
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

SECOND SESSION 2008 – 2013

HOUSE OF ASSEMBLY

Tuesday, May 12, 2009

Pursuant to the adjournment, the House of Assembly met at 10.15 a.m. on Friday 12, 2009.

PRESENT

His Honour M. A. CARRINGTON, B.A., LLB.
(Speaker)

His Honour K. St.C. BEST, LL.B. (Hons.), L.E.C.
(Deputy Speaker)

Mr. W. PAYNE, Q. C.

Mr. G. A. CLARKE, J.P., B.Sc., Dip. Ed.

Mr. H. F. LASHLEY

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

His Excellency D. St.E. KELLMAN:

Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Leader
of the Opposition)

Miss C. Y. FORDE, J.P., L.C.P.

Hon. R. D. JONES, J.P., M.A. (Ed.), B. A. (Hons.)
(Minister of Education and Human Resource Development)
(Leader of the House)

Dr. the Hon. D. C. ESTWICK, M.B.B.S., B.Sc.,
(Minister of Economic Affairs and Empowerment,
Innovation, Trade, Industry and Commerce)

Mr. D. D. MARSHALL, Q.C., LL.B (Hons.), L.E.C.

Hon. M. A. LASHLEY, LL.B. (Hons.) (Minister of
Housing and Lands)

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

Hon. R. L. SEALY, M.B.A., B.Sc. (Minister of
Tourism)

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

(Deputy Prime Minister, Attorney-General and
Minister of Home Affairs)

Hon. J. D. E. BOYCE, M.Sc. (C. Eng.) (Minister of
Transport and Works)

Hon. E. G. HUTSON, F.C.C.A., C.A. (Minister of
International Business and International Transport)

Hon. S. D. BLACKETT (Minister of Community
Development and Culture)

Mr. J. D. PAUL, B.Sc.

Mr. A. D. BRATHWAITE, LL.B. (Hons.)

Mr. S. A. LASHLEY, B.Sc., LL.B. (Hons.), L.E.C.
(Chairman of Committees)

Hon. P. M. T. TODD, B.Sc. (Minister of State,
Education and Human Resource Development)

Hon. D. O'N. INNISS, M.B.A., B.Sc. (Minister of
Health)

Hon. C. P. SINCKLER, M.Sc., B.A. (Minister of
Social Care, Constituency Empowerment and Rural and
Urban Development)

Dr. the Hon. E. R. BYER-SUCKOO, M.B.,B.S.
(Minister of Family, Youth Affairs and Sports)

*Prayers were taken by Reverend Canon Ivan
Harewood.*

Mr. SPEAKER: This House is now in Session.

MINUTES

Mr. DEPUTY SPEAKER: The Minutes of Tuesday,
May 5, 2009.

Hon. R. D. JONES: Mr. Deputy Speaker, I beg to
move that the Minutes for the Honourable the House of
Assembly for its meeting of Tuesday, May 5, 2009, which
Minutes have been circulated, be taken as read.

Hon. F. J. STUART: I beg to second that, Sir.

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

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

PAPERS

Hon. F. J. STUART: Mr. Speaker, I am commanded to lay the following:

1. Duties Taxes and other Payments (Exemption) (Yankee Garments Limited) Order, 2009.
2. Annual Report and Accounts of the Barbados Agricultural Management Company Limited for the year ended June 30, 2006.
3. Annual Report and Accounts of the Barbados Agricultural Management Company Limited for the Year ended June 30, 2007.

10.19 a.m.

SUSPENSION OF STANDING ORDERS

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

Hon. F. J. STUART: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

ORDER NO. 3 – CRIMINAL APPEAL (AMENDMENT AND MISCELLANEOUS PROVISION) BILL, 2009

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

Hon. F. J. STUART: Mr. Speaker, I rise to move the second reading of the Criminal Appeal (Amendment and Miscellaneous Provision) Bill, 2009. The occasion for the amendment of this Criminal Appeal (Amendment) Act has arisen, as a result of potential confusion that could result should the amendment not take place.

As is well known and as indicated as recently as last week, Barbados submitted itself to the jurisdiction of the Caribbean Court of Justice as long ago as 2005. The Court was inaugurated in 2005, Barbados signed the agreement in 2001, and it came into effect in 2002. The relevant legislation was passed to incorporate the Agreement signed by Barbados, agreeing to the establishment of the Caribbean Court of Justice, and the Constitution was appropriately amended. As was indicated, Barbados and Guyana were the two countries that submitted themselves immediately, to the original and appellant jurisdictions, of the Court.

Sometime though, in December 2006, a Mr. Tyrone DaCosta Cadogan appeared before the Caribbean Court of Justice, having appealed his conviction for murder to that Court. He had gone to that Court, because his appeal had been dismissed by the local Court of Appeal, and his appeal was also dismissed by the Caribbean Court of Justice, but on the dismissal of his appeal, he indicated that he was going to appeal to the Privy Council.

He was before the final Court of Appeal for Barbados, but he indicated that he was going to appeal to the Privy Council because there seemed, in his mind, to be a belief that he still had a right of appeal to the Judicial Committee of the Privy Council. That indication by him led the Director of Public Prosecutions to check the Law, to make sure that we had covered all of our bases in relation to delinking from the Judicial Committee of the Privy Council as our final Court of Appeal.

It emerged that even though we had passed the Caribbean Court of Justice Act, and even though we had amended the Constitution appropriately, we were relying on the implied repeal of all the other pieces of legislation, related to criminal appeals to the Judicial Committee of the Privy Council, but had not expressly amended the legislation related to criminal appeals in Barbados, that legislation being primarily the Criminal Appeal Act.

After sustained consultation, the Director of Public Prosecutions advised that it would be wise to put this issue beyond doubt, by amending the Criminal Appeal Act to ensure that it says, that the right of final appeal is to the Caribbean Court of Justice, and not to Her Majesty in Council.

In fact, if this is not done, it could continue to appear on the face of the record that appellants have the right to appeal, either to the Caribbean Court of Justice, or to the Judicial Committee of the Privy Council as the final Court of Appeal, and in the case of Cadogan, you could appeal to both. Sir, that is the basis on which we come before this Chamber this morning to amend this Criminal Appeal Act.

Sir, there are other pieces of legislation that still mention Her Majesty in Council, that still mentions the Judicial Committee of the Privy Council although we have delinked, as it were, from appealing to the Judicial Committee.

In fact, soon after I took up Office at the Honourable Attorney-General's Chambers, correspondence came in from the Registrar of the Judicial Committee, indicating that there had been no formal notification to the Judicial Committee, that Barbados was delinking from that Court and using the Caribbean Court of Justice as its final Court of Appeal. It was obviously an over-sight but that over-sight has now been corrected.

Sir, we are amending the Criminal Appeal Act to take care of that source of potential confusion, so wherever there are references to the words “appeal to the Privy Council” or “Her Majesty in Council” in any piece of legislation in Barbados, those words are being replaced by the Caribbean Court of Justice.

There are a number of pieces of legislation, like the Mental Health Act, the Income Tax Act, the Community Legal Services Act, the Supreme Court of Judicature Act, the Offences Against the Person Act, the Defence Act, the Land Valuation Act and the Criminal Appeal Rules, which still refer to the Privy Council in some way or the other. Those pieces of legislation are therefore, being amended to say “Caribbean Court of Justice”, wherever reference is made to the Privy Council. Sir, that is the first reason for the bringing of this amendment before this Chamber today.

10.30 a.m.

The second reason has to do with another issue which was decided by the Judicial Committee of the Privy Council before we delink from that Court, and which of course, was followed here in Barbados by the local Court of Appeal. It has had to be the case, since as long as the Judicial Committee was her final Court of Appeal, our Court of Appeal in Barbados was bound by its decisions, and it had to do with how juveniles are treated in Barbados.

Sir, we have all come along and heard about sentencing juveniles convicted of murder to prison, the terms of imprisonment, “until Her Majesty’s pleasure is known.” We have been doing that for a long number of years, but recently, sometime in the 1990s, as a result of a murder that took place here in Barbados, which resulted in the convicted persons going to the Privy Council, and some of the convicted persons were juveniles who had been found guilty by the Assizes Court here in Barbados, and had been sentenced to terms of imprisonment, until Her Majesty’s pleasure was known, the Privy Council in the case of Tennyson Griffith and the others decided that there was something jurisprudentially wrong with sentencing a juvenile to a term of imprisonment, until Her Majesty’s pleasure was known.

Subsequent to the Privy Council’s decision, in the local case involving a murder convict, Norman Scantlebury by name, the local Court of Appeal struck down that language, and has required that other and more appropriate language be substituted.

What was the thinking behind the decision of the Privy Council and also the thinking of the local Court of Appeal? Mr. Speaker, for upwards of 300 years, we in this part of the world have accepted a distinction between three organs of Government, an executive organ, a legislative organ and a judicial organ.

Sir, going back to the 17th Century, to the lifetime of the English philosopher John Lock, it has been argued that these three organs of Government should so relate to each other, as to promote, rather than to undermine the pursuit of human freedom. Lock argued that if these organs of Government had too great an impact on each other, if these organs of Government interfaced too intimately with each other, that there was a prospect of tyranny, and therefore, an undermining of the ideal of human freedom. Therefore, in a manner of speaking, when we speak of the modern world, we have to go to John Lock for what Lawyers and political fairest like to call “the doctrine of the separation of powers”, because it was Lock in the Seventeenth Century who pointed to this issue, and argued in favour of discernable lines separating the executive, legislative and judicial arms of Government.

In the 18th Century, of course, Lock was followed by the French philosopher and political fairest, Baron de Montesquieu, who also pushed that idea and argued very strongly in favour of it. He developed Lock’s thought and tried to put the issue of human freedom beyond doubt, by arguing that the executive arm of Government, the legislative arm of Government and the judicial arm of Government, should be kept as separate as possible.

Of course, not only in the 17th Century and in the 18th Century, but in the 19th Century, the German philosopher Georg Wilhelm Friedrich Hegel visited that issue and pronounced upon it, in terms not unlike the terms in which both Lock and Montesquieu commented on.

Sir, in modern times, we have come to accept, both as Lawyers and political fairest, the validity of a Doctrine of Separation of Powers that the executive arm, the legislative arm and the judicial arm should carry out clear, and clearly demarcated functions, and that there should be as little interplay as possible, between the three.

Of course, we here in Barbados who practise the Westminster forms of Government know differently, because even in this very Chamber, the Legislature, members of the Executive sit. The Cabinet constitutes a component of the Executive, so there is an executive legislative marriage in the Westminster systems, that kind of give the lie, or certainly challenge the validity of the argument of Lock, Montesquieu and Hegel.

Of course, we have never thought that the marriage between the Executive and Legislature poses any threat to human freedom, either here or in any other Commonwealth country or certainly in the mother of all Parliaments, the Parliament of the United Kingdom of Great Britain and Northern Ireland.

Sir, after the War of the American Independence, which was fought between 1776 and 1783, when the

Americans sat down to look at the framing of their own Constitution, they determined that they would try as far as possible to pursue a clear separation of powers. This is why in the United States of America we have an executive, headed by the President, and his Cabinet. Neither the President nor members of his Cabinet sit in the Congress. Congressmen are separate and distinct.

The American Legislature is separate and distinct from the executive arm and, of course, there is the issue of the judiciary, an independent judiciary, although of course, you never get these things in pure form, because the President appoints judges. As in our system, Prime Ministers recommend to Her Majesty, the appointment of judges.

10.40 a.m.

I give this background, Mr. Speaker, because the case of *Normon Scantlebury* here in Barbados, raised the issue of a separation of powers and a violation of the separation of powers as we have inherited it over time. When a juvenile is sentenced to a term of imprisonment until Her Majesty's pleasure is known, that juvenile is sentenced by a judge. Sir, although the sentence is imposed by a judge, according to the reasoning, the sentence does not come to an end as a result of anything the Court does. That juvenile has to wait until Her Majesty, whose local representative is His Excellency the Governor-General, indicates that the sentence can come to an end.

Now, in Westminster system, Her Majesty is at the apex of the executive, and her representative here in Barbados, His Excellency the Governor-General, is at the apex of the Executive here in Barbados. Sir, we had the very untidy situation where the Judiciary imposed a sentence, but the Executive determines when that sentence should come to an end.

The Judicial Committee of the Privy Council in *Tennyson Griffith* and the *Others* case, decided that the situation was jurisprudentially offensive, that it was a violation of the document of the separation of powers and that it should be brought to an end with haste.

Mr. Speaker, when therefore, the case of *Mormon Scantlebury*, another juvenile, came to be decided by the Court of Appeal here in Barbados, the Court of Appeal had no difficulty in following the decision of the Judicial Committee of the Privy Council in the *Tennyson Griffith* and *Others* case.

Tennyson Griffith and *Others* were the persons who were convicted of the murder of *Earlyne Garnes* some time in the early 1990s. The Court of Appeal here therefore, has adopted the position that to sentence a juvenile until Her Majesty's pleasure is known, is unconstitutional, because it

strikes at the very root of the doctrine of the separation of powers, to which we have all been taught to subscribe.

Mr. Speaker, this raises another issue for me, because it is fashionable for Barbadians to speak authoritatively about persons having exhausted their appeals and therefore, for whatever punishment they are due, they should be given, because they start from the inarticulate major premise that judicial systems are infallible.

This doctrine of the separation of powers is over 300 years old. Sir, it has taken us many, many years to discover, that when courts have been sentencing juveniles for terms of imprisonment, until Her Majesty's pleasure is known, that they were doing something wrong, something unconstitutional. The Courts are now freely recognising that reality and moving with haste to correct it.

Mr. Speaker, that is instructive, because one only has to stop and ponder how many juveniles, ever since the passage of the *Juvenile Offenders Act*, would have sat or stood in docks and heard judges say to them that they are being sentenced until Her Majesty's pleasure is known. They would have accepted the *ipse dixit* of the judge as the Law of the Medes and Persians that changes not, believing it to be right, but we know today, in the 21st Century, that it is wrong.

Mr. Speaker, let us accept that judicial systems are the creatures of men and that they are not perfect. I suppose this is what St. Paul meant when he told the *Corinthian Christians*, for now, we see through a glass darkly, but then face to face, there is always a now and a then. What we do now, which we think to be right, can be proven to be wrong then. That is what St. Paul meant. Now, I know in part, but then shall I know even as also I am known. There is always a now and a then.

Speaking with pontifical certainty and with dogmatic authority on these matters as though as long as the Court says so, the Almighty has spoken, should give us some pause. This is not another way of saying that we should not respect what the Court says and do, because I do not believe that there is any judicial officer anywhere that acts out of malice. I do not believe that juries act out of malice. Those of us who use judicial decisions to justify us in claiming that ultimate penalty should be paid, have to face the reality that justice systems make mistakes.

I had my own epiphany with that some time around 2001/2002, when a woman who had been convicted 21 years before for having fed her baby to a pig, was able to prove conclusively that the baby was still alive and that there was an upwards of 99 per cent probability that the child was never fed to a pig. Subsequent to that, the Courts heard from the person who had stolen the baby that she had

perjured herself and she, therefore, had to suffer a term of imprisonment.

I do not belong to this crusade that permits people to shout, “oh the Courts have decided, so let us break their necks or let us end their lives.” I will never be a member of that school of thought. I never have been and never will be. As a defense lawyer, I have seen too much of this happen, and I believe that we have to be very cautious when we go down that road and speak with this dogmatic certainty.

Mr. Speaker, the amendments before us today should give us a little pause. We are going to have a full debate, from which nobody on This Side will run, on the issue of the death penalty in the very near future. That debate is not taking place today. What I am saying here today is that upwards of 300 years ago, the doctrine of the separation of powers was articulated by John Locke.

10.50 a.m.

Mr. Speaker, in the 21st Century, we have now realised that sentencing a juvenile to a term of imprisonment until Her Majesty’s pleasure is known, is an unconstitutional act within the context of what the Constitution of Barbados prescribed. Therefore, we have had a number of cases now going back before the Courts, where people have been having re-sentencing hearings and having more certainty brought to their terms of imprisonment, and having this violation of the Constitution corrected.

Mr. Speaker, this is what the second arm of the amendment is about, that wherever reference is made in the legislation to the expression: “until Her Majesty’s pleasure is known,” that reference is now being removed and substituted with the expression: “until the court’s pleasure is known”. Sir, it is the function of the Judiciary and not the function of the Executive, to impose or to determine the length of sentences when persons have been found guilty before the Courts.

Mr. Speaker, the Criminal Appeal (Amendment and Miscellaneous Provisions) Bill is before this Honourable Chamber on two planks.

Sir, plank No. 1 is to correct the over-sight which we inherited, where, although we had passed the Caribbean Court of Justice Act, and although we had amended the Constitution appropriately, other pieces of legislation were still referring to Her Majesty in Council and to the Judicial Committee of the Privy Council. Sir, the references in those pieces of legislation are now being removed and having them substituted by “the Caribbean Court of Justice.”

Secondly, under the Juvenile Offenders Act, where it is prescribed that juveniles, who are convicted of murder, should be sentenced until Her Majesty’s pleasure is known, the amendment will now correct that constitutional violation and will now say, “until the Court’s pleasure is known”. Sir, all of this is taking place in the amendments which we have before the court today.

Mr. Speaker, the relevant pieces of legislation are to be found in the Schedule to the Bill, the Mental Health Act, the Income Tax Act, the Community Legal Services Act, the Supreme Court of Judicature Act, the Juvenile Offenders Act, the Offences Against A Person’s Act, the Defence Act, the Land Valuation Act, and the Criminal Appeal Rules, 1983.

Mr. Speaker, I do not think, therefore, that these amendments to the Criminal Appeals Act are of a controversial nature. They are just tidying up pieces of legislation to deal with the issue of uncertainty in the Law, and to put us in a position where we can satisfy the legal requirement of ensuring that persons who appear in our courts, do not have the wrong impression, as Cadogan had at the Caribbean Court of Justice, and of course, as could happen where juveniles are convicted for capital offences.

Mr. Speaker, it is my pleasure to recommend these amendments to this Honourable House.

Sir, I beg to move that the Criminal Appeal (Amendment and Miscellaneous Provisions) Bill, be read a second time.

Hon. R. D. JONES: Mr. Speaker, I beg to second that.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, as the Honourable Attorney-General has correctly stated today, the amendments before this Honourable House are not controversial. In fact, they speak to housekeeping matters in relation to tidying of the Criminal Law. The Attorney-General would have gone into a long exposition as to how the process of us having to repeal the sentence being sentenced, “until Her Majesty’s pleasure” has to be removed from our Laws.

Mr. Speaker, in truth and in fact, the Judicial Committee of the Privy Council first determined, in a case from St. Kitts, that was the case. Sir, in the circumstances, we knew that it was only a matter of time before we would have to deal with our own situation.

What it does raise, however, is the need for other provisions passed by this Legislature and implemented by the Executive, to ensure that in the treatment of juveniles and mental health patients, that there are the appropriate circumstances to support their detention in prison.

Sir, while these amendments speak solely to the timing and to how long they should spend, while these amendments put in place a mechanism that is controlled by the Court instead of the Executive, so as to comply with the doctrine of separation of powers, what remains to be done, in particular as it relates to juveniles, is the introduction of the parole system which, in truth and in fact, would help complement what our overall objective is in relation to the sentencing of persons and their detention in prison.

Mr. Speaker, it is so in particular with juveniles - and I would not dwell on it - but suffice it to say, that we would have done preliminary work for the establishment of that parole system. The Honourable Member for St. Joseph would have taken it further than I had, in relation to wanting to start a pilot project, which would have started had things gone differently last year.

