terms of intimate and non-intimate samples, what are the procedures that must be followed in relation to the legislation and what are the kinds of things that allow for safeguards to be provided.

Mr. Speaker, if you go through the legislation there is a specific thing at Clause 7 that tells you what the police officer shall inform a suspect on whom a forensic procedure is supposed to be carried out. He has to tell the suspect what the offence is that they wish to carry out this procedure to be able to help them with. He has to tell the suspect that they may refuse to consent to the carrying out of the procedure. He has to tell the suspect that the giving of information and the giving of consent will be recorded in writing. Indeed, now that we are moving to audio-visual techniques and with the proclamation of the Evidence Act later this year, these would strengthen the rights of the accused. Sir, as for the recording of statements, information can also be given by that process, and so the police officer has to tell the accused that they have the right to a copy of that statement, that document or tape.

Clause 80 of the legislation says that a person can get a copy of this video without having to pay a fee because we feel that it is integral that if you are going to tape something of a person that they must have access to it and they must be no user fees for it. So we have protected the individual in the legislation by providing that.

The police officer must tell the accused what is the purpose for which the procedure is required, the way it is going to be carried out, that it may produce evidence against them that might be used in a court of law and that the procedure would be carried out by someone who is authorised by the law to carry it out. The accused must also be told that information obtained from them may be placed in the DNA database system and the rules that would apply to the disclosure of that information within the context of the DNA databases.

Mr. Speaker, these are things that the law says that the police officer shall do, so there is no discretion on the part of the officer to informing the suspect of these things. As I indicated that person may also request that a medical practitioner of choice be present while an intimate forensic procedure is being carried out, and if it relates to dental work that a dentist of his choice may be present while those intimate procedures are being carried out. So not only do you have the right to consult with your attorney-at-law in private, but we are giving you the right to have a doctor present or a dentist if applicable in relation to the carrying out of intimate procedures.

Mr. Speaker, where a person does not consent to the taking of a non-intimate sample, the police may go to a magistrate for an order. There are also clear standards that the magistrate must follow as well so as to satisfy

themselves on the balance of probabilities that this sample is needed.

House 052 Sequence 5

11:10 a.m.

Tuesday, January 25, 2005

Continuation of Hon. Miss M. A. MOTTLEY:

Mr. Speaker, the law sets out very clearly what are the standards that the magistrate should follow in being able to satisfy himself or herself as to why and when this application should be granted. Sir, for example, the magistrate must be sure that the person on whom the procedure is to be carried out, is, indeed, a suspect. The magistrate must be satisfied that there are reasonable grounds to believe that the suspect has committed that particular offence. Therefore, the Police cannot simply say that they feel that "John Doe" has done it and believe that the magistrate would grant the order for the sample to be taken. The Police would have to be able to show other evidence which tends to suggest that this is the person who would have committed that offence.

Mr. Speaker, in relation to the offence, the magistrate has to be satisfied that the offence is one that is going to be triable on indictment and on evidence that the person has committed the offence and that there are other circumstances to support that charge.

Mr. Speaker, in making his decision, the magistrate shall balance the public interest in obtaining evidence which tends to confirm or disprove that the suspect has committed the offence concerned, against the public's interest in defending the rights of that accused person.

Therefore, on the one hand, the magistrate will weight the interest of the public in ensuring that the court can deal with the offences for which no one has been charged, and what is the public interest in ensuring that we are not offending the rights of the accused in a particular way.

Sir, the magistrate and the Police will look at a set of standards to which the legislation refers, such as:

(a)the seriousness of the circumstances surrounding the commission and the gravity of the offence;

(b)the degree of the alleged participation of the accused.

In other words, was the accused at the centre of the commission of the offence? Was it tangential or was that person an accessory?

(c)the age, the physical and mental health of the suspect, where the suspect is an incapable person, either a child or is suffering from a mental disability which does not allow them to understand or to make a decision about themselves;

(d)what is the best interest of those persons in those circumstances;

(e)whether there is a less intrusive way of achieving independent verification rather than the taking of these intimate samples;

(f)what are the reasons for the suspect/accused refusing to the taking of a sample.

