
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

PARLIAMENT 2018 – 2022

HOUSE OF ASSEMBLY

Tuesday, April 2, 2019

The House of Assembly met on Tuesday, April 2, 2019 at 10 a.m.

PRESENT

His Honour A.E. HOLDER, LL.B. (Speaker) His Honour G.A. CLARKE, J.P., B.Sc., Dip. Ed. (Deputy Speaker)

Hon. Miss MIA A. MOTTLEY, Q.C., LL.B. (Prime Minister, Minister of Finance, Economic Affairs and Investment) Bishop the Hon. J.J.S. ATHERLEY, B.A., B.Sc. (Leader of the Opposition) Hon. G. W. PAYNE, Q.C. (Minister of Housing, Lands and Rural Development) Hon. D.D. MARSHALL, Q.C., LL.B (Hons.), L.E.C.(Attorney General and Minister of Legal Affairs) Hon. R.ST.C. TOPPIN, LL.B. (Hons.) (Minister of International Business and Industry) Hon. T.A. PRESCOD, J.P., B.A. (Minister of Environment and National Beautification) Hon. C.Y. FORDE, J.P., L.C.P. (Minister of People Empowerment and Elder Affairs) Hon. K. D. SYMMONDS, B.A., LL.B. (Minister of Tourism and International Transport) Dr. the Hon. W.F. DUGUID, J.P., B.D.S. (Comm.), F.D.S, F.D.R.C.S. (Minister of Transport, Works and Maintenance) Lt. Col. the Hon. J.D. BOSTIC, MVO, B.A. (Hons.) (Minister of Health and Wellness) Hon. E.G. HINKSON, LL.B. (Hons.), L.E.C, LL.M. (Minister of Home Affairs) Mr. D.G. SUTHERLAND, B.Sc., M.Sc., M.B.A. (Dist.) (Minister of Small Business, Entrepreneurship and Commerce) Hon. W.A. ABRAHAMS, LL.B. (Hons.) (Minister of Energy and Water Resources) Hon. Ms. C.S.V. HUSBANDS (Minister in the Ministry of Foreign Trade) Hon. R.R. STRAUGHN (Minister in the Ministry of Finance) Hon. Miss. M.K-A. CADDLE (Minister in the Ministry of Economic Affairs) Hon. C.E. JORDAN (Minister of Labour and Social Partnership Relations) Hon. C. McD. GRIFFITH (Minister in the Ministry of Housing, Lands and Rural Development)

Hon. A.R. FORDE (Minister of Youth and Community Empowerment) Hon. K.D.M. HUMPHREY (Minister of Maritime Affairs and the Blue Economy) Hon. I.A. WEIR (Minister of Agriculture and Food Security) Hon. P.R. PHILLIPS (Minister on the Ministry of Transport, Works and Maintenance) Hon. J.A. KING (Minister of the Creative Economy, Culture and Sports)

Mr. G.P.I. GOODING-EDGHILL

Mr. R.A THORNE, Q.C.

Mr. N.G.H. ROWE (Parliamentary Secretary in the Ministry of People Empowerment and Elder Affairs)

Dr. Miss S. E. BROWNE (Chairman of Committees)

Prayers were taken by the Reverend Mark Harewood.

MINUTES

Mr. SPEAKER: Good morning, Honourable Members. This House is now in Session. I refer to the Minutes of the meeting held on Tuesday, March 12, 2019 and Wednesday, March 20, 2019.

Lt. Col. the Hon. J. D. BOSTIC: Mr. Speaker, I beg to move that the Minutes of the meeting held on Tuesday, March 12, 2019, be confirmed and that the Minutes of the meeting held on Wednesday, March 20, 2019, be deferred.

Hon. C.Y. FORDE: I beg to second that, Sir.

The question that the Minutes of the meeting held on Tuesday, March 12, 2019, be confirmed, and that the Minutes of the meeting held on Wednesday, March 20, 2019, be deferred, was put and resolved in the affirmative without division.

PAPERS

Lt. Col. the Hon. J. D. BOSTIC: Mr. Speaker, I am commanded to lay the Financial Statements of the Board of Management of the St. George Secondary School for the years ended March 31, 2007 to March 31, 2012.

GOVERNMENT NOTICES

Lt. Col. the Hon. J.D. BOSTIC: Mr. Speaker, I beg to give notice of the following:

1. The Constitution (Amendment) Bill, 2019
2. The Bail (Amendment) Bill, 2019

FIRST READING OF BILLS

Hon. D. D. MARSHALL: Mr. Speaker, I beg to move that the following Bills be read for the first time:

1. The Constitution (Amendment) Bill, 2019.
2. A second Constitution (Amendment) Bill, 2019, which will be numbered in due course.
3. The Bail (Amendment) Bill, 2019.

Hon. I.A. WEIR: I beg to second that, Sir.

The question that the mentioned Bills be read for the first time was put and resolved in the affirmative without division.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Lt. Col. the Hon. J.D. BOSTIC: Mr. Speaker, I beg to move the suspension of Standing Orders Nos. 6, 16, 18, 20, 42(5), 43, 44 and 56, for the remainder of the day's Sitting, and also the withdrawal of Bills of Orders Nos. 5 and 9 to be replaced by Orders Nos. 15 and 16.

Hon. W.F. DUGUID: I beg to second that, Sir.

The question that the aforementioned Standing Orders be suspended for the remainder of the day's Sitting was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is now the order of the day.

ORDERS Nos. 5 and 9

Lt. Col. the Hon. J.D. BOSTIC: Mr. Speaker, I beg to move the withdrawal of Bills of Orders Nos. 5 and 9, to be replaced by Orders Nos. 15 and 16.

Hon. W.F. DUGUID: I beg to second that, Sir.

The question that the Bills of Orders Nos. 5 and 9 be withdrawn and replaced by Orders Nos. 15 and 16 was put and resolved in the affirmative without division.

Mr. SPEAKER: Bills Nos. 5 and 9 are withdrawn and replaced by 15 and 16.

BAIL (AMENDMENT) BILL, 2019

Mr. SPEAKER: Honourable Member for St. Joseph.

Hon. D. D. MARSHALL: Mr. Speaker, the matter of bail in Barbados has caused some concern and consternation especially over the past few years. I believe Sir, that before I get into the substance of it would be important for me to indicate to this Honourable Chamber the kind of landscape that we are now presented with, which has determined that we take this particular course of action to amend the Bail Act.

Mr. Speaker, so the first question is what brings us here today. There is no doubt, Sir that the number of homicides, the number of murders that have taken place in Barbados, since the year began, is unprecedented in our history over the same period. We are now, Mr. Speaker, at 20 murders so far for the year and in some instances, Sir, these murders did not take place evenly spaced over the last three months. In some weeks we have had, in some very narrow periods of time, over a period of 48 hours and the like. Therefore, Parliament is obliged to look at it from two sides: Are we doing enough to quell this spate of crime; and are we doing enough by way of proactive measures?

I have said repeatedly that we are not going to turn around, in a period of ten months, the massive increase in violent crime and firearm crime that has been nurtured, perhaps unintentionally so, over the last ten years. We would be fooling ourselves, Sir, if we felt that in the space of ten months we could overturn ten years of decline and neglect. Perhaps it might be useful if I give this Chamber a number of statistics to demonstrate the movement in the figures in relation to murder and especially in relation to firearm caused murder over the last 30 years. Mr. Speaker, during the decade 1989 to 1998, (Mr. Speaker, Sir, I would like to remind the Chamber that I shared these figures with Parliament and the wider Barbados during the estimates debate but it bears repeating now), we had 184 homicides; in that ten-year period 1989 to 1998 184 homicides. Of those homicides, only 42 were caused by firearms, (only 42). You know, Sir, any death is a tragic one and any death by firearm is one that particularly endangers our society but how many of us will be willing to admit that you almost preferred 42 to the numbers that we have today.

In the subsequent decade, Mr. Speaker, and that decade is 1999 to 2008, there were a total of 267 homicides and in that period 101 were caused by firearms. In the decade ending last year, we had a marginal decline in the number of homicides - 260 - but Mr. Speaker, 140 of those homicides (more than half) were caused by firearms. Mr. Speaker, Sir, that demonstrates clearly two things, I believe

that there has been a gradual increase number of murders but particularly worrisome Sir is the direct association between those murders and the use of firearms. We go from 40 out of 180 to 140, Sir, out of 260. This increase in the use of firearms is replicated when you look at the general firearm statistics that have been compiled. Between the year 2010 and 2017 in that period, that seven-year period, there were 2908 victims of firearm-related crimes (2 908, just shy of 3 000 Barbadians and perhaps some visitors who were victims of firearm-related crimes). During that period Sir, 1 836 persons were arrested and charged with firearm related crimes.

Mr. Speaker, it does not take a lot of imagination to be able to say to the public that firearms have become the scourge of modern-day Barbadian existence, (it is plain and simple). We could put icing on it. We could do all kinds of things to decorate it, but the bald truth Sir, is that it has become the scourge of our modern-day existence and threatens to unwind all of the achievements that we have made as a nation over the last 50 years and in particular Sir, all of the economic and other advances that we have made in recent times and especially over the last ten months.

Now, let us look at what has brought us here today. Of the 20 murders for this year, 12 were gun-related (more than half). Of that 12 gun-related homicides 10, (I am advised by the members of the Royal Barbados Police Force) were in the nature of reprisals; that is, gang on gang warfare.

Mr. Speaker, let me urge the members of the Barbadian public not to take that little kernel of information and draw any comfort from it. There are some people who like to view the crime situation as an “us and them”, it does not happen in my neighbourhood; I am not at risk; it is gang related; they are reprisal, so as long as I am not involved in that kind of activity I can go to sleep safely at night. That is not the case Sir, because there are a number of disturbing that have been happening. We are seeing Sir, a callousness in the individuals who are committing these crimes. How does a person who might live in one of the fancy areas of our country but happens to like CropOver, feel that their enjoyment of the festival could not be interrupted when only two years ago Sir we had people running through Spring Garden shooting indiscriminately and with wanton disregard for what else could be happening?

Sir, when we look at the recent event, Sheraton Centre, a situation where an individual goes into a public place, in the middle of the day, where people are carrying out their ordinary business, some recreational, some commercial, and someone indiscriminately fires off a weapon. Mr. Speaker, that should tell you, that should tell every Barbadian that there is no longer any reason behind

thinking that we are in some kind of a cocoon and that it cannot affect us.

Mr. Speaker, in this context, we now have to ask: What is our response. Mr. Speaker, Sir, before I tell you about that response, I think it is important to deal with the question of bail and what it has become. Mr. Speaker, in 1996, this Parliament passed a Bail Act, which for the first time put the grant of bail on a statutory footing in Barbados. Now, we have never been fearful of embracing developments in law, nor have we ever been fearful in approaching these matters in an orderly fashion. Sir, in 1996 when the Bail Act was passed, it provided that any defendant in a case could get bail in certain circumstances. Now, conventional wisdom over the years, conventional legal thinking over the years, was that a person accused of murder could not get bail, and even though the law was changed in 1996 to permit it, in fact, the first time that anyone applied for bail on a murder charge was in the year 2007 and that person 11 years later was granted bail especially because of the fact that his trial had by then been delayed for seven years. Sir, that opened the proverbial Pandora’s box, and while I do not criticise the judge in any way, (he was a very well regarded judicial officer of Barbados who have gone on to serve the region Court of Appeal Judge in the Bahamas and elsewhere and who continues to serve the region well, Sir - solid legal reasoning) but the problem is Sir that when once that door was open we could not get it shut back. Mr. Speaker, hence over the years and with increasing frequency, individuals charged with murder have been applying to our High Court and have been getting bail, Sir.

Permit me to share with you some of the recent statistics, (and I am only going to go back four years) in relation to the nature and the amount of bail applications that were granted in respect of, firstly firearms, and secondly murders. I am setting the context, I hope. Sir, in the year 2016, 33 bail applications were granted in respect of people who had firearm offences; others may have had applied too but 33 got bail. In that same year, Sir, seven murder accuseds were granted bail as well. In 2017, we had 45 persons charged with firearm released on bail, and six people charged with murder. In 2018, we had 38 people charged with firearm offences released on bail, and in the same year Sir nine people charged with murder were also released on bail, and thus far for the year, at the same time, Sir, that we have 12 gun-related homicides for the year, coincidentally we have 12 people charged with firearms offences being released on bail, and we have four persons charged with murder being released on bail. That is as at today, Sir, the second day of April, 2019.

Now, Mr. Speaker, I promise you that this is not to be a debate on statistics, but if anything, there is a set of numbers that I think should really matter to our society, and should matter to our society more than the number of

people who got bail, and the number of people who charged with this, Sir. Mr. Speaker, those numbers are the ages of some of these young men. The young man who was charged with the homicide in Sheraton Centre, Thursday before last, he is 21 years old, Sir. This same young man charged with the murder in Sheraton Centre was out on bail for an earlier murder, Sir, a murder which he was charged with committing in the year 2015. He was released on bail in August of last year, (in August of last year this young people was released on bail) and by March, barely eight months later charged with another shooting. He is 21 years old, Sir. The victims in each case; one was 35 years old and the other was 33 years old.

There is another individual, Sir, who is currently on bail for two murders (two). At the time when he was charged for the first murder, he would have been about 22 years old, and he was charged for his second murder in 2014 and as I said he is out on bail, Sir.

There is another young man who is charged with serious firearm offences; he is 33 years old. The young man who is charged with the homicide in St. George of February, Sir, he is 19 years old. There was another young man charged with multiple murders; he is 29 years old.

Those are the numbers that should worry the Barbadian society; not people in their 50s who have lived most of their life already; not a man in his 70s who says, "Well, I can do anything now because I do not have much time left. Mr. Speaker, Sir, it is our young men; people who would have been in our secondary schools five or six years ago; people who might have been in our Sunday Schools, and in our primary schools less than a decade ago, Sir, those are the numbers that should be worrying us.

Mr. Speaker, the fact is that in many instances these individuals come out of prison on bail and reoffend, so that there are number of individuals who are out on bail having been charged with multiple murders. There are a number of individuals who are out on bail having been charged with multiple serious firearm offences and who come out and then get charged again for other serious firearm offences. Mr. speaker, while an individual has a right to his freedom, and while there is a presumption of innocence, Sir, it is clear to me that in a situation where people are coming out on bail and are reoffending in the most vicious and callous of ways, Sir, we as a Parliament and those of us on the Executive have to make a deliberate response to deal with this issue.

Mr. Speaker, I believe that the average Barbadian, while their hearts would go out to the challenges that these people face, they are concerned about how we protect our society. As I have canvassed people, as I have sought their views, many of them have exclaimed: "But, what is he

doing out on bail?" Sir, perhaps when once we asked that question then we begin to look at the solution.

This Parliament is today being asked to make an amendment, Sir. The purpose of this amendment is to restrict in a very serious way, the ability of individuals charged with certain offences to get bail. It is not a knee-jerked reaction. It is a reaction, Sir, that takes into account what we are seeing on our streets and I am not going to try to prejudice anybody but would it surprise you, Mr. Speaker, to hear that many of the people who are charged with murder offences and come out on bail, not only are they charged with subsequent murders, but in many instances they are prime suspects in yet other murders? I am not calling any names, I am not going to prejudice anybody, but would it surprise you, Mr. Speaker, if I said that individuals are prime suspects in one and two other murders after coming out on bail and go and get charged with murder again?

It is useful, Sir, in this context for to cite from a case in Canada called *The Queen v. Hall*. In *The Queen v. Hall*, the matter of bail came up and it was dealt with in the Supreme Court of Canada which is the highest Court of Appeal in Canada, and it was a case where an individual had slashed a woman 37 times. There was evidence that he attempted to cut off her head and obviously she died. That society was very fearful of the environment and the judge said:

"This city, like other small cities, looks for its courts for protection. The feeling of the community has been expressed by certain witnesses. Some people are afraid and some people have voiced their concerns..."

Mr. Speaker, he goes on to say:

"Moreover, the offence was grievous. There is no higher or worst crime in this country than first degree murder."

There are a lot of similarities here, Sir, because Barbadians too recognise that there is no crime worse than the intentional taking of another person's life. The statement of the judge when he considered the fear that had begun to engulf that particular Canadian community, he said the people are looking to the courts for protection.

Mr. Speaker, bail is granted by our High Court Judges - and I am not here to bash anyone today, just let me make that clear. Judges act on information put before them, but there is a higher calling that they are required, in my view, to take into account. I can empathise with people when they ask the question: what is that individual doing out on bail? When the Bail Act is considered, the court is to have regard -- I am talking about the Act as it is now, Sir -- to the nature and seriousness of the offence. The court has

to look at that before making a decision on whether to grant bail or not. It also has to look at the character, antecedents, associations and community ties of the defendant, so our judges are required under the law to consider ... well, you may say that character could mean just about anything, but antecedents take into account what you have already been charged with, so that you have to look at the antecedents. A person who has already been charged with murder and is out on bail, a court ought to be looking and saying, wait a minute, you are already on bail for murder and is now being charged with another murder. The court is also able to look under our law, in fact, it is required to look under our law at the associations of the defendant. Sir, if that is the Young Men's Christian Association (YMCA) so be it, but I believe, Sir, that the associations that the court should be principally concerned with here would be such things as gang involvement. Those are the kinds of issues that have to be considered by the court.

The court under this section is also required to look at the strength of the evidence of his having committed the offence. This is not Dale Marshall speaking, this is the Parliament of Barbados speaking. The court must look at the evidence, the strength of the evidence. So in a case where the strength of the evidence tips in favour of a conviction, a court would be hard-pressed to grant somebody bail. I cannot tell anybody what to do, but certainly one would consider that if you commit a shooting and there are cameras and so on that have captured you, then I do not know how much stronger evidence a person could want.

Sir, despite these strictures, people still seem to be getting bail in circumstances where the communities are feeling that when they look to the courts for protection, they are not getting it. That is the problem, Sir. Our communities -- that is what the judge said -- the communities look to the court for protection but our communities are not feeling as if the court is affording them the level of protection that they require.

In these circumstances, Sir, the Legislative is being invited today to take a decision to intervene by enacting that in any case where a person is charged with murder, treason and high treason, but those have always been in the Act so that is not new, or an offence under the Firearms Act, which is punishable with imprisonment for ten years or more, that such a person shall not be granted bail unless 24 months have passed. So for the purposes of this debate a person charged with murder or a person charged with one of the most serious offences under the Firearms Act will not be eligible for bail in under 24 months.