Mr. Speaker, in his wind up, the Honourable Attorney-General may want to speak to the Government's position in relation to the parole system, because I do think that it is one of the major deficiencies within our penal system Sir, to the extent that we can have a system that respects both the right of the Court to punish, but at the same time, the need for rehabilitation, and thirdly, the opportunity to give a person a chance, provided they applied for good behaviour. In a sense, persons in the past have argued that the provision that they can get three months off for good behaviour for every year, which was an internal rule of the prison, was sufficient, but I do not think that it is.

These matters, however, can now be controversial in their execution, because whenever you are dealing with crime, victims of crime and persons convicted of crimes, there is a lot of emotion that would have to be borne in mind and therefore, there has to be appropriate consultation. It may well be that the consultation may relate to what range of offences are subject to the parole system, how they are subjected and when they are subjected.

Mr. Speaker, with regard to the provision in relation to mental health patients, many of us are aware that persons who have been successful in the defence of insanity, are normally sentenced to being detained at Her Majesty's pleasure. I am not so sure however - and I am sorry that the Minister of Health is not in his place - that even though Barbados leads the way for most developing countries by having a Psychiatric Hospital as far back as the 1970s, that it has kept pace with the developments in the treatment of mental health patients.

Sir, in the circumstances, I think this Honourable House can unanimously agree that there is much work which ought to be done there, particularly since there is the recognition that it is just simply a sickness which is similar to physical sickness and that, very often, it can be treated

by the appropriate medication. I think too, that the Honourable House would agree that to treat persons as pariahs, simply because they have some form of mental health sickness, which is beyond that person's control, is an unfortunate thing in this society in which we live.

11.00 a.m.

Sir, that is going to require considerable public education.

Mr. Speaker, the truth is that it is also requiring an empathy on the part of persons to recognise that, very often, without the medication, the person simply cannot help himself, but with the appropriate medication and therapy, that person can, in fact, be a normal functioning person in the society.

Mr. Speaker, it is interesting that as you watch television nowadays, that you see a number of public figures, who themselves admit that they have been victims of mental health problems, but have been able to function as a result of the improvements in the treatment of persons. I think that as we treat to this issue, we should recognise that the Court would have the power to determine, instead of just simply banishing someone virtually for the rest of his life. Sir, the recognition that person may become a productive citizen again, demands of the State an introduction of a regime that makes sense in respect of getting that person better, to be able to play a proper role in society again.

Mr. Speaker, on a quite distinct and separate topic, I want to use this opportunity because, in effect, what the Attorney-General is doing is tidying up a number of amendments.

Sir, on the theme of tidying up amendments, I raise for his benefit, and perhaps, for his response, the question of his duties, as Attorney-General, as Law Reform Commissioner.

Sir, the last Law revision would have been done in 2004, by myself, and it is proving difficult for persons who have cause to research Laws on an ongoing basis, that we do not have in the bound volumes, or indeed, in the electronic version, an updated set of Laws now for five years. Sir, it is not a political act. It is an administrative act within the Chambers, but what it does is significantly remove the inconvenience of having to go and look for the bound volumes for the particular year, in order to make sense of what amendments have been made to the particular Laws in question.

Sir, therefore, I would urge that we be in a position to have a new Law Revision Order as soon as possible to cover the last five years of legislation in Barbados. Sir, five

years is not an inordinately long period in Law Revision, but it is usually the appropriate time at which it is done.

Mr. Speaker, similarly, I think that there has been benefit in placing our Law on the CARICOM Law website, but equally, Laws are only as good as they are updated. Sir, to that extent, I wonder whether the Attorney-General would give an undertaking that the website, as well, would also be updated. Sir, the rationale behind it is originally, when we set it up, was that it was not only for members of the public, but because of the shortage of draftsmen throughout the Region, that the various territories of CARICOM would seek to share, not just ask, but also Bills in preparation that they would not have to start from scratch, because there are some pieces of legislation, which Jamaica, Trinidad or St. Lucia, would have passed that we have not passed and there are some pieces that we have passed that they have not passed. Therefore, given the distinct shortage of resources in terms of drafting in the Region, that ability to have a virtual community of parliamentary draftsmen is absolutely critical.

Clearly, those items which are Bills are subject to public access, but those which are Acts, already legitimately passed by this Parliament, ought to be put in place and would require a mechanism such that, those things ought to be able to be updated on a monthly or quarterly basis, to ensure that people are, in fact, being able to read the right Laws as opposed to ones that are outdated and outmoded.

Mr. Speaker, we support these amendments. We also recognise the importance of the tidying up which must be done to remove any doubt whatsoever, in respect of the position of the Government of Barbados as it relates to the Caribbean Court of Justice, and to that extent, I support the position that when in doubt, make absolutely certain by the passage of Law from this Parliament.

Mr. Speaker, I want simply to say on the other matter that the Honourable Attorney-General started to refer to, as he was winding up, that it is the position of the Barbados Labour Party that we believe that the Government should consult with the public before introducing any debate in this Parliament in relation to the mandatory death penalty, as it relates to the Savings Clause. While we support the abolition of the Savings Clause, we should not use that as the mechanism to be able to deal with the mandatory death penalty without consulting with persons.

Mr. Speaker, there was a time when it was appropriate for 30 members or 26 members of Parliament to be able to make a judgement on a vote of conscience that would bind the entire nation, but I do believe that in matters as fundamental as this, that there ought to be the

appropriate consultation with the public, such that we as Lawmakers reflect the will of the people.

Sir, whether it is this year or whenever, we feel that consultation is critical in giving full vent to what we believe is appropriate for democracy.

Mr. Speaker, we look forward to the articulation of the Government as to how it intends to proceed on this issue. Sir, quite clearly, we do not feel that Parliament should deal with this matter without the appropriate consultative processes with the people of the country.

Mr. Speaker, with those few words, we have no difficulty with the passage of these amendments.

Mr. SPEAKER: Thank you. The Honourable Member Christ Church West Central.

Mr. S. A. LASHLEY: Mr. Speaker, I rise in this debate to lend my support to this measure before the House. I have listened very carefully to the presentation both by my colleague, the Attorney-General and the last speaker, the Leader of the Opposition, and I am, indeed, very touched by the things that she has said. I think one of the most important things that has been stated by the Other Side is that this measure was a tidying up exercise. Certainly, nothing that I have heard is new to this Chamber.

The whole question of the parole system, the need for rehabilitation and a host of things, the need to look at how we treat persons who have mental issues and who commit crime and the need to have a Law Revision matter, these things are all not new to us. I would have hoped that the Honourable Member who last spoke would have been able to give us some update in relation to what the last Government did and where they have taken us so far.

Mr. Speaker, I only know that...

Hon. Miss M. A. MOTTLEY: Mr. Speaker, on a point of order. The Honourable Member is clearly misleading the House, because I would have updated the Chamber in relation to what was done for the parole system both by myself and by the Honourable Member for St. John, and would have indicated that a pilot was due to be implemented and executed last year, so the Honourable Member could only have been misleading this Chamber. Sir, in respect of that matter, the records would show what I have said.

Mr. SPEAKER: Honourable Member, please continue.

Mr. S. A. LASHLEY: Mr. Speaker, I certainly am not misleading the House. I am making the point that what I would have expected to hear from the Leader of the

Opposition would be some kind of report, some kind of update, something that we could hold on to access where, when they were in Government would have taken these many initiatives.

Mr. Speaker, I agree with all the initiatives that were stated. My only issue is where did you leave this initiative?

11.10 a.m.

Sir, I must make a comment. I think the Honourable Attorney General spoke in very generous terms. Perhaps an over-sight has caused us to be here to make amendments to the Criminal Appeal Act. It does bother me that the Honourable Attorney-General had to receive a letter from the Registrar of the Judicial Committee some two-and-a-half years after the former Administration would have taken us into the Caribbean Court of Justice arena. It bothers me that it took so long to send a formal notification to the Judicial Committee, that we had in fact moved on in relation to our appeals.

I must for the record say that it does not augur well for us as a sovereign nation to have that kind of over-sight. It is not the kind of over-sight that I think the Barbados Labour Party, the former Administration, can be proud of either. Is it the kind of over-sight that this Government can be proud of in terms of having to correct it? I really believe that it is unfortunate that we have to deal with that measure by this means.

I also want to say that the swiftness with which the Honourable-Attorney General, once confronted by these issues, has come to the Honourable House to correct them, is usually indicative of the kind of approach this Government has taken in relation to sorting out these problems which were left for us to deal with.

Sir, the whole issue of the need for reform has been raised. I believe one of the things I would like to signal, and to call for, and may be I do not know if it has been done already, certainly, I believe there should be a wider review of existing legislation to ensure that we have covered all.

This measure before the Honourable House touches on a number of critical areas of Law, the Mental Health Act, the Juvenile Offenders Act and so on. I would just like to throw out that suggestion that perhaps in the abundance of caution, we cast the net very wide to ensure that we can capture all of the other areas that may be lingering there, so that they do not have to be pointed out by the Caribbean Court of Justice or any Court of Appeal, in the event that there are still those remnants of error in existing legislation.

Sir, a number of issues cry out for comment in dealing with this Bill before the House. In addressing the

question of juvenile offenders, I believe the time has probably come for us to do a comprehensive review of the Juvenile Offenders Act. I say this against the background of the Act, which was first enacted in 1932, and has been amended, I believe on four or five occasions in a minor way. The last amendment was in 1989, but I believe that both in terms of international jurisprudence and in relation to where we must, to achieve as a country with modern legal systems, we need to look very carefully at a review of the Juvenile Offenders Act.

Sir, I agree and share the view which has been put forth in relation to how we treat juveniles and how we approach the whole question of our youth who may run afoul of the Law.

Our Criminologists, and I read recently of one who had something to say, in relation to how we deal with criminal activity. I believe that in the reform of the legislation, our focus must move to a stage of prevention, preventing persons from becoming criminals.

Sir, I am very concerned that there are far too many of our young people who are becoming criminals really fast. If you analyse it and look at the case which has been cited, that has gone to the Caribbean Court of Justice and indeed our Court of Appeal, many of them deal with the offence of murder, but many of them relate to persons who are 17 or 18 years old, who are finding themselves in serious criminal activity.

I believe that this issue of crime prevention, whether we debate the death penalty or the mandatory death sentence, which I am sure will happen, and certainly which I believe must be a debate for all of Barbados, there are some fundamentals in relation to how we position our approaches in relation to dealing with crime.

I believe that the approach to tackling crime and criminals in Barbados must be one that is broad-based. Certainly, it is not only a task for the Office of the Honourable Attorney-General or the Police. I believe that, given the work that has been done already in Barbados, in relation to studies on crime and persons involved in crime, the debate now needs to be widened and we need to have a very broad-based approach to tackling crime in Barbados.

Sir, my concern is bias, because I encounter a number of young persons who, for whatever reasons, are becoming involved in criminal activity. We have to become very serious in how we prevent that from occurring, and how we prevent our youngsters from getting involved in the abuse and use of marijuana.

It is one of the factors, the combination of marijuana use and alcohol that is being cited in our Courts, as the reason why some of our young people got involved in

serious crime. I raise the question: What are we doing to stem the time? I think that given all that has happened, we need to move very quickly before it is too late.

Sir, I believe that the casual use of marijuana is a big problem in Barbados. I believe that we are in danger of losing many of our youngsters to mental problems, caused by the abuse of marijuana and alcohol. We are seeing persons before the Law Courts, youngsters, particularly our males, who have not lost their mother's features, being accused of serious crime and then being detained.

Sir, I think, and I certainly agree, that this amendment throws us a number of issues for reflection, particularly the concept where persons are being detained previously, until her Majesty's pleasure is known, but now we are seeking to amend that, until the Court's pleasure is known. I am of the view that even that needs to be addressed.

I am not comfortable with the whole question of detaining persons until the Court's pleasure is known. I believe that this creates an opportunity for us to look very seriously at what is happening to detainees who are caught in that particular spiral. Whether or not the time is not right to devise measures, particularly focussed on rehabilitation, particularly focussed on ensuring that these persons who are detained until the Court's pleasure is known, are involved in meaningful rehabilitative work to get them back into society, to get them back assisting in the economic development of our country.

Sir, if we span forward 10 years from now, we certainly have to involve a master plan to change the focus of how we are going to be sentencing our youngsters, and the approach we are taking in relation to our centres of detentions, whether in Her Majesty's Prison or the Psychiatric Hospital.

Sir, there are a number of things that I believe we ought to focus on. I certainly am a believer of the parole system.

11.20 a.m.

I also feel, Mr. Speaker, that there are some simple things that we can deal with, which are creating problems for rehabilitating our youngsters and our offenders.

Mr. Speaker, I was horrified recently when I heard some comments from the Superintendent of Prisons, who indicated that young males between age 15 and 35, are basically the profiles of the Barbadian criminal. He also pointed to the need to quickly get to the stage of rehabilitation in a meaningful way, and embarking on a programme of prevention, because this is a serious matter that we need to address.

The other issue I wish the Honourable Attorney-General to look at as well, Mr. Speaker, is a very practical one. I have had reason to be consulted by persons who are affected by the problems they encounter because of their criminal records. I know we have a system, where the record of persons can be expunged after a certain time, and I am aware that there is the legislation.

However, Mr. Speaker, the problem with Police Certificates of Character which, because of how they are done, is still creating problems for offenders, in relation to gaining employment in Barbados. I believe we have to look again at how we are putting together that Police Certificate of Character, because I do not believe that it is structured in a way to give employers a true picture of prospective employees, who would have run afoul of the Law.

I believe we have to look at a system of clearly categorising the kinds of offences which are attached and inserted on that report, to the extent that an employer can make an informed decision in relation to someone who has offended, without in my view, blacklisting persons, a decision without the kind of information that is required.

Mr. Speaker, one of the things I have seen is that we are getting a number of repeated offenders, and if we are serious about removing the possibility of someone who has been incarcerated for repeating an offence in Barbados, which is now at a very significant percentage, we have to devise ways and means to tackle this problem.

Mr. Speaker, I think every Member of Parliament in this House is encountering a serious problem, in relation to persons who are seeking employment, who may have offended, but at the end of the day, they are still persons living in Barbados.

Sir, if we are going to place persons to commit crime again, because we are not devising a rehabilitation programme to deal with that effectively then I think, we really would not have been doing true justice to those persons.

The problem which we face, Mr. Speaker, is very wide, and certainly, this is an opportune occasion to really sound our voices on this issue. I believe that we, as Members of Parliament, have to devise programmes at the Constituency level to tackle what, I think, is far too much free time, liming time, which our youngsters are experiencing.

Mr. Speaker, part of the prevention that we need to embark on is not to surrender the good values of old. I think we are in danger, if there are international practices that influence us in our decision-making, by whatever means, which themselves have had to be dealt with by different kinds of legislative approaches in countries. Sir,

we have to be mindful that still in Barbados, we have some fundamental values and principles that we should not surrender.

Mr. Speaker, I believe in the words of the late Rt. Excellent Errol Walton Barrow while he was in this place, which said that we were enjoined to ensure that, as a Nation, we do not lose our sovereignty and that we do not surrender our Barbadian practices, that have been tried and tested on the altar of international influences.

I am not happy, Mr. Speaker, and I do not think the Other Side has any kind of moral base, to even speak on that issue. I do agree that we need to canvass Barbadians on these issues, but really and truly to hear it coming from the Other Side is an indictment on them, in relation to their stewardship. Therefore, I do not think that they really have any moral authority.

Asides.

Mr. S. A. LASHLEY: Mr. Speaker, I do not believe that, whether or not they are former Attorneys-General, they really have any moral authority to come in here and talk about consulting the public, because they have been the greatest offenders at failing to consult the public on serious matters. One of the main ones which we face now is the Caribbean Court of Justice and matters relating to the Amended Treaty of Chaguaramas. We have to face it, Sir.

I believe the Government recognises that it has to spend a lot of time tidying up the errors and omissions of the former Administration. Therefore, each time they stand up in here and try to pretend as though they can now school and teach us on matters that they did not deal with, I have to remind them of that, Sir.

Mr. Speaker, I would like to say that what we have to do in relation to issues pertaining to juvenile crime, in particular, which is my particular concern, is to get our young people occupied. The youth groups are still, to my mind, dormant. I wish by this presentation to certainly send a call, now that we have the Ministry of Family and Youth, to find innovative ways to re-ignite the imagination and attention of our youngsters, particularly through youth organisations and youth groups.

We have to find ways, Mr. Speaker, to positively enforce and reinforce the principles that we hold dear, even in relation to our school system, because we cannot speak of crime prevention and rehabilitation without finding innovative ways in our educational system, particularly at the primary level, to prevent our youngsters from getting involved in crime.

Mr. Speaker, I believe that we have to review the system of Guidance Counsellors. I do not believe that we

have them in the primary schools. I feel we need to look at a system of having Guidance Counsellors in all our primary schools because, I believe, that a lot of the deviant behaviour we are seeing is at the primary level.

I also believe, Mr. Speaker, that the whole remit of Guidance Counsellors need to be expanded and widened, so that the extent to which early intervention can be made in our homes, we have to find practical ways of getting our guidance Counsellors intervening in the homes where the problems are occurring and where we need early intervention to prevent the tide of delinquency, because that is where it starts.

Mr. Speaker, again, it begins at that stage and we have to urgently arrest that tide, by putting our brains and minds together and retooling and giving our professionals the kinds of support and resources to carry out those early interventions in our homes.

11.30 a.m.

Mr. Speaker, criminologists, those who have written on the subject time and time again, and those who speak on the subject of crime, share one single view, that there are issues in relation to the whole social fabric and persons of lesser means and poverty. Poverty is pushing and forcing a number of persons to become delinquent and then to move into other areas of crime. We have to find innovative ways, where there are parents who obviously are having...

Mr. D. D. MARSHALL: On a point of order. Mr. Speaker, Honourable Members of the House have sat patiently, but I would like to remind the Honourable Member of the Standing Orders, which says that an Honourable Member must confine his speech to the subject under discussion, and not to introduce matters irrelevant thereto. This is the Criminal Appeal Amendment.

The Honourable Member has gone from Guidance Counsellors to youth groups to the role of parents. He really is washing too far and wide. If the Honourable Member wants people to know what he knows, tell him to talk at a branch meeting.

Mr. SPEAKER: Honourable Member, I am giving the Honourable Member the same kind of latitude that I have given for this entire debate, otherwise I would have intervened earlier. I do not see why I cannot be flexible and listen to the Honourable Member. In any event, his time is soon at an end. Honourable Member, please continue.

Mr. S. A. LASHLEY: Mr. Speaker, I understand the dilemma that the Other Side has. I started by saying, and perhaps the Honourable Member wants me to repeat it, that if the Honourable Member for St. Joseph, along with his Leader, had ensured that while they were in office, they

had paid the kind of attention to details, and not the kind of what I called failure, and put certain steps in place, we would not have been here today.

Mr. Speaker, we are debating these pieces of legislation precisely because they have failed to do their homework. They have failed in other areas too, Mr. Speaker, which is why I have had to repeat it.

Mr. Speaker, no matter what they say Over There, I am still going to speak and remind them, with your permission, of the kind of things that we have to correct what they should have dealt with. This is not the only measure that I believe would have to come to this House to be dealt with, because of the neglect of the Barbados Labour Party. That is why it amazes me that each time we seek to correct their errors, they are telling us not to talk about it and only confine our speech to certain matters.

Mr. Speaker, I want to wind up my contribution, which of course, got some response from the Other Side, which is good. Oftentimes you do not hear or see them Over There, but I am happy that they have joined me in appreciating that we have serious issues to address in relation to the reform of Criminal Law.

