
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

PARLIAMENT 2003 – 2008

HOUSE OF ASSEMBLY

Tuesday, October 23, 2007

Pursuant to the adjournment, the House of Assembly met at 10.15 a.m. on Tuesday, October 23, 2007.

PRESENT

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

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

Mr. D. J. H. THOMPSON, LL.B. (Hons.) (Leader of the Opposition)

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.), (Lond.), LL.M., (Leic.) J.P. (Minister of Labour and the Civil Service)

Hon. R. D. MARSHALL, (Chairman of Committees)

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

Mr. D. St.E. KELLMAN

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Energy and the Environment)

Hon. T. A. PRESCOD, B.A. (Minister of Social Transformation)

Rev. J. J. S. ATHERLEY, B.A., B.Sc., J.P. (Minister of State, Prime Minister's Office)

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

Hon. R. R. FARLEY, B. Sc., J.P. (Minister of Housing and Lands)

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

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

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

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

Hon. D. D. MARSHALL, LL.B. (Hons.), L.E.C., (Attorney General and Minister of Home Affairs)

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, October 16, 2007.

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, October 16, 2007, be confirmed subject to any omissions, corrections and/or observations.

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.

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: Honourable Members,

MESSAGE FROM

THE HONOURABLE THE SENATE

TO

THE HONOURABLE THE HOUSE OF ASSEMBLY

The Honourable the Senate has the honour to inform the Honourable House of Assembly that at its Sitting there 17th day of October, 2007, Clause 15 (2) of the National Art Gallery Bill, 2007 was amended by deleting the word "Gallery" appearing in the first line and substituting the word "Minister" therefor, and by deleting the words "by the Minister" appearing in the last line after the word "thereof" so that the amended Clause 15(2) shall now read:-

"(2) The Minister shall lay a copy of the report referred to in subsection (1) before both Houses of Parliament and cause the same to be published in the Official Gazette not later than 3 months from the date of the receipt thereof."

The Honourable the Senate transmits the amended Bill to the Honourable the House of Assembly inviting concurrence in the Amendments to the said National Art Gallery Bill, 2007.

Dated 18th day of October, 2007.

Sir Fred Gollop

President of the Senate

PAPERS

Hon. R. C. EASTMOND: Mr. Speaker, on behalf of the Honourable Member for St. Peter and the Right Honourable Prime Minister and Minister of Finance, I am commanded to lay the following Bills:

1. Customs Tariff (Amendment) (No. 3) Order, 2007.
2. Annual Reports of the Rural Development Commission for the years ended March 31, 2002 and March 31, 2003.

FIRST READING OF BILLS

On the motion of Hon. N. A. LYNCH, seconded by Hon. Hon. R. R. FARLEY, the Civil Aviation (Amendment) Bill, 2007 was read a first time.

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. 1

RESOLUTION TO RESCIND THE RESOLUTION PASSED BY THIS HOUSE ON THE 11th MAY, 2004 APPROVING THE COMPULSORY ACQUISITION BY THE CROWN OF THE PARCELS OF LAND SITUATE AT QUEEN STREET, SPEIGHTSTOWN IN THE PARISH OF SAINT PETER IN THIS ISLAND FOR THE PROVISION OF AN ACCESS ROAD TO THE BEACH

Hon. R. R. FARLEY: Mr. Speaker, I rise to lead the debate in this Resolution to rescind a Resolution which was previously approved by this House of Assembly.

As you would recall, Sir, back in 2004, the House would have debated a Resolution which indicated, as noted in our document, that the public purpose was for access to the beach.

Mr. Speaker, it was subsequently pointed out to this House by way of a Ministerial Statement, also in 2004, that there was an error in the stated public purpose because the public purpose was in fact to provide vehicular access and to preserve the traditional right of way of the residents of the area. In fact, Sir, the access to the beach already existed via the entrance near Jordan's Supermarket going along to Fort Denmark. Sir, not only did that right of way exists, but the Government was at the same time moving to improve the amenities in the beach area by relocating the Sanitation Service Authority depot, which was located on the beach in Speightstown, to a more suitable location inland at Vauclose Plantation just east of the Mangrove Landfill.

Sir, not only did that road therefore exists, but the Barbados Tourism Investment Incorporated would be working to improve the amenities in the area vacated by the Sanitation Service Authority to complement the jetty, which existed further north, the Salt Pond improvements, which have greatly enhanced the beauty and the physical attraction of Speightstown, as well as to improved the environmental situation in the area.

Mr. Speaker, we have however formally, by way of mechanisms known to the law, to rescind that Resolution. Sir, part of the delay we had in bringing this matter back was the question of what procedure was to be adopted. At the time, different approaches were recommended by the Chief Parliamentary Counsel and by the Clerk of Parliament. Sir, those parties had to meet to agree to ensure that proper procedure was followed in terms of removing

from the list of things approved by Parliament, the matter relating to access to the beach and having a new Resolution which comes as Order No. 2, for the acquisition of this land for the public purpose of providing vehicular access and to preserve an access that has been in used for almost 100 years, but had been crossing private land and therefore its longevity and, its certainty would have come under question.

Sir, the fact that we are required to undertake these actions today really speaks to the fundamental strength and importance of the Land Acquisition Act, Chapter 228 of the Laws of Barbados. You would appreciate, Sir, that in all free democratic societies, societies in which the right to private property are rooted in the Constitution, and also in which the State has a fundamental responsibility, as a trustee acting on behalf of its people, to be able to undertake work for the public good, that in such a context, there needed to be laws in place to allow the State to have access to land so as to undertake public works.

Sir, this is to be contrasted with those countries - a very few of them in the world now but certainly going back into history - where the land was all owned by the sovereign and all power resided in the sovereign who did not have to ask for a "by-your-leave" from anyone, or in totalitarian states and states ruled by dictators, where even though there might have been private property, if one day by force of arms, the State decided to march onto your property, and you either shift or you were shifted, then there is no need for this kind of legislation or for a Parliament to trouble itself with the finer details of issues relating to the State's access to land.

House 148 Sequence 3

10.30 a.m.

Tuesday, October 23, 2007

Hon. R. R. FARLEY: Mr. Speaker, happily we live in a free democratic society, one that is governed by the rule of law, in which the protection and the right to own property under the Constitution are properly protected. Mr. Speaker, the origin of this legislation can be found in the Laws of the United Kingdom, the Laws of Australia, the Laws of Trinidad and Tobago, and in other Commonwealth countries around the world.

Sir, in recognising that in order to produce social benefits to the community as a whole and to avoid public purposes, to avoid the State from being blocked in its attempt to provide certain public goods or even having them frustrated and delayed through the resistance of landlords, there needed to be a legal framework for land to be compulsorily acquired. Of course, that process has to be guided and indeed is guided by very strict rules of

procedure and their limits to the power of the State to take private land. As I said, this Resolution speaks to the fundamental importance and to the strength of Cap. 228 of the Laws of Barbados.

Mr. Speaker, this Land Acquisition Act, Cap. 228, was passed in 1949. Indeed, the Preamble is quite clear. It says:

"An act to authorise the acquisition of land for public purposes."

Sir, since the passing of this Act, there have been a few amendments along the way but this Act is fundamentally patterned after the model of the United Kingdom's for land acquisition legislation.

Mr. Speaker, what does this legislation seek to do? The Act seeks to provide a legal framework for the Government of Barbados to govern the acquisition of land, the Act also addresses a number of fundamental issues. Sir, this speaks to the reason we have to come here to make a change to the same area of land but the public purpose is not, in fact, what had been stated at the time. That public purpose cannot be varied by administrative decisions because matters relating to acquisition of land are very fundamental and have to attract the attention of Parliament.

Mr. Speaker, the legislation deals with the legal procedure for the acquisition process; it deals with the rules for assessment of the value of land to be acquired; it deals with the determination of compensation; it deals with the rules to be applied to circumstances of abandonment, severance and injurious affection. Sir, it deals with the submission of claims by affected landowners; it deals with limitation periods; it deals with right of appeal to a judge in the High Court, and it deals with the power of the Minister to sell superfluous land. Therefore, this power granted to Government is also very much constrained by the provisions of this Land Acquisition Act. The issue here is the matter of public purpose, which is very fundamental.

Sir, in free democratic countries where the right to property is a fundamental right, the State has to be acting in the public's interest. The State has to be acting as a trustee on the behalf of the public, in order to be able to trigger the mechanism for the acquisition of land.

Mr. Speaker, as Governments over time have sought to implement a range of projects, Governments, both as policy-makers and as officials in terms of surveyors and other technical persons, such as legal advisors, have always had to be very specific on the matter of public purpose. If there is no public purpose, then there can be no acquisition of land under this compulsory mechanism in the Land Acquisition Act.

Mr. Speaker, even if there is a public purpose, that public purpose has to be accurately stated, in terms of the specific area in question. Sir, as is noted in the Ministerial Statement of 2004, there was, in fact, an error in stating the public purpose. Therefore, what is new in Order No. 2, is that if the same area of land, in the same location at Queen Street, is to meet the very strict regulations, the very high standards of Cap. 228 of the Laws of Barbados, then it must have its public purpose accurately stated.

Sir, not only is the access to beach a public purpose, no doubt vehicular access to beach is a public purpose, no doubt provision of recreational facilities is a public purpose and no doubt a whole range of activities which would fall within the public purpose but in all cases, that standard must be met.

Sir, those persons in North America particularly, have a way of using the term “expropriation” in a pejorative way. Technically, it means the acquisition of land by Government but in the pejorative sense, it hints and suggests that Government takes away people’s land, for no good reason. Sir, this is not that kind of country. Indeed, in none of the Commonwealth countries does Government have that kind of power, that is why public purpose is important.

Mr. Speaker, certainly there is no Government of Barbados, which would be in a position to acquire the land of any citizen, in order to pass it on to another private citizen, for example, in a manner that does not include a public purpose. Therefore, while the provision of housing is a generally accepted social benefit, particularly to lower and middle income persons, and Government may acquire land for developmental projects, it is an entirely different matter in countries which are not familiar with, or which do not widely practise the rule of law, where it is alleged that governments seize land for high officials and for purposes which are not necessarily in the wider and broader public interest.

As I said, in this case, it is a matter of two sets of wordings if standing on their own, would properly qualify to be a public purpose. However, in order to ensure that the letter of the law and not just the spirit is being followed, today we have to rescind the Resolution previously approved and in its place approve a Resolution for the same spot but with the public purpose being fully and accurately stated.

Mr. Speaker, I want to say that even though there is, indeed, a case to be made for some improvements and updates to the Land Acquisition Act, particularly as it relates to certain procedures.... Sir, times change, procedures change, and some of the procedures that are part of the Act are in need of upgrade. Indeed, a committee of officers has looked at the matter and has made a number

of recommendations, which are to go out to the Bar Association, land surveyors and valuers, among others, for their comments.

Mr. Speaker, I would want to say that there are no flaws nor deficiencies in the fundamental strength of the Land Acquisition Act, and that the legislation is there to ensure there are clear rules and directions governing Government’s capacity to acquire land and to strike that balance between the right of private citizens to land and the need of Government to be able to produce social benefits.

Mr. Speaker, if there were no Land Acquisition Act, many of the things we now today take for granted, might not have been possible. Let us imagine, for example, when constructing the ABC Highway or some other long stretch of road, in doing so, you are using both public land and private land, but you need a continuous stretch because you cannot interrupt a road in the middle. You need to be able to have access to those lands for that public purpose. Another example would be the expansion of the airport to meet the need for new, larger aircraft. Again, for example, you are doing reinforcement of beach lands to prevent erosion and to protect the land and the environment. H:No.148 (4) 10.40 a.m.

Tuesday, October 23, 2007

(EDITED)

Hon. R. R. FARLEY: Sir, all those are public purposes but, in any event, I am satisfied that the Land Acquisition Act, is fundamentally strong but improvements are needed and will be made in terms of recommendations made for the way which compensation is calculated and the way in which compensation is paid. Sir, it true that it takes too long for landlords in some circumstances to be compensated. Sir, some of the problems relate to issues on the landlord’s side but I am satisfied that there is always more that the Government can do and must do on its side to reduce the time. The challenge you have sometimes is that on the landlord’s side, you have a clash between culture and the law. The law is that one passes land by way of conveyance. However, in terms of the Barbadian culture, land is passed when the grandmother tells the child the land is for him but when Government comes to acquire it, from the present occupant, who is not being challenged in terms of control but, in truth and in fact, he does not have the papers to produce and, according to the law, he cannot be paid until such time. Sir, those are the kinds of improvements that are required. Mr. Speaker, there will be a time and place for debate on the Land Acquisition Act.

Mr. Speaker, suffice it to say, on this particular Resolution before us, the proposal to Parliament to rescind this Resolution goes back to the debate of 2004 and more particularly to the Ministerial Statement which was made at

the time, a month or so, after this Resolution was first approved by Parliament, pointing out that on further check, an error had been made and that the public purpose was not access to the beach but, in fact, to preserve the vehicular road access and that access to the beach already very much existed.

Mr. Speaker, I am asking Parliament to approve this Resolution to rescind the Resolution previously passed by the Honourable Parliament. Sir, later in the day's Sitting, I will pilot the Resolution to approve the acquisition of the same parcel of land but for the correctly stated public purpose of guaranteeing and preserving vehicular access to the residents of Queen Street in St. Peter.

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

Hon. Dame BILLIE MILLER: I beg to second that.

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

Mr. D.J.H. THOMPSON: Mr. Speaker, I have listened with great interest to the contribution of the Honourable Member for Christ Church East, and I am glad that he has acknowledged, 14 years after the Government has been in office, even though he certainly was not Minister of Housing for most of that time and, to some people, it is debatable whether he is Minister of Housing now.

Asides.

Mr. D.J.H. THOMPSON: Sir, not to me. I am only reflecting the views of some members of the public, who believe that housing has been moved from the National Housing Corporation into another private sector entity but I know you would not accept that and I will defend your right as Minister of Housing to continue to do your job. Sir, that was not in any way intended to be negative or deprecatory of the Honourable Member for Christ Church East.

Mr. Speaker, I want to say that I agree with him that successive Parliaments, I have been in Parliament under both the Barbados Labour Party and the Democratic Labour Party, have announced to the public that they would be amendments to Land Acquisition Act. Sir, the current situation is totally unsatisfactory and the Act is used as a sword against citizens of this country whereas it was intended to be a shield.

I heard the Honourable Member speak about UK legislation and even the Trinidad legislation. Sir, in Trinidad there is a difference because that is not a settled colony and there is some qualitative differences in relation

to how land is owned and that is also so in the United Kingdom, but for settled colonies like Barbados, there is a difference in relation to how land is owned and the presumption in relation to ownership. However, both in Trinidad but particularly the United Kingdom, there has been significant advances in the way land is acquired both by the Government and by local authorities. The law reports are replete with examples of applications being made by citizens to settle all kinds of disputes in relation to planning applications as well as applications made for compensation and against the Crown in relation to the Land Acquisition Act, and Procedures in the United Kingdom.

Sir, we are not as advanced, we are operating under an archaic piece of legislation and it is being abused by the Urban Development Commission, which purports to act under the cover of the Minister of Housing, and you need to investigate that. I can point to several examples of contractors going into areas, without even properly informing residents, digging up line-marks, carrying out works and the attitudes of even parliamentary representatives on that side is that they are doing something good for you.

Sir, it cannot be the case that where you have legislation in place to protect the rights of individuals, that Government State entities, both statutory corporations and in some cases, central Government, can create those kinds of problems for citizens. I am talking about the Urban Development Commission, it has happened in relation to the Rural Development Commission and sometimes it is a situation where all people would like to do is to have somebody visit them and talk but they wake up a morning and find excavators and workers walking all around their property, digging up their water pipes, their landmarks, knocking down their guard walls, digging up their flower beds and nobody can be found from the entity that is responsible for sending those contractors on that property. Sir, on the first day of work, some of those institutions like the Urban Development Commission and the Rural Development Commission do not even have the courtesy to send an officer on site to explain what is happening. Sir, we have had several complaints about that and, as I have said, what concerns me more than anything else is the response sometimes that we get in here, that people should be happy that they are doing a road, that they should not complain; as if they do not have a right to be consulted about the dispossession of their land. Sir, that is one concern.

Mr. Speaker, the Ministry of Public Works is equally as responsible, in fact, they are worse. I should declare an interest because I have a client, a constituent. The road that leads into College Savannah in St. John, Supers, was falling away. Sir, MTW sent in equipment and dug a horseshoe around the area that was falling away, agreed to enter into an arrangement to lease the property from the owners - they were growing crops on the land - or

alternatively, to acquire the property but they have done nothing about.

H148/10:50

Sequence 5

Tuesday, October 23, 2007

Mr. D.J.H. THOMPSON: There is one gentleman is in his 70s, he lives in the United Kingdom, he obviously wants his affairs tidied up, at this stage of his life. You cannot get any response from the Ministry of Public Works. You write to the Chief Technical Officer, no response. You write to the Permanent Secretary, no response. You write to the Deputy Permanent Secretary, no response. Were it not for the fact that it would block the access of the people in College Savannah and Fortesque to their properties... In other countries in the world, the owner would have taken some boulders and put them across his land, preventing cars from accessing the area, but we do not have that culture in Barbados.