That is equally relevant to the Police's position;

(g)were the person in the custody of the Police;

(h)how long were they in the custody of the Police;

(i)any reasons that there may have been a delay before the Police now coming forward and requesting a sample; and

(j)any other matter that is considered relevant to be able to make a decision.

Mr. Speaker, I have taken the time to go into some of these safeguards, and there are many more of them included in the Bill, to be able to show this Honourable House and the public of Barbados that this Bill is one that completely respect the perspective, that while the State must do its job to ensure that it is capable of controlling deviancy and breaches of criminal justice, that on the other hand the State also recognises that it has a responsibility to ensuring that there are as many safeguards and protections such that the system is not abused by anyone to whom it gives great powers.

Mr. Speaker, as I spoke about the interim orders of a magistrate where there is a likelihood that the samples may be destroyed in a short period of time, is the only instance in which the Police can go to the court and can seek to get an order without the accused person and his attorney-at-law being present.

Mr. Speaker, this legislation also provides for the establishment of a Deoxyribonucleic Acid (DNA) database and the reason for that is that ultimately, whether it is for reasons of natural disaster or criminal justice system, there is need to be able to create a database such that we can identify persons needs in circumstances

where those needs are to be met.

Sir, the establishment of this database is under very strict conditions, where a person is acquitted, any samples which may have been taken in the context of that person being charged are now ordered to be destroyed, so that there is no need to worry about things being done that may lead to an unfair advantage or to a breach of privacy.

Sir, the Honourable Member for St. Philip North has now come. I take it that he has now come from court but I am sorry that he was not here to have heard me speaking to the fact that this is a defence lawyer's dream. Sir, had I had tools like that when I was at the Criminal Bar... All that we had were very limited tools in the context of the common law. Sir, it is significant that this Government has continued to put a series of protective mechanisms to protect the rights of the individual.

Asides.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, the Honourable Member for St. Philip North speaks of what he does not know to be as an aside when he said except the Evidence Act. Sir, the reality is that this Government has now seen to the training of over 800 police officers, to provide for the proclamation of a piece of the Evidence Act that should have been done by the other Government when it was first started. Sir, when we pass this legislation, there are protocols which have to be done.

Sir, in the past, Governments would have passed legislation but there were no protocols to implement the provisions of the legislation, and that is what happened in the Evidence Act. Therefore, the Evidence Act would have been passed and nobody would have gone ahead to put anything in place, either the acquisition or

procurement of the audio-visual equipment, or ensuring that the police officers were trained to use it and that rules were drafted that would have to be followed.

Sir, I am hearing all of these things as if one could wave a magic wand overnight to ensure that we can proclaim a section of the Act, then to have no provision for a proper and effective administration.

Mr. Speaker, this Government, in the context of the last 30 months, has assiduously put a programme for the procurement of equipment and training of over 800 police officers in the first instance. We will train a total of 1500 police officers. It will be proclaimed as of April 01, 2005, so that all persons charged with serious offences in this country, be it murder, serious sexual offences, robbery or burglary, will have the opportunity, when being interviewed, to be audiotaped, so that the days of allegations of procurement of confessions by improper means can be appropriately tested by reason of the need for independent verifications through an audio-visual format.

Mr. Speaker, it is sad sometimes because we have to know when to leave politics out and when to speak to the substance of an issue. This is one the areas to which it is easy to make much political allegations, on a political platform, under the street lights, in front of a few persons, to beat one's chest and to make one feel good.

Asides.

Hon. Miss M. A. MOTTLEY: But you go and talk to the Commissioner of Police.