Mr. Speaker, some may argue that there is no magic in 24 months. Some people have suggested to us that we should make it 36 months and some people have suggested to us that we should not give them bail at all but we still

have a duty to maintain an orderly society where rights of individuals are balanced.

Sir, the principal challenge with this bail issue has to do with the length of time it takes for criminal cases to be completed. We therefore have taken decisions, and I am not going to go into them now because I have spoken about them ad nauseam, which we feel will bring about a significant shortening of the time between an individual being charged and an individual being tried. We feel that when once those measures kicked in that there can be no good reason why a trial of any indictable matter should not be able to take place in the ordinary course of things in anything under 24 months. In fact, we feel that for the most serious of our offences there should all be tried within 12 months. But this is not a case, Sir, where we are talking idle, we have put the resources in place, we are putting the judges in place, we are putting the court rooms in place, and we are giving the Director of Public Prosecutions Office additional prosecutors, all of the things needed to bring that period down from the five, six and seven years that it is now, to within a short period of time and therefore we have set a period of 24 months as a bail restriction which we think is reasonable in this case.

Sir, courts must always have an opportunity to exercise some discretion. Notwithstanding the bald prohibition, we have outlined in the Bill a number of cases where a court is able to hear an application and to grant bail in limited circumstances where the need arises so, for example, if the court is of the view that the evidence against the accused is weak, and that happens sometimes, I know you have argued cases like that, Mr. Speaker, then the court has an opportunity to say, the case against you is weak, I am not going to keep you at Dodds for 24 months and that can arise in a number of instances.

Sir, a person might be charged with murder when on the facts of the case the person could not have had the mens rea to commit murder. The mental element might not be there. Sir, later in the section we actually provide that where you can raise a defense of self-defense that a court would be able to grant an individual bail. Now, reaching this compromise did not come easy because there is an anger that is being expressed in the Barbadian society given what is besetting us. Sir, there were times when, let us take for example, somebody breaks into your house and you and them get into something and they get shot and died, but you might still be charged with murder. You should not be but you might be because I think anybody who has practised at the criminal Bar long enough would know that there are instances where you are left wondering why would you have charged this person with homicide. I have personal experience of an individual who had been threatened day and night by an assailant and the assailant went to the Police and told the Police: "I do not care what you tell me, I am going to kill he" and when the fateful

attack came the individual defended himself, so you had clearly self-defense but he was charged with murder. I am not going to fuss about that but the point is it can happen, so we have made provision where in certain limited circumstances notwithstanding the prohibition an individual would be able to get bail in a case where the case is weak or where self-defense can be pleaded and so on.

We have also sought to put other arrangements in place. Sometimes these bail applications are heard in the High Court but the people who are there as gatekeepers for Barbadians are not aware that a bail application is being made and now for the first time we are providing that a bail application can only be heard no fewer than 72 hours after it has been served on the Director of Public Prosecutions, so an individual who is making an application for bail in the High Court must serve their application on the Director of Public Prosecutions and it cannot be heard in under 72 hours. The purpose for that, Sir, is to give the Director of Public Prosecutions an opportunity to find out what the factual matrix are, what are the individual's antecedents, what is his associations, where the Police stands, are you currently investigating another offence for this individual and so on, all of those things, so that the Director of Public Prosecutions can be the gatekeeper and say to the judge there are circumstances why we do not think bail is appropriate and these are the circumstances.

Sir, we think that this is an important measure. It may be small but it is an important measure because it allows the State to have a significant voice when these bail applications are made because I believe that you well know that sometimes a bail application is filed and you might call a particular judge who might be accommodating and you literally slip in before the judge in the bail application is heard and you are on your way. It happens, but this attempts to bring order to that kind of environment.

Mr. Speaker, we know that dealing with the Bail Act in this way will not solve all of our problems but I am convinced that it will go a long way in bringing some order to our streets. Mr. Speaker, there are a number of young men, and perhaps even young women who, because of the prevailing environment where it is considered that you are going to get bail, do not hurt your head, bail is going to come, just cool out, you are going to get bail, are saying: "It is alright, I 'gine' do what I got to do and I 'gine' go up and in six months I 'gine' be back out". There is a peculiar phenomenon that is happening.

Sir, I grew up in a generation when you had to be neat and tidy and you had to speak well and you had to keep out of trouble in order to be attractive to the fairer sex. The Honourable Member for the City of Bridgetown is like that, that is why he is always neat and tidy, but Mr. Speaker, Sir, today there is a generation of individuals who

see going up to prison as a means of rising in the estimation of his or her peers and in the estimation of the women whom they are trying to attract. Now, I think somebody might call the conservative people in here "popes" but, Sir, in our society our young men are rendered to be more appealing to young girls if they went up to Dodds for three months; he gets bail and comes back out as a celebrity.

Mr. Speaker, Sir, as fanciful as that is to you or me, that is the prevailing view in that particular class of individuals and because there is a feeling that based on happenings, I am going to be back out on bail in three or four months, [it is] no big thing. Well, no, Sir, you will not be getting bail in three or four months anymore because we are starting you off up there at 24 months, so that if you want to go shoot somebody and feel that you could go up and be back out in a few months on bail and become a celebrity, think again.

Mr. Speaker, Sir, after the 24-months' period you are now entitled to apply for bail, but my job is to make sure that after the 24-months' period you are either convicted or acquitted. We will not be tolerating these situations where cases drag on and on and on, so as far as this Executive is concerned, as far as this Honourable Chamber is concerned, that circumstance will not obtain; within 24 months you should either be free or serving time, one or the other. So that the people who feel that going up to Dodds will bestow on them some kind of celebrity status, well, I do not know but I would like to suggest that as of this week you need to think again. You may be a celebrity up there (sic) but by the time you manage to get back out, if a stiff sentence is imposed on you after conviction, the people whom you were running with would not remember you; you hopefully would be a changed man or woman when you come back out.

Mr. Speaker, Sir, I do not think that this is a matter that requires any long convincing of this Honourable Chamber but I do feel it is important to put before this Honourable House another matter, Sir. Any intervention in relation to firearms has to be well thought out and it has to be multidimensional. We have increased the patrols; our police officers have given up time, they have been scoring some success in terms of finding firearms in their searches, and the Government is investing \$40 million in the Port in new scanners to try to stop the firearms from coming in. All of these things are being put on the table, Sir, but there have been a number of Barbadians who have been expressing an interest in seeing gun amnesties being returned to our arsenal as part of the equation. Now, let me say, Mr. Speaker, Sir, that we have had gun and ammunition amnesty in 1983. Remember I told you that in the decade of 1988-1998 we had a total of 40 shooting deaths but in 1983, Sir, as remarkable as it might seem to us now, there was a spike in firearm crime and a gun

amnesty was established then. It was implemented for a period of July 1 to December 31, a full six months. Again, in 1998 another gun amnesty was offered to Barbadians. The purpose of a gun amnesty, Sir, is to allow individuals who have in their possession unlicensed firearms, parts of firearms, ammunition that they know they should not have, to bring them in and in the nature of any amnesty, [you] take them into any police station and you are not asked a single question. Our mission then is to get them off the streets. Mr. Speaker, Sir, people have been asking for it and I have consulted with the Police Force and I announce today that after this legislation is passed in all of its stages and becomes law later in the week, a gun amnesty will be offered to Barbadians.

Let me make it clear, Sir, in 1983 the gun amnesty was for six months; in 1983, I think the Honourable Member for the City of Bridgetown had just left the "University of Waterford" and I was preparing to leave. The Honourable Prime Minister had just left and gone to London. In 1983, the Honourable Member for Christ Church West had not yet done the Common Entrance Examinations. In 1983, Sir, things were very different then. This guns and ammunition amnesty, Sir, will not be so generous; you have a week, a week, Sir. Anybody who has in their possession an unlawful firearm or ammunition, the amnesty runs from Sunday 7th April, 2019, until Saturday, April 13th, 2019, at midnight. At midnight, Sir, gloves are off. This amnesty, for the avoidance of doubt, relates to firearms, parts of firearms and ammunition. Somebody once said to me that a gun without a bullet is just a hammer. Well, Sir, we want the hammers and we want the nails. But it is just a week because if you have an unlicensed firearm it does not take you six months to figure out whether or not you want to hand it in, that cannot take six months. We are not sending anybody to go look for firearms, if you have ammunition that you know you have no lawful reason to have, take it to any police station, day or night, no questions [will be asked]. If you have guns or any parts of guns, [you can take them to] any police station, day or night, no questions [will be] asked, and if you know and you can get your hands on it, take it to a police station too, Sir, but [it is] one week. Sir, it is one week because the criminal element in this society has to understand that we mean business; a Government is elected for the purpose of protecting the citizens, that is why the Honourable Member for St. Thomas is here, is it not? That is why I am here, Sir. My business is to protect citizens and not to coddle criminal; coddling criminals, I do not know whose business that is but it is not ours. I know that I would hear "that is too short!" It does not take long to get from wherever you are with a gun to a police station. We have police stations all over the place, Sir. One week. At the end of that week, I propose to report to the country what and how many we have been able to recover. I am declaring it publicly that there is an amnesty, and the police will tell you periodically how many guns they have seized in a raid. I believe that I

can tell the country how many guns are coming from the amnesty but I can tell you, Sir, that there are people who believe that an amnesty is not the solution. There are people who believe that the kinds of guns that we want to get off the streets do not come in in an amnesty. Somebody who spends \$10 000 on an AK-47 -- I hear that is the going price on the streets -- is not likely to show up at a police station and say, "Sir, I am washing my hands with this," but he could never say that he did not have a chance to do so. Sir, he can never say that he did not have a chance to do so.

I am warning the criminal element of Barbados: Do not test our resolve. Do not test our resolve. This is not something that we can be flippant about, but do not test our resolve, Sir. We are here as a Government to protect the lives, livelihoods and interests of the majority of people, and I do not think that I or any of us will ever agree that ten or 15 or 20 hoodlums will mash up our country, Sir. Sir, we have become so 'mamby-pamby'. I saw on social media somebody criticising the Attorney General saying that he was calling our young men hoodlums, Sir. It is only polite discourse and the rules of the Chamber that will stop me from calling anybody who shoots another man or another woman something worse. We have become so 'mamby-pamby' that even today to call somebody who walks around with a gun and shoots a person in a public place a hoodlum somebody takes offence at that, Sir. That is the society we are in now. People take offence at that. Do not test our resolve.

Mr. Speaker, I believe that this Bill gives an opportunity for us as a Parliament to send a signal to the country that we are absolutely serious about protecting our streets. It will serve to put a regime in place that will strengthen the hands of the judges. Some may say that it may in some ways tie the hands of the judges but I want to tell this Chamber that one of the conditions which you will find within this new Bill is that -- for those of you who are looking at the Bill, it is at the top of Page 5 -- we are adding in another subparagraph which says that in looking at the question of bail and in considering whether to refuse bail or not, the courts should take into account also the need to maintain confidence in their administration of justice,

Sir. As I come to a close, Sir, I said to you that in the case of the Queen vs. Hall the Supreme Court of Canada said quite clearly that the people look to the courts for protection. Therefore, in terms of the context for this new sub-clause (f), which requires a judge to take into account the need to maintain confidence in the administration of justice, it is in that context that this particular sub-clause is included. In the Court of Appeal in Canada, the court considered exactly this kind of clause, Sir, and it said this, and I am going to read a bit so I hope you will stay with me:

“The facts of this case offer convincing proof that in some circumstances it may be necessary for the proper functioning of the bail system and more broadly the justice system to deny bail even where there is no risk the accused will not attend trial or may re-offend. *R. vs Boland (E.J)* and cogent evidence found that the detention was necessary to maintain confidence in the administration of justice. The crime was heinous and unexplained. The evidence tying the accused to the crime was very strong. People in the community were afraid. The provision at issue serves an important purpose: To maintain confidence in the administration of justice in the circumstances such as these. Therefore, the Parliament provided for the denial of bail where in the situation, when viewed objectively, the court has decided that to allow an accused to be released in the community on bail in the face of heinous crime and overwhelming evidence may erode the public’s confidence in the administration of justice.”

He goes on to say this:

“Where justice is not seen to be done by the public, confidence in the bail system and more generally the entire system of justice may falter. Where the public’s confidence has reasonably been called into question, dangers such as public unrest and vigilantism may emerge. Public confidence is essential to the proper functioning of the bail system and the justice system as a whole.”

He quotes from another case:

“To maintain the rule of law, a core value of our society, it is necessary to maintain respect for the law and the courts.”

Sir, the point is that this Supreme Court of Canada argued that in a situation where a court has the opportunity to consider the confidence in the judicial system and the confidence in our system of justice, it may be appropriate to take that into account when making a determination on bail, Sir.

Mr. Speaker, Sir, I think this hits the nail on the head because when I talk to my constituents and they ask me, “Why is he out on bail? Why is he out on bail and killing people?” they are demonstrating to me that they are looking to the courts for protection, Sir, and it is their view, though perhaps not expressed, that the courts have not been serving that purpose.

Mr. Speaker, this Bill has been drafted in such a way as to require a constitutional majority. It is drafted in this way because our Constitution recognises the importance of the liberty of the subject, and it recognises the presumption of innocence. Mr. Speaker, all Constitutions must give way to the significant needs of a society and the importance of protecting its people. It has been said time and time again

that no constitutional right is paramount, none, because you must always be able to abridge in a reasonable way those rights in order to protect the larger interests of the society.

Mr. Speaker, I end with one further thing. It has never been the part of any Administration in Barbados to take the various arms of Government into its confidence. For generation after generation, Cabinets have made decisions, the parliamentary process has ensued, and the people of Barbados were subject to a decision-making that sometimes they were not always too clear on. We in this administration have determined that every single Member of Parliament, whether you are an Opposition Member, an Opposition Senator or an Independent Senator has a right to understand in serious circumstances what is facing our country, so that you will have those things in mind when you are asked to do the extraordinary.

I have been in Parliament not as long as many but in this particular House, longer than most. The Prime Minister could tell you that we have come to Parliament amending constitutional provisions but [that] we have never gone to the trouble of embracing the others in Parliament and trying to explain to them why we feel there is need to do this. On Thursday last week, under the Chairmanship of the Prime Minister, we met with all of the parliamentarians, again because we did it before. We sought to explain that this suite of statute which requires a constitutional majority is being brought to Parliament, firstly, in short order because this is something that we consider urgent. Therefore, we felt it was necessary to say to them, this is not something that we are going to treat to by way of any extended parliamentary process.

Secondly, we wanted to explain to them the reason for the urgency and the reason for the urgency, Sir, is that we need as a Parliament to put steps in place to assist the police and even the courts in helping us to wrestle the scourge of murders and firearms offences to the ground. That is the context.

Mr. Speaker, we are asking all of Barbados to join with us in this endeavour. We have asked Parliament to do so. We have asked the Opposition to do so, and we have asked the independent Senators to do so, Sir. This is not about the Barbados Labour Party. You know, when the shootings were taking place and I was the Opposition spokesperson on law and order, I repeatedly said that as an Opposition we will support any reasonable measure, financial or otherwise, to help to rescue our society. That was the stance of the Opposition then. It was not gallantry, we said it publicly, we reached out a hand to the Government and said we are willing to work with you. We have reached out to former Commissioners of Police and said to them, come and join us in this fight.

We are a government, Sir, that is working night and day but at the end of the day, if the rest of Barbados does not band with us, we may well lose this battle. Sir, for all who are within earshot, for all who can see us, this is not a political fight, this is not the Barbados Labour Party against the Leader of the Opposition, against the Democratic Labour Party, against the United Progressive Party, Sir. At the end of it all, the people who we all want to protect are Barbadians regardless of whom they voted for when they went to the polls.

Sir, you can only vote if you are over 18 but we have to fight for the 1-year-olds, the 2-year-olds, the 10-year-olds and the 15-years-old; all of those individuals who we have to mould now, who we have to try to orient in order save not just our society today but our society for generations to come. I urge all of my colleagues in this Chamber to support this amendment. I do not believe it to be draconian, I believe it to be vital to us being able to deal with the challenges that we face. I commend it to the Opposition. I commend it to the Members of the Upper House, and I commend it to Barbados. It is a sincere effort and an urgent effort to help an entire country face a brighter tomorrow. I am obliged to you.

Mr. SPEAKER: The Honourable Prime Minister, you have the Floor.

Hon. Miss Mia A. MOTTLEY: Mr. Speaker, Sir, I rise on support of my Attorney General and Minister of Legal Affairs. I do so, Sir, first and foremost, as Honourable Prime Minister and to say to the country that the measures outlined by the Attorney General and Minister of Legal Affairs have enjoyed the full confidence of my Cabinet, that we are satisfied that they are in order, and that they are consistent with a Government that supports the balance of rights between the State and the individual. I rise also in support of Attorney General and Minister of Legal Affairs as Minister of Finance because I have laid before this Honourable Chamber once an Appropriation request for sums of money that are to boost not just the law enforcement arm but the administration of justice arm with respect to the first expansion of the number of criminal courts from two to five because Mr. Speaker, Sir, it is only in the expansion of the number of law courts dealing with criminal matters (as you would know) that we can even begin to balance the duties of the State with the rights of the individual; that we have inherited 10 000 criminal cases as a backlog is a travesty and a sad reflection on where this country has reached; that we are prepared to wrestle down the most urgent and serious of these cases is absolutely critical but at the same time Mr. Speaker, Sir, that we also boost the capacity of law enforcement to protect and to serve the people of this nation is equally imperative; that we treat to this not just with respect to immediate law enforcement but with an understanding and in trying to save those 8 to 15-year-olds

who for the last decade were left at the mercy of the high winds and the ravages of the environment, such that the majority of persons coming before the courts now with respect to these serious offences lie regrettably between the ages of 15 and 25 -- a "lost" decade in every respect.

Mr. Speaker, Sir, I rise in support of the Attorney General and Minister of Legal Affairs with respect to the defense of the Constitution, because our Constitution is premised, first and foremost, on the protection of the State. It protects the public interest in almost every aspect of the Constitution, recognising that even as we view the State as the 'collective of individuals,' that the individual rights must never trump those of the State. Mr. Speaker, Sir, I go further, because as a former Attorney General and Minister of Legal Affairs too I know what it is to have to balance the rights of the State versus the rights of the individual. Mr. Speaker, Sir, those who drafted our Constitution recognise that there will always be derogation from the individual rights to protect the rights of the collective. If not, who says, yours or mine is to dominate; whose right, yours or his; yours or hers. Mr. Speaker, Sir, there is a point at which therefore the defense of public safety and national security, the defense of public health...