Sir, if the man keeps any noise at all, again you will hear, on that side, that he is unconscionable, people would not be able to get into their houses, the spirit of volunteerism in Barbados is dead, do not mind his crops were dug up and he cannot use his land anymore. I believe the Honourable Member for St. Philip West would be familiar with that area.

Sir, there is no correspondence. There was one site visit, all the Officers came up there, with note pad and pen, walked around, and said that they had situations like this before, and they wrote down everything on a piece of paper. Sir, year after year the gentleman comes back to Barbados, seeks to get an indication from the Ministry as to what it is doing about the land, and nothing.

Sir, there is a lady living, I believe, in the constituency of St. Michael West, who had property, well-known to the Honourable Member for St. Michael West Central. MTW carried out work in relation to her property, I think it was in Westbury Road or Marine Square. As a result of that, she has been severely inconvenienced. Sir, you could write a thousand letters to Ministers, Permanent Secretaries and officials, they assumed that they are protected by the Land Acquisition Act and by the service of a Notice. In some cases the Notice is not even served. They tell you that it will come eventually. Sir, for years, the lady has visited the Attorney-General of Barbados and spoken to him. She has spoken to the Honourable Member for St. Michael West Central. She has spoken to the Honourable Member for St. Michael West. She has retained attorneys, letters have been sent, officers have been assigned by the Ministry of Public Works to deal with the matter, and then absolutely nothing happens. Sir, people can sleep

comfortably in their beds at night, wherever they may sleep, but she has a Notice to Quit hanging over her head, no compensation forthcoming, and, therefore pressure is brought to bear on Honourable Members of Parliament, who seem powerless.

Sir, this Act is not being used as any shield or any tool of social development. I like how the Honourable Member for Christ Church East spoke, and I wish I could say that the Land Acquisition Act, in Barbados is being used fairly. It is being used as a sword against small citizens, because they would not do that kind of thing if they were dealing with the owners of plantations in this country.

Sir, very careful procedures were established under the Tenancies Freehold Purchase Act, to allow the Government to go into those tenancies and undertake the work that needs to be done. In some cases in Barbados the Land Acquisition Act is not even used when Government wants to buy property from certain large landowners in this country. It is done by Private Treaty and all kinds of negotiations go on behind the scenes that the public will never know about, until the Change of Ownership forms are filed and you can see the value at which the property has been sold.

Sir, in relation to ordinary citizens in this country, who are supposed to be patriotic, are supposed to accept this concept of volunteerism, just because the Government said that it is doing roads. They must accept inconvenience, dust and dirt in their home, mud, dug up by excavator, blocking their entrance, no consultation with them at all. The little lot of land that they have is reduced in size, and nobody on that side cares about it. They would tell you that they are doing a road. So you could dig up landmarks and do not send a surveyor to replace new landmarks.

Asides.

Mr. D.J.H. THOMPSON: If you were doing your work... I do not wish to produce a list, I have, of the people in your constituency that they did not send land surveyors to, but if you want, I can produce it.

Asides.

Mr. D.J.H. THOMPSON: I am a Member of Parliament and in some cases those persons have consulted me as an attorney-at-law. I just told you about one of your constituents, and you will be mute in here today, not of malice, but you will be mute. You will come with all those lofty statements, similar to the Honourable Member for Christ Church East, fully knowing that is not the way, in which the Land Acquisition Act is being used in this country. So there is an urgent need for major reform of this

legislation, but this legislation alone cannot solve the problem.

Sir, this is supposed to be the Government of Town Hall Meetings and consultations. This is what the Honourable Member for the City of Bridgetown calls it; a new era of consultation with the public. If you put in any kind of development...- I am not disputing that. The Honourable Member said so, and I do not think that the Honourable Member for the City of Bridgetown would dispute either.

Asides.

Mr. D.J.H. THOMPSON: I do not have that date here. I know that you said, new vistas of consultations have been ushered in; Town Hall meetings, interaction by public officers with members of the public, all of that we hear about.

Sir, there are people who believe that once you have served a Section 3 Notice on a citizen, that is sufficient consultation. There is no need for further discussion with them.

Sir, as I said, once you say that you are doing a road, a citizen is to accept that you can cut that road how you want to cut it, without consulting with them about the impact that road will have on the size of their land thereafter.

Sir, I know that the Honourable Member for Christ Church East knows these things happen, and he must not, as Minister of Housing, allow extra parliamentary persons, who have no sympathy for the plight of others, as long as they can go and sleep comfortably in their beds at night, who will use the Minister of Housing and the hardworking officials in his Ministry as an excuse and say that it is the Ministry's fault, they have not served the notice yet, and sometimes the Ministry does not even know that work has been undertaken or it has been undertaken in that way.

Sir, they are Ministers who do it too. They go on a site without reference to plans or any other documents; I am not referring to the Honourable Member for the City of Bridgetown, in relation to the Eagle Hall market, you were right on that one, or taking up a chainsaw and digging a hole in a wall, you are probably right on that too. I have worked with you on the West Wing.

Asides.

Mr. D.J.H. THOMPSON: You believe in aesthetics.

Sir, there are some people who go on a site and tell workers in the Government to do X or Y, knock it down, extend a roundabout, put a road through here, without any

regard whatsoever for the rights of citizens. It has been known to happen, and then the Ministry of Housing is required to cleanup those actions by public officials, at the highest level, including Ministers of Government.

H148

Sequence 6 11.00 a.m.

Tuesday, October 23, 2007

House 148, Sequence 07, 11.00 a.m.

Mr. D.J.H. THOMPSON: Sir, I believe that the Land Acquisition Act was conceived as a tool, relevant to the provisions of the Constitution, that people must be adequately compensated for any deprivation of their property by the States. Sir, adequate compensation must mean, compensated in time.

Mr. Speaker, the slow time in which people are being paid when land has been compulsorily acquired, as well as the manner in which the actions of Government make a total mockery of the legislation, and the lofty ideals that the Honourable Member for Christ Church East spoke about, need to be solved by amendments to the legislation. Sir, there needs to be a more sensible approach to its implementation.

I do not want to say anything about the Resolution itself. It has been on the Order Paper. It was the subject of a no-confidence motion. I did not hear the Hon. Member apologise to the Hon. Member for St. Michael North West for the fact that it was an error. He did not apologise then in that debate - Sir, I do not want to reflect on that, because you would not allow me - and I did not hear him apologise now, but the debate will continue. I did not hear anybody on that side apologise to the Hon. Member for St. Michael North West for the way they criticised him and beat up on him in here, during that no-confidence motion. Sir, I heard no concessions then that it was an error.

Sir, two years later now that he in the bosom of the Barbados Labour Party perhaps they are quietly...

Hon. R.R. FARLEY: Mr. Speaker, on a point of order. The Honourable Member is misleading the House. The records of Parliament will show that the Ministerial Statement made in 2004, the Minister of Housing apologised to the Honourable the House of Assembly for the error, which was made in the documentation that came here. It also explained how and what but an apology was indeed made to the Honourable the House of Assembly in the Ministerial Statement made in May/June of 2004.

Mr. SPEAKER: Sir, would you accept that? You do not have the record.

Mr. D.J.H. THOMPSON: Sir, I am hearing. I hope they gave the Hon. Member for St. Michael North West gold, frankincense and myrrh on top of that, but it was at about that time of the year when the debate was held. My recollection was that it was around Christmas.

Asides.

Mr. D.J.H. THOMPSON: Oh, it was Advent. They should have given him something appropriate but, maybe, he has got it otherwise. Sir, the point is that we accept an error was made. We felt strongly then, that what was brought before the House was wrong information and that the then Minister should have been more careful, prudent, vigilant and wise, in the way in which she discharged her ministerial duties.

Sir, I know that the Honourable Member for Christ Church East is there now to clean up all of that, and to the extent that there is any part of the housing portfolio that is still now within his control, I am sure that he will use those powers to ensure that errors of this sort do not occur again.

Sir, I want to say that I have no problem with much of the early presentation of the Honourable Member for Christ Church East. Sir, he needs to bring some vigor and vitality to a Government that is very lethargic, in ensuring that this legislation is amended but more so, in establishing a code of conduct, in relation to people who are seeking to operate under the provisions of this legislation, so that it is not seen as a sword against the citizens of this country but as a shield, and helps them more than it hurts.

Thank you, Sir.

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

Mr. R.D. MARSHALL: Thank you very much, Mr. Speaker. I rise to support the Resolution brought here by the Minister of Housing, the Honourable Member for Christ Church East. In my short contribution, Sir, let me say that all of us in here have been elected to serve the interest of the people of Barbados, through our individual constituencies.

Sir, my concern is really to do with when acquisitions are made. At the start let me say that I do not think there is any divide over this and, I believe that we all have an interest in making sure that the people's interests are well-served.

Sir, my problem relates to the time frame in which people are paid, because years have passed since people's properties have been acquired by Governments. I do not mean any particular Party, because when the Democratic Labour Party was in power, they had the same people

accusing them of these things and now the Barbados Labour Party is in power, the same thing is coming from the other side. Sir, as I said there is no political divide where we are concerned, only the time frame of payment.

Sir, when I had my stint at the Pine between 1999 and 2003, we came across letters of complaint from people, on many occasions, about persons over the years, whose properties were acquired for road improvement, beach access and housing. Sir, I believe some people die and were never compensated for lands acquired by Governments.

There is one particular situation I must raise here, as it relates to the constituency of St. Michael West Central. Sir, as a young boy growing up in the Bank Hall, Eagle Hall areas, there was the cane factory in Fairfield. I am quite sure the Honourable Member for the City remembers this factor. At the time, Mr. Gilkes was the owner/proprietor of this sugar factor. I believe that some time in the 1970s, land was acquired from Mr. Gilkes for road improvement in the same area.

Aside.

Mr. R.D. MARSHALL: Sir, that road I am talking about is just adjacent to my constituency office. As the Honourable Member for St. John just said in an aside, that the late Rt. Excellent Errol Walton Barrow was the lawyer working for the Gilkes estate at the time. Since then, Mr. Dennis Belle, a Jamaican, who was married to Mr. Gilkes' daughter, set up the Fairfield Pottery in that area.

Sir, to date, they have been trying to get payment/compensation from the Government for lands that were used for that road improvement. Approximately five weeks ago, I visited Mr. Belle and he raised the matter of the payment to me. He told he had spoken to the people in the Ministry of Housing and the Ministry of Public Works and Transport, and he has not been able to get it settled.

House 148, Sequence 07, 11:10:14

Tuesday, October 23, 2007

Mr. R. D. MARSHALL: Mr. Speaker, Mr. Belle is a businessman, he employs a number of persons from the constituency of St. Michael West Central, hence he makes a contribution to the country and to the constituency. Mr. Speaker, this situation has been creating some problems in the area. Sir, after a while and persons do not get things that are rightfully theirs, some of them get so frustrated, they are tempted to do something which would not be right. Mr. Speaker, this situation has brought some kind of tension between Mr. Belle and one or two of the neighbours.

Mr. Speaker, I would like the Minister responsible for housing, the Honourable Member for Christ Church East, to look at this matter, and check and see what is happening in the Ministry and what requests were made to the Ministry by Mr. Belle and to work on it to make sure that Mr. Belle is compensated so that a level of relationship could continue between the people of the Gilkes Land and the owner of the Fairfield Pottery, Mr. Denis Belle.

Mr. Speaker, I agree with the Honourable Member for St. John who spoke about people not being compensated. He mentioned the Rural Development Commission and the Urban Development Commission where at times people go in and work is started...

Mr. Speaker, from my knowledge and the knowledge of things that have happened in St. Michael West Central, I know that the PR Officer at the Urban Development Commission, Miss Delores Wallace, does a very good job as far as I am concerned. Recently, I about four or five roads were built in urban tenancies in St. Michael West Central.

Mr. Speaker, I know that the surveyors and the officers of the Urban Development Commission have worked together. We have Mr. Clyde Cummins and Mr. Andrew Payne, two very good officers who have been working with the various engineers. I have seen lots being surveyed. I know of one case in the Clevedale area, through the gap by Hobbs, the mechanic, where an officer went there late at night and spoke to persons who live on the land to make sure that they had the permission of the landlord and forms were signed. I myself carried forms to landlords in the area to get permission for the Urban Development Commission to do work in the area.

Mr. Speaker, when you are doing all of these roads, something would happen. Mr. Speaker, I do not think it is the norm at the Urban Development Commission to go helter-skelter into people's area and bulldoze pailings and push down trees or do as they like. Mr. Speaker, all of us in here are politicians and sometimes we would try to create that kind of mischief especially if we are in the legal profession, but I do not believe that it is the norm.

Mr. D. J. H. THOMPSON: On a point of order. The Honourable Member should have made notes when I was speaking because he is misleading the House. First of all, I am not going to allow him to say that anybody is up to any mischievous intent, and I do not think you would allow that, Sir.

Secondly, nobody said it was the norm. Therefore, if the Honourable Member jumped from saying that somebody said it is the norm, it is not the norm, and if they say it is the norm, they are mischievous, he is misleading the House. Nobody said it was the norm. We raised

concerns. If the Honourable Member does not want to raise his constituents' concerns, that is a matter for him, I will do it at the appropriate time, not on his behalf though.

Mr. R. D. MARSHALL: Mr. Speaker, there was no intention to impute any improper motives to anyone in here. The Honourable Member for St. John said that when he is ready, he would go and speak at a right time not on my behalf. Sir, I do not think he would ever speak on my behalf, unless he is doing a matter for me where land is concerned.

Mr. Speaker, we are here to represent people. The staff at the Urban Development Commission are doing their work. I believe that things can go a little out of the way sometimes, but it is a situation where I believe they have all good intentions.

Mr. Speaker, with those few remarks, I thank you.

Mr. D. St.E. KELLMAN: Mr. Speaker, I rise to speak on this matter and to say that the Government is only wasting the people's time. Sir, if they had taken the advice given by myself when this matter first came in the No-Confidence Motion, we would not have been here today discussing this particular matter.

Sir, there is no doubt that this matter should have been a matter for beach access. When one considers, and when one goes back, without reflecting to the debate, one would recognise that I said that it is not fair for the old ladies from St. Peter to have to traverse through Speightstown in bathing suits to get to the beach, that it was better for those persons coming from Farm Road, Burma Road, Rectory Hill and so on, to use this particular access to the beach, because it allows them not to have to travel through the populace of Barbados, while they are shopping, to get to the beach.

Mr. Speaker, I do not know what was the intention or the influence of the person who wrote the order to bring that particular Resolution to the House. I do not understand why they were influenced in that particular way.

Sir, it is clear that the end result of this Resolution is correct, but the intention in the beginning was wrong. Sir, to give the impression that you were creating an access that was there already is impossible, because once you already have an access, you cannot create it again. That is why I felt at the time that the Government should have levelled with the people in Barbados and admit that they wanted to remove the access to the north and move it to this one to the south which, in my opinion, was more accommodating for the old ladies and the old men of the north of Barbados.

Sir, as I said previously, the access next to Jordan's Supermarket and Pizza Man Doc place is smack in the city.

This one, which happens to be further south would allow them to travel on the highway and to have access without necessarily going through the city of Speightstown. Mr. Speaker, I am saying that this should have been the position from the beginning. We should have admitted that we needed a road so that those persons who have that land and have that entrance could be able to properly develop their entrance.

Mr. Speaker, it is rather interesting that this issue we are discussing today, is similar to what is being discussed at Batts Rock. There is a similarity between the shifting of this beach access and the shifting of the one at Black Rock, the only difference is that this shift makes sense, but the one that is now being proposed elsewhere does not make sense. This one is allowing people to have a proper access and moving them away from the action but the one that we are about to debate some time, not in this House, but elsewhere, does not make sense.

Mr. Speaker, I hope that you are agreeing with me because I know that you would not like your rights to be deprived. Sir, I know that where I speak of, you frequent on a regular basis because you love to look at the beach and you do not want to go through any little track to get to the beach when you have a proper access to get to the beach. Sir, that is in the Batts Rock area.

Sir, I know that this debate is not about that, and I would not want you to tell me to get back to the Speightstown debate, but wherever you see a similarity in a debate, you must draw it in. That is why it is important to draw this similarity and to serve warning early that even though the one to the north of Barbados makes sense that the one that is proposed for the centre of Barbados does not make sense. Sir, I want the public to know that I do not support it.

House 148 Sequence 8

11.20 a.m.

Tuesday, October 23, 2007

Mr. D. St.E. KELLMAN: Mr. Speaker, I am also saying that in relation to a number of properties in Queen Street, it is alright for Government to be giving the reason for the delays but Government also has to understand there are a number of poor people on whom Government has served notices under section 5 of the Land Acquisition Act. Sir, these persons could not continue their businesses in that particular area because they had given up their right to operate, when they were served with those notices.