I have no doubt, Mr. Speaker, that when the Honourable Attorney-General sees more errors that are committed by the Other Side that he would move with swiftness and come back to this House to have them corrected.

Mr. Speaker, I believe that there would be other occasions in which to address other matters pertaining to Criminal Law in Barbados. However, Mr. Speaker, I am happy that we are able to come at this time to make these amendments. I did say that I hope that we carry out a wider search to ensure that if there are other areas to be corrected, that we can quickly move to correct them.

With those few remarks, Mr. Speaker, I am obliged to you.

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

Mr. D. D. MARSHALL: Mr. Speaker, I thought that this debate was really to deal with a simple issue, but the Other Side have chosen to make very heavy weather of a matter that really ought not to have detained this Parliament overly long.

Mr. Speaker, inasmuch as the last speaker has chosen to go down the road of what in another place might have been called “cow swiping” and alleging that the Barbados Labour Party failed to correct errors, I would like to point out...

Mr. SPEAKER: Honourable Member, are you saying that you would “cow swipe” too?

Mr. D. D. MARSHALL: No, Sir.

Mr. SPEAKER: Very well.

Mr. D. D. MARSHALL: No matter how hard I try, that particular impediment has eluded me.

Mr. Speaker, a law review would have dealt with the issues of tidying up where you did not refer to the Caribbean Court of Justice and so on. It does not constitute an error on the part of any Government. The matter of detaining individuals until her Majesty’s pleasure be known has been part of our Law for umpteen years. That Law existed when we were in Government and it existed when the Democratic Labour Party was in Government. It has been changed because of a shift in the thinking of the constitutional Lawyers and jurists.

Sir, the fact that it now has to be changed, does not represent a failing in any way on the part of the Barbados Labour Party Administration when we last served in Government. In fact, it does not represent a failing on the part of anybody. There was a shift in the thinking of Law.

The Honourable Member, the Minister of Housing and Lands, who has had an extensive and successful Criminal Law practice could talk about areas where 20 years ago the judicial thinking was of one kind and then the judicial thinking changed. The fact that you then altered legislation to make it...

Asides.

Mr. D. D. MARSHALL: For the Honourable Member who just spoke to suggest that the fact that we are here today to do this kind of tidying up is indicative of failings on the part of the Barbados Labour Party, is the most disingenuous statement for him to make in this Parliament or anywhere else.

Mr. Speaker, the Honourable Member sought to suggest that when we were in Government, we did not have any record to speak of, and suggested that the Honourable Leader of the Opposition should have used her time to speak about the things that we did, but we could not, because we did not do anything. Mr. Speaker, there is no Parliament that has not had to pass validation Bills.

The Barbados Labour Party, when we came to Parliament in 1994, had to pass Validation Bills in relation to legislation and acts of the Democratic Labour Party. It is a feature of Government that from time, to time validation Bills would have to be brought. It really ought not to be a major issue.

Sir, during the term of our stewardship, we brought to this Parliament legislation dealing with money laundering, legislation dealing with terrorism, a new Evidence Act, a new Bail Act, a new Magistrates' Court Act, legislation dealing with firearms and the rehabilitation of offenders, a whole raft of legislation that has sought to modernise and to improve the Criminal Law regime in this country. Mr. Speaker, it is most insincere of the Honourable Member who last spoke to suggest that, in fact, we did not make any contribution to these areas.

Mr. Speaker, we are going to find, and I believe the Honourable Attorney-General has found, that over the course of the Government and of governance, there are going to be areas that are not dealt with as expeditiously as one would like. Certainly Sir, to the extent that the Judicial Committee of the Privy Council was not duly notarised, is clearly something that ought not to have happened.

11.40 a.m.

Mr. Speaker, the fact is that there are times when these things will fall through the cracks, with no excuse being offered, but it certainly is not a basis for the pillorying of an Administration. Sir, we too could pillory the Democratic Labour Party on failings that existed during the existence of their term.

Sir, I would like to suggest that as we proceed with the debates throughout the rest of the life of this Parliament, that we demonstrate a maturity which would see us focussing on the issues and not trying to score little points on matters that are of little import, matters that will take us nowhere.

Mr. Speaker, we support this amendment. It is an amendment that has been the result of new judicial thinking. It is a matter that is persistent in our Law for many years. It is a matter that is ripe for this Parliament to change.

Sir, the Leader of the Opposition said that we support it. It is a small matter. There are other consequential amendments that are being made to the Schedule, but Sir, for the Government to be making heavy weather of this amendment, for them to be indicating that This Side has been guilty of some failing because we did not bring it, is not just wrong. It is disingenuous and immature. We give our support to the Bill, as we would give our support to any of the well thought-out measures.

Sir, if the Honourable Member wishes to be truthful, if the Honourable Member wishes to truly consider the issue, the Honourable Member would have to ask or, at least, answer why it is that over the course of the last 15 or 16 months, we keep getting this kind of legislation coming before Parliament, as opposed to new and vibrant

legislation which would demonstrate a Democratic Labour Party that knows not only where it is going, but knows where it wants to take the people of this country.

Mr. Speaker, I am obliged.

Hon. P. M. T. TODD: Mr. Speaker, I rise to support to this Criminal Appeal (Amendment and Miscellaneous Provisions) Bill before this Honourable House and to say at the onset that I heard the Leader of the Opposition and the Honourable Member for St. Joseph making reference to the mandatory death penalty, where those Honourable Members have been calling upon the Government to consult with the people.

Sir, I would want to say that I remember it is the same Barbados Labour Party Government, over the 14 years preceding the 2008 General Elections, who promised to have a referendum to revamp the Constitution in an aggressive way. The Honourable Member for St. Joseph alluded to it as he spoke. They had a battle cry of the Republic song in the Election campaign two years ago. Sir,

what happened to all of that? Sir, 14 years came and the Barbados Labour Party still did not present to the public any far-reaching constitutional reform. Therefore, they should sit back and reflect on their transgressions.

Mr. Speaker, in relation to the first aspect of the amendment to this legislation where we are seeking, beyond a shadow of doubt, as the legal luminaries would say, to be pellucid in indicating to the world at large, and to people as a whole, that the Caribbean Court of Justice is, indeed, the final Appeal Court in our judicial system. Therefore, removing Barbados, in my view, from these vestiges of colonialism.

Sir, I did a little science at school, where we used to refer to certain organs in the body as vestigial organs such as the appendix, which is a sort of historical and evolutionary reminder of the prehistoric man. Sir, that is to say, for example, in the case of cows with several different stomachs having to digest grass, we as humans have evolved, as it were, and so the need for the appendix is not necessary and so it really has no function. I am using that term that these vestiges of colonialism, such as the Judicial Committee of the Privy Council, must be jettisoned, as it were, from the legal realities of our system of governance in our country.

Mr. Speaker, the issue, for example, of the Canadian Constitution, which was repatriated from Great Britain a few days ago, where the Canadian people felt that their sovereignty was intact and more tangible when this occurred. Sir, these are issues that we as a people, if we say we are Independent, must grapple with and must address sooner, rather than later, because they hold us back as a

people. Sir, I look forward to our Government addressing these issues in a very comprehensive manner.

Mr. Speaker, I promise not to be to very long, but I would wish to say on the second aspect of the legislation that as other Honourable Members have mentioned, this provides an opportunity for this Parliament and the people of Barbados to look seriously at any deficiencies within our criminal justice system. Sir, this issue of committing people to the penal institutions, the prison and the Psychiatric Hospital, until Her Majesty's pleasure is known, is something I am aware of.

Sir, for example, the country would recall that on one afternoon of the Financial Statement and Budgetary Proposals, an individual had approached the then Prime Minister, the late Tom Adams, and stole his "black box". This perpetrator was committed to the Psychiatric Hospital until Her Majesty's pleasure is known.

This person's family and mine are very close, as we grew up together. In fact, I just remembered that as a lad, when the adults in my house were away, his family babysat me. He was a bright young man who started university studies abroad. He was very articulate. He had a challenge, and as others have mentioned, mental illness does not mean that you are beyond rehabilitation and so, with medication and counselling you can be rehabilitated.

Sir, this technicality about being committed to the Psychiatric Hospital until Her Majesty's pleasure is known. I believe this gentleman is still at the Psychiatric Hospital, as we speak. I remember as he got better, sometimes the doctors would allow him to come home for a weekend, but his ultimate release was never sure, because Her Majesty's pleasure was being interpreted by many, as being given a life sentence, as it were, to remain at the Psychiatric Hospital, until you expire or in the case of juveniles sentenced to prison, until they expire.

Mr. Speaker, these are very serious issues, because we have to look at the whole issue of the psychological impact of this. If one is sentenced to 15 or 20 years hard labour, one can know that at the end of that period they would be released, but the vague issue of until Her Majesty's pleasure is known, is like having a life sentence hanging over the head of that person who is so sentenced. Therefore, we must look at the issue of rehabilitation.

Mr. Speaker, notwithstanding this, we must also look at the aspect that the Honourable Member for Christ Church West Central alluded to, in terms of the criminal justice system as a deterrent to crime. Sir, I just reflected that we heard of a recent shooting where a Transport Board bus driver was shot in his mid-section at a gas station in Wildey. This was featured in last weekend's newspapers.

11.50 a.m.

Sir, I reflected that around that same time, the night before, I was at that same gas station and I thank the Lord above that I was spared because, Mr. Speaker, it could have been me. Sir, this is a heinous crime, where someone was shot at point blank range, where he was at death's door and where he was in the ICU for weeks. Sir, he said he was there for only five minutes and that he had gone to buy bread, when there was this callous crime. Sir, this total disregard for life is a serious issue.

Mr. Speaker, we hear in North America and other jurisdictions the concept of being sent to prison without the possibility of parole, in other words, a life sentence where you remain in prison until you expire. This is a sentence that could be applicable, relevant and useful in our jurisdiction, because we would be sending a very strong signal to people that you cannot kill somebody, and because you are a minor you could just go to the Psychiatric Hospital, if you could convince the Court you are mentally ill, or you could go to Her Majesty's Prison, and after a certain number of years, you could walk scotch-free, having killed somebody in cold blood.

Mr. Speaker, if you remember, a few years ago, we saw a significant number of minors being found guilty of murder. I am saying that we, as a society, must be very pellucid and send a strong signal to those persons who may be inclined to believe that our judicial system is so lenient, that once you are a minor that you could kill somebody and you are not going to be hanged, or you are not even going to get a life sentence without parole.

Mr. Speaker, I am not opening a debate on any issue. I am simply saying that our penal system must be strong so that we send a strong signal to these perpetrators, that they cannot have this disregard for human life, where they can take a life and get off after serving a sentence of six years or ten years and walk scotch-free, having killed someone.

Mr. Speaker, one solution is that, in the very least, these minors should know there is a possibility that they could be committed to the prison until they die, because they are a menace to the society and we cannot trust them to be reintegrated into the society. Sir, that is the penalty they would have to pay for taking a life. Sir, it does not mean that I do not agree with the parole system. In fact, this legislation will facilitate this, because I am sure that the Honourable Attorney-General, Acting Prime Minister would elucidate...

Asides.

Hon. P. M. T. TODD: Sir, as I understand it, since we are removing this issue of committing someone until Her Majesty's pleasure is known and replacing it with

“until the Court’s pleasure is known”, then this provides a mechanism such that the Court can review these persons so sentenced; review their cases, what have you, so that their progress in terms of rehabilitation, whether they are well-behaved and if they could be released on good behaviour, after demonstrating that they have been fully rehabilitated.

Mr. Speaker, I support the issue of rehabilitating prisoners. I salute the late Dr. Bradley Niles who worked with myself in the New Orleans. He was a patron of the New Orleans Community Council for a number of years. He was a resource person when he was the tutor at the Extra-Mural Department facilitating many of the youth development courses. Sir, I remember when I was at the University of the West Indies Student Guild that people in the Barbados Youth Council and so on, would have learnt a great deal from this man.

Mr. Speaker, you know that the late Dr. Bradley Niles was renowned for going into the prisons and providing CXC classes for those prisoners, and a number of persons felt that it was not correct, but that you should feed prisoners on hard bread and water, beat them with the cat-o-nine tails and treat them as if they are not human beings. Sir, I am saying they are Barbadians and that with proper rehabilitation that they could be reintegrated into society, but Sir, it all depends on the crime.

Mr. Speaker, I agree that we should categorised and that there are certain crimes that we could seek to rehabilitate these prisoners so that they could really reintegrate into the society, to assist the national development and assist in the national security of our country.

Sir, when criminologists do their analyses, we see repeat offenders, people who have become caught in a vortex. They go to prison, mix with hardened criminals, perpetuate criminal minds where they plan crimes in prison and as soon as they are released, they are back in prison for other crimes, and Sir, there is a vicious circle going on and on.

Mr. Speaker, this issue has to be addressed. Do we need to have a minimum security prison where first offenders could be kept away from hardened criminals, so that we do not get this contamination? Sir, these are issues that we as people must consider. We cannot just look at cost, because the opportunity cost, as it were, might even be higher. Sir, that is to say, if we do not spend the money and invest it in these interventions, we could end up worsening the situation in terms of escalation of crime.

Mr. Speaker, in conclusion, I would just wish to again congratulate the Attorney-General for being thorough in his work to ensure that these deficiencies in our legal system are addressed in a timely manner, not vacillating,

resulting in these issues remaining unsolved crimes for years and the people of Barbados suffering. Sir, I am very honoured to fully support this amendment Bill.

Sir, I thank you.

Mr. SPEAKER: I am obliged. The Honourable Member for St. Philip North.

Hon. M. A. LASHLEY: Mr. Speaker, I rise to enter my voice to this debate. First, I want to applaud the Acting Prime Minister for his wonderful submission this morning on these amendments. Sir, I sat and I listened to most of the contributions and I agree with most of them. Let me say, Mr. Speaker, that the issue of reform came up during this debate and that, as a former defence Lawyer, I believe I would have to make some submissions in terms of improvements I would like to see in the criminal justice system.

Mr. Speaker, the second amendment was in relation to the separation of powers doctrine and came out of the local case of Normon Scantlebury. In fact, I was involved in that trial at the High Court and I represented one of the accused in that matter. In fact, a group of attorneys, we decided to take the shorter course, in that we accepted a plea, the lesser count of manslaughter and so we got out of that trial, and Sir, Normon Scantlebury, the juvenile, remained on trial. I was wondering why, at that stage, the appellant did not take the same course, but when we look back at it now, it gives the Court an opportunity to debate Section 14 of the Juvenile Offenders Act in Court and so, we have come to this position, which is similar to the position carried in the famous Jamaican case of Hinds.

Sir, if you read Lord Diploott’s judgement in that trial, it also sets out clearly that there is no room for the Executive to be involved in exercising a judicial function. Sir, basically, we must protect the separation of powers doctrine.

Mr. President, I have had an extensive practice at the Criminal Bar and I believe the Clerk sitting here might have encountered me on more than one occasion, because he was a prosecutor for some time.

12:00 noon

I do not recall him winning any cases against me. Sir, he had some time in the Court as a Prosecutor. I did not say that I ran him from the Court.

Sir, I spoke to reform. We mentioned a lot about the accused and appellants. From time to time, I mentioned the fact that during my practice I have encountered victims who, actually, were severely injured by the acts or omissions of an accused person. When we look at the

justice of the case, sometimes the judge, in his discretion and also looking at all the mitigating factors, would give that person a non-custodian sentence.

The issue we have to look at is life thereafter for the victim. The victim might be a labourer, or a skilled person who has dependents and is subsequently injured, and that person might be the sole bread winner of the family. The question is, how would that person be able to survive thereafter? There are certain options. He can in turn file a writ against the accused person, but again, suppose that person is a man of straw? If that person is a man of straw, when we look at the justice of the case, can we ask ourselves whether justice has been seen to be done? Of course, we now have dependents that the State has to look after and we have to look at how we are going to treat this victim, after he had been severely attacked or injured.

Sir, I have done matters where victims suffered as a result of acid throwing in the face and other parts of the body. Then the attempt to sue the accused thereafter, would only result in a paper judgement. I would respectfully support the establishment of a Victim Compensation Scheme in Barbados and we put the appropriate conditions in place so that the system would not be abused. I support the Victim Compensation Scheme. Sir, I think this debate gives us an opportunity to look at the Criminal Justice system. I move on by looking at another area of the Law.

Sir, I have argued time and time again, that the Community Legal Services Act is an Act that allows litigants, or accused persons the right to represent persons in a criminal court. Do you know what is strange? There is no expressed provision in the Community Legal Services Act that would give a man in the street who wants to access the Caribbean Court of Justice legal aid, for matters before the Caribbean Court of Justice. There is no access in the Community Legal Services Act, for appeals to the Caribbean Court of Justice. I am speaking about access to justice, and I am saying that the poor man in the street, given the fact that we look to the certainty in the Law, that there is no expressed provision in the Community Legal Services Act...

Asides.

Hon. M. A. LASHLEY: I have been assured by the learned Honourable Attorney-General that matter is being dealt with.

Sir, as I said, I want to speak to my experiences in the Criminal Law, the Criminal Justice System and the Criminal Appeal System. I do not want to blow my own trumpet, but I appeared before the Court of Appeal on some occasions. Let me leave it there. I do not want to say on numerous occasions. I must say that there is a matter before...

Asides.

Hon. M. A. LASHLEY: Sir, I was speaking to the fact that when we look at the Criminal Justice System, there was a matter, to the point that the Honourable Member for the City of Bridgetown was making, how we treat to offenders, because a particular offender had a long conviction card for petty crimes, but all of a sudden that person committed a capital offence. I asked myself, what treatment was being given to this offender, if all of this time he was spending in prison, released back into society and committing offences all the time, until that person graduates towards the capital offence of murder?

Sir, what happened as a result of the matter? the issue of expert witness, giving expert evidence, because the matter centred on the DNA evidence, and what we argued was the fact that, if the State is entitled to an expert witness giving expert evidence, an accused person should also be entitled to the same, that is, the facilities of an expert witness giving expert evidence.

The argument was whether that is constitutional that the State can have access to an expert witness giving expert evidence, but the poor man in the street who has to counter that evidence, given the fact that we have a Constitution which makes provisions for fair trials, the question was asked, whether we should put provisions within the Law giving that accused person or man in the street, facilities and access to an expert witness and expert evidence?

Obviously, the question is whether the State would have to pay for that expert evidence or witness. I would like this Administration to look at those areas, in terms of developing the Criminal Justice system, and developing the Administration of justice in this country.

Sir, I have a particular problem. The fact that an indictable offence was committed in this country in 2005, and it is now 2009, and the matter has not yet started. The problem is, the police officers have to provide the statements to defence attorneys, defence attorneys would then send correspondence requesting the statements, and it takes sometimes two years to get witness statements from the Commissioner of Police.

12.10 p.m.

In fact, Sir, I had a remedy for it, because I was sending correspondence to the Commissioner of Police, and if close to a year, the trial has not started, I would then apply to the High Court for bail, based on the grounds that obviously that person is entitled to a trial without delay, and a trial within reasonable time.

It is no way that in a modern criminal justice system, we should be awaiting statements, sometimes one to two

years. In fact, the same matter that it was involved in, the Frank Gibson matter, the High Court Judge made certain statements and issued certain guidelines, in relation to how he would like to see criminal matters dealt with, or the manner in which they should be dealt with by the Magistrate's Court and also by the High Court.