Mr. Speaker, Sir, most people in Barbados do not know that the most powerful person in this country is not the Commissioner of Police, it is not the Chief Justice, it is not the Honourable Prime Minister, it is in fact the Chief Medical Officer who can shut down anywhere, at any time, without explanation to anybody, in defense of public health in this country.

If you go behind that principle you then understand that the reason for it is the defense of the collective. The Member for St. Michael East likes to talk all of the time about collective, it is the defense of the collective: the defense of the State, the defense of the population. Now, Mr. Speaker Sir, if I ever had any doubt about this - and the public knows that I am a person who do not travel Barbados incognito like a previous Prime Minister. I travel Barbados in full glare and I mix with any and every one because that is my nature but it is also my duty. Mr. Speaker in these matters, when you engage with ordinary people of all backgrounds and of all ages, the most important thing that is revealed is that people want order and stability; even among those who may ultimately find themselves within the arms of the law, because like you, Sir, my practice of the law when it occurred was primarily based on a criminal practice at the Bar. We know that they too understand the need for order and stability - do not get 'tied up' - and that any system or any group of people that do not have order will self-destruct. It is not the intention of this Government to preside over the self-destruction of this country and it will not happen. The Attorney General has appropriately said that our resolve will not be tested and Mr. Speaker it will not. We have a duty to protect those

among us who are not in a position to protect themselves. Equally, we have a duty to sustain the effort of those who are working beyond the call of duty: mainly our police and our other law enforcement officials, but who are completely disheartened when they take actions that allow persons to be charged and only to find that months or a year later the person receives bail and that the same things or same types of crime for which those persons have been charged, they are now being investigated again in the society.

Sir, a small State is not a large country. I want to repeat myself, a small State is not a large country. There are things that can happen in large countries that do not affect the stability of the overall State, [that is] not so in a small State such as ours. I never tired of saying that if you sneeze in St. Lucy, you will catch a cold in St. Philip, and it largely because the island is too small and what happens in one community immediately spills over to other communities in this country. Therefore, it means, Sir, that the defense in the public interest is a more delicate balance than it might otherwise be in large countries. But even in large countries, as you would have heard in the quotations taken from the Canadian case just now, even in large countries there is a recognition that there is a public interest to be protected, and the very same case which the Honourable Attorney General cited from reflects on the history of bail. In our instance in Barbados, certainly when I was at the Bar, you did not get bail for a murder case charges. The Honourable Attorney General said that the first time it happened was in 2007 pursuant to the Bail Act that was passed in the late 1990s. But in Canada, a large country, you got bail for all offences from 1898, because the implications for what constitutes or offends the public interest is entirely different and you would appreciate that in our history we have had spikes of crime that have offended the sensibilities of the nation, that have caused fear in the hearts of the population at different times, but the population always felt a sense of relief when that person or persons was/were arrested and removed from the public circulation through the denial of bail.

Regrettably, what we have in Barbados today, is the notion that a person having been charged with murder could be charged with another murder, not at the same time or in the same place and you begin to ask yourself at what point does the public administration of justice defend the State and defend the individuals in the State. It is at this point and to this point that we have come Sir: the public interest while still not undermining the integrity of the rights to be protected for the individual. We believe that to have cases heard within nine months to twelve months is a reasonable prospect for guaranteeing the rights of individuals. Even down to two years it is, two years, a 40 per cent less than what Pratt vs Morgan would have set out as the five-year limit. When I say two years, for me (and I have said this to the Honourable Attorney General) two

years should be sufficient time not just to hear the matter at first instance but to go through all of the stages of appeals, in my view; and it is largely because technology afford us now the right to transcripts and other things that ought now to make the process of compiling and settling records for the appellate process significantly easier than it was before.

Similarly, Sir, there are aspects of the preparation and conduct of criminal cases that need to be brought into the 21st Century and then if we start to do that we can then shorten the time period because in the event that that person is truly innocent, as determined by a panel of his peers in a jury, then they ought not be spending long anyhow with respect to the entire process. Mr. Speaker like with all other things in life it is about balance. Mr. Speaker, Sir, today I rise, simply to say to the Barbadian public that what lies before us is a determination that we need to be able to manage our families, our communities, and our country in such a way that people understand that violence under any rubric, but particular gun violence, is something that should banished from these shores if all right-thinking Barbadians can work together to do so.

Sir, 20, 30 years ago, when two guys got into a fight they would go for a two-by-three (pine) and hit one another or would cuff down one another.

Lt. Col. the Hon. J. D. BOSTIC: A big rock.

Hon. Miss. M. A. MOTTLEY: A big rock. They might even try to stab one another, and the chances of recovery are far greater than with a semi-automatic gun. It is the 15 seconds. I want the public to think about this, Sir, and to begin to understand where our duty lies in our families, schools, communities, workplace, shop, places of entertainment. It is the 15 seconds that come from the notion that I have been disrespected or that I am offended, or that I have been lashed, or I have been hit at, it is that response in the first 15 seconds that determines where next a person goes, and part of the difficulty that we have is that there are too many stories of people being egged on by their peers, [those persons] not fully appreciating the consequences of their actions until it is too late. You know, Sir, as I know, that more often than not, those behind the bars are crying after the act. They are not celebrating. How much ever the notion that they appear, as the Attorney General said, to be more attractive to other people, it does not go so. The only people I know who celebrate the deprivation of liberty or hardship are people who are sociopaths. Despite all the fancy talk, the majority of people that I know with whom I have interacted as a criminal lawyer were not in any way happy or celebrating the fact of their deprivation of liberty, and worst still, if they were sentenced to hang by a judge. These are the harsh realities.

I spoke to a young man about two years ago and he said to me... He was not that young anymore, he was probably in his mid to late 30s. He said to me: "You could imagine that these youngsters come and tell me, man I shoot that man and he playing like if he dead." A 16-year-old boy told him that and the story stuck with me because he said he went on to say: "My man, if you use a gun and you shoot him, he ain't playing like if he dead, he probably is. This is not cartoons. This is not a videogame."

Too often within our communities there are too many stories of young people regretting their actions because a gun does not leave a margin of error. There is not buffer for error with a gun. There might be, with a violent temper and a 2x3. There might be, with a violent temper and a fist. There might be, with a violent temper and a big rock, but Mr. Speaker, more often than not, there will not be, with guns and a violent temper.

Many years ago, I spoke in this country as Minister of Education, to the importance of the use of language to be able to resolve conflict and anybody who watched the series that they have going around called "Badness", one of the same ones that the youngster who was killed in St. George acted in. I do not easily get distracted because I think that the expression of the art is trying to reflect what they see and what they hear, and our duty is to make that reality of what they see and what they hear different, but one of the things that struck me was the limited use of language.

The former Honourable Member for the City of Bridgetown used to say all the time, that the average person does not have a vocabulary or does not use a vocabulary beyond 50 or 60 words. The first time she said it you would shake, but the truth is that the average person really uses a very limited vocabulary, and it has been my experience both as a person in the practise of criminal law, as well as a former Minister of Education, Youth Affairs and Culture, and as a Member of Parliament in both Houses for 29 years, that people very often do not know how to express their feelings. It is the absence of the capacity to express oneself that more often than not leads to the physical reaction, lashing out, a venting of emotions.

The Attorney General talked about people using language properly and some people feel that you should not. There is nobody who will speak more dialect than me when I have to, but there is also nobody like me who will also recognise that there is a time and a place for everything. That is what we were taught as children. That is what was reinforced in us and there is a reason for it. If our children are not equipped with the power of language, if our children are not equipped with the power of words, if our children do not have the social and emotional learning targets nurtured in them to know how to express caring and empathy, to know how to express anger but still to be able

to articulate it and to defuse it, what then happens, Sir, is the regrettable lashing out. If our children are not taught that there is choice and consequences, the real test to adulthood and for adulthood is accepting that with every choice there is a consequence and too often, Sir, we are lamenting that this young person or this person wants to be given another chance because they did not realise what they were doing.

Sir, I want to believe that the Government which we lead will be balanced. We are going to give our people every possibility of development. We are going to do all that is within our powers to equip them with language and with capacity to manage emotions and to accept choice and consequences; the power of knowing the joy of what it is to belong to something meaningful whether it is Scouts, Cadets, cricket club, football club or whatever it is but something meaningful and purposeful that lets you understand that you are not walking this journey of life alone, that there are others who are there with you and who love you unconditionally but that equally we expect that to whom much is given, much is expected and we do not expect our children, because a person at 16, 17 and 18 and with all due respect, at 20 and 21 are the children and young people of this nation and we do not expect that a handful of them can come to define their generation or a handful of them can come to scar their generation or to block the prospects, liberty and safety of an entire nation.

In families often, you might have four or five children and one falls from grace and stands outside. I am not going to colour the sheep because I believe the colouring of the sheep is part of the dissemination of the race to which I belong, but suffice it to say that the very story of Adam and Eve, the very understanding of humanity - if we do not want to go to the Bible - is that people will fall from grace and people will sin but we have to find a way of allowing... Perhaps the Leader of the Opposition is better positioned in this debate to speak on these issues in this way and with his tone than I am, but I feel that at 53 years old and with the journey that I have taken that I have a responsibility to speak with the people of this country in this way because no Government can win this battle, no Police Force can win this battle and no set of judges alone. The combined elements of the last three groups I just mentioned cannot win it either, but who can win it is the nation and the people. Who can win it is the mother who refuses to accept that a young child can do something bad, can take up something that does not belong to them and that they can be encouraged in doing it, or that a young child should lie or big adults should lie and you just turn a blind eye to it. If I cannot trust you with the small things, I cannot trust you in the large things. If anger rises up in you because somebody unfairs you, take the lesson from me if you do not want to take the lesson from anybody else, I have used the phrase more often, leave the ball outside the off stump.

Mr. Speaker, for a decade people asked me: “Why you never respond when people cursing you”. I say because it takes two people to fight. If you leave the other person, they would look eventually like a raving lunatic because all they would be doing would be cussing and waving their hands. It takes two people to fight; leave the ball outside the off stump.

There are so many proverbs and so many stories within Sunday Schools and within our folklore that reinforced these very precepts, and you ask yourself how have we all of a sudden not passed these on - children are having children, and are those children not the recipient of these values and these morals that are so critical. How does it seem possible for a person in broad daylight to be brazened enough to pull a gun and to shoot somebody in the presence of others in a public space but in the public space of the court hides his face with his hands as if the country has not already seen him?

Mr. Speaker, Sir, yes, our sensibilities have been offended and yes, it is time for “Operation Give Back” to take back. Barbadians have to give back at every level of this society: in their families, in their church; in fact, they have to start going back to church again and sending their children to church, and in their communities. Mr. Speaker, it is less about Jesus and more about understanding that there is a framework within which people have to understand what is the relationship with spirituality: in the schools, in the football and cricket clubs, in the Scouts, in the Girl Guides, in the Brownies, in the Key Club, in the workplace and in the political parties. All of these institutions which we have we have to go beyond our duty as we would normally see it and ask ourselves what is it that I can do today to make a difference in somebody’s life, what is it that I can do today to allow somebody to sleep a little easier tonight.

I say these things, Mr. Speaker, because while we fight the battle to stabilise immediately as we will and as we must, as was pointed out by the Honourable Attorney-General, we must not create the pathway for others to come and join those who are already on the brink with respect to breaches of the law in this country.

We will save those coming up and those who want to be saved and be given a chance. The economy is not the best but it is good enough for all of us to find something for everybody, and that is why I told the Head of the International Monetary Fund last year that if we are going on a long journey you must give people a little breakfast. Is it an economy that can fulfil our wants? No, not yet. Is it an economy that can fulfil our needs? Yes, it can and it shall, but let us understand that as we do that the country cannot abide by or tolerate those who want to upset the order of stability, not as their ‘block’, not of their grouping, but of the country of Barbados. Sir, our solemn duty, for however

long it lasts, is to protect that public space for the people of Barbados.

Sir, I end on this point and recall simply that the Police, the Government, the courts, as much as you want to say, all have their duty to play but the real defenders of the state of this country, the real people who can make that defining difference to put behind us the last three months, in the same way that we put behind us 1991 to 1994, are the people of this country.

Sir, I want for those who say it is not possible, to remind you. I came to public life as a Senator in 1991, I practised criminal law in those years, and this country had a spike of crimes. You would recall even though you were not yet practicing, Mr. Speaker, that probably was even worst that what we are experiencing now for their pervasive nature in terms of the geographical spread and the nature of the crimes, including invading into people’s houses in particular.

Mr. Speaker, Sir, the history of this country would record that as a nation we were able by 2007 to wrestle down the number of burglaries to being one-quarter of what it was in 1991-1994, and the number of robberies to being one-third of what it was in 1991-1994; that we have known success therefore in reversing criminal spikes is absolutely clear. The Honourable Attorney General referred to the first gun amnesty in 1983 because there was a serious spike then and we dealt with it.

I pray, Sir, that not just this House of Assembly but that this Parliament would speak as one this week. I pray equally that the people of Barbados would appreciate that this battle requires each and every one of us who has the good interest of the country at heart, not just to accept that there must be a deprivation of liberty for 24 months or that there must be a gun amnesty for one week and that there would be zero-tolerance to gun crime thereafter or that the Government is spending \$41 million at the ports of entry in order to be able to have the scanners and the instruments of security that we should have had a long time or that we are spending \$11 million in training for young people between the ages of 8 and 15 and then 15 and 25 and all types of activities, not all those things alone, but that it is in the individual effort to give back that we will take back Barbados and that one by one by one by one... As the old people would say one-one blow does kill old cow. This is not an old cow to kill, this is a nation to build and if we can ask each Barbadian who knows better and who can do better to work with us in this effort, Mr. Speaker, Sir, I hope and pray that in a few years’ time we can look back at this time as one that has tested our every sinew but from which we emerged united and stronger because we were able to explain to those of your young people, the 50 or 60 of them, who are blemishing our State that there is a better way and that they too must take that better way because

what they are doing now undermines the integrity not just of the public space but of the opportunities for them and their families to move to a better place and a better space. I pray, Sir, for this, that this Parliament speaks with one voice and that this country acts with one accord. I am obliged to you, Sir.

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

Hon. W. A. ABRAHAMS: Mr. Speaker, Sir, I rise to lend my full support to this amendment. I will say, Mr. Speaker, Sir, that like yourself and the Honourable Prime Minister, I started my legal career in the magistrates' courts practising criminal law and did so pretty much up to when I changed professions and went from the hallowed halls of justice into the hallowed halls of Parliament. Mr. Speaker, Sir, like yourself we would have fought time and time again for bail for persons who were charged with some heinous crimes. We would have been on the other side of the fence where we forever touted the importance of liberty and the upholding of all the rights enshrined in the Constitution, so I will say, Mr. Speaker, Sir, that the casual derogation of the rights of the individuals does not sit well with me and it never has and it probably never will, but equally, Mr. Speaker, Sir, I believe there comes a time when you have to prioritise what it is that you are doing, when you have to realise that country comes before the individual and that there are times when you look objectively at a situation and realise that it is getting entirely out of hand, and that something needs to be done.

Mr. Speaker, Sir, let me start at the outset by commending the Honourable Attorney General. The Honourable Member has been stretched by all that has been happening and trying to respond and get ahead of things, such that we preserve the integrity of our judicial system, [such that] we preserve the integrity of the Police Force, [such that] we preserve the integrity of Barbados and its reputation as a good place to be and a good place [in which] to bring up your children. Mr. Speaker, Sir, over the years I have had my battles with the various Commissioners of Police and to be honest, I have never seen eye-to-eye with most of them, such that I think some recent Commissioners of Police anytime [that] any correspondence or anything with my name come to them, they would have probably looked at it and started by stupsing before reading. Sir, having said that, that was because of my professional obligations, at no point in time have I ever not given the Royal Barbados Police Force the respect that it deserved as for the role it played in protecting society in Barbados. Also, the various Commissioners of Police, the last Commissioner and the current Commissioner of Police have my full respect [all] have my full support.

Mr. Speaker, Sir, people have been slamming and lambasting the Royal Barbados Police Force but I ask people to stop and think for a while. If somebody is intent on doing something bad, it is very seldom that you are able to stop them before they do it. What the Police Force has done and has done well recently is in getting to the bottom of their investigations quickly and arresting and charging people. Mr. Speaker, Sir, in light of all the flack that the Police Force is getting now, I urge for people to be reasonable. If you in your mind up and decided [that] you are going to attack or to kill a person and you do not share that with anybody, all we can do is [to] deal with the mess after it happens, and they have dealt with it quickly, so my confidence in the Royal Barbados Police Force and the hierarchy of the Force and the Honourable Attorney-General Office is at perhaps the highest it has ever been.

Mr. Speaker, Sir, the Honourable Attorney-General outlined to us all of the statistics and all of the facts that informed the decision of the Honourable Attorney-General and the Cabinet of Barbados to make this amendment. The other thing I would like to say is something happened last week Thursday and Cabinet broke early because we were asked to attend a meeting at Parliament with the full Parliament of Barbados, all Members of Parliament, all Senators, that is Government, Opposition and Independent. Mr. Speaker, Sir, I sat for five years as a Senator before almost being here now, in the six years that I have been in and around these precincts involving the business of Government I have never been invited to a meeting that entailed everybody involved in the Governmental process for the purpose of explaining, putting the cards on the table and taking the entire Government of Barbados into the confidence of the Honourable Prime Minister and the Honourable Attorney-General and I wish to commend the Honourable Prime Minister and the Honourable Attorney-General for that. Mr. Speaker, Sir, I also wish to commend the Opposition and Independent Senators. I think we have turned a page with something, we have learned something last week that perhaps full information and full disclosure on matter of significance and substance to the country, especially where they are matters to deal with a crisis, allows everybody to be on the same page and allows people to make informed decisions that are to the best interest of Barbados and that was done last Thursday. The Honourable Attorney-General I commend you and I commend the Honourable Prime Minister for that.