Sir, I hope that the Ministries of Housing and Lands would understand that they have to compensate those persons, for example, Mr. Hinds, who has been waiting for

a long time but who has since deceased. I hope that people understand the effect this type of Resolution had on the lives of persons in that particular area.

I also hope the kind of compensation packages given to those persons at Fontabelle and around Kensington would be the same that would be given to those people in Queen Street. Sir, it going on four years now that businessman, who had a muffler shop in the area, had to close his business to accommodate Government. Therefore, I hope that the loss of profits would be included in the package, as that businessman has not been able to use that property since. Sir, that businessman is a constituent of mine. I also hope those persons, who would be resited, would be compensated for the frustration they have been made to endure, while the foul-ups occurred.

Mr. Speaker, there is no doubt that nobody wants to have a situation where their land is being acquired and they are unsure as to where they are going to live. Sir, I have said, on many occasions, that the Land Acquisition Act in this country is not in the interest of the vendor, that it is in the interest of Government. Sir, it was okay when the Land Acquisition Act was first passed in 1949. At that time, nobody looked at land in the same way. The demand for land was not the same, the value of land was not the same, and the scarcity of land was not the same. In 2007, everything is different and we can no longer have a Land Acquisition Act, where the interest of the purchaser is paramount, and the interest of the vendor is not. Sir, the order has to be reversed, it must be the vendor dictating the pace because the Government of the day has the Land Acquisition Act and they can do whatever they want.

Sir, sometimes the wordings and the meaning for public purpose could be shady but we would not discuss that here today because we are not here to do that. Sir, what I am saying is that from the Land Acquisition Act, the Government gets what it wants. Therefore, if Government could get what it wants, it should also mean that the vendor should be able to get what he wants.

Mr. Speaker, I know exactly what I am speaking of because in 1981, I saw it on the front burner. Since then, I have made a pledge that it will never happen to another poor person as long as I have anything to do with the Resolution, that is why I will come here and defend anybody. Sir, I am not like some persons who would say that since it has happened to them, that it could happen to anybody else. Sir, since it has happened to me and since I have recognised that an error has been made, I am prepared to defend and to ensure that it does not affect other persons.

Sir, I am saying that the Land Acquisition Act needs to be changed, it is not operating in the interest of the masses of people in Barbados. Furthermore, what makes it worse is that there is something called scarcity of land in

this country. Therefore, Government could no longer, with a clear conscience, take up people's land and offer them money. It is not fair.

Sir, what is happening is that as land becomes scarce in Barbados, as other people are coming into Barbados and using the largesse to get land, we are now forcing Barbadians to accept offers of US\$5 a square foot to rent land in Guyana, when Barbadians would have already owned land in Barbados. Mr. Speaker, in other words, outsiders can appreciate the preciousness of land in Barbados but our people must suffer under the Land Acquisition Act, where they are now being offered to rent land from Guyana at US\$5 a square foot.

Mr. Speaker, that is not what we want, we want to have a situation where whenever Government takes poor people's land, by using the Land Acquisition Act, that Government would give back those people the right of owning a piece of the rock, through the very Land Acquisition Act. That is something I have been calling for a long time and will continue calling for it because I understand the importance of land, in the same way as anybody else. It cannot be that rich people have a right to land and poor people have a right to beg for that right to have land. That is not part of our Constitution, our Constitution states that all of us are equal.

Mr. Speaker, I do not know if the Constitution of Barbados is like that of the animal farm, that is, all of us are equal but some of us are more equal than others. Sir, I am seeing it being practised more and more, I am seeing that Napoleon style coming back and not the Snowball style. Therefore, whenever I see the Napoleon style, I will fight it. I do not care where it comes from because all of us have a right to enjoy the benefits of this rock called Barbados.

Sir, it means that in order for others in Speightstown and in the north to get their rights, we must not only look at the rights of those who would be able to enjoy the beach, who would have access to their properties to the south, we must also look at those persons who would be affected by this right.

Mr. Speaker, when the Minister speaks next, I would expect that the Minister would tell me what kind of compensation package that would be given to those persons who have to move to accommodate that vehicular access. I would want the Minister to tell me where they would be relocated. I would also want the Minister to tell me the status of discussion at this present moment. Sir, nobody could tell me, neither would I accept it from anybody in this House, that this matter has not been already discussed.

Mr. Speaker, this matter is now over four years and Government has had all the time in the world to ensure that

those persons in Speightstown, who were affected, would have been already looked after. Sir, I expect to hear how many houses would be moved and where they would be moved. I would want to hear how many persons have decided that they would take money instead of land. I would want to hear about the muffler shop and about whether or not the road would be extended to the south, so that there could be access to commercial properties.

Sir, I am not one who would believe that when projects like these are being done that only the masses should be looked after. I believe that a country is also about development of everybody.

Asides.

Mr. D. St.E. KELLMAN: Sir, I am not going to get into any petty discussion on whether the poor should be looked after and not the rich. When the Democratic Labour Party brought free secondary education, we did not say that it was only for the poor and not the rich but that it was for all. Therefore, I believe that development is for everybody but that the development of the masses must be paramount. It must not be a situation where that development is given to the rich, in a situation where the masses are then tokenized; the reverse must be true because the rich can pay for whatever they want.

Mr. Speaker, I am glad to see that Government has finally come back to where it should have been in the first place. I am glad to see that those older folk, who live in the north, would not now have to walk through Speightstown in their bathing suits, that they would have proper beach facilities.

Mr. Speaker, it cannot only be about beach or vehicular access, I also want to hear about the public bath that has been placed there. I know there are developers who would say that it is alright for persons to access the beach but that they do not want to have a bath in that particular location because it would interfere with the development they might have in mind.

Mr. Speaker, Barbados belongs to all of us and we must all share in it. In the same way it is expected that poor people should give up their rights, rich people must understand that they have to live amongst the poor and that facilities must be placed there for the poor people.

11.30 a.m.

Tuesday, October 23, 2007

(EDITED)

Mr. D. St.E. KELLMAN: I have said already in this country that it is not about owning beach land but about

having access to the beach. Sir, as you watch the chain-link coming down the west coast, if we do not protect things like these, we will find ourselves in trouble.

Mr. Speaker, too often we have debated in this House and we have spoken about the importance of having beach access but we have done nothing about it. What we are doing here today is only accommodating what we have already. What we should have been doing is not only accommodating but also naming other areas that we would be acquiring land to get beach access. Sir, we are not acquiring land for beach access here, we are accommodating

what we have already so I do not want the Press to run off with the impression that a new beach access has been created here today. What I want the Press to do is to ask the Government about the other locations that they intend to acquire land for beach access. Sir, this is not about beach access because beach access has always been there and that is the most important issue at this point and time as it relates to beach land, not ownership, it has to do with Barbadians having the right to be able to get to the beach when they want to.

Mr. Speaker, I have already said in this country that if you live in Boscobelle and have land, you should be able to develop that land and promote it as beach land knowing that you could tell the people that to the west of you, there is a beach access that they could use to go to the beach. I have seen it happening in St. Lucy, where people come, own large tracks of land, develop community tourism and advertise beaches that they are not near to. Sir, if this can happen in St. Lucy, it can happen in the rest of Barbados but then again, in St. Lucy, we live as a group and we understand the importance of beach access to everybody. Sir, the local owners of land in St. Lucy do not mind giving up land for beach access but the foreign owners come to the island and believe they have a right to deprive people of having beach access which they had for many years because it is not a public beach access.

Sir, I would say that I have set the example for all landowners in St. Lucy and that they need to follow them because anybody coming to Barbados would believe they can deprive poor people of beach access, which they had for many years. If they do not accommodate them, then I cannot stop the people from being hostile to them but, if they can understand the importance of land and could work out a deal with the people, then I can speak to my people and tell them that unity is strength and that we should all live together as one family.

Mr. Speaker, you cannot have a situation where people want to come, have their lands and then deprive people of their rights. Sir, when you come and want all for yourself and keep all for yourself, then what belongs to the

masses of Barbados, you should not expect to have a stake in that. I will not support it. Sir, that is why Fryer's Well beach today has public access even though it was a private beach, for the simple reason that it was an example.

Mr. Speaker, I will even go further. Those persons in Lyder Cottage, who are now landlocked, can feel good to know that if it means giving up land to stop them from being landlocked, that the land will be given up as well to the Ministry of Housing and Lands. Sir, I believe that no land in Barbados should be landlocked and if I have to lead by example by giving up land, I will do it for the simple reason that St. Lucy must be the example for other parishes and if you are going to be the parliamentary representative, you have to lead by example.

Mr. Speaker, if the beach called Richie's Beach is being blocked by someone from outside and the only beach they could get to is Fryer's Well Beach and it means giving up land to get to Fryer's Well Beach, the land will be given up. Sir, too many of us want rights, which belong to other people but we do not understand that the same way we want rights that other people want rights too. This is why we in Barbados cannot only talk but we must provide the action.

Mr. Speaker, I am happy that at least the Government has agreed to change their minds on this particular issue but there are many more issues that I would like to see them change their minds on. Sir, I look forward to the day when Government changes its mind on many other issues as stated in the Hansard of Barbados. Sir, if they listen to good advice, they will act good but if they continue to be strong-headed and ignore good advice, they will always find themselves in trouble.

Sir, I am grateful to you.

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

Mr. R.D. JONES: Mr. Speaker, I listened with rap attention to the contribution of the Honourable Member for Christ Church East. I was taken by his elucidation on an issue, which obviously was painful for the Government of Barbados, more particularly the Barbados Labour Party, where a mistake was made, according to him, in stating the public purpose for which the Land Acquisition Act was being utilised in relation to the land at Queen Street. Sir, he broadened the scope of the debate, which I am thankful for because I want to agree with those Honourable Members on this side, and with him to some extent, who have spoken in relation to how the Land Acquisition Act has sometimes been used in the past to terrorise the souls of the people of Barbados.

The Honourable Member for St. John referred it as sometimes a sword and not a shield and, in fact, it has been used as a sword and sometimes persons are dispossessed of what is theirs by this Land Acquisition Act. Even though one wants the society to grow; one wants the society to develop; one wants to see in place the social infrastructure and the physical infrastructure, to ensure that the entire human society benefits from whatever these things are, one has to be careful that one then do not create a cadre or group of persons, who hate the society in which they live because they feel so disadvantaged by the power and the might of the State; by the power and the might of Parliament especially, if you are never adequately or properly compensated for what you had to give up.

Mr. Speaker, many persons have spoken about a reasonable length of time, when the land has been compulsorily acquired and five years, ten years, 15 years or 20 years have passed and the persons, who were in possession of the land were 50 years or 60 years, at the time the land has been acquired by the State through Acts of Parliament and three score years and ten, which is the time allotted for us here on this earth has come and gone and those persons have died and did not feel the money in their hands or bank account. Mr. Speaker, something is definitely wrong.

Sir, persons have spoken to me about lands, which have been acquired by the State, not necessarily all of it, but the piece which has been acquired makes the other piece unusable for any purpose that they have and, therefore, the State is not compensating them for the piece that they have not acquired but it cannot be used for any meaningful purpose at all for anything and so, they are dispossessed on both sides of the coin.

H148/11:40

Sequence 10

Tuesday, October 23, 2007

Mr. R.D. JONES: Sir, we have, as the Honourable Member for St. John stated, to find a happy medium and nothing should defy the mind of man, relative to finding that happy medium, unless one wants to practise malice. I am not ascribing that to any person in the Honourable House. Sir, unless one wants to practise malice in ensuring that those persons have adequate reward for their contribution to the development of the entire society. It might be, as the Honourable Member said, a highway, a road that is used to give citizens access to other amenities. Sir, one cannot have legitimate quarrel with that kind of social process, but one has to have quarrel when the persons then become disadvantaged, as they comply with the demands of the State.

Sir, I come from an area, and the Honourable Member for Christ Church East is the Parliamentary Representative for that area. When I opened my windows on mornings, I used to look on the airport. I came up in a situation, where I used to walk through canes on the left and on the right, to go to St. Bartholmnew's Boys' School, which was opposite the Flash Inn, in those big evergreen trees, where there are two large houses now. I am sure that the Honourable Member is familiar with those two houses. He canvassed them from time to time. His reception has never been hostile, because persons in that area are not hostile, but that does not necessary mean they would vote for you. They would offer you a glass of water, that is the nature of Barbados, but you can pick up that they are not going to vote for you, so you move on. The Honourable Member is familiar with that area.

Sir, the airport extended to the West, taking up all the lands belonging to Brooker. We used to call him "Brooker Oldman". He worked for the Ministry of Public Works and Transport in those days with his horse and cart moving the tar, grit and stone. He has passed on. Some of his prodigies are still around. There is also Isma Scott. Sir, the son of Isma is well-known to the Honourable Member of the Barbados Labour Party, because her son was a diehard supporter of the Barbados Labour Party. He died about two years ago.

Mr. SPEAKER: I would not say that word.

Mr. R.D. JONES: Mr. Speaker, I respect you and have always done that. Sometimes in the heat of the battle a word might slip out. I really do not have any ulterior motives or intentions.

Sir, for further consolidation of the airport, the peripheal fence, and seeking to satisfy the aviation requirements, every person who owned land - and I am not talking about a house spot, I am not talking about a 3 000 square foot house spot, I am talking about the land of the Moseleys and the Morrisons, I said the land of the Morrisons, because I am a Morrison, all of those lands, were taken up for that purpose.

Sir, I heard the Honourable Member for St. Lucy speak to this issue before, and he is right. It is not always that you want to receive four cents for the land, but you also want maybe a similar piece of land, which is owned by the State, to be given back to you, because you know that once that land is gone, no amount of money that is given to you is going to give you 2, 3 or 4 hectares, or 6,7 or 8 acres back into your hands.

Sir, remember those lands produced sugar cane, pea trees grew all over the place, sorrel, guinea corn and all kinds of produce to feed the people of Barbados. Do you know what I see today, and I have no quarrel at all, the

Land Acquisition Act was used for that purchase, because we needed to have the airport protected. We needed to have the peripheral fence. We needed to have all of those things.

The Honourable Member for Christ Church East, has to tell the Honourable House if any one of those persons to date were compensated, all of those old people have died, every one of them. They have all passed on to their Saviour, whomever that Saviour is considered to be, and not one cent yet, not one penny.

Sir, the Honourable Member might be correct, because a lot of the older people did not write Wills, that things would pass on to the children, especially if they are living somewhere else, and the land is being used for agricultural purposes. It would take some time to work out the Wills, but they are some that were not so encumbered. Sir, not one boy, girl, man or woman, from Wilcox Land, Pilgrim Land, Thyme Bottom have received one halfpenny. The Honourable Member knows all the areas. Sir, I have to be in the mode of the old at this particular stage. This is where the Land Acquisition Act has been a sword, has caused pain on the backs of the people of Barbados. This is not what it was supposed to be. It is all well and good to talk about the democratic State, the Parliament and the Government acting as agents of that democracy, but when you look at it, the democracy is being trampled by the inaction and, sometimes, the callousness of the State itself and the State actors themselves. Mr. Speaker, this cannot be fair in the same democracy that we talk about. It cannot surely be fair.

Sir, if individuals are looking and considering the development of the infrastructural State, that is their contribution through a compulsory acquisition, then the State, by its very nature, has to be fair to all of those people. They cannot be the ones giving gifts, in that understanding of how I am speaking, they cannot be helping all of the other persons in the society, but then they are disadvantaged for an extremely long time.

Sir, I would like some person, may be in the Housing Corporation, or the Ministry of Housing and Lands, to do their research.

Asides.

Mr. R.D. JONES: Hardwood Housing is not owned by the Ministry of Housing, and the Honourable Member for Christ Church East is not involved in anything to do with Hardwood, not at all. I know the gentleman. Mr. Speaker, he was a teacher taught by you and he was given the right qualities and ethics to advance, so he would not besmirch your name in anyway. He would not be in that.

Sir, the situation is such that the Honourable Minister of Housing and Lands can get the research done

and present to this House or the public of Barbados, how many persons; how many hectares of land have been acquired by the State; what was the value then, what is the value now; how much would have to be paid then, how much would have been paid now; and tell the people if, in fact, the Government owes a certain segment of Barbados, particularly the poor and dispossessed, particularly those, because those are the ones who are not being paid in Barbados for the acquisition of their land. Do not let us pretend. We know the reality on the ground, on that side and this side as well.

Sir, the reality is known that it is the poor and dispossessed, that are not treated properly by the State, and the Land Acquisition Act is therefore a sword on the backs of these people. Therefore, we have to stand up as men and women in this Honourable House and say that enough is enough. This breach is now a chasm, relative to the compensation for these people. Do the research. Come to this Honourable House and this side will not quarrel if you say that we have to find \$100 or \$200 million, whatever the figure is, to pay those persons for the acquisition of their property. Mr. Speaker, this Honourable Opposition will support it 100 per cent, because it will be giving those persons their just due, their just reward, that is rightfully theirs.

H148

Sequence 11 11.50 a.m.

Tuesday, October 23, 2007

House 148, Sequence 12, 11.50 a.m.