Sir, I would have liked to have it before but I had to accept fully when the Commissioner of Police said to me: "Attorney-General, we need to ensure that at least half the Police Force is trained in the capacity to do these procedures and to record these statement." I have to listen. I cannot say I want it because I want to stop the Opposition from talking nonsense. Sir, at the end of the day, the responsibility is not to the Opposition but to the accused person, to the country, and to the people of Barbados.

Mr. Speaker, I was making the point that this will allow for the establishment of a Deoxyribonucleic Acid (DNA) database, which is, in fact, established in almost every developed country in the world and allows for investigations to be made, not just in the context of criminal justice but in the context of a major natural disaster.

H:No.052(6)1120 a.m.

Tuesday, January 25, 2005

Continuation of Hon. Miss M.A. MOTTLEY:

Sequence 7

Sir, to the extent that the Act also provides for a person to volunteer to want to come and give a sample such that if there is a natural disaster and something happens to you and your information is in the database, it can be easily matched so that it is known that a person has died because we are able to be matched in the database with the sample of the corpse. Sir, these are not nice things to talk about but these are the realities of life and we are ensuring that a framework is created for the database not just for the forensic centre but for anyone wishing to ply in this trade.

Mr. Speaker, as I said, it is not the intention of the Government for there to be a monopoly in the application of forensic sciences. If a private person wants to open a forensic centre, this legislation allows us to be able to regulate it. Sir, I have set this debate at the opening in the context that this is an area of economic growth opportunity in relation to this economy. This legislation provides the framework for us to be able to do proper regulation.

Sir, I also said before that it is significant that no other country in the Caribbean region has it but we felt that even though it was the case, that given Barbadians commitment to the preservation of the rule of law and to the balancing of the rights of the individuals even when we pass legislation for fighting terrorism in this country, it was necessary to have a comprehensive framework that spoke to the rights of the accused while balancing the interest of the state in being able to deal with these matters.

Sir, we have protected the rights of the accused further than it is protected in any other piece of legislation. I challenge any member of this Parliament to produce any other piece of legislation in relation to the criminal justice system that is as exhaustive in relation to the taking of samples any part of the Caribbean that provides for the rights of the accused in this way. Mr. Speaker, the accused has the right to an Attorney-at-law and to talk to him in private and the right to a doctor of choice when taking an intimate sample.

Mr. Speaker, when I started practising criminal law in this country, you could not sit down with a murder accused during interrogation but this can be done now and any lawyer who allows the police not to let him or her be present is not worth his or her salt. The

last five or six murder cases which I was involved in, I sat while they interviewed the persons. Therefore, the system has come a long way in relation to ensuring that there is more protection for the rights of the accused.

Sir, the right to get psychological or psychiatric evidence to buttress your case is a legitimate tool of a defence lawyer. This now provides the defence lawyer with independent, scientific advice.

Mr. Speaker, I am not an expert in firearms but I had to learn ballistics to cross-examine experts in firearms. Sir, I had to learn about trajectory of bullets because all these things are critical in being able to establish that your client is innocence. This legislation gives a wider array of measures for a defence counsel to be able to counter the case of the state as to whether there is a case to answer or whether there is guilt to be proven.

Mr. Speaker, this is one of a series of Bills and action which my Ministry would be bringing in the early part of this year to enhance the power of the system in being able to treat to justice as well as to the detection of crime. Sir, note that I say to justice because it is not every time that the police charges a person that they are necessarily guilty and, therefore, the system must have balances to protect that. Equally, the police must have enhanced investigative and detection capabilities and we hope this would provide it for them.

We also hope that our efforts at persuading the Ministry of Education that forensic science is an area of national development priority have paid off, such that the number of Barbadians who have studied it would now have opportunities in the context in of the centre and this legislation.

We hope that the work we have done in relation to helping other countries in the region that we could expand upon it and earn foreign exchange not just from the nine countries in the region but from outside of the region as a result of the shortage in forensic capabilities across the globe. I also hope that once this legislation is passed and we provide the regulation that calls for the charging of fees, that many....

