
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

PARLIAMENT 2008 – 2013

HOUSE OF ASSEMBLY

Tuesday, January 12, 2010

Pursuant to the Adjournment, the House of Assembly met at 10.15 a.m., January 12, 2009.

PRESENT

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

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

Rt. Hon. O. S. ARTHUR M.Sc. (Econ.)

Hon. D. J. H. THOMPSON, Q.C., LL.B. (Hons.)
Prime Minister, Minister of Finance, Labour, Civil Service
and Energy)

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

Mr. R. C. EASTMOND, J.P., B.A. (Hons.), Dip.Ed.,
LL.B. (Hons.) (Lond.), LL.M. (Leic.)

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, B.Sc., M.B.B.S.
(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, Q.C., 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.

Dr. the Hon. D. S. LOWE, M.Ed., Ed.D., B.A., Dip.
Theology, (Minister of The Environment, Water Resources
and Drainage)

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. INNIS, 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. SPEAKER: The Minutes of Tuesday, December
15, 2009.

Hon. R.D. JONES: Mr. Speaker, I beg to move that
the Minutes for the Honourable the House of Assembly for
its meeting of Tuesday, December 15, 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.

ANNOUNCEMENT BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: It is my pleasure to welcome among us this morning members of Elon University of North Carolina, U.S.A. We are happy to have you with us and we hope that you enjoy the experience.

PAPERS

Hon. D.J.H. THOMPSON: Mr. Speaker, I am commanded to lay the following:

1. Customs Tariff (Amendment)(No. 8) Order, 2009.
2. Customs Tariff (Amendment)(No. 9) Order, 2009.
3. Report of the Audit of the Accounts of the Public Enterprise Investment Fund for the financial year ended March 31, 2008.

SUSPENSION OF STANDING ORDERS

Hon. R.D. JONES: Mr. Speaker, I beg to move that the Standing Orders Nos. 6,8,16,18,20,42(5),43 and 44 be suspended for the remainder of this day's Sitting.

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

H/A52/10:20 Sequence 2

Tuesday, January, 12, 2010

ORDER NO. 4 – TO MOVE THAT THE HOUSE RESOLVES ITSELF INTO COMMITTEE OF SUPPLY TO CONSIDER THE GRANT OF SUMS OF MONEY FOR THE SERVICE OF THIS ISLAND

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

COMMITTEE OF SUPPLY

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

RESOLUTION TO GRANT THE SUM OF \$4 588 856 FROM THE CONSOLIDATED FUND AND TO PLACE IT AT THE DISPOSAL OF THE GOVERNMENT TO SUPPLEMENT THE ESTIMATES 2009-2010 AS SHOWN IN THE SUPPLEMENTARY

ESTIMATES NO.5 2009-2010 WHICH FORM THE SCHEDULE TO THE RESOLUTION.

HEAD 13

PRIME MINISTER'S OFFICE

\$1 345 987

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

Hon. D.J.H. THOMPSON: Mr. Chairman, Head 13 relates to the provision of \$1.346 million for the operations of the Regional Security System (RSS). We were assessed and contribution was provided according to the arrangements. However, there are two points I want to make. One is, the countries of the Eastern Caribbean are facing great challenges in contributing to the RSS.

The second point is, we are determined to keep the aircraft in the air. Both aircrafts require significant maintenance and the maintenance contract with the Canadian company was not being serviced as regularly as it should. Therefore, this amount would assist us in clearing the arrears as well as facilitating the continued operation of the surveillance aircraft.

It is a price that we have to pay for ensuring the internal security of our country, particularly to stop the entry and egress of illegal drugs by craft plying the waters of the Region. In that regard, even if it were for our own security alone, it would be vital and critical. However, we provide a service for the area in the Caribbean which is critical to the security, as I said, of our entire Region.

Sir, with that anticipated, because it is additional expenditure that cannot be met from other sources, and for which other countries are not going to be able at this time to find those resources - The aircraft is based here. The operations are based here. Barbados is essentially the leading country in the RSS and it is an unavoidable area of expenditure that the Government has determined it should pursue.

I beg to move that Head 13 stand part.

Hon. F.J. STUART: I beg to second that, Sir. Mr. CHAIRMAN: The Honourable Member for St. Michael North East.

Hon. Miss M.A. MOTTLEY: Mr. Chairman, the Opposition has no difficulty with the sum that was requested here in relation to the RSS. This is a subsisting commitment of the Government of Barbados. It is a Treaty obligation. We are aware of the fiscal circumstances of most of the countries in the Eastern Caribbean.

Unfortunately, this is not the first time that Barbados has been required to carry the lion share in relation to the Regional Security System. This makes the issue of the planning and financing of our Regional security all the more important. I say so in the context that we were ever mindful that in the absence of dedicated funding, either from international organisations, or other countries, that we would do well to find ways in which we could have a programme of dedicated funding for the security of the Region.

I think that is one of the reasons when we put the systems in place for the World Cup we felt that the bypass the CARICOM Travel Pass was one of those mechanisms that would not only facilitate free travel in the Region, through the ports, but would represent a dedicated source of financing for the Regional security entity, in this case, impacts, such that it would reduce the burden that in the original Member States would have been thrust upon them in meeting the obligations.

Sir, I believe, that is a mechanism capable of emulation in other areas. There are services within the security arena that do cost money to provide and wherever possible monies can be recovered when those monies ought to be used to defer the obligations of Governments, because we certainly cannot ignore that the first responsibility of a Government is to keep its citizens safe and secure. Therefore, in that context we support this but we say for what it is worth that we do believe that given the perilous state of finances in the Region generally, that there is going to be a greater obligation on Governments to find dedicated funding.

We are aware that the United States of America and I believe at the last Summit of the Americas would have committed to putting some funds. Our experience, however, is that this process is usually so convoluted

and so riddled with bureaucratic obstacles and conditionalities that there is unlikely to be any immediate hope of those funds becoming available but, in the meantime, we still have an obligation.

Sir, I will say that I am a little concerned that in recent months there has appeared to be the same level of penetration in relation to drug seizures as we would normally have seen. I am not sure whether there are issues there or not. Sir, I say only from the point of view that the activity seems a little less, and it may well be that other countries that would only have to cooperate, are deeply feeling the pressure, therefore, we are not seeing the level of dedicated deployment of resources and assets as would normally be the case. These are the very times when we need to be careful and vigilant, and these are the very times where we need to ensure that we do all that is necessary to keep the country safe.

Sir, we will support the amount here, suffice it to say, however, that we do believe there is need for urgent implementation of the other areas that can, in fact, bring dedicated funding to help defer some of the responsibilities, not in so far as the RSS is concerned but, certainly, as it relates to impacts and other aspects of the Regional security in general.

We are aware that cricket is going to be held in Barbados this year, again. The models are there for the implementation of a programme to guarantee security again. I believe, elsewhere in today's Press, the General Secretary of the Democratic Labour Party made it clear that it is not necessary to reinvent the wheel and equally, in respect of the security framework of cricket, it will not be necessary to reinvent the wheel, but it does raise the issue of the movement of people between islands as a matter of urgency, and it does raise the need for us here, therefore, to address the matters pertaining to CARIPASS.

I have actually been doing some legal work in respect of it, so I am aware of the state of progress, but I do believe that Barbados will have to carry the majority of that responsibility again in relation to the security arrangements, particularly since the matches are being held here.

With those few words we support this request.

Thank you, Sir.

H52 10.30 a.m. Sequence 3

Tuesday, January 12, 2010

House A53, Sequence 04, 10.30 a.m.

Mr. CHAIRMAN: The Honourable Member for the City.

Hon. P. M. T. TODD: Mr. Chairman, I rise to support this Head, and just to reinforce the fact that air support, in terms of our armed forces is very necessary in the current realities that we live in today. Our island is surrounded by sea, therefore, we must protect our borders and given the geographical location of Barbados and indeed the islands of the Caribbean, we are often considered areas where transshipments of drugs to Europe and North America can possibly occur, and so, we as developing islands must work together as a Region with limited resources to protect our borders and to reduce the tendency of drug pushers to use our territorial space in the transshipment of drugs.

The provision of these aircraft is vital, even more vital than helicopters because, as I understand it, the aircraft has a wider range and can observe from very high

distances, without the knowledge of the prorogue and other fast-moving vessels trying to struggle drugs from island to island, and can inform the coastguard vessels, the police and other law enforcement agencies to have a coordinated approach to apprehending these drug smugglers.

I note, Mr. Chairman, that in recent months the CNN and BBC produced a documentary where their investigative journalists went into Columbia - very risky journalism - and they found that in recent times, the drug smugglers are trying to outrun, as it were, law enforcement technologies and approaches by actually producing a submarine type craft that is sort of semi-submergible and it skims off the surface of the sea, reducing the likelihood of it being detected by aircrafts, so this is the reality.

These things cost millions of dollars and we, as a Region, must ensure that our law enforcement is in keeping with state-of-the-art best practices and modern technology to reduce the likelihood of these new drug smuggling crafts plying the seas of the Region. Sir, our national security is seriously threatened, if we do not ensure that our air defences and, indeed, sea and land defences are up to scratch.

Mr. Chairman, this provides, with an opportunity for benevolent, more developed countries to continue their long-standing relationship in terms of providing both the military hardware, be it the Boston whaler, fast-moving coastguard cutters or technical assistance, in terms of tactical expertise, be it Operation Trade Winds or whatever.

Sir, given the current geopolitical realities, developing countries such as our islands in the Caribbean can often be taken for granted because we are peaceful, nonaligned countries, as the more developed countries look at the hot spots where there are civil wars and strife in other parts of the world and provide them with assistance in their own backyards, we in the Caribbean who need that assistance may find it difficult at times. I am sure that these more developed countries appreciate the importance of the fight against drugs being highlighted in this Region so that when we do our part in the Region, in terms of our Regional security network to reduce the drugs being shipped from the various quarters to Europe and North America via our shores, then are actually enhancing the security and reducing the accessibility of drugs to those more developed countries, so there is a symbiotic relation that exists.

It is in the interest of the national security of North America and Europe to work in a mutually respectable relationship in terms of security, training and the provision of equipment to shore up our Regional Security System.

I remember, Mr. Chairman, in the 1980s when we, as a delegation of the Young Democrats, were in Guyana,

and to travel from Georgetown where we were staying to the Government Reform School, the industrial school for the young juvenile offenders was inaccessible by road and we actually had to fly via GDS helicopters.

Sir, this was the first experience I had in a helicopter and this was in the 1980s when people liked to laugh at people in Guyana. There it is that they realised the provision of an air force was vital for their security, given the realities of the drug trade in South America.

Mr. Chairman, we are now catching up and I definitely look forward to this Regional Security Network being enhanced because it is in the interest of the peace and stability of our Region, which we must not take for granted.

I thank you, Sir.

Asides.

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

Hon. D. J. H. THOMPSON: Mr. Chairman, in wrapping up Head 13, there are just three points in clarification or to assist the Honourable Member for St. Michael North East.

The first important point is that the St. Vincent operation carried out last year was extremely successful and would have reduced the availability within the Region of items which otherwise would have attracted the attention of the surveillance operation.

Sir, that was a joint operation with the United States of America, I think, Canada and the United Kingdom and it netted considerable amounts, of course, regrettably, there was the loss of life, including fugitives from Barbados.

The second point is that because of the investment in the coastal surveillance system, the movements that previously had taken place into Barbados using that method had been considerably reduced, so that the greatest threat to that system would be compromising persons within it, as distinct from any technological failures or so on, and of course, the Barbados Defence Force (BDF) and the Royal Barbados Police Force (RBPF), I believe have been doing all in their power to ensure that the integrity of the people working in the system is not questioned.

The third point is that I believe that, maybe, the tendency has not been to make some of the operations as public as they once were because they occur a lot more often. I mean that there was a time when the system was being tested. It was working well and obviously success like that would require a higher level of public relations, public support and attention because people want to know

that they are getting value for money. Certainly, I am sure that when you were Attorney-General if you had deployed resources in a particular programme and it was working, you would want the public to know that it is working. I believe people are a little more familiar now with the strategy that Barbados has used under successive Governments and I, certainly, have not heard any demure on either side of the House or even by others in relation to our investment in these assets and therefore from that point of view, perhaps it is less likely that operations would receive the public attention that they previously would have received.

I want to congratulate both the Royal Barbados Police Force and the Barbados Defence Force for their joint operations in the arrangements that had been made to bring this programme into being. We will continue in our commitment to the Eastern Caribbean. The point you have made is not unusual for Barbados because we have had other Regional operations that had been short of resources and we have had to supplement them, but we have always done that against the background that for us, our entire security and our economic success revolve around us working in partnership with the rest of the Eastern Caribbean, so that is the reason for our commitment of these funds.

With those few words, Mr. Chairman, I beg to move that Head 13 stand part.

House A53, Sequence 04, 10:40:14

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

The question that Head 13 stand part was put and resolved in the affirmative without division.

HEAD 16 - MINISTRY OF THE CIVIL SERVICE

\$183 050

Hon. D. J. H. THOMPSON: Mr. Chairman, Head 16 relates to additional expenditure as a result of increases across the board in fees payable to the Chairmen and members of the three Services Commissions, namely the Public Services Commission, the Police Commission and the Judicial and Legal Services Commission.

There was also an increase in the fees payable to doctors for medical examinations, Medical Boards and Assessments of Declaration of Health Forms Services.

There has also been a significant increase in the cost of advertising as a result of the new Recruitment and Employment Code of the Public Service Act, 2007,

Number 41. This, of course, has meant that the Government has had to advertise in circumstances where previously it would not have been required to do so. Government has also had to provide additional support for the meetings of the three Services Commissions, the quarterly meetings with the National Union of Public Workers and other interviewing panels in relation to personnel administration.

I beg to move, therefore, that Head 16 stand part.

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

The question that Head 16 stand part was put and resolved in the affirmative without division.

HEAD 19 - TREASURY

\$114 524 039

Hon. F. J. STUART: Mr. Chairman, this sum of \$114 524 039 under Head 19 is required because of urgent remedial works which are being conducted at the Forensic Sciences Centre in an effort to rid the building of a dangerous mould infestation.

The aggressive development of the mould has infested a number of pieces of equipment, including sensitive security equipment, the fire control system and security cameras. These, of course, are all necessary for the proper functioning of the Forensic Sciences Centre.

Mr. Chairman, in order to complete the works and provide a building that is safe for persons to work in, air handlers for the equipment room, the replacement of 22 faulty cameras and the repair and upgrade of the digital recording system along with the installation and commissioning of a complete fire system, are now required.

The cost of this equipment would amount to about \$149 019 016 but the balance available under this Head is \$34 494 077 so the Supplementary required under Head 19 is in the sum of \$114 524 039.

I therefore beg to move that Head 19 stand part.

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

Mr. CHAIRMAN: The Honourable Member for Christ Church South.

Hon. J. D. E. BOYCE: Mr. Chairman, I could not allow the opportunity to pass without speaking to what I consider to be another chronicle of the mal-administration of the last Government, the Barbados Labour Party, because this building is a very new building.

Mr. Chairman, we have two persons in their places on That Side who would have had an integral part in the construction and outfitting of this unit. Sir, the people of Barbados, therefore, have to hear why at this early stage, three years into its life, we have to go back into a new building and strip it of all of its air handling and control fire system control equipment to the tune of \$827 000. This is a lot of money in scarce economic times.

Sir, the Barbados Labour Party owes the people of Barbados an explanation as to what kind of construction took place and what kinds of controls, quantities, measurements and scrutiny were in place when this construction took place and who were the benefactors who have now flitted away and left us with cap in hand. This is absolutely unsatisfactory. Sir, whereas we get ahead with the business of sorting it out, it must go on record.

Sir, almost every day in the life of this Government as we seek to do work in this country, we are encountering poorly maintained properties and poorly administered contracts for construction in the first place. Sir, we have had to spend a considerable amount of time and detail correcting these errors even before we go forward and use scarce resources to carry out this correction.

Sir, despite the grumbling on That Side, my job this morning is to make sure that the people of Barbados understand the kind of systematic flaws in the way the Administration of the Barbados Labour Party... Sir, this is a microcosm. We have much larger...

I am obliged to you, Sir.

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

Hon. Miss M. A. MOTTLEY: Mr. Chairman, I really did not plan to speak in this debate but I think that the Honourable Member who has just spoken is clearly enamored with his voice because the only substance that could have come from his speech would be the commentary that he has a deep voice. His speech, as usual, reflected an attempt to try to politicise that which is not capable of being really political.

The Honourable Member knows that any mould which has now been found... This Government has been in office for two years and if there is mould growing in George Street that has now contaminated Culloden Road and the Forensic Centre, then they should clean out George Street first. Sir, that the Honourable Member could get up in this House this morning in the first Session of this Parliament in the second decade of the millennium and his first contribution to this Parliament could be to try to make an allegation that the mould in the Forensic Centre is the responsibility of the Barbados Labour Party is the kind of

puerile behaviour that we do not expect from Honourable Members in this Chamber. Sir, I will laugh at him because to be angry as a result of what he said is a waste of energy.

I say simply, Mr. Chairman, that these kinds of allegations are deliberately intended to mask the fact that nothing is coming from the Honourable Member's Ministry. If the Honourable Member wanted to talk about breathing... When he said the word "breathing", I really thought he was going to talk about breathalyser because the Laws dealing with that seem to be what the rest of Barbados is asking him for but his mouth is numbed when it comes to that. You cannot hear that deep resonant voice.

I say to you simply, Mr. Chairman, that this is a matter that is not political. The company Moorjani Caribbean Limited built the Forensic Services Centre. It was funded by the European Union. The Project Monitors were in there from the European Union, not just the Government of Barbados, and all of the tests and all of the certifications had to be passed.

Mr. Chairman, anyone who knows anything about public administration will tell you that the systems and rules of the European Union ranked among the most complex in today's world. Therefore, Sir, whatever has caused the mould could not have been as a result of the construction.

Mr. Chairman, I go further. If the Honourable Member is saying that it was as a result of the construction, then he is clearly claiming negligence on the part of the Attorney-General who refrained, in his opening statement, from telling us that the Government was taking corrective action and issuing proceedings against the contractor in this matter.

House A52 Sequence 5

10.50 a.m.

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Hon. Miss M. A. MOTTLEY: Mr. Chairman, this is the absurdity to which this Honourable House has been brought this morning, having started the debate on a good and high tone for the New Year. There were issues that we have in relation to aspects of Government's security, but we are not going to raise them now, because we do not believe now is the appropriate time to deal with them.

Mr. Chairman, since the Honourable Member now wants to take this debate and this Honourable Chamber, in the first debate in the second decade of this century, to a new level, I am not going to meet the Honourable Member on that road. I am going to simply point out the error of his ways and let him know that every time the Honourable

Member does it, he will be met and dealt with fully, because we are not going to allow the perpetuation of rumours and lies to occupy the space that truth should otherwise be occupying.

Sir, the Honourable Member can say it as much as he likes. If the Honourable Member wants me to be as jovial as he is, I would say that after two years, the mould at George Street should stop contaminating the mould at Culloden Road.

Mr. Chairman, I am obliged to you.

Mr. CHAIRMAN: The Honourable Member for Christ Church South.

Hon. J. D. E. BOYCE: Mr. Chairman, by way of clarity, I too look forward to the resolution of leadership from the Other Side, so that we can improve the level of leadership on the Barbados Labour Party, so that we can improve the quality of response.

Mr. Chairman, I am not going to compete with the Honourable Member for volume, depth of bravado or any of those things. The Honourable Member is alone in that race. Sir, the facts are that this building has been unoccupied since February last year, so that scuttles the argument of the Democratic Labour Party being in use of the building.

Hon. Miss M. A. MOTTLEY: On a point of order. Mr. Chairman, the Honourable Member is misleading this Honourable House by giving the impression that the building has been unoccupied since February.

Asides.

Hon. J. D. E. BOYCE: Mr. Chairman, the operations at the building have been suspended since February.

Sir, we have been treated to commentaries about mould from George Street and all that kind of piffle, which is really of no substance.

Hon. Miss M. A. MOTTLEY: On a point of order. Mr. Chairman, the Honourable Member is misleading this Honourable House. The Honourable Member has to withdraw the statement. Sir, the building has not been unoccupied. That is not true.

Hon. J. D. E. BOYCE: Mr. Chairman, I made the point when I stood a moment ago that operations have been suspended at the Forensic Laboratory Centre since February 2008, which puts in perspective the entire argument I have made. Sir, I do not have to spend any more time building on the facts, as they hit us fully. The facts are

here in the arrangements to have this money made available to the Ministry.

The facts are here that we need, at this stage, four years into a brand new building, whether it has been commissioned by the European Union or whoever, the facts are that after spending the monies to provide that facility, we neither have a facility nor do we have a fit building. That is what we are faced with.

Sir, as I said, the Honourable Member for St. Michael North East can stand up and shout as many times as she wants. There are so many examples of this that the Honourable Member would be out of breath before we reach the end.

Sir, the \$827 000 being sought this morning is to correct flaws in a building which is not as old as four years; a building where taxpayers' money has been spent on in developing it, and a building that has not even been utilised effectively for the benefit of Barbados. Sir, in conclusion, those are the only points I want to make.

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

Mr. D. D. MARSHALL: Mr. Chairman, inasmuch as the Honourable Member who has just spoken seems to have such a champignon of information on the building, I would call on the Honourable Member or the learned Attorney-General to tell us what flaws he is speaking about. The Honourable Member has asserted that there are flaws in the building.

Mr. Chairman, from my recollection, the Honourable Member is an engineer and it would do this Parliament well if the Honourable Member could allow us to benefit from the vast experience he has. Sir, it would do this Parliament well if the Honourable Member would speak, not glibly but with greater precision, and to tell us what flaws there are.

Mr. Chairman, it is a most peculiar thing too that we could hear that the building was unoccupied, which is a clear statement of fact. The Honourable Member has not resiled from that position. We now hear that operations have been suspended, yet this Honourable House is to be asked in this Supplementary to agree to extend contracts for nine individuals, for either an unoccupied building, or a building in which operations have been suspended.

Mr. Chairman, if operations have been suspended in such a mission-critical building as the Forensics Laboratory, then I really cannot claim to understand why we would be extending posts for nine members of staff. To do what? If you have suspended operations, you should send people home, which is certainly what the Democratic Labour Party has been doing of late.

Mr. Chairman, let us not try to score cheap political points on this building. When this building was designed, it was designed to meet the highest and most stringent standards as far as laboratories were concerned. Sir, the equipment, including the air-handling equipment that is installed in that building, was also procured to meet equally high standards.

Mr. Chairman, in fact, during Cricket World Cup 2007, Barbados had the opportunity to convert that very Forensics Laboratory to be the testing laboratory for all of Cricket World Cup, 2007 and to be one of the international testing laboratories in the hemisphere going forward. Sir, substantial work was done to ensure that we would meet all of the very stringent standards required by the International Athletic Organising Committee and other bodies for testing athletes.

Mr. Chairman, everything about that building, including air-handling, was required to meet the highest international standards. Sir, if two years later there is a problem with mould, and the Honourable Member is a technical individual, please share with us what is the problem.

Mr. Chairman, we are having a problem in this country. The Supreme Court Library had to be completely written off because of mould. There were substantial issues in relation to mould at the library in the Attorney-General's Office. Mr. Chairman, if the Honourable Member wants to say that the mould belongs to the Barbados Labour Party, or that we planted it, then the Honourable Member stands condemned to be in a place which that kind of conduct belongs.

Sir, we need to address these issues as national issues that arise. It is not only Government buildings that are suffering from mould, it is not only old buildings that are suffering from mould, the doctors are concerned about the high rate of respiratory problems, not just as a result of mould, but also as a result of the Sahara dust.

Mr. Chairman, if we want to have a national debate on respiratory difficulties, let us do so and let us put it in the appropriate perspective, but for the Honourable Member to descend into political gimmickry, clearly does not behove this Honourable House on the first day of its debate. Sir, perhaps this is just a symbol or signal of what else we can expect from the Honourable Members.

Mr. Chairman, I am obliged to you.

Mr. CHAIRMAN: The Honourable Member for Christ Church South.

Hon. J. D. E. BOYCE: Mr. Chairman, I had said that there were numerous examples of the kind of

mismanagement and lack of attention to detail by the Government of the Barbados Labour Party that caused us to be in this kind of situation. I said this was not the only example.

11.00 a.m.

Tuesday, January 12, 2010

Hon. J.D.E. BOYCE: Sir, indeed, it is not under my direct control but, certainly, we are aware that almost the entire Chambers of the Attorney-General has been dissipated under the Barbados Labour Party Administration. They worked from home, they worked from very incommodious arrangements and we are now having, as I speak, to provide a consolidated facility from which these people can operate.

Mr. Chairman, the examples are there and bit by bit, Barbadians will be shown exactly what the inheritance has been, or continues to be, and the Honourable Members on That Side have to be agitated. That is why they respond this way, obviously digging deep into their memory banks to try to dig up all kinds of relationships that have no bearing on the facts.

Mr. Chairman, the facts are that the monies have now to be found to correct situations that, in times of plenty, should have been at the forefront of the consideration of the Barbados Labour Party Administration. Sir, there are numerous examples that will come to this Chamber, from time to time, over the next few years and very shortly for us to deal with. Sir, I am finished with that.

Mr. Chairman, I am obliged to you.

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

Mr. R.C. EASTMOND: Thank you very much, Sir.

Mr. Chairman, I think that the Government can be encouraged to look right across the board at all Government properties to do an assessment of the state of the Government's properties and begin to calculate what action might need to be taken in respect of specific properties, and what use could be put to particular properties in the future.

Mr. Chairman, I want to further urge that an inventory of all Government properties, at the capital level, be done before March 1 using the expertise of those best able to evaluate the condition - that expertise would come from full-time public officers - and looking to ensure that even when there can be made out a case to do things incrementally, that a priority list be evolved in respect of

how to approach such properties. Sir, at the same time, the never-ending task of looking at our infrastructure and, Sir, I am using infrastructure in a narrow sense. Sir, our road network and associated accommodation works have to be looked at.

Mr. Chairman, before today, on the Floor of this Honourable House, I raised a concern which I have to raise again. Sir, it concerns the covering of two gullies, one, at Westmoreland, St. James, below the Nazarene Church. There are metal slab, which are beginning to corrode, moss and rust doth begin to corrupt and, worse than the one at Westmoreland, there are some coverings, using metal slabs, by the new St. Boniface Nursery School and the rust and the corrosion have now reached frightening levels.

Sir, little children, under five years old, have to traverse Kellman Gully and are at risk. Sir, not only are there little children, and we almost must allow our hearts to go out to little children, but aged people also use this gully.

Mr. Chairman, I do not want this Government or any Minister to be condemned for negligence, when it comes to making sure that those metal slabs are replaced as soon as possible. Sir, if they have to be ordered from abroad or specially designed and retrofitted, you might have to consider closing the footpaths - the slabs constitute a footpath - by St. Boniface School for sure and then looking at an area a quarter of a mile south of there at Westmoreland and doing the same thing. Sir, we cannot afford to have people perish when we can avoid it.

Mr. Chairman, when the Westmoreland slabs were...

Mr. CHAIRMAN: Honourable Member, I am not going to stop you but how relevant is this to the matter?

Mr. R.C. EASTMOND: Sir, I am provoked to discuss maintenance of Government's property. I mentioned that there is a case that could have been made out for maintaining specific capital work and that a case could be made out for infrastructure. Sir, as a matter of fact, at the point when you intervened, I was about to sit down there and then.

Mr. Chairman, I am going to thank you for facilitating me. Therefore, I take my seat, having made the point.

Mr. CHAIRMAN: The Honourable Member for St. George North.

Mr. G. A. CLARKE: Mr. Chairman, when one listens to Government speak on these matters, I always ask myself the question: Is the Government really prepared to govern or are the Members of the Government prepared to come in here, day after day and behave as though they are

on the political platform, or as though they are in Opposition?

Mr. Speaker, the Honourable Member for Christ Church South has been elected to do a job. Sir, he is the Minister and he should come in here and tell us what the mould is all about, because the country wants to hear what type of mould. The Honourable Member is an engineer and he should tell us the type of mould that is infecting the place because we want to hear about these things.

Mr. Chairman, the truth of the matter is this. Government has to look at every cent that it spends and I believe the Minister of Public Works would rather have this \$827 000 spent on something else. I know that he is suffering from lack of money and that there is a serious cutback at his Ministry.

Mr. Chairman, the point is that the Government, over the last two years, has spent less money on insurance and on maintenance. Sir, the Minister of Housing should tell us what money has been spent on Government's property because the Minister of Housing is the superior landlord. Sir, he should tell us if it the truth, and a fact, that he has spent less money on insurance coverage on most of the Government's buildings. Mr. Chairman, God forbids, if there is fire, Government would not be able to recover the full cost because of insurance and maintenance.

Mr. Chairman, over the last two years, we have seen in this country a reduction in the amount of money being spent on maintenance and the amount of money being spent on insurance coverage on Government buildings. The Honourable Member for Christ Church South can get up and shout as much as he likes but the truth is, many civil servants go home sick - the Honourable Member for St. Joseph alluded to it just now - because of the various problems we have in these sick buildings.

Mr. Chairman, there are many sick buildings across Barbados, not only in Government. There are sick buildings in the private sector; sick buildings in Government and it is because they are not properly maintained. You have central air-conditioning across the Public Service and I remember one former Attorney-General saying in this Chamber that he would prefer most of the new buildings be ventilated with fresh air because it is causing a serious problem.

Mr. Chairman, we have put a number of modern techniques in these buildings like modern air-conditioning units; modern elevators and a number of modern things but yet, after two years and they are not properly maintained, you have problems.

Sir, the Minister of Health should tell us about the elevator that dropped down at the Hospital that was only

put in one year ago under the Democratic Labour Party's watch. Sir, it almost killed three people or four people. Let the Minister of Health tell us about that. Sir, they should not say that it is us.

Mr. Chairman, this building which we are talking about is eight years old and it has to have a maintenance package. The Government has reduced its maintenance bill over the last three years, whether it is roads, whether it is the Attorney-General's Office, or whatever, the maintenance cost has been reduced. Sir, the maintenance bill of the Ministry of Education also has been reduced and, Sir, all maintenance costs, in general, have been reduced.

Mr. Chairman, in fact, the Ministry of Finance...

Hon. R.D. JONES: Mr. Chairman, on a point of order. The Honourable Member is misleading the House. Sir, I do not condemn persons when they do what is right.

H/A52/11:10 Sequence 7

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Hon. R.D. JONES: In fact, the Vote particularly for this financial year, under which we are now operating, has in fact gone up and is being utilised across this country. Sir, when it comes to statistics the Honourable Member should shut up.

Mr. CHAIRMAN: The Honourable Member for St. George North.

Mr. G.A. CLARKE: On a point of order. The Leader of Government Business...what level of tax have you been told to cut back on? We have been told to cut back on all the Ministries. Throughout this year the Minister of Finance has ordered a cutback on all the Ministries. I am telling the truth. I am not saying it is a problem, but you cannot now say to us that you have a problem in maintenance. You know you have a problem and the problem will continue because every new building must have a maintenance package. You must have a proper maintenance package.

The new building that you have just opened, the Honourable Attorney-General's Office, the new Hall of Justice, must have a proper maintenance package. It must have a Maintenance Manager. It must have funds available to carry out the necessary repairs from time to time, if not you are going to have problems. Sir, I will hear in the next two years that the Barbados Labour Party built the Hall of Justice and it is now falling apart. The truth is, it has to be maintained.

Sir, I would want to urge the Government to spend some time maintaining these buildings, spend some time

preparing an adequate insurance package, not only for maintenance, but in case of emergencies, adequate costs can be recovered from the insurance.