Mr. R.D. JONES: A democratic State has to be a State that cares. If the democratic State does not care, who else will care? Sir, that is the question. If the godfearing state, beyond the democratic state does not care, who cares? I am not linking that but I am talking about the spiritual human state within the democracy.

Sir, human beings must first take care of each other before you say the Alleluia Chorus. Sir, that is only the balm on the wounded soul, and if the wounds are so deep or so wide, whatever we do or however we do it, there will always be an anger passing from generation to generation, relative to the actions of the State precipitated, Mr. Speaker, by one simple action that is multiplied over time, in relation to these persons.

Sir, as I said, the Honourable Member for St. John and the Honourable Member for St. Lucy spoke to this quite well, and let us be considerate of those persons. We are not quarrelling about what happened in St. Peter. We dealt with that matter through whatever mechanisms that were available at the time.

Sir, it is good that the Honourable Member for Christ Church East, the Minister of Housing, in his own particular style, spoke in such a manner as to remove the contention out of what could have been a serious and contentious debate on this particular issue. Sir, that is what is important and he also made us aware of the treatment of people, relative to the Land Acquisition Act.

Therefore, when good intentions become submerged by other actions, then those good intentions disappear, regardless of if you are laying down a road by the Urban Development Commission, the Rural Development Commission, MTW or whomever or building a pavilion, a hard court, a football facility or the building of Kensington Oval. Sir, when those good and laudable intentions become submerged by inaction, 'don't-care-ness', lack of appropriate behaviours by lack of the policies to support the good intentions, then all become lost, and we end up, Mr. Speaker, with a section of our society being angry, and as I said, it is passed on from generation to generation.

I thank you, Sir.

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

Mr. M.A. LASHLEY: Mr. Speaker, I rise to make my contribution to this debate. There is the accepted view that there is a moral and legal duty to respect the rights of property owners. And so, the State, Mr. Speaker, is under a moral duty to respect the rights of property owners, and is also under a legal duty to respect the rights of property owners.

Mr. Speaker, we have adopted a Constitution that has also encapsulated the principle that there must be a moral duty to respect the rights of property owners and also a legal duty to respect the rights of property owners and that onus or burden is on the State. Sir, the State is under a duty to make sure that there is reasonable and adequate compensation when property is acquired by any arm of the state.

Mr. Speaker, we have debated and Hon. Members on this side have raised concerns about the Land Acquisition Act, and I too, have concerns about the Act. In fact, I will say that it is heavily stacked in favour of the purchaser and in most instances, the State.

Of course, Mr. Speaker, once the purpose is for a public purpose, then the State has the right to acquire the land. Then, how do we reach the position that the land is for public purpose? It is not by any committee or special grouping. I believe, Mr. Speaker, that a careful examination of Section 2, places that power in the bosom of the Minister. Therefore, if the Minister has an opinion that he can put some hardwood houses on a land that is for a public

purpose, then he on his own accord can make the decision. His opinion rules and nothing matters.

Sir, we ask ourselves in this day and age, whether in the context of a constitutional democracy, in a state that is founded on the principles of rule of law, that is, respect for property rights to protect the citizens from deprivation of property, unless there is reasonable and adequate compensation. We have to ask ourselves whether we would allow the Minister to continue with that power. Sir, we have reached the time where we must remove that power from a single Minister, make whatever amendment is necessary, so that:

1. It will create transparency.
2. It will create some faith.
3. It will create a balance between the interest of the State and the interest of that person who worked long and hard to acquire that property.

The suggestion could be made to place it in the power of a committee, staffed by the interested parties, Sir, staffed by the Opposition members, so that there will be transparency.

House 148, Sequence 12, 12:00:14

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Mr. M. A. LASHLEY: Sir, we go further because here we have an Act with wide ministerial power, and then we come now to the power that the State has under this Act.

Sir, even before the process is completed, the Chief Surveyor can move in. I got calls, Sir, from persons who had legal title to the properties. Sir, all the Chief Surveyor has to do is to give 24 hours notice and he can move in with tremendous powers. Sir, he can dig or go into subsoil on such land, he can mark levels and he can do all other acts necessary to ascertain whether the land is adapted for such purposes.

Sir, we have the Act giving the Minister the power, and once it is in his opinion that it is for public purposes, he could move ahead; on the other hand, when it comes to the poor man, that is, the owner of the property, the Chief Surveyor can move in by giving 24 hours notice. Sir, even in my experience where there were some public consultations where the State is acquiring property for public purpose, and there is a town hall meeting, the actual persons affected are not given the information, they are kept in the dark. Sir, if you are saying to me that fairness, equity and justice should be components of a democracy, an Act like this should be subject to critical debate and examination so that the rights of the owners of land can be protected.

Sir, many complaints have been made in relation to compensations, and timely compensations, where the State has acquired the property and the owners of the land have to either wait or fight for their just due.

Sir, as I look through this Act, I recognise that it places a limitation period for persons seeking compensations. Sir, with your permission, I will turn to Section 21 of the Act, which states that no claim for compensation in respect of the compulsory acquisition of land shall be admitted or entertained unless it is made in writing to the Chief Surveyor, within two years after the publication in the Official Gazette under Section 5 of the notice of the appropriation of the land. Sir, a limitation period is placed by Section 21 on the purchaser in terms of compensation. Sir, the stark reality is that we cannot say definitively that the rights of property owners are adequately protected under the Act.

Sir, we have other agencies of the State, the Urban Development Commission and the Rural Development Commission. Sir, I have numerous examples where, sometimes close to election, the Rural Development Commission moves in to widen a road and takes up the land without even consulting the property owner. In fact, some of them go to the owner and say that we came here to take up some of this land because we were sent by some agent or agency to build a road. Sir, this happens to citizens who in some instances cannot afford an attorney and who would have to sit back, as the people say, and take what they get. Sir, they are not consulted with and no advice is given to persons saying that you have a right to contest or a right to compensation. Sir, as far as I could recall, nothing was said to the particular person about the right to be compensated.

House 148 Sequence 13

12.10 p.m.

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Mr. M. A. LASHLEY: Mr. Speaker, we are speaking about justice and why are we using private treaties in certain instances.

Asides.

Mr. M. A. LASHLEY: Mr. Speaker, under a private treaty arrangement, the Democratic Labour Party does not know how much money was passed by the State. We do not know anything about the transaction. As somebody would say, we do not know if the transaction was done in United States currency or in Barbados currency, but the poor man is left to suffer.

Asides.

Mr. M. A. LASHLEY: Sir, in relation to the Kensington Redevelopment Project, we know that land was acquired from corporate bodies and that those companies did not have to wait for two or three years before they were compensated, unlike the poor people who are still suffering for compensation. Sir, we cannot have fairness for one set and injustice for the other set. If I own land and the State acquires my land, then I believe I should receive my compensation in a reasonable time.

Asides.

Mr. M. A. LASHLEY: Mr. Speaker, the State is in a position where it could pay these persons. The State does not have to get a mortgage to get the purchase money to hand over to the vendor, the State has ready money and access to that money, therefore, it is inexcusable for the delay in not paying these people. Sir, it is inexcusable for the State to be limping along in paying out monies to persons who have had their land compulsorily acquired.

Mr. Speaker, there is another aspect to this matter. Sir, I do recall there was a consultation with respect to the State acquiring properties at Kensington, in a situation where some residents were wondering whether or not they had a right....

MR. SPEAKER: Honourable Member, there is no need to go to that as an example. Please make your point without being so specific.

Mr. M. A. LASHLEY: Mr. Speaker, some persons who were affected by the Act, asked if they had a right to an independent valuation. Sir, the only thing that we can speak to in relation to this Land Acquisition Act, is the fact that during the process, the State pays the conveyance cost and the legal expenses incurred in relation to the transaction.

Mr. Speaker, I would say that we must critically examine the Land Acquisition Act again. Sir, I believe it is high time that we look at the high powers extended under the Minister; that we look at the wide powers extended to the Chief Surveyor; and that this Act be totally revamped. Mr. Speaker, that is my contribution.

MR. SPEAKER: The Honourable Member will now wind up.

Hon. R. R. FARLEY: Mr. Speaker, I want to thank Honourable Members for their contributions in this debate. I want to say there are a number of points that have been made on both sides of the aisle, with which I agree, and that there are others which are a little short on the facts and therefore would have to be augmented by the facts, in order to make them substantive.

Mr. Speaker, the issues which have been raised concerning the deficiencies in the Land Acquisition Act, were, in fact, raised by me in my introduction. Some Honourable Members were not in their places at that time, and would not have, therefore, had the privilege of hearing not only those points being articulated but...

Mr. D. St.E. KELLMAN: On a point of order. The Honourable Member is misleading this Honourable House by giving the House the impression that the only way one could follow this debate is by being in the House. Sir, I think this is an insult to the Chair, when you would have fought so hard to ensure that we can listen to debate, even though we are out of the House.

Hon. R. R. FARLEY: Mr. Speaker, I thank the Honourable Member for his admission that he was in Moon Town, rather than being here.

MR. SPEAKER: But he was listening.

Hon. R. R. FARLEY: The Honourable Member was listening, I can give him that credit.

Mr. Speaker, the reality is that one of the reasons for delay in compensation - and there are, in fact, delays from time to time - is that, on a continuous basis, we have to make effort to ensure that all agencies of Government do, in fact, recognise and follow the procedures of the Land Acquisition Act. The reality is that this matter of following procedures, just like training procedures in private organisations, has a continuous process because when you think you have it all together in relation to the current persons occupying key offices, with a change of personnel you have to go over it again. In fact, that disconnection between the strict provisions of the Land Acquisition Act, in terms of process flow, is not driven only by carelessness or callousness, as has been alleged, but there are, in fact, situations in which in order for departments to exercise certain emergency functions on the behalf of the public, that they do, in fact, have to move.

Mr. Speaker, for example, in the case of land slippage, an alternative path would need to be found for a road. If you were to wait patiently for all of the provisions of the acquisition to be completed, the public would be greatly inconvenienced in terms of road access during that time. Therefore, an official of the Ministry of Public Work and Transport may, in fact, with oral communication, go onto lands in order to effect emergency work.

12.20 p.m.

Tuesday, October 23, 2007

(EDITED)

Hon. R. R. FARLEY: Sir, what is important and what is required is that very soon after the emergency action is taken that formal communications be entered into with the Ministry of Housing, so that we can properly regularise the matter and ensure that the rights of the landlord are protected. Sir, I would not want Honourable Members on that side to walk away with the impression or inadvertently give it, that there is either a sinister intention or a level of callousness attending the offices of Government as they proceed on each and every action, which then leads to delays.

Mr. Speaker, as I have said, it is a continuous process. The Ministry of Housing and Lands have reactivated the Acquisition Committee, which is a cross-ministerial Committee, the Minister of Housing, the Minister of Public Works, now also involving the Urban Development Commission and the Rural Development Commission, where we seek to meet to discuss what projects are going on and what acquisitions are required. In addition, the Planning and Priorities Committee, which is run by the Ministry of Finance and Economic affairs, also meets. In fact, there is a meeting coming up and when I looked at the Minutes of July 27th and July 28th, I was able to identify 10 or so projects, in which action is required by the Ministry of Housing and Lands on acquisitions and leases. Sir, in meeting with the officers, I have indicated to them that we need to make sure that we have moved those projects forward in terms of the actions we take.

Mr. Speaker, there is, in fact an institutional capacity and an institutional mechanism in place to deal with the information flow...

Asides.

Hon. R. R. FARLEY: Sir, of course, it could be improved because there are never perfections in these matters but I want to make the point to Honourable Members that we are sometimes not aware that an agent of Government has gone on to the land before the fact, but that is often due to the need to undertake emergency works also in the public interest. Mr. Speaker, we will work continuously to ensure there is a coincidence of timing between necessary emergency steps and bringing matters into regularity.

Mr. Speaker, the other reason for delay in terms of compensation, as I indicated in my introduction, also lies in the imperfection of the estates of a number of parties. We are not able to see newspapers in here but somewhere in public commentary published on a daily basis, there was a few days ago, advice from someone recommending to the public that they need to prepare for the future, that they need to make Wills and that they need to look after legal affairs.

Asides.

Hon. R. R. FARLEY: Sir, in order to put your affairs in orders with respect to your home, car, how you want to dispose of your property on death, supposed you were to meet and untimely death, whom do you want to care for your children... Sir, husbands and wives go away on holiday often but, what would happen if the unforeseen were to occur. What would happen to house, who would look after the children and how is your property titled, so persons need to consult their attorneys often but, unfortunately, that is not a Barbadian tradition.

Mr. Speaker, the Honourable Member for Christ Church East Central raised an interesting point. He raised the question about whether persons in Wilcox, Pilgrim Land and Fairy Valley have been compensated. Sir, he even alleged that not a fellow had received any compensation but, Sir, that is not correct. Sir, all persons have not been compensated because it is an ongoing process and in some cases all of the acquisition proceedings have not been completed but some of the persons have been paid. However, I want the Honourable Member to be aware that several of the persons that he knew, while he was growing up and several of the persons that I know, whom we had assumed were the owners of the property in the legal sense, in terms of their entitlement to the fee simple, and all other interesting matters, are not in fact the owners in that regard. They were in full and undisputed control, they had all the rights to execute everything else except being able to sell the property because the property was still in the name of the estate.

Sir, I would not be invidious and call names but in relation to some of the family names that he mentioned, compensation had, in fact, been paid to those estates. What the Government has done is that in order to ensure that the person living there was not disadvantaged, that person has been given a house spot to rent with the option to purchase but the estate was paid because the person was living rent-free on land owned by a family member but was, in fact, not the owner because the land was part of a larger parcel. Sir, that person was under full control.

Mr. Speaker, in several of the cases, the estate was paid, persons who were there as cousins, grandchildren and so on were living rent-free, there was no issue and no one would have challenged them concerning their capacity to control the land they occupied but, in truth and in fact, under the law, we are only able to pay to that person, which our research shows has the entitlement to the fee simple in the land so, Sir, it is all in the family.

Mr. Speaker, I also take issue with the assertion of the Honourable Member for St. Philip North, where he says that there are cases, where the client has done all that he has to do and yet has not been paid. Sir, there has never

been such a case. The reality is that very often there are still some items to be done by the client, for example, there is a case, known to the Honourable Member for St. Philip North where the client will be paid but the matter involves two sets of legal transactions; the client came by the property by way of Deed of Gift. His attorney submitted the Deed of Gift but not the title but the office said that he needs to show the title. The Title was shown but then an agreement concerning the other matters was to be signed but the client said he was not signing the agreement.

Mr. Speaker, the Crown cannot, in good conscience, and the officers acting on behalf of the Crown, bring the matter to a final conclusion because the formalities have not been concluded in the matter. Very often, as the Honourable Member for St. Philip North is aware the matters turn on the conclusion of a fine legal penny and, Sir, those are the situations. Sir, what I can agree with attorneys in the profession, landlords and interested members of the public and, certainly, I have said this to the officers at the Ministry as well, that where we see that there is a matter which the client has to do, and it has taken some considerable time to do, we have a responsibility as well to remind the client. Sir, being a person of practical affairs, I know that sometimes it might slip the client, sometimes it might slip the attorney of the client and there is not only nothing wrong but everything right about the Ministry pursuing clients and their attorneys to bring matters to conclusion rather than both sides taking the position that they are waiting on the other.

Mr. Speaker, if you say that there are matters sometimes on the part of the Crown and sometimes on the part of the client that holds up the compensation and make it a long, drawn-out process, I can agree, but there are not cases, where everything has been done by the client and compensation is not paid. I believe if we do our research, we will find that there might be a few cases where the moneys have been paid over in the custody of the High Court because...

H148/12:30

Sequence 15

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Hon. R.R. FARLEY: ...the matter is concluded, but there is no acceptance of the funds, and you can go home from there.

Sir, I want the public to be rest assured that, it is neither the policy nor practice of the Government, to take lands from citizens with no intention to pay, that also, as was mentioned in the debate, citizens are not only entitled to be represented by their attorneys-at-law, but they are paid by the Government in acquisition proceedings.

Sir, unfortunately, as in the case of perhaps several other matters, sometimes there some clients who, even though they have an attorney, also want to pursue the matter on a separate parallel track themselves. They do it in insurance and personal injury cases, and if they could go to the court directly and do it in criminal matters, they would do it too.

Sir, clients, just like the case with doctors, some of them go the doctor and the doctor says what is the prognosis, and they would then hear a friend who has neither been sick nor trained as a doctor, not even trained as a nurse, who would give him some advice of what to take, some bush tea, some kind of fermented and spirited beverage, or some other concoction, and he would follow that advice, notwithstanding that he consulted with his doctor. Therefore, the reality is, you have owners of land who themselves believe that they are more skilled and knowledgeable in complicated matters of land than the lawyers that they are paying or that the Crown is paying on their behalf, or because someone tells them that you must do so and so. They usually come to you and say that some person told them his, and they could never say who the person is.