Mr. Speaker, Sir, it is of great concern to me that the majority of persons engaged in violent crime in Barbados are now late teen and early 20s. They are in a five-year time span, people who probably should be furthering their education, learning a skill, being at the University of the West Indies, the Barbados Community College, the Samuel Jackman Prescod Polytechnic [or somewhere] trying to make themselves into productive members of society. It is this catchment, our youngest adults who are turning to

crime and seem to have no respect for life. I do not know if people exercise their mind to think as far as the finality of death, there is no coming back from death, two persons did it in the history of the world but Mr. Speaker, Sir, we have made advancements, weapons have become more sophisticated to enable you to kill more efficiently, our science has advanced to the point where we can actually perform operations through a hole as big as my fingernail and remove organs but the one thing that we have never been able to do in the history of mankind is to bring back somebody who is dead. Mr. Speaker, Sir, these young people need to understand that when you see on a movie men coming and starting to shoot out or a man walks up and shoots somebody assassination-style, that is in the movie, those are paid actors, when the scene cuts that man gets up, wipes the fake blood off and goes home to his family. It is not so when you put a gun to the head of somebody and pull the trigger in real life. That person will die and they are not coming back. This is as serious as it gets, Mr. Speaker. This is why the normal laws and the normal application of the laws are not going to work. I believe that people have a right to bail; I do believe that. I have preached that my whole life. I would be a hypocrite to say otherwise now. There is a right to bail but the right to bail for the individual has to be balanced against what is good for society and the perception of the justice system. We are going into a new frontier now with the amendments that the Honourable Attorney General is making to the Bail Act. The Honourable Attorney General referenced the case of *R vs Hall*, a Canadian case, and he touched on some aspects of the judgement. I wish to actually read a couple aspects of the majority decision of the Appeal, but if you listen to the words you would understand why we are doing what we are doing.

“For us, per McLachlin (C.J.) and others, a provision that allowed bail to be denied on the basis that the accused man’s detention was required (this is important) to maintain confidence in the administration of justice was neither superfluous nor unjustified. It served a very real need to permit a bail judge to detain an accused pending trial for the purpose of maintaining the public’s confidence if the circumstance of the case so warranted. Without public confidence, the bail system and the justice system generally stood compromised. Where, as in the instant case, the crime was horrific, inexplicable and strongly linked to the accused, a justice system that could not detain the accused risked losing the public’s confidence, upon which the bail system and the justice system as a whole reposed.”

Sir, the court held that a valid consideration in denying bail was not simply whether the man would re-offend. It was not simply whether the court could guarantee that he would be there to attend his trial. It was not simply the seriousness of the crime - the usual ones which the prosecution would call out - but there is now a new one that

has to be considered and is valid. If it appears that the justice system is powerless to keep persons whose crimes are so horrific from being granted bail, then the perception of the justice system on the bail system itself would be compromised. That is what we are doing here.

Sir, the public is lambasting the justice system right now. They have shifted off the police. They are giving them a little break now but they are lambasting the judges. Sir, it cannot be that someone accused of not one murder but two can be granted bail. If that person gets out, Sir, what must the public then think of the judicial system, especially when the person then goes on to commit another offence? The judicial system appears a farce and a fraud and powerless. Our justice system must never be perceived as [being] powerless.

Sir, what the Honourable Attorney General has done is that it has said, “We accept that right now the system is slow, and anybody can come and say, ‘Because of the inherent slowness and pace of the system, this person is unlikely to get a trial for five to ten years. You cannot keep them’.” That has been the excuse. The bulk of the times when somebody is granted bail for murder is because of the length of time it takes to get the trial on, and the judges may feel themselves fettered at having to protect the rights of the individual where the Constitution guarantees the right to a fair trial in a reasonable time. What the Attorney General has done is looked at the Canadian case and looked at the justification and legislated it now. We are now removing it from the discretion of the judge. The judge does not have to feel himself constrained to defend constitutional rights. What the Attorney General has said is this: To remove all doubt, to preserve the integrity of the justice system and to protect Barbados and Barbadians, where your crime is so horrific, where you are charged with murder or a firearm offence that is so serious that you would get ten years in jail if found guilty, you are not eligible for bail within 24 months. Attorney General, I applaud your bravery in doing that.

Mr. Speaker, we in law know that nothing is absolute so the amendments also contemplate the situation where circumstances are such that to do that would create the most horrible injustice. Sir, we know that the police in Barbados do not charge people with manslaughter. Any time there is an unlawful death, the charge is murder. That leads to anomalies, Sir. In situations where you know from the time the case starts that self-defense is a real defense and the person is likely to get off on self-defense -- even if the police feel themselves constrained to charge somebody with murder -- there is a provision here that would cause so horrible an injustice that the court can still grant the bail. However, there is a protection in there, Sir. Right now, a judge can grant bail for murder without writing his reasons, and I believe in an earlier draft the intention was to force the judges, in making a decision whether or not to grant

bail, to give their reasons within 72 hours of granting that bail. Sir, we all know that sometimes you act in haste and repent at leisure. Sometimes you make a decision on the spot and when you have the benefit of thinking about it, you wonder to yourself whether you made the right decision.

In the amendment providing for the fact that judges have to give their written decision contemporaneously - at the same time as making their decision on bail - it forces that judge to think. Even when your 24 months have passed or even if you apply under special circumstances and the judge has heard both sides - and there is provision as well; the Prosecution cannot be surprised. They get 72 hours' clear notice to allow them ample opportunity to digest the facts and represent their case properly in front of the judge. But when that is done, when the judge has heard from both sides, the judge has to step aside and start to pen his reasons. Sometimes, Sir, when you look at what you are writing, you actually would end up coming to a different decision than had you had not written. Therefore, this provision, I believe, is most important because it forces the judges to write their reasons down and look at them before making that decision. I believe that is an exceedingly important part and provision that is going to guarantee that justice is served.

Sir, a very interesting thing happened on Saturday, Mr. Speaker. I was coming home and as I reached the traffic lights closest to my house there was a vehicle which had stopped in the road. Do you know when you approach the traffic lights there is a pad which you have to drive onto, and it lets the lights know that somebody is waiting? The vehicle has stopped just short of that pad and a car pulled up behind the vehicle and then I pulled up behind that car; so there are three cars at the lights waiting on it to change. I am wondering what is going on. I am looking out thinking why did this man not drive onto the pad. Then all of a sudden I heard a loud noise and there was a lot of smoke. Well, Sir, if you, like me, had ever had the benefit of suffering with an old vehicle, when you hear a loud bang and you see smoke, you know the car has backfired. But for people who have ever only driven new vehicles, and may now know that like the person who was in front of me, they heard the loud bang - this is a true story Sir, I put my hand on my heart - they heard the loud bang, they saw the smoke and after a delay of five or six seconds, the two front doors opened and two ladies got out from the car, and they looked scared and panicked. The driver of the vehicle opened the back door, snatched out her handbag and a bag of groceries and both of them started to run. This is a true story, Sir. And the driver shouted out: "The car backfiring, the car backfiring". By this time the lady was near my car door I told her: "Sweetheart, it is not a gunshot, the car has backfired". Startled, she said she was so frightened, she had to run. Well, I told her that she could not have been so

frightened if she went in the back seat for her handbag and groceries.

Sir, when I got home, as soon as I walked through the door my wife said to me: "Did you hear that gunshot?" I said it was not a gunshot, it was a car backfiring. I got on the phone and I called the AG. To be honest, I was laughing really hard. I could not believe that the lady's first instinct was to grab the groceries and the handbag, because if it was me and I thought it was a gunshot, the first thing I would have done is drive off, if not I would have dashed from my car and left everything else. Anyway I called the AG and he said to me: "Wilfred, I want you to tell that story when you contribute to the Bail Amendment Bill. I want you to tell that story because it is funny initially, but it is not funny. We are now at a point in Barbados where the public is so frightened, they are paralysed by fear. People are so confused that they do not know what to do when confronted with a situation".

Mr. Speaker, Sir, that is as dangerous as it gets. The public of Barbados now is so frightened and paralysed that we think every loud noise is something else. Once upon a time when you heard a bang coming from the road, you would have felt that it was a car or motorcycle backfiring. Yet on this occasion everybody felt it was a gunshot. That is where we are now. And that we have gotten here it is well past time for us to do what needs to be done to take our country back.

As I said, I have fought over and over for the rights of the individual, but Sir, I believe in God, my family and then country. And depending on which family member I am talking about I might very well put family first. And Sir, the country is up there with my family. I love my country. I love Barbados. I do not love what is happening and I do not love the people who are doing it to my country. We have made a departure from the regular in these bail amendments. Some may say there are draconian, but I believe that based on what is happening now, they are indeed absolutely necessary. I believe we have gone about it in the right way, the police are doing what they can. It must indeed be demoralizing for the Police Force when they swiftly go to apprehend a suspect in a serious case, in a homicide, and the officers slave and do their investigations, but because of problems with the judicial system over which they have no control, that people whose propensity is to violence, are back out on the streets Sir, without a care in the world.

You hear them, Sir. When you go into the communities and canvass, we have to talk to everybody, even the delinquent youngsters vote, so you have to talk to everyone and you will find there is no respect for the police and there is no respect for the court system. The youngsters will tell you "Well, if I do something the case ain't going to come off. By the time the case comes off somebody would

be already dead". Or they will tell you they would go up and chill out for a little while then they would get bail and come out. That is what they are telling you. You cannot respect a system that allows them to perpetuate this misguided belief that the judicial system and the Police Force are a mere inconvenience; a blip, after which they will regain their freedom. What this says, Sir, is to think long and hard because the people of Barbados are fed up. The Police are fed up, the Government is fed up, and we are prepared to do what it takes to get this situation under control. You can challenge it if you want, we will deal with that then. But we as a Government are completely fed up and are prepared Sir, to put aside political convictions, to put away political allegiances and to honestly look within ourselves and do what now is required by Barbados and for the benefit of Barbadians, to take our streets back, to take our judicial system back, and to restore some level of respect for life, if not the preservation of life as a whole.

Mr. Speaker, I am very comfortable in a way that I never thought before I would be comfortable in abrogating certain rights. I am comfortable and my conscience is clear that what we are doing now is what is necessary and in the best interest of Barbados. The courts have a duty and their duty is to dispense justice, uphold the law and to protect society. They may have felt themselves constrained before, but this amendment removes some of that discretion from them, it allows them to have their consciences clear, especially now to operate on the third limb of that; for the protection of society. Mr. Speaker, I wholeheartedly support this amendment to the Bail Act, 2019. I thank you.

Mr. SPEAKER: Honourable Member from St. Thomas.

Hon. Miss C. Y. FORDE: Thank you Sir. I want commend the Honourable Member for St. Joseph, the Attorney General, for having brought these amendments today. I am really very proud to be a part of this dispensation, because matters of this nature call for brave and brilliant individuals in order to be able to bring about such change. Sir, the entire Barbados, including some of our visitors, are all afraid of the madness that has taken over this country over the last few years. Therefore, I want to add my support to what has transpired here today and what I know the people of Barbados would be proud to know. It will bring back a measure of confidence, feeling safe and have tranquility permeating our various institutions and neighborhoods.

Sir, the actions of this Government, particularly through the Honourable Attorney General today speak of a Government that has vision, strength, compassion, care and concern, not only for our own advancement but that of the people of Barbados and those visiting among us and I think that is very critical. Having had, Sir, more than 50 years, almost, experience in education, it has me as a very older

woman extremely astounded to see what has happened in my society that creates an element of fear and concern. I believe that even those in the Judiciary are afraid themselves, because of the foolish movies and videos that our children are exposed to and so on, and they do not even understand that this is not real life, because you see the actor acting in other movies again, if he had been shot or whatever form of destruction that would have happened to him to cause him to lose his life. As children we had comics, goofy and all of those, but we were also thought how to fantasize and that is what the Honourable Prime Minister was talking about when she spoke about social and emotional learning. We would play dress up at home, we were the cowboys and crooks. We knew as children that in the cowboy and the crook movie that someone had to die but they had standards, in that if you shot a man in the back as a part of it, there was a penalty. Somehow, our children are watching these movies, they are getting engaged in all of these violent activities in their homes and in their communities, and the homes are not overlooked at all today Mr. Speaker Sir. Therefore, I am proud to see the capacity of the Attorney General and this Government in reaching out to make a difference when that was ignored when calls were made.

I am a proud member of this society Sir, having joined when we were the Administration between 1994 and 2008, to have joined the then Leader of the Opposition, the late Former Prime Minister of Barbados, the Honourable Member then for St. John, when as Leader of the Opposition for the Democratic Labour Party he called for a crime and violence march in Bridgetown. Two people that I knew who were present and were at the forefront because he encouraged us to join him at the forefront, having been in Queen's Park, the Honourable Member for St. Michael North East and your humble servant here Sir. I felt proud. I know one young lady cursed me very badly that evening and said, he put in a "B" to come up here with us, and all kind of nonsense. I do not see crime as any political thing; crime is something that permeates and destroys the heart of everyone, do not care wherever in the world it is. Therefore, we were proud to be a part of it. There might have been more Labour Party supporters and Members of Parliament in the audience, but clearly the Honourable Member and myself were pulled to the front and we marched every step of the way so that the public can see that this was not a political thing; crime is everyone's business.

Mr. Speaker Sir, I want to refer to Education and Youth Affairs that was under us at that time, when we inherited a Government in 1994, when a then Minister said there are no gangs in Barbados, only a few giddy-headed boys doing foolishness. We came in and determined the Youth Affairs Department attached to the Ministry of Education and Culture and that would have been coordinated by the Right Honourable Member for St. Peter

who is no longer in this Honourable Chamber, but it goes to show the vision that a Labour Party had at that time. The point is Youth Affairs, Culture and Education working hand-in-hand together, looking at those who are the teachers and the other administrators, those who are the children, those who are parents and guardians pulling all of the threads together to create a safety route for our Barbados and advancement for the black and white people of this country.

Mr. Speaker, Sir, I hurt today... I am looking at an Honourable Member here, Sir, who served as a Youth Commissioner for more than 20 years, who was out there in the trenches as the eyes and ears for the youth, coordinating and putting projects together to make a difference and we sought a slackening of any crime and violence in this country. We worked on it for more than 14 years and we saw the tremendous difference. There were programs that would bring us back to what the Honourable Member for St. Michael East and our Prime Minister said earlier about working together, the social and emotional learning, letting our children fantasize, hearing the stories of the Aesop Fables, The Tortoise and the Hare, The Crow in the Pitcher, I do not remember the full name now. All of those sayings from the Bible that told us thou shalt not kill from the commandments, to love one another for love is of God, to be able to share and to care for one another, who help you buy the big belly cow do not help you feed it. Any coward who runs away lives to see another day. The golden rule. I do not care who gets tired of hearing me say it, a lot of our adults and some of these Honourable Members in here perhaps do not know it so well, do unto others as you would have them do unto you. How can someone kill someone, beat someone, steals someone things and then go into hiding? Would you like someone to do it to you, but are we doing enough of that in our homes? Are we doing enough of that in our schools? Are we doing enough in our churches? I am not blaming anyone, I am just making the point that things can change in this country and that this Government is ready, willing and able and has the resources in that we can turn this country around, Mr. Speaker, Sir.

Our vision in Youth Affairs at that time having learnt that yes you do have some young people who have gone astray. Yes, we have parents who do not have the know-how or who do not seem to care that children should be nurtured, and so we came up with the Parent Volunteer Programme, engaging parents. We came up with sports, where the Youth Development Programme under the Youth Affairs Department engaged thousands of youth in the zone everyday across this island. Because when you give them that opportunity to exercise they become tired, they use up the energies and they are directing their energies into other directions thus ensuring that their health, because once you exercise your health will improve but then you did not have any time to go and sit down and

plan any heinous crime or anything that you could so that was stupid. Then we had the Youth Achievement Results because everyone in Barbados now seems to think that everyone should be an academic upfront. Any society has to have all kinds of people. My pipe needs a plumber now. I do not even know how turn on anything, really, but that plumber may not have had his secondary education or might have been given qualifications in the way we look at it but that plumber is dynamic and does the work that I cannot do because I am not an academic either. The point is the Youth Achievement Results made sure that our young people got a chance to display their skills and to develop them through the program under Youth Affairs and in association with other agencies in the Government and so on.

There is also a checks program that we know what our culture is, where we have come from, where we want to go, so the children were doing activities with Ifie such as 'Mocha Jumbie' and the tumblers and so on that we saw an insurgence of young people getting involved in cultural activity, they did stilt walking, they did so many other activities to engage and it was a part of the school's curriculum that it was done. We had the Peace Program, where children were able to get the opportunity to upgrade their skills and talents in music because a lot of our children are musically inclined but they did not have the wherewithal because of poverty to be able to play a violin, a piano, a keyboard or whatever instrument, and the Ministry has made an investment in that. Our young people were given amplifiers and so on to help them to develop their talents in music and we have had a lot of bands that have sprung up as a result.

There is also the Youth Service where our young people were drafted into businesses and they got opportunities to be able to become apprenticeships and so as a part of it. We also had the Alma Parris School that ensured that those late developers got an opportunity one day a week from First Form to be able to do a school-to-work programme. They learnt the skill in boat building, in baking, hospitality, in barbering and a lot of other areas. That school, Sir, has been closed by the last Administration and we have a lot of young children out there - 13, 14 and 15 years-old - not going to school because they have not been performing well and school for them is to go to 'skylark', to walk the corridors, to curse the teachers and to fight with others; a lot of problems, Mr. Speaker, therefore we need to find ways of harnessing the capacities of those children because a child who may not be able to read, write and speak well might be the best artist in Barbados. Why must we have children wait until they go to prison to be able to find out that they have that innate ability to be able to paint, to draw, to become a baker, to become whatever kind of performing artist when it can be done out here in our institutions? After all that, you would then hear, oh, he is one of the best artists.

Sir, I have beautiful paintings that I bought, Sir, from prisoners over the last 20 years. Whenever we had an annual conference, the Honourable Member for St. Michael West could speak about it, Sir, the Honourable Members on this side and that side, Sir, where the prisoners' work was brought down and displayed and Honourable Members came out from the conference and purchased because they need that money when they leave prison to help them to get back on their feet and we are not doing enough in the school system in some instances and in other aspects of our development to be able to carry our young people forward.