I do not think it is a political matter. It is not a political matter because we on This Side know that we spent a lot of money on maintenance. Workers go home sick daily. Sir, it is a big problem with the public servants that hundreds of workers are on sick leave, hundreds of workers have gone home medically unfit because of the sick buildings.

It is not the fault of This Side, or That Side. It is an inherent problem that will arise from time to time and we know that in a small economy it is very difficult for any Government to find funds to adequately maintain buildings. So do not blame This Side.

Sir, eight years ago...

Asides.

Mr. G.A. CLARKE: You are the Government. Tell us what you are going to do to maintain these buildings.

I am obliged to you, Sir.

Mr. CHAIRMAN: The Honourable Member for St. Thomas.

Miss C.Y. FORDE: Mr. Chairman, I had no intention of making any comments this morning, but I felt that in a new year there should be a new beginning. I am really disappointed with the comments made by the Honourable Member for Christ Church South. We have come to this Honourable Chamber to deal with the people's business in a serious way. The public of Barbados is expecting all of us, on Both Sides, to look after their best interest.

I support the Honourable Member for St. George North, when he spoke about the maintenance of buildings. Even in our own houses we have challenges six months after the house is constructed. Sometimes there are leaks that call for maintenance in a new house. There are times when you want to refurbish the house we encounter bigger problems, termite infestation and so on. Therefore, to trivialise a matter as important as this bothers me, especially when I know that the Honourable Member for Christ Church South should know better.

Sir, the Honourable Member for Christ Church South is apportioning blame to the Barbados Labour Party in a manner that is really unreasonable in this respect. The Honourable Member has a short memory. He should remember Almond Beach Hotel, where 40 people got ill, three were hospitalised and one died under his watch, with

the sewerage there. Why is he going to dig up the dead this morning, to blame the Barbados Labour Party wrongfully? I have a difficulty with that, Sir.

Sir, the serious point I want to make is, the Honourable Member should not have such a short memory. Sir, the point on which I wish to speak today is, the Barbados Labour Party had a vision to ensure that the Forensic Services Centre was established, because we understand what is happening locally and internationally, especially when I hear some of the comments of the Commissioner of Police, about unsolved murders and other challenges in Barbados as a result of having no facilities to assist the police officers with their duties. Therefore, we in the Barbados Labour Party support this \$827 804.

If it were \$1 million we would support it because, at the end of the day - Mr. Chairman, the Honourable Member for St. James South is bothering me. If the police had the right equipment they would know about the nudity on the Internet. I want the Honourable Member to leave me alone when I speak because I speak from a background of truth.

Mr. CHAIRMAN: Do not be distracted by the Honourable Member.

Miss C.Y. FORDE: Sir, I will try not to, because he would not like what I will say. I am telling the truth.

Sir, I believe the police should have all of the equipment and the services they desire to ensure that we stymie the process of crime and other activities that are impacting on our society. We have all been able to work, shape and mentor our young people and others to be just in this society.

Sir, we support this request.

Sir, the other comment I wish to make is related to the comments made by the Honourable Member for St. James North. Property maintenance should not include just a few of the institutions. New buildings need maintenance so that they do not deteriorate as fast as others. All buildings need maintenance.

In 2006/2007, under a Barbados Labour Party Administration, the new National Insurance Building on Culloden Road ... there are tremendous challenges in the Honourable Attorney-General's Office. We heard about it this morning. That is a matter to be dealt with.

My recommendation is, perhaps, as a Government and as a people, we need to start looking back at building construction of the past to ensure that we install more windows for better ventilation.

Sir, to my mind the carpets and air conditioning and so on are really someone else's culture. Sir, because of the fresh air that we generally breathe in Barbados, I believe that new structures should have more windows. Sometimes those windows can be left ajar slightly, in the night, when people are working. People like the comfort and the coolness, but at least they would be able to breathe better quality air.

This Government, as well as Governments before, have spent a lot of money installing equipment for air quality and so on. Only last night while I was here workers were working on the air condition units. There was a unit that sat on the floor. The Honourable Member for St. Peter is always ill with his sinuses because of what is circulating. I am saying this because I know.

Asides.

Mr. CHAIRMAN: Please, please, can we have some order, please?

Miss C.Y. FORDE: I am sure that there are other Members on the Government's Side, who suffer with asthma or, perhaps, sinuses and so on who should be breathing a better quality air. Sir, we have to address the problem in this Parliament and I believe that we will be able to successfully.

The problem should also be addressed in all the other Government Departments relating to the quality of the air and ventilation that would help the workers and others who have to use the services of those facilities to remain healthy.

Sir, we on This Side support this particular request and hope that sooner rather than later, the system would be put in place to eliminate the challenge of the mould in the Government institutions across the island.

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

Mr. J.D. PAUL: Mr. Chairman, I rise to join the debate and to say that I support the request for funds. It surprises me hearing the argument the Opposition seeks to make. We understand that Government in these challenging times is trying to fund resources to address issues. Clearly, it cannot be denied that the building was constructed when the opposite side was the Government.

H52 11.20 a.m. Sequence 8

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House A53, Sequence 09, 11.20 a.m.

Mr. J. D. PAUL: Sir, therefore the assertion that the Honourable Member for Christ Church South made in respect of responsibility, I think that they should be charitable enough and say that during the period when we were responsible for a number of buildings - which even the Honourable Member for St. Thomas pointed out - that as an afterthought, a greater attempt should have been made to recognise that we live in a tropical environment and in the construction of buildings, we need not adopt western concepts of buildings, but seek to recognise the fresh air that happens to be our forte in these environments. In other words, if we had brought a different approach in terms of the design of buildings in the past, maybe the problems that we experience today, we would not experience.

Sir, I am really surprised that at this time the Opposition would attempt to even suggest that the Government is not doing its best to ensure that the buildings which have been constructed are not maintained properly. I think that I heard this implied by the Honourable Member for St. George North in his statement that we have to look at the question of proper maintenance of buildings. Sir, I am very comforted that this is what this Government, even in terms of the presentation of this Resolution, is precisely trying to address therefore you have to wonder what is the reason for the hullabaloo that we hear being experienced from the Other Side.

Sir, not only that, but we need to respect the fact that the cost of maintaining a building five years ago is certainly not the cost of maintaining a building today. We also have to allow for the fact that there is inflation in the economy.

Sir, in these trying times, seeing that the cost of building maintenance would have increased, we have to recognise that Government must be faced with extremely challenging times and, therefore, we understand why the Honourable Member for Christ Church South had to make the statement that he made.

I think that if the Government of the day then, which was responsible for the construction of those buildings, might have at least looked to see whether or not they could construct buildings that would have addressed these issues later down, they might have had a different result in many of the buildings that had been constructed. I think that is something we need to bear in mind, as we discuss this particular Resolution.

I thank you very much and I hope that we could continue forthwith this morning.

I thank you, Sir.

Asides.

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

Hon. F. J. STUART: Mr. Chairman, I beg to move that Head 19 stand part.

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

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

HEAD 30 - ATTORNEY-GENERAL - \$2 945 295

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

Hon. F. J. STUART: Mr. Chairman, the bulk of this sum under Head 30 again goes to the Forensic Sciences Centre and many of the issues raised under Head 19, I did not worry to respond to them because we were dealing with a Treasury Head. This is now the Attorney-General's Head and I can now speak more expansively about the problems at the Forensic Sciences Centre.

The Honourable Member for Christ Church South was correct in saying that in February last year, scientific operations at the Forensic Sciences Centre were suspended, as a result of mould infestation. A programme of activity for the period February to December last year was put in place by the Director of the Forensic Sciences Centre to ensure that the work that could be done at the Centre was done by those persons employed, while attempts were made to deal with the problems identified at the Centre.

The point has to be made, Mr. Chairman, that the problems at the Centre were first identified around September 2008 and attempts were made to control and remove the fungi from the Centre. The initial attempts proved unsuccessful and the spread of the fungi continued to other areas within the Forensic Sciences Centre.

On April 17 last year, the Cabinet discussed the matter and invoked the Rule 147A under the Financial Administration and Management Financial Rules, in order to resolve the problem of the mould infestation at an estimated cost of \$667 823 to be met from Head 30, Attorney-General, but that Vote and that allocation did not deal with the problem as effectively as the Government would have wished.

On May 21 last year, staff at the Environmental Protection Department visited the Forensic Sciences Centre and identified three main issues confronting the Centre. First, they discovered that the roof was improperly sealed and drained and, as a result, leaks were manifesting at specific locations.

The second problem they identified was that in the plumbing system, there were numerous leaks, and some of these they described as very significant.

The third problem they identified was the proliferate growth of allergenic micro-organisms and, as a result, this was producing very dangerous mould in the building.

The Environmental Protection Department also reported that laboratory results obtained from swab samples from limited locations throughout the building indicated the presence of the wide variety of species of mould, and that exposure to these moulds could cause allergic reactions, such as irritations of the eyes, skin, nose, throat and lungs, and other health problems, such as rashes, mild neurotoxic effects, such as headache, nausea, muscle aches and pains, and fatigue.

It was also proffered that the location of mould away from the leaks indicated that there was transport of the mould within the building, possibly via the air-conditioned system. Furthermore, the evidence suggested the presence of a water source to support the growth of the organisms.

The Department recommended, in the interest of staff occupying the building, that certain works should be undertaken. They recommended that a comprehensive assessment to determine the distribution of all allergy-causing micro-organisms in the building should be completed. They said this would ensure that remediation efforts are effective and would address all critical areas.

Secondly, they suggested that there should be a visual inspection of the duct network by a microbiologist or some other trained professional to identify the presence, if any, of micro-organism growth in the air-conditioned system.

House A53, Sequence 09, 11:30:14

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Hon. F. J. STUART: They recommended also that ozone generators should be used to sanitise the air as a short-term measure and that ozone or other suitable sanitising agents should also be used for areas in the plenum that are difficult to reach and that staff should not occupy areas where mould was found.

Mr. Chairman, this work was undertaken. The Cabinet approved a sum of \$304 709 to be met from Account Code 211, Maintenance of Property. A Project Manager was hired and further assessment of the project indicated that the cost from Account Code 211 for remedial services to rid the building of the mould would be as follows:

Duct remediation, \$74 403;

Coating the plenum and replacing the ceiling, \$109 671;

Removal of ceiling tiles and industrial cleaning, \$83 717;

Window ceiling, \$12 314;

Electrical works, \$19 924;

Servicing of the security equipment, \$29 584;

Roof ceiling, \$38 061;

Erection of framing and cladding, \$94 174;

Power washing of the external walls, \$10 103; and

Installation of tiles, \$331 200.

This makes, Mr. Chairman, for a grand total of \$802 151. Mr. Chairman, it was during the execution of these works that breaches and defects in the structure, not only mould, were discovered. These breaches and defects were that:

Plywood was used to secure areas around the duct and chillo piping instead of plastering works.

This now has to be corrected by something called plicem. Anchors for the chillo pipes were not installed properly and several were loosened.

These would now have to be securely fastened using epoxy material.

Existing flex duct was torn causing exposed fiberglass to hold moisture and create an environment for mould.

This circular flex duct now has to be removed and replaced.

Leaking galvanise ducts, which now have to be secured and sealed.

The installation of improper piping during construction, which is causing leaks throughout the building.

Sewerage pipes were breaking and dripping raw sewerage and previous plumbing repairs that were carried out were inadequate as duct tape was used to correct the problems and pipes were heated and melted together.

They also discovered that the origin of the water seepage on a sub-level had to be investigated, corrected and sealed by epoxy coating.

The cost associated with the correction and remediation of these breaches and defects and to clean, service and calibrate the instruments to return them to operation would come to \$559 994.

Mr. Chairman, the Forensic Sciences Centre is very important to the public administration of Barbados. It provides forensic services to clients in Barbados and the Eastern Caribbean and when properly functioning, it is a revenue earner for Barbados. The revenue earning capacity of the Centre has been centred on DNA investigations where the major component has been for paternity testing. As an example of the revenue earning capacity of the Centre, during the financial year 2007-2008, the Centre earned \$127 959 of which \$107 592 or 84 per cent resulted from paternity testing.

The income of the Centre is also fuelled from forensic cases investigated on behalf of its overseas clients. This is inclusive of trace evidence, gun shot residue and toxicology investigations. Fees for services rendered during the following year 2008-2009 resulted in earnings of \$168 412.

The Centre also plays a very critical role in the effective resolution of criminal cases here in Barbados so the closure of the Centre has been a concern to the Royal Barbados Police Force which depends very heavily on its services.

Mr. Chairman, it is therefore not correct to say that the only problem of the Centre is mould and that the mould is the problem of the present Government. There are structural defects in the building to which the Honourable Member for Christ Church South, the Honourable Minister of Transport and Works, referred that now require urgent correction. It is against that background that this sum of \$827 804 is being called for to see if we could wrestle this problem to the ground, having regard to the very sensitive kind of work done by the Forensic Sciences Centre.

Of course, there are other issues to which Head 30 applies also in relation to the Forensic Sciences Centre. The Honourable Member for St. Joseph mentioned the nine temporary posts that were created for the three-month period April to June 2009, which were subsequently extended from June through to December.

As a result of extending the life of those nine temporary posts, one Quality Control Officer at S9; two Forensic Scientists at the Criminalist I grade at Z6; one Maintenance Coordinator and two Forensic Scientists at the Criminalist Level II at Z16; one Evidence Officer at Z23

and two Forensic Support Officers at Z38, the sum of \$351 114 is being called for and of course the corresponding employer's contributions to the National Insurance Board of \$28 408 to cover those temporary posts.

House A52 Sequence 10

11.40 a.m.

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Hon. R. D. JONES: Mr. Chairman, in addition to those issues, there are also issues that touch and concern the Office of the Solicitor-General. As is generally known, the Office of the Solicitor-General is now situated at Chelston Park. The Chambers had to be moved from the National Insurance Building and it has not been easy, even at Chelston Park. I believe the Honourable Member for St. Joseph might be aware of the fact that even at Chelston Park there have been complaints of environmental problems.

Mr. Chairman, it is anticipated that some time, by the middle of this year, the Attorney-General's Office and the Ministry of Home Affairs will be accommodated on the same compound at Wildey, not too far from the location of the Office of the Attorney-General at "Cedar Court" at the present time.

There are two new buildings which have been identified and detailed for the Office of the Attorney-General and the Ministry of Home Affairs. Plans for the configuring of the building have been completed. The furniture is going to be done under the Justice Improvement Programme. Sir, I confidently believe that by mid-2010, we should be bringing both the Ministry of Home Affairs and the Office of the Attorney-General under the same compound, to occupy the two buildings at Wildey.

Mr. Chairman, this should solve a problem for officers in the Office of the Attorney-General. Sir, it has not been easy for attorneys, both at the Solicitor-General's Chamber and the Office of the Attorney-General, to be separated from the library, for example, and to be deprived of the creative interchange that passes between attorneys when they are dealing with problems, whether of drafting or jurisprudence of whatever kind.

Mr. Chairman, the sum of \$17 149 is required for the financing of two temporary posts of Library Attendant. These two persons have had to be employed working on the maintenance of the books from the Law Library, now that there is no adequate space to accommodate them. Payment of the salaries is being made from the funds provided for "Other Personal Emoluments." However, in order to continue to meet the cost to the end of the financial

year, it is estimated that an additional sum of \$17 149 will be required.

Mr. Chairman, in relation to the Office of the Solicitor-General, the sum of \$21 311 is required. Sir, as I said, because of the environmental challenges at Chelston Park, these offices have been plagued with problems and in an effort to enhance the quality of the air in the offices and providing an environment conducive to work, air purifiers are being rented. During the financial year, 2008/2009, a supplementary provision of \$40 000 was approved to cover the cost of these air purifiers. Mr. Chairman, as of now, we need an additional \$21 311 to carry us through to the end of this financial year.

Mr. Chairman, in relation to the Registration Department, the sum of \$15 000 is required because of the need to purchase additional short-life supplies such as visitors badges, clips, portable radios, among other items, in order to facilitate work at the new Supreme Court Complex. The sum of \$85 156 had been provided to cover the purchase of supplies and materials for the financial year but this has now turned out not to be adequate and therefore that additional sum will be required.

Mr. Chairman, in relation to the Supreme Court, the sum of \$49 000.44 will be required to take us through to the end of the financial year. This sum is intended to supplement the "Other Personal Emoluments" Head in the Estimates. It is required to cover the salary for a new temporary post of Court Projects Coordinator for the period September 15, 2009 to March 31, 2010.

Mr. Chairman, as is generally known, the new Supreme Court Complex is a far cry from what used to be the accommodation at Coleridge Street. This now requires new types of personnel, a whole new approach to the management of the building at White Park. Therefore, this Court Project Coordinator has been retained. As it were, a temporary post has been created for the period September 15, 2009 to March 31, 2010.

The sum of \$15 000 is required for the Magistrates' Court. This is due to the need to supply additional cleaning supplies, toiletries, computer supplies and stationery. It is estimated that expenditure for the period October 2009 to March 2010 will be \$28 774. Sir, taking into account the fact that the balance with which we are dealing is \$13 774 as at September 30, 2009, an additional sum of \$15 000 is required to supplement Account Code:210: "Supplies and Materials", under Subprogramme 0249 - Magistrates' Court. Mr. Chairman, the sum of \$31 744 is required for maintenance works to be completed during the period October 2009 to March 2010, also under Subprogramme 0249 - Magistrates' Court.

Mr. Chairman, also under Head 30, the sum of \$423 797 is required to supplement the Estimates under the Account Code dealing with "Other Personal Emoluments". This relates to the Royal Barbados Police Force. Sir, nobody can deny that the Royal Barbados Police Force renders an estimable quality of service to this country.

Sir, I really want to place on record my own congratulations and gratitude to the Force for its sterling contribution to this country during the just past Christmas period. Sir, the fact that we came out of that period relatively uneventful is a tribute to the very hard work and dedication of members of the Royal Barbados Police Force. It is true that we did have a few setbacks, which I am sure the Force is working very hard on, two very serious murders of aged persons who have lived alone, with one taking place not too long ago. Sir, this raises questions of some seriousness for all Barbadians.

11.50 a.m.

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Hon. F.J. STUART: Sir, I take this opportunity to ask the country to take all the necessary precautions to save itself from those who not only think evil but do not hesitate to do it. It is very unfortunate that in the evening of their years, our aged in this society can no longer take living in a village for granted and enjoying themselves among people they know very well.

Sir, I have the fullest confidence that the loyal officers of the Royal Barbados Police Force will deal with this problem and will, in the fullness of time, bring the perpetrators of these two dastardly acts to justice.

Mr. Chairman, the special operations of the Force, which were estimated at \$25 000 per month, have increased significantly to \$48 000 per month. This is due to an increase in the operations themselves and these operations are always very sensitive, difficult and subject, necessarily because of their nature and character, to time limits. Sir, because of the increase in cost of special operations, the sum of \$423 797 is being asked for, to supplement the Estimates.

Mr. Chairman, similarly, in the area of travel for the police, an additional sum of \$164 398 is being asked for under Account Code 206. Sir, due to the increase in travel rates and to retroactive payment, it is projected that an average monthly expenditure of \$80 000 for five months, the sum of \$400 000 would be required to meet expenses for the remainder of the financial year. Sir, having regard to the balance that we have on hand in the sum of \$235 602, a supplementary provision of \$164 398 would be required.

Mr. Chairman, under Account Code 207, dealing with utilities also for the police, the sum of \$211 558 is being asked for. Sir, as is known, the high command of the Force transferred from the offices of the old Barbados National Bank building at James Street to the old Barclays Bank building on Roebuck Street and this has resulted in an increase in utility cost. The building is much more spacious and because of utilities have, therefore, increased and this sum of \$211 558 is being requested.

Mr. Chairman, under General Police Services for utilities an additional sum of \$347 462 is being requested of this Honourable House. The House is, of course, aware that we have increased charges of electricity, telephones and water for the new and larger police stations at Crab Hill, in the parish of St. Lucy and at the Eric Holder Complex at District "F".

Mr. Chairman, based on information received, indications are that the Barbados Water Authority was unable to locate the meter situated at Central Police Station and was charging a minimum amount. The meter has now been located and the Barbados Water Authority has sent an invoice in the sum of \$138 000. Sir, part of this large sum of \$347 462 for utilities under General Police Services is to cover that bill to the Barbados Water Authority in the sum of \$138 000.

Mr. CHAIRMAN: The Honourable Member has three more minutes.

Hon. F.J. STUART: I am obliged to you, Mr. Chairman.

Sir, then there is a sum of \$11 655 for the Police Band and this sum results from an increase in the travel rates and the payment of arrears for the year 2008/2009. The sum of \$7 972 for utilities for the Police Band, is the difference between what we now have in hand and what is required to take us to the end of the financial year.

Mr. Chairman, then there is the sum of \$41 525 for the IADB Justice Improvement Project for Other Personnel Emoluments under Account Code 102. This is to facilitate the employment of a project officer at the salary scale of S6 by the Ministry of the Civil Service. The Ministry of the Civil Service has actually approved this creation and this sum of \$41 525 would be required to cover that, along with \$825 to cover the employers' contribution for National Insurance.

Mr. Chairman, I do not think I have left too much unsaid. The sum of \$280 530 is also required under Account Code 212, Operating Expenses, which is also related to the Justice Improvement Project. It is to be noted that the original projection for this Account Code was \$870 472 and that the provision of \$431 955 is not now adequate

due to contractual obligations and training commitments for the Alternative Dispute Resolution Programme and the Court Management Information System components of the Justice Improvement Project, as well as additional advertising costs for several consultancies. Sir, the sum of \$280 530 will take us then, comfortably, through to the end of the fiscal year.

Mr. Chairman, against that background and with those justifications, I beg to move that Head 30 stand part.

Sir, I am obliged to you.

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

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

Mr. D.D. MARSHALL: Mr. Chairman, the matters for which the Honourable Attorney-General seeks Supplementary funding do not raise any difficulties whatsoever on This Side. Sir, from a personal standpoint, I well recollect the difficulties in relation to being able to get the Attorney-General's Chambers to operate in a way that was satisfactory during the time that I had tenure of that office. I am, therefore, heartened and I believe that all of Barbados would be happy to know that those Chambers would very shortly be reunited but there are going to be some continued issues with which we are going to have to deal.

Mr. Chairman, the Attorney-General was very kind to remind this Chamber that the building at Chelston Park, which part of the Chambers had to be relocated to, was almost immediately inflicted with significant mould there as well. The great concern arising there went beyond the health of staff and affected the library.

We, therefore, have a difficult situation where the Supreme Court Library has been decimated by mould to the point where, I am told, we now have to equip that library, at the new facility, from scratch at a cost exceeding \$1 million to replace those books.

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Mr. D.D. MARSHALL: Sir, some of them are very old editions with significant value, not just by virtue of the learning contained therein, but by virtue of the fact that some of those volumes would easily be 100 years' old, and have significant value for collectors. I suspect they will all be destroyed.

Sir, regarding the Library at the Honourable Attorney-General's Office, steps were taken to see if we

could save some of the books by sending them down to the Archives to be specially cleansed and so on, but I do not think that has solved the problem. I am heartened not just as a Member of this Parliament and former Honourable Attorney-General, but as a practising attorney who has to deal with the Honourable Attorney-General's Office, now, in this capacity to hear that those situations are being resolved.

Sir, the matter of the new Supreme Court of Judicature Building, I think that it is important at the outset that we recognise, as the Honourable Attorney-General has, that with such a facility it cannot now be business as usual. The investment that we have made is so significant that we have to ensure the facility is effectively managed to serve us for at least as long as the old Coleridge Street Building.

Sir, equally, the old Coleridge Street Building did not have elevators. There were no high-tech systems, therefore, while our new facility is designed to maximise productivity, the responsibility for maintaining and replacing it is going to place a significantly different burden on the Government, and it is important that we appreciate it now.

Sir, that building, I know has a maintenance contract, so at least, I believe, for a period of 25 years, because of the nature of the BOLT arrangement we negotiated, the Government does not have to look for that money. I think that is a significant advantage to those kinds of arrangements. The Government does not have to look for the maintenance.

Sir, as long as the buildings are being used by individuals there will be wear and tear caused by individuals. Some of it will be wear and tear in the ordinary course of things. Some will be wear and tear caused by excessive use or improper use.

Sir, already there are some issues arising in relation to the chairs in the Court. I did not choose the chairs, but I believe it would have reached your ears, Mr. Chairman, and perhaps you had the opportunity to comment yourself about the nature of the furnishings in the Court. These are things that happen from time to time. They are beautiful, but they are a little short.

Sir, I have had occasion to appear extensively before the Courts, in December, for long periods of time. In Chambers we would usually sit. Many of us have had to seek leave of the Judge to stand in Chambers, because the furnishings are uncomfortable. Sir, the point is, we have a new facility that will transform the administration of justice in this country, therefore, it is important that we focus on its use while maximising our returns.

Sir, the move to the old Barclays Building by the High Command of the Police Force happening almost at the same time as the movement of the High Court, from its current place at Coleridge Street, will raise some issues for us. We have the Courts at Coleridge Street, and I would urge the Honourable Attorney-General and the Minister of Housing and Lands to look to their immediate use.

In my own constituency I have now a vacant police station and a post office. It is something that I think is critical.

Asides.

Mr. D.D. MARSHALL: We need to make sure that Government buildings are either kept in a use or brought back into use. The old Post Offices at Horse Hill are still some serviceable buildings, but the challenge is, it was not adequate for its purpose. To leave it there without bringing it back into useful life for the community, as a whole, will represent, in my view, a wasted asset.

The District "F" Police Station, and I am not veering off the subject, Sir, I have advocated that we should completely refurbish that building and use it as a Day Care facility for the elderly in St. Joseph. We cannot allow it to stand there while the roof falls in and the next thing we have is a derelict building owned by Government dotting our landscape.

Sir, we therefore, have to contemplate how we are going to be using the buildings at Coleridge Street, formerly used by the Registry and the Courts. I believe the Honorable Attorney-General would be aware that the conditions at Central Police Station need a lot to be desired.

While there have been some environmental challenges associated with the use of the buildings at Coleridge Street, by the Registry and so on, I would like to suggest that the Minister of Housing and Lands put their heads together to see how in the short-term those police officers who are functioning in less than appropriate accommodation at Central Police Station could be moved into some of those buildings.

In fact, I believe a brief from the Parliamentary Secretary would indicate to the Honourable Attorney-General that we put together a proposal for the use of those buildings, which included that the Police Department be expanded into those buildings. I would like to commend those considerations to the Honourable Attorney General.

I believe that it would be a mistake for us to allow historic buildings almost in the centre of our City, especially at a time when we are saying that we want UNICEF to recognise Bridgetown as a heritage site, it would be a pity for those buildings with magnificent

architecture not to be restored, keeping the same facade, but restored and brought into modern use.

Sir, my understanding is that UNICEF had difficulty with Bridgetown as a historic City, because they said that we have done too much to change it over the years. Now that we have an opportunity to maintain those buildings at Coleridge Street, including the Free Library, I think we should do so with the greatest of haste returning all of those buildings into use for today's public service.

With those words I am much obliged.

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

Mr. H.F. LASHLEY: Sir, in rising to support this Supplementary that is currently before this Honourable Chamber, I also want to compliment the Honourable Attorney-General for his rather in-depth explanation of the Supplementary that is currently before the House.

Sir, perhaps, I would want to focus the 15 minutes that have been allocated to me to the administration of justice in Barbados within the Penal Court. Although I understand clearly the importance of having a proper functioning forensic building in Barbados, I clearly understand that. I understand the importance of forensic medicine in a modern world. I also understand the importance of forensic investigation.

Sir, the Honourable Attorney-General alluded to two murders that recently occurred in the space of a year. God knows if there is a serial killer in Barbados. Perhaps with a functioning forensic laboratory we could probably by now have detected the perpetrators of the obscene evil. I want to concentrate more on the administration of justice in Barbados. It concerns me greatly.

Sir, it concerns me from the perspective as a community practitioner of what I see dispensed as justice in communities across Barbados. I am also concerned about the length of time it takes to get cases, particularly murder cases in Barbados, before the Law Courts in Barbados.

Sir, you as a lawyer should have some concern about this. Perhaps the retired Chief Justice of Barbados - I want to compliment him from the perspective that he for a long time advocated that a speedier system be put in place where accused persons could be brought in a speedier fashion before the Law Court. It is worrying. We still have persons in Dodds for more than a year awaiting various charges.

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House A53, Sequence 14, 12.10 p.m.

Mr. H. F. LASHLEY: I am not saying that the police are tardy but perhaps if all the available instruments were there for them to carry out the investigations maybe but it is still a very worrisome thing and there are still too many people at Dodds awaiting trial and not knowing specifically when they will be brought to trial.

I am concerned about these things. I would want to compliment the Chief Justice, David Simmons, at this time for really bringing the Law and making people like myself, a lawman, understand more about the Law and, perhaps, with his going, I would want to recommend, although it might be a political impossibility, that our Attorney-General who has just spoken - in my mind and I speak solely from my perspective - might be the best person to fulfill that role in Barbados now as Chief Justice, but such is the way of politics.

Politics might prohibit him from taking up that post but really if we are talking about reform in the penal justice system in Barbados, if we are talking about alternative sentencing, then I would want to recommend him or a person similar to him, which is hardly unlikely, to fill the position. Sir, justice delayed is justice denied.

Sir, from the perspective of what I am going to say next, might very well cause some eyebrows to be raised in Barbados. I am particularly concerned that there are still too many cases of reporting beatings by some members of the Royal Barbados Police Force, but I do not mind that although I am concerned about it, yet at the same time, you have a situation where 90 per cent of persons in Barbados accused of crimes - I mean the crimes may be extreme - but at the same time when you study it well, you realise that these persons are saying we were extremely beaten by the police. Yet although the evidence is there to show, the police say that they tried to escape custody so we had to put a few in them.

Sir, the point is that these cases, when a person says that they have been beaten by the police, in the Law Court or High Court, the evidence is still admissible.

Asides.

Mr. H. F. LASHLEY: It is admissible. I am not a lawyer but I am about to learn law and understand it well and I understand the injustices that are permeated in the High Courts of Barbados, and inside the legal offices, and that is why I am saying that Barbados at this juncture, needs a person like whom we have in the likes of the Attorney-General to replace the Chief Justice, who has done an outstanding job.

Asides.

Mr. H. F. LASHLEY: I am saying that because I am looking at revolutionising the justice system in Barbados.

Sir, all the talk about the nice buildings in Coleridge Street, I remember the late Right Excellent Errol Walton Barrow said to the poor people of Barbados that if you seriously want justice in Barbados, please stay out of the Law Court of this Honourable country. I am saying that because I visit Dodds regularly.

I remember when I was a youngster that Dodds was a juvenile facility for persons emanating mainly out of the Pine Housing area when it was P-for Pine, P-for Perry and P-for Prison. Now Dodds is the incarcerated institution for adults.

Do you know what? Sir, I remember that the Honourable Member for St. Philip North was there in the Court when I was nearly charged in contempt of court for actually raising the same thing that I am raising in this Honourable Chamber now but, Sir, I am not afraid.

The fact is that at Dodds right now there are still too many people awaiting trial for more than a year or two who have not yet seen the Law Court and every day they are subjected to guessing when they will be brought to Court.

In addition, Sir, we are an independent country and if we talk about reforming the justice penal system, therefore we have to also look at rethinking this system where a person is placed in prison at the whims and fancies of Her Majesty's Pleasure, not knowing how long they will be there. Sir, that is a ridiculous thing and we have to look at this situation.