Sir, in issue of land acquisition and how the Act functions, whether it is fair or unfair, how individuals are treated in relation to conclusion of matters and conversation with Government, yes, there are some problems, but there are also those instances in which individuals have not acted on sound professional advice. They have not followed the advice of their attorneys and they find themselves in problems which could otherwise easily have been resolved. Sir, I want to urge members of the public that they need to operate in this way.

One confession I would make, in those instances where members of the public have had portions of their land utilised in emergency situations or otherwise, by agencies of Government, for road works for other purposes, and have not heard from that agency in terms of compensation, they should feel free to contact the Ministry of Housing and Lands in writing to make the request. We would usually verify with the Ministry, that they have in fact executed the work, and initiate the process for compensation.

Sir, in fact, in order to make the connection between project activity, land required for the project and compensation, the Minister of Finance and Prime Minister, himself, has directed that the acquisition cost of land, be included as a key identifiable component of every project requiring acquisition of land for that purpose so that, there is no giving a project cost, for example the cost of a building alone, where land is to be acquired for that building, or the cost of a road is not given merely in terms of the limestone, asphalt and concrete, but also in relation

to any acquisition cost. Those project costs are provided as part of the project, to make sure that officers pursue all of the matters, including compensation for lands, used as part and parcel of the project.

Sir, the matter of Private Treaty versus Compulsory Acquisition, one of the contributors from the other side did not seem to know... It was not the Shadow Minister of Housing, it was one of the other spokesmen. Sir, someone might have given the impression that they were not aware that Government's use of Private Treaty is within the Land Acquisition Act. Do you know that? Somebody else, in their speaking, gave the impression that they did not know. I cannot remember who it was, so I cannot press too hard on that one. Sir, what I can press on is, the hint and suggestion by Honourable Members on that side, including my good friend, the learned and Honourable Member for St. Philip North, that the Compulsory Acquisition is used for poor people and Private Treaty for companies, and that poor people and persons with small properties are disregarded, and have to go through the long procedures of Compulsory Acquisition, but Private Treaty is for big companies. Sir, nothing can be further from the truth.

Sir, every day, in communities across Barbados, where there is straight direct agreement between the owner and the Government where on amount of land used and the value of the compensation, private treaty arrangements are made. Sir, in a district where the Government cuts a road to improve the district, and you require a 3-foot wide strip of land from every land owner, going down in the back, where the parties agree, that does not have to come and trouble Parliament. You agree on the value and you pay each person \$1 800, \$2 000, \$5 000, \$10 000 or whatever the figure may be, once there is an agreement.

Sir, the compulsory part of the Act, like I said in my introduction, is to ensure that where in the middle of that strip, going down in the back, one person does not agree, you do not hold the process up whilst waiting for that agreement, so you may have to take compulsory acquisition in that regard.

Additionally, given that a person is not in a position to sell that which they do not own, the resident in the middle of road, who does not own that property is not in a position to be the one to do the transaction. Therefore, in order to gain access whilst working out those issues of proving estates and sorting out Wills and whatever, the decision is made to go the Compulsory Acquisition route so that you would be able to sort out those other legal issues.

Sir, again to prove that Private Treaty and Compulsory Acquisition are not synonymous with the income status of the landowner, only in this very Honourable Parliament, compulsory acquisitions were

brought before this Parliament, to compulsory acquire land from Sandy Lane Estate and Cave Shepherd, and they are neither small nor poor.

Sir, let us be serious. I know the Honourable Member is stretching to make a political point, but he has pulled a political muscle trying to make that stretch. Sir, both approaches are well within the Land Acquisition Act, as they would both be used from time to time as circumstances warrant.

Mr. Speaker, I believe that those are some of the main points that have been made. I disagree with the Honourable Member for St. John, in his view, that the Land Acquisition Act is used as a sword against the people, rather than a shield.

Sir, the facts of the matter are, without the power of the Land Acquisition Act, the vast majority of developments that have occurred in Barbados would not have occurred. The Honourable Member knows full well, as do all of us, that given the history and origins of this country, that many of the landowners would not have wanted to give permission for roads to go on their property and they would not have agreed to sell their properties. There are many person who, even today, do not want to have playing fields near them. There are persons who do not want to have schools near them. They are persons who have objections to public facilities being near them. It is true.

Sir, the reality is, the Land Acquisition Act allows us to do things like drainage. Do you know that they are people who do not want to have a well on their property? Sir, the very well that will keep water from flooding them out; not even a little 3 feet or 4 feet off the side of the road. We are not talking about being smack in the middle of the property.

Asides.

Hon. R.R. FARLEY: Sir, I am making the point that in the absence of the Land Acquisition Act, which, by definition of a public purpose, carries implicitly and explicitly the reality that it benefits the majority, the vast numbers of people, we would not have been able to do anything.

H148

Sequence 16 12.40 p.m.

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House 148, Sequence 17, 12.40 p.m.

Hon. R.R. FARLEY: Sir, take for example, as I close, the whole area of Wildey. The lands at Wildey, St. Michael that run from The Caribbean Development Bank, the Pine Community, the housing developments in Wildey, the Gymnasium and the industrial park section of Wildey, were acquired in around 1969.

Sir, the land which forms the wonderful and lovely Silver Sands Beach Park and Facility and the surrounding areas, was not all the Government's land. The land that forms Wanstead, Oxnards, Husbands and the University of the West Indies Cave Hill was not all Government land.

Sir, the reality is that the map of 1780 of Barbados shows Barbados divided into more than 200 large and small plantations, about 12 large ones of the 200 small holdings. It shows as well, Sir, much of what is now the Highway 1 to 7 infrastructure, radiating from central Bridgetown, and some cart-roads.

The reality is that our history, our origin and even our modern day reality, is that individuals will buy land for a particular purpose today, and as time and circumstances change, the Crown, acting on behalf of the public, may for economic, social or environmental reasons, need to have access to a piece of land and, therefore, the Crown needs to acquire it. Sir, all that is required is for the rules governing compensation to be fair.

Mr. Speaker, we have already said that it is our view from the Ministry's perspective that there are some improvements that could be made in that regard. For example, the Act as it presently stands, imposes on the Commissioner of Land Tax as our valuer, the mandate of treating all land as agricultural, as a base for evaluation. Sir, that does not match reality today and those are the changes that can be made.

Therefore, once the rules for compensation are clear and fair then the Crown's need for the private lands, will not deprive the landlords of their rights, because those rights will be replaced by value, which is equivalent.

Sir, with that, I want to move that this Resolution to rescind the Resolution previously approved by this Parliament do now pass.

Hon. Dame B.A. MILLER: I beg to second that, Sir.

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

SUSPENSION OF SITTING

Hon. R.C. EASTMOND: Mr. Speaker, I beg to move that this House be now suspended until 2.00 p.m. today.

Hon. Dame B.A. MILLER: I beg to second that, Sir.

The question that the House be now suspended until 2.00 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.

House 148, Sequence 17, 12:43:38

Tuesday, October 23, 2007

RESUMPTION

Mr. SPEAKER: This Sitting is resumed.

ORDER No. 2

RESOLUTION TO APPROVE IN ACCORDANCE WITH SECTION 5 OF THE LAND ACQUISITION ACT, CAP. 228, THE COMPULSORY ACQUISITION BY THE CROWN OF THE PARCELS OF LAND SITUATE AT QUEEN STREET, SPEIGHTSTOWN IN THE PARISH OF SAINT PETER IN THIS ISLAND, FOR THE PURPOSE OF PROVIDING AN ACCESS ROAD TO PRESERVE THE TRADITIONAL ACCESS OF THE RESIDENTS AND TO ALLOW VEHICULAR ACCESS TO THE AREA PARTICULARLY BY EMERGENCY AND SERVICE VEHICLES

Hon. R. R. FARLEY: Mr. Speaker, this particular Resolution, is the companion Resolution to Order No. 1 previously approved by the House of Assembly. Sir, this Resolution seeks to approve in accordance with section 5 of the Land Acquisition Act, Cap. 228, the acquisition of land at Queen Street, Speightstown to allow for the purpose of providing an access road to preserve the traditional access of the residents and to allow vehicular access to the area particularly by emergency and service vehicles.

Mr. Speaker, as was indicated, this Resolution was before us previously but with the wrong public purpose. The previous Resolution has been rescinded. Sir, I want to assure the House that everything is in order for this Resolution's introduction and approval by the Honourable House of Assembly so that those persons in this small community of Queen Street, who have used this pathway for over 100 years, would be able to have the pathway improved and upgraded so that their comfort would be assured, and so that in keeping with what one would expect in the 21st Century in terms of minimum standards of amenities in communities - certainly vehicular access is one of those amenities - that access, especially to Sanitation

Service Authority vehicles, emergency vehicles and other public services, would be available through this improved infrastructure.

With that, Mr. Speaker, I beg to move that this Resolution do now pass.

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

Mr. D. J. H. THOMPSON: Mr. Speaker, I just have a few questions for the Minister. The first is that as I understand it there is an existing traditional access to the houses that are in the immediate area, and there is also an access into the development right next to the area where the land is, but there is a piece of land in between the traditional access and that development of Schooner Bay, which would be a small area, which I believe amounts to the area that is being acquired, so what is the proposal for this area, because the traditional access already exists. As I understand it, the owners may even have prescriptive rights over that area, so what would be the purpose of Government still acquiring this additional land on which, as I understand it, a muffler shop once existed and there is another lot that is opened. In other words, acquiring this land is not necessary to establish vehicular access because the access is already there, and the owners of the land already have or may have, as I understand it, prescriptive rights, so what is the purpose of the acquisition.

Mr. Speaker, I assume the Honourable Member cannot tell us what the likely price would be although this matter had been long in negotiation. We are told that it is in excess of \$600 000 even for such a small area of land, so we would like to know why the Government is acquiring it at this potential price when it is really not necessary to achieve the objective of which the Minister has spoken.

House 148 Sequence 18

2.10 p.m.

Tuesday, October 23, 2007

Mr. D. J. H. THOMPSON: Mr. Speaker, this is relevant because heavy weather was made this morning, and rightly so, about a public purpose. Therefore, there could be no public purpose served, unless there is some doubt about the rights of the landowners to pass and repass over the traditional access, by acquiring this land. Are you making the access wider? Are you putting in parking facilities on the land between the access and the development known as Schooner Bay? What is the public purpose that is being served in this regard? Sir, as I said, the access already there is adequate for the purposes for which the public purpose is set out, which is to preserve the traditional access to the residents and to allow vehicular

access to the area, particularly by emergency and service vehicles.

Mr. Speaker, those are my main questions to which I would hope the Minister could provide the answers.

Hon. R. R. FARLEY: Mr. Speaker, the answers to those questions are very simple. The purpose of the acquisition is, indeed, a public purpose. It is, as is stated, to provide vehicular access to the properties thereof. My information is that in the specific area where the land in question is shown on the plan, which the Honourable Member has, there are, in fact, six residences which would have used an access adjacent to the Schooner Bay wall. This specific area, by way of acquisition, is to ensure that those residents would have better access. It would clearly show there is a small "L" shaped piece of land between two landowners, one being 183 square metres to be acquired from Fort Dignity, the owners of Schooner Bay, and 322 square metres to be acquired from Rita Licorish, to facilitate this access.

This access is for six houses close to the Schooner Bay Development and that, indeed, is public purpose, based on the information I have seen here. I am fully satisfied that it is an essential acquisition, in order to bring completion to this matter, to ensure that they too are able to have vehicular access to their homes.

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

Hon. N. A. LYNCH: Mr. Speaker, I beg to second that, Sir.

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

ORDER NO. 8 – RESOLUTION TO APPROVE IN ACCORDANCE WITH SECTION 5 OF THE CROWN LANDS, (VESTING AND DISPOSAL) ACT, CAP. 225 THE VESTING IN THE NATIONAL HOUSING CORPORATION OF PARCELS OF LAND THE PROPERTY OF THE CROWN SITUATE AT KENT IN THE PARISH OF CHRIST CHURCH IN THIS ISLAND FOR THE PURPOSE OF HOUSING DEVELOPMENT.

MR. SPEAKER: The Honourable Member for Christ Church East. Honourable Member, before you speak, let me say that I gave a lot of latitude earlier because I saw that it was appropriate to do so. With this vesting, it is a simple vesting and therefore I will not entertain matters relating to housing policies and so on because it is clear that Honourable Members would not be prepared for that. I do not object to it but I think that a housing policy debate is not what we are having here now.

Hon. R. R. FARLEY: Mr. Speaker, I thank you, I will be so guided. Sir, this matter as so aptly described by you is a simple vesting matter.

Asides.

Hon. R. R. FARLEY: Yes, as Bajans would say, for purpose, as in being deliberate, and for purpose, as in the reason.

Mr. Speaker, this Resolution relates to 11.391 hectares, approximately 28 acres of land at Kent. This is two parcels at Kent, Christ Church, which is owned by the Crown. Sir, going back to the 1960s, this land would have come to the Crown by way of a transfer of the larger parcels of Wildey Estate, which, at that time, would have included lands stretching as far across as the Samuel Jackman Prescod Polytechnic, the Caribbean Development Bank, going down to Automotive Art and those businesses there, Pine and Wildey Estates and into Kent.

Over a period of time, Government has developed parcels of that land for various purposes. The Pine Industrial Park, the Caribbean Development Bank, the Garfield Sobers Sports Complex, are all part of the land. These two remaining parcels of that land are to the eastern portion, going between Elizabeth Park on one side, the southern development overlooking Kent and Kent Development itself, just west of St. David's Village, also near to Fort George Heights. Sir, what we are seeking to do is to vest this parcel of land into the National Housing Corporation, for the purpose of housing development. In terms of the areas to be vested, one parcel is some 5.2 hectares and the other is about six hectares. Those are listed on the various maps that are here with us.

Sir, beyond those few facts and details, there is nothing spectacular about the vesting activity. As you know, there is a great thrust on the part of the National Housing Corporation to add more housing for the residents and this land is again for that long tradition of development of the Crown, in both acquiring land and vesting land for the purpose of housing development.

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

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

Mr. D. J. H. THOMPSON: Mr. Speaker, I am being mindful of your ruling and I am going to stick to the National Housing Corporation, to Kent, and to the question of the development in that area.

Mr. Speaker, I think it would be remiss of the Minister not to have informed the House that the National

Housing Corporation has already given an option on approximately 54 acres of land at Kent, Christ Church, to a joint venture arrangement. I believe the Minister must be aware of this, even though it may include only a portion of the land which is currently being vested. Perhaps the Minister would like to give the House some details as to who are the principals of the company to which the National Housing Corporation, in July 2005, gave this option to carry out a development, and to whom the National Housing Corporation were prepared to sell the 54 acres of land for \$16 million.

Mr. Speaker, I believe things are already in train and if the Minister is properly advised, then he should tell us how far in train they are and who are the people out there, who are soliciting money towards this development. The Minister should also tell us how these people were chosen for this development, whether the option still exists, whether they have come up with the money, and all of the other related details.

2.20 p.m.

Tuesday, October 23, 2007

(EDITED)

Mr. D.J.H. THOMPSON: I think it is very important for the Minister to do because I do not believe he was attempting to mislead the House. I would say that your ruling may have caused him to believe that he should not be as fulsome with the House as he really should be because it would be...

Hon. R. R. FARLEY: Mr. Speaker, on a point of order. Except that the Honourable Member is misleading the House with a suggestion that I have not been as fulsome as I should be or could be, there is no arrangement made on this plan, which is before the House and that all pertinent details relevant to these parcels of land, which are before the House, have been advanced. Indeed, Sir, the National Housing Corporation could not engage in any proposal to sell that which it does not own and until this Parliament approves this land, then this land cannot be the subject of any proposal to engage in any development activity. Sir, I just want to speak on the fact that the Honourable Member is misleading the House by suggesting that I have not been fulsome in presenting details relating to the two parcels of land, which are before us.

Mr. SPEAKER: You are saying that the Resolution is not about what the Honourable Member is talking.

Mr. D.J.H. THOMPSON: Mr. Speaker, I am sure you would agree with me that if the Government is vesting 16 acres or thereabouts of land in Wildey, St. Michael, part

of Kent, Christ Church, in the National Housing Corporation, that the House should also be told that the National Housing Corporation already owns 54 acres in that area, which it has agreed to sell for \$16 million to two private companies in a joint-venture arrangement and, I am asking whether this additional 14 acres will also be part of the facilitation extended to this private company and will be added to the 54 acres, which the Government has already agreed to sell to that entity. Sir, that is all I want to know.

Mr. Speaker, I know you may want to constrain the debate only to those 15 acres but if those 15 acres add to land that Government has already owned and has been vested in the National Housing Corporation in the same area, I am saying that the Minister needs to be very clear with the House in that regard and he needs to say something. What is happening to the land at Kent? This is since 2005, that the option was made available and was subsequently extended on several occasions. Sir, that land has been tied up in hands of people, who cannot undertake the development because they do not have the money. Sir, they do not live overseas, they live here in Barbados, so 54 acres of Government land, at Kent in Christ Church, owned and already vested in the National Housing Corporation has been tied up in this company, Premium Developments Limited.

Asides.