I want, Sir, for us to continue to engage our young people in activities, similar to what even Richard Carter, if you would allow me to call his name, Sir, the Director of Youth Affairs at that time, who set up a programme with the encouragement and the approval by the Ministry then to say to the young people and to those women and men out there, bring the toys you have bought for your children once you have bought them a toy gun. A toy gun may be carrying water in it but the children learning well and early enough, you did not play with me and I shot you with water, or with whatever little things they used to have in with balls and so. Mr. Carter and his programme with the Youth Affairs Division had a programme every year. Parents brought into the Ministry of Education the toy guns and in exchange for the toy guns, where educational toys and books, and that stopped as soon as the Government changed in 2008. Early o'clock the children are learning to shoot. Do not care what time it is; it is a toy gun but they are learning to shoot.

I also want, Mr. Speaker, to say the reason why a Barbados Labour Party Government between 1994 and 2008 caused that Government to have that vision of ensuring that every parish and sometimes most of the communities got the opportunity for the establishment of pavilions, playing fields and we made sure that the majority of them, according to what monetary resources were available, to have them lit at night. Our schools were to be opened from 3:00 o'clock on evenings in our time to make sure that young people got the opportunity to access the school's facilities for meetings, drama, dancing and performing arts, whatever you want to call it. That no longer happens, you have to pay a high amount of money in insurance in order to use the school's compound. If you want to use it for half of a year or quarter of a year it is \$700-and-something so where are poor people going to get the money? They are the one who would populate our pavilions and our schools. That has stopped, Mr. Speaker, and it is heart-wrenching to see where our youth are going and not all of our youth who get involved in crime are youth who are criminal minded, but do you know what, a man is known by the company he keeps. We are not reminding them of that and however it is there is no way that five young men or three young women and two young men or whatever can come together to say, let us rob that

blind man. Somebody has to be strong enough to say no, that is all he has. He cannot see you but he would know your voice and it is wrong to rob him of whatever resources he has. Where is the training coming from?

Again, our parenting skills are horrible. Nobody can tell me, a country girl, that mothers working are the causes for children not being attended to. We had that whole village, that whole community across the length and breadth of Barbados; it is still very active and strong in most rural parishes and I believe, Sir, in urban communities as well where people share, they look out for their children, they supervise them after school and the before and after school programmes will help. The breakfast clubs are helping but enough is not being done by those who can do better and my biggest problem with most Barbadians, we have climbed that social ladder, you call it upward social mobility and have forgotten from whence we have come. That too is adding because when you bring out all of the brains and they move away having known the culture and what their upbringing was... We need them to come back to the communities, not necessarily to live because sometimes that is impossible but come back and talk to the young people. Let them know the situation you are in today that you were too in poverty, but that if I have climbed the social ladder it is because I have capitalised on it. You need to go to school and learn, you need to go to school and pay the respect, you need to go to school and make sure that you do not walk the corridors everyday but that you conform with the rules because when we were growing up, we never went with shoes to school. I went to primary school with no shoes on my feet, no school meals except the cold bakes from the night before.

I am saying this because young people feel that we are all Honourable Members in here and that we have been born with gold spoons in our mouths. We need to go into the village and tell them from whence we have come but because of good parents, wonderful neighbours and excellent teachers and others in the community as role models, we have come thus far without any police record and we will build this Barbados together because that is what we must be doing now, not only in here but in our churches and in other institutions across Barbados.

The other thing I want to say, Mr. Speaker, is that the cultural penetration is what is taking a toll on our country too and the drug culture is even worst. The only time I knew people had tattoos and gold teeth were men who were seamen, because women could not be seamen. Women stayed home and looked after the children and they did it well, raising 10 and 15 children but the tattoo culture now is a big thing. The brand name shoes, the bling-bling; gold around their necks. A man in Orange Hill got killed about three years ago at a karaoke session. He was just sitting down. He had a big gold chain on. He was killed, the gold chain stolen, and a life gone too. Over what?

[Over] jewellery that can be stolen, that if you had an earthquake you cannot find half of anything? If you have a tsunami you cannot find people farther more jewellery. What is it worth? A life does not worth any jewellery, anything material. God has given us this life that we should live and live righteously and we have got all of those tenets, those moral values and so that help to tie us in as a set of human beings to know that we must love one another, to be lovers of God. The Bible expresses that in so many different ways.

The Honourable Member for St. Michael West can tell us and teach lessons about it because that is his role as a Bishop. I am asking: why are we not instituting it in our homes? There is little or no parental control with this upward social mobility again. Every child has a room, every child has a cell phone and a laptop or tablet or whatever and in that room he or she is doing what they feel like doing. Then when we find out they have boyfriends in the bedrooms and the parents do not even know because the houses are so big, because the mentality now is to build the biggest house, have the nicest of furniture and so on but the important things for social living are lacking because we have dropped the guard that we should have in raising our children and directing them.

I am sorry, Mr. Speaker, it is destroying us. We are seeing it every day, but I want young people to know that money and richest are not all; fancy clothes are not all; fussy cars, because I see some fellows and some girls driving some fussy cars, Mr. Speaker, I am still at Suzuki level and I am proud because every time I turn the key the engine starts up, but do you see the Lexus? Is that what it is called because I am not even familiar? The BMW? What is the other one, the Mercedes...? Some fellows are girls and some girls are fellows, all them look the same, who have never 'drove' a stroke against the wind yet to earn a wage or a salary but they want to have the biggest life you could ever want. What hurts me more is that the values are not trickling down to the children that they have because most of these men, Mr. Speaker, Sir, that are in for these heinous crimes have a child or two and then you hear them tell the magistrate: "But Sir, my girlfriend is pregnant and I would like to go home with her. I want bail".

Mr. Speaker, you would know that better than I. They only knew they had a girlfriend and young children after they had committed a heinous crime, injured somebody, kill them or whatever. Sir, their children have to live and they must not become the scourges of society with people pointing their fingers: "He father is who did kill the man or he father is the 'igrant' boy that blow up this body", and all kinds of madness. Parents have an integral role to play in turning this madness around. The money and the riches cannot work. Too many spoiled children are out there. Even in the supermarket you see them facing or backing the trolley going up the aisle and any slip at all the

child neck 'brek'. You cannot even say anything to these children and the child neck is broken, and I know the recording has to happen. (as on tape)

We need stronger parental controls in order to take these young people forward. We need family structures that are properly coordinated to help the parents. PARADOS is not enough, it is too much of a herculean task, but I believe that those three pillars in our society that worked well for my generation, that of the Honourable Member for St. Michael East, that of the Honourable Member for St. George North all of whom I would consider ourselves to be the oldest persons in here. I believe that the structures that we can put in place can help us to turn what appears to be a herculean task around, but the schools, the churches and the rest of our communities are to come together again and coordinate and plan and deliver and offer the resources because the Government has spent billions of dollars over the past many years to ensure that we get free education, including school meals, textbooks and a Student Revolving Loan Fund and I am afraid that too many of our billions have gone out to sea because it has not been properly capitalised on by our people.

Mr. Speaker, I have a big beef with schools too but I am not going to stick to this now because the school business would call for tremendous reform, except for me to say that the Curriculum Reform Project of 1996 is one of the best things that happened to Barbados despite the high costs, because we were the ones that were setting the example and sharing our best practices with our brothers and sisters in the Caribbean, but today there is still about 90 per cent of rote learning in our classrooms. Not all children will catch up on the tables and mathematics. Not all of them would reason because the kind of tuition I got, may the Lord continue to bless the late Lester Vaughn in his grave and his team at Holy Innocent School, we learned how to do Mental Arithmetic so we had to be alert and we had to know the tables. Our parents taught us but teachers took time out to teach us. Teaching happened in the school.

There is a change now for textbooks, workbooks in particular, and each school has different workbooks, so that if there are two children in a household, both of whom go to different schools, then their workbooks would be different. So it is difficult for parents who have not been so well-educated to be able to cope. Sometimes the workbooks are never touched. Can you imagine, parents having to buy \$300 in books every year for one school child, so if they have four children then you know?

Mr. Speaker, the workbook scheme needs to be examined. If you are giving one examination the workbook should be across the board so that everybody develops the skills and that teachers would teach, because I understand now that lessons are \$25 sometimes and \$75 per hour to let children get extra assistance. They want the teaching in the

classroom for all of us who have agreed. We still have excellent teachers and principals most of the time but there are too many deficiencies that are showing up their ugly heads. There are young men and women who have excellent skills but you know what, everybody wants to get to an older grammar school. I will not even call the names because I am tired of hearing it now. We have taken education and bastardised it. Unless you go to X school and you are in a fraternity...

Were the Honourable Member for St. Andrew and the Honourable Member for the City of Bridgetown here, I know we would be up in arms, but children going to school there and come out in second form and do not do anything either like in the others? Something is wrong with the system and for most of the schools at secondary level we still have children who are big time failures and become big time criminals too as we are out there bastardising our newer secondary schools; that most of the teachers in our newer secondary schools went to newer secondary schools or private secondary schools in their time. We can make a difference in curriculum reform with social and emotional learning, letting children talk about how they feel, how they hurt, if there is an accident what happens, and the emotions coming through. That is what is necessary so that these young men and women can understand it is a hurtful thing for somebody to be injured, for somebody to be insulted and for somebody to be cursed. It is disrespectful to curse a police. It is the worst thing in the world to shoot somebody in an ambulance like somewhere down in Deacons Road a few years back. A man got shot, the ambulance came, they sought to give him whatever necessary medical assistance until he could get to the hospital and the fellow told the ambulance man: 'Shift round boss, 'bruggadung'. They go the Queen Elizabeth Hospital and now have all of us poor people in Barbados disenfranchised in having to walk around to the front of Martindale's Road instead of going through the north because one idiot chose to go to the hospital to shoot a man that was on a bed and now a prison officer or a police officer has to go to stand next to that person as a guard to make sure that nothing happens, especially if that person who has been shot is somebody known to the Police.

Mr. SPEAKER: The Honourable Member has two more minutes.

Hon. Miss C. Y. FORDE: I am going to wrap up, Mr. Speaker, by saying that we need more special needs programmes for our children. We need more training resources for our parents and guardians. The late developers and slow learners are suffering more than anybody else. If you do any analyses of those individuals who are now the major perpetrators, according to what is happening, you can tell that they have a lot of deficiencies especially when it comes to their speech and their understanding.

I want, Mr. Speaker, as I come near to the close, to have some newer and more teaching methodologies administered. I want to just advise the young people out there that we love them dearly. Any mother - and I am a mother one time and then four more, and then the rest of Barbados are my children - and any father of his worth would tell them, please stay on the straight and narrow. The Bible says a good name is rather to be chosen than riches or gold but nowadays it seems as though the rude boys are the ones who are being admired: a fellow would tell you get rich or die trying and put on a tattoo too. I want the young people to know that we too have come through worse poverty than any of them has, but we were able to work together as families, as communities, with teachers, church leaders and faith-based people working with us to help us to reach the level we are at to build our character. For me, character is all, so I plea to the youth today to put down the guns and pick up a trade, pursue some studies, tithe your time, work with families, be an example for the rest of your community and your society, work honestly for what you have gained, respect law and order and be the change agents on the 'blocks'. All persons on the 'blocks' are not negative, some of them do help to guide the young people.

Mr. Speaker, I close by saying that it is not a badge of honour to go to prison. The fellows seem to think so until they get there. Mr. Speaker, you know how they cry and they moan: "I want my daddy. I want to go and get a drink. I got to wait to lunch hour". They did not know what happens behind those walls and the ones who know it and come back out and do silly things, are the ones who are enticing our young people to go in and do nonsense.

Life is precious, Mr. Speaker, Sir and therefore I want them to respect life. We are going to support them when they try to do things with the Ministry of the Youth Affairs, the Ministry of Culture, all the other ministries are working and have planned to pull things together [so] that each of us can have a safe and prosperous life but the negativity will tear us apart and so I want to highly commend the persons in the Constabulary, the Judiciary, in the schools, the churches, faith-based institutions, those role models and others in our various communities across Barbados to continue to service this country well. We have made retrograde steps, [for instance] when you hear about the killings it drives the fear of the devil in everybody, families on both sides, the perpetrators, as well families of the victims suffer as a result. Our going forward today is our people coming together and everybody's responsibility. Again, I am a strong supporter of the Bail Act and the measures through amnesty for us to be able to get those persons who have the guns and other ammunitions to bring them in so that we can get on with the business and I am extremely grateful to the Honourable Attorney General for strengthening the hands of the Judiciary by proving more persons working at that level and giving the necessary resources to make a change. I want to say, Mr. Speaker,

Sir, how proud I am today to be a part of this change that will help to ease the minds of Barbadians and pray that when the ammunition comes in that the police will hold them and that they will treat to them in the special way I know they have over the years and that whatever else happens thereafter Barbadians [will] leave understanding and being reassured that they can feel free going to church, and not having that kind of travesty that we saw a few weeks ago with a man killing 50 persons with another 50 in hospital; that we can go to town and shop, not like “Nard” the other evening just before Christmas, we want to be safe in our spaces and we are willing to work with the youth, indeed, I am, the Minister of Youth Affairs is, the Honourable Minister of Culture is, we are all grassroots people who have achieved and I want to thank you, Mr. Speaker, Sir, for giving me the time but I will get my soap box in St. Thomas where I will go on the ‘blocks’ where I will work with my young people because every life saved is a special life and every individual in this country should be able to live at peace and in safety as too should our visitors. I wish to thank you sincerely, Sir.

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

SUSPENSION

Lt. Col. the Hon. J. D. BOSTIC: Mr. Speaker, Sir, I now beg to move that this Sitting be suspended, to be resumed at 2.30 p.m. this afternoon.

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

The question that the Sitting be now suspended until 2.30 p.m. was put and was resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

RESUMPTION

Mr. SPEAKER: This Sitting is now resumed. Prior to the Suspension for lunch, this Honourable Chamber was debating a Bill to amend the Bail Act. To that we revert. Honourable Leader of the Opposition.

Bishop the Hon. J.J.S. ATHERLEY: Thank you very much, Mr. Speaker. I cannot agree with any veiled or clearly voiced reference or utterance that seeks to locate the genesis of our problems with crime and violence in the context of the last ten years. I do not think it is fair, whether that reference is veiled or clearly voiced, to suggest that those problems started in the last ten years. I think that if we are going to summon all hands on board, all hands to the plough to respond to those problems, we cannot express that desire with one voice, while with the same voice suggesting that those problems started in the

last ten years. I do not agree with that, and I have heard that type of suggestion expressed in veiled terms and I have heard that type of suggestion clearly voiced inside this Chamber and outside of this Chamber.

Mr. Speaker, having said that, clearly this country has lost much in the last ten years, and part of the experience in the last ten years has served to exacerbate that problem which predated that period to which some often refer. Therefore, these problems did not start in the last ten years, though they may have been exacerbated by the happenings of the last ten years. I believe many in here agree that this problem is a longstanding one, and the contributing factors are many going back several years and over successive Administrations; that of most recent memory and even some beyond that. Part of our problem with crime and the manifestation of violence which now exists is to be located in the context of or attributed to failures in our education system. While we have a very good educational system, and Barbadian young people over the years have been exposed, and tremendously so, at the expense of the State to the privilege, and though it is a good system, there are defects in the system. Some of those defects have served to throw up failure, and part of the outflow or outfall from that failure is what we see; the behaviour we see manifesting among some of our young people today.

Mr. Speaker, we have become a society which over the years has also adopted negative models. Some of those models have been imported. Some of those models are home-grown and domestically established, but these are models to which the Barbadian youth society has been looking now for some time and learning behavioral practices and adopting behavioral dynamics associated with the embodiment of those models. Those models are to be found not only in the area of criminal behaviour, they are to be found in the area of entertainment, they are to be found across the spectrum of social life in Barbados. Some of those models are embodied in well-suited personalities, well-clothed personalities, and apparently decent people who every day seem to go to an honest job to work for an honest dollar, but when you drill down you discover that that is not always the reality and not always the case. Therefore, some of these models have had the privilege of exerting influence over young and impressionable minds who have assumed behavioral practices associated with negative lifestyles.

Sir, we have in the last ten years seen a worsening of our economic situation but we have always been faced with constrained economic opportunity. We have at times boasted of unemployment levels dropping down to nine per cent and seven per cent and, depending upon the gender situation, maybe even six per cent, and the truth of the matter is that when you analyse it a bit more closely, those statistics speak of success. There is the reality that youth

unemployment in Barbados has been often too high, and that is in fact the situation which presently faces us. That is one of the challenges which the Honourable Member from Christ Church West Central will have to wrestle with; youth unemployment and, I suspect that that is why there is this philosophy that those who congregate in certain places ought to be made the targets of such influence as would encourage them to legitimate enterprise. High levels of youth unemployment will always create a problem for a tendency towards criminal behaviour. There are some who believe in a devil. It is said of him, in part, that he finds work for idle hands to do, and therefore we cannot be faced with the reality over time where you have high levels of unemployment and not anticipate that part of the outflow from that would be the engagement in criminal endeavour if it is perceived that that would bring you some measure of material advancement and economic privilege.

Mr. Speaker, this is definitely not to be associated with the last ten years: We have had to face the reality beyond unemployment of underemployment, where people in Barbados who are privileged to find work or were privileged to be able to engage in legitimate endeavour are faced with the reality that wages are low. In a situation of rising cost of living -- again one of the realities made worse in the last ten years -- then those who are underemployed and making barely sufficient to eke out a living, and that is not even to make ends meet sufficiently, will find themselves exposed to the temptations of criminal behaviour and sometimes the violence which is also associated with that.

We have had for long years the erosion of the family architecture in Barbados, Mr. Speaker, and I do not speak from any perspective which suggests that the family which has been seen as the ideal family of husband and wife and children is the only model family. In fact, Mr. Speaker, I would argue very strenuously -- though I support that ideal model -- that there is another model of family life and family structure in Barbados which perhaps has even contributed more and more effectively to the development of Barbados as the kind of social arena in which we have enjoyed life of which we have been justly proud, but the architecture, the platform, the structure of family life has been under assault from various quarters and by various threats over time. To me, it is largely also in part due to that dynamic: the deterioration at the level of family life in Barbados that we have to attribute some of what we are seeing now obtaining in Barbados in terms of criminal behaviour and the violence that attends it.