I recently read in a newspaper that a man was sentenced to two years in Glendairy Prison for stealing a tin of sardines. My goodness, they could have referred him to...it maybe a situation of hunger.

I remember judgment day handed down to a person for committing...well he was accused but I am looking at this people justice system. I examined it seriously. A magistrate, a learned judge, you call them, "My Lord and My Lady?"

Asides.

Mr. H. F. LASHLEY: There is only one Lord and that is the Lord above. I do not know how you arrive at that but however that is your fraternity. You are the Queen's Counsel. Why not the Governor-General's Counsel of Barbados? I do not understand it but what I am saying is that you are there at the behest of Her Majesty the Queen's Pleasure and God knows how many people we have in Dodds, sitting and waiting to get a hearing, or to hear when

they could be released on a charge of manslaughter on Her Majesty's Pleasure. Sir, think about justice reform.

Asides.

Mr. H. F. LASHLEY: We do not have it anymore? I know there are persons up there waiting on when the Queen smiles on them. I know that for sure.

Mr. Chairman, in a modern day like today, alternative sentencing has to be seriously considered. I remember trying to get a meeting for a very long time with the Commissioner of Police to discuss a national programme of alternative sentencing for communities across Barbados. The whole objective was basically to make sure that we have a unified programme and policy through the Police Community Department to administer programmes within communities so that you would have a practising policy of preventive crime in Barbados.

I cannot get the meeting. The secretary always says the Minister is unavailable, et cetera. Since that period of time, Sir, we have introduced the YAP Programme, which is really what I wanted to discuss with him, so that it could be implemented.

Sir, that YAP Programme has taken off at such a tremendous level that now, Mr. Matthew Farley and all the Principals of the secondary schools are asking for this programme to be implemented in their schools. They have never seen the students paying so much attention to the persons who are carrying this programme into the schools.

In fact, corporate Barbados has come on board and on Friday you will see the results. The United States of America's Embassy has also come on board but these are returning nationals, who were in the international prison system and now have come back to Barbados and are playing a positive role.

Mr. Chairman, Sir, it is said in the Bible that you read, I read and all of us in this Honourable Chamber read that you cannot judge a man by appearance. Jesus himself said that I was in prison and you refused to visit me. He did not mean that, although he was fully incarcerated in the prison system, the great Jesus Christ who walked this earth.

Mr. CHAIRMAN: The Honourable Member has three minutes.

Mr. H. F. LASHLEY: Thank you, Sir.

Sir, what we are talking about there is reformation within the prison system in Barbados.

House A53, Sequence 14, 12:20:19

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Mr. H. F. LASHLEY: Sir, it is so prevalent that Honourable Members of this Honourable Chamber could recall a Priest at the Methodist Church next door to the dungeon cells of Central Police Station telling them that the noise emanating from the cells is disturbing the Church. What he was saying is that they are beating the men down there real bad and were asking them to stop. Mr. Chairman, that is the bottom line.

Mr. Chairman, until this Parliament decides seriously that we are going to look at alternative sentencing for, at least, first time offenders, then we would not start dealing with this aspect of crime.

Finally, there is a critical need in Barbados for two things, a family court and a system of in-camera hearing especially for juveniles. The days of writing statements with a pencil where you could then use the opposite side of the pencil to change an adjective to a verb or a conjunction to something else are over.

Mr. Chairman, I am proposing that all confessions be videotaped and admitted as evidence. In that way, poor Barbadians, because the poor people are the ones most affected... That is why I have this kind of respect for the late great Sir Errol Walton Barrow because when I read his work, written by the Leader of the House at the moment, it was profound. I nearly call him a rasta man. Mr. Chairman, I thank you very much for this time. If the debate goes on later this afternoon I will come back.

Mr. Chairman, I want again to pay full respect to Sir David Simmons for the work he has done as Chief Justice of Barbados. Sir, if we want to have a serious replacement, I am saying that the present Attorney-General or someone of his like in Barbados should take up the post.

I am obliged to you, Sir.

Mr. CHAIRMAN: The Honourable Member for the City of Bridgetown.

Hon. P. M. T. TODD: Mr. Chairman, in my brief intervention, I would like to say that I am rather surprised to hear the Honourable Member for St. Joseph in very calm, polite terms calling upon this Government to act with great haste to refurbish the Carnegie Free Library.

Mr. Chairman, I would like to remind the public who are listening to us that it was the Barbados Labour Party that was in office for 14 years up until 2008 and that the Honourable Member for St. Joseph was Minister of Home Affairs and Attorney-General of this country with responsibility for the Royal Barbados Police Force.

Mr. Chairman, as a bachelor, I would visit Central Police Station almost daily to patronise the cafeteria there because the prices in there were very good. Mr. Chairman, it hurts my heart that a building in the centre of that compound where you would go to get fingerprinted if you wanted a Police Certificate of Character was left to run to ruin under the Barbados Labour Party.

Sir, they then had to temporarily move that Department to a building in another part of Bridgetown. Mr. Chairman, as you went into the building, you saw the fingerprint ash all over the wall. Mr. Chairman, I know about that because I actually went there for a Police Certificate of Character on one occasion.

Asides.

Hon. P. M. T. TODD: Mr. Chairman, other buildings in that area such as the cafeteria had to be closed and rebuilt. All of that took place under the Barbados Labour Party and now the Honourable Member for St. Joseph seemingly has forgotten that they had an opportunity for 14 years to do something about it and they fell short. Mr. Chairman, that is why they are in Opposition today. Mr. Chairman, the staff of the Public Library had to practically take industrial action for the Barbados Labour Party to take them seriously. They then took forevermore to refurbish the alternative site at Independence Square and this Democratic Labour Party, under the Honourable Member for St. Michael Central, was finally able to reopen that Public Library after years of neglect by the Barbados Labour Party. Mr. Chairman, thousands of students would have suffered academically because that Public Library was closed under the Barbados Labour Party for years. Mr. Chairman, the public should not be fooled by the rhetoric on That Side.

Mr. Chairman, the Honourable Member for St. Michael South, the learned Attorney-General, and Minister of Home Affairs, referred to the gruesome murder of one of my constituents, the late Mrs Humphrey from an avenue off of Pickwick Gap just over a week ago. That Sunday afternoon I was quickly on the scene and I congratulated the hardworking members of the Royal Barbados Police Force who were there in their dozens cordoning off the avenue, interviewing the residents and taking this matter very seriously. Mr. Chairman, I am sure that they would reap the necessary success in apprehending that murderer or murderers.

Mr. Chairman, as I went from door to door in that Gap reassuring the residents that we are on top of the situation... I really would wish to take this opportunity to congratulate Sergeant Sisnett and his team at the New Orleans Community Police Post next door who were actually holding a party for the children in the area on my way there.

Mr. Chairman, I would take this opportunity as well to encourage residents in the area and in other parts of Barbados, particularly, in working-class districts to realise, that they can form neighbourhood watches too. Neighbourhood watches are not limited to the heights, terraces and parks. They can be in working-class districts such as the Pickwick Gap area, which is densely populated with law-abiding residents. They could come together and be literally their brothers' keeper where they can have, for example, a database of the telephone numbers of the senior citizens in the district, especially those who may live alone, so that we can call them periodically to check in on them to ensure that they do not fall ill and would need medical assistance in terms of persons coming to rescue them and to definitely be alert to ensure that if we see prowlers in the neighbourhood, we can take the necessary action to alert the law enforcement agencies, so that we can be proactive. Crime prevention is very important. Prevention is better than cure.

Mr. CHAIRMAN: The Honourable Member needs to wrap up in two minutes because we have come to the end of our allocated time.

Hon. P. M. T. TODD: Mr. Chairman, crime prevention can be in terms of not exposing our wallets and cell phones or making sure that our handbags are well-zipped and not handling large sums of money in public. These are issues that we can take personally to ensure that we reduce the likelihood of crime.

Mr. Chairman, I would just like to end by saying that the Barbados Labour Party neglected lighting in Bridgetown. The Royal Barbados Police Force on two public occasions, while the Barbados Labour Party was in office, condemned that Administration for creating havens for crime.

The Baxters Road area was rebuilt under the Barbados Labour Party and the overhead electricity system was removed and placed underground and the poles that housed the streetlights on Tudor Street were removed. The Barbados Labour Party built that road over seven years ago and left that entire stretch behind Central Police Station without any street lighting, making it a haven for crime.

Mr. Chairman, this Democratic Labour Party now has to procure the necessary poles and we are looking at solar lighting. I know that the Honourable Member for Christ Church South is taking this seriously and I invite his team to visit the area at night so that they could really see the dark spots so that we can bring relief, because the persons who traverse Bridgetown are very concerned about crime.

Mr. Chairman, I urge businesses to do like the Satjay people behind Cave Shepherd who at their own expense

put in extra powerful streetlights to ensure that street is well lit. Mr. Chairman, the individual private buildings should be lit by the owners to reduce the likelihood of crime and not leave everything to Government.

I thank you, Mr. Chairman.

House A52 Sequence 15

12.30 p.m.

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Mr. CHAIRMAN: Honourable Member, I miscounted. We still have another hour to go. If you wish to continue with your five minutes, you can. Failing that, we can come back after Lunch.

Hon. P. M. T. TODD: Mr. Chairman, I have concluded my presentation. I am obliged to you.

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

On the motion of Hon. R. D. JONES, seconded by Hon. F. J. STUART, Mr. CHAIRMAN reported progress to His Honour the SPEAKER and asked for leave to sit again and Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION

Hon. R. D. JONES: Mr. SPEAKER, I beg to move that this Sitting be suspended until 1.35 p.m.

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

The question that the Sitting be suspended until 1.35 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

12.31 p.m.

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RESUMPTION

Mr. SPEAKER: This Sitting is resumed. When the Suspension was taken, this Honourable House was in Committee of Supply and to that it will now revert. The Honourable Member for St. James North.

Mr. R.C. EASTMOND: Mr. Chairman, before this Honourable Chamber broke at the Suspension, the learned Attorney-General had given an account of the rationale behind the application to this Honourable House for

various sums of monies for various purposes. Sir, as the Honourable Member for St. Michael South was speaking, I seem to remember outstanding contributions from previous persons who held the post.

Mr. Chairman, briefly, I would like to congratulate a former Attorney-General, Sir Maurice King, along with a former Minister of Government who did outstanding work on Succession Law in Barbados, Mr. Philip Greaves, and a person, who though not ever being an Attorney-General but who fought well for the poor, especially old age-pensioners, Mr. Lionel Craig. I would not mention people like Mr. Owen Estwick, who deserved what he got but the reason I mentioned these former Members of Parliament is that Hansard has been benign to former Members of Parliament.

Mr. Chairman, I have one question for the learned Attorney-General. He mentioned voting money for the temporary post of Project Officer. I want to find out if this is a post whose terms of reference have already been determined and are clear. I want to find out if, in the current Government's thinking, there is difference between a project officer and a property manager.

Sir, in a situation where I am in the dark as to whether or not the new Halls of Justice have a property manager, I would like the learned Attorney-General to indicate if there is a property manager. Indeed, I want to go further and ask the question, if since the coming into existence of the Halls of Justice and work being done there, if any assessment has been made, even by an independence body, as to conditions within the building there and if there are any plans to station a person whose responsibility it would be to assess conditions inside.

Sir, there have been rumblings. People using the premises have been complaining of the potential for environmental problems. One week, at least eight officers reported things like red eyes, problems with their respiration, breathing and such like and so, I would want when the Attorney-General makes his final contribution to find out whether we are going to see a property manager.

Mr. Chairman, I remember years ago at the Frank Walcott Building, it was felt that buildings of a certain kind involving the coming and going of a certain number of officers should always have somebody hands-on, who would report periodically, not every four months or five months but with some frequency as to the fitness of buildings.

Mr. Chairman, in a situation where at least two Government departments, namely the Ministry of Health and the Environmental Section would, from time to time, raise concern about indoor air quality, I think we have to be clear that we ensure that the Halls of Justice is not

presenting the type of environmental problems that would either see people continue to suffer from poor indoor air quality, or people even beginning to be able to prove conclusively that conditions in those particular buildings are not what they should be.

Mr. Chairman, at the same time, as regards the Forensic Laboratory, I recall vividly that when it was decided to establish the Forensic Laboratory, what we did have before, the establishment of a Forensic Centre, had been a general lab that did general work on certain samples that were presented and that lab also did a measure of forensic work, including forensic analysis.

Sir, at the time, when the decision was made to establish the Forensic Laboratory in Barbados, a number of countries in the Eastern Caribbean thought that their time had come to visit Barbados and to use Barbados' facilities and expertise to help them. I regret that we have a very real problem where, in that things have not gone the way they have, we are losing revenue coming in from those countries while we are losing revenue in Barbados as well.

Mr. Chairman, the Forensic Centre has actually made a contribution. Reference in this debate was made to DNA testing and there was a time when the cost of a DNA Report was at a certain level and it was reduced in the interest of the poor man because the original cost which, I believe would have been four times what it is now, was such that the average person in the community could not have afforded anything approaching \$1 600, or \$1 800, or \$2 000 and it was reduced some fourfold, Sir.

Mr. Chairman, at the same time, this community is interested in a number of areas that touch and concern events and developments in the Court system. For example, have we come to a stage where we can, in the year 2010, do without a forensic psychologist attached to that Centre?

Asides.

Mr. R.C. EASTMOND: There are Barbadians equipped, trained and ready. Sir, the reason for mentioning a forensic psychologist is that in a situation where many people end up before the Law Courts and Probation Department are very young people, for whom custodial sentences are entirely inadequate and certainly not warranted, do we have plans to have a forensic psychologist or two to work with these young offenders?

Mr. Chairman, as a practising lawyer yourself, you must know that there are instances where some first offenders, and even second offenders are like innocent agents of superior persons who use influence on these youngsters and these youngsters more needed rehabilitation than incarceration.

Mr. Chairman, I believe that an argument could be made out, concerning all things, for a forensic psychologist or two in the system, especially in a situation where the Government actually has what appears to be an active Department of Youth Affairs, which can work with other related Government agencies to redeem the youth.

Mr. Chairman, I read in an article recently that says that persons on drugs do not need jail, they need rehabilitation and I believe, Sir, that is true. Sir, at the same time, in a situation where there are lots and lots of vehicles on the road and where, in the commission of some offences, particular weapons are used, we cannot do without an adequately trained forensic pathologist.

I remember the days before it became fashionable to have a forensic pathologist, where a one-man doctor was literally the doctor for the whole of Barbados in every place and in every case that required the intervention of a forensic pathologist.

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Mr. R.C. EASTMOND: I therefore pay tribute to Mr. Belfield Blackette. Mr. Belfield Blackette has to be honoured for the sterling work he did whether or not he was originally a full-fledged pathologist at the level of being trained for the job, but certainly in relation to hands-on experience and day to day activity being a member of a designation for more than a decade, Belfield Blackette stood out as a man willing to have the system in relation to evaluating and diagnosing particular things in the morgue.

I, like other Honourable Members on This Side, have no quarrel with the application for the financing of the Centre. I think that we need now look at the reality of buildings in Barbados, and the fact that in both the private and public sector we are coming across buildings being erected and within months and sometimes within weeks, completion complaints are made about both the quality of the construction and the effects of the involvement of certain substances and materials that have been recommended by contractors. We cannot stay for much longer to go on without a proper and effective building code. A building code is justified on many sites.

Sir, the first consideration would be safety. Safety would be a consideration. Then there are other considerations as to even economics, a type of media and local location-style economics in terms of maximum use of space in a small country.

Sir, these are the areas that I want to make a contribution on. I must thank you very much, Sir.

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

Hon. M.A. LASHLEY: Sir, I rise to make a brief intervention in this matter before the Chamber today. Sir, the debate touched on the issue of the administration of justice. I listened attentively to the contribution made by the Honourable Member for St. Michael South East. He touched on some concerns. I too want to touch on some concerns as someone who had experience in practising at the criminal Bar and having a hands-on experience with what happened basically throughout the system. It brings me to a recent decision that was handed down by the Court of Appeal.

The Honourable Attorney-General vs Frank Errol Gibson -8 We spoke today about forensic investigation, scientific evidence. Sir, I want to declare my interest because in the same matter that the Court of Appeal made the decision, I had intervened at the High Court level on the basis of the fact that the prosecution's evidence was based on scientific evidence, so the prosecution had a Forensic Oodontologist. I thought at that particular point in time, representing a person against strong evidence, I believed the defence should have been afforded the same facilities.

Sir, in fact, with your indulgence if I can refer to the decision - I have a copy of the decision here. This arose out of a murder charge since January 2002 and that person has not even been tried yet. In fact, he was tried, the matter was stopped and he is still awaiting trial. From 2002, that particular person is still awaiting trial.

Sir, I do recall writing to the Honourable Attorney-General, at that time, Mr. Dale Marshall. Page 6 of the decision states that on February 6, 2006, the matter was adjourned; on February 22, Mr. Larry Smith, who appeared with me, wrote to the then Principal Lead Advisor to the Government, for the attention of Hon. Dale Marshall, MP. It reads:

"I have been in association with Mr. Michael Lashley MP, on behalf of Frank Gibson the accused in the matter at caption. The Court has presented its case at the preliminary inquiry, produced evidence of a scientific nature against Mr. Gibson. Mr. Lashley and I have been unable to prepare Mr. Gibson's defence, since he has been unable to avail himself of the services of a Forensic Oodontologist to review the Crown's forensic evidence. We are of the view that the acquisition of the services of a Forensic Oodontologist to review the Crown's evidence and prepare for trial is necessary in this matter."

Sir, there was no reply to the letter. Again we wrote to the Honourable Attorney-General expressing the same concerns and again there was no reply to the letter.

Sir, again, on October 30, 2006, the Parliamentary Secretary replied to our letter and offered \$2 000 in support of the matter.

Sir, I laid the foundation because this case calls for an amendment basically to the Community Legal Services Act. At this present moment, in terms of an expert witness available to accused persons, who are on trial, there is no provision for that person to obtain the services in the Community Legal Services Act. Indeed, the decision stated that although there is a right to provide facilities for the defence, there is no obligation by the State to provide the services so that you can counter whatever scientific evidence that is there against you.

Sir, I am saying that in the interest of justice, we might have to look at reviewing the said Community Legal Services Act based on this decision, so that we can provide that facility.

Sir, I am glad that the Honourable Attorney-General has provided some hope for some civil servants, namely the police officers. I have spoken when I was in Opposition in relation to the facilities at the newer police stations. We have to give the police officers credit for working under those conditions. I remember going to Black Rock Police Station. It was a complete mess.

Sir, in fact you could have officers walking around, not only that but exposed to the point of liability, because you have a staircase - in fact it carried a piece of card with the red marking "This area is prohibited".

Asides.

Hon. M.A. LASHLEY: Sir, you only have to go to Hastings Police Station. I am glad that the Honourable Attorney-General has today indicated that this Government would try to provide the best possible conditions for those police officers.

Sir, the Honourable Member for St. Michael South East mentioned obtaining confessions.

H52 14.00 p.m. Sequence 18

Tuesday, January 12, 2010

House A53, Sequence 19, 2.00 p.m.

Hon. M. A. LASHLEY: The Honourable Member for St. Michael East mentioned the videotaping of confessions. Mr. Chairman, there was an amendment to the Evidence Act in the latter stages of the last Administration, which provided for the videotaping of confessions. Sir, although it was talked in there that the Glebe Police Station

was ready, at that time it was not ready to do the videotaping of confessions.

Mr. Chairman, to this date, I believe that at that particular time, the then Attorney-General should have come and said, we know that the facility is not available. It is like giving a right in one hand and taking it back in the next hand. You are giving a right under the legislation and taking it back.

Mr. Chairman, I remember that the debate was rushed through Parliament one morning. I subsequently went to the Glebe Police station, and the police officers complained. I am saying, Mr. Chairman, that these issues are sent through the Administration of Justice. In fact, we have to look seriously at how we are going to fast track what we have to do to put the Forensic Lab back up to mark because it is central to the administration of justice.

In the latter years, after 2004 to 2005, there were a number of cases that were solved as a result of forensic investigations. I could call some of them. The Clyde Gazette case was a Court of Appeal decision, which came after the Frank Gibson case. Those cases were founded on forensic investigations.

I have listened to the Honourable Member for St. Michael South East and he mentioned police brutality. I recall as a defence attorney that we challenged it by using what we call a voir dire. Sir, you put what you have in the absence of the jury and the judge will make a decision on it so I am saying that if you have the videotaping of the interview, then you would further protect the rights of that person who is in custody.

Sir, the Honourable Member for St. Michael South East also mentioned delays. How could a man be charged for murder since 2002 and the first time he came before the court was in 2006, and today he is still facing a murder charge? I understand that if you are charged with any offence, then you should have your trial within a reasonable time and that is a right under the Constitution. I am saying, Mr. Chairman, that we have to look at these things.

Sir, sometimes it could be a delay on the part of the Crown, sometimes it could be a delay on the part of the Defence Attorney, sometimes it takes long for pretrial statements, sometimes it takes four, five months or a year to provide pretrial statements to start a pretrial matter. Then after the preliminary inquiry is heard, you have to set down the matter for the High Court. Then again, if the case is a young case - as we call it - then it has to wait. The question is that probably you might have to use additional courts for the assizes. There is a view that we abolish the preliminary inquiries.

As an attorney, I have a different view. I believe that the accused should have every opportunity to challenge the evidence and, of course, as we lawyers would say, two bites at the cherries are better than one and, of course, you can set your case at the Magistrates Court. The delays can be dealt with and I recognise that even after someone is sentenced in the April Assizes, then in the December Assizes that person is still awaiting sentence because, of course, Probation Officers are overloaded and we might probably have to look in terms of getting some more Probation Officers to deal with the sentencing process thereafter. Mr. Chairman, I know that the Attorney-General is well aware of these issues and I have full confidence in the Attorney-General that he will deal with those matters.

Finally, Mr. Chairman, the District “C” Police Station now has jurisdiction for St. John and St. Philip, the two parishes that are developing at a rapid pace. We have Six Roads, which is also expanding and I believe that we will have to look at a new facility in Six Roads or an additional station in Six Roads that will work hand in hand with the original District “C” Police Station so that they will be able to have the capacity to cover St. John, St. Philip and the growing commercial activity in Six Roads.

Mr. Chairman, I thank you.

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

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

Mr. Chairman, I was not going to enter this debate because I believe that during the course of this morning and even from the last speaker has touched most of what I would have liked to have addressed. Then, Sir, the Honourable Member for St. Michael South East came in and he reminded me that there is one area to which I wanted particularly to add my voice.

Sir, on about three occasions the Honourable Member spent quite some time in this Chamber to deal with the issue of police beatings. I think we all recognise there might be occasions when the police all over the world may go overboard, or may have gone overboard in terms of their zeal to obtain evidence, I think overwhelmingly in Barbados we accept that we have a police force that works within the best interest of all Barbadians.

Asides.

Mr. A. D. BRATHWAITE: Sir, I am a bit concerned when I hear from the Honourable Member preaching about police beatings but not finding time to deal with the conditions under which they work and spend time

acknowledging that they make outstanding contributions under very trying circumstances.

I would, therefore, like to urge him that maybe if he spends more time, or encourage him and others in this community to spend more time dealing with the positives of the Police Force and thereby having a more harmonious relationship, I think that as Members of Parliament if we do that, then we send the right signal to our constituents and, hopefully, it would mean that we would have less conflict between the police and our constituents.

I just thought that I would raise that because, as I have said on more than one occasion, I am a son of a police officer. I have many friends who are police officers and although I do not practise Criminal Law, I have occasions to go into a police station from time to time. I was in Oistins a couple of nights ago and the conditions are not the best.

House A53, Sequence 19, 14:10:14

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Mr. A. D. BRATHWAITE: I was there when one of my clients was giving a statement and, of course, the officers took their time to say to me: “Mr. Brathwaite, do you see that we need the airconditioning unit working?” Mr. Chairman, I recognise the conditions under which they are working and I want to support the positive comments that overall we have a Police Force with which we, as Barbadians, should be very proud and would want to continue to encourage them so that they can continue to look after the interest of ourselves, our families and our constituents.

Sir, I also want to comment on something that was mentioned by the Honourable Member for St. Philip North who is a well-known criminal attorney in this country. Sir, I think that we have to acknowledge that it is not only through the deficiencies of the judicial system that cases sometimes take a bit long to come to the Court. I think the Honourable Member should acknowledge that the lawyers and the accused themselves quite often conspire, I do not know another word, to ensure that the matters are delayed. Accused are known to change attorneys deliberately so that it takes a bit longer for them to appear in Court so that, hopefully, the police officers would disappear or not remember their statements, et cetera.

Sir, we always hear about how long the system takes but we never hear the fact that there are people within the criminal system who use the system to ensure that their matters are not heard in a timely manner. Sir, whereas we all want to recognise that the system is not perfect, I think we must also acknowledge that it is not always the State that causes the delay but sometimes the accused and their

supporters within the system. Sir, I say supporters advisedly.

Sir, the other area I want to address is that of draughtsmen. I believe that there may be a shortage of draftsmen in Barbados because we seem not to be having the speedy turnover of new legislation in this country. Sir, if it is necessary for us to purchase these resources, I would urge the Attorney-General to ensure that we do so, so that we can have more legislation coming to Parliament in a timely manner. I am not recommending that he chooses the route of the last Administration and bring in their friends to do a poor job, as we would discuss a bit later on this afternoon. I am saying that we ensure that we have the correct expertise, and if necessary, if we have to purchase it outside of Barbados, then let us do that so that we can get on with the people's business.

There is an aside, Sir, asking me to recommend the former Attorney-General as a draughtsman, but I would not do that, that would be irresponsible.

Sir, I know that with the new Courts there are teething issues. We know from the lawyers and from persons working within the Courts that there are issues. Again, speaking on behalf of the Government, we want to assure all users of the facility that we would move with haste and do our best to ensure that all of their concerns are addressed.

Sir, if you build a two-bedroom one-bathroom home sometimes there are issues furthermore such a large complex, so I believe that, given time, the Attorney-General and the staff who are looking after the facility would ensure that all these issues are addressed.

While speaking about the Courts, I cannot sit unless I say something about ensuring that we address the facilities at the Magistrate's Courts to ensure that our Magistrates who are in a very unfortunate position in many ways, because they are sometimes called upon to be very senior attorneys, would not be tempted to go into private practice where the perception is that it is more lucrative, because we would miss their expertise if they are encouraged off the Magistracy.

Mr. Chairman, we need to ensure that at that level we have Magistrates who are comfortable not only in terms of remuneration but also in terms of facilities. I am sure that the Attorney-General would agree with me and, when our finances allow us, would ensure that Magistrates are brought into a position where we can retain their expertise so that they are not tempted out of the Service to then create a situation where we are left with a few Magistrates or too inexperienced Magistrates.

With those few words, I thank you for hearing me, Mr. Chairman, and I support this Money Resolution.

Mr. CHAIRMAN: The Honourable Member for St. Thomas.

Miss C. Y. FORDE: Mr. Chairman, I would just like to make a few observations in relation to what is being discussed. I heard the Honourable Member for St. Philip South speak to an aside but I want to congratulate the former Attorney-General, the Honourable Member for St. Joseph, for the expertise that he put in place over the period that he was Attorney-General to ensure that lots of Bills were drafted and brought to this Honourable Chamber because without them I do not know what would happen to this Administration that has, over the last two years, not brought forward one single substantive piece of legislation for us to be able to debate in this Chamber. The Honourable Member for St. Joseph has played his role and will continue to play his role in helping to shape the legislation that would govern the country of Barbados.

Sir, I want as well to highly commend the Commissioner of Police and his staff for the services they have rendered to Barbados over the many years. It is okay for persons who choose to talk when they feel like without background information to criticise, to curse, to lambaste and so on without having the facts. Mr. Chairman, over the last week or so we have been hearing from the Royal Barbados Police Force about the challenges they have. Mr. Chairman, I must add too the whole fact that a Barbados Labour Party Government, before leaving office, left lots of equipment, materials and vehicles in place to assist the Police in effectively carrying out their services.

We see those vehicles on the road every day. I believe that this Government, using the vision that the Barbados Labour Party brought to the fore, would ensure that all like now procurement is taking place for new vehicles to be added to the fleet to afford the Police to continue to do their work well.

Mr. Chairman, I know that many Barbadians have their own beef with challenges with the Police. You hear about some of it in the media but sometimes we do not always know the facts so I cannot even say it is all justified, but I believe that they need to be given the praise that is due to them, especially when they are operating under circumstances where the services of the Forensic Services Centre are limited in helping them to solve some of the crimes.

The allowance, Mr. Chairman, of \$423 797 for the Royal Barbados Police Force to afford them allowances and salaries would be strongly supported indeed, by myself, and the Barbados Labour Party because they are

the ones who are serving this country ensuring that they protect us and all those visitors among us.

Mr. Chairman, like the Honourable Member for St. Philip North and others who spoke about the services and the facilities at some police stations, I too do have to stick a pin here to make a request for further assistance for the Police at District "D" Police Station in St. Thomas. The Constituency of St. Thomas has grown by a large number of houses with the developments that are taking place and the criminal element that is eyeing what is happening there is creating some challenges.

As I speak to you, Sir, our police still function from the Hometown Police Station. This makes it difficult when it comes to calls for services because of the distance they have to travel from Hometown to go through the entire parish of St. Thomas and therefore I am making a plug for them, conscious of the knowledge that properties were acquired at Cane Garden, St. Thomas for a new police complex and efforts were made to be able to put a police station in place in a central part of the parish to accommodate the people of those communities.

House A52 Sequence 20

2.20 p.m.

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Miss C. Y. FORDE: Mr. Chairman, I want to make another plea for them that the Police Station at Cane Garden, St. Thomas can be constructed, to be able to make their work easier and more effective. They deserve better.

Mr. Chairman, even though it is not mentioned here under the Ministry of Home Affairs, I wish to be able to speak to the issue of a supplementary I believe should be here under this Head. Sir, I am only raising it as a matter of concern.

Mr. Chairman, when I look at Dodds Prison, I expected that a supplementary would have been here. Sir, in the same way that we have a supplementary for the police for services and allowances, I expected something to come here today in support of prison officers. Sir, I speak for them in the same way I speak for the police, teachers or anybody because they are the ones who are helping to ensure that there is proper security in Barbados.

Mr. Chairman, I commend the Honourable Member for St. Michael North East who, when Glendairy Prisons were burning, was able to contain those thousands of prisoners without any one of them escaping. I want to commend the Honourable Member also for building the Dodds Prison, a top-of-the-line prison. Sir, there are prisoners at that prison who need to be properly secured, so

that the rest of this society would be safe and comfortable in their homes and on their jobs. Sir, there is no supplementary here to assist those prison officers.

Mr. Chairman, I know that some of those prison officers have not received any salaries, some not since May or June, some not since November and December. Sir, some of those officers have been carrying home paycheques of \$15 and \$92 within the last two weeks. Some of them are even now home, to deplete the number of those supervising.

Mr. Chairman, I will stop at that point. I am not here to sensationalise anything, only to say that I believe the prison officers deserve the same kind of treatment as the police and the Defence Force. Sir, at the end of the day, we all rely on them to offer their services to protect and to serve the people of Barbados.

Mr. Chairman, one of the challenges is that the Personnel Administration Division does not receive the authority from Government agencies on time, to ensure the continuation of temporary appointments. Sir, that is one of the problems with this Administration, the Democratic Labour Party. The Democratic Labour Party told the people of Barbados, prior to January 2008, that temporary employed persons will never have a problem in getting their salaries. The Democratic Labour Party said that the Barbados Labour Party has punished them, among other things.