Further, Sir, it is time that we in this country abolish the Judges' Rules. The Judges' Rules are rules that speak to the conduct of police officers investigating a criminal case. Mr. Speaker, in England they abolished the Judges Rule and they brought in the Police and Criminal Evidence Act, apace. It is a very thorough Act and sets out investigations from the beginning of the arrest to the time he was charged and the day after.

The point is, Sir, that many times, as a criminal defense Lawyer, I questioned police officers in relation to the procedure on the Judges' Rules. Sir, you know that the ruling from the judges are rules of practice and not rules of Law? so you are just scoring a point before the Jury. Therefore, we have to look at a piece of legislation similar to the Police and Criminal Evidence Act in England. Sir, you know that people might say I have a bias approach because I spent a lot of time in the Court, but I am making these observations so that they will be a continued fairness throughout the system.

Again, Mr. Speaker, when we look at further reforms, we have to look closely at the Jury Act. I would say, Sir, on the Floor of this House that we mentioned about repeat offenders, but in my experience in the Assizes, I came across repeat jurors.

I recall that I did a number of matters in an April Assizes. When I went to the November Assizes, I saw four persons who were on the panel on the April Assizes. Sir, we select jurors on the basis of a random selection.

I do recall an experience when I came into the Court early one morning and my request at the start of the Assizes was to ask for the jurors' list. Sir, I recall seeing a Rastafarian in the group and the next two days, the Rastafarian said to me that he was notified that he is no longer needed - to sit as a juror in the Assizes. Sir, he was not given an opportunity to be part of the Administration of justice in this country. I always had a particular interest, and I am not casting any aspersions on those who select jurors, but it was my observation.

In fact, Mr. Speaker, I was doing some research on how as a defence Lawyer, apart from the challenges at the trial, how I can make challenges to the composition of the jurors list, before any matter starts in the Assizes.

Sir, we can go on and on and there are so many issues that we can highlight within the Criminal Justice System.

Mr. Speaker, again my experience suggests that we need more probation officers. My experience was that time and time again, we had delays as a result of the unavailability of probation officers, the fact that they had to prepare the probation reports. A number of persons will come to the assizes, plead guilty, and they have to prepare the reports. Sometimes, it is burdensome and it means, Sir, that what happens lately, a person sentenced in the April Assizes will go over to the next Assizes awaiting the sentence, so that I believe there is a need for more probation officers.

Mr. Speaker, I have a particular concern. Again, when we follow other jurisdictions, a person is charged with the capital offence of murder. The person is arrested by the police and taken into custody. When you get the statement, that person is not accompanied by a Lawyer, and it is not reflected that the person was given legal advice. I am saying, given the fact that there are consequences that follow thereafter, as such an offence - I know that in Britain, there is something what we call, a 'duty Lawyer', a State appointed Lawyer, under the Green Form Scheme.

Sir, the Duty Lawyer is to protect that accused person to ensure continued fairness throughout the investigation, because we have a person charged with a capital offence facing certain consequences. Sometimes that person is carried through one or two weeks of interrogation; that person not having the money to pay, because at that stage it is only an allegation, but if we have such protective mechanisms in place, we will ensure more fairness throughout the system.

I am not knocking the system. I believe that we have a proper criminal justice system, but in any system Sir, there are flaws and we must point out the flaws. Again, Mr. Speaker, based on the crimes that are being committed, there might be a need in the future to sequester the jurors.

12.20 p.m.

Given the fact that Barbados is a small society, Sir, there might be a need down the road to sequester jurors so that they would be protected from any interference.

Sir, I always question the quality of the programmes that are in place at the Prison for juvenile offenders who are awaiting trial and who have been convicted, because I have seen the same faces time and time again coming before the Law Courts. Sir, we need programmes at the Prison which would rehabilitate and reform juvenile offenders to bring them back into society.

Mr. Speaker, I am particularly moved by what the Director of Public Prosecutions cited in the case of Normon Scantlebury and the Queen. Sir, it is enlightening and it is good reading. In fact, in terms of the sentencing of juvenile offenders, the learned Director of Public Prosecutions referred to Schedule 21 of the English Criminal Justice Act, 2003. Sir, that Act sets out a number of factors which the Court should take into account in mitigating an aggravating factor when it comes to sentencing a juvenile.

Sir, whether there was provocation, whether it was a spontaneous action, or whether it was an intention on the part of that person, I believe that those guidelines are very enlightening in terms of sentencing even adults.

Sir, I respectfully submit that we should have a young offender's institution, I am making the distinction between juveniles and young offenders.

Sir, if we had gotten to individuals such a Normon Scantlebury, and I know of other individuals who appeared throughout the juvenile system, and provided proper programmes for them, it would not have resulted in these kind of offences. Sir, personally, I have watched juvenile offenders go through the system and graduate. Sir, as defence counsel, you sometimes act as a guidance counsellor.

Sir, the system has to provide mechanisms for them to give them the correct guidance and the correct approach to life. Sir, it so happened that most of those I encountered at the juvenile trial level, for some reason, they graduated. Sir, that is a fundamental flaw in the system. That is why I am calling for a young offenders' institution so that we can deal with them.

Sir, there is a juvenile court already, which I believe sits at the Coroner's Court sometimes. I have mentioned the fact that we need to abolish the Judges' Rules. We need a victim compensation scheme. I have mentioned the fact that we need to be more efficient in terms of providing statements so that we can have trials start in a reasonable time.

Mr. Speaker, the reform of the Criminal Justice System brings me to another suggestion, that is, that the time is now near for us to ask members from the private Bar to prosecute certain criminal matters in the Assizes. It is done in Trinidad and Tobago. I do not think there is any harm in that. We can ask private Lawyers to prosecute certain criminal matters. Sir, I know why I say that.

Sir, in conclusion, I could only support these amendments. The reforms that I have asked for are requested, because of the fact that we have a number of persons in prison awaiting trial, having been charged some time way back in 2005. Sir, we should look at asking the

Commissioner of Police to ensure that within three to six months of a person being charged, that the defense Lawyers and the Court, is fully furnished with all the witness statements in the matter, so that there is no further delay in the matter.

I thank you, Mr. Speaker.

SUSPENSION OF SITTING

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

Hon. F. J. STUART: I beg to second that.

The question that the Sitting do now suspend until 1.30 p.m. today was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

12.30 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. The Honourable Member for St. Michael North.

Mr. R. St.C TOPPIN: Mr. Speaker, I rise to lend my support to this Bill before this Honourable House, and to say that I believe everyone here genuinely has the interest of the Administration of justice at heart.

Sir, I would wish to make this brief intervention also to raise a few issues. I believe that in the context of a discussion of this kind, which has really ranged quite far and wide, I would want to throw on the table the whole issue of the incarceration of individuals.

Sir, I believe that incarceration, particularly for lengthy periods of time, is something that should be resorted to, only in somewhat extreme circumstances. If you were to look at Sweden, Sweden has a policy which they refer to as a policy of the humanitarian use of imprisonment and innovative treatment programme. Sir, that policy in Sweden is guided by their recognition, as they put it, that crime is often socially produced, that criminals suffer from problems in living, and that only truly dangerous criminals should be incarcerated. Therefore, they have a policy that sees a fairly low rate of imprisonment, because they seek out alternatives to imprisonment, prior to resorting to imprisonment, which they believe should be implemented or imposed only as a last resort.

Mr. Speaker, I share that approach largely because there is a mistaken conception among some Barbadians, and perhaps beyond, that prison is, in fact, a hotel where

people go and get the very best of treatment. Sir, I can tell you that prison is not a hotel. In fact, prison is a very cruel place. Sir, when you go to a hotel, you can check in and check out at your leisure, but when you check out of prison, you check out with a conviction behind your name. Sir, prison is a very cruel and hard place, and imprisonment in itself is hardship.

Sir, people think you go to prison and then you should be punished after you get there, but the act of going to prison is in itself punishment. Mr. Speaker, I believe that in Barbados we need to incorporate a bit of the policy I enunciated that exists in other places, but I mentioned the example of Sweden, so that we could see imprisonment as a last resort. Let us look at the rehabilitative side of the issue.

Mr. Speaker, I had to go to prison on a number of occasions, as an attorney-at-Law, and depending on how you look at it, I had the good or bad fortune of having a tour of Maximum Security, where there are not only death row inmates, but other persons who are confined to Maximum Security. Sir, I was in the company of another attorney and when we got outside of the prison gates, we both almost vomited, having come from a scenario where someone was being confined to a cell for some 23 hours a day. This cell was a little taller and a little wider than the person. Therefore, prison is no place to be seen as a hotel and it really should be seen as a place where people go, wholly and solely, as a last resort.

Sir, even in relation to remanding persons on charges, it is said that these persons are not mixed with the hardcore prisoners or with certain persons doing time, but the very atmosphere, even in a situation or setting of being on remand pending trial, that, in itself, can have a certain contaminating effect on the person so confined. Therefore, I would wish to urge that incarceration would be a last resort.

Mr. Speaker, there was a study done some years ago, which showed that a person who is imprisoned for a term of more than seven years, sees prison as his home, more often than not. Therefore, when that person is eventually freed after a seven-year term, that person has so seen prison as his or her home, that he or she goes out and commits an offence, which would have them further incarcerated. Therefore, while I support incarceration for certain types of offenders, who can learn by no other method, it is a very dangerous mode of punishment and should be seen as a last resort.

Mr. Speaker, the next point I would wish to raise is the status of having videotaped confessions. Sir, this has been on the cards now for some time. I am also aware that one place at least was largely outfitted for that purpose. I am still seeing, still reading in the papers and still going to

Court and witnessing occasions where the only evidence against accused persons is a confession which, allegedly, was voluntarily given. It is on that basis alone that a person, in fact, is convicted. I believe that the time has come where in the year 2009, we need to accept that this is the sort of technology that we have to use, if we claim to be a fairly advanced judicial democracy, that if we could see first-hand when a person's confession is being recorded, where you would be able to see their demeanour and condition as they are making this confession.

Sir, I would ask the Honourable Attorney-General to see if this could be fast-tracked. I believe I could safely say it is not yet implemented or used in any of our Courts or proceedings, but I think we would need to ensure, if we want to boast of our judicial system, that we could move to that position very shortly.

Mr. Speaker, the last point I wish to make is the fact that it is still the case where pictures and names of accused persons are being flashed across the media, for the sake, perhaps, of sensationalism, or whatsoever. Sir, I view this as something that is wholly wrong.

Sir, there is this saying - because it exists, in my view, in theory only - that in this jurisdiction and in many others, an individual is presumed innocent until proven guilty. Sir, that is a total farce. We have a situation where a crime is committed, people would hear within a matter of days that someone is assisting the Police Force in their investigations and right away the talk is that the police has apprehended the guilty person.

Sir, further too, after the person is charged, people rush to get the newspapers, because the person's picture is going to be displayed prominently in the newspapers. Sir, on television you are going to see the person being handcuffed and taken into Court, with an officer holding that person's pants at the back, et cetera. Sir, really and truly, the case is determined before a shred of evidence is given.

Mr. Speaker, in a small society like ours, the fact is that a person who is charged, even if that person is acquitted, still remains stained for life.

Sir, there are some offences, particularly sexual offences, where the names of victims are withheld, and I would say rightly so, but I believe that similarly, until a person is convicted, that person's identity should not be revealed. Mr. Speaker, I think that would be in all fairness to all parties concerned. Sir, as I said, a person charged, even though acquitted, is still stained in our society.

Sir, there is also this saying where there is smoke, there is fire, which means to say that there is some truth in

that situation when, in fact, there may well be none whatsoever.

Mr. Speaker, I think the Honourable Attorney-General mentioned the case of someone being imprisoned for 21 years. There would have been a lot of smoke attendant upon that trial, and upon the entire set of circumstances accompanying that matter, but the person was then found not guilty after some 21 years. Sir, we need to have a more open mind in our society about persons who are merely accused.

I believe one important element, and I am not sure how it could be done, because we would be accused perhaps of stifling democracy and freedom of expression; is that newspapers and the media generally have to be urged to be more responsible, than to be flashing pictures and names of people, who are merely on charges, across the newspapers.

Asides.

Mr. R. St.C. TOPPIN: Mr. Speaker, as an Honourable Member said, that is an uphill task, perhaps it would be virtually impossible because that is the stuff of which newspaper sales are made.

1.50 p.m.

Sir, it would be very hard, but I believe we need to ensure that we could urge the newspapers to moderate their sensationalism in that regard.

Mr. Speaker, the last point I would make is this. I was a bit concerned sometime back when I heard a judicial officer - I honestly do not remember which one it was - making the point that where people charge a complainant and then come to Court and indicate they are not offering any evidence, that the Court would look on it with some degree of disapproval and may even sanction the complainant in cost and so on. Sir, I really think that is not moving in the right direction. I believe that the ultimate goal of any society would be to allow persons, between whom there is some conflict, to resolve their conflicts without having to resort to the judicial process.

Mr. Speaker, if a complainant, in the heat of the moment, is injured or damaged in some way by someone, runs to the police in complaint, but about a week later, reason resumes its seat, as they would say, there is a cooling-down of all parties and the complainant then realises that person was his friend for a number of years. He realises he was genuinely upset at the time, as he was entitled to be, but now he is perfectly willing...

Mr. SPEAKER: Honourable Members, this buzz of conversation around is affecting the Honourable Member

and my hearing of the Honourable Member. Please keep it down.

Mr. R. St.C. TOPPIN: Sir, people would be willing, after settling down, to revisit the matter, speak among themselves and decide that it is a matter, where both went a bit too far and the complainant decides he is willing to drop the matter.

Sir, I am concerned that a judicial officer, in those circumstances would have intervened to say, that he is not going to support that sort of behaviour and that the complainant is wasting the time of the Court.

Sir, you are trying to make people live in harmony, and therefore, whatever means they decide among themselves and whatever discussion they hold and resolve the matter, I think that should be respected by our judicial system and that we should, therefore, move to having due recognition of alternative dispute recognition even at the level of individuals deciding how far they would go.

Mr. Speaker, I said I was going to be brief. I support the amendment and I believe, as the Honourable Attorney-General said, there would be another time when a more significant and important debate would take place, during which I would, most certainly, contribute.

Mr. Speaker, I thank you.

Mr. SPEAKER: I am obliged. The Honourable Member for St. Philip South.

Mr. A. D. BRATHWAITE: Thank you, Mr. Speaker.

Mr. Speaker, I like the Honourable Member for St. Michael North would also be brief. My intervention here, having not had much experience in Criminal Law or with criminals, would be primarily with my interaction with the young people at the Government Industrial Schools where I have a great interest, having played cricket there for the last 23 years, and Sir, if I am picked this year, it would be 24 years.

Mr. Speaker, there is one comment I would like to make based on what I heard from my colleague from St. Philip North, which is with respect to having matters done expeditiously.

Sir, the word on the street is that, it is in the interest of the accused, to ensure that criminal matters were delayed as long as possible. Sir, I was a bit concerned about that from the point of view that we need to ensure that our system enables, both the accused and the victim, to have justice. Sir, I was happy to hear that from the Honourable Member for St. Philip North and I am sure that the

Honourable Attorney-General, now Acting Prime Minister, would also like to see this.

I believe that the Chief Justice is putting measures in place to make sure we could have a speedier process, not only in our criminal jurisdiction, but also in our civil jurisdiction.

Mr. Speaker, the area I want to touch on briefly is with respect to juvenile offenders. Sir, much of what I am going to say, I have said previously and I do have a bit of *deja-vu* about it. I have noticed that many of the young boys and girls who enter the Government Industrial Schools have been children with problems from junior school, from the age of nine years and 10 years and would have been told by their teachers, friends and, in some cases family members, that they would end up at Dodds. Sir, in many ways that is an indictment of the fact that our system would have failed to address any issue they would have had from early.

Mr. Speaker, what we need to do is ensure that our system looks at our young men and women from as early as possible.

Mr. Speaker, there was a call for guidance counsellors even in junior schools. Sir, guidance counsellors to assist, not only in their careers, but to assist in looking at what issues would prevent a young boy or girl in functioning properly in a normal social environment at school. Sir, when I went to the Government Industrial Schools in 1985/1986, we had what we then called “hard-ears children”, like I was in my days as a young boy growing up in St. Philip. Sir, today, there is a concern that what we are seeing is not what was termed “hard-ears children”, but we are seeing boys at age 14 and age 15, who are living a criminal life for four years or five years. Sir, that is where I would like to start.

Mr. Speaker, we then need to ensure that whether we still call it the Government Industrial School, or whether we change the name and look at the same system, that we are able to determine the difference between the “hard-ears children” and those boys and girls, who would have been exposed to criminal elements for many years, and then find themselves penalised at Dodds for whatever offence is committed.

Mr. Speaker, I am sure the Attorney-General is looking at this. Sir, we need to ensure that the schools have all the tools necessary to address any ills that the young men and women, who are incarcerated might have. Sir, we need to have gatekeepers. We need to have the individual who ensures that times, *et cetera*, are kept but we also need educators. We also need to ensure that while they are incarcerated, that any skill they have, that any potential they have, that this potential is brought to the fore.

I believe that presently, at the Government Industrial Schools, that one of the areas that the Principal, over the last few years, has been concentrating on, is indeed, ensuring that those children who have the aptitude to do CXC's are being afforded the opportunity to do those CXC's in the various subjects.

Mr. Speaker, we must ensure that these young boys and young girls are not just incarcerated, but are afforded the opportunity to maximise their potential.

Mr. Speaker, I would urge the Attorney-General to satisfy himself as Minister responsible that the requisite skills are in place at the Boys' School and the Girls' school, as I have said, so that we do not just have wardens, but we have educators, and that we have counsellors.

Sir, in that regard, having mentioned the Girls' School. I believe the girls are still at the Defence Force and, like the Attorney-General, I look forward to having them placed in their own environment so that they could have the space necessary for them to also develop. It has been a couple of years since they have been at the Defence Force.

2.00 p.m.

I am not going to make this political and suggest that they, in fact, have been planning, and that is why they ended up there four years ago. I am not going to make this a political matter. The reality is, they are where they are and it is in our best interest that they move as expeditiously as possible.

Sir, our responsibility does not end when these boys and girls leave the Government Industrial Schools. We have the responsibility to ensure that they are fed back into society, and in as orderly a manner as possible.

Sir, one of the sad things that I will share with you is the fact that you realise, as an individual, there is not a lot you can do for many of these young boys when they leave the school, because they are going back into the same environment from whence they came. Thus, I want to encourage the Government to ensure there is indeed some kind of parole system, some kind of system that enables us to transition these young boys and girls back into society in an orderly way, with some control to enable them to reduce whatever influence that brought them to the Government Industrial School in the first place, that we can address after they have left.

I know currently, quite often they go to the Youth Service which, again not being political, but we know what happened to the Youth Service. For quite some time it was neglected. Some would go to the Defence Force. This is not the same thing as in ensuring that there is an ordinary

transition back to society, where they can become useful men and women.

Sir, I am happy, when I walk the streets of Barbados, when I hear a young man say, "Mr. Brathwaite". I know that is someone I have met at the school via cricket et cetera, and I am always happy when I hear good reports. I also hear other reports which I rather not have. As I said, I believe that it is important for us as a country to ensure that these young men and women are properly transitioned back into society.

Sir, because of politics and other reasons, I go to many places in Barbados, and I see them quite often in places where I rather not see them. Of course, it also seems hypocritical of me to be having a beer, let's say in Nelson Street, if I am out canvassing with my colleague of the City of Bridgetown, to see a young man there and feel that it is not the ideal place for him to be. Then it almost seems hypocritical to be asking him what he is doing there. Sir, as I said, my Constituency is Barbados so I see them in various places in Barbados, and it concerns me slightly that we need to ensure that they are properly transitioned back into society.