Mr. D.J.H. THOMPSON: I do not know if the Minister knows about it. Would he like some information on it or does he already have the information? I know the Minister knows who are the principals and how they access that land but I would not deal with that now. Sir, I do not like to call names like that because the Parliamentary Privileges, Immunities and Power Act should not be used in that way.

Mr. Speaker, I am only saying that even in the context of this debate and the limitations that were imposed by you, why would the Government vest another 16 acres in the National Housing Corporation when it has already, two years ago, entered into an arrangement with a private company and that land has been tied up for two years, when people are so starved of land in this country; when people want to get on with the thing of house building; when there is an absence by the National Housing Corporation of an ability to deliver on its mandate. The Government is trying to find all kinds of roundabout ways...

Mr. Speaker, I am not going into a housing debate but I am saying that this is a joint venture arrangement and it does not make sense entering into all of these roundabout arrangements which, at the end of the day, produce nothing of benefit to the citizens of this country by way of making

land available to them. I am hoping that the Minister is not going to tell us that this additional 16 acres or thereabouts is going to be made available either to the same group that cannot deliver but is very much favoured to have had that option extended for over two-years, - and I wonder why and no doubt the Minister wonders why - or whether this 16 acres is going to be put under such an arrangement or whether there is a definitive plan.

I do not want the housing details because I do not want the Minister to offend your ruling - even though he is wrapping up and if he did so, nobody could complain - but I want to know whether there is any specific housing solution that is being considered for this land that is being vested in the National Housing Corporation. In other words, is it being vested for the building of a building similar to that in Warrens; is it being vested there for the building of a building similar to that in Country Road; is it being vested so that it could enter into a joint venture; is it being vested for low-income housing, middle-income housing; villas; condominiums or what? Mr. Speaker, the country is entitled to know why it is being vested in the National Housing Corporation.

Mr. Speaker, I am only saying as a word of caution that I hope that at the end of the day that this land will not find itself in the same arrangement of disability that the 54 acres suffer under as a result of Government making a very unwise decision to wrap that 54 acres up in an arrangement that was impossible to execute.

Sir, I thank you.

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

Hon. R. R. FARLEY: Mr. Speaker, this parcel of land is not the subject of any of those matters, which the Honourable Member for St. John raised. The Honourable Member is quite aware that there is a board at the National Housing Corporation, which will, in due time, once they are in possession of these lands, make such proposals and determination concerning the usage of the land as would be consistent with the Housing Act, under which the National Housing Corporation was created.

Sir, suffice it to say, the terms of our general policy and programme, and consistent with other developments and characteristics of the area, it is proposed and recommended to the National Housing Corporation that the area be used for the development of lower to middle income housing, single, detached houses on regular size 4 000 square feet lots and up as in a typical National Housing Corporation development. Sir, that would be the general framework within which the Board will make its specific decisions concerning the application of these two lots, hopefully Sir, with the approval of Parliament to be vested

within the National Housing Corporation for the conduct of the housing programme of that entity.

Mr. Speaker, there is no pledge or commitment of these lots to any such programme and the fact that the corporation's joint-venture programme has identified housing lots across Barbados, some of which are to be developed by the National Housing Corporation itself, others to be developed in partnership with private developers and construction companies is not unusual, neither is it new. Sir, it has been used in Barbados in developments over the past 30 or 40 years.

I believe that a mix of strategies will continue to be used including the provision by the National Housing Corporation of land to private developers, joint venture arrangements with developers, where National Housing Corporation puts in land and they build the houses as well as National Housing Corporation building houses on lands of private citizens in joint venture with them. Sir, this is all part of a wide policy, which was used over the past four decades and will continue from time to time to be employed by the Board of the National Housing Corporation.

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

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

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

H148/14:30

Sequence 20

Tuesday, October 23, 2007

ORDER NO. 9 – RESOLUTION TO APPROVE IN ACCORDANCE WITH SECTION 5 OF CROWN LANDS (VESTING AND DISPOSAL) ACT, CAP. 225, THE LEASE TO THE NATIONAL CULTURAL FOUNDATION OF A PARCEL OF LAND, THE PROPERTY OF THE CROWN, SITUATE AT QUEEN'S PARK, CONSTITUTION ROAD, IN THE PARISH OF SAINT MICHAEL IN THIS ISLAND FOR THE PURPOSE OF THE REFURBISHMENT OF THE STEEL SHED, THE STABLES THE DAPHNE JOSEPH-HACKETT THEATRE AND THE QUEEN'S PARK GALLERY

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

Hon. R.R. FARLEY: Mr. Speaker, this matter relates to the lease of land to the National Cultural Foundation, and the area in question relates to approximate 8 566 square metres of land. This land forms part of Queen's Park. Let me explain.

Sir, for the purpose of this development, Queen's Park was demarcated into two areas. One area would be the playing field, gazebo, walkway and other general public areas, that continues to be under the full control of the Crown. The other area in question, which is a relatively small area, consist of the Daphne Joseph-Hackett Theatre, the Stables and the Steel Shed, that, as you know, is in a compact area to the northwestern side of the Queen's Park. It is proposed to lease that area of land to the National Cultural Foundation for that institution, which is responsible for the management and development of cultural affairs in Barbados, to do the necessary refurbishment of the facilities at Queen's Park and to enable them to be better utilised for the advancement of the arts.

Sir, you may wonder why it would be necessary to lease these lands to the National Cultural Foundation for this purpose. There are two reasons, basically. One is, the lease would ensure that there is a clear and proper right of control of the assets which are there, and that there is no doubt which institution of Government, the National Cultural Foundation, though Government, is a Statutory Board and not part of the Crown, in the sense that the Ministry of Housing or the Ministry of Labour is, for example. The other reason, in terms of leaving the options open for the National Cultural Foundation, which may, for example, make use of availability of funds in the capital markets to secure loans, for example, in order to refurbish the facilities. Sir, being in possession of long-term lease, allows them to leverage the assets, which are there as security for the loan. Sir, we expect that the public would benefit from this investment.

I would strongly hope and suggest that the National Cultural Foundation would in fact go in that direction, so that at a soon date, funds would be available for the refurbishment of these facilities and for restoring them.

Sir, over the years there have made an important contribution to the development of the arts. I am sure that you, on many occasions, warmed the seats of the Daphne Joseph-Hackett Theatre in observing some play, show or other cultural performance.

Sir, the Steel Shed has long been associated with other aspects of our culture. Generally speaking, the Stables have been used by the National Cultural Foundation for much of their training over the years, in the early years of Cropover and related activity.

Mr. Speaker, essentially, the matter of who controls, who keeps the keys, who maintains, who locks and unlocks, who is responsible for maintenance to ensure that the doors are hanging properly on their hinges and bathrooms are working, really this lease attempts to ensure that is properly passed to the National Cultural Foundation. It is also of such a duration and nature, that if the National Cultural Foundation needed to make use of the assets to raise funds, or do a complete and thorough restoration, that option is fully there for them.

Sir, the nature of this lease, the terms and conditions are fully consistent with other leases, which have been entered into by the Crown, not only to other Government institutions, but also to some non-Governmental institutions, whose work we seek to facilitate by way of granting them access to property, for which they would then be fully responsible.

Sir, of course, the usual terms and conditions would include no subletting or assignments without the Crown's permission. Improvements will revert to the Crown at the end of the lease. Essentially, the building and that part of Queen's Park always remain part of the Crown, and at the end of the lease period, they would revert to the Crown. The Crown must still give permission for any proposed development, so that there can be no possibility of any development there of the National Cultural Foundation, not being consistent with the character, Government's direction and view of what Queen's Park should be. As is usual with these leases, the lessee becomes responsible for all rates, taxes and other outgoing. It is boiler plate issue... as far as leases go, but I think that the wonderful opportunity is for the National Cultural Foundation to be put into more firm control of those assets, which in truth and in fact, have over a sustained period of time have been employed in pursuit of the arts. The issue of who maintains has not been as certain, as we are seeking to make it possible today, by this lease which I am asking this Honourable House of Assembly to approve.

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

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

Mr. R.D. JONES: Mr. Speaker, indeed, culture is one of these dynamic and expressive entities of any population. When one looks to enhance its promotion and development, one has to have the facilities for the expression of the culture of the people regardless of whatever format or style, or how that expression takes place. Therefore, the leasing of this land to the National Cultural Foundation to undertake the refurbishment of the Steel Shed, Stables and the Daphne Joseph-Hackett Theatre

and the Queen's Park Gallery, is, indeed, an important gesture in the development of Barbados.

Sir, it is, nevertheless, unfortunate that these facilities, which are within this Resolution have been allowed to fall into such dismal decay. I can well remember, when a vibrant history department and political science department of the University of the West Indies, used to have the Steel Shed alight with discourse, debate and discussion. It was a central facility really catering to persons, who can get off the bus from many parts of Barbados, and just drift up or down the road, to partake of the activities with that particular facility.

I believe that the Steel Shed was constructed at some cost. I do not know the figure. Some years ago Calypso Tents and dances used to be in there before it was refurbished, it was really a hive of activity, giving that expressive face to the rhythm of the people of Barbados.

Sir, the Stables themselves have some historical value, and one is hoping that the National Cultural Foundation, or whoever is looking at this construction would maintain its general facade, and stuff like that.

H148

Sequence 21 14.40 p.m.

Tuesday, October 23, 2007

House 148, Sequence 22, 2.40 p.m.

Mr. R.D. JONES: We cannot necessarily replace facilities such as these with the kind of premium that they carry to the historical legacy of the country. Therefore, that too is important.

The Daphne Josep-Hackett Theatre named after an extremely brilliant lady in the arts, fell into some decay over a period of time. I remember going there to "Laff-it-Off", "Pampalam" and other plays put on by the Green Room Theatre, names you do not hear of now. But there was a vibrancy in the performing art, the theatre arts and the dramatic arts because there was a facility which those persons could use to ensure that what they were doing could have been displayed before the public. The same applies to the Queen's Park Gallery, which at any given time of the day, persons could go and watch the visual arts.

There were many artists of Barbados, who displayed their ware at the Queen's Park Gallery. Tourists and locals alike are filtered through and appreciate what is captured on canvas or whatever medium, which was being used by the particular artist in that particular way. I too, as a youngster ventured there for many of these activities. Therefore, one would want to see the complete

refurbishment and rehabilitation of the entire area that is being covered by these four areas, and the lease of the land to ensure that these things come back to life. Indeed, for men to take on the challenge of bringing back to life edifices such as these, is great for any society.

The Democratic Labour Party understands what can happen with a society that appends itself very strongly to the cultural dynamics, to the force of culture as the life force and the life blood of the people. Therefore, the lease is supported on this side. As I said, we have always stood in support of any activity, which will give all the people an opportunity to experience their own country but I think that what we need to state is that overall generally, and other infrastructure, which gives the expression to the culture of the people do not fall into such dismal decay where then you have to spend even larger amounts of money than you would hitherto have to spend.

Sir, one is therefore asking the National Cultural Foundation and generally the State sector as a whole, to carry out the kind of investigative work, which would ensure that the regular and appreciative type of maintenance are carried out on facilities such as these and other facilities of the State, so that the cost of bringing them back to a useful role would not be so great.

Thank you very much, Mr. Speaker.

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

Hon. R.C. EASTMOND: Mr. Speaker, the Queen's Park compound represents an important legacy in Barbados. It also represents a national treasure. It is a legacy, Sir, because there were those who preceded us, who had the wisdom to carve out this park and leave it for our benefit.

It is a national treasure, Sir, from the standpoint that not only persons who live in St. Michael and the City of Bridgetown in particular, but Barbadians generally have been able to go to various activities in Queen's Park.

In my own experience, I became familiar with Queen's Park during the days of the ancient Exhibition, when a young lady from Boarded Hall, Christ Church told me to meet her by the clock. She then took me on a tour of this Agricultural Exhibition that was held there, until the early 70s. The time was well spent. The relationship itself is now spent.

Asides.

Hon. R.C. EASTMOND: Sir, when we speak of a national treasure, as the Honourable Member who just spoke said, we have a duty to ensure that these national

treasures do not fall into a state of disrepair. The Honourable Member was right when he said so, in fact, if the Honourable Member had spent time to develop all the points he made, he could have spoken for two hours in here on this matter.

Sir, the fact of the matter is that notwithstanding the presence of the Daphne Joseph-Hackett Theatre, and the Steel Shed, the fact is that Queen's Parks as is, has been craving the correct lessee for a long time. When we think of Queens Park, let us not forget that Queens Park has been the home to the famous Spartan Club. Therefore, Queens Park has been known even for cricket. It has also been known for art, plays and theatre.

I recall many years ago that the Barbados Labour Party kept its Annual General Conference at the Steel Shed. The Honourable Member for the City would tell you, such was the reputation of that particular unit, within the Park for the facilitation of special events.

Sir, I am saying that this lease is in order and the lessee is the correct lessee, because the National Cultural Foundation is going places. Prior to the establishment of National Cultural Foundation, we used to hear from our neighbours in St. Vincent, Dominica, Grenada and Trinidad and Tobago that Barbados did not have any culture.

Sir, before the establishment of the National Cultural Foundation, there were those in Barbados who sought to counter those arguments by the establishment of parallel institutions. For example, the Yoruba House, which was a private sector, privately driven institution that set up culture to acquaint the world that, yes, we in Barbados do have a culture.

I anticipate, Sir, that during the course of this lease, all of Queen's Park will be properly refurbished. I expect, Sir, that Queen's Park will be able in an even greater way than before, to advance the cause of culture. Sir, by culture, I am referring to such things like folkways.

I still think that there is scope and room for investigations and research into folk and folkways of Barbados. Sir, such research should be able to bear fruit and tell us what life was like between 1838 and 1938 at the cultural level. I also anticipate that the lease would promote folkways, as I said, art, dance, music, poetry, short story writing and short story reading.

Now, the Honourable Member for Christ Church East Central did mention culture in the context of culture as economic activity. He mentioned it but he did not go into it in any tremendous detail, not because of any slip of intellect, but because he just chose not to go into it.

Sir, in the context of where Barbados is, and where we need to diversify our economic activity, there is no doubt that this country in its commitment to the diversification of economic activity, has to lend support to those new cultural industries, which are evolving at a very rapid rate in this country.

I again say that there are those youngsters involved in culture, dance, poetry, drama and theatre arts, who now would be able to use a centrally located area - and this is one of the advantages that Queen's has on other locations - it is a centrally located area and people are going to be able to use this centrally located area to their benefit.

House 148, Sequence 22, 14:50:14

Tuesday, October 23, 2007

Hon. R. C. EASTMOND: Mr. Speaker, at one level, culture can be viewed as an expression of the way of life of a people. At another level, we must note that in this world which has seen a lot of emphasis on material advancement, that culture really paves the way for those involved in culture to make money and a livelihood out of culture. Sir, current research is suggesting, along with these trends, that youngsters are forming little microcosmic entities to promote their art, their music and such things.

Sir, I am sure that if you take it that right now Queen's Park is underutilised, then I am suggesting that when this lease takes proper effect and when the National Cultural Foundation pursues its mandate, then activity should increase and the former underutilisation would go and Queen's Park would once again become a central area of activity, a place of relaxation, a place of pleasure, a place where the diversification to which I referred would be practised, and a place which would benefit all Barbadians as Barbadians at some point in time must return in a very serious way to that traditional Barbadian culture.

Mr. Speaker, if we do not return to our traditional Barbadian culture, we stand the risk of perishing. If we go for new imported norms that have little relevance to our way of life, we run the risk, not only of cultural penetration, but alienation from our roots.

With these few remarks, I give my support to this lease.

I thank you.

Hon. K. D. SYMMONDS: Mr. Speaker, Sir, I welcome the opportunity to contribute to this debate. I was particularly attracted to the aspect of the presentation by the Honourable Member for Christ Church East in which he indicated that the Daphne Joseph-Hackett Theatre and

the Steel Shed would now fall under, by way of lease, the jurisdiction of the National Cultural Foundation.

It struck a nerve with me, Mr. Speaker, Sir, because I recall well that in the last election, a very exciting proposal emanated from the Barbados Labour Party, the idea was canvassed with the public, and I suspect that there was a large buy-in, that there should be a greater degree of decentralisation or divestment of some of the critical Government facilities in Barbados and to have then become more closely aligned to organisations with very strong community linkages.

Mr. Speaker, I think that the National Cultural Foundation is obviously one such institution. Sir, the National Cultural Foundation has done and continues to do exceptional work in terms of our developing culture in Barbados.

Mr. Speaker, there is much about which we could reflect during the course of this debate, on what, on its face, is a very simple lease arrangement, but really an empowering tool for the National Cultural Foundation to advance some of the excellent work that it has been doing. I listened to the Honourable Member who preceded me and I share his views. Sir, I think that culture and the use of our intellect, our imagination, et cetera, increasingly take on the role of being an economic way up or an economic leg up for the members of this society. Sir, it is something that we have to weigh very heavily.