I am sure that no one in this Chamber would need to rely on these services but the fact that DNA would be available would assist a number of people in being able to resolve issues more expeditiously than under the old reliance of blood samples which could not confirm paternity but could only deny it.

I am sure that Honourable Members in this Chamber would not have to utilise these measures because, if they do, they will have to pay in excess of \$1 000 for such a sample.

Mr. Speaker, I do not believe there is anything divisive in this Bill before the House but, by the same token, it advances the capabilities of the state while respecting its values in relation to how we treat to persons who are accused within the context and framework of our Constitution.

Sir, to the extent that Section 13 is altered in any way, we are, therefore, passing it in accordance with Section 49 which provides for the passage by way of a two-third majority.

We have to remember that the samples can only be taken by way of judicial order. The standing as to what a judge or magistrate must consider are spelt out in it, unlike other pieces of legislation which just leave it to the overall discretion of the judicial officer. We have taken every precaution to keep the balance as

close as possible to being equal.

Mr. Speaker, as I said before, this is one of a series of measures which we will be bringing to be able to enhance the powers of the state in dealing with crime and the improvement of the criminal justice system. Last week I announced, that we would be addressing the issue of backlogs in the courts. We have asked for national encounter with the judiciary, court administrators and the police and a representative section of the private bar. I have asked the Permanent Secretary to arrange it for the end of the month so that we can deal with these issues seriously.

Mr. Speaker, we have tried to expand the number of judges and the Proclamation of the Evidence Act would be another tool upon which persons can rely to make sure they are treated properly in custody and that what they say is appropriately recorded. Sir, other legislation will come shortly that will also enhance the powers of the police but I will not go into that today. Mr. Speaker, as I have said, we have done well but we can do much better in relation to how we treat to these issue in the context of the criminal justice system.

Mr. Speaker, I look forward to looking back in ten years time and seeing that this has provided an economic and life opportunity for many Barbadians that when people discuss the area of forensic sciences, toxicology or DNA testing that the centre in Culloden Road would be regarded as a hemispheric centre of excellence.

H052/11:30

Sequence 7

Tuesday, January 25, 2005

Continuation of Hon. Miss M.A. MOTTLEY: ... whether it is within the context of the criminal justice system, health services, workplace or sporting endeavours for anti-doping testing.

Mr. Speaker, I am, indeed, obliged to you.

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

I now beg that this Bill be read a second time.

SUSPENSION OF SITTING

Hon. Miss M.A. MOTTLEY: I beg that this Honourable House be suspended for five minutes.

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

The question that the House be now suspended until 11.40 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.

H052: 11.31 a.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed.

Hon. Miss M.A. MOTTLEY: Mr. Speaker, after consultation with the Opposition, the Government is prepared to agree to a request that this debate be postponed for further consideration until two weeks from today. We would have alerted you on the adjournment last

Tuesday that it was the Government's intention to do this legislation but the Opposition has asked for the additional time. It is not our intention to have this Bill at all cost and it is not particularly divisive. Therefore, I am prepared to yield to the request. It does mean that we had not intended to do other business today and to that extent, I beg, therefore, to move a formal motion for the postponement of this Bill for further consideration.

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

Mr. SPEAKER: The question is that the Bill now being discussed be postponed until further consideration.

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

RECOMMITAL

Mr. Speaker, with the House's permission we will now recommit to Replies to Questions.

Mr. SPEAKER: Order, please.

Hon. Miss M.A. MOTTLEY: Mr. Speaker, I am informed that the replies for a number of parliamentary questions are now ready. There are numbers, 1, 2, 3, 4, 5, 6 and 7. I now ask that Question 1 be now taken.

Mr. SPEAKER: We have now reverted to Oral replies to questions. The Honourable Member for Christ Church West.

QUESTION TIME

Question N0. 1:

Dr. W.F. Duguid: To ask the Minister of Public Works Will the Minister state whether his Ministry has developed plans for the improvement of the road network in St. Philip North given the ongoing housing and other commercial developments in that area?