Sir, the area of training, and I believe the Honorable Attorney-General should look, if he has not done so, I say this because we have not had this discussion, to ensure the staff at these institutions is properly trained, with more than adequate training facilities. I feel that it is not too much if we have to spend \$1 million, \$2 million or whatever the cost, for saving even just one boy. In fact that is money well spent.

Asides.

Mr. A. D. BRATHWAITE: Sir, this is my way of concern. I want us as a Parliament to recognise that there are some difficulties in this area and we need to address them.

We have a situation, unfortunately, where we have too many angry young men and women. That is why I go back to training, for us to identify from early, their social, mental or other issues that drive these young boys and girls to violence. We have to ask ourselves why are they different from our day? We really have to ask ourselves that. I grapple with that problem, because I have, as the Honourable Member for St. Thomas knows, she knows everything, a young son, 14 years old knows I am concerned.

Asides.

Mr. A. D. BRATHWAITE: Yes, I do. I will speak to you about that also.

I am concerned about us ensuring that all of our children, not just say children who are involved in kidnapping activities, but all of our children, we are to ensure that all of our children are offered the best opportunities.

I ask again the question, what is different today from in my days as a boy growing up in Marchfield? In my day we played cricket, we stole a few mangoes and a few pieces of sugar cane from the plantation, but these are things that boys did in those days. I believe the Statute of Limitation is gone.

Asides.

Mr. A. D. BRATHWAITE: Sir, today we have a situation where we have too many young boys and girls involved in criminal activity.

Mr. SPEAKER: Honourable Members, please.

Mr. A. D. BRATHWAITE: Sir, it cannot be underestimated that a lot of it has to do with peer pressure. I am 47 years old and outside of my Constituency, marijuana, I have never seen any other drug near to my environs, at 47 years. So it is a question of peer pressure and their exposure.

When we were growing up as kids we played cricket, football, suck lots of cane and ate mangoes. We really have to carefully examine what is different today than it was in our days growing up in the 1960s.

Aside

Mr. A. D. BRATHWAITE: Yes, we played hide and seek. I played lots of hide and seek.

Sir, in closing, my concern is, in supporting this Bill, without doubt, I did not believe that this would be a contentious debate. As I said, my area of concern with respect to the young boys and girls at the Government Industrial Schools, I hope that the couple of areas I have highlighted, the Honourable-Attorney General would bear them in mind, and in particular, ensuring that adequate facilities and resources are placed at the disposal of the Principal.

I thank you, Sir.

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

His HONOUR K. St.C. BEST: Sir, I rise to support this amendment. At this stage I want to say that I am extremely happy to see the diligent work of the Honourable Attorney-General, ensuring that things left lagging,

causing us distress and strain to ordinary citizens have reached the stage where we would go forward in unity, to ensure that our justice system and the rights of individuals in this country are well looked after.

Sir, one must also look at what is really happening in our society. There must be a cause and looking at the cause we must find solutions. I must support my colleague, the Honourable Member for Christ Church West Central, who indicated quite clearly that we really need to look at what is happening at a very young age to our citizens and our children. The Guidance Counsellors should play a pivotal role and assist and guide us with format solutions, for some of the problems which are identified very early in the system.

2.10 p.m.

I am saying, Sir, that if that does happen, I am sure that Barbados and the world at large will become a better place.

Asides.

His HONOUR K. St.C. BEST: Sir, one recognises that Barbados is an unforgiving society. As soon as you are charged by the police, you receive the wrath of the society and you have to struggle very hard to ensure that when you walk the streets, some derogatory remark is not said about you, in relation to one mishap. I am saying that we, as a society and as a Government, need to look seriously at where we intend to take this beautiful Barbados, and how can we save our young people. Sir, not only our young people but some of our elderly people.

Sir, what can happen is that we can use the expertise of some of the elderly persons to give back to the society. We can use some of those persons who would have come through the whole system to go back to Summervale or Dodds, or even go to Her Majesty's Prisons to assist in the rehabilitation of individuals who are incarcerated, so that when they come back to the society, they will play a more meaningful role for the betterment of Barbados.

Sir, it is not a question of playing politics. A bad society affects a whole country at large and we must look at the root of the problem. Sir, if what is being said is that we have a serious problem, with a lot of our young people who are on drugs, be it marijuana, cocaine or alcohol, when you read the surveys that are being carried out, one has to ask this question: Where is Barbados going to be in the next 10 to 14 years, and would we have a safer Barbados in that time to come?

We need to pool all our resources together to ensure that what seems to be something fundamentally wrong that so many of your young people are turning to alcohol,

marijuana and cocaine, and ask ourselves, what are we doing as adults to ensure that we have a good society?

Sir, in creating a good society we cannot play politics with it. Not at all. We must put our heads together and ensure that the best possible ideas are moulded and manufactured, so that those persons who will be the benefactors of these great ideas, would make a better society.

It is okay, Sir, as a defence attorney, to ensure that at least your pocket is filled with money, but at the end of the day, those persons who pay you, Sir, you have to ask yourself if those persons are not part and parcel of society. Those children whom the parents find their last penny, to ensure that they have adequate representation and have a fair trial, you have to ask yourself if that money could be used for a better purpose, where in cooperation with the Government and social organisations, we can come together to ensure that those children will not fall along that line again.

Sir, I am saying that the case of Norman Scantlebury, a very young person caught up in the system, and when you look at the age group of those appellants, a very tender age, and fortunate that the person who indicated would have pulled the trigger, was the youngest person in the group, I am saying, Sir, that we need to look to see if this peer pressure system, and what we call peer pressure, that somebody needs to critically analyse what is really happening. Sir, that will speak volumes, if we can put all our heads together to deal with such a burning issue in the society.

Sir, this amendment speaks volumes. What has happened is that we became an independent nation, but the Queen was still the Head of our judicial system, through the Privy Council. We took it, Sir, to then believe that the persons within our culture and within the Caribbean, would look after our judicial system, but because, I do not know if you can call it a lack of foresight, negligence, on any person's part that we are here today debating this particular piece of legislation, we must even go further that where the section speaks to, "At Her Majesty's pleasure" is now replaced "At the Court's pleasure," Sir, we need to look at that seriously.

I think, Sir, it is a time-frame that we have a review every three or four years. I also think that we need to probably look at it yearly to ensure that the treatment of those individuals, who are placed in the institutions at the Court's discretion and the Court's pleasure, are given the adequate treatment to ensure that when the review period comes around, they are not just there languishing in a cell, but there is the necessary treatment for their problem, whatever problem, be it drugs. Therefore, when the time comes for their rehabilitation to society, we would

understand that we will have a better citizen returning to society.

I think, Sir, that we also need to educate the public. It is no sense coming to Parliament and passing legislation, but we need to have an educational programme to educate the citizens of the country of their rights. Yes, Sir, we have an Act which expunges the convictions of individuals after a particular period, but very few persons who have convictions are aware of the process. I am saying that the media houses should champion this cause to assist citizens to know their rights, so that it would make the system of governance much easier. Sir, the system where persons want to have their record expunged would become much easier, and they would know the procedure that they would have to follow.

Sir, I must support my colleague, who indicated that the Police Certificate of Character probably just carries one or two convictions, but it does not carry sufficient information to indicate to the employer who requests a Certificate of Character, that this person had been convicted for a criminal offence, or for a simple assault.

2.20 p.m.

A person might apply for a job in accounting, a request is made for a certificate of character, but he has been charged at some time for a simple assault. I cannot see how that should affect him in applying for the job of an accountant. Why should that person be penalised for wanting to make a meaningful contribution to that organisation just because of that?

Sir, I am wondering if the period of 10 years is not too long where a conviction... Sir, I think we should revisit that to look at a shorter period. If we put the systems in place for the rehabilitation of these individuals, then you could see where a shorter period for the expunging of these records would really be beneficial to a just society.

Sir, I must congratulate the Attorney-General for bringing the amendments to these various Acts that fall within the realm of this piece of legislation, to ensure that the rights of citizens in this country are not trampled upon.

I thank you, Sir.

Mr. SPEAKER: I am obliged. The Honourable Member for St. George North.

Mr. G. A. CLARKE: Mr. Speaker, I want to speak briefly on this particular amendment. I must say from the outset that we on This Side do support this Bill.

Sir, I have heard some wonderful comments and good speeches so far today. Mr. Speaker, it seems to me

that most of the speeches coming across to me and the public is that even though we are supporting this measure, and that all Governments since adult suffrage have sought by various means to implement a system to help provide and protect our young people, this amendment is going a stage further.

Mr. Speaker, I heard Honourable Members talked about the need to expunge those criminal records after persons have served their time and have not committed an offence in the period of time, mainly 10 years. The last speaker is of the belief that the time period should be even shorter.

Mr. Speaker, I wonder sometimes what information we are sending to the public. Mr. Speaker, even though I support any measure, especially when persons have to get a police certificate of character, I want that person to have a clean record. One has to send the signal that prevention is better than cure. We have to send a signal to our young people, Mr. Speaker, that they have to keep away from trouble.

Mr. Speaker, we know that we live in difficult times. We are living in trying times. In times like these we need to look closely at what is happening in society. As the economic situation in this country worsens, one has to put measures in place to protect our young people. As families become unemployed and unemployable, the Government of the day must put measures in place to protect families.

In my Constituency, Mr. Speaker, I am seeing for the first time a number of families who are now without any person in the house earning an income, therefore, the Government has to put measures in place to protect those young people.

Mr. Speaker, that is why I make the point that there needs to be a system to protect single mothers who have a number of dependents without fathers. We have to be able to protect them. There are situations where no person is working, so the Government has to extend the Unemployment Insurance Scheme in order to protect those unemployed persons.

I also strongly believe that this measure would help to correct some of the problems that we are now experiencing. Too many young people are now going to school. I know that Government boasts that they have free bus fares and free school meals, which is a good thing, but they may very well have to start providing free breakfast for children. I know that in the private sector that is being done in some cases. Government may soon have to provide opportunities to protect those young people. We do not want them to go to prison.

Mr. Speaker, even though we are supporting this Bill, we want to protect our young people. That is why I believe that even though the call has gone forth, that we need to do these various beautiful things at the correctional institutions, we need to protect them from very early, not only in the schools, but also as parents. Parents need to understand that when they bring children into this world, they have a right to protect them and to teach them well. We do not want them to get into the Court system.

The churches and community leaders can also help. We know that a child does not necessarily belong to the parent or the extended family only, that a child belongs to the community and the community must go back to the system where they protect that child in the society. Every child is a member of a society, and therefore, the community has a right to protect and help nourish that child into becoming a good citizen.

Mr. Speaker, that community, whether it be in the country or town, feels very grieved when that child commits an offence, whether it is burglary, murder or whatever offence it is, therefore, the society must take responsibility in helping to rear the child.

Mr. Speaker, I believe that the school system is not doing enough to protect young people. I have had to speak to the Minister of Education and Human Resources Development on this. I had reason to go to some schools in recent times and too many school children are without adequate teachers going to the classes, and that is where it starts. Crime starts right in the school when a child is not being attended to.

Mr. Speaker, you would be alarmed to know that you send to school your child and on numerous occasions the teacher is absent and the child does not have anybody to look after him or her during that particular day. Mr. Speaker, that is a bad thing.

Mr. Speaker, there needs to be a replacement teacher every time a teacher is sick or absent to protect that child. Mr. Speaker, a number of things go on within that classroom when the child is left unattended. Mr. Speaker, if we try to protect and prevent these things, then we could help a lot.

2.30 p.m.

Mr. Speaker, children travelling on the buses is becoming a big problem. I am of the view that we need to put a system in place to help prevent deviancy of school children at an early age. Sir, parents and teachers must also play their role in society, so that we would not have to wait until a child commits an offence, where that child would eventually be put into a correction centre, where we would then be asking to have mercy on that child.

Mr. Chairman, it is important that we have training courses at our correctional institutions, both at Dodds and the main prison. There is the need to have these systems in place to help those juveniles who commit offences, who are incarcerated. We must also have systems in place to prevent the incarceration of juveniles. We are not saying that we live in a perfect society, but we must have measures in place to prevent such things.

Sir, I am not sure that we have enough correctional officers, or that the training system within the prison is working because of the fact that we are having a number of repeat offenders.

Mr. Chairman, this problem with repeat offenders continues. Sir, we could talk “until the cows come home”, but until somebody goes out there and “bells the cat”, until somebody goes out there and tries to reform the system, this problem will continue.

Sir, reforming the system is not a political matter. We have to put a system in place to help correct that deficiency in the system, as we see and hear it over and over again. Mr. Speaker, there is the situation where some young people are saying that they would commit an offence because they would only be spending two or three years in prison.

Mr. Speaker, we have a number of defense attorneys on Both Sides of this House. The Honourable Member for St. Philip North is a good defense attorney and we know of the number of cases he has won. We know the Honourable Member pleads for his clients, which is a good thing, but what happens after these persons are found not guilty and are then released into the society? Sir, these persons return into the society after being freed, because of the fact they had a good attorney, but they return into the society, but still continue to commit the offence over and over again. Sir, we hear that these attorneys are protecting the interest of clients, but in this regard, what kind of responsibility are we sending to the society?

Mr. Speaker, it is about time that the good attorneys would sit with their clients and say to them, enough is enough. Sir, we have to send the signal that even though we want to be a just society - Sir, we hear about this just society, we hear about the fact that the Minister of Education and Human Resources Development no longer believes in corporal punishment and so on, but we are in troubled times.

Mr. Speaker, I must say, to some extent, I have not had to flog my children, but at the same time, we have to send a signal to our children that we are serious. Sir, even though within the school system teachers cannot flog, because of the fact that the Minister of Education and Human Resources Development no longer believes in

flogging, what signal are we sending to those deviant persons who would say to their teachers, “you can’t beat me?”

Mr. Speaker, I want to say, it is a fact of life that children in the school system are now saying that the Minister of Education and Human Resources Development has cleared them from flogging. Sir, not even the Head Teachers can flog children. They are scared to do so. Sir, the Minister must tell us what systems are being put in place to protect both teachers and students.

Mr. Speaker, I am not a believer of devils but I believe there may be evil spirits around, because children get into the habit of doing some bad things to each other. I remember once as a teacher, a four-year-old child took a pencil and poked another in his eye. Sir, the Head Teacher at the time, called Cyril Reifer and I, both sat down for almost two hours, trying to question that child whether or not he knew what he had done was right or wrong.

Mr. Speaker, the Head Teacher then took a pencil and asked that child, “If I were to take this pencil and put it near your eyes, how would you feel?” The child said that he would feel all right. The Head Teacher then took the pencil and put it in front the youngster’s eye and the guy blinked. The Teacher then asked him if he were to put that pencil further into his eyes, what did he think would happen? Sir, the youngster said that it would hurt. The teacher further asked if he were to take the pencil and poked him in his eyes, what would happen, and the child said his eyes would bleed. The Teacher then told that child that he knew what he was doing, and proceeded to flog that child.

Mr. Speaker, the point I am making is that here is a teacher, who was thorough at the time, who had made the decision that the child knew what he was doing, where he administered a lashing on that child. I am saying to this Honourable House that from an early age, many times youngsters know what they are doing, therefore, even though I do not believe there are devils around, I believe there may be evil spirits around that commit these youngster to doing bad things. Sir, we have to prevent it.

Asides.

Mr. G. A. CLARKE: Mr. Speaker, we have to protect those youngsters from an early age. I believe that even though the Minister does not believe in corporal punishment, or in any kind of punishment for that matter, that there must be some means of punishment at the early age. Sir, youngsters must be protected.

Mr. Speaker, when the child is a deviant and repeats that deviancy, I must say to this Honourable House that I have taught at a school where there was a high level of

deviancy. Sir, we see youngsters growing up - and I am sure that the Minister of Education and Human Resource Development would be aware of this, while as a young teacher, teaching at the primary and secondary levels - that sometimes if you do not protect those children from an early age, they could become problematic later on in life. Therefore, a strong hand is needed to protect these children.

Mr. Chairman, I know the call has gone forth many times in this Honourable House that we need to see stronger men in the school system. Sir, I must say that I have gone to some schools and have seen some men, who do not necessarily exert the same masculine tendencies as men. Sir, I think the proper selection of teachers and guidance counsellors is important. I believe there must be great care in selecting those teachers and guidance counsellors, some of whom go to Glendairy and Dodds to interact with those inmates.

2.40 p.m.

There must be care in selecting those persons that go to Glendairy and Dodds to have courses. Sir, it is not political and I do not want the Government to select someone who they know is a member of the Democratic Labour Party, only because he or she is a member of the Democratic Labour Party, but cannot do the job, especially in the correction system.

Mr. Speaker, I believe that you have a right to select who you want to select but, at the same time, not everybody is suited to be a teacher, not everybody is suited to be a police officer and not everybody is suited to be a guidance counsellor. Sir, we have a number of guidance counsellors in the school system, and teachers do not want to say, but students do not want to go to them either, because there is no confidentiality. Sir, the Minister must be aware that there is no confidentiality and, therefore, the students commit offences.

Sir, they are laughed at in the classroom. They are laughed at in the staff room and laughed at throughout the whole school because of the guidance counsellor. In fact, all schools should have guidance counsellors at this time.

Mr. Speaker, I am of the view that a stronger approach needs to be put in place in the school system by the school Administration. Sir, as I have said before, too many teachers are absent, from time to time, but a system must be put in place where retired teachers could come back into the system and give at least 100 days per year, and Sir, I have spoken to the Minister about this.

Sir, some retired teachers are strong and just as how nurses are coming back into the system, we could have teachers coming back into the system to relieve those

teachers who have become sick and who have a problem. Sir, this is a serious thing because you have a lot of teachers going to university and some classes spend the whole term without the Mathematics Teacher or the English Teacher. Sir, it goes on and on because we are trying to improve ourselves.

Sir, there is nothing wrong in improving ourselves, but the child is suffering at the school system because the teacher is not going to the classroom. I think the system must be put in place where every child has a teacher at all times, and, Sir, this would help the problem.

Mr. Speaker, in our western society there is a reculturation of our system where the western world seems to be saying that it is in for justice, but, Sir, whose justice are we talking about? It is a justice for the criminal and not for the individual who has lost the father?

Mr. Speaker, is it okay for a man to shoot a person who is sitting in his gallery? We had an immigration officer, a former policeman, a decent young man, who was sitting in his gallery and lost his life because a person drove by and shot him and, Sir, the police have not found the man yet. We have a number of persons in the society like this who commit crime after crime, cannot be found and who have no remorse of committing that crime. Sir, we have to send a signal from this Parliament and from the Government that we have to protect the society.

Mr. Speaker, I am in favour of shortening the crime, because a lot of them commit crime in their youth and then, after a while, recognise that they want a police certificate of character. Sir, they go to their Member of Parliament, who calls the police, ask for a Certificate of Character, because he wants a job at Sanitation Services Authority or the Ministry of Transport and Works. Sir, he gets a job at the Ministry of Transport and Works and then commits crime there as well.

Asides.

Mr. G. A. CLARKE: Mr. Speaker, there are many employers who ask for a Police Certificate of Character, but never look at the back of the certificate. Sir, the back of the certificate will have the record on, but the person will photocopy the front and carry it to the employer, but the person is a seasoned criminal. Sir, these are the things we want to protect.

Asides.

Mr. G. A. CLARKE: Sir, the police records need to be updated anyway. I support a case where a person could get a clean record after a number of years but I am not sure that we could shorten it to such a point where a person ...

Asides.