I support the view of the Honourable Member of St Thomas. I espouse it myself and was happy to hear the Honourable Prime Minister say recently that it was Government's intention to invest, spend more money on parental education in Barbados. For how long, Mr. Speaker, have we been faced with the phenomenon of

children have children in Barbados? That has happened from as long as we have been around. But certainly in recent times it has been becoming more and more a liberal society. More and more we have had exposed to us the reality of young women having children for big hard-backed men. We as a country historically, have been the beneficiary of the influence of that extended family structure, the influence of a grandmother and the influence of a mother who was raised by that type of grandmother mindset. We have lost a lot of that in Barbados and I am simply positing the view that if we are going to look to locate the genesis of our problems reasonably and fairly and honestly so, we have to get beyond the period of the last ten years and understand that there are issues that we have to address, like children having children in Barbados and the deterioration and breakdown of family life in Barbados.

Mr. Speaker, there are serious material gains that are associated with the involvement with illicit drug activity in Barbados. We see all the evidence around us of people who have built comfortable lives out of that type of lifestyle. We know that if you can evade the law and successfully push through that type of lifestyle, you can live large and live comfortably. We do know of those stories where people are 'cut short' because they make missteps and there comes a day of reckoning for them. We do know where people are privileged with that level of comfort have been short-lived because the long hand of the law inevitably catches up with them. But there are some who make it through and who go through entirely unscathed. These people, such as they are beneficiaries from that type of illegal endeavor, are therefore able to influence young minds to be involved and to spread among them, the trickle down benefits of that type of lifestyle. So there are material gains to be associated with that type of practice and that is contributing to what we face around us today.

Admittedly, we have said that our justice system is far from being as efficient as it ought to be. The processes are slow. The wheels of justice grind very slowly in Barbados. And if justice is not meted out in swift and certain and exacting terms, then those who are given to breach of the law, will feel, in growing numbers that they can give themselves to that type of activity. That again is not something which has begun in the last ten years. The character and structure of our penal system and our penal institutions as well. We are still keeping largely in the same compound, I suppose we are constrained by our economic capacity, those who have committed transgressions, the nature of which is not so violent, people who have done things which are of a non-threatening nature to the rest of us. We still have a situation where in the same compound, even if in different quarters, those on remand are together with those who have been sentenced to long terms of imprisonment and some for the commission of violent crimes. I am simply trying to suggest that the systemic

context in which we punish or detain those for their criminal behavior is such that we put the good, the bad and the ugly together; the fortunate and the unfortunate; the mischievous, as well as those who incidentally find themselves caught in this phenomenon. We put them all together. Certainly, we have a process of institutionalisation which in fact does that very thing. It institutionalises a criminal mindset in some people. So you send a guy to a prison for an offence which is not that serious but he is housed with hardened and violent criminals and he has learned by exposure to such people that this is what you can do, that this is how you can play the game, that this is how you live the life, that this is how you make it rich quick. So we are institutionalising that mindset because of the structure and the institutional architecture around the business of detention, imprisonment, remand, in Barbados.

There is then the availability of firearms. This has caught the attention of the public in stark terms in recent times. This has engaged the attention of this Parliament. When you grew up, Mr. Speaker, what was available to you was the rock on the ground, not even a 2x3 of which the Prime Minister spoke, that would not be in immediate sight. You would have to look for that or run home and get that. But the big rock would have been around and that would have been the weapon of choice. But now, Mr. Speaker, there are firearms around, seemingly in abundance, firearms of all kinds of sophisticated calibre available to those who are bent on violent behaviour. This Parliament, this Government, is now treating to this. It is not a matter that started in the last ten years. It may be a matter that has become worse over the last ten years, but it did not start there. We talk about the porous borders that we have. We talk about the suspect gate-keeping in which we engage where officers of the Crown charged with a measure of security relative to our borders, allow themselves to be so influenced, so induced, that they give themselves to acquiescence in the face of those who seek to involve them in facilitating the flow of arms into this country. So this Government is now trying to address that with the purchase of scanners, the changing of rules and stuff like that. And all of this is good but all of this thing is contributory to the phenomenon which now faces us and which did not begin in the last ten years. And if we treat it as a matter that arisen in the last ten years, Mr. Speaker, we will not properly address the situation or redress the problem. We have to see it for what it is and identify the factors conducing to it and deal with each of them to the extent that we are able to.

That lack of success or effort, Mr. Speaker, in targeting those who are 'high' up the ladder in criminal behavior in Barbados, that is something that has to be addressed. I have repeatedly referred to this. You have people behind the scenes, sometimes not even so far behind the scenes, who are pulling the strings, who are facilitating

these things because it redounds to their benefit and their economic interest. And those big boys who operate in the shadows behind that veneer of decency and legitimacy must be robustly targeted, investigated and prosecuted. Unless we do that we will not stop this scourge upon this land, and the effort to do that must not be characterized by any kind of political dynamic whatsoever.

I seem to hear that this is the persuasion/conviction of this Government and that there is a resolve to do things. I have supported and will continue to support any effort as I have with reference to those that have already come to the attention of this House to improve our Integrity in Public Life legislation, dealing with corruption in the public and private spaces in Barbados so that those who pull the strings behind the curtain maybe exposed to the full weight of the law, such that not even skills embodied in persons such as yourself can cause their escape when they are known to be guilty and evidence is available to us.

Mr. Speaker, I think those thing that are briefly mentioned and others contribute significantly to the problem that we face. I start off as well where the Prime Minister started off and that this debate essentially comes down to a consideration of basically two things: the interest of the individual on the one hand, and the interest of the national community, the collective as she calls it, on the other, and we have to balance those interest right and I think that the measure I heard being introduced by the Honourable Attorney General, our hardworking and Honourable Attorney General is a sign to ensure that those dual interests are observed and that we make the kind of response in these current circumstances such as we do not injure the interest of the individual or the interest of the national community, the State, the collective, and [that] where there is a tension, where there is a conflict, then the weight of force and opinion must come down in the side of the national community. Therefore, that is where I am, we have to balance the sentiments which sometimes compete the interest of the individual and of the State.

Mr. Speaker, I make reference to the Constitution at Section 11. If I may read:

"Whereas every person in Barbados is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect to the rights and freedoms of others and for the public interest, to each and all of the following namely: (a) life, liberty and security of the person; (b) protection for the privacy of his home and other property and from deprivation of property without compensation; (c) the protection of the law; and (d) freedom of conscience, of expression and of assembly and association, the following provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that

protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest”.

Mr. Speaker, Sir, we have to ensure as I understand it, constitutionally we are obligated to ensure the rights of the individual, to liberty, life and security of the person, to protection of the law, but at the same time having due regard to the rights of freedoms of the others of us and the public interest. You are very well apprised of all of these matters. Mr. Speaker, I am not making reference to anything that you do not know because profession of practice very much relates to this type of constitutional stipulation. The rights of the individual are very important and must be guaranteed and they are protected, enshrined in our law, but Mr. Speaker at the same time the rights and freedoms of others should not be in anyway prejudiced or made to be diminished.

We have to do a balancing act Mr. Speaker; in the broad context of the wider national interest is a smaller consideration of the interest of the victims of crime which have to be considered and whenever there is a crime, not only is there a perpetrator, but there is a victim as well and we move against the perpetrator in the interest of the community, State and the rest of us, but also with due regard and a premium regard should be attached to the whole business of the interest of the victims of that crime. Especially, we are talking about gun violence and we are talking about things like murder, you are now really getting into some deep and dark waters. Therefore, what are the interest of the victims that need to be identified, what are the victim's interest that need to be looked after? That is one of the considerations. Of course, the integrity of the system Mr. Speaker, itself comes into vogue, because we have to protect the system and it must be perceived to be a system that works in the interest of all of us, that lays great weight in the interest of the majority while not in any way becoming a detriment to the interest of the minorities.

The integrity of the system is important. The system must be seen to work and I think that admittedly we have to face the reality that right now the system as it stands is not working effectively to the extent that we would all wish and I think that the measure being brought here before us is an attempt to give some impetus to the system so that there might be a greater level of efficiency especially at least in this regard.

Then there is the important dynamic of the presumption of innocence which some would say that is challenged by a measure like this, because if you deny someone bail upfront for two years, you are perhaps putting yourself in a position where it may be said that you have departed from the precept of the presumption of innocence.

That is not necessarily in this context an argument which I support. I am simply saying that is an argument which would be put on the table by some, especially those who may want to oppose this measure Mr. Speaker.

Section 5 of the Bail Act gives consideration to the seriousness of the offences, but it also speaks specifically to the matter of protection of the community. It is in the Constitution; it is also embedded in the Bail Act. I think, Mr. Speaker - and if I am wrong I am sure you will be the first to guide me and to correct me on that matter - I was trying to a little bit of research on this and I discovered that Trinidad has gone this route with respect to the matter of bail in response to their violent crime situation. In 2015, there was an attempt to introduce a measure which denied access to bail in under about four months. We are doing two years. That is my understanding for what I think I recall reading. What I recall reading by one or two who did a review and analysis was that after a while that did not seem to put a dent in the crime wave. I raise that only to suggest that I am sure the Honourable Attorney General and the Government by in the larger vain will look at this matter a pace down the road and see if this measure now being discussed in this House would have had, after a while, the impact, the effect upon the crime situation in Barbados that is intended but in the case of Trinidad, that measure that denied you access to bail for 120 days, if I am correct, was proven not to impact positively the crime situation and to check it so I hope that we will measure this and the effect of this over time and give necessary review to the measure as to whether or not it should be retained, whether or not the period of time should be extended or whether or not this should be retracted after a while. There are those who argued in the Trinidad case that it removed the discretion of the Court to grant bail in the first place. I am sure, were you in that jurisdiction and had to argue before the court this would be an argument that you probably would advance, Mr. Speaker, that you were denying the officers of the court their discretion.

I reflected on this and it is a point to be considered especially in light of the fact that even in recent times in this very Chamber we brought a measure here which was intended to give wider, better and larger discretion to the court. This one, one might argue, if one wanted to be negatively disposed to the passage of this measure that this takes away the discretion of the Court. Here we are, on one hand trying to enhance that discretionary power and on the other hand we are circumscribing it a bit but sometimes necessary measures must be adopted in necessary times in the necessary context.

Obviously there is need for other measures. We cannot just and I acknowledge that the Government is doing other things, some of which have been alluded to this very day by both the Prime Minister and the Honourable Attorney General but yes, those other things must be done

in order to address. We cannot simply say no bail for two years and believe that in itself and by itself will solve the problem. There are other things which must be done and there are other things which must be done some of which may be costly. We have got to commit ourselves to and resolve to find the capacity so to do so that we wrestle this problem to the ground.

Mr. Speaker, I like to deal with realities and not just operate in the theoretical frame and there are certain realities which obtain out there. We have a subculture in Barbados today which is quite prominent. That did not begin in the last year, that did not begin in the previous 10 years and it did not begin in the 14 years before that 10-year period but we have seen the development of a subculture in Barbados. There are many manifestations of that. The Honourable Member for Christ Church West Central would refer to as “blocks”. The Honourable Member for St. Philip North would otherwise refer to the same phenomenon as and there are other things which we can point too as clear manifestations of this growing developed subculture in Barbados.

Mr. Speaker, you are a sociologist as well in terms of your past professional path and perhaps to some extent you still are and you would know that a subculture will come with some characteristics of its own relative to that the expression of that subculture. One of the manifestations of the subculture in Barbados is this phenomenon of street justice. Now in my constituency in Barbados, Mr. Speaker, we have some people who trespassed last night and broke into some people’s cars using explosive devices, not guns, other explosive devices to break into people cars. That is a matter can be reported to the police. They had some fellows that went to do some maintenance work down at my constituency office and they have been carrying away some stuff and that is a matter than can be reported to the police, Mr. Speaker, but if you are in the business of trading in illegal drugs and somebody swipes or carries away some of your drugs or if you sell some drugs to a fellow and the fellow is delinquent in his payment, that is not a matter for which you can call the police. If justice is to be had, it would be justice at the level of the street so what we have here is a subculture in Barbados manifesting in very prominent terms a street justice so fellows are being made to feel the weight of the law that obtains on the street. It has nothing to do with the Attorney General, it has nothing to do with the Commissioner of Police or any office of the court. It has to do with the accepted practices that obtain in a subculture, part of which is the exacting of street justice. What are we going to do about street justice in Barbados? That is, in part, the way that question can be framed. What are we going to do about street justice in Barbados and is it sufficient to respond to street justice and the dynamics attaching to that or do we have to address the larger problem of a growing subculture and determine why has that subculture developed? What can we do to stem the

tide and reverse the trends that have conduce to the development of that subculture? I would want humbly to suggest that this is where it is at. We can respond to the dynamics, to the symptoms of the problem but we have also to respond adequately and sufficiently, forcefully as well, to the problem of itself as to why so many people are given to life in this subculture.

Mr. Speaker, I like to be real and I do not set out to offend but I often find that happens and I have to ask the question. You are in the legal profession and you are privy to information which I do not, you have contacts which I do not, you hear things which I do not hear. Mr. Speaker, does it merely lie in the realm of rumour that part of the crime problem in Barbados is the linkage, the relationship between political elements and the criminal element? Does that lie purely in the realm of rumour, that some criminal elements feel a degree of comfort because of their relationship and association with politicians? This is not addressed or targeted to the present Administration. This is a general question, an issue which has been referenced over the last several years in Barbados perhaps not sufficiently mooted or addressed but I have raised this before inside of this Parliament and obviously, I am talking about in a period of time before the last 10 years when I was first here, I raised it outside. I have heard other voices raise the issue. Do we have a problem in Barbados where part of the crime situation must be attributed to a relationship between the criminal element and the political class? Is that purely and solely to be relegated to the realm of rumour or is that part of the reality?

People will seek to protect their interest. We do it in the legitimate spheres of life and people who operate in the illegitimate arena will also seek to protect their interest and all of that is what is happening around us and the Government’s challenge is to respond to that. I understand this measure to be birthed in those kinds of considerations and if that is the case I would want to signal my support for that, two years wait for bail, that is the bail wait time, after this is passed, if it is passed here and elsewhere.

Mr. Speaker, I believe that bail time must bear some relationship to trial wait time, and I am glad that the Honourable Attorney-General addressed that, that while you will not get bail in some instances for a period of two years, his resolve is to ensure that in fact you can be brought to trial and have matters expedited within a period of two years. I think that is a posture which the Government must adopt and that resolve is something which should be implemented with all the robustness possible because the truth of the matter is the wheels of justice in Barbados move too slowly to the detriment not only of the State but also to the detriment of those who fall under the hand of prosecution in Barbados and so, Mr. Deputy Speaker, that two-year wait period for bail must bear some relationship to when a man is going to be

expected to face his accusers and have a decision made one way or the other.

Mr. Deputy Speaker, just a couple other things perhaps I might quickly mention. What I would suggest is that Magistrates' Courts in Barbados do not give bail on firearm charges and some of these other more serious charges. A person, it is suggested, should have the privilege of being carried straight to the High Court because if you continue with the current situation it means that a fellow who is not financially blessed may have to wallow away behind bars. Mr. Speaker, you can put me right on these things. A fellow who does not have the money to avail himself of access for an application of bail to the High Court may have to spend a little while up the road.

Asides.

Bishop J. J. S. ATHERLEY: That is not so.

Mr. SPEAKER: Honourable Member, he can make his own application.

Bishop J. J. S. ATHERLEY: He can make his own application, and there is no cost involved in that.

Mr. SPEAKER: Yes.

Bishop J. J. S. ATHERLEY: Okay. Well, that is the type of thing I am worried about that we do not have any system employed in judicial matters in Barbados which disenfranchises those who do not have or which discriminates in any way against those who do not have and so from that type of perspective I can support a measure which is designed to serve the interest of the majority of us while not depriving the individual of his or her right to a hearing in good time once by putting these systems into effect we do not by extension create any kind of discriminatory circumstance with reference to such persons. Mr. Speaker, that is where I am on that one.

I believe this thing could have some implications for the present population Mr. Attorney-General, through you, Mr. Speaker. We have had problems with overcrowding in Barbados before. We know of the Glendairy experience. We built a new prison to accommodate in better circumstances larger numbers which I hear is already a challenged situation, and if you are denying people bail you have to house them somewhere securely and you have to plan perhaps therefore for increased numbers and take into consideration your capacity. We do not want to know that the numbers held at Dodds then in itself constitutes another problem for us which could cause us grief. I just put that out there for consideration, but I am sure the learned Attorney-General would have thought this through in its entirety.

I want to say to you, Mr. Speaker, and to the House and the public of Barbados through you that I support the measure here today. I recognise that in a sense we are circumscribing the rights of the individual. I understand our constitutional stipulations and if I understand how our laws work within the context of the justice system we are doing something to protect the interest of society and I suggest that it is something which after time should be reviewed to see its impact and its effect and therefore I want to support that.

I heard all that the Attorney-General said with reference to an amnesty. Amnesty has worked in some places and in other places it has not worked, so if amnesty is where you want to go, well fine, but I do not know that I understand that a week is long enough but we will see what happens. Mr. Speaker, in short and in essence I support my learned from St. Joseph in bringing this measure here today.

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

Hon. E. G. HINKSON: I thank you, Mr. Speaker. There comes a time in the tenure of any Parliament that adheres to the Westminster system of Government for the Members who are privileged to serve in that Parliament to make firm, strong and unequivocal decisions and to send messages to the public and the citizens who those parliamentarians serve. This is such a time, Sir, in the period of this Parliament. The time calls for strong, firm decisions to arrest what can undermine all the economic gains that this still relatively new Government has obtained in the 10 months that we have been in office. The prime purpose of any Government is to secure its citizens against threats. As the Honourable Member for Christ Church South in his contribution to the Budget very recently said, a Government is there primarily to protect and safeguard law, order and good government. In fact, I think it is Section 48 of our Constitution that actually spells that out, that the Parliament is there to make laws for the good order and good government of a country. We therefore, Sir, have an overriding duty to the people we serve, the whole of Barbados even more so since this Party won all of the seats by massive majorities, to secure the physical element and the total well-being of our people.

I am satisfied, Sir, and I am happy to see that the Honourable Leader of the Opposition is giving the Government support on this as well as we knew he would. I am satisfied that this amendment to the Bail Act is absolutely necessary to secure the paramountcy of the security of the citizens and the people who reside in this country.