Mr. Chairman, the reality now for the Attorney-General and others on the Other Side speaks to the challenges that we have in the Civil Service where people pass files. If these people go home sick, sometimes the files are left undone and the renewal of contracts is not done as speedily. Sir, I am not blaming the Attorney-General because I believe he is an honourable man who will continue to play his role, but I am saying the system now is so heavily impacting on the prison officers, janitors and others, that I am saddened that no money is here for them. Sir, I know there is still time that a supplementary could come to incorporate prison officers and others in the category of temporary workers who serve this country with distinction. Sir, I am just asking for that.

Mr. Chairman, there is an element of the supplementary in relation to the Forensic Laboratory Centre. I want to raise another challenge that Barbadians are experiencing, where little is being said about it in relation to the forensic pathologists at the Queen Elizabeth Hospital.

Mr. Chairman, too many families have to postpone funerals, while their debts are escalating as a result of not being able to bury their relatives on time. Sir, this is due to the lack of services of the forensic pathologists, whether

those pathologists are acting or otherwise. Sir, I think that is another cause for concern.

Mr. Chairman, you cannot tell anybody when to die and when family members die, they can either be rich, middle-class or poor. Sir, poor families have to postpone funerals sometimes for two weeks because they do not get the outcome of the pathologist's report to determine the cause of death.

Hon. D. O'N. INNIS: On a point of order. Mr. Chairman, the Honourable Member is misleading this Honourable House. Sir, the Queen Elizabeth Hospital is not responsible for delays in autopsies in Barbados. All autopsies at the Queen Elizabeth Hospital are up-to-date.

Mr. Chairman, just to enlighten the Honourable Member and to clarify the point, the burials that are awaiting autopsy reports are not the responsibility of the Queen Elizabeth Hospital but are matters normally associated with the Coroner's Office. Therefore, the Queen Elizabeth Hospital cannot be held responsible for such.

Mr. Chairman, secondly, and more importantly, no individual should make arrangements for the burial of a loved one, unless the Coroner's Report has been tabled. As callous as it may sound sometimes, really and truly, one ought to await such reports before making arrangements for burials. Sir, to reiterate the point, it is not the responsibility of the Ministry of Health or the Queen Elizabeth Hospital to issue reports in relation to the coroner's inquest. Sir, the Honourable Member ought to know that.

Miss C. Y. FORDE: Mr. Chairman, the Honourable Member for St. James South is very quick to respond and I am happy to hear his response. Sir, the Honourable Member still needs to tell us about the dead man in the morgue who escaped. Sir, the Queen Elizabeth Hospital has not adequately dealt with that, but that is another story.

Asides.

Miss C. Y. FORDE: Mr. Chairman, I trust that the Supplementary put forward by the Attorney-General today would include the salary for the Forensic Pathologist, so that he or she would no longer become frustrated working for five, six or eight months and not receiving a salary.

Mr. Chairman, the final comment relates to Operating Expenses of \$280 530. Sir, that is so strongly supported by me, I cannot express it in words. Sir, I have been on crime scenes, not because I am nosy but sometimes I would pass and stop to investigate. Sir, if you are a real true politician and there are problems in your community, or if you are a caring person looking at social issues and looking after the needs of your people, then you

make queries or people would call to tell you about the challenges that are taking place.

Asides.

Mr. CHAIRMAN: The Honourable Member needs to wind up, as we are getting close to the end of the debate.

Miss C. Y. FORDE: Mr. Chairman, I will, as soon as the interruptions stop. Sir, the training component that is included in that \$280 530 is welcomed. Sir, I speak specifically to situations where some police officers who visit environments where there is domestic violence, really need or merit good professional training in dealing with those matters. I will leave that there because there will be time for that discussion to take place.

Sir, the human resource component that is lacking, in some instances, leaves a lot to be desired. Therefore, even though I am a strong supporter of the police - and they know that - when you go into communities where there has been a murder or whatever else taking place, people will tell you that they are keeping their lips sealed. Sir, in a small society like Barbados, it is worse now than ever before because of the technology. You cannot go to call certain police officers to tell them what is happening because when you eventually find out, the person involved is the cousin, friend or party supporter of the police. Therefore, people are remaining quiet as a result. Sir, I welcome Crime Stoppers in helping the police and others to solve some of the problems, particularly criminal problems that are emanating from this society. Sir, Crime Stoppers is making a very serious contribution.

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Miss. C. Y. FORDE: Mr. Chairman, as I close, I believe that the issue of confidentiality will come up in the training and the whole matter of professionalism. When you come on a scene and you see a few people who are trying to help, or there is an accident on the road and you say: "Officer", he may reply: "Do not talk to me now, I want to hear who is involved." Sir, sometimes, who is involved, is the same person with whom the officer is talking.

Mr. Chairman, if you can get this type of human resource training coming through in this particular aspect, I believe that our police officers would be stronger and better able to carry out their professional duties in a manner that would be pleasing to all and would win back a lot more of the confidence of the Barbadian public.

Mr. Chairman, I wish to thank you.

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

Hon. F.J. STUART: Mr. Chairman, I rise to windup the debate on this Head and to thank all Honourable Members who have contributed to the debate on Head 30. Sir, so far as the contribution of the Honourable Member for St. Joseph is concerned, he raised the issue of, to what use are the buildings which have been vacated by the Supreme Court and the Registration Department will be put. I am pleased to assure him that the Cabinet has established a Committee under my chairmanship to look at that issue and that matter is, therefore, receiving our attention.

In addition to that, the Chief Justice of Barbados, of his own volition, constituted a Committee which met and has made certain suggestions on the issue as well, so the issue is not being swept under the carpet in any way. We are aware that the buildings are still useful buildings, not in the best physical condition but still useful.

I am aware that the request by the Police for more space and, in fact, to use some of the space vacated by the Registry itself. Sir, all those matters are receiving our attention and I should be able to report to this Honourable House in due course.

Mr. Chairman, I am also indebted to the Honourable Member for St. Michael South East for his contribution. I did not know that he was so anxious to see the back of me in this House but he is entitled to that. Sir, he raised the issue of details in the justice system and I have to agree with him that some of these delays are unpardonable and, of course, we are all familiar with the maxim, "Justice delayed is justice denied". Sir, what we have to do is analyse the situation and see where these delays are coming from.

Mr. Chairman, I have already told this Honourable Chamber that I am concerned about the amount of time preliminary inquiries are taking in our Magistrates' Courts. The Honourable Member for St. Philip North has raised this issue as well. I know he has a different view, a tendentious view, having regard to the fact that he is a very well-known defence attorney and has benefitted himself from what he calls "two bites at the cherries".

Sir, we now operate in an environment where the prosecution is required to make disclosure to the defence of all witness statements it has in its possession so that the defence is not taken by surprise at the trial. Sir, that has now evolved as a convention in the criminal justice system in criminal practice.

Mr. Chairman, the value of preliminary inquiries resided in the past in the fact that since the defence did not

know what the prosecution had, when it came, the defence needed to test it. If in the new situation, even before a trial starts, the defence knows all of the evidence the prosecution has at its disposal, I am no longer in a position to understand or justify why you should continue to have preliminary inquiries.

In fact, some years ago, provision was made in the Law for paper committals and, again, defence lawyers steered clear of making paper committals because paper committals involved only "one bite at the cherry", and, therefore, only one legal fee. Sir, "two bites at the cherry", does not only refer to the cherry, it refers to the fee as well.

Asides.

Hon. F.J. STUART: Sir, as I am hearing, not only the cherry but the berry as well. Mr. Chairman, I think the time has come when serious thought has to be given by the role played by preliminary inquiries in the whole system. Sir, since we have begun to have year round criminal trials in the High Courts, police officers, who have to give evidence in criminal trials, if they have to go to a Magistrates' Court and to a High Court, they have to go to the High Court first so magistrates are kept waiting for inordinately long periods of time on police witnesses, who sometimes do not turn up. They spend long periods of time waiting on defence lawyers who do not turn up and the system repeats that from year to year. Sir, accused persons lose their patience because they cannot get their trials on and these are the delays that the Honourable Member for St. Michael South East is referring to.

Mr. Chairman, we have to look at the situation. I was pleased that subsequent to my making my position clear in this Honourable House that the Chief Justice himself went public and said that it was his view that preliminary inquiries should go. I am going to pursue that course of action with all the vigour at my command.

Mr. Chairman, so far as the contribution of the Honourable Member for St. Thomas is concerned, the Honourable Member raised the issue of a police station at Cane Garden. Sir, that was on the cards when we came into office. I have looked at it with the Project Office in the Attorney-General's Office and I have also looked at all the other police stations and plans for police stations which were lying around and I have to let the Honourable Member for St. Thomas know that we are going to go ahead with a police station for Cane Garden and that the plans are being revised.

I believe that the police have been asked to have a second look at the plans since some time elapsed between the drawings of the plans and the period of implementation and it was thought that there should have a second look to make sure that plans still satisfy their requirements.

Sir, therefore, we are indebted to the police officers from the District C jurisdiction who have worked under very difficult conditions, but who have continued to put the country's interest above their own professional interest and, of course, they are to be thanked and congratulated for that.

Mr. Chairman, the Honourable Member for St. James North raised the issue of a forensic pathologist. I believe the Honourable Member for St. Thomas also raised the issue of a forensic pathologist or the Forensic Sciences Centre. Yes, the last forensic pathologist, who was there left and since then we have had some difficulty tracking down or locating another one.

Sir, forensic pathologists are not very attractively paid and, as a result, it is very difficult to attract them. The interesting thing though is that the Coroner's Act, does not mention the word "forensic pathologist" at all. Sir, all a coroner is required to do is to ask a medical practitioner to do a post-mortem.

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Hon. F.J. STUART: The legislation does not mention a forensic pathologist, but in the training of medicine, I am aware that doctors are trained in forensic pathology as part of their training. What we have in place at the moment are medical practitioners, at the Queen Elizabeth Hospital. The Honourable Member for St. James South, the Honourable Minister of Health, and I had a meeting with all the parties concerned arising out of the difficulties we had sometime last year with post-mortems.

We now know that there are three medical practitioners assigned to the discharge of those responsibilities. A Protocol has been put in place, agreed on by all, so that post mortems can be done with expedition, as we try to avoid the difficulties which we encountered in the not too distant past.

Mr. CHAIRMAN: The Honourable Member has three more minutes to wind up.

Hon. F.J. STUART: The issue of a Property Manager for the new Judicial Centre was also raised. That Centre is going to require that kind of management. I am aware that its sister judicial centre in Trinidad and Tobago and a lot of what happened in Trinidad has been replicated here in our Centre. I think that they have a Property Manager there as well, by some other name. It is only a question of time before we have to confront that issue because it is a massive building. To ask the Registrar of the Supreme Court and other functionaries to busy themselves every day with all that managing that property will involve, is not the most creative and productive use of their time.

Then the contribution of the Honourable Minister of Housing, the Honourable Member for St. Philip North, and the suggestion that the Community Legal Services Act be amended to make provision for the State financing expert witnesses for accused persons. I am aware of the decision to which he referred. I have read it. I am studying it at the moment. We will be discussing the matter with officials in the Ministry and with other lawyers in the Ministry with a view to coming to some clear conclusion on that issue.

Sir, quite frankly, the State cannot make itself responsible for all of these things having regard to how tight finances are. Yes, we place a very high premium on the rights of the individual and the freedom of the individual and all of the basic human rights to which Chapter 3 of the Constitution refers, but when all is said and done, we have to cut our cloth in such a way that we do not over extend ourselves.

It is my view that an expert witness is nobody's witness. There is no property in an expert witness. The witness is the witness of the Court. Therefore, the mistaken notion that has undergirded this argument is that if the prosecution has an expert, the defence must have one too. Sir, because the expert has been brought by the Prosecution, it does not mean he is there to give evidence for the Prosecution. He is there to assist the Court in coming to a decision that is just. We are looking at that to see what its ramifications are with a view in coming to appropriate conclusions on that point.

Sir, the Honourable Member for St. Philip South's intervention zeroed in on the relationship between the police and the society. This is an issue that is not going to die. How we have evolved historically has resulted in the fact that the paradigm really is the police versus the community. As part of our evolution to being a more civilised society, we have to begin to see the Police Force and they have to market themselves in such a way as an extension of the community. Of course, when that is done, I know that the citizenry will respond in a more positive way. There is a kind of adversarial relationship between the two at this time which I think we need to heal if the society is to benefit from the best efforts, not only of the citizens, but of its constabulary as well.

Sir, with those few words I am grateful to Your Honour and beg to move that Head 30 stand part.

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

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

SUPPLEMENTARY B

RESOLUTION TO GRANT THE SUM OF \$2 951 155 FROM THE CONSOLIDATED FUND AND TO PLACE IT AT THE DISPOSAL OF THE GOVERNMENT TO SUPPLEMENT THE ESTIMATES 2009-2010 AS SHOWN IN THE SUPPLEMENTARY ESTIMATES No. 6 2009-2010 WHICH FORM THE SCHEDULE TO THE RESOLUTION.

Mr. CHAIRMAN: The Honourable Member for Michael North West.

Hon. C.P. SINCKLER: Mr. Chairman, I rise to introduce Head 32, Supplementary, for the Ministry of Home Affairs and Foreign Trade. It is a relatively profunctionary and simple Supplementary, which speaks to servicing and maintenance of the work of the Ministry and the various Missions overseas both in relation to Missions that have already been established and the Government as proposed to be established in the current financial year.

The addendum to the Resolution would show that the Supplementary asked for by the Government constitutes \$2 951 155, the highlights are: 1- to supplement the provisions of the Chancery at New York. Of course Honourable Members will recall the Chancery had been under construction for some time and was completed and officially opened in September, 2008 by the Honourable Prime Minister and myself, when I acted in the previous role as Minister of Foreign Affairs.

Under that arrangement, a lease through the National Insurance Board, in conjunction with the Ministry of Finance, allows the Foreign Ministry to occupy new spanking headquarters for the Chancery at 820, 2nd Avenue, New York City. The arrangement allows for the Ministry to pay a monthly rental to procure on a lease basis furniture at a monthly rate and for other contingencies associated with the rental of that property.

The projected expenditure for April, 2009 to March, 2010 is \$2.414.78 million and that is now sought to pay to the National Insurance Board as the restitution for the lease rental agreement.

H52 14.50 p.m. H52 Sequence 23

Tuesday, January 12, 2010

House A53, Sequence 24, 2.50 p.m.

Hon. C. P. SINCKLER: I must say that having visited it, and for those who in this Honourable Chamber have had the opportunity to visit it, if you are in New York and you have not had that opportunity, it really is a fantastic facility. It provides for a proper operation of both the Embassy at the permanent mission to New York and for

the Consulate facilities of the Government of Barbados really befitting the status of Barbados in this very important market of the world.

I might also add, Sir, that it also has within the confines of the building in the conference room, teleconferencing facilities that allow for officers of not only the Mission itself but equally as well the Barbados Tourism Authority and Invest Barbados to occupy space in the building, where they meet, speak and relate to officials in Bridgetown from New York on the teleconferencing facilities.

This saves the Government of Barbados a tremendous amount of money in travel and per diem costs, airfares and so forth, which have increased exponentially on the increasing oil prices and in the difficulties with the global economy. Sir, that large amount that you see there, which is the major highlight of this Supplementary is to meet those particular costs.

Mr. Chairman, we also have some other per functionary matters here pertaining to utilities for the Mission's Head, the Ambassador, whose residence is now under refurbishment and we have had to place the Ambassador in temporary residency. Sir, \$88 000 is to meet the cost of the utilities for both residences, the one that is under repair and the temporary one.

The other highlight there is for \$64 750 which is to procure furniture, equipment and basic household items for the new Chancery in the seat to Beijing which will be occupied by the new Ambassador who is going off in a couple of days time, the former Honourable Member for St. Michael South and former Prime Minister of Barbados, His Excellency Sir Lloyd Erskine Sandiford. I want to take this opportunity in this setting of Parliament to congratulate Sir Lloyd and wish him a fantastic and productive tour of duty in the seat at Beijing.

Asides.

Hon. C. P. SINCKLER: Finally, in relation to the other one that jumps out at us, is that Honourable Members would have known and heard over the period of last year that we concluded the negotiations for the Economic Partnership Agreement, this is on the foreign trade side. Since then, we are in the process of instituting the provisional application of the EPA Agreement.

This involves a collage of agencies and personnel across the Government system, which require not only monitoring and management from in the Ministry of Foreign Trade but equally has required us to retain the professional services of a consultant whom you might have heard in the Press, is the former Ambassador to Brussels. He is now performing that role of advising the

Government, was quite critical and key in the negotiations on the EPA.

The building which the staff of the new EPA Implementation Unit will occupy at Belleville will require some additional furniture, equipment and other matters necessary for the administration of that unit and that has been provided for in these Estimates at BDS\$45 450.

Lastly, there are some existing contract agreements for services provided under professional services in the Ministry both in Foreign Affairs and Foreign Trade, advisors on various issues and those need to be supplemented to the tune of BDS\$90 000 and that is provided for under Code 266 of the original Estimates.

Mr. Chairman, before concluding the introduction to this Supplementary, I take this opportunity to inform the House as a matter of courtesy on behalf of the substantive Minister of Foreign Affairs - you would have also seen this in the Press - that in addition to Sir Lloyd, we have made some recent appointments under the penmanship of the Prime Minister, who has the constitutional responsibility for the assignment of diplomats to a number of areas and capitals across the world.

Of the new ones, of course, I have told you about Sir Lloyd's appointment but we equally have as well, Miss Donna Forde, a career diplomat who has moved from Washington and will go to Cuba. I believe she is already in Cuba. She has presented her credential and is the Charge d' Affair of the Cuban Mission, which is now in its embryonic stages of establishment.

We have Miss Yvette Goddard who again is also an outstanding career diplomat, previously operating in the seat at Brussels. She will move as Charge d'affaires of the new Embassy in Brazil and, of course, we are happy with this because this is one of our officers who has come through the ranks but who also is, perhaps, the only officer in the Ministry who speaks Portuguese, Sir, one that is perhaps best known, the former Governor of the Central Bank, Dr. Marion Williams now. Her Excellency Dr. Marion Williams will take up the seat at Geneva, as the former Ambassador. Trevor Clarke moves to another office at the World Intellectual Property Office.

Again, on behalf of the Government of Barbados allow me to thank Ambassador Clarke for his outstanding service to Barbados and also to congratulate him on his elevation to the high office at YPO.

Mr. Chairman, with those few words I ask that Head 32 stand part.

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

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

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

On the separate motions of Hon. R. D. JONES, seconded by Hon. F. J. STUART, the Bill was read a first and second time and passed.

House A53, Sequence 24, 15:00:47

Tuesday, January 12, 2010

ORDER No. 2

PUBLIC SERVICE (AMENDMENT) BILL, 2010

Hon. F. J. STUART: Mr. Speaker, I rise to move the second reading of the Public Service (Amendment) Bill. Notice of this Bill was given on August 7, 2009 and it was read for a first time on that day.

Arising out of and, therefore, cognate to the amendment to the Public Service Act, will be an amendment to Section 98A of the Constitution of Barbados. Notice of that was also given on August 7, 2009 and read for a first time on that day.

With the leave of this Chamber, Mr. Speaker, what few remarks I have to make will apply to both pieces of legislation. As is well-known, the Public Service Act, 2007, which was passed in this Chamber in the month of December 2007, occasioned some national controversy. Indeed, its passage through this House reminded one of a rushing mighty wind such as was identified with the Day of Pentecost.

Mr. Speaker, that was a source of surprise to no one because I believe that at the Annual Conference of the Barbados Labour Party of that year the then Leader of the Barbados Labour Party, the Honourable Member for St. Peter, notified the Party that these provisions were coming and that they would be a source of great benefit to a large number of public servants. The facts, peculiarly within his knowledge at the time, would have been that an election was very near and that there would be some value in getting this Bill through the House, which we now know as the Public Service Act.

We are here today, Mr. Speaker, to debate a few amendments to the Act. This is the first set of amendments that we are doing to the legislation. Mr. Speaker, any debate on the Public Service is an important debate because

of the very important role which the Public Service plays in the daily lives of the people of our country.

Indeed, as I speak of the Public Service, I have often wondered why even though we speak of Public Service we still have a Ministry of the Civil Service. This has spanned both Administrations. I do not know that there is legally an entity in Barbados called the Civil Service. We have a Ministry of the Civil Service but we have a Public Service Act. That is perhaps an anomaly that we would have to visit and correct at some time in the very near future.

Mr. Speaker, the Public Service is very important to life in Barbados. It has been with us ever since the settlement of Barbados in the 17th Century in one form or another and so we cannot divorce the development of Barbados from the contribution made by generations of public servants to the economic, social and administrative development of this country.

There are many distinguished public servants that have passed through the corridors of Government in Barbados in recent times and we pay tribute to them today for the mighty and insightful contribution which they have made to the stability of this country.

The Public Service of Barbados has known two general types of experiences. It has known a colonial experience when Barbados was still a colony of the United Kingdom, and it has known an independence experience since November 30, 1966 when this country achieved its Independence. It has known its colonial experience for a much longer period than it has known its Independence experience, therefore, ever since Independence, attempts have been made by successive Administrations to, as it were, decolonise the Public Service and to make it more relevant to the pressing demands of development in this country.

Mr. Speaker, I say nothing startling when I say that the focus of a colonial civil service is of necessity different from the focus of an independent public service. Whereas a colonial Public Service zeroes in and focusses on the promotion of the interest of the colonising power and the subordination of the interest of the colony itself, the focus of an independent Public Service zeroes in on the promotion of the development of the newly Independent State.

Mr. Speaker, tradition tells us that the focus of colonial administration has always been on law and order and that the focus of an independence environment is that of development however defined by the newly Independent State. The Civil Service of Barbados has been no different in that regard. The mandate at Independence was a mandate for change, change of the decision-makers, change of the

direction of policy and change of the repressive culture fostered by colonialism.

House A52 Sequence 25

3.10 p.m.

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Hon. F. J. STUART: Mr. Speaker, because the mandate has been changed, the leaders of Independent nations, both in the Caribbean, Africa and other parts of the developing world, have behaved like persons in a hurry. They have been trying to roll back the effects of the colonial inheritance and trying to pursue, with as much vigour as possible, the ambitions and aspirations of the newly independent people. Sir, sometimes there have been expressions of impatience as a result of the fact that, very often, the pace at which these leaders have wanted development has not been consistent with the mentality of the Civil Services with which they have had to deal.

In a place like Ghana, for example, the late Dr. Kwame Nkrumah, who took Ghana into Independence, on one occasion, in a moment of impatience, made the point that the average public servant is lodged in the decision-making process, like a nail without a head, that you can bore it into a piece of pine but then you cannot get it out. He made many other statements reflective of the fact that as far as he was concerned, the pace at which the Civil Service was making decisions was inconsistent with the demands of the new status of Independence.

Mr. Speaker, here in Barbados we have had our own experiences, politicians of various stripes have commented on the attitude of the colonial Civil Service in the immediate aftermath of Independence. There is, perhaps, no statement more memorable than that of the late Right Excellent Errol Walton Barrow, who, on a few occasions, described the local Civil Service as an army of occupation, with all that that has implied.

It was not an abuse of the Public Service but, rather, an expression of the impatience felt by these leaders who had wanted to get ahead with the goals of development at the economic and social levels, and were being kept back by the colonial mind-set of the Civil Service which they inherited.

Mr. Speaker, throughout all of that, it has to be conceded that the Public Service is very important. Sir, in countries as small as Barbados, the Public Service represents the largest concentration and the widest varieties of skills to be found anywhere in the society. There is no other agency in Barbados that contains as large a concentration or as varied a collection of skills as the Public Service of Barbados. Of course, because of its size

and with a large number of interdependent departments, the challenge of managing a Public Service has always been a mighty one. It has always been a source of, in some cases, intimidation, in some cases frustration and in others, excitement for those who have had to manage.

Mr. Speaker, many of these issues have begun to recede into the background the older we have grown as an Independent nation because Governments have had to realise that they cannot do without the Public Service. The Public Service is the engine used by Governments to achieve the economic and social objectives which they set themselves. Therefore, no Government, in any society, certainly not in a very small developing society like Barbados, can hope to achieve its objectives if it alienates its public servants.

Mr. Speaker, it is a very important lesson to be learnt by persons in Government. This is a lesson that has replicated itself across the developing world. In larger and more developed countries where you have larger bureaucracies that rival the central bureaucracy of Government, the central Civil Service, people exercise more options. They have more flexibility in the business of decision-makings, but in small societies like Barbados and the other societies in the Caribbean, the Public Service represents that large concentration and that wide variety of skills to be found nowhere else in society. Therefore, Governments are dependent on these skills and on these talents in order to achieve their economic, social and political goals which they have set themselves.

Mr. Speaker, one of the advantages of a Public Service is that because of its size and its centrality in small societies like ours, it interacts and interfaces with all of the sectors in the society. Therefore, our Public Service interacts with the private sector, with non-governmental organisations and with the Church.

Sir, practically every sector in the society has to come into contact with the Public Service. Of course, the masses of the people, from day to day, also have to come into contact with the Public Service. Sir, there is no disengaging in these societies from the Public Service. It is central to the life of the society.

Mr. Speaker, because of that, it is important for us to understand what is required of a Public Service in an independent country. Sir, there have been debates in this Honourable Chamber before on the Public Service. Certainly I have sat in here and listened to one in 1974, a very contentious one, when the Constitution of Barbados was being amended. Sir, all would agree, and certainly all the literature written on the Public Service of the Caribbean and in the developing world is agreed, that what is required of a Public Service in a developing country.

In a newly-developing country, and Barbados is still in relative terms a newly-independent country for 43 years, which is a very short time in human history, it is the generation of ideas, the generation of imagination and, of course, a commitment to innovation. Those three elements, ideas, imagination and innovation, are expected of any Public Service in a developing society, and they contrast sharply with what was the practice of Public Services in colonial environments, where the focus was on the elaboration of rules, the following of precedence and the focus on law and order and making sure that things went perfectly right.

Mr. Speaker, the differences between the independent Public Service and the colonial Public Service are stark. Sir, what we are concerned with in this Honourable Chamber today and what we have been concerned with since 1966, at the time of Independence, was that commitment to ideas, imagination and innovation in this society. We are concerned with using the Public Service as the engine for the achievement of the developmental goals of the society.

3.20 p.m.

Tuesday, January 12, 2010

Hon. F.J. STUART: The differences are stark and what we are concerned with in this Chamber today and what we have been concerned with ever since 1966, at the time of Independence, was that commitment to ideas; that commitment to imagination; that commitment to innovation in this society, using the Public Service as the engine for the achievement of the developmental goals of the society.

Mr. Speaker, in that context, it helps to remember that a short 55 years ago Barbados, for the first time, succeeded to a Cabinet system of Government. In 1946, there was an experiment conducted here, under the Governor Sir Gratin Bush, called the "Bush Experiment", in which he experimented with what was called a quasi-ministerial system of Government but not until 1954 was a full ministerial system put in place in this country.

Mr. Speaker, we have only had Government Ministers around here for the last 65 years but for the better part of the last 300 years, we have had public servants so, it stands to reason, Mr. Speaker, that in terms of the Public Service, the Public Service has a longer tradition in Barbados than Ministers of the Crown. Sir, Ministers of the Crown, just a short 55 years, but the Public Service, the better part of over 300 years.

Mr. Speaker, because of the ministerial system being introduced in 1954, Ministers of Government were, understandably, seen as encroachers; as trespassers on the

sacred preserves of what officials had been accustomed to doing for the better part of 300 years because before the advent of ministerial Government, the system was largely run by public servants, by officials, and when ministerial Government was introduced, necessarily, conflicts developed.

Mr. Speaker, all of the studies that were done since the introduction of ministerial Government highlight the fact of tensions, subtle and sometimes not so subtle, between the ministerial or political arm of the State and the administrative arm of the State to be found in the Public Service.

Mr. Speaker, that is as much a fact in the year 2010 as it was in 1954. Therefore, that challenge is still very much there to be managed and to be dealt with because since Government needs the Public Service and since the Public Service is there to serve the Government the tension that exists, at the level of the ministerial arm of the State and the level of the administrative arm of the State, must be a creative tension as distinct from a destructive tension.

Sir, Minister and public servants, politicians and public servants have to work together because it is the politicians' objectives through policies articulated on political platforms and in Manifestoes that ultimately have to be achieved in a politicised environment.

Mr. Speaker, what was previously a supremacy of administration has since the introduction of ministerial Government and, certainly, of Party politics in the Caribbean become something approximating a supremacy of politics. Sir, it is within that context that the relationship between the Public Service and the Government takes place.

Sir, necessarily, of course, the advent of Party politics has made its own contribution to how the Public Service has functioned. Sir, since public servants are human beings, like everybody else, all have or most of them have political preferences; most support, subtly or otherwise, political Parties but it is a tribute to the Public Service of Barbados that those loyalties are in, few cases, allowed to interfere with how our public officers have discharged their responsibility since Independence and, Sir, there are many countries in the Caribbean who cannot make that boast because of how their own Party politics, in some cases, their own Party tribalism has seeped into the Public Service itself and undermined the developmental goals of the society at large.

Mr. Speaker, in Barbados I would say that we have much to be thankful for because we have always had a Public Service on which, whichever Party has been in power, we have been able to rely on impartial, productive

and fertile guidance as we pursue our developmental objectives.

Mr. Speaker, it is possible, of course, to speculate why Barbados is different from most other countries in the Caribbean in that regard. One has to remember that Barbados is the only island in the English-speaking Caribbean, as far as I can recall, which has never changed hands ever since it was settled in 1627. There have been other islands in the Caribbean which have moved between different colonial powers.

I believe that St. Kitts may be another, but because of the relationship between St. Kitts and Nevis, the benefits to flow from not having changed have not shone through as resplendently as here in Barbados, but either the French, Spanish or the Dutch have been colonising powers in most of the other islands in the English-speaking Caribbean but from 1627 until now, Barbados has never changed hands. Therefore, the Public Service outfit, which we have here in Barbados, never suffered any disruption or interruption ever since we became a colony of the British.

Mr. Speaker, that is not a eulogy but is certainly a statement of historical fact. It is not intended to be a eulogy because all of our inheritances have not been inheritances of which we feel very proud, but it is a fact of history that we have not suffered those disruptions and, therefore, what has developed here has developed into what we inherited at Independence.

Sir, if the truth is to be faced, that helps to explain the stability which Barbados has enjoyed over the years as well. The instability that has been a characteristic of quite a few of our neighbours over time has not been a feature of life in Barbados. We have always had a strong Public Service that has been a stabilising force even when, at the level of our politics, things threaten to go awry.

H/A52/15:30 Sequence 27

Tuesday, January, 12, 2010

Hon. F.J. STUART: That is the background against which I think we need to look at the Public Service of Barbados.

This Service has a number of relationships on the basis of which it can be evaluated. Public servants in Barbados interact daily with themselves. They interact daily with the public and they interact daily with the Government. These three levels of interaction tell the story of the types of challenges which the local Public Service faces from day to day.

I should like to just spend a little time looking at these three levels of interactions of the Public Services. The

Public Service Act, which we are amending today, was designed to deal with issues of recruitment, promotion, transfer, discipline and termination of public servants. Those are the five broad categories into which one can divide what the Public Service Act is supposed to be about. At the level of recruitment, of course, I have explained why citizens try their best to get a job in the Public Service, because it is the largest and most organised bureaucracy in the society with a certain security of tenure that allows John Citizen, the largest recruit into the Public Service, to plan his life for the future. The private sector does not offer members of the public the same security as does the Public Service of Barbados.