Mr. Speaker, in my judgment, as a Government, we have been very successful in providing training in management and maintenance for community leaders. This is something that has been done successfully and continues to be done by the Ministry of Social Transformation. Sir, it is noteworthy that we have continued to offer an increase in funding for enterprise development through - to a limited extent - the Rural Development Commission but more specifically through the Urban Development Commission where a lot of money is allocated and a lot of effort is put into developing enterprise.

Sir, the whole "Welfare-to-work Programme" comes to mind. Sir, it is through programmes like that the average Barbadian is given an opportunity to understand what entrepreneurship is about, and an opportunity to transform a simple skill that he or she may possess, whether it is a skill that is artistic in the sense of dance, a skill that is developed through theatre arts, or a skill in terms of musical ability, into some sort of an entrepreneurial opportunity. Sir, these are things which I think augur well and have to be encouraged to continue.

In a similar vein, is the whole effort which has been made by Government to advance the whole computer training and access to computer to low income

communities in this country. Sir, these are all ways in which community-based organisations, non-governmental organisations in particular, or in more general terms, organisations or entities which have a strong linkage to our communities have been utilised by the Government in what I believe is a very visionary and useful exercise to empower the average man and woman in Barbados.

Mr. Speaker, that I why I take the opportunity to laud the Minister for this initiative because I think that it is an empowering mechanism which allows the National Cultural Foundation now to have a greater degree of flexibility to continue to do some of the excellent work that it has been doing.

Mr. Speaker, while we are on that point, I think we should be reflecting a little bit on some of that which is coming out of the National Cultural Foundation. I am particularly impressed by the effort to introduce drama and theatre arts into our schools as structured programmes. Sir, these things tend to pass in Barbados without much comment but they are vitally important.

Sir, Workmans Primary, St. Martins Four Road Primary, Erdiston Primary and St. Joseph Primary have had the opportunity of having their young people exposed in structured programmes to the theatre arts benefiting from the presence and input of cultural officers both in the context of helping them in the development of those skills as well as understanding that there is a research component to those arts. Sir, it transmogrifies the way in which we go about education in Barbados. Sir, to my knowledge, a similar type of community-based programme was introduced in dance. Again, I think it has been warmly welcome by those people who have been able to benefit from it.

Mr. Speaker, there is also the basic photography programme which was introduced by the National Cultural Foundation. Sir, these are things which are useful when you think them through. Mr. Speaker, when you come to a primary school, let us say Chalky Mount Primary and the same St. Martins Mangrove and Erdiston Primary, and you introduce basic photography to a cadre of young people and help them to understand it not only as an art form but a way in which they can, down the road, shape a career, an income earning stream that they can go into, it helps us to transform the way in which we see ourselves and our young people see themselves in the context of self-employment opportunities, in the context of a community offering to its young people new avenues for entrepreneurship.

Again, Mr. Speaker, these are things which I think the National Cultural Foundation has to be complimented on. It is something that indicates to us as well that on the basis of those tentative steps, we need now to be thinking a

little more far forward and trying to work out stronger synergies between the National Cultural Foundation and not only the broad community-based organisations but even as high as the University of the West Indies, and of course our secondary schools.

House 148 Sequence 23

3.00 p.m.

Tuesday, October 23, 2007

Hon. K. D. SYMMONDS: There is a clear indication that the right hand of Government is working smoothly with the left hand. Sir, the fact that the Ministry of Housing has come to the understanding that they can be part of a programme which empowers or which helps to further empower the National Cultural Foundation, is, in my judgment, a wonderful thing.

Mr. Speaker, I believe it would be remiss of us not to spend some time in this debate reflecting on the economic aspects of that which has been presented by the Minister as a simple lease arrangement. Mr. Speaker, as the Minister quite rightly said, it introduces flexibility for the National Cultural Foundation to look after the day-to-day management of the Daphne Joseph- Hackett Theatre.

Sir, it does a lot more than that. By way of actual hands-on management and by way of cultivating new avenues for training in different areas of cultural development in Barbados, in a very tangible way, it allows our people, both young and the not-so-young, to enjoy new opportunities and a way forward.

Mr. Speaker, with those few words, I share those heartfelt views with this Honourable House.

Hon. Miss H. E. THOMPSON: Mr. Speaker, like others before me, I would want to support the Resolution before this Honourable House. As you are aware, the National Conservation Commission has some supporting role in the execution of this Resolution, insofar as we are responsible for the maintenance and upkeep of the grounds and buildings other than the Steel Shed and the Great House.

The Daphne Joseph-Hackett Theatre forms part of a number of facilities which Government has placed tremendous emphasis on, in the maintenance of our existing green spaces, the improvement of our existing green spaces and the addition of new parks and green spaces, which Barbadians already enjoy. The vast majority of them fall under the umbrella of the National Conservation Commission.

Mr. Speaker, over the course of last year, at Queen's Park in particular and the year before, we did a complete redevelopment of the ground; worked on the gates and the entry; upgraded the road and all the footpaths into Queen's Park, and looked at strengthening the walls between Queen's Park, Harrison College and the building of the Ministry of Agriculture, in order to ensure that this facility is maintained at a particular level and that Barbadians, who go there for a range of activities - though some argue that the facility is underutilised - could enjoy the very best standards.

Sir, I could not but help make the observation, as the Honourable Member for St. James North was speaking, when he mentioned about underutilisation of these place. Sir, apart from the fact that there are changing trends in the way people socialise and behave, there are also a lot of solitary activities now concentrated on sitting in front of a computer, a game-boy or other solitary form of self-entertainment. The reality is that a lot of community parks and facilities have been developed far more so than before. In addition, there have been the placement of lights on many community facilities, which means that instead of coming to these large central areas, people tend to socialise more and to have more recreational activities within the confines of their own communities. Therefore, if you see what appears to be underutilisation of these facilities, there really is a logical explanation for it, one that stems out of Government policy and the expansion of community facilities, and where community facilities existed before, the upgrading of those facilities with the establishment of pavilions and then the lighting of those pavilions, to allow for community-based recreational and sports.

Mr. Speaker, there is a reason why these facilities are not used, unless it comes to the big events such as the launch of the National Cultural Foundation cultural activities for Cropover, the new revitalised exhibition of the Ministry of Agriculture or cricket. Therefore, when you get that mass-based activity, people are then mobilised to come to Queen's Park and to other facilities.

Mr. Speaker, I would want to suggest, now that the National Cultural Foundation is going to take over these particular facilities, that there is some scope for greater utilisation of Queen's Park, by a larger range of people, and by the use of the other facilities which fall either under the ambit of the National Cultural Foundation, the National Conservation Commission or other Government agencies. Sir, in small developing countries, where a tremendous amount of resources are expended either on developing first and then maintaining such facilities, we have to ensure that the taxpayers get the full benefit of the facilities by putting in place a structure for their full utilisation, from which everybody could benefit.

Sir, in that regard, I would like to suggest to the National Cultural Foundation that there are a range of activities to which these facilities could be put. In fact, with the help of the private sector, which has made some contributions to the Jubilee Gardens, we have completely beautified Bridgetown. There is the upgraded Independence Square, the upgraded Heroes Square, the upgraded Golden Square and the upgraded Wickham-Lewis Boardwalk. We are looking at a beautified Bridgetown and at facilities which are now ripe for use.

Mr. Speaker, if I could divert and make the point that since Independence Square has been completed, we are now getting a plethora of requests for all kinds of activities to be staged at that location and therefore we would soon be announcing the protocols for its use.

Sir, it seems to me that one of the things the National Cultural Foundation is not doing is that, as happens in many cities all over the world, you can go to squares or somewhere in the city centre and see artists at work. One can see people involved in the performing art, whether they are doing mime, dance, small skits, playing instruments, people at their easels or potter's wheel. Sir, there is some kind of art which helps to make a city come alive.

It also provides an opportunity for these people to earn money on a daily basis because sometimes getting exhibitions and spaces in galleries can be extremely costly, and there are some small artists who do not pursue that, instead, they would offer their wares on a table, on a tray or on some movable chattel, where not only tourists but locals as well would pass and buy.

Sir, very often, we do not know the work that is being done by local artists because of the fact that we do not get to see these works, therefore, I believe the National Cultural Foundation must become the crucible into which this kind of offering could be blended. The National Cultural Foundation must become a nurturing place, not only for the art shows and the launch of artists in the gallery setting but Bridgetown must now be opened up, so that artists could perform in Bridgetown.

Mr. Speaker, there is somebody I know who plays the saxophone and somebody else who plays pan, largely at the invitation of the Broad Street merchants. But Government has a responsibility, through the National Cultural Foundation, to create an opportunity for up-and-coming artists or even established artists, to come and perform across Bridgetown, or for other artists to display their skills, paintings, pottery, jewellery, et cetera.

Mr. Speaker, it seems to me that Queen's Park, given its history, could be the perfect setting for games, whether it is an evening of games held once a month, where people could have warri displays, draughts or chess, where

somebody at the level of King Suki could come out and play against other people, where he could teach young people or could demonstrate his skills.

H:No.148 (24)3:10 p.m.

Tuesday, October 23, 2007

(EDITED)

Hon. Miss H.E. THOMPSON: He could be given finance to do this and it can be a source of revenue earning for him.

There are other artists and other champion players of the various types in Barbados. You could have road tennis displays and you could have table tennis displays. I am particularly keen on games such as wari, which there is a revival of. Lee Farnmum-Badley has been working particularly hard at reviving wari in Barbados and, in addition to that, there was stick-licking. Sir, the Land Ship is enjoying a resuscitation, particularly among young and middle class people in Barbados and they can have displays. I believe that there are enough parks across Barbados, that places like Queen's Park could be utilised for such activities as well as some of the other parks and facilities and Sir, these do not have to be high cost.

Mr. Speaker, as soon as you say to National Cultural Foundation, let us host or let us put on, they set up a big stage and you start to hear big money but, Sir, these are not activities that require large stages. There could be people strolling with guitars and doing folk songs; people performing in the gazebo at Queen's Park; stick-licking on the various grounds and so on. Sir, it is not a high cost activity in itself and it does not require a lot of amplification or a lot of stage craft. These are simple things that could be done to give people a Sunday evening activity to look forward to; something to leave their community or village and go into Bridgetown and walk about and enjoy.

Mr. Speaker, you could see that people do in fact have that kind of interest because after Independence Square was rehabilitated in the way that it is now, many evenings of the week and particularly on weekend, one can find couples and families just strolling through Independence Square looking at the plants and shrubbery or sitting and talking and there could, in fact, be some activity there, like somebody playing a guitar or singing. Sir, as I have said, there does not have to be amplification, there are steps there and people can stand on the steps and play. It does not have to be a big band but people will know there is going to be entertainment at Queen's Park; at Farley Hill; Batt's Rock or some part of Barbados and they will go and have a good time. Mr. Speaker, whenever these activities take place, there is always the opportunity for

vendors, who come out to patronise the event but for themselves to be patronised so that they too make a living.

Mr. Speaker, much as I support that this should go to National Cultural Foundation, I want to see them broaden their role in the context of a lot more folk-related activity of the type of which I have spoken. Sir, there was a time before the passing of Alfred Pragnell, under the pen of Jeannette Layne-Clarke, there used to be a lot of folk stories and one heard the story of the Chase Vault and so on. It is interesting that of all the cultural presentations we have in Barbados, there is not a single one that deals with Barbados ghost stories and they are so many of them from the Steel Donkey to Conrad to the Steel Vault and so on and, Sir, somebody should really pen them, collate them and some evening, they can be folk stories and storytelling at these various locations.

There should be some activity that is low intensity. Sir, I use high intensity here to speak of the big band with a lot of instrumentation and amplification and low intensity here to mean that though the enjoyment level is high, it is low intensity because it is not high cost, there is not a lot of amplification or instrumentation and people are not up on big stages. If you are going to have this kind of story telling...

Mr. Speaker, I am concerned that they were very few people engaged in the writing and telling of these stories, which were very much a part of the Barbadian culture. With the passing of Timothy Callender, you do not now hear many of his stories any more and a lot of his stories focused on the conflicts between villages and characters in Barbados. Therefore, these are things that need to be preserved, otherwise they would be lost.

Mr. Speaker, I have seen CBC utilising Mr. Edey in cooking and I think that on these occasions, it might be important to have some demonstration classes for cooking and related activities. There are certain foods, which are very much part of our culture, which are losing prominence to the fast foods and we need to be able to ensure that these remain very much a part of what people are able to cook, enjoy and serve when the occasion arises.

Mr. Speaker, I support this and I want to urge the National Cultural Foundation that it really needs to broaden its role and its approach. I know that it has been doing a tremendous amount of work but I think there is a particular niche to which I have spoken that is not being sufficiently addressed, which is ideal for facilities of this sort. Sir, I would want to encourage the National Cultural Foundation to use only the Steel Shed and the Great House but the broader grounds there and at other recreational facilities for the use and the enjoyment of the wider public.

Sir, with that I lend my support and I am much obliged to you.

Mr. SPEAKER: The Honourable Member for the City.

Hon. Dame BILLIE MILLER: Mr. Speaker, you know that I would have to speak in this debate. I too want to give my unqualified support to the Resolution before the House. The Minister of Energy and the Environment, who just spoke, to a large extent, has made many of the points, which I intended to make so I will just move on literally, from where she has left off.

There are very few green lungs in Barbados. I have made this statement in here many times but I feel I have to continue making it as long as I am here. We have Kensington Oval, which was recently refurbished; the Biscuit Factory, with its grounds, which I am afraid is not open to community usage and, in more recent years, a playing field shared by St. Michael School and the hospital sports club but, apart from those, Queen's Park, which is not a very old park, it is just over a century old, is the largest of those green lungs. It is part of what I consider to be my remit as an Honourable Member of this distinguished Parliament, representing the City of Bridgetown, to conserve and to enlarge it and take it back to its former glory, if at that is at all possible.

Mr. President, I have said this before and I will say it again that when I was a child, there was a Lower Green and an Upper Green and it pleases me today that there is a Lower Green but we now call it Jubilee Gardens, and again now there is an Upper Green, but I would like to see more greenery in it, at this end of Broad Street. Sir, Queen's Park has always been the largest and I want to wholeheartedly support those who are making the point that Queen's Park needs to be a park in the centre of capital city, where people are there, literally, from dusk to dawn.

Mr. Speaker, I could remember as a child how busy Queen's Park was. Sir, every Friday night and Saturday night there used to be what you call a 'Park Bram'. Sir, many in here are too young to know about them. Mr. Speaker, you may recall men in 'stingy-brims' and dancing in a certain way and a lot of pork chops were consumed at those 'Park Brams'.

H148/15:20

Sequence 25

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Hon. Dame Billie MILLER: Asides

Hon. Dame Billie MILLER: Even before there was Banks Beer, young man; Bank Beers came later.

Mr. SPEAKER: So, Madam, you were present at some of those 'Brams'?

Hon. Dame Billie MILLER: No, Sir. I heard much about them. Sir, when you saw a man in his 'stingy-brim' and what you called a 'sow coat', a long jacket, and 'John White shoes'; two-toned shoes, on a Saturday night, you know where he is going. You would dress in a different way to go to the Liberty and other places of entertainment, but Queen's Park was the place for serious dancing.

Sir, there was Sunday afternoon activity. Every first Sunday of the month, the Police Band played in the Band Stand in Queen's Park. That is where people went. That is where we went after Sunday School, at James Street Church, to listen to the Police Band, eat nuts, comforts, and fun and frolic, indeed. Sir, then, of course, there was the Agricultural Exhibition, which was a grand thing. Sir, today, we are rehabilitating that idea and bringing it back, but in those days it took up the entire Queen's Park. Of course, the Spartan Cricket Club had their beginnings at Queen's Park.

Sir, the National Conservation Commission is doing an excellent job. I hope that they are going to start now to rebuild the pergola which collapsed. They have been doing a wonderful job rehabilitating the gardens and making Queen's Park a place where people would want to go. Just as the Honourable Member for St. James South said, in the evenings people are just sitting out and relaxing all along the inner Careenage as it should be, as it was designed for them to do, and Queen's Park needs to go back to that place again.

Sir, Queen's Park used to be a place where there was a restaurant at one time. I remember, many years ago, it was a big lunchtime place, nice parking, you could relax, talk to your friends and so on. It needs to become a place where on a daily basis Barbadians can take advantage of this wonderful facility.

Sir, I am not going to speak for a very extended period. I want to press upon the Honourable Minister of Housing... I have asked to see the plans, the Lands and Surveys Department Plans.

The Ministry of Agriculture used to be located literally, wedged between Harrison College and Queen's Park. We built many years ago a new Ministry of Agriculture at Graeme Hall, but the Seeds Store remains at Crumpton Street. I would like to suggest that there are better locations for the Seeds Store, and that area of land needs to be added to Queen's Park. I am making a case for enlarging this Park. There is not a lot of land left to do so,

and that location, it is 2 100 square metres, lands occupied by the Ministry of Agriculture, which really need to be added to Queen's Park. There are buildings there. There is a need for administrative buildings, and rather than contemplating, and I hope that there is no contemplation for building any new administrative buildings on the existing site, it would be better if these lands, with quite decent buildings on them, could be acquired to be added to Queen's Park for storage and administrative purposes.