Sir, a Government does not easily come to this kind of decision to restrict legislatively the liberties of an

individual who may not yet have been found guilty because we still abide by the principle that you are innocent until you are proven guilty, but time [now] merits this kind of action. As the Honourable Attorney-General said when the Honourable Member introduced this amendment earlier today, we have had situations, [for example] 20 assassinations in the first three months of the year, some by persons allegedly having committed murder before, some now finding themselves out on bail, others charged with serious firearm offences and possession of all kinds of ammunition, yet out on bail and then coincidentally, by happenchance, a splurge in firearms offences and murder when they are let out on bail, yet people have the right to a fair trial and so we are not casting any judgment on that absence but the facts and inferences speak for themselves and therefore this Cabinet of Barbados of which I am a member has brought this amendment to the Bail Act.

Mr. President, this is not a political divide, the last Democratic Labour Party Administration drafted an amendment to the Bail Act in 2017 which would have denied bail in similar circumstances, in fact, the same circumstances that we are dealing with today, for 18 months. We have gone to 24 months. We feel that the times require this time frame to bring the society back. There may only be about 150 thugs at the most as I understand it, and like the Honourable Attorney-General I am not afraid to use these words, you have to call a spade a spade, thugs who are creating problems in this country and it has to be arrested for the benefit of the other 280 000 or 300 000 whatever the population, including visitors who may happen to be in Barbados at any given time and therefore a Parliament has to reserve the right to look at what is of prime importance, the security of its citizens over and above the liberties of any individual person, hence this legislative intervention here today. Sir, the intervention is still constrained reasonably and sensibly that if a judge believes that self-defense would be a good defense in a case the judge could grant bail under the 24 months, that is in the amendment, if the person accused of the killing has done it in the execution of their official duty, for example, a policeman, I mean, it is only fair that they should reasonably be able to granted bail in the right circumstances. If on the evidence the court feels that a satisfactory defense may be made out, if the evidence presented to the court at the time of a bail application within the 24-month's period, a judge is allowed to grant bail under this amendment but in each case the judge has to give written reasons and again that is only reasonable. The judge puts in writing his reasons so that the prosecution can appeal if it finds it so fit to do, the prosecution can appeal to a tribunal of a Court of Appeal.

Mr. President, we are not doing anything here that is unreasonable, nothing that the public does not demand. I think the public all across Barbados has been asking what Parliament will do, what the Government will do about this

situation and we have to respond to public perception and to public feelings, the public wants to be protected and that is what we are moving to do today.

Mr. Speaker, Sir, in addition, I am in full agreement of the amendment that allows for a 72-hour period or three days after a bail application is filed before the application can be heard. Sir, I must confess that this system whereby somebody who is accused of a serious crime, for example, murder could go before a judge without the Office of the Director of Public Prosecutions being aware and can argue a case and you do not hear the other side as to why he should not be granted bail, really and truly offends proper commonsense, Sir. Therefore, I am all for the 72-hour period whereby notice has to be given to the Office of the Director of Public Prosecutions, they are given time to prepare the case, the judge must be satisfied that notice has been given to the Office of the Director of Public Prosecutions, then let us come and argue the case on both sides so that nobody can get bail in the middle of the night without the Office of the Director of Public Prosecutions knowing.

Mr. Speaker, Sir, sometimes it is better for someone accused of a serious crime to be kept in confinement for their own protection. Sir, as a top criminal lawyer, so am I, we live in this Barbados, we know what is going on, we know that what has happened in the past and continues to happen is that in some cases you have to protect a man from himself and therefore, sometimes Dodds is the best place because [that accused] is on the outside and is going to be subject to reprisals, somebody is going to come and shoot him, in some cases you are now even seeing the close relatives [being] under fire as well.

Mr. Speaker, Sir, this is a reasonable intervention and amendment, as the Honourable Attorney-General said, we will aim to have murder cases tried within a year and I think that is reasonable in all the circumstances. We passed legislation last month to allow or to amend the Constitution to permit the appointment of more judges and we would have said, I believe, that two or three of them will be assigned purely to criminal cases. We will ensure that the judges have their judicial clerks to do the research to assist them. We will ensure and have been ensuring that in terms of the technology for the judges, the refurbished Supreme Courts I believe are due to be reopened this month; in other words, all systems we are ensuring as a Government will be in place to allow for trials of murder accused and serious firearm offences to be held within the space of a year, so the two-year period, 24 months, is reasonable. Mr. Speaker, Sir, we cannot allow further breakdown in law and order of this country because ultimately, as the Honourable Member for Christ Church South said, good Government will also be under threat and jeopardy.

Sir, the Honourable Attorney-General also announced that a gun amnesty will be going in place for one week from next week. Sir, one week is long enough time when you multiply seven [days] by 24 [hours] you get 168 hours, but it only takes one hour to walk to the nearest police station and bring in your guns. Mr. Speaker, Sir, we are urging the relatives, those who live at home where the guns are, to bring them in too, do not be frightened for your son, grandson or nephew, you are protecting him when you do this, when you bring in the guns, the bullets, the ammunition, or whatever, Sir. One hundred and sixty-eight hours. We have had gun amnesties in the past, Sir, and they have not been as successful as the police had hoped they would be. Let us hope that this one is more successful, Sir. For seven months I was Minister responsible for the police and the Honourable Attorney General is now responsible for the police, and he has also said this, Sir: You walk about Barbados and you are barraged by people approaching you and saying, "I want a gun licence. The Commissioner of Police denied me a gun licence. I want one because the Minister responsible for the police has the right to hear an appeal against the denial of a gun licence by the Minister and the Commissioner of Police." Sir, sometimes you ask why so many people want guns. That is not the answer to the problem, Sir.

I would like every gun removed from Barbados except those that the Royal Barbados Police Force and the Barbados Defence Force would have, Sir. I do not see why somebody should have a gun, Sir. That is the truth. This not the United States of America where there is some constitutional right to bear arms, Sir. America deals with America, Sir, and I have my views on that. The right to bear arms? I do not know why somebody should have any constitutional right to bear arms. That is not so in Barbados. You can have somebody saying that he or she wants a gun because the Commissioner refused a gun licence, and then when someone else knows you have a gun six fellows hold you up a night and take away the gun, what will you do? Another gun on the street. It does not make sense. Let us remove all the guns from around this place. Sir, my opinion too is that there are too many licensed gun dealers, people who can sell guns legally. We need to cut that down as well. This is not any military state, Sir, and we are calling on all those who have these firearms and this weaponry and the ammunition and bullets and so on to bring them in next week. Nobody will charge you for bringing them in. One hundred and sixty-eight hours. Let us come back to what values Barbados traditionally stands for as a society, Sir. Let us develop.

Sir, give us that opportunity as a Government to lead the way and to continue leading it with our socio-economic development, but we cannot do it alone. We cannot do it alone, Sir. Other aspects of society have to intervene and help us, Sir. The Church has to help us, Sir. I totally agreed with the Honourable Prime Minister this morning in her

sentiments regarding spiritual values, Sir. You do not have to go to church to have those, Sir, but you have to have inculcated in you a Christian understanding. Spiritual values we have to bring those back to the community and really and really, as all of us know, you can go into any church on a Sunday morning or if you are a Seventh Day Adventist you can visit an Adventist Church on a Saturday morning, Sir, and invariable 80 per cent of the congregation are female, Sir. You wonder to yourself, "What is wrong? Why can we not get more males to come into the church?" The women cannot be carrying all the burden, Sir. That is the truth, so we need to get more males back to Christian understanding and spiritual values, even if they do not go to church.

We need to get some kind of religious education in the schools, Sir. Again, I do not agree with the United States regarding religious education: Some kind of indoctrination on what is right and what is wrong, moral values. In terms of our educational system, as we noted during the debates on the Estimates, the Minister of Education in response to a question from me -- the first question she received in the Well -- said that we need to do more in reform of the educational curricula, Sir. We need to do that to widen the span to give young people with different abilities the opportunity to progress, Sir. We are giving them the opportunities, Sir. We have restored state-funded university education. We are looking to expand vocational training and skills training available at the Barbados Community College and the Samuel Jackman Prescod Institute of Technology. There is also the youth programme which we have and the trust funds which we are doing, Sir. These are opportunities for young persons between the ages of 16 and 25, especially those who are giving the most trouble, to avail themselves and to do good not only now by society and their families but to themselves as well, Sir. They should not feel that they have to get involved in criminal activity to survive and to make a dollar, Sir. You have to be able to make a dollar honestly and not be involved in criminal activity, Sir.

These young persons, mainly young men, as we said, Sir, are sometimes encouraged by young women. The learned Attorney General spoke about that today. They have to understand that when they get involved in criminal activity, it has repercussions in the families too, Sir, because invariably you see a close female relative breaking down in the court when they get sent off to jail. They say "they were very, very nice boys and never get into trouble," and they are quiet and all of that, Sir. These are the same fellows out there creating bare havoc in this country, Sir. The fathers have to take hold too, Sir. Yes, it cannot only be mothers, as I said, but the females especially have no influence over their male children. The grandmothers would have raised them, Sir, and the females in Barbados should have more influence over them. We have to be able to bring these 150 people, who are recurring and creating

more trouble and mayhem in this place, to Christian understanding, Sir.

Sir, we are doing our best. We have brought to Parliament within recent times, including early last month, the Proceeds of Crime and Instrumentalities Act, as we try to take the profit out of crime. We brought integrity legislation to the Floor of this Parliament, and hopefully that will soon come out of the Select Committee and will be passed this year into the laws of the land, Sir. We have brought a constitutional Amendment to this Parliament, and I believe it will continue today in terms of trying to abide by the decision of the highest court of this land, the Caribbean Court of Justice, regarding the removal of the mandatory death penalty so that the murder cases can be heard again. There will then be the opportunity for judges to sentence for murder and pronounce the death penalty on a conviction of murder after all the reviews are carried out, Sir. They have given millions of dollars in the Estimates to the police to try and buttress their ability to defend the territory and the individual citizens of Barbados, Sir. We have made provision for \$40 million to \$41 million for scanners at the Customs area to try to curb the influx and flow of guns into this country, which have obviously come in through legitimate ports of entry if not by other means as well. Mr. Speaker, Sir, this Government is doing its best but we need the cooperation of everybody in this country, including Non-Governmental Organisations, those who serve the social aspects of this country, if not we will go nowhere in terms of our economic recovery.

Mr. Speaker, Sir, the Honourable Member for Christ Church East spoke today. I also commend the Honourable Prime Minister for reaching out to all Members of Parliament, including the Opposition. Now, for the second time, last Thursday on bringing all lawmakers up to date on where we are in terms of the security of this land and what we plan to do to try to buttress that security and to ask for the support of all lawmakers in this country and of course the wider public. Sir, we are being transparent, we are being accountable because we know that 30 people alone in this Parliament cannot do it but we will succeed. We know that there are human rights advocates around who will condemn us for doing what we are now doing. We have to do what we have to, to protect the integrity of this country Barbados. We cannot mind people in the international arena who would tell us about human rights. That is the truth. I say that being fully grounded in law and in human rights law, but you have to make decisions and there comes a time in the tenure of any Parliament where such decisions as are being made today have to be made, if not Parliamentarians would be found to be derelict in their duty.

Mr. Speaker, Sir, the Honourable Leader of the Opposition has made mention of whether the prison population can take the number. Sir, the prison population

as it stands (and I speak now as Minister with responsibility for the prison) can house 1 100 persons. At present its population hovers around 850. In addition, as a Government we are committed as is our Manifesto, and our policies to lessen the prison population for those who have committed small-time offences, to bring about more restorative justice and more community service, and to remove imprisonment from those who have breached the criminal law, but not in any serious way, and look to reform such individuals, so that the prison population for small-time crime should be coming down in any event, so that there is no question of the prison becoming overcrowded numerically.

Mr. Speaker, Sir, we also recognise -- and I know Honourable Leader of the Opposition in a speech, I believe, last week at a school speech day spoke about this - we as a Government are actively looking at reform of prisoners. We are looking at greater rehabilitation. There is [already] the rehabilitation of prisoners. There have also been success stories, let us not deny this, of people coming out of prison after long jail sentences and making useful contributions in societies. I have three paintings in my house by a prisoner who was in prison for about 15 years. He is one of the best artists in Barbados. Another success story: He came out of prison, has not gotten into any conflict with the law again. Therefore, it can be done. There is rehabilitation but there is a need to strengthen that rehabilitation.

Mr. Speaker, Sir, at this very time yesterday afternoon I was in a meeting with the Superintendent of Prisons, on discussing ideas and policies which we will bring to Cabinet in the foreseeable future for Cabinet's approval on how we could enhance and strengthen the rehabilitation and reform of prisoners. This is so very vital. Traditionally there was a situation where the prisons did not conduct rehabilitation programmes on people on remand. They were on remand for a short time and were either found guilty or not guilty but the truth of the matter is that, yes, with the lengthening of time before cases can actually be heard in court, which as I said, we are looking to shortening that time frame certainly in the short term for serious crimes such as murder and firearms. Hence the prisons did not really carry out rehabilitation on prisoners who were on remand, that policy has recently been changed. The times demand that it changes. This has to be strengthened. Obviously we have to look at a parole system.

The previous Government passed legislation in this Parliament in 2015, the law has not been proclaimed and obviously we are now looking to fine-tune that to see where we can go towards parole but obviously with an oversight by the State of you when you come out of prison on parole. We are looking at reform of the juvenile justice system. Our Manifesto spoke about securing international

funding for that. Just last Thursday at Cabinet I would have brought a Paper which was approved securing funding from an international agency, Templeton International Inc. on studies leading to the reform of the juvenile justice system and greater educational opportunities for young people who get into conflict with the criminal justice system, thus trying to give them second chances in life. All of this we are doing as a State and as a Government, to try to give greater opportunities to individuals who at ages 15-17 may feel that this involvement in criminal activity is the option which they must take. They have to understand that this cannot be an option. It just cannot. It will not be tolerated by this Government. We will continue to do everything to strengthen the socioeconomic development of our country and that entails securing the State against the criminal activity that we are seeing, and not for the first time because yes, as has been said by Honourable Members, this has been around for a long time: In the early 1990s there were Attorney Generals making the defense saying that there were no guns in Barbados when everybody knew that there were. In 1999 there was then the last Honourable Prime Minister of recent times politicised it by speaking about "crime and violence". This is not a political issue. It cannot be. All of us have to come together to defend the rights of the citizens of Barbados and I am fully in support of these amendments to the Bail Act which are before this Honourable House. Mr. Speaker, Sir, with those few words, I am obliged to you.

Mr. SPEAKER: The Honourable Member for Christ Church West Central, you have the Floor.

Hon. A. R. FORDE: Mr. Speaker, I want to thank you for this opportunity. Certainly I promise to be brief today, certainly not acidulous as the Member of Parliament for St. James North. I want to rise to support the amendment certainly to The Bail Act as well articulated by the Honourable Attorney General, the Member of Parliament for St. Joseph earlier in the forenoon. Mr. Speaker, something had to be done, that is the reality and I want to thank the Attorney General certainly for moving with this patch because is no longer business as usual. I say so Mr. Speaker on the aftermath of what is happening in this country. The fact that Barbadians need to go about their business in a sense of comfort, in sense of understanding that normalcy is a part of the Barbadian way of life, where they do not feel fearful in their homes, where they can traverse this country going to and fro from work, understanding that their lives are not [being] threatened.

Mr. Speaker, this matter is very personal to me. It was only two Thursdays ago that it really hit home and as the Member of Parliament, certainly the representative of the proud constituency, the epicenter of Christ Church certainly. I know the Member of Parliament of Christ Church South is not here, he would argue with me, but I see Christ Church West Central as certainly the epicenter

of Christ Church. Mr. Speaker Sir, as representative I have a sense of duty, an obligation to those members in my community, especially the blind community. It is heartfelt Mr. Speaker when I speak, because what happened last Thursday, when I got a call from none other, and he gave me permission to call his name, Granville "DJ" Carter. I got a call immediately after the debacle in the episode that happened at Sheraton Centre, where he along with members of the Blind Association, doing a sensitization exercise were exposed to life threatening gun fire - random behaviour like never in Barbados, it was like a case out of the Wild, Wild West. He called me crying, as a blind man. He said: "Medic, you could imagine, I had to lie down on the ground, all I hearing is bullets". You, Mr. Speaker, a man who I suspect has full visual acuity of course 20/20 vision probably... I am saying, could you imagine. He said it was the darkest day in his life and he is a blind person, (no pun intended) but it was a dark day. I am saying to you, it was not only a dark day in the lives of "DJ" and another constituent whose name I will call too; we call him "Big Bear" a.k.a. Roger Vaughn and all of them sing calypso, who was devastated. All those blind persons were asking to engage in, is to be part of an exercise where they would know the different stores in Sheraton Center. It was a sensitisation exercise. We have to embrace them as a society as part of the society. What the Blind Association was doing is what we as a Government were saying, that persons who disabled, marginalised, at the bottom of the spectrum, those in the dawn and the twilight of their years, we are saying as a Government they must become part and a vital part of our society. Their lives must have worth and independence. They must have a democratic stake.

Mr. Speaker, what happened to those persons, I say that really defined the values of our society, and where we have gone as a country. When you can have blind persons falling to the ground. Do you know what he told me that was most heartfelt? He said that as a blind person, him being on the ground, he was hearing bullets, he did not know if he was crawling over a dead person, if he was crawling over and some person who was bleeding and all of that person's blood was going to be all over him. He was in a fetal position between doors, with a loss of direction, and a loss of hope.

Asides.

Hon. A. R. FORDE: He lost his compass. He lost his geographical compass but I am saying that if we do not put measures in place the moral compass of this country, we will lose that too. What happened is unacceptable. I want to congratulate the Attorney General because measure had to be put in place. Thing had to be done to handcuff, wrestle this scourge of violence and lock it behind bars. Mr. Speaker, in the same way that we saying as a Government and the Prime Minister, the Right Honourable Member for St. Michael North East said: "Not 'bout here". It is not

happening about here because we as a Government have a responsibility to the citizens of this country, and our responsibility as legislators, speaks to ensuring that Barbadians have a level of confidence in being able to live a normal life. When you have the most vulnerable feeling threatened in this country Mr. Speaker it is high time that we make some harsh decisions and what the Attorney General has done, I want to applaud him for because it is no longer having a plan of action, it is time to have an action plan. What he has brought to this august Chamber indicate that he has an action plan and we as a country as of tomorrow we will have a new dispensation of justice.