In fact, one of the myths that we have had to deal with within this society for a very long time is, it tends to contrast the efficiency and the effectiveness of the public with the efficiency and the effectiveness of the private sector. Of course, in that debate the private sector had always seemed to win, because the view has always been expressed that the Public Service is less efficient. It is much slower than the private sector where you can get things done more quickly, and there is a higher level of efficiency.

Of course, the point is never made that while the focus of the Public Service is on service to the people, generally speaking, in the private sector the focus is only secondary service to the people, but primarily satisfying the interest of shareholders. Therefore, the impetus in the private sector is quite different from that in the Public Service.

So far as issues of recruitment are concerned, the average citizen tries to get a job in the Public Service because he feels more secure there. All of us in this Honourable House can bear witness to the fact that whenever we are approached about jobs, the assumption is not that we can get a job for the person who is asking for it in the private sector. The request is most often for a job in Government. Having got a job in Government then other issues begin to play out.

For example, one of the most contentious issues in the Public Service over the years has been the issue of the impartiality of promotions. Now I do not know of any system anywhere in the world where as long as the demand for positions outstrips the supply of positions available that you will not end up with tensions between people, because those who do not succeed will always feel that they have been robbed. Therefore, a ready-made issue for persons working in the Public Service has always been over the issue of promotions, because there have always been more persons wanting promotion than there have been places available to which they can be promoted. This has always led to tensions.

The Public Service Act has sought to deal with that by re-emphasising the colonial ethos of seniority in the Public Service and making competition for jobs in the Public Service based on what are described as meritocratic consideration based on merit rather than on seniority. Of course, the ethos of seniority is more consistent with a civil service operating in a colonial environment, than a Public Service operating in an independent environment.

We have the problem of discontent over promotions and the Public Service Act sought to deal with this issue by putting most of the jobs in the Public Service at the disposal of people who want them as long as they satisfy the qualification requirements, but has opened those jobs to competition and, of course, may the best man win.

In trying to solve that problem, certainly over the last two years, another problem has been created, because persons acting in positions for periods of time who know their jobs, who have not had complaints about the quality of their performance have found themselves in a position where when the hour for promotion has come, they, in many cases, do not qualify for those promotions because the Qualification Orders, and the one to which reference is made most frequently, the Civil Establishment Qualification Order of 2001, that Order and any amendments to it since 2001, have now put most of the jobs in the Public Service gettable but only on the basis of prescribed qualification.

Sir, experience is not discounted but it does not have attached to it the weight that was the case before the passage of the Act, and before the putting into place of that Civil Establishment Order, so there is much discontent in the Public Service today as a result of that new reality.

Sir, many a Government department is honeycombed with disaffection, as a result of the fact that people who know their jobs, who have done them for a long time, are frustrated in their attempts to get promotion because of the fact that they do not possess paper qualifications.

H52 15.40 p.m. Sequence 28

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House A53, Sequence 29, 3.40 p.m.

Hon. F. J. STUART: What happens as the result, is that after persons have been appointed into those jobs, the people who did not qualify had to turn around and teach the persons who have got the jobs to do the work, and that has been a sore point in Barbados and in the Barbados Public Service for some considerable time now.

Mr. Speaker, that issue is not being tackled by any of the Amendments before the House today, but let the word go forth that it is an issue of the gravest concern to the Government. We have been discussing it quite intensively because the fact that there is this undercurrent of dissatisfaction and also, in some cases, a premature exodus, a very useful talent from the Public Service as a result of this, is a matter of concern to the members of this regime.

We understand what the Act was trying to do but in trying to solve one problem, it has created another, and this is not another way of saying that we do not think that people should try and get qualifications. The truth is that a lot of the people who are being asked to go and get themselves qualified have been out of studying for so long and making that adjustment to the classroom again, howsoever configured, has been a very big challenge and they have preferred in some cases to leave the Public Service, or to stay in the Public Service and remain disgruntled, but that cannot be a healthy situation in circumstances where the focus of a public service should be on the generation of ideas, the use of imagination and, of course, the pursuit of innovation for the benefit of the country at the economic, social and political level.

Mr. Speaker, that challenge has been compounded, I think, by another feature of the Public Service Act of 2007, which has left many a public servant with the view that the Act has introduced something called a three-year rule where, as long as you have acted in a position for three years, you are entitled, ipso facto to appointment in that position. I have to disappoint all the people in the Public Service who feel that way by letting them know that there is no such thing as a three-year rule.

Section 13 of the Act makes clear that rule was limited to persons who were acting for three years or more at the commencement of the Act in 2007. It is not an omnibus right of people in the Public Service as long as they have been acting in a position for three years or more, to lay claim to entitlement to appointment to the positions in which they have been acting. This is another feature of the legislation that has troubled many persons in the Public Service, since the passage of it in December 2007.

I received letters from people. I know the Minister with responsibility for the Public Service, the Prime Minister has been badgered by correspondence from many quarters, people inquiring why they cannot get appointed even though they have completed the three years acting, but the legislation makes it very clear that the right to be appointed is restricted to persons who were acting in those positions at the commencement of the Act.

I hope that clears up the issue and that people will adjust themselves to living with a different reality, rather than relying on that fiction which, of course, only breeds

frustration when the truth is ultimately revealed. Sir, as the Public Service relates to itself, these are some of the issues that confront public servants from day to day.

Sir, an organisation as large as the Barbados Public Service will necessarily generate its own internal challenges, its own internal conflicts and produce its own internal tensions. For example, who among us does not know of situations where in ministries, a person who is going off on leave will know that the person who is to act for him can only get paid if he goes on leave for a specified period of time. He will apply for leave just one day short of that time sometimes, in order to ensure that the person who is going to act for him does not get paid.

I speak from a pinnacle of authority in this matter because I have known persons who have done it deliberately to ensure that the person who is to act does not get paid. It is really a form of punishment.

My own view is that, the powers that be in those circumstances, should not allow that kind of situation to obtain but that justice should be done in all of those cases. I do not think people should be allowed to behave that way. I think it is quite frankly meanspirited to stoop to those levels, rather than to build an atmosphere of camaraderie and cordiality with your colleagues in the Public Service. Sir, these are some of the issues that exist between and among public servants, as they relate to one another from day to day.

What happens when the Public Service relates to members of the public? Now, as I have said earlier, we have inherited an unjustifiably negative attitude to the Public Service, compared with the private sector. John Citizen sees nothing wrong with going into a commercial bank, an insurance company, or some other business place in the private sector and standing in a queue for as long as he is required to do so, in order to secure the services which have been the reason for his going to that establishment.

Sir, if he has to do the same thing at the Land Tax Department, the Licensing Authority, or the Welfare Department, the complaint usually is that the Public Service is inefficient. Sir, different standards are applied to judgment of public servants, as against people working in private establishments and that is an attitude which we have to change.

As I said, the focus of people in the private sector is quite different from the focus of people in the public sector. The focus of the public sector is really on national service and they have a versatile range of challenges to face, a versatile range of obligations to discharge, quite different in substance and in kind from those to be performed in the private sector. The objectives are social and not limited to

what will benefit shareholders only, therefore, this negative attitude I think has to be confronted.

House A53, Sequence 29, 15:50:08

Tuesday, January 12, 2010

Hon. F. J. STUART: As a Government, we are determined to do our part to ensure that public attitudes to hardworking people in the Public Service is softened so that the public servants of this country can get the kind of respect to which we think them justly entitled because they work very hard.

Mr. Speaker, I believe that in any organisation there will be the Jones' and I do not think that the Public Service is any exception to that. Generally speaking, in the Public Service of Barbados, you have some of the hardest and most committed workers to be found anywhere in this Region and I think that we are under an obligation to accept that fact. It would be churlish to deny it. Mr. Speaker, I think that decency imposes on us an obligation to help the public to better understand what our public servants are doing and how they, by their attitudes, could help them to do even better.

Mr. Speaker, an interesting component has come into this equation, if I may call it that, in terms of how members of the public evaluate our public servants. Mr. Speaker, there has been in recent times in Barbados the return of a large number of persons from Barbados who emigrated to the United Kingdom, the United States of America, Canada and other more developed countries who have worked in those countries for many years. They obviously have been exposed to different standards because those societies are wealthier, more developed and differently organised from how our own society is organised.

Mr. Speaker, now that they have come back home, they have found that they have to relate to a different set of standards from our public servants which are different from those to which they have accustomed themselves from living in metropolitan capitals. In many situations that has led to a certain amount of impatience with what they have been experiencing locally.

Mr. Speaker, they do not hesitate to let you know that if they were living in England, Canada or the United States of America what they could have gotten done as against what has happened to them here in Barbados. Mr. Speaker, that is understandable and they must not be criticised for that because they have been exposed to those standards for as many as 30 or 40 years. Mr. Speaker, there is a certain culture shock coming back to a society where you have to accept substantially less than what you were accustomed to for sometimes four or so decades.

The point has to be made, Mr. Speaker, that Barbados is only 43 years old as an independent nation and you cannot wash away the effects of over 300 years in the short time span of 43 years. Many of the institutions and many of the practices of which some of our citizens complained when they returned here are here with us as a result of the very countries from which they have come, particularly the former colonial power of Barbados.

Mr. Speaker, sometimes we are always told what our Laws should be saying and what needs to be done to make sure that we bring ourselves in line with what is happening in those societies and, sometimes, one has to explain to them how expensive in terms of actual dollars and cents issues like law reform are.

Mr. Speaker, it has to be explained to them very often that we are how we are because of what was bequeathed to us by metropolitan powers and that they are how they are because of what they were able to take from us as colonising powers. That is a conversation that must take place between those persons who are returning to us after living abroad for a long number of years and ourselves.

Mr. Speaker, we cannot be expected to be judged on the same basis as the United Kingdom, for example. British recorded history, I believe, dates back to 1066 when William of Normandy defeated Harold, I think at Senlac Hill. British society has developed over that 900 years. Barbados, as an independent nation, is just 43 years old struggling to throw off the effects of a long colonial experience, and therefore to judge our Public Service in the same way and by the same standards as the Public Services of metropolitan capitals is really to fly in the face of historical evidence and in the face of historical truth.

Mr. Speaker, the public's perception, whether of persons actually living in Barbados who have never left to go anywhere, or in respect of persons returning to Barbados having lived abroad for a number of decades, must change but it cannot be changed by our shouting at people. It has to be changed by explaining to them the dynamics that help to shape what this society is at the present time and how our Public Service reflects the social realities which we have inherited.

Mr. Speaker, there is the relationship between the Public Service and itself and there is the relationship between the Public Service and the public. Mr. Speaker, nothing that I have said is intended to suggest that the Public Service does not owe an obligation of high quality service to the people of this country. The public has a right to the courtesy and to the proper service of all of our public servants in this country.

There are some departments upon which the poorest sections of this society rely daily and sometimes just a smile or just a soft answer could make a world of difference to some person seeking the help of one of these agencies. It happens around the Magistrates' Courts where mothers go to get maintenance. Sometimes that mother leaves home confident that the delinquent father whom she had to put in Court has left money there for the maintenance of her child and when she gets there, and there is none, you do not expect her to smile and chant a psalm, she will be angry. Therefore, one has to understand that the public servant in some cases has to absorb that and not retaliate or repay the angry mother in kind.

Mr. Speaker, Departments like the Welfare Department and the National Housing Corporation have to similarly understand. When people go to those Departments, they go to them very often at their highest level of vulnerability and the wrong answer could push them over the brink so it is very important that people in those problem-solving areas understand their obligation to members of the public.

Mr. Speaker, there is also the relationship between the Public Service and the Government.

House A52 Sequence 30

4.00 p.m.

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Hon. F. J. STUART: Mr. Speaker, as I have explained, because of historical facts and historical reality, there is necessarily, a creative tension between the political arm and the administrative arm of Government. I have made the point earlier, which I repeat now because I think it is very important, ministerial Government is only 55 years old in Barbados but the Public Service official experience dates back to the better part of 300 years.

Mr. Speaker, there is necessarily tension. Politicians relate to an electoral cycle, while public servants are aware that they do not have that challenge. In fact, over the years, some public servants have perfected the art of letting you know: "You came here and found me and you are going to go and leave me. I have seen many of you passed through here in my time."

Mr. Speaker, the foci are different. There is necessarily that creative tension between sides, but the two sides cannot necessarily do without one another. Politicians need the Public Service. Sir, I see the Honourable Member St. Michael South chuckling because he understands what I am saying. The politician's challenges in relation to the Public Service have to do with the fact that he or she wants to accelerate the delivery of Public Services but the public

servant, very often, wants to make sure that he or she gets things right, that he or she follows the correct procedures, that he or she makes sure that the file passes on all the desks that it should, before a decision is made.

Mr. Speaker, the public servant is not to be blamed for that. That is the system he has inherited. He did not make the system himself. Sir, over time it is the obligation of the political directorate to dismantle as much of that system as possible, so that the delivery of services is accelerated to the public. That, of course, has helped to explain why historically there has been a tendency to establish more and more statutory boards to remove critical services from the mainstream Public Service, so that the political arm can then exercise a little more control and accelerate the delivery of services.

Mr. Speaker, some time a study would have to be done on how effective this hiving-off of departments and creating statutory boards have been. We have been discussing the Barbados Water Authority and its challenges in recent times, and there are other statutory boards. We all know when instead of a Barbados Water Authority, we had a Water Works Department as part of central Government. Around 1980, I believe, the Barbados Water Authority was created. It was thought that if you hived it off and give it its own mandate, that it could become much more efficient than was the case when it was part of the general Public Service.

A study will eventually have to be done on the extent to which that strategy over the last 40 years has succeeded and to what extent the public has benefitted. I believe in a debate recently, I drew attention to the fact that in the area of housing, we passed from a Housing Board, around 1936, to a Housing Authority, and now to a National Housing Corporation. Sir, all three of them have had the same challenges which is the inability to match supply with demand. Therefore, there were sources of irritation to the public in greater or lesser degree.

Sir, these are issues that we have to look at and try to manage for the benefit of the public.

Mr. Speaker, the relationship between a Government and the Public Service has to be one based on understanding. That understanding must be that the two sides have not just different foci but that they have different existential realities as well, the politician relating to an electoral cycle and the public servant making sure, as some would want to tell you, that they do not have to give evidence in any commission of inquiry. Therefore, the public servants would want to make sure that things are done in the correct way, that rules are followed, that precedents are respected, so that objectives can be achieved.

Mr. Speaker, I have given all this background because I think it is important at the level of a politics of explanation for both members of the public and members of the Public Service to understand the relationship between the Public Service and the political arm of Government. Sir, that is the background against which the Public Service Act was passed. The long Title states:

“An Act to revise and consolidate the Law relating to the administration of the Public Service for the purpose of achieving greater efficiency and effectiveness in the management of that service; and

a. for matters related thereto.”

Mr. Speaker, time will tell the extent to which that objective is achieved but certainly in the short-term, the Act has created some problems which the Government has thought it necessary, after consultation with the Ministry of the Civil Service, to amend the legislation to take care of some of the more urgent problems.

Mr. Speaker, Honourable Members have had, since August last year, copies of the Bill with the necessary Amendments or the intended Amendments and I want to assume that Honourable Members have read it and are clear on what the Government intends by these Amendments. Sir, for example, the Act makes provision where acting appointments are concerned, that a three-month's period should be the maximum period for which an acting appointment should exist.

Sir, prior to the Act, it is my understanding that for acting appointments, people got letters saying until further notice. In some cases, acting appointments were certainly for much longer than three months. Sir, this legislation has, in its First Schedule, made provision when filling short-term vacancies of not more than three months, that persons would not have to go through the competitive process of interviewing.

Sir, acting appointments, therefore, in temporary posts are for a period of three months. At the end of that three-months' period, if the acting appointment is going to go on, you then had to go through the same procedure again. Sir, it was a never-ending cycle.

H:No.A52(31)4:10 p.m.

Tuesday, January 12, 2010

Hon. F.J. STUART: Mr. Speaker, the Personnel Administration Department faced insuperable challenges. In fact, the challenges faced have been described as some kind of nightmare because the turnaround time was so short, the three-month period, that it put unnecessary pressure on the public servants in the Personnel

Administration Division, short as they are of the necessary resources to cope with that kind of turnaround time.

It created other problems as well and we have heard these anguished screams from many persons working in the Public Service, who claimed that they worked and have not been paid. In fact, we heard from the Honourable Member for St. Thomas a complaint of that kind because of these short-term appointments.

Mr. Speaker, the Government has taken the position that the turnaround time available for dealing with the filling of temporary vacancies should not be three months anymore, but should be increased from three months to 12 months. We do not think that this is going to solve all the problems. What we are certain about is that it is going to reduce the more critical problems faced by the Personnel Administration Department and also the critical problems faced by those persons who are hurt by this short turnaround time, especially when it affects their capacity to get paid and so on, and when the whole Smart Stream process collapses around this three-month period. Sir, that is, for example, one of the more important amendments contained in the legislation.

Mr. Speaker, we have also tried to clear up the definition section of the legislation, for example, by defining certain phrases and words not previously covered in the legislation. We are defining phrases like “code of discipline”, “days”, “Head of Department”, and redefining the expression “Permanent Secretary”, and inserting a definition of “Public Service Appeal Board”, and making the definition of “Public Service” clearer. The existing definition of “Public Service” for example, states that “Public Service” shall not be construed as including service in the office of a member of any Board, Committee or other similar body, whether incorporated or not, established by any Law enforced in Barbados.

Mr. Speaker, “Public Service” or “service” means the service of the Crown in a civil capacity in respect of the Government of Barbados but shall not be construed as including service in, and at (c) it says: “The office of any Board, Committee or similar body whether incorporated or not established by any Law enforced in Barbados”.

The Amendment is intended is to put the issue beyond doubt by not only saying “the office of a member of”, but it includes the holder of an office of any Board, so that we are sure that statutory boards are completely excluded from the ambit of the definition of “Public Service” and, of course, we are defining the Public Service Appeal Board and so on.

Mr. Speaker, as I have said, I am assuming that Honourable Members have read the legislation, are clear on what the amendments are intended to do and when the

House goes into Committee on the Bill, one will spend a little more time on some of these issues.

Sir, the Government has certainly considered it necessary to bring this legislation at this time and to amend the legislation at this time because of hardships complained of by those who have to work the legislation.

Mr. Speaker, one of the interesting features of this piece of legislation is that the Government that passed it never had to work it. It was passed in December 2007, and by January 2008, the Government that passed it was gone, so it was a kind of poisoned chalice from which the Government had to sit and we, therefore, can speak with some authority with what working the legislation has meant.

Sir, the Office Head of the Civil Service is now being designated, in writing, in the statute. In the Office of the Head of the Civil Service, not previously was that so, but as a result of the amendments we are doing now, the Office of the Head of the Civil Service will now be designated, in writing, under the legislation. The Head of the Civil Service, of course, the office was mentioned in the Act and the Head of the Civil Service has specific functions under the Act and what we are doing is ensuring that the office is now designated in writing.

Mr. Speaker, this is not the last work I will have on this legislation. I just thought one had to give a background and to deal with some of the more salient aspects of the Bill.

Mr. Speaker, insofar as the Constitution Amendment is concerned, as I have said, the Public Service Appeal Board is now being defined in the legislation. Provision is made for it in the Public Service Act and provision is also made for it under Section 98(a) of the Constitution and because its membership will be at peace with the members of the Service Commission and so on, amendments will be done to Section 98 of the Constitution to bring Section 98 in line with similar provisions in Part II of Chapter 8 of the Constitution.

Mr. Speaker, with that background, I look forward to the views of the House on these amendments and the views of the House on the Public Service and its role in this society in general.

Mr. Speaker, these Amendments, as I have said, are Phase I in a set of amendments which have to be done to this legislation. There are certain obligations that the Government has had to carry out under the legislation. These obligations related to the provisions of Section 13 of the Act, which have to do with the right of certain people to appointment as a result of acting in positions for three years or more at the commencement of the Act.

H/A52/16:20 Sequence 32

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Hon. F.J. STUART: We are the tail-end of discharging that responsibility. Once we have discharged that responsibility fully, there are other features in the legislation which we will have to address in order to ensure that the Public Service of Barbados is not disadvantaged by the provisions of the Law governing their rights and responsibilities, and their ability to discharge their duties to the public in this country.

Sir, against that background, I beg to move that the Public Service (Amendment) Bill, 2010, be read a second time.

I am obliged to you.

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

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

Mr. D.D. MARSHALL: Mr. Speaker, the Honourable Attorney-General has spent much of his time on the Floor this afternoon, treating this Chamber to perhaps an exercise in education. It is perhaps his style to speak in a manner that befits a teacher. I do not know if he was ever in the teaching profession. I know that at one point and time he was, I think the word used by the Honourable Member for St. James North was "sarcadotal".

Asides.

Mr. D.D. MARSHALL: I believe everyone in air shot honestly welcomed that trip down memory lane and the things that would have gone along with it, but I fear that those of us who expected to hear word of the terrible things that the Barbados Labour Party brought on the Public Service in December 2007, are left disappointed. We have heard that this represent the first of a major transformation of the Public Service Act that we passed back then, but when we look at what is before the House, we must expect to be disappointed in the same way.

Normally, but we must not tell the Government what to do, if you are going to tackle something like this, we assume that you would tackle the most grievous elements first, so when we received the Bill we expected that the matters here would have been the more grievous ones that were going to be put right. Sir, what we see though is the very opposite happening. This piece of legislation that is brought before this Chamber for passage this evening is perhaps 99 per cent cosmetic. There is nothing wrong with that.

It is part and parcel of any Parliament's life to revisit legislation to tidy up things. Sometimes you tidy them up with law reform, sometimes you come back and you bring a Bill to clear them up to clarify definitions. It is the history of the legislative cycle, but the Honourable Member, the Honourable Attorney-General, I would respectfully submit, has neglected to discuss with this Parliament and this country significant elements of this Bill that in no submission stands itself, if passed, to not only wreck havoc in the Public Service, but also to connect by its very nature a grievous wrong.

I want to start this evening by reminding the Honourable Members of this Chamber that the Barbados Labour Party has effectively taken the Public Service to our bosom during the last fourteen years of our administration. Sir, when we came to Government in 1994, we immediately set about amending the Constitution to prohibit any Government from cutting public servants' salaries. That was the first thing we did. We put that beyond doubt and we restored to the public servants that sense of pride and commitment that they had lost under the Democratic Labour Party.

Sir, we did not stop there. We recognised that there was an individual working for the Government who was described as a casual worker. The word "casual" is specific in meaning. Under the terms casual workers were employed they could be dismissed with a day's notice. There was no doubt in our mind that any Government that intended to signal a commitment to the transformation of the lot of Barbadians had to address this issue, and we set about immediately abolishing the concept of a casual worker and making those casual workers public servants giving them the security of tenure that successive Administrations, either through neglect or through a decision not to, we gave them something that they did not previously enjoy.

Sir, our Administration felt that Public Sector Reform was going to be central to the developmental path of this nation, and we established a whole department whose responsibility it was to see to the reform of the public sector.

Now I started by mentioning those three items to remind this Chamber and Barbadians that the record of the Barbados Labour Party in dealing with servants of the Crown is unmatched, and is a record that any administration could be proud of, but we knew that the agenda was not complete.

Sir, 14 years in Government allowed us to have a clear appreciation for the continued difficulties that many public servants continue to feel, notwithstanding those initiatives we took in order to improve their lot. This matter of acting appointments for extended periods of time was

one that we felt had to be brought to an end. It represented for us the worst of any employees human relations approach and we felt that we needed to bring an end to the idea that an individual could be in a Public Service for 20 years or more, and be acting as a Senior Administrative Officer but had as their substantive post a clerical officer, or a clerk typist at the bottom of the scale. We also understood that the effect of having an individual act in positions for extended periods of time served to stifle the legitimate expectations of promotion for other individuals.

I believe that an example of how it operated would be useful.

H52 16.30 p.m. Sequence 33

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House A53, Sequence 34, 4.30 p.m.

Mr. D.D. MARSHALL: It was not unknown, Sir, that in the Public Service you could have an individual acting in a position for many years but is unable to receive an appointment to that position, because the substantive holder of the position in which he is acting is himself acting in a higher position and cannot be appointed.

Sir, if you cannot appoint the higher individual to the position in which he is acting, then it means that no vacancy occurs at a lower level, in which the individual who might have been acting for seven to 15 years could now be appointed.

We also recognised, Sir, that as a Government we had an obligation to bring certainty to such issues. We, on October 29, discovered in the local media that the now Government, the Democratic Labour Party then in opposition, felt the same way. In fact, the Honourable Member for St. John, the Prime Minister, at a meeting in Canada on either October 28 or 29, 2007, spoke to the Barbadians in Toronto and told them that if elected, a Democratic Labour Party Government promised faithfully to appoint any public servant who had been acting in a position for two years. Perhaps the Prime Minister on that occasion when he spoke may have made his position a little clearer.

Is it that a Democratic Labour Party Administration would appoint any individual acting for two years at any time, so that if you started in a position now and then you acted in this position from January 13, 2010 until January 13, 2012 that you would be appointed automatically? The Honourable Member for St. John did not say on that occasion.

Is it that the Honourable Member for St. John would take the approach we took that, at a particular date you

would, if you had been acting for three years, have been appointed? We do not know and we may never know but the point is that the principle is one that clearly would have had the support of the Democratic Labour Party in Opposition and in Government.

Mr. Speaker, our approach to this issue was predicated on greater efficiencies being brought to the Public Service. Our approach was one where we felt that the Ministry of the Civil Service could be made to function at a far higher level and be able to turn around things in three months.

In fact, Sir, while we appreciate that a lot of paper work and things had to be done, we felt that it was important that the individuals who were working in the Public Service, not be made the victims of the inefficiencies of the Ministry of the Civil Service, but that the Ministry of the Civil Service should recognise that it was there to serve the needs of the administration, and the needs of the people whose interest it protected as a Ministry.

The approach of this Administration is the opposite. It is burdensome, so we will give them more time to do it. That is one option. We preferred the option which, in our view, would have seen the reform of the Ministry of the Civil Service, Sir, so that in today's high tech environment, things could be turned around much faster, in relation to acting appointments, and in relation to people getting their salaries.

We know that there is no Three-year Rule. We never said that we were going to implement a three-year rule. It was always clear in our minds that effective on a particular date, all of those individuals who have been acting for three years would be appointed, Sir, but our focus was to ensure that going forward, we no longer had this accumulation of individuals acting in appointments after appointments, after appointments, piling up on each other, so to speak.

In our view, there was a point at which we had to draw a line in the sand and say this must be a thing of the past, and that was our approach. We believe it is the approach that is the right approach for the public. Sir, whatever the history, whatever analysis the Attorney-General wants to put on it, we have concerns about some of the elements that are here.

The Democratic Labour Party when in Opposition said, two years. It was a promise made to Barbadians but somehow, Mr. Speaker, we do not see any two-year amendment in this Bill. Where has the promise gone? Would the Attorney-General tell us where the promise that was made by the Honourable Member for St. John has vanished? He said he was going to do it within two months,

and we are now two years later. We have a Bill to amend, the subject of the legislation here but no two-year rule.

Sir, no doubt, that promise has gone to the same place as the promise of the duty-free cars, the promise for integrity legislation, the promise for new agricultural holdings' legislation and myriad other promises. Sir, we are here to deal with it today so the public is entitled to ask why is their two-year rule not before this Parliament.

Mr. Speaker, there is something that the Attorney-General...I do not know if it is expedient for him not to touch on it or perhaps it just slipped his mind, but there is a clause in this legislation, Sir, which we are horrified to recognise today is being repealed. Mr. Speaker, we have always felt that the Government has an obligation to all of its citizens and while that might be obvious, individuals who have convictions are citizens too and are entitled to benefits and accommodation from the Government.

It is axiomatic, Sir, that the individual had a conviction and by the time he has paid his fine, or has served his incarceration, the term we use for it is that he has paid his dues. I think we were all pleased to see a new story, I think in the Sunday Sun, which talked about individuals paying their debt to society and being brought back into the society as productive citizens.

Our position has always been that Government must be an employer of last resort for those individuals who have convictions, who might have had a brush with the Law, however slight, but such brush putting them, Sir, beyond the consideration of the private sector. We feel and we have always felt that is a fundamental pillar on which any Government must stand.

Asides.

Mr. D.D. MARSHALL: Sir, we passed the Rehabilitation of Offenders legislation which allowed for the expungement of an individual's record, but a certain amount of time must pass before that record could be expunged. I believe that the Minister of Public Works would acknowledge the fact that among the many individuals classified as labourers and general workers in his Ministry, are individuals with convictions.

House A53, Sequence 04, 16:40:05

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Mr. D. D. MARSHALL: The Attorney-General had a chance to make his point. Sir, what is the signal that is being sent? Historically, when you had casual workers, they were not deemed to be public servants and, therefore, the prohibition against employing an individual with a conviction did not relate to them so they could be hired.

When we moved them from casual workers to make them public servants, or public officers, that prohibition would stare you in the face and we, therefore, felt that it was important to signal in the legislation that we passed in December that thenceforth the Public Service of Barbados would have been at liberty to employ individuals who have convictions. I think that was Clause 13. That was our philosophical standpoint then and it remains our philosophical standpoint now.

Mr. Speaker, what is being done in this legislation is that the enabling Section of the 2007 Act, which signalled to the Public Service Commission that they could employ individuals with convictions, is being repealed. What signal does that send to Barbados? Government has an obligation to give an individual who might have had a brush with the Law an opportunity.

Sir, I have the experience of an individual in my Constituency who was charged for shoplifting. That individual went to Court and pleaded guilty with an explanation, but it was entered as a guilty plea. Mr. Speaker, it was reported in the newspapers and the individuals at the Ministry of Transport and Works referred it to the Ministry of the Civil Service and this lady was interdicted and removed from the Public Service. Sir, there is no doubt in anybody's mind that an individual who is guilty of embezzling funds could hardly be put to work in the Treasury, or an individual who is guilty of certain kinds of acts of dishonesty in sensitive areas. Mr. Speaker, that somebody who debushes the sides of the streets of Barbados could find themselves prevented from finding employment in the Public Service or an individual who may have exchanged high words with a policeman... There are communities that we know of, especially urban and peri-urban communities, where individuals who have families have had a brush with the law. I want the Attorney-General to tell us what his Government's stance is on this issue.

Mr. Speaker, from our reading of the Law, the particular Clause 3(3), which is found on page 32 of the substantive Act of the First Schedule says that the Services Commission may recommend the employment of a person who has a criminal conviction where it is satisfied that the person with a criminal conviction is suitably qualified and is otherwise a suitable candidate for employment. Mr. Speaker, that was our position.

Hon. F. J. STUART: On a point of order. I do not want to interrupt the Honourable Member but he said he wants me to say what our position is. The Honourable Member is misleading the House in terms of what he is representing the Government's position to be. As of now, there is no requirement for anybody seeking admission to the Public Service to say whether he or she has a criminal conviction.

You fill out a form, you have to get two testimonials and name two referees. Therefore, all the Government has said is that if it is not an issue at the level of recruitment, why put it on the agenda. It has never been an issue. The Public Service is functioning, so just leave the issue out because there is no requirement now to say whether or not you have a criminal record.

Mr. SPEAKER: Very well. Yes, Honourable Member for St. Joseph.

Mr. D. D. MARSHALL: Mr. Speaker, this is not the United States Navy or Army where you operate on a don't ask, don't tell basis. If my learned friend, the Attorney-General, is categorically stating that under his Administration they support the employment by the Public Service of individuals with convictions where it is appropriate to do so, then let him say so.

Mr. Speaker, one has to wonder how it is that an Administration in its legislative programme signals to the Public Service that it takes a tolerant and permissive view on an issue yet still in a piece of legislation, which the Attorney-General has said is being brought to transform and to right all manners of wrong, could come in a Clause today and say that paragraph 3 is being deleted.