Sir, I say that because I genuinely believe that the Seed Store could be better located. The Seed Store needs to be in a place where people are going to buy plants, gardening equipment and that sort of thing. It needs to be near the big shopping centres, where there are a lot of shops catering to those needs. It is a very out of the way place to go to. A lot of people do not even know of the existence of the Seed Store, and what is available there for the use of Barbadians.

Sir, at the other end of Queen's Park, near to the Constitution end, the eastern end of Queen's Park, I am hoping that one day, in the not so distant future, to see another water feature in the Park. We have a fountain, which is beautiful, and the fountain is in a part of Queen's Park, giving on to Constitution Road, and there is a palm garden there. I do not know how many people realise that. I planted a few some years ago. There is a garden with a number of species of palms planted. That is, again, a quiet contemplative recreational area, but I would like to see a boating lake or something of that kind, so that the eastern boundary of Queen's Park would go right out to, and include that part of the Constitution River, which is no longer tidal.

Sir, when I was a child, the Constitution River was tidal up to what is the Globe roundabout, or nowadays the James Tudor Roundabout. Sir, tidal meaning that boats could sail through. It is no longer so, it is canalised, but it not well kept. Sir, it is just there. A great big concrete, storm drainage really, and it is very important in its function as a storm drainage, but it could be made beautiful, and it could be part of something which could be useful on a daily basis to people.

Sir, it is a place where there could be flat-bottomed boats, and you could plant nice aquatic plants. It would just be another distinctive feature within the Park. It is a very romantic area, as the Honourable Member, who is sitting behind me is saying. I will not name him.

Mr. Speaker, it seems to me that we need now to be looking to bring on to the wider Queen's Park, the curtilage of Queen's Park, as much available land as it is possible. This may be the last opportunity to make this Park any bigger.

Sir, on the other side of that eastern boundary of Queen's Park, is Ellis Village and Williams Land, small communities. Sir, for the years that I have been representing the City of Bridgetown, people who lived there were not disposed to relocate, but for some years now, I have been hearing from some of the people who live there, that they would prefer to relocate because the whole environment there has changed.

Sir, I can remember when there was King James, rum shop, a very famous rum shop, on the corner, opposite what used to be the Elmore Home. Do you remember it? It was beautiful. It is a pity that went. Opposite that was an upstairs building with a secondary school in it.

Asides.

Hon. Dame Billie MILLER: The Cooperative High School. I remember it well, and she who ran it. There were houses all along there; now that whole thing has changed. There is a roundabout, the buildings are all going commercial, even those buildings on the other side, in the constituency of the Honourable Member for St. Michael South Central, that part of Halls Road is quietly going commercial. I do not know if you recognise it. There is a big Church of the Nazarene located there as well.

Asides.

Hon. Dame Billie MILLER: Sir, I have to believe that the Honourable Member for St. Michael South Central recognises the movement towards the commercialisation of the southernmost part of his constituency.

Sir, I am saying that the opportunity is now. These are not parcels of land which do not belong to the Government. These lands belong to the Government of Barbados, but now is the opportunity to... Sir, this is a lease. Sir, what we are debating here is a 50-year lease. I am a little concerned too that we are so nippy with the length of the lease. I am in a believer of 99-year leases. Barbadians are accustomed to freehold and like the idea of freehold. They think they own something for ever but you never really own the land, it is only for a period of time. Sir, we can become a little more open to the concept leasehold.

Sir, the Empire Theatre was the subject of a 99-year lease. It is not unknown in Barbados. I think a 50-year lease is short, and I do not see here in the Schedule anything to suggest that there is even any possibility of an option to renew the lease.

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Sequence 26 15.40 p.m.

Sequence 26

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House 148, Sequence 27, 3.30 p.m.

Hon. Dame B.A. MILLER: I would like to appeal to the Minister to perhaps consider that, if not an outright 99-year lease, at least an option to renew this lease, so that people could plan.

Mr. Speaker, in these matters, the whole transformation of Bridgetown, Oistins Town, Speightstown, the Glebe in St. George and Warrens, we are not planning for 2010, we have to be thinking 2070 and 2090. We have to be thinking for the rest of this century. This is how you have to think when you are planning. This vision is what people expect of a Government, where we see a larger picture, and we plan for generations to come. Sir, now is the time to be as expansive as possible.

And so, I really want to prevail as far as it is possible for me to do so and, I hope, I would have the support of other Honourable Members, that the lands occupied now by the Ministry of Agriculture, really need to be brought into the curtilage of Queen's Park and that the lands on the Constitution River side, the relevant department of Government would begin in terms of plans. I have plans, Sir, and I can produce them at fairly short notice, if necessary, but it really would add an additional feature to Queen's Park, unlike anything else that exists in Barbados.

Mr. Speaker, I give my support to this and I hope that my appeal for these two new features to be added to Queens Park, would not fall on deaf ears, so that Queens Park will become a place again, in the not too distant future where it would be busy but not necessarily noisy, just people moving through it all the time, a place where you are going to associate it with quietude and the quiet enjoyment.

I agree entirely with the Honourable Member for St. James South. It is a place where you should have a few concrete tables with draughts tops built in, where retired men, young men, young boys learning to play chess, draughts and dominoes and so on, could go on an afternoon for good, clean recreation, in a family mode. I have a few of them at the corner of Beckwith and Wellington Street. You would see the whole age spectrum in Queen's Park. There was a time when it used to be like that and it really can, very quickly, if we put our minds to it, become a place like that again.

The NCF will be doing what they have to do in terms of the Daphne Joseph-Hackett Theatre. The Steel Shed will be playing its many functions. I like the Steel Shed as a place for conferences and meetings. There was a

time when the Barbados Labour Party used to hold its Annual General Conference in the Steel Shed. We liked it greatly.

I have attended many political meetings and town hall meetings in the Steel Shed, and so it will become, again, as a result of the initiative that is being taken here today, so I wish it well.

Thank you, Sir.

Mr. SPEAKER: The Minister will now wind up, please.

Hon. R.R. FARLEY: Mr. Speaker, I think all that is left for me to do, Sir, is to beg to move that this Resolution do now pass.

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

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

Mr. SPEAKER: Order No. 12.

ORDER NO. 12 – RESOLUTION TO SEEK THE
CONCURRENCE OF THE HONOURABLE THE HOUSE OF
ASSEMBLY IN THE AMENDMENTS MADE BY THE
HONOURABLE – THE SENATE TO THE
NATIONAL – ART GALLERY BILL, 2007

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

Hon. R.C. EASTMOND: Mr. Speaker, a short while ago, this House passed a Bill, known as the National Art Gallery Bill, 2007. Sir, under section 15(2) of that Bill, the wording appeared as:

“The Gallery shall lay a copy of the report referred to in Subsection 1, before both Houses of Parliament and cause the same to be published in the Official Gazette, not later than three months from the date of receipt thereof by the Minister.”

Mr. Speaker, as this Honourable House heard earlier, the Honourable the Senate, in reviewing this particular provision, Clause 15.(2), was of opinion that the term, “Gallery” would have been absurd in the context and should be substituted with the word, “Minister”, and that at the end of Clause 15.(2) the words: “by the Minister” should be omitted to give clarity and perfection to this particular provision.

Sir, it really is a very simple matter. It is asking that this Honourable House do now concur with the Honourable the Senate in accepting what the Senate has proposed to us.

Sir, I am asking that this Resolution do now pass.

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

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

Mr. SPEAKER: Order No. 11.

The CLERK: Sir, before we move Order No. 11, we need to move a motion to appoint a temporary Chairman of Committees.

APPOINTMENT OF TEMPORARY CHAIRMAN

Hon. R.C. EASTMOND: Mr. Speaker, I do not see the substantive holder for the Office of Chairman of Committees. In the circumstances, I propose that the Honourable Member for Christ Church West be appointed temporary Chairman for purposes of the proceedings, which will follow shortly.

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

Mr. SPEAKER: There is a proposal before the House that the Honourable Member for Christ Church West assumes the post in an acting capacity of Chairman of Committees.

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

ORDER NO. 11 – TO MOVE THAT THE HOUSE RESOLVE
ITSELF INTO COMMITTEE – OF SUPPLY TO
CONSIDER THE GRANT OF SUMS OF MONEY –
FOR THE SERVICE OF THIS ISLAND

On the motion of Hon. R.C. EASTMOND, seconded by Hon. R.R. FARLEY, the House resolved itself into Committee of Supply, Dr. W.F. DUGUID in the Chair.

COMMITTEE OF SUPPLY

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

(a) RESOLUTION TO GRANT THE SUM OF \$221 943 FROM THE CONSOLIDATED FUND AND TO PLACE IT AT THE DISPOSAL OF THE GOVERNMENT TO SUPPLEMENT THE ESTIMATES 2007-2008 AS SHOWN IN THE SUPPLEMENTARY ESTIMATES NO. 2, 2007-2008 WHICH FORM THE SCHEDULE TO THE RESOLUTION

HEAD 49 - MINISTRY OF ENERGY AND THE

ENVIRONMENT IN THE AMOUNT

OF \$221 943

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

Hon. Ms. H.E. THOMPSON: Thank you so much. Mr. Chairman.

House 148, Sequence 27, 15:40:14

Tuesday, October 23, 2007

Hon. Miss. H. E. THOMPSON: Mr. Chairman, I do intend to tarry long on what is really a quite simple matter. The Ministry has been going through some expansion in its staff in order to effectively deal with some expanded portfolios in relation to the Environmental Protection Department, to which this particular supplementary relates.

We have expanded our staff, increased our programmes and therefore we need larger physical space simply to accommodate the increase numbers of staff as well as equipment. We have been looking for space for some time through the Ministry of Housing and Lands as the Government's landlord and real estate agent, and space belonging to the National Union of Public Workers has been identified as being suitable for our needs.

Cabinet approved our relocation in March, which was at the end of the last financial year and at the end of the budgeting process, the Estimates would have already come to Parliament and so on. Sir, without knowing where we were going to be located and without the Cabinet decision, we were not in a position to include it in the Estimates for this financial year, hence we now have to move by way of supplementary to get these sums to facilitate the physical relocation and the establishment from our current location to the new offices at the National Union of Public Workers. Sir, that really is all this is about.

With those remarks, Mr. Chairman, I beg that this Resolution do now pass.

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

Mr. R. D. JONES: Mr. Chairman, this really does not contain very much. I believe that all workers must be placed in conditions which would improve or increase the overall productivity. Mr. Speaker, it is known that from time to time where persons are in conditions which are not conducive to productivity, that there is a definite slack in their output.

The Government sector has really to improve its output generally. This is a service-oriented department that generally looks after the quality of the environmental situations in Barbados. Therefore, for these persons to be located to an environment which would cause them to be emotionally and physically satisfied would redound to the benefit of all those that this particular department serves.

Mr. Chairman, on this side, we have no problem with the \$221 943, which is being expended to satisfy the relocation of these men and women that are captured within this particular department. Mr. Speaker, it says again that we have to ensure that the space is adequate always for a number of persons that would be placed within any given facility. There are some Government offices where the room that persons have to work in is extremely limited, which have problems for those persons comfort and their satisfaction as workers of the State.

Mr. Chairman, I believe that from time to time the Ministry of Labour looks in on these particular situations because they provide occupational health and safety hazards for the particular workers.

Mr. Chairman, for some time this side has been calling for the relocation of the Environmental Protection Department, plus a whole bevy of Government departments, but we know that the cost can be a bit prohibitive. Sir, this side supports the particular Resolution since it brings some kind of sanitary reprieve to the persons in that department.

Hon. Miss. H. E. THOMPSON: Mr. Chairman, I beg that this Resolution do now pass.

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

The question that Resolution do now pass was put and resolved in the affirmative without division.

On the motion of Hon. R. C. EASTMOND, seconded by Hon. R. R. FARLEY, Mr. CHAIRMAN reported to His Honour, the SPEAKER the passing of one Money Resolution in Committee of Supply and Mr. SPEAKER resumed the Chair and reported accordingly.

On the Separate motions of Hon. R. C. EASTMOND, seconded by Hon. R. R. FARLEY, the Resolution was read a first and second time and agreed to.

ADJOURNMENT

Hon. R. C. EASTMOND: Mr. Speaker, this brings us to the end of Government Business for today's Sitting, I therefore beg to move that this House do now adjourn until Tuesday, October 30, 2007 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, October 30, 2007 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

House 148 Sequence 28

3.50 p.m.

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EDITORIAL NOTES — NOT PART OF THE REPORT

Prepared with the transcript; for checking against the recording and the Minutes.

EDITORIAL QUERIES

Points noted while preparing this report from the edited transcript. The text has not been altered except where stated.

Q1. Masthead. The session is not stated in the source, so no session line is printed.

Q2. Order No. 8. The Minister describes the Kent land as '11.391 hectares, approximately 28 acres', but Mr. D. J. H. Thompson speaks of vesting '16 acres or thereabouts' and then of 'those 15 acres'. Printed as in the source.

Q3. Order No. 9, speech of Hon. Dame Billie Miller. In the House of Assembly the Member opens one paragraph with 'Mr. President, I have said this before'. Printed as in the source.

Q4. First Reading of Bills. The procedural note reads 'seconded by Hon. Hon. R. R. FARLEY', with the title repeated. Printed as in the source.

Q5. Papers. The Member says he is commanded 'to lay the following Bills', but the two items are the Customs Tariff (Amendment) (No. 3) Order, 2007 and annual reports of the Rural Development Commission. Printed as in the source.

Q6. Take-slips about 11.00 and 11.10 a.m.. Two consecutive take-slips are both numbered 'House 148, Sequence 07' (11.00 a.m. and 11:10:14), and the slip before them reads 'Sequence 6 11.00 a.m.'. Printed as in the source.

Q7. Orders Nos. 1, 8 and 9. The marker '(EDITED)' appears as a separate line at several points in the source (for example within the Minister's opening on Order No. 1 and Mr. Kellman's speech). It is printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met on Tuesday, 23rd October, 2007 at 10.15 a.m., with His Honour I. A. Roett, the Speaker, presiding; prayers were taken by Canon Father Ivan Harewood. The Minutes of 16th October were confirmed. Hon. R. C. Eastmond laid the Customs Tariff (Amendment) (No. 3) Order, 2007 and the annual reports of the Rural Development Commission for the years ended 31st March, 2002 and 2003. The Civil Aviation

(Amendment) Bill, 2007 was read a first time, and Standing Orders were suspended for the rest of the Sitting.

The Minister of Housing and Lands, Hon. R. R. Farley, moved Order No. 1, the Resolution to rescind the Resolution of 11th May, 2004 approving the compulsory acquisition of land at Queen Street, Speightstown, St. Peter for an access road to the beach. He explained that a Ministerial Statement in 2004 had shown the stated public purpose to be in error, the true purpose being vehicular access and the residents' traditional right of way, and accepted that the calculation and payment of compensation under the Land Acquisition Act, Cap. 228 needed improvement.

Mr. D. J. H. Thompson argued that the Act was archaic and abused by the Urban Development Commission and the Ministry of Public Works, citing owners left uncompensated and unconsulted. Mr. R. D. Marshall raised delays in compensation in St. Michael West Central; Mr. D. St.E. Kellman called for the Act to be changed in the interest of poor landowners; Mr. R. D. Jones spoke of land taken for the airport extension; and Mr. M. A. Lashley proposed a committee including Opposition members to oversee acquisitions. Mr. Farley replied and the Resolution was agreed to.

After a suspension, Mr. Farley moved Order No. 2, approving the acquisition of the same land to preserve the residents' traditional access and allow access by emergency and service vehicles. Mr. Thompson asked why it was needed, citing a reported price in excess of \$600 000; Mr. Farley replied that it served six residences, 183 square metres coming from Fort Dignity and 322 square metres from Rita Licorish. The Resolution was agreed to.

On Order No. 8, vesting Crown land at Kent, Christ Church in the National Housing Corporation, the Speaker ruled out a housing policy debate. Mr. Farley described about 28 acres intended for lower to middle income housing; Mr. Thompson said the Corporation had already optioned about 54 acres at Kent to a joint venture. The Resolution was agreed to.

Order No. 9 approved the lease to the National Cultural Foundation of about 8 566 square metres at Queen's Park for the refurbishment of the Steel Shed, the Stables, the Daphne Joseph-Hackett Theatre and the Queen's Park Gallery. Mr. Jones, Mr. Eastmond, Hon. K. D. Symmonds, Hon. Miss H. E. Thompson and Dame Billie Miller supported it, Dame Billie asking for an option to renew the lease, and it was agreed to.

The House concurred in the Senate's amendment to clause 15(2) of the National Art Gallery Bill, 2007. In Committee of Supply, with Dr. W. F. Duguid in the Chair as temporary Chairman, Miss Thompson moved \$221 943 under Head 49, Ministry of Energy and the Environment,

to relocate the Environmental Protection Department to premises of the National Union of Public Workers; Mr. Jones supported it and it was agreed to. The House adjourned until Tuesday, 30th October, 2007 at 10.00 a.m.