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

Hon. R. D. JONES: Mr. Speaker, I rise in support of the Bill before us as introduced by the Acting Prime Minister and his substantive post is that of Attorney-General, dealing with the Criminal Appeal Act, Cap. 113A.

I want to compliment the Acting Prime Minister in relation to the matter before us. It has gone far and wide. I believe that has arisen as a result of the profound feeling that all Members have, relative to what is taking place, as said by the last speaker, the representative for St. George North to what is happening in a lot of western democracies where we are seeing behaviours which sometimes sully the very environment in which we all live and there is, therefore, that particular concern.

Mr. Speaker, I, nevertheless, became a bit concerned with the Honourable Member, trying to seek, may be more humane solutions to very difficult problems over time than returned to a position where he wants indefinite incarceration, where he wants to persist with the use of instruments for corporal punishment; the paddle, the rod, the belt, the tamarind rod and other instruments of this nature.

2.50 p.m.

Sir, I do not want to persuade any individual from a particular mind-set or particular view. Human beings have always responded out of the fear of the breakdown of their particular societies, with some harsher means of seeking to bring that society back to some level of stability. One recognises that it has always failed. If it did not fail, we would not be in the circumstances that we are today.

I agree that there must be a constant search to find solutions to the myriad difficulties that human beings encounter in their daily lives. We can argue that a lot of this has to do with an early upbringing, may be a bit too late. May be it has to do with the child in the womb of the woman or even as persons cohabit. We do not know. There are these problems.

I have been a teacher for twenty-something odd years, just like the Honourable Member for St. George North, the Honourable Attorney-General and other Honourable Members, the Honourable Member for the City of Bridgetown. We have all been teachers and we have encountered situations and circumstances which sometimes boggled the mind.

A little child at three-and-a-half or four years old already steeped in behaviours that you do not comprehend

as an adult. Where did that come from? Is this a product of the domestic environment? Is this a product of the community from which he comes?

The Honourable Member spoke about the presence of the devil. I am not correct if he said he does or does not believe in the devil. I believe that some of us understand there must be an equilibrium in life. So if one speaks of good, one also has to speak of evil.

Asides.

Hon. R. D. JONES: If you speak of the Honourable Member for Christ Church East Central as being good, then you would have to refer to the Honourable Member for St. Michael North as being bad. So we make these kind of cross references. There must be some equilibrium in life.

We have to find some system for which we can ascribe good and for which we can ascribe evil. I would not want to say that a three-and-a-half-year-old or a four-year-old is by the very nature of his mannerism, evil. If you have certain Christian teachings, you believe that man can be changed through the blood, through conversion or through baptism, that is the belief. That is what has guided our society over time. Even now we have as many churches in our country as we have rum shops, we have as many churches as we have schools. In fact, we have more Churches than schools or rum shops, for that matter, in this small society. I would argue that persons in this country still go to those Churches in large numbers.

If you are going to argue there has been a minimal shift in some of the so-called established Churches, when one looks at the massive edifices called Churches now by the charismatic preachers in our country, where persons flock every day seeking salvation or whatever else they seek within Churches, but yet on the Other Side, we stand in harsh condemnation of what is happening in our societies. Some of our young people, some of our middle-aged people and some of our young adults are in serious difficulties. Then there is a major contradiction of the kinds of realities in which we live. We have not been able to find any long-lasting solutions to the myriad problems we have in the society.

Sir, someone encountered me as they debated the use of corporal punishment in schools and used the example of Eastern culture, Singapore and Malaysia and some very Muslim countries, where if you steal you lose an arm. If you do it twice, you lose both arms. That might be suited to the culture and the mental state of those individuals.

Western Christian societies argue differently to that. It does not say that one must cut off the arm of the individual, that one should handicap the individual by taking off the leg or both hands, because that is a handicap.

That has been used as instruments of war in certain places. What do you want?

I was speaking to a lady, I believe from Sierra Leone, and she was saying to me that during the struggles and war of those countries, how persons were asked: which one do you want to lose? Left or right? If you say the right, they took off the left. If you say the left, they took off the right. She used some other phrase which my mind started to shut down as a product of a Christian society that we could never ever accept. There are systems within our Western civilisation, which say it should not be done. If we say that, then we have to look for other solutions. Therefore, it is an open debate Honourable Member for St. George North. It is not a closed debate. It is a debate where all citizens of a country must become engaged.

Sir, there have been times in our country, and I heard the Honourable Member for St. Michael North, whose lifestyle is unlike the lifestyle of the Honourable Member for St. Philip North, where a silver spoon was planted in the Honourable Member for St. Michael North's mouth before he was born, to the Honourable Member for St. Philip North who came from the belly of a communal village.

Yet I do not think because you have lived in such lofty surroundings and the Honourable Member comes from such humble surroundings that you or he is criminal, not by any stretch of the imagination. Based on the arguments that sometimes one gets, one would believe that if you come from humble origins and your belly could not be filled during the course of a day, that somehow that will drive you to crime. It has been proven over and over again that is not the case. It does not cause your relationship between the circumstances of your existence or upbringing and crime. Therefore, we have to search for other realities within the human being.

Sir, just believe that by simply flogging, that would drive the demon out. That is what is part of it. You drive the "Japless" out, "Lagahoo" out. You know those names, that you drive them out.

Sir, many of the young men today who have gone to many of our schools, when you speak to them they would tell you, or you would have been a vicarious, a person who looked on, that they got more punishment in the school than anybody else. They were flogged day in and day out. Many of them ended up being the clients of good defence Lawyers, like the Honourable Member for St. Philip North.

Asides.

3.00 p.m.

Mr. G. A. CLARKE: Mr. Speaker, on a point of order. The Honourable Member is misleading the House. He is of the view that the Honourable Member for St. Philip North has turned out to be a good attorney, but he did not get any lashes at school.

The Honourable Member for St. Philip North has said to me over and over again, that he got a number of lashes from his grandmother, from his mother, and from his father and stepfather, and uncle and teachers at school, and he is now a good citizen because he was disciplined from an early age. Therefore, he is misleading the Chamber. He is a good citizen because he got lashes in the early years.

Mr. SPEAKER: Honourable Member, please continue.

Hon. R. D. JONES: I appreciate the point of order of the Honourable Member, because this is an important debate, now commencing really in this House.

Mr. Speaker, the point is that society must be happy with charting a path of pain. Whatever else, you can talk about, the human body is so structured, I am not a medical person, we have two excellent doctors on This Side, but they know the composition of the human flesh and nerve endings and the level of pain that one feels. I do not know if, in a modern society that is conscious of its Christian reality, that we should be today seeing, in many instances, corporal punishment as the first step in trying to change the lives of people.

I want to make the point absolutely clear, because in this society, there are persons who remain silent until others speak and then when others speak, they are the lords of everything. They remain silent, almost in a petrified state, but when others speak on some issue, they somehow blossom and they have all the ideas that they can find.

I respect the Laws of Barbados and I want to make that point clear. Some years ago in this House, and I was reading that speech a few years ago, I made the point in relation to hanging, that we should speed them to their graves. That was a phrase I used. Since then, I had to reflect on that strong statement, in relation to issues of crime, murder particularly, and things of that nature, because we all must pass through a phase of life which says that human life is so important, the one who has passed on and the one who is alive.

How do we protect and care for the life of the one who is here? Who took the life of the one who has passed? How do we care for the family of the one who has passed? How do we reach out to embrace all of our citizens, the good, the bad and the indifferent in our midst? Sir, that is the composition of our society. Therefore, I cannot say with certainty that I have the answers to every problem that

we could find within our schools. I cannot say with any certainty that even with the presence of more guidance counsellors that some of our young people are not going to be led astray or lead others astray. I cannot say that with any certainty.

I firmly believe that to some extent, we have been using patch-work to deal with deeply entrenched problems. There are youngsters who walk through a school day, and by the third day, they are looking at you with sinister eyes. Why? Who has taught them to look at the teacher in the classroom with sinister eyes, and you cannot get beyond that harsh face to try to find out what is wrong. There are young boys and girls in our schools and I am not even talking about secondary schools, who when you talk to them, do not care how much understanding, empathy and love, who will not break their silence where you are concerned. Sir, may be something happened to them, which has made them careful or cautious of adults.

Who knows? I do not exist in the household of every family in Barbados. I know that in some of the households of this country, that there is a level of brutality that would frighten anyone with a conscience and with a sense. This brutality is brought out with frustration, out of satisfying sometimes basic needs, and the children feel the blows.

How can a school, without knowing that this is a condition of a child every day, add to that by corporal or physical punishment, without first seeking to understand the reality of that child? It makes no sense, whatsoever. These are the points that I am making and only the clouded minds, the evil spirits, the djablès, lagahoos in our midst would want to corrupt the search for meaning...

Mr. SPEAKER: Honourable Member, you said in our midst, you are not referring to any Honourable Member in this House.

Hon. R. D. JONES: No, Sir. I am talking about in Barbados, not in this House, Sir. There are no djablès or lagahoos in here, Sir.

Mr. SPEAKER: Very well, Sir.

Hon. R. D. JONES: ...would want to bring this to young people.

As I said, I know the task is extremely difficult. I was listening to the criminologist only the other day, as spoken to by the Honourable Member for St. Philip North. I could call her name, Yolande Forde, a good young lady, well-educated, together at University, and she made the point that it takes about \$32 000 a year to have one person in the prison of Barbados. She looked at the money in our Estimates, divided by the population and came up with that figure. Simple arithmetic.

Sir, that \$32 000 could be used in the society for developmental purposes for saving souls, for saving minds, for saving people, but we know that is impossible because they are people who are bent on mayhem. They are people who are bent on committing crime. They are people who sit, plan and execute crime and we make the assumption that they are foolish.

They are foolish from the point of view that they go against the Laws and the rules of society, but they are not foolish people because foolish people do not necessarily plan systematically and execute. This is an individual with a cognitive structure, but a cognitive structure bent towards what anti-society believes and anti- society practises.

Therefore, it becomes a situation of you against us, or we against you. Therefore, we pull on to ourselves, or the State pulls on to it, instruments of the legal process. The policemen to help protect us at night, in the day, when we walk, when we play, when we go to Church, or when we go to the rum shops in our society, so we pay them to provide security.

Asides.

Hon. R. D. JONES: ...or when you all go to the rum shops and when I go to Church. We pay them to protect us but we know that even that is not enough.

Sir, an entire society has to be its own security, and that is what has to happen. They have to be vigilant because there are people in the midst who are plotting your demise, who are planning and plotting the invasion of your privacy, who are plotting to get into your homes to invade your workplaces.

3.10 p.m.

Unfortunately, there are many in this society who prefer to look away. That is what is frightening, who no longer want to be your friend, the keeper of your premises, a historical pattern in Barbadian society. so someone passed the street, you locked your door and shut your windows. If the people themselves retreat from their own security, then those who do not care will take over. They would say, oh I called the police 10 minutes ago and they have not come yet, but the police would not have to come if you were aware of your environment.

Good criminal Lawyers would not necessarily have to defend anybody in Court if there was no crime. I do not want to deprive anyone from earning a good living. There are members of the legal profession who make a good living. Without crime, they would not have any work. They do not have any other skills or competency. I am not saying that there is not anybody on the Opposite Side who might

be in that boat at all. There are all honourable men and women from the Other Side.

Mr. Speaker, let us not look to say that the Minister of Education and Human Resources Development does not believe in corporal punishment. I have made the point over and over that as a young teacher in Barbados, just like the Honourable Member for St. George North, the Honourable Member for St. Michael South, the Honourable Member for the City of Bridgetown, the Honourable Member for St. Michael West and the Honourable Member for St. Michael North West, I would have given my share of corporal punishment to hundreds upon hundreds of young men in this country.

Asides.

Hon. R. D. JONES: The point is that modern society says that we must find new and different approaches to difficult problems, because what we have been using before has not worked. Do you know that what you are saying is to take my child, and because I cannot discipline him or her, you must be the one to do it and you must do it through the use of the rod for me? It is an abandonment almost of what is the responsibility of the bringing of that child into the world. By passing the responsibility, and a responsibility that says not only must you reason, not only must you find solutions through other disciplinary action, but you must beat my child for me. Mr. Speaker, do you know how many parents have come to school and have said they cannot control their six-year old and to put some blows on him for them. This is mind-boggling.

Mr. Speaker, I do not support the notion of shaming children either. That is when you take students on top of a platform in front of 800 or 900 other students and you dress down that male or female with blows, shaming them.

Asides.

Hon. R. D. JONES: You could discuss what is wrong with that. I would like to shame you, Honourable Member for St. George North some time, but I would not do that because it would damage your psyche.

Mr. G. A. CLARKE: On a point of order. The Honourable Member is misleading the House. Mr. Speaker, I have never flogged a child in front of an entire school. The Honourable Member has said to this Honourable House that he has implemented corporal punishment at some time or another. Is the Honourable Member saying now that since he has implemented corporal punishment, he is now against corporal punishment? He must tell this Honourable House what it is he is for.

Mr. SPEAKER: He is speaking in elucidation. That is no point of order.

Hon. R. D. JONES: I am saying emphatically that I am opposed to corporal punishment. I am also making the point that I recognise the Laws of this country. The Laws of this country in the Education Act state quite clearly, that corporal punishment is there to be used. That is what it says within the Law, but the Law does not stay fixed over time.

Just in the same way that we moved from the Judicial Committee of the Privy Council to the Caribbean Court of Justice, we must also be able to make that progression as we search for new solutions to rescue myriads of our children from the particular situation that they are in.

Asides.

Hon. R. D. JONES: A new Education Act is coming. Wait and you would get something to debate. What are you interrupting me for?

Mr. G. A. CLARKE: On a point of order. Mr. Speaker, the Honourable Member is a Lawmaker, not a Lawbreaker. The Honourable Member is misleading the House because he vowed to uphold the Law of this country, but the Honourable Member is purporting to break the Law and is asking all his junior officers to go along with him in breaking the Law. If the Law states that there must be corporal punishment, the Minister cannot, unless he brings a new Act, come here now and tell this House and the public of Barbados that he is not for corporal punishment. The Minister cannot break the Law.

Mr. SPEAKER: Honourable Member, please continue, that is no point of order.

Hon. R. D. JONES: I do not know how the mind can wander so far like daffodils on the field to come to that conclusion. There is no way that this Honourable Member or any of the Honourable Members on This Side are purporting to break the Law. I believe that the Law speaks of one of the many options. There is in-house suspensions, there is explosion, there is suspension, and there is corporal punishment as part of that process. Nothing happens, the Honourable Member for St. George North, unless we initiate debate in our society to find new and better ways to do things. It is not a breaking of the Law because it is known that I support the upholding of the Law in our country. The school is only a microcosm of our society. The debate would continue over time on these issues.

We still have, even after all of the corporal punishments and even after all of the Laws passed in this House, persons who are still importing drugs into Barbados and persons are still stabbing others on the street, even if you slightly brush them. One time when you passed and accidentally “mashed” a fellow on his foot, there was no violence. You would say: “sorry” and he would say: “no

problem buddy, go ahead.” Today, men fly to rage and even though you apologise three and four times, “I am sorry man, I did not see your foot”, the anger comes out and four or five of his friends surround you with blood in their eyes for a simple touch. That cannot be as a result of whatever.

In truth and in fact, Honourable Member for St. George North, it might very well be the possession by the devil. Do let us run from it if we are a Christian society, because no rational human being would behave in that way. You are walking out, it is a tight crush and a simple touch and somebody flies into a rage. What is that for?

Mr. SPEAKER: Honourable Member, your time has expired, please wind up.

Hon. R. D. JONES: I want to make the point that in this House where Laws are made, we are searching for solutions, because we want to govern well and we want to embrace all the citizens. Just like the Bible says: when you gather the sheep and one went astray, what do you do? You place them in a pen nicely and you go after that one which has gone astray.

That was not a commercial endeavour. It was simply saying: ‘look, these belong to me.’ This is part of the Barbadian environment. We must care for every one of our citizens, the vulnerable, the dispossessed, those who might want to become involved in crime and those who are in crime. We must use what we have now but search for even better solutions to make the process better.

Mr. Speaker, thank you very much. As I said earlier, I support this Bill.

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

3.20 p.m.

Mr. J. D. PAUL: Mr. Speaker, I rise to lend my support to the Deputy Prime Minister and Attorney-General, in terms of the amendment to this Bill before this Honourable House.

Sir, I would want to say that generally, one would hope that in respect of changes that we anticipate as a society, as a result of this, that those changes would have an impact on ordinary people.

Sir, as politicians, we want to create a better society and in that regard, I want to say the fact that we are bringing provisions that make the Act more relevant to our times, is laudable. Sir, this is something that we should seek to do with many of our institutions that we have, and where we could use legislation to do that, we should.

Mr. Speaker, I also want to say too that what is of importance is the impact, that this change would have on the lives of ordinary people. Sir, very often when we speak about change, we speak about change in a very intellectual way, but we do not ask ourselves what is the impact that it might have on ordinary people. We also have to look at the lessons this would bring to societies.

Mr. Speaker, one of the things we have found in our society on a constant basis, is the seeming undermining of authority that we see coming about from time to time.

Sir, one of the things we must always say to every citizen in this country, is that he or she is responsible for his or her own action.

Sir, we live in a society today where we tell people that they are not responsible, therefore, an individual would go down the road, would knock down an old lady's tray that contains her livelihood for the rest of the week, and we would tell him his behaviour was as a result of him having an argument at home, where he then leaves his house, comes out, sees the old lady and so to vent his anger, he knocks down the tray. We would tell him he has only expressed his anger, but that he is not responsible for his actions.

Sir, one of the things we must recognise is that even when we look at the changes, we are beginning to recognise that as a society, we must take responsibility for creating Law and order in this country. We are getting to understand that we can no longer look to far off places to maintain Law and order in our society, the responsibility must rest with us here as ordinary citizens. Sir, one of the things we must understand is that in doing this, every individual and every agency plays a part in terms of maintaining that sense of responsibility.

Sir, when I look at some of the things that have been done here and what we are trying to do, which I think is routinely accepted that we should do it, I think the message that should go forward with those institutions which are responsible for preserving social harmony, which are responsible for preserving values in our society, is that they have a role to play in at least ensuring that we have an orderly society.

Mr. Speaker, by putting the responsibility for trying to ensure that as a society, we function properly, because this is what this legislation does, I think we would become matured. I think too that citizens themselves would feel that greater sense or responsibility.

Mr. Speaker, I heard much debate about the issue of crime in our society, but I do not expect that these changes would automatically do anything about crime taking place in our society. What I would hope, and I would put it this

way, is that for those citizens in our country, who go home on evenings, lock their doors and do not want to come back out, for those citizens who refuse to attend events because they feel they would be molested for one reason or other, for those citizens who instead of mixing with others, seek not to do that because they are afraid, in some way, that they cannot rely on the State to protect them, I think this is where the true test of whether or not the changes that are being made today mean something.

Sir, I know we have a number of attorneys-at-Law in this Honourable House, but one of the things that ordinary people feel very strongly about is whether or not the Law is serving its purpose. Sir, the Law is ostentatious in many ways, because we get involved in nice language, in terms of niceties, because it looks good, but to a person out there who is making a daily living, that is not his interest. His interest is to ensure that we are providing for such an environment that when he goes there and makes his money, he could take it home and can look after his family, that his family can be in a safe environment.

Sir, they do not have the money to spend on burglar bars or on fancy alarm systems. That is why sometimes we could be philosophical about these things, and say that we have recognised this person has a problem, but that we are not going to suffer from such a problem, because of the fact you have burglar bars and fancy alarm systems.