We have given a permissive Section which gives the Public Service the discretion so we have put it beyond any doubt. Under our Act there can be no doubt whether an individual could expect to find employment even though he cursed a policeman in Nelson Street. Now we are being treated to a facile argument that there is nothing on the application form which requires you to state that.

I wonder, Mr. Speaker, if, notwithstanding that there is provision on the application for such a thing to be said... Barbados is a small country and what happens if somebody on the interview panel, or one of the officers sees this particular application and happens to know that Joe Blow has a conviction for cuffing somebody outside of Parliament one evening.

Asides.

Mr. D. D. MARSHALL: It might have been reported in the Nation newspaper. Our point is that we feel that it is important for Government to set the tone and Government is choosing to signal to Barbados the tone that it wishes to set. We believe that this moves away from a fundamental obligation of any Administration. It is not just the Ministry of Transport and Works, the Sanitation Service Authority or the National Conservation Commission. There are many Government Departments where individuals at the low level have had brushes with the Law. There may even be some Parliamentarians, but the point is that the Government has to set the tone.

House A52 Sequence 35

4.50 p.m.

Tuesday, January 12, 2010

Mr. D. D. MARSHALL: Mr. Speaker, we have put in our Act what that tone should be, what the citizenry of Barbados is entitled to expect of its Government but the Democratic Labour Party has come to Parliament to tell you and me that the provision that we put in is being repealed or deleted.

Sir, the Honourable Attorney-General did not even treat a single Member of this Honourable House with the courtesy of an explanation why this was being done. Sir, time will tell, but I have highlighted to this Honourable Chamber an individual who, when the Public Service became aware of a minor charge against the individual, found himself drummed out of cutting bush from in the Belle.

How much different would it be for an individual who has had a slight brush with the Law, who is seeking an opportunity to redeem himself to support his family? How much different treatment can those individuals expect from Government? Mr. Speaker, the public of Barbados cries out for a clear statement on this matter from this Administration and from the Attorney-General.

Mr. Speaker, there are other issues which arise. We felt and still feel that we need to take a modern and practical approach to the appointment of individuals to office but that we first had to begin by recognising that a surfeit of temporary posts was not a good thing. Therefore, to ensure transparency, we were prepared, as a Government, to commit to a situation in circumstances where a temporary post was being created, that post had to be done by Order.

We also felt that temporary posts should not be for a period in excess of three years. We understood then and still do, the importance of a Government having some flexibility, but flexibility can be carried too far. Sir, we know of instances in which flexibility has operated to the disservice and disadvantage of members of the Public Service.

Mr. Speaker, this requirement to create the position by Order is being removed. In our view, it represents a clear assertion by this Administration that they should create temporary posts and appoint people to those posts without a requirement of transparency. We felt that though we were the Government, it was important in our dealings to be held at some kind of higher standard. Sir, transparency is one of those norms that are applied today.

Mr. Speaker, this Administration is removing the obligation of the Minister to create, when he or she does, these posts by Order. Sir, these posts can now be created by the Minister. There is no requirement by Order, he can just create them. Sir, all this does is to keep us mired in a situation that we felt we should be moving ourselves out of.

Mr. Speaker, what is interesting is that when we were bringing this legislation to Parliament, we had the Public Service working on it for many years. There were meetings with the Social Partnership. There were meetings with the Trade Unions. There were meetings with the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB). Sir, in fact, some of the provisions that are being deleted today represented the positions that were commended to the Government by the Congress of Trade Union and Staff Associations of Barbados (CTUSAB).

Mr. Speaker, in the Act, Section 13.13 talked about the Governor-General being able to make adjustments to the increment of officers, where anomalies arose by virtue of the requirements for appointing. That was canvassed by the Congress of Trade Unions and Staff Associations of Barbados (CTUSAB). They said they could not support it, except we made this provision.

Sir, we felt then that it was a good thing to do because anomalies arise and you have to have a mechanism to right those anomalies when they happen. It was possible that this legislation could have, in one or two cases, operated to the detriment of individuals and this Clause 13:13 was cried out for by the Congress of Trade Union and Staff Associations of Barbados (CTUSAB).

Mr. Speaker, I have not heard of any consultations with the Congress of Trade Unions and Staff Association of Barbados (CTUSAB) in relation to its repeal. The Honourable Attorney-General has not treated this Honourable House to an appreciation of what the position of the Trade Unions happens to be in relation to these changes. We know we went through that entire process with the entire Social Partnership. Some of the meetings were intense, some of them were very cordial but we hammered out a piece of legislation that we were satisfied had their full support.

Mr. Speaker, in some respect, that support may have been critical, but when we brought this Bill before Parliament, they gave it their support. Sir, what is happening today? Today we are being told that this is the first of a total transformation, but we have not heard of any consultations with anybody. All we have heard is that we have passed a piece of legislation and that we did not get the opportunity to see it worked and that the people who have seen it worked are now coming to make adjustments.

Mr. Speaker, in relation to the matter of appointments, we understand that a strange thing has started happening. We understand the Government is saying they are going to make appointments, but that they are going to do so on a probationary period. Sir, the legislation is clear. The individual has an entitlement by statute to be appointed, so I want the Honourable Attorney-General to let us know what is this policy about appointment on probation.

The legislation says clearly that you are entitled to be appointed to the post, but we understand that some people are appointed without more, but others are appointed on probation. If that is the case, Sir, it represents a clear departure from the Law. The Law gives an entitlement to be appointed and that entitlement is operating on the basis that you have been acting in a position for three or more years. If you have been acting in a position for three or more years, how does an administration now justify giving you this thing called an appointment on probation. Certainly, Sir, the three years that you would have been acting would have been more than enough probationary period.

Mr. Speaker, I would be very happy if the Attorney-General could tell me that the information we have received is incorrect but, knowing the Attorney-General to be as thorough as he has always been, I believe he would have checked the information that we have received. Sir, our clear understanding is that individuals are being appointed on probation.

Mr. Speaker, we do not know what else is in store in terms of the transformation but I feel that I need to signal to this Honourable Chamber that we will not be supporting this amendment, neither would we be supporting the constitutional amendment that is a partner to it. We feel that at the very least Government has to honour a commitment to those individuals in our society who need to be given a second chance.

5.00 p.m.

Tuesday, January 12, 2010

Mr. D.D. MARSHALL: We feel that Government must commit to transparency in relation to the creation of temporary positions. We feel that the Government must hold fast to the idea that individuals who may have been prejudiced in some way by the legislation still have an opportunity to have that prejudice remediated by the action of the Governor-General, a position that was argued for by the members of CTUSAB in the meetings.

Mr. Speaker, we are also concerned about the provision which allows the appointment of individuals for a period of 12 months. Sir, in the legislation, we provided

that you did not have to follow the recruitment code if you were employing somebody for a period of three months, or if you were going to be making an appointment of somebody from within the Ministry or the Department.

The Attorney-General said they opted for a 12-month period because they found it more efficient and that it is easier for the public servants to work with. Sir, at the heart of this is an obligation to reform the Public Service starting, perhaps most importantly, with the way in which the Ministry of the Civil Service works.

Mr. Speaker, we know that we continue to be plagued by challenges in the Ministry of the Civil Service. The Honourable Member for St. Thomas spoke in an earlier debate about individuals who were not receiving their salaries in a timely fashion at the Prisons and we were able to get that brought down to a period of no more than 30 days, but we understand that it has now gone back up to six months.

Asides.

Mr. D.D. MARSHALL: Mr. Speaker, the point is that we have always felt that we needed to reform the Ministry of the Public Service so that these issues could be dealt with. The solution is not to push the goal post further away; the solution is to meet the challenge and fix it but as long as you push the goal post further away, you allow individuals to suffer for a longer period of time.

Mr. Speaker, we look forward to hearing further views of the Government on these issues. We also look forward to whatever else may come along the way as a transformation of the substantive Act, but we maintain now, as we did then, that we needed to reform the Public Service, we needed to make important commitments to the public servants and we feel that we did so in that legislation. Sir, it now seems as though a Government, a Parliament of today is very willing to resile from those commitments previously given in 2007.

Mr. Speaker, with those few words, I am obliged to you.

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

Hon. J.D.E. BOYCE: Mr. Speaker, Sir, I want to join this debate to make a short intervention on a rather important stage in the Government of the country and, as we listened to the contribution first, of the Honourable Attorney-General, as he set out the terms of this Amendment and then the Honourable Member for St. Joseph. The only thing that I recall the Honourable Member as saying, which was vital to the debate is that he felt that the Honourable Attorney-General was in the form

of a teacher whereas, in his case, there was certainly nothing to learn from anything that he had to say.

It was a typical attempt by the Honourable Member, even in the face of the stark clarification on the part of the Attorney-General or the correct legal position, as put by the Attorney-General, even in the face of this confirmation, the Honourable Member ploughed along, almost unaware that he had reached the end of the field, was prepared now to plough the marl-fill, the road, the highway, everything in his quest for attention.

Mr. Speaker, in my short two years in this Honourable Chamber, I have become accustomed to this sort of contribution, however, by the Honourable Member for St. Joseph. He is flowery in style and likes to use a lot of catch phrases that he hopes some day would attract the attention of the public or the front page of our newspapers.

Sir, the Honourable Attorney-General made the point that one of the traits of the 2007 amendment; one of the stark realities of the 2007 amendment by the Barbados Labour Party in Government was that it was an attempt to curry support of the civil servants of Barbados at a pending election.

Sir, that clearly did not work because despite what they say today, the facts will indicate that the treatment meted out to the civil servants of Barbados by the Barbados Labour Party, ably led, at the time, by the Honourable Member for St. Peter, who was the head honcho, along with the Honourable Member for St. Michael North East and all their cohorts, dealt a treatment out to the civil servants because of the fact that the civil servants remained in place, so they lived to tell the story. They lived to tell the story while they are out of office and they tell us the realities about the relationship between the civil servants and the Barbados Labour Party.

Sir, to come in here today and pretend they are holier than thou, that we are amending the Act to the detriment of the workers who work for the Civil Service of Barbados, is unfair, unreasonable and does not represent the facts as put in the Amendment.

Mr. Speaker, the simple facts, as put in the Amendment, are an attempt to deal with many of the niggling issues that continue to stand in the way of the smooth execution of the work of the Government along with the support of the Civil Service who executed the policy that is put in place.

Mr. Speaker, as the Honourable Attorney-General did, we need to pay tribute to the long and dedicated service by our public servants. Sir, this is not an evening to come in here and try to play games. It is to recognise the fact that we need to establish a relationship of confidence

between the political directorate and the civil servants, as we know them, the public officers as they are sometimes referred to.

H/A52/17:10 Sequence 37 Sequence 37

Tuesday, January, 12, 2010

Hon. J.D.E. BOYCE: Sir, we need to recognise that as things are changing in the way business is done in Government, the Public Service has to be innovative in its thinking.

Only recently we have had long discussions in the Ministry of Transport and Works about the fact that today's financing methods require innovation. We have to maintain the rule. We have to maintain rules of how contracts are acquired. I see the Honourable Member for St. George smiling because he is aware of the kind of things of which I am speaking.

We have to maintain transparency while, at the same time, taking advantage of the opportunities for private financing to come into closer and regular contact with public financing. They are the kinds of challenges which must play an important part in the thinking of the work of the public servant, today, as compared to that of the recent past.

Sir, in this regard, we also have to make sure that the officers in the Public Service are correctly and duly awarded for the work they do, that promotion can take place.

The Honourable Member for St. Joseph talked about smoothing the way for promotions and for the movement of officers up the scale of the Civil Service. These are not the facts. The facts do not support what the Honourable Member is talking about. The Honourable Attorney-General was at pains to point out the type of stifling that has actually occurred, and in some ways exacerbated in the execution of the amendments by the Barbados Labour Party in 2007, so we are not here to play games.

We are here too because some of the most important and niggling cries of the Public Service today, and that fact of these same temporary appointments and the ability to be paid on a regular basis. We contend and we put the case for the fact that the convoluted requirements under the three-months' stipulation has added to the problem. We are recommending that stipulation be removed and be substituted with a 12-month period. Therefore, the requirement to revisit the Ministry of the Public Service time and time again over the period of 12 months is removed. What is wrong with that?

Sir, yes, there are arguments that sometimes things can be done quicker if certain events were put in place faster. There is an argument that SmartStream, for instance, which I must admit we sometimes hear about, the fact that it stands in the way of easy and sometimes quick execution of payments, et cetera, but I contend that like most software programmes and most systems, the appropriate modifications can also be added to that system, along with the amendment that we are proposing today to bring about a more friendly and suitable relationship which will see the temporary officers being paid in a more timely fashion.

Sir, we speak to the way in which discipline is meted out in the Civil Service. The way that officers who come into conflict with the regulations- the way that the Public Service's image in the eyes of the public of Barbados whom they seek to serve is seen. No way is this more applicable than in the Ministry of Transport and Works. We acknowledge this as a real challenge and we acknowledge it as something we have to work at.

I do not believe that the amendments are complete yet, and as the Honourable Attorney-General said, we have to revisit these amendments by way of how do we manage this question of discipline. How do we manage the question of giving authority down the ranks of the Civil Service to persons put in charge? Everything in this Amendment speaks to the Head of the Department, for instance. In most cases, this is the Permanent Secretary and then certain Heads are stipulated in the amendments which are before us today.

Sir, even as we look at a Ministry like Transport and Works, there are some 13 Depots and five Skill sets operating in the country. We recognise that there is need for a divestment of authority to liaise with these subsections so they could effectively not carry out the mandate of the Ministry, but they could effectively manage the resources and take decisions without having to be referring constantly or all the time to a greater authority in the way that it has to be done now. We experience it every day, what we call the movement of files through the system, which prevents an easy flow of decisions from top to bottom.

Sir, I understand where the origins are. Remember there may be good reasons why we would have put things in place that everything falls to the feet of one person or two individuals, or the Financial Officer only. This may have answered one question, the question of, say, responsibility. Then, what about authority? We have people who are there making decisions every day, and I believe we have to give them the authority, along with the responsibility, to make some of these financial decisions and technical decisions out there "on the fly", as they, say without necessarily having to refer everything back upstairs.

I believe it contributes very seriously to the kind of bottlenecks that sometimes occur. That is why sometimes our projects not only in public works, but our projects in most areas tend to take longer than we feel they should. We need to busy ourselves as a Government over the immediate future, looking at ways of spreading this authority and responsibility a little further down the decision-making chain in our Ministries, so as to effect this ease of movement.

Sir, I want to refer to another aspect of the Honourable Member for St. Joseph's presentation. It speaks to consistency and convenience on That Side. We spoke to the fact that their amendment made sure that eligibility for appointment on the day when the Act was passed in 2007. This is the same principle when we applied it on This Side to the question of the rights to the housing units around Barbados.

The Barbados Labour Party and its political cohorts had sought to denigrate the Democratic Labour Party because we said that those who had at the time of the passing of the Bill 20 years of occupation of their homes and paying rent will have the same principle, but it was not convenient to support it then.

H52 17.20 p.m. Sequence 38

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House A53, Sequence 39, 5.20 p.m.

Hon. J. D. E. BOYCE: Sir, this evening the Honourable Member for St. Joseph, the Honourable Member for St. Michael North East and all his friends on That Side have decided that they are embracing that principle. You have to be reasonable and you have to be just. You have to take yourselves back to two years ago when we introduced the Bill to allow occupants of rental units for 20 years on the day, the use of these properties.

You spent a lot of time in there under the last couple of months saying who should be refunded for deposits because they miss the day, who should be refunded monies that they paid into the Treasury under your Administration, because you were selling the houses. You cannot be so inconsistent. The Barbados Labour Party has to decide which course it is on. Are they opposing for opposing sake, or are we recognising when something is beneficial to the country and supporting it?

Again, the Honourable Member for St. Joseph has made a meal out of the fact that we are taking out the Clause saying that persons with convictions may work. I am no legal authority but the point has been made by the legal minds.

Asides.

Hon. J. D. E. BOYCE: Precisely. The Honourable Attorney-General. Where in the Clause the point is made that the person may, it also means may not, so remove the clause altogether. Yes, there are persons employed in MTW and I believe in other areas of Government who have convictions and they will continue to be employed once they meet the criteria, which is the part of the qualification period. The Barbados Labour Party is in no position to preach to us about helping Barbadians.

Sir, within months of taking office, we came to this Parliament and put in place a Welfare-to-Work Programme, which saw some 1 165 persons, 87 of whom were on basic welfare only, being employed by what was then referred to as the National Enhancement Environmental Programme (NEEP) and that programme has worked well.

As a matter of fact, in many areas they are outstripping the work of the Ministry of Transport and Works and the Drainage Unit. They have worked well and they continue to work well, so the Barbados Labour Party cannot come in here and preach to us about taking care of workers in Barbados. We are committed to take care of all workers in Barbados.

Mr. Speaker, it is not about votes. It is not about the Barbados Labour Party's amendments of 2007, which were just rushed through this Parliament in an attempt to curry the support of the civil servants at a time when your relationship was then at the lowest ebb, at a time when you used to take those senior civil servants into the halls of Government at Bay Street and abuse them in the worst way possible. Sir, the facts and records are there. Come and deny it on the Floor of this House of Assembly, and that is what you are trying to repair.

Sir, those on That Side want to appear as though they do not have a record, but they have a record. In truth and in fact, their record is one that renders them unemployable as a Government of Barbados and those are the ones that we have to avoid, Sir, so the Barbados Labour Party has to remain outside of Government for a long time, until they are prepared to demonstrate that they understand what the people of Barbados are saying.

This is a challenging time in Barbados economically. This is a challenging time for all Barbadians and we need therefore to be in a position to respond to their many needs. Yes, it irks me, Mr. Speaker, when I get calls from our temporary employees who, having completed their first three months of service, and having received their salary, then have to wait weeks and weeks for another payment.

This is what we are seeking to avoid. This is what we are seeking to repair. This is what we are seeking to address. What is so wrong with that? We are seeking to remedy this situation. It is not only about the ones that have been around recently. These are people who have been in the Service for some time on temporary appointments, not those who came yesterday, or last year November.

Sir, it is important that we recognise these - they refer to them, as small, insignificant things - little niggling things that prevent the smooth operation and prevent our workers from being in truth and in fact a contented workforce at the end of the day that we intend to address. We intend to make sure that the relationship between the politician, the Minister and the members of the Ministry is one that is a bond in service and directed in the same path, one of success, not one that sees a supremacy of one sort as against those who merely sit and serve.

Sir, if that upsets the Barbados Labour Party and they cannot support this Bill, well then so be it. If you cannot support a system that allows our temporary workers to be paid more efficiently and more effectively well then, so be it. Let the record demonstrate that you cannot support these kinds of measures and that is the stated intention of the Honourable Member for St. Joseph but remember, you do not have to agree with the Honourable Member for St. Joseph.

He is not the leader of the Barbados Labour Party. You do not have to agree with the Honourable Member for St. Michael North East because she is not the leader either, so it appears. The real leader is not here today so you need to put in a call.

Asides.

Hon. J. D. E. BOYCE: He was here for a moment to say prayers. He comes and he says prayers but the air-conditioner makes him sick in that five minutes and he leaves, so we are learning today. So you need to put a call through to your leader, the Honourable Member for St. George North and find out from him where he is going, because that is where that ship is going, wherever he is going. He tells a lot of stories almost every day about his direction.

Mr. Speaker, I want to repeat what the Attorney-General had to say. He said very clearly that this represents just the beginning of what we believe has to be done in a total revisit to the question of the Public Service Act. We do not believe that all the questions will be answered this evening in this Amendment, but we know that some of the niggling issues which affect the workers most, so far brought to our urgent attention, are going to be dealt with and, therefore, in this regard, I have absolutely no difficulty

in supporting this Bill and commending it to their colleagues for their support.

I thank you, Sir.

Asides.

Mr. SPEAKER: The Honourable Member for St. John, the Prime Minister.

Hon. D. J. H. THOMPSON: Mr. Speaker, thank you.

I hope to put in my two cents on this Bill since I was one of the only persons on the then Democratic Labour Party's Side in Opposition that had the opportunity to speak on the amendment of the new Public Service Act when it was passed in December of 2007. I also want to speak very early, Sir, because I know the kinds of harangues to which this Government is treated. I have heard two of them for the day already.

House A53, Sequence 39, 17:30:14

Tuesday, January 12, 2010

Hon. D. J. H. THOMPSON: I was not in my seat. I know that once the debate descends to that level, it would take a lot to pull it back, and it would not be my lot to pull it back, somebody else would have to do that.

Sir, we need to start from the point of view of us making a point of departure about how we view the Public Service in this country. Sir, you could pass any amount of legislation, you could amend the Constitution, you could set up a Public Sector Reform Unit and you could carry out all of the peripheral reforms that need to be undertaken, but as long as the people of Barbados as a whole, both in the private and public sector, do not feel a sense of fulfilment about what they are doing in this country, as long as they are not passionate about the execution of their duties in whatever fields they perform in - but we are talking today about the Public Service - and as long as they do not believe that they are able to feel that their contribution is significant in our country, then it would be a pointless exercise. Mr. Speaker, you can tweet, you can meddle and you can prod but you would achieve nothing.

Mr. Speaker, I will also say this. When the people of Barbados are ready for you, you can deliver speeches at your Annual Conference telling them that you are going to appoint 3 600 public workers, you can tell them that you are going to make all casual workers permanent employees and you can decide to make all of the public workers who are in the Public Service on a particular day permanent employees, it will make absolutely no difference to your political mortality.

When the people are ready for you, if they think that you are corrupt, if they think you are inefficient, if they think you are duplicitous with them and that you do not deserve to be in office, they would still get rid of you anyway.

What we went through in Barbados in the period leading up to 2007, to my mind, were what you would describe as a lot of cheap thrills, cheap tactics, smoke and mirrors and let them have cake politics by a Government designed in the dying stages of an Administration that did not realise it was dying, and for some people who do not even realise that it is dead...

They are still harping back every time they open their mouth to all of these things that they did which nobody really cares about right now because they do not believe that it was done sincerely. In fact, from the mouthing of those persons in their harangues, you know that it was not done sincerely because it had no lasting benefit.

It did not enhance people's sense of fulfilment. It did not enhance the way they felt about the contribution they were making to the country and, in fact, it sought to diminish their status, so while you thought you were doing something for them the cheap thrills were making them feel cheaper and worse off, and as if they were pawns in a political process rather than proud citizens who have been well-educated by successive Administrations to take up the mantle of applying themselves and their qualifications to the task at hand.

Mr. Speaker, we learnt for the first time today that introducing a three-month provision that you could only be temporarily employed for three months was to punish the Ministry of the Civil Service for not being more efficient. That is what we heard today. Mr. Speaker, if they think that the people in the Ministry of the Civil Service did not know that, they are wrong.

The Public Service Bill that came to Parliament in 2007 is a very sad commentary on the Honourable Member for St. Joseph as Attorney-General and a Queen's Counsel in this country. I am going to start from the beginning on that.

Mr. Speaker, I have heard many speeches in here down through the years and the one thing I know is when somebody is not prepared because there have been times when I have not been prepared and it is clear that the Opposition, despite the fact that this Bill has been on the Order Paper for five months, is not prepared for this debate. The Leader of the Opposition quite sensibly sent in the former Attorney-General to lead the response on behalf of the Opposition so she could shorten her own time to half of an hour.

Asides.

Hon. D. J. H. THOMPSON: Nothing is wrong with that. If you do not have much to say, the shortest time in which to say it is always good, I have seen that tactic.

Asides.

Hon. D. J. H. THOMPSON: Mr. Speaker, the second thing is that the former Attorney-General came today on a fishing expedition, what is this; what is that; we do not know what this is about; we do not know what this section means; how come; we are not sure; we read it but we did not understand and a lot of conjecture about what taking out a provision does. Mr. Speaker, all of this is after five months of being able to study a piece of legislation.

Asides.

Hon. D. J. H. THOMPSON: You must be ashamed that St. George has produced such waffling.

Mr. Speaker, you passed a Public Service Act and gave people rights and there is no Government that can take away that right from anybody. They amended the Constitution to give effect to those rights. Repealing it does not remove the rights. In any event, those rights only apply to persons who qualify on a particular date.

Mr. Speaker, any public officer who feels that the Public Service Act brought by the previous Administration still covers them and entitles them after three years of acting to an appointment is wrong. The only people who were entitled to that were the persons who had been acting for three years continuously on the date on which that legislation came into being and not thereafter. Mr. Speaker, if you had been acting for two years, 364 days, you did not qualify. Mr. Speaker, if you started to act two years before the Act and have been acting from then until today, you still do not qualify to be appointed.

Mr. Speaker, that is why I am saying that cheap thrills do not last. The Government keeps saying we hope the people who were appointed on that day remember that it was the Barbados Labour Party who did it. One particular Honourable Member always says that and we are going to hear it in here again today.

We were told in the debate then that it was 3 600 people. The former Prime Minister, at his Annual Conference, said that there were nearly 4 000. There are less than 2 000 persons who would have qualified for appointment by virtue of that Act.

Furthermore, that piece of legislation created so many challenges and anomalies for the same Personnel Administration Division that there were people employed

in the public sector who did not meet the entry qualification requirements who could not be appointed. They now have to go and do some kind of studying to qualify themselves and it is questionable whether they would qualify, so something would have to be done to assist them.

Mr. Speaker, there are people who are acting in senior positions who do not qualify for appointment, which means that has a cascading effect right down through their Department. If they were Heads of Departments, then the person who acts for them cannot be appointed, and the person who acts for the person who is acting for them cannot be appointed, and the person who acts for the person who is acting cannot also be appointed because there is no position to appoint them to.

House A52 Sequence 40

5.40 p.m.

Tuesday, January 12, 2010

Hon. D. J. H. THOMPSON: Mr. Speaker, there are also a number of persons put in temporary positions by the Barbados Labour Party Administration, who were brought in at the level of clerk, who were put as Data-entry Operators and Customs Officer III, who cannot be appointed because there are no posts to appoint them to, and so, posts would have to be created.

Mr. Speaker, I heard a fundamental misunderstanding by the Honourable Member for St. Joseph of his own legislation. The Honourable Member gave the impression that under the legislation, all that the Governor-General has to do was to put them in the correct incremental positions. Sir, that is total nonsense. Sir, for you to rectify any injustice to them, you have to create a post at the level at which they were acting. That would be their legitimate expectation.

Mr. Speaker, that is the kind of confusion that was created. Sir, we had warned about it. If you read the debate, you would see that we did. Sir, we were so correct that the then Attorney-General withdrew his bid. He now comes here today pompasetting that he sat down with the unions and all kinds of people and came up with a perfect Bill. Sir, one of the first things I had to do, the previous Prime Minister was so suspect of his own Attorney-General's advice that he employed an attorney-at-law to advise him and we had to look for money to pay that attorney-at-law.

Asides.

Hon. D. J. H. THOMPSON: Mr. Speaker, I then called the then substantive Minister of the Civil Service, who then said: "Well, you know, he did not do much work but the Prime Minister like he had some doubts." Sir, how

could you have a Deputy, who is a Queen's Counsel and then you have to appoint somebody, who is junior to all of them, who is not a Queen's Counsel, to advise you on a Public Service Bill, and then a next Government has to come and pay that bill?

Asides.

Hon. D. J. H. THOMPSON: Mr. Speaker, I know the harangue will start, so I am getting my presentation out of the way. Sir, that demonstrates the cavalier nature of that Government.

I am also saying it is to my certain knowledge and it was to my certain knowledge then, it is not new knowledge, that several of the public officers who were involved in the preparation of that Bill had serious doubts about the provisions of it, and so advised the then Attorney-General of this country.

Sir, despite the advice, the Attorney-General persisted in bringing legislation to this Honourable House, legislation that he knew seasoned members of the Public Service and others had said was unworkable. Sir, I said that in the debate as well. Mr. Speaker, all the Attorney-General did was create a special band of civil servants who, on a particular date, were qualified to an appointment.

Mr. Speaker, what did I go to Canada and say? I said, in my view and it was part of our policy, that any public officer, at any time, who has acted for two years or more in a position should be entitled to be appointed to that position. That appointment should not be done by virtue of a piece of sunset legislation, where once a year you pass a law that tells everybody that as long as you have been acting for "X" number of years, on this date you can be appointed and to those who do not qualify on that date then they have to wait until you pass another piece of legislation. We are saying that as of right that is the case. That would have been a major piece of reform.

Mr. Speaker, the Honourable Member for St. Joseph said he did not understand that. He was confused about what I meant, so I am clarifying it. Sir, we have to get the Personnel Administration Department to that stage and not the Ministry of the Civil Service.

Asides.

Hon. D. J. H. THOMPSON: You are punishing the wrong Ministry and you do not even know that is what you are doing.

Asides.

Hon. D. J. H. THOMPSON: You said you were punishing them. You said you passed a piece of legislation

that forever outlawed Governments employing people for three months or more, to punish the Ministry of the Civil Service.

Asides.

Hon. D. J. H. THOMPSON: Mr. Speaker, I agree with the Honourable Member for St. Michael North East. Perhaps I put it wrong, I was trying to summarise it but I will give details. Sir, so inefficient was the Ministry of the Civil Service, so incompetent was the Ministry of the Civil Service, so under-resourced was the Ministry of the Civil Service, that the answer to it was not to give it the resources and help it to achieve its goal, was to pass a piece of legislation that forced it to do what it could not do.

Sir, the whole system was thrown into uproar and do you know why? Sir, the previous Government also introduced SmartStream, which, of course, was supposed to be the most advanced system of accounting in the world. Sir, we the then Opposition supported it. They introduced SmartStream but the SmartStream System introduced could not effectively recognise three-month's appointments, so that if someone had been appointed for a period of three months, when the three months were up, that person was not getting paid.

Sir, we were being blamed for that when, in fact, it was the system introduced by the previous Government. Sir, there were persons working in the Drainage Department and in Public Works, who after three months could not be paid. Sir, these were people who took up their own money for bus fare and in some cases bought clothes to wear to work. Sir, our hands were tied because the Public Service Act, which the Honourable Member for St. Joseph cajoled and diplomatically - I cannot say conspired because I would never accuse the Honourable Member of conspiracy - corralled the support of the Honourable House into going with a piece of legislation which could not work in tandem with the operational aspects of Government's financing and accounting programme, the SmartStream System.

Mr. Speaker, we have spent two years, with hundreds of people having challenges of not being paid, with Honourable Members of Parliament themselves very often having had to advance money to constituents who have been referred for jobs because these people could not be paid as a result of the operations of the SmartStream System.

Mr. Speaker, let me tell you why it gets worse. Sir, when they end up paying you for one set of three months, if the person is kept on for another three months, by the end of that other three months, it becomes a problem again because of the fact that it is a computer system. Sir, the reason for changing the legislation is twofold. It gives the

Personnel Administration Division and the Ministries a little more breathing space to regularise the position of those temporary workers.

Secondly, it ensures that where the person is employed for a fixed period of time of not more than one year, the Treasury Department can plan for their orderly payment during the period of that one year. That is eminently reasonable and sensible position as taken by the Honourable Attorney-General in introducing this piece of legislation.

Mr. Speaker, that also applies in relation to the issue of the criminal conviction. That has never become an issue until the new Public Service legislation was passed by the previous Administration. The Law in Barbados was silent on that point, as it is silent on many other points. The Law does not ask who is your mother or father. It does not ask you what race you are. Obviously, people apply biases when they select, even political biases. In America they ask you what political party you are a member of. We do not ask people that, so why did you add in the criminal conviction? That was added in, only to confuse the process and to give the impression that somebody now had a right to refuse you employment.

5.50 p.m.