Mr. SPEAKER: The Honourable Minister.

Hon. G.A. CLARKE: Mr. Speaker, the answer to question number 1 is yes. We have plans to improve the roads in St. Philip North.

Mr. SPEAKER: Order, please. Are there any supplementary questions. The Honourable Member for St. Michael West Central.

Mr. R.D. MARSHALL: Mr. Speaker, I would like the Minister of Public Works, the Honourable Member for St. George North, to tell this Honourable Chamber if at any time the Honourable Member for St. Philip North made any enquiries about any work to be done for his constituents of St. Philip North?

Mr. SPEAKER: Although the question does relate to the Honourable Member for St. Philip North, it does not relate to the substance to the original question and I am not allowing that question, please. Are there anymore supplementary questions?.

Mr. M.A. LASHLEY: Can the Minister of Public Works tell us if he had received any petitions regarding repairs to roads in St. Philip North?

Asides

Mr. SPEAKER: Order, please. I did not hear the question clearly.

Mr. M.A. LASHLEY: Can the Minister of

Public Works tell us if he received a petition signed by residents in relation to repairing Eastbourne Road?

Hon. G.A. CLARKE: Mr. Speaker, petitions were made by members of the St. Philip North community but I am unaware whether they were made by the Honourable Member of Parliament for the area.

Asides

Mr. SPEAKER: Are there anymore supplementary questions?

H052: 11.50 a.m.

Sequences 8 & 9

Tuesday, January 25, 2005

House 052, sequence 10, 11:50 a.m.

Mr. SPEAKER: Question No. 2, the Honourable Member for Christ Church West.

Dr. W.F. DUGUID: To ask the Minister of Public Works Will the Minister state what plans, if any, his Ministry has for the improvement of the drainage in Harts Gap and Palm Garden areas in the Parish of Christ Church?

Hon. G.A. CLARKE: Mr. Speaker, drainage improvement works are already in train at Harts Gap, where a broken curb and slipper have been repaired. Steps are now being taken to finish the new road surface and when this is completed, the Drainage Unit of the Ministry of Public Works will sink

appropriate wells and carry out ancillary works in the area to completely solve the drainage problems.

The problem at Palm Gardens relates to beach accretion which is monitored on a regular basis by the Ministry of Public Works drainage staff, who affect remedial works as required.

Dr. W.F. DUGUID: Sir, is the Minister aware that there is an open drainage well at Palm Garden? We have taken Members in the Ministry to Palm Garden several times, but it still remains open and it has to be covered.

Hon. G.A. CLARKE: Work will commence on that well very shortly.

Mr. SPEAKER: Do you mean to cover it or to deepen it? Which do you mean? The question is, are you aware that it is open?

Hon. G.A. CLARKE: Mr. Speaker, I am aware of the problems at Palm Garden, and we will commence work there shortly to rectify the situation.

Mr. SPEAKER: Supplementary Question No. 2.

Mr. R.D. JONES: Is the Minister aware that areas in Newton, Lodge Road, Wotton and Maxwell continue to flood, and that representation has been made relative to these areas?

Mr. SPEAKER: Honourable Member, please, what you will have to do is submit your question. What the Supplementary attempts to do is to have a supplementary question that is connected to this particular question, so you

can submit your question.

Asides.

Mr. SPEAKER: Question, No. 3, the Honourable Member for Christ Church West.

Dr. W.F. DUGUID: Sir, to ask the Minister of Public Works Is the Minister aware that Highway 7 is in a state of significant disrepair? If the answer is in the affirmative, will the Minister disclose what plans, if any, his Ministry has to improve Highway 7. If the Ministry has such plans, will the Minister inform the House of the commencement date of such improvements for the said Highway?

Hon. G.A. CLARKE: Yes. Mr. Speaker, the Ministry has already commenced an overlay programme for Highway 7 which will be carried out in four phases as follows

Phase 1, 2003-2004 has already started, from Dunlow Lane, Bay Street to Bush Hill, Garrison which was paved.