Sir, the fundamental issue is that the chap who lives in a neighbourhood, where he has to relate to his neighbours, cannot put up these things. Sir, those are the citizens in this country who we need to protect.

Mr. Speaker, I think we need to recognise that if we are not serving those people, then we are failing in our responsibility to our citizens.

Sir, before closing, I want to address the issue of the role of entertainers, especially some DJ's in this country, as far as trying to ensure that we uphold sound values in our society.

Sir, we have to admit that some DJs are standard-bearers for our youths, when we look at a lot of the people who are involved in entertainment and the fact that our youth by nature are involved in entertainment. Sir, when I look at the legislation and question its impact on society, I always say that not only this Act but that entertainers in our society represent one of the institutions that could play a role, in terms of trying to uphold good values in our society. Sir, entertainers can shake up the thinking of people.

Mr. Speaker, we heard it said earlier that we cannot understand why people sometimes demonstrate the kind of attitudes or behaviours, but when we listen to our DJs on

our radio stations, when we attend fetes, when we listen to what is being played, the fact is that this type of entertainment tries to initiate a type of behaviour coming out of people. I think we need to recognise that these people need to be called to board.

Sir, we cannot allow people to think that on the one hand we can encourage people in certain types of behaviour and on the other hand, we can tell them not to become engaged in such. Sir, the fact of the matter is that once you give people the impression it is okay in one environment, they would take it to the extreme.

Mr. Speaker, once again, I want to say that we as representatives could try to ensure that we put the kind of Laws in place to help protect society generally and to ensure that people themselves are able to live in peace.

Sir, on the other hand, there are other institutions and personalities that have an overwhelming influence, and we must speak to that. We must recognise it, so that we must not, in any way, give the impression to anyone out there in society that he or she is not responsible for his or her own actions, they are responsible.

3.30 p.m.

Sir, it is because of the fact that they are responsible, that in the event that they transgress in certain areas, they must be held accountable.

Mr. Speaker, I want to compliment the Attorney-General for the action he has taken. I think this change is symbolic. I think it should seep into the consciousness of ordinary Barbadians, and Sir, I truly believe that if we appreciate the role it plays in the society, that this could help in trying to ensure that Barbadians accept the fact that they must have a role in terms of maintaining an orderly society.

Mr. Speaker, I thank you.

Mr. SPEAKER: I am obliged. The Honourable Attorney-General.

Hon. F. J. STUART: Mr. Speaker, I rise to wind up the debate on this Bill and I should like to thank all Honourable Members who have contributed so wisely to the debate. It is true that the debate ranged rather wide, but I thought it was a useful debate, and it certainly accentuated the point that this Chamber is concerned about the state of things in Barbados, the state of our social situation in Barbados at the present time.

Sir, as I listened to the various speeches, I told myself, "here cut sharply off with none of the jagged edges

filed down ,is Barbados, May 2009." Sir, that is a reality we have to face.

Mr. Speaker, the Honourable Member for St. Michael North East, the Honourable Leader of the Opposition raised the issue, as Honourable Members on This Side, of parole and the importance of the introduction of a parole system as a mechanism for humanising our Criminal justice system. Let me give the House and the country the assurance that the issue of parole is very much an agenda item, both at the office of the Attorney-General, and certainly, at the Ministry of Home Affairs.

Sir, very shortly a paper on parole will be going to the Cabinet Sub-Committee on Social Policy for consideration for that Committee, with a view to discussing the issue in the hope, ultimately, that we could get it before the Cabinet and introduce a system, not as a result of any brainwave, but after careful consideration and, of course, after very careful planning.

Mr. Speaker, the other issue raised by the Honourable Member for St. Michael North East, which cannot certainly be solved by the waving of a magic wand, is an issue that has plagued Barbados, and I believe that has plagued many societies, is the issue of how we regard and how we treat people who have mental illnesses.

The Honourable Member for St. Michael North East called for a better appreciation of the fact that mental illness is just another kind of illness and that we should be a lot more sympathetic to persons who are suffering mental illnesses of various kinds.

Mr. Speaker, I certainly fully support her in that, but it is an inherited bias in this society. I do not believe it is peculiar to Barbados, but it is certainly an issue we have to confront. If I use my own experience over a long number of years, I would say that there is a greater appreciation of the difficulties faced by persons with mental illness and a greater respect for them today in the year 2009, than there was in the year 1960. The society has been moving steadily towards a better understanding of that illness and treating it with a lot more sympathy than has been the custom.

Mr. Speaker, I am indebted also to the contribution of the Honourable Member for Christ Church West Central who raised a number of very interesting points. He is quite correct in basically saying that most of what we are doing will count for very little, unless we get to the critical issue of what it is that pre-disposes people to the commission of crime, be those people adults or juveniles. Sir, that is an issue that has haunted many societies for centuries. Is there a single cause or are there multiple causes? What are the pre-disposing factors towards Criminality?

Mr. Speaker, I believe in the year 1997, around the time when the National Task Force on Crime Prevention was established. I was in this Chamber at the time, and the then Attorney-General commissioned a study on the causes of crime in Barbados and the Report, dated June 1997, was handed to the Attorney-General of the day and, at page 53 of that Report, interestingly enough, Table 4E - it is already a document of the House, Mr. Speaker - inmates at Glendairy Prisons, where they were at the time, were asked to give their reasons for committing the crimes which got them into Glendairy Prisons. Sir, the primary reason given by 31.3 per cent of those interviewed was a desire for money. Sir, 23.4 per cent said that they committed the crime to support a drug habit and 14 per cent gave as their reason, just anger, the point to which my colleague, the Honourable Member for St. Philip South pointed.

Mr. Speaker, we have some challenges in the society. I do not believe that much of this would have changed between 1997 and the present, and we do have to come to grips with the issue of the causative factors in relation to crime, the pre-disposing factors towards Criminal behaviour.

Mr. Speaker, the point has to be made that even though there is a role for the police in crime prevention, Barbados would be a hopeless society, if the only reason why people were not committing crime was that they were seeing the police knocking around. Sir, we would be an endangered and near hopeless society, if the only reason people were not committing crime was because of the number of police they saw around. We have to work towards the creation of a society where, whether or not there is a police presence, that we sufficiently respect the persons of others and the property of others, and sufficiently respect and feel committed to the society that we steer clear of the path of Law-breaking and steer clear of the path of deviance.

Mr. Speaker, while it is true that there is police intervention at a certain level, there is an awesome responsibility of intervention at a much earlier level, as most of the persons, who contributed to this debate have indicated. Sir, interventions in the home, interventions in the schools, interventions at the level of the Church and interventions at the level of the local communities.

3.40 p.m.

I am one of those people who believe, I may not be very popular for this, but I firmly believe that a lot of our homes are far weaker in the year 2009, than there were in the year, say, 1959 or 1969. Even though we are developed, that is the word we use, I prefer to use the word 'modernised', even though we have modernised quite a bit over the last 40 years, I am satisfied that a lot of our homes are much weaker. There is much less coming out of our

homes in terms of the training of children, and the imposing of discipline than say, 40 years ago.

I heard the Honourable Member for St. George North on the issue of corporal punishment, and I heard my colleague, the esteemed Honourable Member of Education. I just want to say this. This debate is going to divide people for as long as there are people.

When I look back on my own life, I mean I have had my fair share of corporal punishment, but when I sat down to do the Eulogy for my mother's funeral, I did not remember the fact that I got lashes from her.

What I was able to put on paper and what mattered to me were the things that she said to me that I would never forget, not the blows I got but things she said of value that have lived with me from my tenderest years to the present. Those things equipped me, not the lashes I got from time to time. When I remember with fondness, my days at the Boys Foundation School, I got floggings there, but when I reflect on the contribution of that school to my personal development, I do not link that development to any flogging I got there.

The things I heard from that Headmaster at Prayers on mornings and things I heard from teachers in the classroom, things I heard, not any lash that I ever got. That helps me to make my mind up on whether corporal punishment has any enduring value. I am not suggesting that it may not solve short-term challenges, but in terms of enduring value in the life of a young person, I entertained the gravest possible doubts.

Sir, the Honourable Member for Christ Church West Central, also raised the issue of Her Majesty's pleasure versus the Court's pleasure, and said that whether it is Her Majesty's pleasure or the Court's pleasure, the critical issue facing the country and the system is what happens to the detainee, during his or her period of detention. I agree with him entirely. That is why I have made the point, I believe this was hinted at by the Honourable Member for St. Michael North as well. In fact not hinted at. He made a very explicit statement and I agreed with him.

When you go to prison as punishment, you do not go to prison for punishment. Going to prison is the punishment. You do not go there to get punishment. Therefore, the country can well understand since we accept that being sentenced to prison is the punishment, being isolated from your relatives, taken away from your friends and being exposed to a regiment that requires you to conform to a body of rules within a confined area, the issue of how best to prepare persons sent to prison as punishment for a return to the society, becomes the critical issue, and that is where the Government's commitment to a

programme to meaningful habilitation comes into the focus.

Sir, this idea has been thrown around for some time. I believe that previous Governments felt strongly about rehabilitation, but perhaps the facilities at Glendairy had reached the stage where they had become, in my view, too cramped and too obstructive of any meaningful programme of Criminal rehabilitation. I believe that given the facility we have now, I mean it is not perfect, it has its imperfections, but it is certainly a much more modern facility than was the facility which it replaced.

I think there is adequate scope, now, for meaningful programmes of Criminal rehabilitation to be put in place. I have been discussing these issues with not only the Superintendent of Prisons, but also I have been discussing them recently with the Advisory Board.

I addressed the Prison Officers' Association, about two weeks ago, and I raised the issue about rehabilitation, again, because ultimately, it has to be our objective to ensure that as many as possible of the persons who are now at Her Majesty's Prisons, Dodds, when they come out of prison, can fit reasonably comfortable back into this society, reintegrated because they are re-habilitated, and are in a position to make a meaningful and productive contribution to the life of this environment.

Sir, the issue of re-integration, therefore, has to be examined, but examined against the background that once you get into trouble and go into prison, again, the Honourable Member for St. Michael North raised the point, and so was the Honourable Member for Christ Church West Central. This issue of the Police Certificate of Character, the Honourable Member for St. George North raised it as well, I seemed to recall.

Sir, for the last 12 years or so, Barbados has had a Criminal Records of Rehabilitation of Offenders Act, which permits persons to get their records expunged in certain circumstances detailed in the legislation. This challenge hit me in the face when I got re-elected to this Chamber, and of course, assumed responsibility to the Office of the Honourable Attorney-General.

There is an extremely large number of young men in this country, between home and a job, now stands a Police Certificate of Character. After 12 years of watching and observing the operations of the Criminal Records of Rehabilitation of Offenders Act, I requested the Criminal Records of Rehabilitation of Offenders Board to take a careful look at the types of cases that qualify, only for exclusion for disallowance, so that we can get a picture how best we might perhaps amend the legislation to make it friendlier to a larger number of hapless persons who would have run afoul of the Law over time. That is what

the Law has to do. The Law is not cast in stone. It has to respond to the changes taking place in the society. That piece of legislation was always a very useful piece of legislation, but it cannot remain forever in its present state.

3.50 p.m.

Sir, too many people are still being excluded as a result of its provisions. It is serving some people, but too many persons are still being excluded by it. We are taking a second look at it to see how best we can broaden its scope and applicability, so that it can be a friendlier and of better use to a larger number of persons. Therefore, I am indebted to Honourable Members who raise that point, because it is an issue that is receiving our attention.

The Honourable Member for Christ Church West Central also raised the issue talking about youth and young offenders and so on, and about youth groups in Barbados. I raised this issue recently with the Honourable Minister of Education, because I think that the most cursory observation of what is going on in Barbados today will reveal that, whereas in times past, this country bristled with youth clubs, nowadays the country bristles with football and cricket teams, now perhaps more football teams than cricket teams.

Mr. Speaker, club life is virtually dead across the villages of Barbados. People come together to play matches, but the idea of leaving home and going to a club house, or going to a school room, or having a club meeting where somebody sits in a chair and conducts a meeting, and the rules of parliamentary procedure are observed, that is now virtually dead across the villages of Barbados.

Sir, every attempt to organise youngsters around those ideas meets with resistance and sometimes hostility, because the whole purpose of coming together is to play matches, but the discipline required to sit down in a meeting and to discuss problems, and to find solutions and to plan programmes, that is now being frowned upon by too large a number of our young people. I think that a sturdy effort has to be made to get the society or to get our youngsters back to thinking of that kind.

Our youngsters know this period. We, the adults know not only this period, but a former period, and we have the benefit of comparison, and can do much more to try to urge our youngsters in that direction. I really am indebted to the Honourable Member for Christ Church West Central for so kindly making an intervention on that point.

Then, of course, there was the mighty and very insightful intervention of the Honourable Member for St. Philip North, the Acting Attorney-General of Barbados. The Honourable Member raised the point of the

applicability of the Community Legal Services Act that appeals to the Caribbean Court of Justice. The Honourable Member is quite right. The Act was not mentioning the Caribbean Court of Justice at all, but I believe that as a result of the Amendments we are doing today, that will be put right. That lacuna in the Law will be addressed.

Then, the Honourable Member raised the very important question, a perennial question of the interest of accused persons, versus the interest of victims. Sir, we really cannot claim to have a caring society, if our focus becomes so tunnel-visioned that we concentrate only on making things better for persons who run afoul of the Law and ignore the fact that in running afoul of the Law, they cause other people pain. We, therefore, have to come face to face with the rights of victims.

My colleague called for the establishment of a Victim Compensation Fund. I know this is an issue that is dear to my colleagues' hearts. I think it is a highly progressive suggestion and it is certainly something that the Government must look at because, ultimately, the people who live in this society have to feel that both their person and their property count for something.

Sir, when we talk about victims, I believe that my colleague, the Honourable Member for St. Philip North, has in mind, more injury to the person than injury or damage to property, because damage to property is already compensated in a wide range of situations, but injury to the person as a result of Criminal conduct, is an area that has, up to now, gone largely ignored. The time has come when we have to address it, if we are to maintain the faith of people in Barbados in the Criminal justice system. Therefore, that is a very important point and I give the House the assurance; I certainly give the Honourable Member for St. Philip North the assurance; that this issue will be addressed.

Now, the issue of the speed at which things happen in the system was also raised by the Acting Attorney-General. This again is a big problem. Whenever we think we have solved a problem in one area, it turns out that we are only creating a problem in another. I say what I mean.

Mr. Speaker, times were when we used to have, in Barbados, Criminal Assizes four times a year. The January Assizes, the April Assizes, the July Assizes and the October Assizes. Sir, during those Assize periods, policemen were pulled out of the system, because very often, police witnesses were required for Assize trials. We now have year round Criminal trials, and therefore, policemen are right through the year, pulled out of the system, giving evidence in these trials.

Sir, these policemen are usually required to give evidence in Magistrates' Courts across the country, so that

other matters can be processed and handed over, if the evidence is strong enough, to the Director of Public Prosecutions.

Sir, magistrates now find themselves languishing, waiting around for police witnesses to come to Court, and sometimes because they are at the Sessions, they cannot turn up, and worse than that, or as bad as that, they are waiting on Lawyers as well, to turn up and that does not happen with the kind of frequency desired either.

The question that one has to ask, therefore, is this: How long can the system continue to accommodate what we have always known as preliminary inquiries into Criminal matters?

4.00 p.m.

My colleague, the Honourable Member for St. Philip North, talked about getting witness statements from the Commissioner of Police, because nowadays, defence Lawyers are entitled to see the statements in the possession of the police.

Quite frankly, my view is that preliminary inquiries are now outdated. I think that if a defence Lawyer has access to all the information the police has on the accused, we are ready to go to trial. The idea of going through a long, tortuous and labyrinth process of preliminary inquiries, some of which could take two and three years, is a horrible waste of judicial time.

Mr. Speaker, I should be looking around and trying to see how best we can restrict the system to paper committals, rather than going through this torturing process of preliminary inquiries. That should go some distance towards solving some of those problems, but it would create another one. It would make the practice of Criminal Law a little less profitable, but I am sure that the Honourable Member for St. Philip North, good patriot as he is, would not mind losing a few cents in the interest of the greater good of the nation.

In addition to that, over time it has become evident that there is an ever-widening cleavage based on distrust between members of the public and members of the Royal Barbados Police Force. Of course, the Police Complaints Authority could verify this. The volume of complaints that flow in, some quite justified, and some not all justified, all result from distrust and sometimes a lack of understanding.

Mr. Speaker, if one zeros in on what happens when a crime is committed, one would see that a report is made to the police, the police would do an investigation, the police makes up a file, the file is then passed to a police prosecutor who pursues the matter in the Magistrates' Court. The more critical witnesses are police witnesses.

Mr. Speaker, even though we have seen this system work over a number of years, the impression is certainly given that the whole system is manhandled and managed by the police. A possible solution to that image problem is the creation of a national prosecution service which I have been talking about with the Director of Public Prosecutions, because the Director of Public Prosecutions, under the Constitution, wherever a prosecution is started or by whomsoever it is started, has the power to take over the prosecution. He can start one himself, or he can take over one that anybody has started. He has the power to discontinue prosecutions as well. However, he is not in charge of all prosecutions really.

At the magisterial level, matters are still carried before the Court in the name of the Commissioner of Police. It is my view that the stage has to be reached where the Director of Public Prosecutions' Office is responsible for all prosecutions in Barbados. That is going to require an increase in the staff at that office because it would require persons under the superintendence of the Director of Public Prosecutions in all of our Magistrates' Courts to do the prosecuting work. These persons would necessarily have to be trained Lawyers. It would certainly widen opportunities for the large number of Lawyers coming out of our Law School. Mr. Speaker, I think it would inject more trust into the system, which we are looking at.

The Honourable Member for St. Philip North has raised some interesting issues. The issue of a young offender's institution is receiving our attention. I am sure that the Honourable Member for St. Joseph would recall that this issue engaged him while he was Attorney-General of Barbados. It is an issue on the agenda. We have to look at it.

There are those who raised issues about where the institution should be located. They feel that it should not be located too close to the adult institution, that the adult institution might be seen as the place to which you graduate. That is an issue that has to be examined closely and a decision has to be taken on it, and we have to proceed along those lines.

Mr. Speaker, I am very much indebted to the Honourable Member for St. Philip South for his contribution. I share his passion on this issue of how much anger there is in Barbados among our young people.

The Honourable Minister of Education and Human Resources Development gave some possible explanations which are not to be ignored, because as I contend, a lot of our homes have become weak.

There are too many young people walking around with a lot of anger in their breast and the slightest opportunity they get to give expression to that anger, that

anger is manifested. It is a problem we have to confront. It makes the issue, not only a crime, but the issue of the fear of crime a real issue in Barbados. There is too much anger among our young people in this country, and I think we have to press into service those who have some expertise in this area and try to get to the bottom of this phenomenon. It is a worrying phenomenon.

Teachers in our schools, both at the primary and secondary level, are having to deal with it every day. Transport Board drivers have to deal with it on Transport Board buses. Pedestrians have to deal with it on the streets. There is too much anger among too large a number of our young people in Barbados. This is an issue that is engaging our attention and that would have to engage our attention, because we just cannot sideline it and pretend that it is not a problem. It is a big problem.

It is going to affect the social life in Barbados sooner or later. In fact, it has begun to affect it, because as has been said in this debate, there are people now who keep away from crowds. They do not attend events, because they fear that there can be an explosion of anger on the most minimal provocation and that they could be caught at the wrong side of it. Mr. Speaker, that issue is one that is engaging our attention.

All in all, Mr. Speaker, I have personally benefitted much from the interventions made here in this debate today. I want to thank all Honourable Members who contributed and I now take the greatest pleasure in moving that this Bill be read a second time.