Tuesday, January 12, 2010

Asides.

Hon. D.J.H. THOMPSON: It has been happening, do not tell me no. It is what has been happening because the Minister of Public Works knows, and I admit that I have recommended people to him - because I do not want them on the streets - for jobs and people have said they should not be employed in the Ministry of Public Works because they have criminal convictions.

Sir, I rather them in there than out on the street terrorising or finding themselves slipping backward finding themselves in a life of crime. Sir, once you put that in, it raises that issue. When it is not there it creates no confusion and no doubt. Sir, next thing you know, somebody will come along and say that there are other factors that need to be taken into consideration apart from a criminal conviction and in the operation of the legislation over-zealous operators would seek to apply their discretion, to my mind, without using their judgment.

Mr. Speaker, the Honourable Member for St. Joseph said that this legislation is cosmetic so, essentially, we should not introduce legislation until we are ready to carry out major reform in the Public Service. Sir, we are to continue to allow a situation where persons who are employed on the three-monthly basis cannot get paid.

We are to continue a situation where all of the other anomalies, the lack of definitions in the legislation, all of the other matters, which the Honourable Attorney-General raised, should continue to confuse and bedevil the operation of the public sector, the Civil Service and Public Service in this country.

I am saying "No", that it is important for us to make those changes now. You can say small, though they are, I think, however, those changes will have a significant effect on the operations of the Public Service. Sir, I am talking about the operational aspects. They may not have any effect on morale and on other areas because if appointments alone were to have an impact on morale, the legislation was passed on December 7, 2007, and an Election was held on January 15, 2008, five weeks later had we prorogued the House in here and took to the streets, the Government changed. Sir, all the appointments and the casual workers...

Asides.

Hon. D.J.H. THOMPSON: I know there are people in here who have their own views of what happened and they can continue to have that myopic view if they want to but the point is, I say that all those cheap thrills did not work because they want greater fulfilment in life and, Sir, they are not looking for gimmicks. The vast majority of Barbadians have faith and trust in their Governments and they do not expect people to be undertaking those cheap thrills or to be making big issues about things that they should be entitled to as a right in any modern democracy, least of all a democracy like ours.

Mr. Speaker, when you elevate these small trifling achievements and try to make you think they should worship you because you did something for them that nobody else would have done when successive Governments have done those things.

Mr. Speaker, I heard about casual workers. There have been times in 1981 under the Barbados Labour Party when casual workers, school meal workers and so on were sent home. There were times when we were facing an economic crisis in 1991, when casual workers were sent home but, by and large, there is no Government in this country; there is no Minister of Public Works; there is no Minister of Education; there is no Minister in any social service Ministry who takes pleasure out of sending home people. Sir, it has never happened.

Mr. Speaker, there is nobody who is foolish enough in this country to feel that by sending home people and replacing them with their own that it guarantees you success at the polls. If that were so, the Honourable Member for St. George North would be getting the same amount of votes he got when he first came into office.

Asides.

Hon. D.J.H. THOMPSON: I did not say that. I leave that for you to work out. Sir, that is why I am saying that the introduction to the Public Service Act in 2007, should be a very salutary experience for all of us on Both Sides of the House, that having strained and brought forward an Act - I am referring to the then Attorney-General in bringing forth that piece of legislation - that it brought nothing of benefit. In fact, it created more problems in an established Public Service in this country that is crying out for reform and at the bedrock of that reform is the cry for fairness and for social justice for public officers in Barbados.

Sir, those are the issues that need to be addressed to enhance productivity and enhance morale. The structures of authority in the Public Service; dealing with issues of discipline in a very clear and consistent way; ensuring that people are promoted that they are not disadvantaged and that they are not superseded.

Mr. Speaker, this legislation created situations of supersession too because all those people who were employed as clerks for whom posts do not exist to appoint them to have been superseded by those who were employed in positions for which posts existed. Sir, you might have been acting for three years or more in a post that had not been created and cannot be appointed and somebody had been acting, in some cases, for even less than three years and is being appointed to a position that has already been created. Sir, that is the kind of scenario it has led to it. It has wrought havoc in the Customs Department and it has created problems in the Police Force.

Sir, as we were carrying out Estimates meetings this week we discovered major challenges in education and, Sir, the problems at the Customs Department have been at the top, at the bottom, and throughout the public sector.

Mr. Speaker, in the Ministry of Education, we had serious challenges in relation to concluding the appointments of all those teachers who have been unappointed for years but, Sir, under this Government they were appointed. Sir, some of them would not have been eligible for appointment by virtue of that legislation, but some had been appointed.

Mr. Speaker, I am not talking about being appointed under the legislation of the Barbados Labour Party. I am saying to you that civil servants should not be of the view that the only time you can be appointed is when somebody comes and brings a piece of legislation to amend the Constitution and involve His Excellency the Governor-General and go through all that paraphernalia.

Our systems should be sufficiently fluid, efficient and transparent that we can achieve those appointments for

public officers, who have been acting for two years or more in positions, unless they are special circumstances that may give rise to a particular challenge.

Mr. Speaker, as I have said, we now have a whole set of problems which the former Attorney-General did not appreciate. Sir, all those persons who are entitled, under Section 13, in any case, this is what the Law says:

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Hon. D.J.H. THOMPSON: "When it appears to the Governor-General that there are special circumstances relating to the amount of salary or increment of an officer arising from the appointment of a temporary or established post by virtue of this Section that operates to the prejudice of that officer, that adjustment shall be made by the Governor-General in the manner specified under Section 16 (B)."

Sir, Sections 13/14, this is the one that the Honourable Member for St. Joseph forgot was in the Act:

"Where an officer to whom this Section refers is prejudiced by the operation of this Section in respect to an appointment of a post by virtue of the provisions of this Section, the Governor-General may appoint the officer to a post, the appointment to which results in remedying of the prejudice."

A clerk who is appointed and is working - we had an example of somebody in the Post Office who is supposed to be a postman, but was acting as a postal clerk and was doing the job of a postal clerk. You have a situation in Customs with people being brought on as clerks and doing the work of data something operators. You have in the Immigration Department. Sir, when that person says that you are going to appoint me to the post of clerk, I have not been doing the work of a clerk.

In any event the post of a clerk does not exist to appoint them to, so we will have to remedy the prejudice that arises, because of their entitlement to an appointment to a post that does not currently exist in which they were purportedly acting but performing another job. My understanding of that is the only prejudice that can be eliminated is if the person gets appointed to the physical job they are performing, for which they have a legitimate expectation to be appointed.

Apparently, all the people with whom the Honourable Attorney-General met, who were satisfied with this nonsensical piece of legislation, which had to be withdrawn and amended more than once before it can get

back to the House, did not see that happening, so those persons are currently in limbo.

I suspect that once the Government has announced that the process of appointments under this Public Service Act has been concluded according to the post that exist in the public sector, you will now have a new round of issues that will arise in relation to persons whose appointments cannot be perfected under this legislation, that is the challenge.

Sir, a post would have to be created automatically and the Ministry of the Civil Service will now have a big job to do, as if the job was not big enough already, in creating posts in ministries or departments for persons who have been performing certain tasks in those departments where no posts existed. Sir, dealing with that is not cosmetic. There are real challenges that the legislation has thrown up that we have to deal with.

Sir, I am saying that if the best that the Honourable Member for St. Joseph could have done in 2007, was to come with a piece of legislation - mind you he said it as part of the Barbados Labour Party's philosophy that people should not act in positions for an inordinate period of time, but the only people we sought to deal with were the people who were acting on a particular date. He did not seek to enshrine it in the Law forever, that a person who acts in a position for three years or more is entitled, as of right, to an appointment. He was only interested in the people who were acting close to the General Elections, on the last Sitting day of the House.

Asides.

Hon. D.J.H. THOMPSON: I know one Member of Parliament who did it. That is why I am saying that I am not sitting around with no harangue in my ear today. When the harangue starts I will go elsewhere. They tell the people: "Oh we appointed you, do not mind them". By December 31, you are entitled to an appointment and systematically look for the people who may have been entitled to those appointments. You had school teachers and so on. You may not know about that. Do not mind it is on your border.

Asides.

Hon. D.J.H. THOMPSON: I learned my lesson there.

Sir, I am saying to you that our answer to this then would be to bring a new piece of legislation that will ensure that public officers who have been acting in positions for a specified period of time would be entitled to an appointment, no matter what days. As long as the horizon period comes they would be entitled to that

appointment as of right, not next Election day. That is not what we are interested in. We are interested in a public service that is fair and just.

We are not going to pass it a week before the next Election, in the vain hope that people who are suddenly appointed would feel that they owe us some favour. It is wrong. It is inefficient and it is not sensible for persons to have public officers acting for inordinate periods of time. That is the anomaly or the issue that we would seek to address.

As I said there are other issues in relation to the public sector that the Governance Committee, chaired by the Honourable Attorney-General, has identified and at the fastest possible time the Democratic Labour Party would seek to address those issues so that, as I said, to restore the public sector to its position of significance and preeminence and hopefully engender some of those positive attributes that we think should be part of the Public Service in this country.

Thank you, Mr. Speaker.

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

Miss C.Y. FORDE: Mr. Speaker, I wish to make a contribution by first looking at the Manifesto for 2008 of the Democratic Labour Party and to quote from Page 44, in about the third paragraph that speaks to nepotism, supersession, victimisation and political interference being rampant in the Barbados Labour Party's Administration.

At the final paragraph on that page it says that Government is the single largest employer in Barbados and the Democratic Labour Party will spare no effort to establish a well-trained and impartial Public Service free from political interference, which is essential for good governance. I am going to stop on that point because I will get to that in a moment.

Sir, we all know that a Barbados Labour Party that came as a Government in 1994 had as its theme, Job No.1 is Jobs. We remember that the unemployment rate had just surpassed 23 per cent. This Barbados Labour Party as a Government in its efforts to empower Barbadians to give them employment, to help them to purchase land, homes, educate their children, to pursue areas of good health and social development, we were able as a Government to reduce the unemployment rate over the 14-year period from just over 23 per cent to 6.7 per cent. Sir, if that is not to do with interest in the human development in Barbados, tell me what else.

Sir, I am not saying that there would not have been errors. All of us are human beings who would make

mistakes. There might have been comments made by others not only in the Barbados Labour Party.

H52 18.10 p.m. Sequence 43

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House A53, Sequence 44, 6.10 p.m.

Miss C.Y. FORDE: We have people who come out with mouthings that I am sure they wonder if they should not have kept their mouth shut and, therefore, there would be civil servants who would have become disgruntled, as sometimes I am disgruntled, as sometimes you may be disgruntled with the job, even your own family, people in the Church and so on. Sir, to have sat here today and heard about the Barbados Labour Party victimising workers, treating civil servants unkindly and all that, is really not the knowledge that I have from my movements in and out of the Civil Service over the past 40 years that I would have been a civil servant, and then I became part of the then Government.

Mr. Speaker, the Honourable Member for St. Joseph spoke about the conversion from casual work to permanent employment by a Barbados Labour Party Government, where hundreds of individuals, who would have been dismissed by one day's notice in the past, were given an opportunity to receive security of tenure where that letter could be taken, if they had an appointment, to the bank or the mortgage finance company so they could source some funds. They could have taken that letter to the Embassy. They could have taken that letter to the credit union because that is pertinent when you empower people and particularly working-class people who need that extended hand to help to uplift themselves.

Mr. Speaker, over the years we have sought to offer training and retraining and, indeed, retooling of members of the Civil Service to prepare them for the changing work environment. Human Resource Development is a very important component of persons treating to others and treating people like human beings.

We know that every day on the radio and in the media, we see letters where people talk about how treatment might have been meted out to them. It is only a small percentage of the poor treatment that is meted out to people, but when it comes out in the letters and it is on the radio by three or four people a week, it looks as though the entire Civil Service is treating people badly.

Sir, I have not had that experience, Sir, and it is not because it is me but I have gone places where people do not recognise me and I love that, and I see good service being offered most of the time. It is not the Public Service alone that is accused, although that is more often done but in the

private sector there are some people who are so snobbish, Mr. Speaker, that it sometimes frightens me and I have to speak out because I believe human beings should be accorded respect at all times, despite whom they are or from whence they came.

Mr. Speaker, under a Barbados Labour Party administration, and looking after the interest of civil servants, we sought to provide other benefits that would have been necessary for them to be acting efficiently and effectively in their jobs so we are talking about increased pensions that were offered over that 14-year period at different levels, even the non contributory pensions.

We are talking about increased grants, maternity grants and funeral grants to help with that development of the human component, compensation to public workers, particularly those who may die in office, especially, God forbid, police officers, fire officers, persons who are in that high area of injury or even developing illnesses on the job, so nurses are highly exposed to becoming ill.

The Government of the Barbados Labour Party had determined that any public servant or public officer killed in the line of duty, should be compensated up to five times the deceased's annual salary for the beneficiaries. Sir, that is a serious piece of legislation to help, although we do not want our people to die in the line of duty in that way.

The flexibility allowances for police, nurses, prison officers and others and the Civil Establishment Qualifications Order that the Honourable Member for St. Michael South spoke about, Sir, but I remember, Mr. Speaker, in 1976 as a very young teacher, when the then Minister of Education came out and in a really cruel - for me at that time - and a rather inhumane way, sought to speak to teachers in the way that one teacher will be fired because she did not meet the qualifications and said "...and at that one LCC Certificate is all she had." At that time people were concerned that you were sending home others.

Sir, but I think what was being made then that this Qualifications Order has borne out is that, yes, people are in the job but you want the best trained people to be able to offer the services in the country, so many of the teachers at that time were not sent home fully, but they got the opportunity to improve their qualifications to meet the minimum required standard of four GCE's at that time, or the LCCs and the Intermediate in Pitman to be able to continue in the system. What it did was to wake up teachers to let them know to continue to study.

Mr. Speaker, you cannot continue in this changing work environment in the world to want to remain at the same job doing the same things every day. The technology that has taken over the world will surely not allow that so

we need people who are multi-talented and multi skilled that can do more than one operation at a time.

I strongly support the idea for the Qualifications Order to be able to ensure that Barbadians are on the cutting edge. We cannot service ourselves properly or service the international world where many of us will want to gravitate to find gainful employment, unless we are on the cutting edge. Sir, I am happy that the Establishment Qualifications Order would have been established.

The Honourable Member spoke about civil servants who consider themselves to be old and are disgruntled and therefore want to remain but I want to make the important point that when HIV/AIDS surfaced, probably in 1983/84, if doctors were not committed to training and doing research to be able to be on the cutting edge, I do not know what would happen to us.

Mr. Speaker, if police officers do not want to pursue training, retraining and retooling in this age, what will happen when it comes to the forensics that they need in the job? What will happen with persons who are engaged in drugs and the kinds of highly technological ways that many of them are coming?

Mr. Speaker, you see what is happening in the outside world, when you look at Court TV at night and you see people hiding the drugs and everything in parts of the cars. Sir, the sophisticated ways that people are operating, our police officers have to be on the cutting edge, likewise the nurses.

The general worker who perhaps always used a cutlass to cut down the bush, now has to use a drive motor, if that is available, a lawn mower or weedwacker, so the training must continue and the safety measures put in place. Mr. Speaker, I support persons meeting the qualifications but being given the opportunity to go further and extra time to be able to meet that particular area.

Mr. Speaker, the aspect of the Act that I, as an individual, consider being not as clear for Members to understand and indeed the public, is to do with the criminal records component. My understanding of that Clause is that it looks to me as though the Democratic Labour Party wants to avoid hiring persons who have had infractions, who have broken the Law in certain ways.

Asides.

Miss C.Y. FORDE: Mr. Speaker, there is more sophisticated crime than the Honourable Member for St. James mentioned and the training of the police will be able to help us within a year or two to detect what is happening on the Internet that is a scourge to this society.

Mr. Speaker, the aspect of the Clause that concerns me is to do with the Democratic Labour Party avoiding the hiring of persons with previous infractions. Sometimes people get angry in the public and they curse. It must not be condoned. They throw a stone in their anger and when they are interfered with. Fellows are walking now and arming themselves.

It is not right, but it is wrong. But when they are fined and they serve time, or they pay for that penalty, why must we continue to be pointing a finger at them, she is a thief, he threw a stone, he cursed a police, whatever, they should not be doing it but it has happened. We need to give them a second chance to move on in life.

House A53, Sequence 44, 18:20:05

Tuesday, January 12, 2010

Miss C. Y. FORDE: I watched Judge Joe Brown and I heard him talking about some of the things he had done when he was a boy and saying that if he was not given a second chance he would not have been able to do the excellent work that he is now doing. Mr. Speaker, I used him as my example. I did not want to call on anybody in Barbados although we have many persons in Barbados who have had infractions with the Law who were given a chance and who have now excelled to the highest level in this society.

We really need, Mr. Speaker, to give people a chance. They deserve that opportunity to get gainful employment so that they can look after their children and their families.

Mr. Speaker, I heard the Honourable Member for Christ Church South speak about the Welfare-to-Work Programme, which again for the records I reiterate, is a Barbados Labour Party project. I am happy that the Democratic Labour Party as a Government is carrying it on to empower people. We hear about giving a man a fish, feed him for a day, teach a man to fish, feed him for life, that is what the Welfare-to-Work Programme started out doing. The boast that is coming from the Honourable Members of the Government really should not be that it is their project.

The Welfare-to-Work Programme is a Barbados Labour Party project that the Honourable Member for St. Michael North West spoke at the graduation about changing its name. I have no problem with that as long as men and women who are on welfare could get employment to be able to feed themselves and their families and to give them the measure that they deserve to exist.

Mr. Speaker, I believe that the Government should lead by example and give those persons a chance. As we

heard earlier from the Honourable Member for St. Joseph, if a fellow is not good with money, you put him to perform a task that does not involve handling money and give him a second lease on life because you are talking most of the time of low-scale workers, general workers, artisans and so on. That is what I am supportive of.

The Independent Member spoke earlier and lamented the fact that a man was sent to Glendairy Prison for stealing a tin of sardines. We do not always know of the circumstances why such happens, but he needs a chance to move on with his life. If we do not do that, it would defeat a lot of the purposes that we have at the Prison where we talk about rehabilitating persons and drafting them back into society and giving them a chance to go forward.

Mr. Speaker, I want to encourage that kind of assistance rather than leave these individuals who cannot get the employment out to the wiles of the devil where they would fall into a full-fledged life of crime and then the State has to find the resources to be able to feed them and to look after their children through the grants and so on. They need to be given a chance.

Mr. Speaker, when one seeks to get employment, despite what was said by the Other Side earlier, there are some Government agencies that demand a Police Certificate of Character and I have absolutely no problem with that. What I know, Mr. Speaker, as you do know as an attorney-at-law, is that once the infractions have taken place, they are written on the back of the Police Certificate of Character so few employers would want to give those people a chance.

Mr. Speaker, I advise them to give them a chance because there is so much white collar crime in this country that people do not know about where individuals continue to work in sensitive areas and are doing a lot of wrong that we need to address as well.

Mr. Speaker, if you are going to cut down the man who is at the bottom of society, you need to start targetting the ones that are at the top that are destroying millions of dollars that are not their's that should benefit the people of Barbados.

Mr. Speaker, the Barbados Labour Party sought to put legislation in place for the expungement of incidents that would have occurred on people's Police Certificate of Character. Mr. Speaker, I am not saying that if a man kills another, or runs into the Queen Elizabeth Hospital with a gun and shoots at somebody or whatever, that person should have that expungement over that five-year period or more. I support the expungement when it comes to the tin of sardines and the abuse and so on. I want the Government to give consideration to hiring those persons and giving

them that opportunity to be able to move forward. Our males need an extra chance.

Mr. Speaker, the Honourable Member for Christ Church South talked about the creation of fear among civil servants under the Barbados Labour Party. Mr. Speaker, if it took 14 years for that to happen..., it would be a sad thing if it did. I never experienced it in the Ministry I had the privilege to work in, despite whatever level I worked at.

Mr. Speaker, under two weeks of a Democratic Labour Party Government in January, 2008, the insulting approach and the arrogance that came through from some of the Ministers in that Government left so much to be desired. If that is how Ministers of this Democratic Labour Party Government, a new Government that was ushered in with thousands of people, young and old, lending them support to put them in this good position, could treat to civil servants, I have a problem with that.

One Minister, on the interview of his swearing in, before he got into office, said he will kick down doors if he cannot get the information he wants, that if people in there do not want to work with him, he does not want to work with them either.

Asides.

Miss C. Y. FORDE: It was raised right here on the Floor of this House and it is in the record of this Honourable Chamber. It was said that some civil servants, I did not even hear the number, are sabotaging the new Democratic Labour Party Administration and are taking files to the Port to burn them. Mr. Speaker, the teachers were even told last year that the Government's school keys are not theirs that they should hold on to their house key and leave the Government's keys.

Mr. Speaker, those are the kinds of comments that I consider to be highly disrespectful and unreasonable to civil servants. It is no wonder, Mr. Speaker, why the brain drain has taken place in the Ministry of Education and Human Resource Development within recent time. Top civil servants who have given yeomen service to this country have gone home and raped that Ministry of the institutional strength that we desire in this new millennium to be able to carry Barbados forward. If you are in a human resource development area, you cannot treat people like that. I would not stay if people treated me like that where I went, whether it is in the Church or in the workplace. Mr. Speaker, people have feelings.

Mr. Speaker, the Honourable Member for St. Michael North West lambasted the National Assistance Board workers, but he had the honour to apologise to them. That is what I call a man. It should never have happened but you consider it because sometimes in your anger and in

your haste you say something wrong. That is something that I would want to commend him for, although he does not get too much commendation from me sometimes.

Mr. Speaker, the Honourable Member for St. John spoke about how people were so badly treated, criticised and insulted in Government offices. The Honourable Member for St. John sat and supervised a team of individuals who for the last two years have been victimizing civil servants across the length and breadth of Barbados. Innocent people have gone home from the Urban Development Commission because they were so poorly treated, not only in their offices but, in the media.

At the National Conservation Commission, one of my strongest constituents, a child I taught at primary school who has gone to the highest level of training, was put down at Folkestone with only a chair. She is a computer person who is a Secretary and has been the Board's Secretary for more than 11 years. It is sad, Mr. Speaker.

Mr. Speaker, we heard about consultancies being a thing of the past, that is my language, but there is a consultant at the Rural Development Commission and three houses have not been built in St. Thomas over the last two years, although budgets and projects were already put in place to help these same poor people that have contributed... The only difference in those poor people who cannot get their houses repaired is that they cannot work in the Welfare-to-Work programme because those old people have paid their dues and are able to help themselves all because...

Asides.

Miss C. Y. FORDE: The Honourable Member for St. James South continues to interrupt me but he needs to pass through Vault Road and see what is happening in Vault Road since April, 2009. That road was properly fixed out of my pocket simply because the Honourable Member for Christ Church South wanted to make it a political football. I hope the Honourable Member would pass and see the roads in St. Thomas that have not been touched and give them some consideration because the people in St. Thomas are taxpayers, and I will speak on their behalf.

House A52 Sequence 45

6.30 p.m.

Tuesday, January 12, 2010

Miss C. Y. FORDE: Mr. Speaker, I am not going to become sidetracked any further, except to say that persons employed at the National Conservation Commission and at the Barbados Sports Council were victimised. Sir, Youth Commissioners employed in the Ministry of Education,

Youth Affairs, who were carrying out their duties, were also victimised.

Asides.

Miss C. Y. FORDE: Sir, the Honourable Member for Christ Church South should talk about the treatment that was meted out to the Youth Commissioners in that area. Mr. Speaker, as a civil servant, or as a Minister, no Minister could invite me into his office and treat me like a rag doll, I am sorry. Sir, that is what people are faced with today in Barbados under a Democratic Labour Party that is only two years and a few days old. Sir, when we hear about sabotage and bad treatment by the Barbados Labour Party over a 14-year period, that is so far from being the truth.

Mr. Speaker, there is little or nothing happening in the areas I mentioned because of the fear that has gripped those persons in those Ministries. Sir, as we walk about, we hear it every day. Sir, what I think the Honourable Member for St. John should do, should be to pursue the policies and programmes highlighted in their Manifesto and give the people of Barbados what they voted for.

Mr. Speaker, it was the change, not only to change the Government but the change in their pockets that helped to influence the people. Sir, I think that having promised Barbadian nurses, police and teachers duty-free cars, the Honourable Member must get to it. He must help those persons who now need that help.

Sir, the Honourable Member for St. John promised a \$400 000 VAT relief for new homeowners. That has not happened. The Honourable Member also promised interest-free mortgages. That has not happened. Of course, the good governance, integrity, transparency, efficiency and all the other things that were promised, we are not seeing those things happening in Barbados today.

Mr. Speaker, the civil servants, from Permanent Secretaries down to general workers, even some Ministers are crying out about the poor treatment that is being meted out to them by their Leader. Sir, the Honourable Member cannot pull wool over my eyes. I am too old a woman to be fooled by children.

Mr. Speaker, I am concerned with one aspect of these Amendments. Sir, from my understanding of it - and I do not have to be an attorney-at-law to understand because some attorneys-at-law here do not understand either.

Asides.

Mr. SPEAKER: Honourable Members, please.

Miss C. Y. FORDE: Mr. Speaker, you know I would never refer to you. I respect you as one of the very outstanding attorneys-at-law in this country.

Sir, the particular amendment I want to look at relates to a Minister being able to use his or her authority to make those temporary appointments. We always talk about separation of duties. I know that my people who wanted to work in the debushing programme after a five-year period, were not given a chance to get a dollar bill for Christmas because a Minister had determined that nobody from St. Thomas would get work. Therefore, it says that the Minister does have the opportunity to wield a lot of power, if given that opportunity to hire people and, perhaps, to fire them too, as we have seen before.

Mr. Speaker, another aspect relates to persons who do not qualify, who can be appointed by the Minister, if they are not functioning for a period of three years. I am talking because I heard somebody called "Joe P" who does not have a certificate but who was appointed in the Office of the Prime Minister.

Asides.

Miss C. Y. FORDE: What qualifications?

Asides.

Miss C. Y. FORDE: Mr. Speaker, do not tell me that, fairness is fairness and in the Barbados Labour Party, as an administration, we ensured that those persons who filled positions met at least the minimum criteria of four or more CXC's.

Sir, I believe that through this particular piece of legislation, one's services can be terminated at will during the probationary period. Therefore, I would wish for that kind of effort to be stymied, to avoid people from being sent home or fired, as a result of the actions of the Democratic Labour Party.

I know that suitability, seniority, experience and qualifications were all an integral part of what took place. Sir, where there were challenges, we were able to sit and discuss with the unions those challenges. Sir, I want to know where are the voices of the unions. Sir, within recent times, the unions seem to have become very dormant. I am not hearing the Barbados Union of Teachers saying anything. Sir, despite the insults that teachers have received, I have not heard one word in English from the Barbados Union of Teachers.

Mr. SPEAKER: Honourable Member, you have five minutes more in which to wind up.

Miss C. Y. FORDE: Mr. Speaker, I thank you. I do not even need the five minutes. Sir, if when the Democratic Labour Party came to office they were faced with strikes at the Royal Shop and at Sandy Lane in February 2008 and it is almost February 2010 and if those matters have not been resolved by the unions, then perhaps a few things can be resolved.

A unionist has been put to head the Urban Development Commission, who told the Minister to fire the people before he came, that he does not want to have to deal with it. Sir, workers of the Urban Development Commission have gone home with shame and disgrace, for doing what? For helping to build houses? For helping to measure up the house spots for people in urban communities to be able to get them? For helping to put in roads?

Sir, the Minister is doing well in St. Stephen's. He has two new roads, one next to the other. You have to help yourself because if you do not help yourself, God help you, under that Democratic Labour Party.

Mr. Speaker, I believe that all of us should work together in unity when it comes to building a fair and just society. Whatever challenges we have, I believe they can be dealt with in different ways, other than people being sent home, lock, stock and barrel. Sir, every opportunity should be given for persons to be able to speak to issues. The union also has its work cut out for it in working in the interest of workers, so that when there is seniority, dismissal or victimisation...

Sir, when a Chairman could call a worker into his office and say to that person: "I don't know you, I hear you are Barbados Labour Party and I am not working with you." Mr. Speaker, the Chairman is not even there today. The worker has gone and the Chairman has gone also. That is how life is. Today we are up, tomorrow we are down. Therefore, to be lording over people, to be shouting at them, to be criticising them, to be making them feel as though they are less than human-beings and after all that, you expect that person to deliver on services.

Sir, it cannot happen because we are only ordinary human-beings with feelings and interests like anybody else and when we are crushed to the ground, we have to get up and act.

Mr. Speaker, I wish this Government well in its deliberations because I am looking forward to some of the policies that they have put into the public domain previously to January 2008 Election. I am looking forward for those policies to come to fruition because the public is expecting the Democratic Labour Party to deliver on the goodies.

The public is expecting the Democratic Labour Party to deliver on the pies in the sky that were offered to them. Sir, unless the people of Barbados get those things, there will be more disgruntlement in the various Government institutions, as is the case now. Sir, I do now know when it would stop, unless it is arrested as soon as possible.

Mr. Speaker, with those comments, I wish to thank you.

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

Hon. C. P. SINCKLER: Mr. Speaker, I am obliged to you for allowing me the opportunity to participate in this debate. Sir, several things came over as passing strange, given all that we have heard. Of course, the former Attorney-General, the Honourable Member for St. Joseph, wanted to give the impression that this was, as the Honourable Member puts it, cosmetic adjustments to the Act, and that did not merit any serious level of discourse on these important matters.

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Hon. C. P. SINCKLER: Nonetheless, having delivered of himself a presentation that was clearly devoid of the level of substance we expect from a former Attorney-General, he then had to be further subjected by the Honourable Member for St. Thomas to a speech that, Sir, unfortunately, rambled all across the board, filled with many unfortunate insinuations, speculations and common conjecture about the Democratic Labour Party Government and what its Ministers have done, supposedly or allegedly, to public servants in the country.

Mr. Speaker, we have heard this, perhaps, in asides before and sometimes in one or two speeches, particularly from the same Honourable Member and from others on That Side as well but we have, generally, not responded to those commentaries. Sir, we believe that in many instances we have held the view that to dignify that with a level of engagement that present some seriousness would really give credence to something that does not deserve that level of attention.

Mr. Speaker, I must say how innately disappointed I am by the presentations that we have heard, certainly the presentation of the last Honourable Member that has spoken. Sir, I could not let this opportunity pass with those comments being made without, at least, someone on This Side speaking to some of these issues.

Mr. Speaker, Sir, I really had hoped that we could have had, not necessarily only intellectual but a serious

debate on the issue of the Public Service in Barbados. I think that the Honourable Attorney-General tried his level best, and did so successfully, to cast this matter in the level of seriousness which this type of subject deserves, given the importance of the Public Service to Barbados' development, to Barbadians and to the standard and quality of life that we have become accustomed to. Sir, even in spite of the urgings of both the Honourable Prime Minister and the Honourable Deputy Prime Minister, it had to denigrate into what we just heard from the Honourable Member.

Mr. Speaker, who would have thought that the Barbados Labour Party, of all institutions in Barbados, would seek to impugn the character of the Democratic Labour Party or any other institution, including the union, on how they treated public servants in this country? Sir, it is almost laughable. If it were not serious enough, it would be laughable.

Clearly, when the Honourable Member for St. Thomas was in the Cabinet of Barbados, we would not cast aspersions on the Honourable Member, but we would hope that the Honourable Member was paying attention to what is going on both in the Cabinet and in the Government.