Phase 2, will be done in 2004-2005, this current financial year, and we are also going to do Bush Hill to Rendezvous.

Phase 3, will start in 2005-2006, Rendezvous to Top Rock.

Phase 4, will start in 2006-2007, Top Rock to Oistins.

Sir, we are currently executing work at Highway 7.

Dr. W.F. DUGUID: Is the Minister further aware that there is also a need for more sidewalks along the Highway 7 corridor, and are there any plans for additional sidewalks in the Highway 7 corridor?

Hon. G.A. CLARKE: Yes. We are aware that there is a need to provide additional sidewalks in the area, and we are currently doing that as well.

Mr. R.D. MARSHALL: Mr. Speaker, I just want to say to the Minister that there are many openings on that same Highway, which have been done by the Barbados Water Authority. I would like to know through you, Sir, if the Minister has an ongoing relationship with the Ministry responsible for the Water Works Department in reinstating those roads in a quick time.

Hon. G.A. CLARKE: Yes. We have an ongoing relationship with the utility companies and we are currently working with them to ensure that the problems on Highway 7 are corrected in a timely manner, so we are definitely working to alleviate the problems that now exist on that highway.

Mr. SPEAKER: Are there any more supplementary questions?

Question 4, the Honourable Member for Christ Church West.

Dr. W.F. DUGUID: To ask the Minister of Public Works Is the Minister aware that the operation of the sluice gate, associated with the Graeme Hall Swamp has been compromised by the accretion of sand which now blocks the sluice gate? Will the Minister state if there are any plans for the correction of any problems resulting therefrom?

Hon. G.A. CLARKE: The answer to that question is yes. There are ongoing discussions among the various agencies to develop a long term strategy to address the problems at the sluice gate.

In the interim, the Ministry of Public Works Drainage Unit clears the sand periodically, at least twice a month at low tides to facilitate outfall, and will continue to do so until a management plan is instituted at that gate.

Mr. SPEAKER: Are there any more supplementary questions?

Hon. Dame B.A. MILLER: Yes. Mr. Speaker, with respect to the sluice gate, it is a very serious problem. We see now why Sandy Beach is called Sandy Beach because miles of sand have accreted and that has severe, negative implications for the sluice gate...

Mr. SPEAKER: Your question now, please.

Hon. Dame B.A. MILLER: The question is Are there implications for the widening of the beach at Sandy Beach - considering the fact that a massive sand bar has built up off Sandy Beach, now starving Little Bay, and will further starve the Graeme Hall swamp - and are these factors being taken into account in respect of how the sluice gate will be managed?

The Graeme Swamp is the only wetland left in Barbados of any significance.

Mr. SPEAKER: The Honourable Minister, the question that has been asked of you, contains two statements. Normally, a question is not supposed to contain a statement. If you are able to answer, then proceed.

Hon. G.A. CLARKE: Mr. Speaker, the Ministry is working with the various agencies, the Ministry of Environment, the Coastal Zone

Management Unit and the Ministry of Housing, Lands and the Environment, in order to arrive at a programme to manage the flow of water and to clearing the sand at that area.

We are aware that the sea comes in periodically, especially at high tides. We are also aware of the fact that the accretion of the beach had occurred from time to time and we are managing that programme at this time.

Mr. SPEAKER: Question No. 5, the Honourable Member for Christ Church West.

Dr. W.F. DUGUID: To ask the Minister of Public Works Will the Minister state whether or not there are any plans for the repair of the road from Six Roads through Sunbury to the St. Philip Parish Church? If so, when such repairs will commence and it is anticipated when such repairs will be completed?

Hon. G.A. CLARKE: Mr. Speaker, the answer to the question is, yes. Repair and overlay of the road are scheduled to start this month. The initial work has commenced and this will take approximately six months to be completed but, we are indeed working on the road mentioned, from Six Roads to the St. Philip Parish Church.