I am obliged to you, Sir.

Hon. R. D. JONES: I beg to second that, Sir.

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

4.10 p.m.

On the motion of Hon. F. J. STUART, seconded by Hon. R. D. JONES, the House resolved itself into Committee, Mr. S. A. LASHLEY, Chairman of Committees, in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is now in Committee.

Clauses 1 - 6, inclusive, were called and passed.

The Schedule became the Schedule to the Bill.

On the motion of Hon. F. J. STUART, seconded by Hon. R. D. JONES, Mr. CHAIRMAN reported to His

Honour the SPEAKER, the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. F. J. STUART, seconded by Hon. R. D. JONES, the Bill was read a third time, passed and cited as the Criminal Appeal (Amendment and Miscellaneous Provisions) Bill, 2009.

ORDER NO. 6 – SECOND READING OF THE MONEY LAUNDERING AND FINANCING OF TERRORISM (PREVENTION AND CONTROL) (VALIDATION OF FUNCTIONS) BILL, 2009.

Hon. F. J. STUART: Mr. Speaker, I beg to crave this Honourable House's indulgence, simply to do some housekeeping. This Bill, the Money Laundering and Financing of Terrorism (Prevention and Control) (Validation of Functions) Bill, 2009, becomes necessary because the Money Laundering and Financing of Terrorism (Prevention and Control) (Validation of Functions) Act, 2009, Cap. 129 of the Laws of Barbados, was proclaimed around the year 2000. Its purpose, as can be gleaned from the title of the Act, is to confront the issue of money laundering and the use of money being laundered to finance terrorism. As the Honourable Members well know, the issue of terrorism became a hot topic, particularly after September 2001, when there was that unfortunate event in the United States of America, where the war on terror was thereafter declared.

Mr. Speaker, it became very important, therefore, in the context of a war on terror, but since this Act predated the event which we have come to know as 9/11, it was not passed as a result of a war on terrorism, but as a result of the Government of the day recognising that terrorism was on the rise across the world, and that money laundering was a serious problem that was attracting the attention of the Financial Action Task Force, coming out of Europe and also our own Caribbean Financial Action Task Force.

Mr. Speaker, under Section 5 of this Act, the Minister is given the power to appoint an authority of as many members as he considers prudent, and for whatever period he considers tidy in all the circumstances. In the year 2003, an Anti-money Laundering Authority was appointed to remain in effect for a period of three years. This Authority served the country with distinction and admirably. Sir, when the three-year term of office for the Authority expired, no new Authority was appointed, nor were their appointments renewed, but they continued to act, even though their term had expired and even though their appointments were not renewed.

Sir, when a new Authority was appointed in September 2008, the reality was that between June 2006 and September 2008, there was an Authority in existence,

that really did not have a legal basis for any of its actions, yet they rendered service during that period. Sir, therefore, what we have been advised, that would be tidying in all the circumstances, would be to bring a Bill to validate any decisions that they would have taken during that hazy period, after the expiration of their appointments and the appointment of a new Authority.

Sir, that is what this simple piece of legislation is about. It is an act to validate certain acts performed by the Anti-Money Laundering Authority, in pursuance of its functions under the the Money Laundering and Financing of Terrorism (Prevention and Control) (Validation of Functions) Act. Sir, the relevant clause in the Bill is Clause 2, which requires the Honourable House to agree that:

"All functions purported to have been performed by the Anti-Money Laundering Authority, in pursuance of the Money Laundering and Financing of Terrorism (Prevention and Control) Act, during the period 1st August, 2006 to 14th September, 2008, both dates inclusive, and all matters purported to have been done under that Act, shall be deemed to have been Lawfully and validly performed and done, as if the Authority had been Lawfully and validly appointed under Section 5 of the Act."

Mr. Speaker, that is the simple purpose of the Bill and therefore without any further ado, I beg to move that this Bill be read a second time.

Hon. R. D. JONES: Mr. Speaker, I beg to second that, Sir.

4.20 p.m.

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

Mr. A. D. BRATHWAITE: Sir, as usual I will be brief. I just thought I would have to make a few comments given this particular Bill. Sir, the political side and, no doubt, the Honourable Member for St. Joseph did not want to speak because the fact that we are dealing with this amendment is consistent in many ways with the lack in which the previous Administration looked at this particular area. Sir, I remember my first visit to the Anti-money Laundering Authority in 2001 and 2002. There were three staff members who were over-stretched and understaffed, and Sir, no doubt, they would say underpaid, at a time when, as a jurisdiction, we should have been looking, as we are now, at all of our systems, all our people and all our apparatus that we had at our disposal to ensure that, as a jurisdiction, we were protected against money laundering.

Mr. Speaker, I am happy to see this Bill. I would like us to ensure that only we would not have to come back to this Chamber to address this Bill, but certainly, we would

see some limitation in terms of the period of time within which members could be appointed to the Money-laundering Authority.

Mr. Speaker, it is incumbent upon us to ensure that any members are also subjected to the type of training that is required on an ongoing basis. Sir, that is why it might be important for us to be able to supplement the Authority from time to time, because we do not know where we are going in terms of new threats.

Mr. Speaker, the Honourable Attorney-General spoke of financing in terrorism, which in many ways is a new phenomenon, even though it was given more emphasis, post 9/11. Sir, my point here is that there may be new threats around the horizon, so it is incumbent upon us to ensure that the Authority, once established, must be established in such a way that members themselves are subjected to continuous training because, in many ways, they would be the vanguard to ensure that, as a jurisdiction, we are well protected.

Mr. Speaker, we have been boasting about being placed on the white list recently by the OECD, and part of that is that we need to demonstrate that we have adequate systems in place. Sir, in that regard, no doubt, I would be hearing soon from the Minister responsible for International Business, on whether or not we would, in fact, be having new service providers' legislation, because again, we must ensure that if there are areas of weaknesses, as they are, as far as I am concerned, that they are addressed.

Mr. Speaker, in terms of money laundering, as a jurisdiction, we cannot have a jurisdiction where Lawyers, for example, are service providers, but they are not policed, in terms of the systems they have in place. Sir, they do not believe they should be policed like other corporate service providers.

Sir, the Honourable Attorney-General has just reminded me about real estate agents and, again we need to ensure that they understand that they could be easily used for money laundering.

Mr. Speaker, we have many individuals, both from Barbados and from outside of Barbados, who manage companies in Barbados, and it is important that they are also regulated. Sir, my point here, without delaying the Chamber is that, as a jurisdiction, we cannot afford even one bad apple.

Sir, all our hard work would go to nought, if we ignore even the little man around the corner because, in fact, he may be the little man, who is managing \$100 billion and we do not know. Sir, that is why, in supporting this Bill, I want to make the point that we cannot sit back

on our laurels, that we must look at all the players in the industry and ensure that they are all properly regulated, because eventually, it will redound to the benefit of Barbados.

Mr. Speaker, I used to do some anti-money laundering training for a bank I worked for at the time. Sir, I would say to the employees that they are not the HSBC Bank or Citibank, who have had billions of dollars at their disposal, because we know what happened to their shares. Sir, the point is, we are operating in an unfair environment so that the HSBC Bank could have the worst scandal in the world and the Bank of New York, as it did many years ago, could have the worst scandal in the world. They had lots of Russian money in the Bank of New York and it went away quietly, but the same thing would not happen in Barbados.

Mr. Speaker, I had these discussions with the Attorney-General and I know some of us believe we should not lay down and play dead, as it were. In other words, we should not give in to all the requirements of the big players of the international markets. We should let them know we are willing to do so much, that we have our systems in place, that we are willing to do so much and no more, but Mr. Speaker, we must realise that we are a small fish in a very big pond. Sir, sometimes, it is not how much noise we keep, but how we do it. Sir, in other words, it is not what you do, but how you do it.

Mr. Speaker, I am saying that you could acknowledge that you have all systems in place, without offending the same hand that you depend on to feed you. Sir, that is my concern on that point as discussed with the Attorney-General. Sir, we may believe in Barbados that we are operating in a very hypocritical environment, in an environment where we have not caused the financial crash. We are not the ones who may have caused Allan Stanford or any of the other individuals, who have been caught up in financial scandals over the last few years. Sir, be that as it may, we cannot put a flag saying: "Do not to look at us, look at yourself" because, as I have said, we still have to depend on them, because they are the same ones who will channel business to us, so we must do it with diplomacy.

Mr. Speaker, with those few words, I want to thank the Attorney-General for bringing this Bill to the Chamber and I look forward to us having a lengthy debate on this topic at some point in time in the near future.

Sir, I thank you.

Mr. SPEAKER: I am obliged to you. The Honourable Member for the City.

Hon. P. M. T. TODD: Mr. Speaker, in supporting this Bill before the House, I will be very brief. I would join with the last speaker and go further to suggest that

institutions such as the University of the West Indies, the Government Information Service and other educational organisations, should see it as their national responsibility, to educate the public more about what is money laundering. Sir, the simple literate interpretation would obviously be misleading. Sir, many of us who are educated, know about this and may assume that the average man in the street is fully cognisant of what money laundering is about, but in terms of being effective, in terms of reducing the incidents of money laundering in this jurisdiction, knowledge is power.

4.30 p.m.

So all the financial gurus and so, the economists on the hill should be more vocal, in terms of educating the public on the implications of money laundering, given the technology of the Internet, with e-banking and e-commerce. A lot of these are very technical matters that could be evolving at our finger tips and we are not aware of it.

Sir, I am very happy that in recent years you cannot just go into a bank or credit union and deposit more than \$10 000 without accounting and demonstrating that you have a legitimate reason for such large sums of money.

Sir, the last Honourable Member mentioned the issue of people walking into a car dealership or a vehicle dealership and paying for an item cash, a car, truck or what have you, or a house. This should arouse suspicion. We must have mechanisms to deal with this.

Sir, experts have been saying in the media recently that as the US tightened its borders with Mexico, the Mexican Army being deployed along the borders in terms of the drug trade and so on, as we open up air links with this Region to South and Latin America, we could be seeing an increase of the usage of this Region as a drug trans-shipment point.

We must train the Customs and Immigration personnel to be vigilant, and to look out for people who may be moving large sums of money. We should take the opportunity to urge travellers not to be idealistic and say it is okay, as in the past, when somebody is going to New York, you could take a package for someone while you are travelling, because that package may not be Great Cake or what have you as it is simply represented. Money and drugs can be concealed in many objects.

Sir, you heard of an old container being found recently by authorities with contraband in Barbados, a business container. These are real issues that we as a country must grapple with.

Sir, we have seen the new Obama Administration in the United States of America, as part of their campaign pushing their drive to keep a lot of US business funds in the United States of America and away from the offshore banks. We must ensure that our Laws are squeaky clean so that we do not suffer any tightening of the regulations from the United States of America.

Sir, there is an issue of economics, for example, the United States of America being the world's only super power, with a lot of deficit financing, a lot of heavy borrowing, the global meltdown, the Obama Administration will realise that if the United States of America can get billions of dollars back into the United States of America, as opposed to offshore banking jurisdictions, I am sure that would help their economy.

They are interested in keeping that funding going in their direction, so we as a developing nation must realise that this is a reality and ensure that we do all that is necessary to avoid anymore pressure from the OECD and so on, and that we in the third world must cooperate with each other.

Sir, we saw the incidence of the World Cup where we had a regional approach to security and border control. A lot of the mechanisms that were put in place can be strengthened and perpetuated, so that we can reduce the incidence of money laundering and terrorism. When we hear of Al Qaeda and terrorism, it seems as though it is something you read about going on far away. We had the bombings in the US Embassies in Africa, an area considered a target unlike the Middle East and other popular targets. All of a sudden you had a big massacre there.

Sir, in terms of national security, and ensuring that our borders are well secured, we can cooperate with the developed countries as well as developing countries. We are friends of all and satellites of none. So South South Corporation is nothing that we should be ashamed of.

We must be friends of all and satellites of none, therefore, we should not be right wing and myopic to think that we must always be peeping over our shoulders, wondering if Uncle Sam or our allies are upset that we are talking with China, Havana or Venezuela, countries we have had historic ties with over the years. Not to necessarily share their ideology, but to understand that we can as sovereign nations speak as independent nations, and cooperate in a mutually beneficial way that does not undermine the security or the national security of the US, Britain or what have you. We must stand up as people and be really independent, to improve the quality of our lives in Barbados and ensure that we are not subjected to the harsh realities of terrorism and money laundering.

I thank you.

Mr. SPEAKER: The Honourable Attorney General.

Hon. F. J. STUART: Mr. Speaker, I would like to thank the Honourable Member for the City of Bridgetown for his intervention and without further ado, I beg to move that this Bill be read a second time.

Hon. R. D. JONES: I beg to second that, Sir.

On the motion of Hon. F. J. STUART, seconded by Hon. R. D. JONES, the House resolved itself into Committee, Mr. S. A. LASHLEY in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is in Committee.

Clauses 1 - 2 were called and passed.

On the motion of Hon. F. J. STUART, seconded by Hon. R. D. JONES, Mr. CHAIRMAN reported to His Honour the SPEAKER, the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. F. J. STUART, seconded by Hon. R. D. JONES, the Bill was read a third time and passed and cited as the Money Laundering and Financing of Terrorism Prevention and Control (Validation of Functions) Act, 2009.

ADJOURNMENT

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

Hon. R. D. JONES: Sir, as I rise, before adjourning this Honourable House, I wish all Honourable Members to be made aware that the Financial Statement and Budgetary Proposals would commence on Monday, May 18, 2009, at 3.30 p.m. I just want to restate that the Financial and Budgetary Proposals would commence on Monday, May 18, 2009, at 3.30 p.m.

With those words I beg to move that this Honourable House be now adjourned.

On the motion of Hon. R.D. JONES, seconded by Hon. F. J. STUART, the question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

4.40 p.m.

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SPEAKERS IN THIS ISSUE

BEST, His HONOUR K. St.C. (St. Michael East)

BRATHWAITE, Mr. A. D. (St. Philip South)

CLARKE, Mr. G. A. (St. George North)

JONES, Hon. R. D. (Christ Church East Central)

LASHLEY, Hon. M. A. (St. Philip North)

LASHLEY, Mr. S. A. (Christ Church West Central)

MARSHALL, Mr. D. D. (St. Joseph)

MOTTLEY, Hon. Miss M. A. (St. Michael North East)

PAUL, Mr. J. D. (St. Michael West Central)

STUART, Hon. F. J. (St. Michael South)

TODD, Hon. P. M. T. (City of Bridgetown)

TOPPIN, Mr. R. St.C (St. Michael North)

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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 and date. The convening sentence in the source dates the sitting '1009'; the year is printed as 2009, as in the file name and the adjournment of the previous Sitting.

Q2. Opening. Below the heading the source reads 'the House of Assembly met at 10.15 a.m. on Friday 12, 2009', which gives no month and conflicts with 'Tuesday, 12th May, 2009'. Printed as in the source.

Q3. Minutes. The sitting is opened by 'Mr. SPEAKER', the Minutes are announced by 'Mr. DEPUTY SPEAKER' and moved with 'Mr. Deputy Speaker', and then confirmed by 'Mr. SPEAKER'. The labels are printed as in the source.

Q4. Order No. 3, title. The heading and the mover's opening words give the title as 'Criminal Appeal (Amendment and Miscellaneous Provision) Bill, 2009', but the motion for second reading, Hon. P. M. T. Todd's speech and the third-reading citation give 'Miscellaneous Provisions'. Printed as in the source.

Q5. Order No. 3, Hon. F. J. Stuart's speech. The juvenile in the Court of Appeal case is named 'Norman Scantlebury', 'Normon Scantlebury' and 'Mormon Scantlebury', and the philosopher appears as 'Lock' and 'Locke'. Printed as in the source.

Q6. Order No. 6. The Attorney-General says the Authority had no legal basis 'between June 2006 and September 2008', but the validating provision he reads covers '1st August, 2006 to 14th September, 2008'. The third-reading line cites the measure as an 'Act'. Printed as in the source.

Q7. Order No. 6 and Adjournment. After the motion for second reading is seconded the source moves straight into Committee, with no line recording the question on second reading; the adjournment motion does not state the date to which the House was adjourned. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met on Tuesday, 12th May, 2009 at 10.15 a.m., with the Speaker, His Honour M. A. Carrington, in the Chair; prayers were taken by Reverend Canon Ivan Harewood. After the Minutes of Tuesday, May 5, 2009 were confirmed, the Deputy Prime Minister and Attorney-General, Hon. F. J. Stuart, laid three papers: the Duties Taxes and other Payments (Exemption) (Yankee Garments Limited) Order, 2009 and the Annual Reports and Accounts of the Barbados Agricultural Management Company Limited for the years ended June 30, 2006 and 2007. Standing Orders were suspended for the remainder of the sitting.

Mr. Stuart moved the second reading of the Criminal Appeal (Amendment and Miscellaneous Provision) Bill, 2009 (Order No. 3), which he said rested on two planks. First, although Barbados had accepted the Caribbean Court of Justice as its final court, the Criminal Appeal Act and other Acts still referred to Her Majesty in Council; the matter had come to light when Mr. Tyrone DaCosta Cadogan, whose appeal the Court dismissed in December 2006, said he would appeal to the Privy Council. Secondly, following the Privy Council decision in the case of Tennyson Griffith and Others and the local Scantlebury case, the sentence of detention of juveniles 'until Her Majesty's pleasure is known' was to become 'until the Court's pleasure is known', since the Executive should not determine the length of a sentence. He set this against the doctrine of the separation of powers and warned against treating judicial systems as infallible.

The Leader of the Opposition, Hon. Miss M. A. Mottley, supported the amendments as housekeeping, asked the Government's position on a parole system and on detained mental health patients, urged a new Law Revision Order since the last revision in 2004, and said the Barbados Labour Party wanted public consultation before any debate on the death penalty. Mr. S. A. Lashley called for a review of the Juvenile Offenders Act and criticised the former Administration, drawing points of order from Miss Mottley and Mr. D. D. Marshall; Mr. Marshall replied that validation measures were a normal feature of Government. Hon. P. M. T. Todd, Hon. M. A. Lashley, who spoke of a Victim Compensation Fund and of an indictable matter from 2005 not yet begun, Mr. R. St.C. Toppin on incarceration and videotaped confessions, Mr. A. D. Brathwaite on young offenders, His Honour K. St.C. Best, Mr. G. A. Clarke and Mr. J. D. Paul also spoke. Hon. R. D. Jones declared himself opposed to corporal punishment, which led to exchanges with Mr. Clarke on points of order.

In reply, Mr. Stuart supported the call for a Victim Compensation Fund, described delays caused by police witnesses at the Assizes, argued that preliminary inquiries

were outdated and favoured paper committals and a national prosecution service, and said a young offenders' institution was receiving attention. The Bill was read a second time without division, passed Committee with Mr. S. A. Lashley in the Chair (clauses 1 to 6 and the Schedule), and was read a third time and passed.

Order No. 6, the Money Laundering and Financing of Terrorism (Prevention and Control) (Validation of Functions) Bill, 2009, was explained by Mr. Stuart as validating the acts of the Anti-Money Laundering

Authority, appointed in 2003 for three years, which had continued to act after its term expired until a new Authority was appointed in September 2008. Mr. Brathwaite and Mr. Todd supported it, Mr. Todd noting that deposits over \$10 000 must now be accounted for. The Bill passed its remaining stages.

Before moving the adjournment, Mr. Jones informed Members that the Financial Statement and Budgetary Proposals would begin on Monday, May 18, 2009 at 3.30 p.m., and the House was adjourned.