When the former Prime Minister and Right Honourable Member for St. Peter was heaping some of the most abusive words in the public record on public servants in this country, there was not a word from the Honourable Member for St. Thomas. Perhaps the Honourable Member was trying to negotiate how to collapse Vault Road, or on a crime scene, because she said she passed several crime scenes. Sir, I took that as a slip because a crime is often corralled.

Asides.

Hon. C. P. SINCKLER: Sir, as a good lawyer yourself, who would have done Criminal Law, you would also know that it is said by criminal psychologists and the Honourable Member for St. James North spoke of a criminal psychologist and the need for one in the Public Service of Barbados and, Sir, you would know that good criminal psychologists always say that criminals are prone to return to the scene of their crime.

Mr. Speaker, not a word was uttered by the Honourable Member for St. Thomas when the Honourable Member was Minister of State in the Ministry of Education. Sir, it has now become infamous, in the record of the Government of Barbados, that the events held at Sherbourne Conference Centre were an opportunity for leading members of the Barbados Labour Party to exercise their tongues on ordinary public servants in this country.

Where was the Honourable Member for St. Thomas when the three persons from the Queen Elizabeth Hospital - the Honourable Member likes to talk about the Queen Elizabeth Hospital - unceremoniously had their heads cut off by the former Prime Minister and the Government of the Barbados Labour Party? Where was the Honourable Member? Perhaps she was visiting a crime scene, as the Honourable Member said. She was watching Judge Judy and Joe Brown.

Mr. Speaker, where was the Honourable Member when the former Prime Minister of this country said that the police officers and immigration officers were nothing special in this country and that they should leave the Guyanese alone. He said that the immigration officers should let the Guyanese come into the island because he had some of them working at him building cupboards. Sir, there was not a word from the Honourable Member for St. Thomas who, all of a sudden, having been put out of Government now has this latter day love and conversion for public servants.

Asides.

Hon. C. P. SINCKLER: Sir, I am not going to get caught up in the asides. I do not worry about that because I know exactly what is going on. Sir, where was the Honourable Member when this was going on? When the Public Service was almost denuded in this country and public servants were afraid...

Asides.

Hon. C. P. SINCKLER: The nurses had a strike in this country. They went up to Government Headquarters and the former Prime Minister came out on the balcony and told them to go back to work and that he was not dealing with them. Where was the Honourable Member for St. Thomas.

Asides.

Hon. C. P. SINCKLER: You were never a prime minister but you were a member of the Cabinet and you were collectively responsible for the behaviour of the Prime Minister and the Cabinet. You did not speak out about it, therefore, you condoned it.

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Asides.

Hon. C.P. SINCKLER: Mr. Speaker, this is the problem in Barbados, the Government brought a Bill to this Parliament and passed it at the dying hours of the

Government, because they must have known that elections were around the corner. Surreptitiously they came to Parliament, even in spite of every possible expert advice that the law was badly drafted, that it was ill-considered, ill-conceived and even if the then Honourable Attorney General did not understand enough about the law to recognise that advice, there are other lawyers on that side who should have said it, who knew it. Therefore, they had to withdraw it, but in an indecent haste to give the impression to public officers they were doing them this favour.

The Honourable Member for St. Joseph got up and said, "We always knew that the Clause for the appointment of persons of three years was a sunset." We always knew that. That is not the impression they gave in Barbados, or the one that they received. They wanted to give that impression to go into the Election to get votes that they did not deserve. Luckily, the people of Barbados were not fooled by it.

Sir, legislation after legislation we have had to come back to Parliament to correct. I cannot recall, I am not old enough, but I challenge any Honourable Member of this House, including the staff, to enlighten me of any other Honourable Attorney-General, who has had to carry back more pieces of legislation to the Chamber than the previous Honourable Attorney-General in the last Government.

Asides.

Hon. C.P. SINCKLER: There might have been one in 18. Tell me who the body was. Go to the record and tell me. He probably has the record.

Sir, I very well remember that the day of the No Confidence Motion in this House brought by the Honourable Member for St. John, as he then was Leader of the Opposition, there was another piece of legislation brought here that was debated before that debate began.

Asides.

Hon. C.P. SINCKLER: They brought a piece of legislation in here on amendments to the Road Traffic Act, so much confusion that we are still trying to get it repaired. it was withdrawn again.

Sir, that is why I tell you that some people learnt their law on Judge Judy and Joe Brown, and then come to this House pompasetting that the Democratic Labour Party is trying to hoodwink people with some kind of cosmetic - truly there are some fundamental pieces of adjustments that have to be made to several pieces of legislation in this country, including the Public Service Act. There are others that have to be made as well.

We understand that you have to begin somewhere, and we are starting at this point by signaling to the public servants, restoring the confidence of the public servants in this country that somebody is looking after their interest and they are doing it properly, not rushing it into Parliament under the veil of an impending Election to try to get votes, but thinking through the process clearly and carefully.

Sir, then you have this business of the Democratic Labour Party victimising people. I have heard it all the time that we are victimising people in this country in the Public Service or in the Civil Service.

Sir, when the last Party got into office in 1994, they chased away so many people. The Honourable Member for St. James South was one of them.

Asides.

Hon. C.P. SINCKLER: He was brought back to Barbados because he was living in the wrong apartment and saw too much. Do you understand what was happening under the last Government?

Sir, this sanctimonious thing about you are not to change people. Sir, let me make this point. There is no crusade in this Government to ill-treat public servants who understand the process in this country. Public servants are as important in the process as all the politicians. This is a team. It has to work as a team. We need them just as much as they need us. That is how the system is designed. If there is anybody who feels that one can operate without the other it cannot work under the Westminster model of liberal democracy that we practise in Barbados. Adjustments would have to be made.

Sir, there are public officers in this country who are outstanding, the vast majority of them, but as in any system, public, private or civil society, there are one or two people in the system who will not pay their weight. As Members elected to this House and chosen to serve in Government we have a responsibility to the people that elected us to identify issues and problems that exist in the Public Service. It is not a criticism of any particular officer. Sir, several of the problems in the Public Service are systemic. They go beyond officers. I have always said that.

The Honourable Member tried to lambast me saying that I cursed the people at the NAB. I never did it. The Honourable Member knows that, because the Honourable Member made the comments that I made in this debate. Check the record and see it. However I always made- when people strike that is their right, but when the facts were placed before the workers they went back to work.

As you said, if anybody was offended by what I said, I apologise, but the fact remains that as guardians, not only

of the public purse, but of the public purpose, our job and duty is to ensure that the best quality of service is delivered to the public of Barbados, and Barbadians deserve answers to issues which they have to raise.

Sir, they deserve to know, for example, why the Rural Development Commission in 2007 would start 44 roads, including the road at Rockhampton. Not even the Ministry of Transport and Works or C. O. Williams would be as crazy to start 44 roads in a year of Elections and expect to get them finished. They want to know that.

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

Miss C.Y. FORDE: On a point of order. The road at Rockhampton was started in 2005/2006 and not the year before Elections. Therefore the Honourable Member is misleading the House when he makes that comment.

Hon. C.P. SINCKLER: Sir, that is no point of order because the facts showed 44 roads. The staff of the Rural Development Commission were ordered to come to Parliament to meet the Minister of Finance and given \$9 million on the spot to go and do additional roads. A sub unit from the Rural Development Commission could try to attempt that kind of thing in the country, just like the Pit Toilet Programme that was started under the Urban Development Commission. Sir, you have wooden houses in this country falling apart with the wall structure separating from the wood called a pit toilet.

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House A53, Sequence 49, 7.00 p.m.

Hon. C. P. SINCKLER: Sir, these are the same workers they said that we victimised. When those workers said that they advised the previous Government not to proceed in that fashion, they were told to continue that Elections are around the corner.

All I say, Mr. Speaker, is that we have a responsibility. The Attorney-General spoke of the poisoned chalice. Every one of these Ministers you see in here has had to sip from that chalice, barring none, because of the mal administration of the last Government, but that is our lot. We accepted it and we tried to make the changes, but we are not going to sit in the Parliament...and people come and tell you do not talk about what happened, move on, two years have gone. No, the records must be stated.

The facts have to be clear because just as they were advised not to build the pit toilets on to wooden houses that were rotting, they were advised about Warrens too, and

they forged ahead, but there is a time for all of that. There is a time that we are going to debate that issue.

Mr. Speaker, we have to be very serious in Barbados. They spoke and said that they implemented the Office of Public Sector Reform, yet today you heard the same Attorney-General almost admitting that the office they established was a failure. There are all these problems in the Public Service. Just as today we heard the former Minister of Housing make the point that buildings need maintenance and insurance but that is the greatest thing since Sir Alexander Graham Bell invented the telephone.

Asides.

Hon. C. P. SINCKLER: Now, we are to be lectured on these things.

Mr. Speaker, I believe that if we are going to move Barbados from where we are to a higher level, we have to look at our entire Public Service. We have to look at how we recruit people. We have to look at their qualifications. Do not forget that the last Government changed the qualifications' order and if I was one of these people who believed in conspiracies, I would feel that it was a conspiracy by the last Government to try to prevent the Democratic Labour Party Government from having the ability to put ordinary people in jobs in the Public Service, when they made that change.

They must have known that they would go out of Government so they decided, let us make this change now so that when the next Government comes, they would not be able to get jobs for any of the people who support them because jobs that previously did not require all these "O" Levels, three "O" levels, two "O" Levels for a car park attendant and a messenger driver, you have to come with all of that now.

You have to come with a CXC in English and Mathematics, and all of that is now in the way of ordinary Barbadians working in the Public Service, many of whom came into the Public Service before, without qualifications and used the opportunity of the work to be able to further their qualifications at "O" Level and other places like that, and they do a great job because they are grateful for the job, so that can no longer happen because of you.

Asides.

Hon. C. P. SINCKLER: I mean you, as in Government. I will not call the Honourable Member for St. Thomas, you. I assist the Honourable Member for St. Thomas as much as I can because I understand that we are in this together.

Mr. SPEAKER: Honourable Member, you have five minutes in which to conclude.

Hon. C. P. SINCKLER: Thank you, Mr. Speaker.

I assist the Honourable Member for St. Thomas. I cannot advise her on dress. I cannot advise the Honourable Member on those finer points, but on matters pertaining to public administration, Constituency Councils or satisfying your concerns, I will try my best to work with the Honourable Member for St. Thomas to ensure that things get done through the agencies I have responsibility to supervise at this time.

Asides.

Hon. C. P. SINCKLER: Sir, what we have to do is to look at recruitment, qualifications and on-the-job training, which are badly needed in the Public Service, as we try to keep people up to speed with recent developments, discipline and accountability. A proper disciplinary system, which we do not have and a very bad problem that we have in our Public Service, which we need to strengthen is to ensure that our middle managers, the supervisors - what we call the engine room, not the Permanent Secretaries and the CEOs - who have to see that people do their work on a daily basis and that it is quality work.

Sir, that is where we have to focus our attention and that is what the Government has been trying to do and will continue to do over time. I say, let us work together. Do not get in this back and forth about you do this and you did that because you do not have the legs to stand on when it comes to those matters.

Mr. Speaker, as I conclude, I have tried in my agencies to try to work with our people. In the Welfare Department, we know we have issues and we are trying to address them. In the Urban Development Commission we have almost completed our restructuring plan, and the agency is working now in the way in which it should work. We are doing the changes at the Rural Development Commission and that too will work in the way that we want it to work, and a substantial amount of work has been done in the last six months as we get the thing on track. We will do the same at the National Assistance Board and the others.

Mr. Speaker, as I said, we are in this together and we want to ensure that our constituents and the wider population of Barbados are the ultimate beneficiaries for all 30 of us in here are the ultimate beneficiaries of a properly constructed, well managed and properly staffed Public Service of Barbados. Sir, that is the mission and goal of this Government and we will continue to work on that as we go forward in this millennium.

I am obliged to you, Mr. Speaker.

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

Mr. J. D. PAUL: Mr. Speaker, I rise to speak in support of the proposed Act and the Amendments. Sir, one of the things I believe that we need to recognise is that it was very surprising to hear coming from the Benches of the Opposition, a remark relating to service, which seemed to suggest that service is only a problem of a particular part of the Barbadian society. I asked myself when the Honourable Member made that comment, in which island do they live because I could not believe that they are living in Barbados.

Sir, if the Honourable Member reflected on the comment that was made, it would also have informed the comments that they made subsequent to that, and not only that, but the contribution that the Honourable Member made to this debate, which evoked the response from the Honourable Member for St. Michael North West, it would not have evoked because then they would have been able to put the rationale and reason for the changes that are being advanced into perspective.

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Mr. J. D. PAUL: They would also be able to understand that what the Government is trying to do in terms of bringing forward this consideration is to remove the element of uncertainty that sometimes seems to prevail at all levels of the Public Service.

Mr. Speaker, when I speak on this, I want to speak to the Constituency of St. Michael West Central because, as a representative representing your Constituency, from time to time you want to be able to, at least, get certain issues that are in the Constituency addressed on a continuing basis. Sir, when you look and examine some of the difficulties that civil servants have in terms of addressing those needs that your constituents have, you would understand why it is necessary for us to do what we are trying to do at this time.

Sir, one of the things I am in support of is the fact that these Amendments try to remove the confusion between the role of the Commission and that of the Permanent Secretary. Sir, when I listened to the arguments on the Opposition Side, I recognise that they are trying to brand the Government of not trying to do anything constructive. Sir, if you listen to the general arguments that come from That Side each time, you would see that they are consistently trying to put into the minds of Barbadians that we are not trying our best to address the very difficult

problems that civil servants have in terms of trying to assist this Government in managing the affairs of this country.

Sir, we have to move away from this old style where it seems as if the Opposition has not got accustomed to the fact that they are in Opposition and that we are bringing forward progressive pieces of legislation to, at least, address issues that have been there for some time. Sir, they have to accept that.

Sir, I want the Honourable Member for St. Thomas to look at it and to be honest when she looks at it. When we bring a piece of legislation that seems to address the confusion between the role of the Commission and that of the Permanent Secretary, what is wrong with that?

Mr. Speaker, I come to the question of temporary posts. Sir, very often you hear complaints in terms of this whole question. As a Back Bencher sometimes you hear the complaints in terms of trying to get certain persons within the Civil Service. If we are trying to introduce a system that is trying to streamline the process, at the end of the day, the person who benefits is the ordinary citizen out there. That is the point I think we and the citizens in this country need to understand.

Sir, we need to remove the politics away from it and understand that the impact is going to be on the ordinary human being out there. Sir, sometimes when you talk to ordinary civil servants there is a kind of confusion and sometimes powerlessness in terms of they being not sure how they should act.

Sir, if as a result of these changes, we could bring a new measure of confidence to members of the Civil Service in the way they perform their jobs, I think that is something positive and we, as a people, should want to embrace it altogether.

Sir, not only that. When we look at the whole question of how we recruit persons within the Civil Service, the employment code...Sir, I just want to go to the Codes of Discipline within the Public Service that is being proposed in this Bill. Sir, when I look at them, I do not see one section for persons who have a political orientation and another for the others who have a different orientation in terms of politics. Sir, it generally applies across the board. Sir, when you look at them, you could see that this is something that is required in any positive organisation that is operating at this time in the history of Barbados. For instance, it says that:

“This Code is aimed at ensuring

a. that standards of conduct laid down in this Act, in any Regulations made thereunder or in the Code of Conduct for persons in the Public Service are observed;

b. the existence of general principles that guide the disciplinary process including:

c. procedural fairness; and

d. determining each case on its merit.”

Sir, there is nothing draconian in these things. Sir, we have the Opposition trying to imply that there is something draconian in it, or it is not fair.

Sir, what we are trying to do is to examine the legislation to ensure that it is relevant to these times. Sir, you then have the situation where the Opposition on the other hand is saying that we are sitting down and doing nothing when it is clearly evident by what we are doing that we are trying to ensure that the current Public Service is in sync with the times. I think that is very clear to any ordinary Barbadian.

Sir, from time to time, Barbadians, even in my Constituency, go to the Welfare Department for help. All I am saying, Sir, is that you might have people who are very low, or at the basic level who might, for instance, want to get assistance from the Welfare Department but are uncertain how to proceed.

Sir, if the changes that are purported in this Act would help persons who are interfacing with the general public to be able to help them more readily, that is an aspect of empowerment because we are helping people within the Civil Service to, at least, render a more valued service to the general public with which they are interacting, so what is wrong with that? Sir, in that way we get away from the accusation that is continually made that members of the Public Service are inefficient.

Sir, one of the things that we do not understand is that we have perhaps, and I would dare to say, the best Public Service in the Region. Sir, when we examine a lot of the other Public Services in other countries, we do have the best. Sir, what it clearly states is that, at least, this Government is not satisfied to sit on its laurels, that it is continuously seeking ways to improve the general efficiency of service that is being dispensed to people.

Sir, in this age, we need to recognise that unless we can provide an efficient service to the public, at the end of the day it is the ordinary person who suffers from the lack of provision of that service.

Sir, I, therefore, would want to encourage the Attorney-General and the Prime Minister to continue to pursue the objective of trying to ensure that we bring our civil service more in line with modern trends so that when ordinary people interact with the Civil Service, they can see a more motivated individual with whom they are dealing

with, who at the same time is able to cope with the demands that are being placed upon them.

Sir, one of the things that a lot of countries have been successful on is that they have always emphasised “train” and “retrain”. Sir, many of us in our own vocations or occupations do not recognise that we must always have the process of continual education. Sir, in respect of that, the Civil Service needs to provide for ordinary persons within it to be able to continue in a process of training and retraining, no matter how old they are.

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Mr. J. D. PAUL: That is invaluable in terms of trying to ensure that we provide a service which is second-to-none. Sir, when you look at the general push behind what is being done here, you can see that we are trying to encourage a greater discipline within the Civil Service. That is clear. Sir, for instance, we are enabling them to be able to have greater confidence in the things they want to do.

Sir, in terms of the ordinary clerk, people do not understand the importance of trying to give them a greater appreciation of customer training. People do not understand the importance of training and retraining in the Public Service.

Mr. Speaker, when you look at the kind of changes we are trying to bring about in respect of this Act, you would see that is where the emphasis is being laid. Sir, we are trying to take the Civil Service into a new dimension. Sir, I would like to see the Opposition supporting us in what we are trying to do, which is trying to bring that greater discipline.

Mr. Speaker, in many cases, when we blame civil servants unnecessarily, do we, at the same time, try to look at the Civil Service to see what elements of it that needs to be changed? Sir, the Civil Service is like a business. Very often what we do not appreciate is that a business looks at itself over every five years or so, to try to see whether or not the service it is bringing forward to the public is actually meeting the needs of the persons to whom it is catering.

Mr. Speaker, in that regard, I want to say that is something that we should not find unusual. Sir, the difficulty I find is that we have a situation where the Opposition, in terms of debating this whole Bill, seems to be bringing the element of politics into it. I think that is

something we have to be very careful about, in terms of the issues that we are looking at.

Sir, if, for instance, we continue to make some wild assertions in terms of the motivations of Ministers, in terms of doing things... Sir, it is very disheartening to hear coming from the Opposition Benches the statement where they were trying to say persons from the Barbados Labour Party or Democratic Labour Party were being victimised. Sir, clearly when you listen to that charge, it is rather unfounded. Sir, the other thing is that even in this current dispensation you can see that no ample evidence is being provided to support these things.

Mr. Speaker, one of the things I want to say is that within our own Party, there are persons who might want to say that we are going overboard to overcompensate for the fact that we are trying to be too fair. Sir, I have to say this, at least to our Ministers, do not waiver from the current path that they are moving. Sir, we think generally that the country understands what we are trying to do, in terms of trying to ensure that Barbados goes to a higher level of governance.

Sir, when you look at the changes we are seeing here, those changes are towards advancing Barbados to that higher level of governance, so that when we have a situation where ordinary people interact with the ordinary civil servants, there is then a more professional interaction.

Sir, I need to go back to where I started, that is to the question of service. Sir, while we may think that the question of service is not critical, it is because very often what we need to do is to constantly evaluate the quality of service that we are providing to people. Sir, I think generally that civil servants are trying to do their best in the circumstances in which they have provided for them, but that it is our job to examine those circumstances, to see how we could improve on them as we go along.

Sir, for example, let us suppose that one goes into a particular Government department and there is a situation where the normal service offered by that department is that they are able to service 10 persons in a matter of 10 minutes. Sir, one of the things we have to ask ourselves is, is this really the normal rate that we should accept? In other words, can we do better? Sir, what we need to recognise is that if as a result of these changes, we could improve on the efficiency on the number of persons who are being served in Government Departments, we can also seek to ensure that, at the same time, in terms of the issues that are being dealt with, that they are dealt with in a very efficient manner. Sir, these are the kinds of things that we need to concentrate on. Mr. Speaker, to the extent where these changes to the Act can help to facilitate that, it is important.

Mr. Speaker, we also have to look at the extent to which the personnel we have on board within the many departments of the Civil Service are the appropriate people, in terms of whether or not they are persons who can deliver the services in the way those services need to be delivered; whether or not those persons who are there are being provided with the appropriate tools to perform those services.

Mr. Speaker, we cannot go down the road previously where basically we have sought to bully people into performing. We have to be more imaginative in how we seek to deal with people, in terms of getting them to perform at a higher level. What, of course, we need to do is to ensure that we have a code in place which is fair, where everyone understands what he or she has to do.

As a matter of fact, we also need to try to ensure that in terms of the Administration of the code, for example, if there are infractions of that code, we have to try, at least, to make sure that we have systems in place, where if people feel they are wronged, that there is some process by which people can appeal.

Mr. Speaker, when you look at the changes to the Act, there is a process that speaks to that. Therefore, I would want to emphasise to the Opposition that when we look at the changes, there is nothing harmful about those changes. There is nothing to suggest that, as a result of those changes, Barbados would not be better equipped to deal with the many challenges with which it is faced today, in terms of what is happening around the world.

Mr. Speaker, at the same time, we are seeking to have a more motivated individual working within the Civil Service being able to deliver a proper service to those persons with whom they interact on a daily basis. Sir, not only that, we also have to look at the fact that generally Barbados not only deals with its citizenry, we interact with people from abroad and so we have to look at the question of foreign investment. Sir, these are the areas that we are trying to address within our Public Service.

Sir, if we have a situation where we make no changes as we go along to produce that motivated individual, it would also impact on our ability to attract the kind of foreign investment which, at the same time, would bring greater benefits to our country. Therefore, we cannot but support what this Government is trying to do at this particular point in time.

Mr. Speaker, I want to comment on the question of criminal convictions. Sir, I cannot see what is the problem that is being raised by the Opposition in respect of the question of criminal convictions. Sir, clearly, if you make an application anywhere, at least in the mind of the person who is reviewing the application, if there is no question

about that, then there is nothing to consider. Sir, to my mind, to have to put that up front, I think seriously does not do our whole criminal justice system anything.

Sir, recently we have been talking about the question of trying to allow those persons who might have had a minor infraction with the Law the ability to be reformed. Therefore, how can we be seeing this on one hand and on the other hand, we are not trying to look at the various rules and procedures in our various entities to make sure that is what we mean.

7.30 p.m.

Tuesday, January 12, 2010

Mr. J. D. PAUL: Sir, if you are saying to me, if you remove that it is a problem, in the back of your mind you are saying that basically, we should take into consideration those persons who have criminal convictions. As far as I am concerned, when a person comes before you, you see a person and whether or not the person has a criminal conviction, it is a question of the person's suitability for the job.

If we are serious about reforming persons in the society, how can we do that when, at the same time, we put in place a process that puts them in a negative light. Sir, that is one of the things we need to look at, when we look at the whole thing of criminal convictions.

Mr. Speaker, the other point is that I think we need to look at the positive things in these provisions. Sir, the question of the treatment of disabled people. Sir, in our community we always talk about disabled people and the need to look at them differently. Again, this is a positive thing we are trying to do here but the Opposition is not applauding Government on these positive aspects. Sir, all we are doing is trying to paint a picture in the minds of the public that tries to put the actions of Government in a very negative manner.

Mr. Speaker, I really think that the Opposition is doing a disservice in terms of the way in which they are trying to debate this particular Bill. Sir, at the end of it, Barbados stands to benefit from removing that climate of uncertainty from the Public Service, especially among civil servants.

Sir, when you talk to them, even as a result of the experiences under the last Administration you can see, by and large, that we have a Civil Service that wants to do the job, but they also want us to ensure that we put the necessary tools in place to enable them to do the job.

Mr. Speaker, one of the things we do not understand - any organisation will tell you this - is that if you have

employees that are not settled in their minds, they cannot do the job properly. If you have rules in a workplace that do not enable them to do the work, they cannot do it properly. Sir, even in that respect, this is why these particular Amendments are important in terms of trying to ensure that civil servants can operate in a workplace that they can feel comfortable that if they do a job that they would be rewarded for it.

Mr. Speaker, I want to thank you very much for allowing me the opportunity to contribute. I want to say that we need to give support to the Amendments so that we can move the country forward in a positive direction.

Mr. Speaker, thank you very much.

Mr. SPEAKER: I am obliged.

The Honourable Member for Christ Church East Central

Hon. R.D. JONES: Mr. Speaker, I beg to move that further consideration of this Bill be now suspended.

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

ADJOURNMENT

Hon. R.D. JONES: I beg to move that this House be adjourned until Tuesday, January 19, 2010, at 10.00 a.m.

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

The question that the House be adjourned until Tuesday, January 19, 2010 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

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CLARKE, Mr. G.A. (St. George North)
EASTMOND, Mr. R.C. (St. James North)
FORDE, Miss C. Y. (St. Thomas)
INNIS, Hon. D. O'N. (St. James South)
JONES, Hon. R.D. (Christ Church East Central)
LASHLEY, Hon. M.A. (St. Philip North)
LASHLEY, Mr. H. F. (St. Michael South East)
MARSHALL, Mr. D.D. (St. Joseph)
MOTTLEY, Hon. Miss M. A. (St. Michael North East)
PAUL, Mr. J. D. (St. Michael West Central)
SINCKLER, Hon. C. P. (St. Michael North West)
STUART, Hon. F.J. (St. Michael South)
THOMPSON, Hon. D. J. H. (St. John)
TODD, Hon. P. M. T. (City of Bridgetown)

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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 reads ‘January 12, 2009’; the heading reads ‘Tuesday, January 12, 2010’, which is used. Please confirm.

Q2. Masthead. The session is not stated in the source, so no session line is printed.

Q3. Committee of Supply, Head 19 - Treasury. The sum under Head 19 is given as ‘\$114 524 039’, with equipment costing ‘about \$149 019 016’ against a balance of ‘\$34 494 077’; the whole Resolution is for \$4 588 856. The figures appear to be overstated in the source. Printed as in the source.

Q4. Committee of Supply, Heads 19 and 30. Hon. J. D. E. Boyce says operations at the Forensic Sciences Centre have been suspended ‘since February 2008’; the Attorney-General says they were suspended ‘in February last year’ and that the problems were first identified around September 2008. Printed as in the source.

Q5. Committee of Supply, Supplementary B, Head 32. The projected lease expenditure for the New York Chancery is given as ‘\$2.414.78 million’. Printed as in the source.

Q6. Committee of Supply, report. After the two money Resolutions are reported, the procedural note reads ‘the Bill was read a first and second time and passed’. Printed as in the source.

Q7. Committee of Supply, Head 13. The Chairman’s call ‘Mr. CHAIRMAN: The Honourable Member for St. Michael North East.’ is run into Hon. F. J. Stuart’s seconding line, so it prints under Mr. Stuart’s heading. Printed as in the source.

Q8. Committee of Supply, Head 30. The Chairman calls ‘The Honourable Member for St. Michael South’, but the speech that follows is by Mr. H. F. Lashley. Printed as in the source.

Q9. Order No. 2, take-slip about 3.20 p.m.. The Attorney-General’s sentence beginning ‘the differences between the independent Public Service and the colonial Public Service are stark’ appears twice, once either side of the take-slip. Printed as in the source.

Q10. Take-slips. One take-slip reads ‘H52 14.50 p.m. H52 Sequence 23’. Printed as in the source.

Q11. End of record. The second reading debate on the Public Service (Amendment) Bill, 2010 was not concluded; further consideration was suspended and the House adjourned until Tuesday, January 19, 2010.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met on Tuesday, 12th January, 2010 at 10.15 a.m., with Mr. Speaker in the Chair. Mr. Speaker welcomed members of Elon University of North Carolina. Hon. D. J. H. Thompson laid the Customs Tariff (Amendment) (No. 8) and (No. 9) Orders, 2009 and the Report of the Audit of the Accounts of the Public Enterprise Investment Fund for the year ended March 31, 2008, and Standing Orders were suspended.

In Committee of Supply, with Mr. S. A. Lashley in the Chair, the House considered the Resolution for \$4 588 856 under Supplementary Estimates No. 5, 2009-2010. Mr. Thompson explained that Head 13 provided \$1.346 million for the Regional Security System, to clear maintenance arrears and keep its surveillance aircraft flying; Hon. Miss M. A. Mottley said the Opposition had no difficulty with the sum, and Hon. P. M. T. Todd supported it. Head 16 met higher fees for the three Services Commissions and advertising required by the Public Service Act, 2007.

Hon. F. J. Stuart, the Attorney-General, explained that Heads 19 and 30 were needed mainly for remedial works at the Forensic Sciences Centre, where scientific operations had been suspended in February because of a mould infestation. Hon. J. D. E. Boyce called it an example of the last Government’s mal-administration, and Miss Mottley raised points of order over his claim that the building had been unoccupied. Mr. D. D. Marshall, Mr. R. C. Eastmond, Mr. G. A. Clarke, Miss C. Y. Forde and Mr. J. D. Paul joined a debate on the maintenance of Government buildings, Hon. R. D. Jones raising points of order. On Head 30, Mr. Jones spoke on the Office of the Solicitor-General; Mr. Marshall and Mr. H. F. Lashley on the law library and the justice system; Mr. Eastmond on the need for a forensic psychologist; Hon. M. A. Lashley on the videotaping of confessions; and Miss Forde on a police station at Cane Garden and a forensic pathologist, Hon. D. O’N. Inniss rising to say that the Queen Elizabeth Hospital was not responsible for delays in autopsies. Both Heads were agreed.

Under Supplementary Estimates No. 6, for \$2 951 155, Hon. C. P. Sinckler explained Head 32: rental and furniture for the new Chancery at 820 2nd Avenue, New York, leased through the National Insurance Board; \$64 750 to furnish the Chancery in Beijing for the new Ambassador, Sir Lloyd Erskine Sandiford; \$45 450 for the EPA Implementation Unit at Belleville; and \$90 000 for professional services. He announced diplomatic appointments, including Miss Donna Forde to Cuba and Miss Yvette Goddard to Brazil. Both Resolutions were reported and passed.

Mr. Stuart then moved the second reading of the Public Service (Amendment) Bill, 2010, with its cognate amendment to section 98A of the Constitution. After a long account of the Public Service since Independence, he explained that the right to appointment after three years' acting applied only to those acting at the commencement of the 2007 Act, that the period for filling temporary

vacancies without the recruitment code would rise from three months to 12 months, and that the Public Service Appeal Board would be defined. Mr. Marshall replied that the Bill repealed the provision allowing persons with convictions to be employed, removed the requirement to create temporary posts by Order, and asked whether appointments were being made on probation contrary to the Act; Mr. Stuart rose on a point of order.

Mr. Boyce said the change would let temporary workers be paid more promptly. The Prime Minister, Hon. D. J. H. Thompson, said the former Attorney-General had come on a fishing expedition and that no officer was now entitled to appointment merely by acting for three years. Miss Forde, Mr. Sinckler and Mr. Paul also spoke. On the motion of Mr. Jones further consideration of the Bill was suspended, and the House was adjourned until Tuesday, January 19, 2010 at 10.00 a.m.