House 052, sequence 10, 12:0014

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Hon. A. P. WOOD: To ask the Minister of Public Works Will the Minister provide a clarification for us as to whether the six months mentioned is for the entire stretch of road from Sunbury to St. Philip Church, or whether the six months is for the first stretch which has been identified from Sunbury Great House to

Six Roads?

Will the Minister also tell us, given that the Princess Margaret School is in very close proximity to...

Mr. SPEAKER: That will be your second supplementary. Let him answer the first one.

Hon. G. A. CLARKE: It will take two phases to repair that road. The first phase will take six months because the road is very bad. I believe that we will continue the second phase as soon as the first phase is completed.

Mr. SPEAKER: The second question.

Hon. A. P. WOOD: To ask the Minister of Public Works Will the Minister tell us whether his Ministry has any plans for the provision of adequate sidewalks from the stretch from Sunbury Great House to Six Roads especially from Marchfield to Six Cross Road given the close proximity of the Princess Margaret Secondary School to that stretch of road?

Hon. G. A. CLARKE: Mr. Speaker, some sidewalks will be reinstated, others will be repaired. However, I am not sure at this point in time if there is a comprehensive programme to provide sidewalks to the entire stretch of road, but some sidewalks will be provided in the residential area because it is Government's programme and policy to provide sidewalks within residential areas.

Mr. SPEAKER: Are there any more supplementary questions? Question No. 6.

Dr. W. F. DUGUID: To ask the Minister of Public Works Will the Minister state when phase 2 of the road project at Lowthers Hill, St. Philip is expected to be completed?

Hon. G. A. CLARKE: Mr. Speaker, we have not yet started work on the Lowthers Hill Phase 2 Project, but this project will be considered in the 2005-2006 programme and we anticipate that it will be completed by the end of that financial year.

Mr. SPEAKER: Are there any more supplementary questions? Question 7.

Dr. W. F. DUGUID: To ask the Minister of Education, Youth Affairs and Sports Will the Minister state whether his Ministry has plans to develop sporting facilities at St. Martins, St. Philip?

Hon. R. R. FARLEY: Mr. Speaker, the reply to the question is yes.

Mr. SPEAKER: Are there any more supplementary questions?

Dr. W. F. DUGUID: Would the Minister, please enlighten this House and tell us when that will be implemented?

Hon. R. R. FARLEY: Mr. Speaker, the work is going on even as we speak. The Ministry started work on that programme several months ago and the work is progressing quite well.

Hon. A. P. WOOD: To ask the Minister of Sports Will the Minister responsible for Sports tell this Honourable House when the sporting facilities at St. Martins will be completed? I want to tell the Minister responsible for Sports that the residents of St. Martins are very happy that the sporting facilities have actually got started. Hon. R. R. FARLEY Mr. Speaker, I have been assured that the work on the St. Martins Sporting facility will be completed

during the first half of this year. The Ministry is very pleased to learn of the extreme sense of ecstasy being experienced by the people of the St. Martins area.

Mr. SPEAKER: Is that it?

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, this brings us to the end of the Sitting today. As I indicated, the work that was contemplated as we announced last Tuesday was to debate the Bill. We have acceded to the request of the Opposition that we defer further consideration for two weeks and we will therefore resume this debate on the Forensic Procedures and DNA Identification Bill, two weeks from today.

In that context, Mr. Speaker, I want to publicly announce again that the work next week of the Parliament will be to debate the Travel Services (Amendment) Bill such that the Opposition has full time to prepare themselves for that. It is also likely that there might be a supplementary as well, but the major work of the Parliament would revolve around the amendments to the Travel services Bill, which is at Number 6 on the Order Paper.

Mr. Speaker, with those words, I therefore beg to move that this House do now adjourn until Tuesday, February 1, 2005 at 10:00 a.m. in the morning.

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

The question that the House do now adjourn until Tuesday, February 01, 2005 was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

House 052 Sequence 11

12:07 p.m.