I am saying to you, Mr. Speaker Sir, that it is not only a threat to us Barbadians, but that we are a tourism destination. We live in an environment, in a society where tourism matter. We understand when advisories are put out against our country what happens. We cannot afford for that to happen and our reputation to be spoiled as a country. Certainly Mr. Speaker it also threatens the economics of the country. We as taxpayers pay the health bill when persons are involved in these criminal activities. The affects are far-reaching and what we are saying is that enough is basically enough. There will be no 'Bar-Bados' under this Government, we only know one Barbados and that is a Barbados where the citizens are safe and they feel protective in their environment. That is the only Barbados we know.

Mr. Speaker, what this Act and this amendment basically says is that if you do the crime you will spend the time. In the same way we are saying that persons who are accused of murder, firearm offences, treason, and high treason, the same way we are saying that those persons will not be allowed to have bail under 24 months, the caveat basically is that within 12 months their cases must start and hopefully between the 24-month's period you will have a conclusion. We are saying that Judges, when persons apply for bail, will have to give reasons within 72 hours, 3 days for the denial or granted of, but obviously there must be some flexibility in law, because it is not rigid. We are saying that persons who are in the Armed Forces: policemen, soldiers, guards that are given firearm but by legal and legitimate procedures, those persons would be exceptions obviously to the norm and to the rules. That is what we are saying.

Mr. Speaker, another problem, because if we are going to talk about the incidence of crime and violence and heinous crimes, we have to also have a conversation about social and maladaptive activities and behavioral patterns. What is happening Mr. Speaker on social media. I think that social media is a driving force behind a lot of these criminal activities and I am say so without apology today. We have antiquated and anachronistic laws as it relates to the Computer Misuse Act. It is high time that we have a serious look at those laws, Mr. Speaker, and I am imploring

on the Attorney General to look at the laws because a lot of these crimes are done to fulfil egos and to get hits on social media. What you see up to yesterday being advertised on social media where a young man is going to pretend to be stabbed up and bleeding, just so it would be an All-fools' joke. How low is low, Mr. Speaker? When do we take stock? When do we start charging some of those persons who put from sexual behaviours up to all types of crimes, also accident scenes? It is almost as if we are feeding into the egos of the criminal element because you always hear about these thing going viral and it is as if these young men and women - sometimes the elderly folks too, do not worry -- is as if their intent is to advertise on social media so they can get "hits". And it is permeating the schools, Mr. Speaker, I am saying that we have to change these laws so that persons who circulate these things on social media are brought before the courts and spend some time behind bars too. That is what I am saying.

When you can have a young man in a mask stating that because bus fares have gone up, it is time to get rob; when you have that just so you can get a "hit" and it is a joke... There is an accident and at the scene of an accident what you will have is before someone can lend a helping hand to the victim, a person put a blanket on the person, try to be there with them to provide the voice of comfort, instead they would take out their cell phones and start to take pictures and videos to send out so that they would get a number of "hits" on their web page, I can get 30 000 and 40 000 "hits" and it is a joke for them. It is all about the "hits".

What I am saying, Mr. Speaker, it is time to hit them with some jail time. That is what I am saying. It is high time now you have to get serious about these things that are permeating our space as a society and it is no longer time for talk because it has permeated into our schools where school children carry to school cell phones and rather than use these devices to Google and find out relevant information as it relates to their studies, they are looking for the first opportunity to put an incident so that they can get "hits" and so that their friends on Instagram and all of these pages. Mr. Speaker, enough is basically enough.

It happened in Sheraton Centre, the incident when the young man was shot. Where will it happen next? In a nursery? Will it happen in a school? Will someone, when there is a problem and they cannot resolve conflict, will you go to the school and open up fire amongst school children because you have a wanton disregard for society, for the norms, for the morals? Would you go into the Hospital? I heard the Honourable Member for The City of Bridgetown spoke about the incident that happened at the polyclinic. Up to last week we had a situation where I saw a young man beating another with a 2x4. When will it stop, Mr. Speaker?

I am saying to the Attorney General, what he is doing certainly is a move in the right direction. I support it unequivocally. It is time that we retake our society, we govern because that is what the people in Barbados on May 25, voted for and we have to make some serious decisions. Sometimes the bitter pill tastes bitter at first but at the end of the day, it is there to help the body, because at the end of the day they are victims, they are families so it is not only the perpetrators that we are concerned about. We have to look at this in a holistic manner.

Mr. Speaker, because I said it would be a short intervention, I want to say that I implore the Attorney General to continue but I want to leave today in the words of Theodore Roosevelt the 26th US President and I want to leave with a quote, Mr. Speaker. It says: "Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found." It says that the right must be upheld and when the wrong is realised, that urgent measures must be put in place to equally deal with the wrong.

Mr. Speaker, I am obliged.

Mr. SPEAKER: The Honourable Member for St. Philip West, you have the Floor.

Hon. J. A. KING: Thank you, Mr. Speaker. I too want to lend my voice to this debate. At the outset I want to give my support to the amendments to the Bail Act. I think, as was mentioned earlier, drastic times demands of us swift action and I believe that were it not for the situation that we find ourselves in, this particular Bill probably would never find its way here, but we are here not, Mr. Speaker, and my colleagues have already exhausted all of the points that you could bring where this amendment is concerned, so what I intend to do is to do something a little different.

I want to take this time to appeal to the young men who find themselves caught up in this vicious cycle of death and oftentimes we forget that these are our sons, these are our daughters and these are our people. Behaviour, Mr. Speaker, you are not born a thug - according to the words that I hear people use - you are not born with guns in your hands and you are not born bad, all of these things are behaviours that are learnt over a period of time. One of the biggest problems that we in the Caribbean have and in Barbados, in particular, is that we have never been able to say no to outside influences; from their movies, to the video games, to whatever else. I know there are people who would ask, but what does that have to do with it, but as I said earlier, these are all parts and parcel of the learning process. When we have movies like "New Jack City" and all of these other things and - I am going to say it because everybody gets frighten when it is time to talk -- they perpetrate black people as this. What you are seeing in Barbados today has been perpetrated in movie,

after movie, after movie, from the 1970s come down. If it is entertainment on one side, yes, but if we have young people who do not even understand their place in the world based on the colour of their skin, they do not understand, and nobody is able to tell them because everybody feeds them lies, telling them a lot of nonsense, but there is an equal place and equal world and all you have to do is work hard and everything is going to work out alright, but it is a lie. It is the biggest lie that we tell our children. Or we come and tell them things like, just go down on your knees and pray and everything is going to turn out alright. It is a lie. There are certain things that you have to understand and actions for you to take in order for your life to take on any sort of usefulness or meaning. It does not happen in a vacuum. An education is not it alone; it is part of it but it is not the end-all of it.

We have created two Barbadoses. We have done one by burying our head in the sand, "they" and "us", and depending on which part of the social ladder you are you would know which part you fall in and so the finer things in life are for the people. What do you expect them to do? You ostracised them and pushed them one-side. You got them out of school early because they were giving trouble, rather than finding the help that they need you get them out of school, so that they are now out on the road looking for love or looking for some sort of communion. Man is a social being. You want somebody to socialise with you so who do you expect they are going to go and socialise with? They are going to socialise with the person that shows some interest in their well-being and if that person is not the best of characters but they are still looking for that four-letter word "love" they are going to gravitate towards that person who showed an interest in their well-being. The person who feeds you, the person who cares for you, regardless of how you look at, is the person that you are going to be loyal to, so we got to ask ourselves some serious questions. Which boy do you know from any of the places where a majority of the trouble comes has the wherewithal to buy a gun? He cannot even buy food. Where is he going to get money from to buy a gun? Do not come to me with this nonsense. Poor fellow, he himself does not understand why he got the gun and who giving him the gun.

There is a very wise man. You are not going to see his name in any books or in anything with quotes - my father, a man named Harvey King, told me many years ago: "Son, do not be a willing participant in your own demise". I will never forget it as long as I live. I want to pass on that bit of wisdom to the young men in this country. Do not participate in your own demise. The person who brings the gun for you already knows what the outcome of it is going to be: (1), you are either going to shoot somebody or somebody who knows that you carry a gun is going to shoot you; (2), you may shoot somebody but as long as you go to prison your life also is over. You might not be dead

but the prospects of you becoming anything more than just another number or an ex-con or whatever other negative label goes on to you for the rest of your life is still there. Then you are not even thinking about your family, “if I shoot somebody and I go to prison then what is my mother and my other relatives supposed to do”. Are they supposed to feel good about it? No, they would not, so then if you cannot think about this happening to the other person even though you are destroying their families also, you are probably taking away the father of somebody, the brother of somebody or the child of somebody else, what you are doing is perpetrating a mentality that is out there in the rest of the world that says that this is all black people do, kill one another. All across the world you can see it.

What is happening in Barbados is not happening in a vacuum. We did not just wake up last week and people start planning this because people who are making the guns plan all the time where they are going to get their guns. We do not make guns in Barbados. We never had a gun factory yet. There are a number of things that our people refuse to accept. Let me tell you this in plain language, when you got this colour you are seen as the bottom of the ladder, stop fooling yourself. Do not care how educated you got. If you get a truck and put all of the Prime Ministers in the region in it and drive it through some parts of Europe that got big police escorts, you know what is going to happen, people are going to stand on the side of the road and want to know who are these criminals, a whole set of black people in a truck driving about with police. You are fooling yourself all the time and fooling young people with that nonsense. Understand your place. You are destroying yourself.

Mr. Speaker, every last one of them that we sent ‘up the road’ is good potential that has gone. When I stand up and hear everybody out on the street talking about hang this body and hang this thing. Let me tell you something; they do all kinds of things to people in the world; they put them on wheels, turned it and broke their body in half; they put Jesus on the cross and crucified Him; they did all kinds of things and people still commit crimes, people still kill people, so hanging is not going to be the answer not by any stretch of the imagination, but the day that you decide, not that black lives matter, but that all lives matter, you would be able to see how this situation would get turned around. The vilest offender you have ever seen in the world if he gets a baby tomorrow and holds it in his arm you would not believe that this is the same man who killed 19 000 people. This tells you that in every single person there is the capacity to be different to what you think or what you label them as.

Mr. Speaker, our job, and it might be a hard one, it is going to be a hard one, is to start to re-educate our people. I think I heard the Attorney-General talked about someone who said that he shot the man and he played dead.

Asides.

Hon. J. A. KING: What reason would he have said something like that, because I have heard it before already, a fellow shot a man and said he only shot him two times and the man gone and dead, then. I have heard it. I worked in the system. That wreaks of ignorance. It wreaks of not knowing. These are the people that we leave behind.

Mr. Speaker, scientifically they claimed that 20 per cent of your population is going to be antisocial do not care what you do, that is what they say. Fine. Let us agree that for the sake of this discussion that were so. It still does not mean that 20 per cent of your population is supposed to end up in prison. People can be antisocial but they do not have to be murderers; people can be antisocial but they do not always have to find themselves in front of the courts, they do not, and so, Mr. Speaker, I feel the time has come where not just the people in these Chambers, not just the people in our churches, not just those whom we consider as leadership in whichever sphere they may find themselves, must look back in order to go forward. It is an old African thought process of a Sanofi bird, a bird going forward but looking backward with an egg in its mouth; it depicts us being able to look back in our history and pick out the best that brought us to where we were/are in order for it to take us forward. Barbados has a rich history, a proud tradition and I keep harping on it and people laugh but I am going to keep harping on it all the time. If you listen to the words of your National Anthem, if you listen to the words of your Pledge, if you listen to the words of your Motto, even if you are not religious but you wanted something to guide you as to how you view yourself, as to how you identify yourselves as Barbadians, and I talk about it all the time, as to how you decide what is your culture, your way of living, we take these things seriously, not as just doing things that we do at celebrations but actually studying it, actually making it a part of the curriculum in schools, preach it in your altars, literally brainwash people with it, then, if that is the easiest term that you could understand, these are the things that make societies what they are. Any of the great civilizations of the world, if you study them, these people lived by some sort of a code, something that made them behave in a particular way, something that made them go to great heights, to build pyramids, do all sorts of stuff, create things, and yes in the process they destroyed some things because destruction is a part of the cycle of life, but those are the things that marked these civilizations that we call great. Mr. Speaker, Sir, there is nothing other than the mind that can stop Barbadians and Barbados from making its own mark in the annals of history.

Mr. Speaker, Sir, like I said earlier, I support the amendments [to this Bill] but I do so with a heavy heart. Sir, the truth is, it hurts me to see this is where Barbados has come in 2019, when we should be leading the Caribbean, (we used to say the rest of the southern

hemisphere), in everything because the capacity is here. You do not brag about a great educational system, then behave like a complete fool, it makes no sense, so that time has come, Mr. Speaker, Sir, when (and I appeal to these guys again) you have a one-week amnesty coming up, make good use of it, put down the guns. If you want something to fight, fight ignorance, fight poverty, fight racism. These are the things that you need to be fighting in 2019, not each other. These are the things that we need to be dealing with in order that the next generation of young Barbadians can grow up in a society that is free, safe, proper and just and so, Mr. Speaker, Sir, I want all of us: the adults, those persons who believe that they are above and beyond what is going on in the streets, those who figure that because they may have passports that would allow them to leave this country tomorrow and live somewhere else, [that] it is not their problem, those people who believe that their money and whatever else that they may possess, the things, because a lot of people spend time bragging about the things that they have, things do not mean anything when you are in the ground anyhow, but the time has come when all of us must be involved in this particular conversation because the young people who are dying and the young people who are committing these acts of murder were born and raised in this society, by this society and they belong to us, like it or not and the blame falls squarely on our shoulders because we have failed. Sir, if we bury our heads in the sand pretending that, hey, it has nothing to do with me because my kids [are] good [kids], well, let me give you a little wakeup call, your kids do not live by themselves, they have to go to school and they are going to meet all sorts of people at school and some of them you could pick them up every evening in your car, carry them home, lock it up and do all of these things but when those chickens come home to roost, all of us: parliamentarians, lawyers, doctors, educationists, whatever you choose to call them, everybody is going to feel the pinch of this shoe. None of us will escape it and so those on the outside who also want to take the measures that we are taking and making it into some sort of a political war, I will say to you that it is time to shut up and get real because this is not about politics now, this is about our country and our children. Sir, I know there are some who are waiting to score points because there are some people in this country who have not yet learnt that there is a time and place for everything, the time to play politics with this Bill is not now, the time to get real and to deal with the problem that confronts us is now and so, Mr. Speaker, Sir, I thank you for allowing me to say a few words on this Bill. I hope that those persons out there, because there are a lot of them who believe that they have all the answers to everything and oftentimes if you ask them to come off the radio and stop making the call-in programmes miserable and come and do something, they would not because they are comfortable armchair critics, they are very comfortable in their comfort zones and they can pull out every textbook or read out to you all the things that were done in Canada, New Zealand,

Norway and all sorts of things and forget that this little 166 square miles has its own culture, that it has its own way of doing things and dealing with things and so, Mr. Speaker, Sir, I thank you and to my colleagues, I will just say this: sometimes you have to make the difficult decisions, stay the course. I thank you.

Mr. SPEAKER: The Honourable Member for St. Joseph, you have the Floor.

Hon. D. D. MARSHALL: Mr. Speaker, I do not believe that there is much left for me to say in my wrap-up of this debate. I thank all Honourable Members for their support. They have supported this with passion. I know that some of them have some misgivings about - not necessarily the Bill - about some of the circumstances with which we are having to contend and to respond. The Prime Minister did say that she prayed that as a Parliament we could respond with one voice, and I think that the support which we have garnered in strong terms from the Opposition and from the Government Benches demonstrates that this Chamber is committed to grappling seriously with the issues. I think that across all of the contributions we have been able to make clear to the public how this Bill is going to work but, perhaps more importantly, the context within which we as a Parliament think it is important to approach the people of Barbados.

Sir, the coming weeks will be difficult. I know that people are expecting a magic bullet; no pun intended, and that is perhaps the poorest choice of words I could ever have happened upon so let me rephrase myself. I know that people are expecting a magic solution or a magic wand, something that would visit us quickly and achieve overnight results, but that is not at all going to be the case. What it will require is that we each as parliamentarians in our constituencies, as we engage with Barbadians, that we assure each other that the Government is on the job, but perhaps more importantly, to echo the words of the Prime Minister, the solution is not one which the political class, the Royal Barbados Police Force or the Barbados Defence Force can put on the table or can be put on the table by any one entity.

I hope that our combined efforts will yield the fruit that we want. Many Barbadians have been calling for the amnesty, and it is now on the table. I urge them, if they have the wherewithal to do so, to try and let us get some guns off the street. That is one way, but the other way is the way of the police doing their job, and we will brook no interference with the police discharging their duties as they are required to by law and by practice.

Mr. Speaker, I hope that this Bill will commend itself to all of Barbados as they recognise that we are working within the bounds of reason, reasonableness and the law to try to bring solutions to Barbados. However, the

solutions will not only be legislative. The resolve of all Barbadians must be that together we are going to eliminate this scourge of criminal violence, callous disregard for human life, callous disregard for our traditions and how we live as a society. Sir, with those few words I beg to move that this Bill be read a second time.

Hon. Miss C. Y. FORDE: I beg to second that.

The question that the Bill be read for the second time was put and resolved in the affirmative without division.

SUSPENSION OF SITTING

Lt. Col. the Hon. J. D. BOSTIC: Mr. Speaker, I beg to move that the Sitting be suspended until 4.45 p.m.

Hon. D. D. MARSHALL: I beg to second that, Sir.

The question that the Honourable Chamber be suspended was put and resolved in the affirmative without division, and His Honour the SPEAKER suspended the House until 4.45 p.m.

RESUMPTION

Mr. SPEAKER: Honourable Members, when the Suspension was taken we were on Government Business and with that we shall return. The Honourable Member for St. Joseph, you have the Floor.

COMMITTEE

On the motion of Hon. D. D. MARSHALL, seconded by Hon. J. A. KING, the House resolved itself into Committees for further consideration of the Bill. Dr. Miss S. E. BROWNE, Chairman of Committees, in the Chair.

Madam CHAIR: This Honourable House is now in Committee.

Clause 1 was called and passed.

Clause 2 was called and passed.

Clause 3 was called and passed.

On the motion of Hon. D. D. MARSHALL, seconded by Hon. J. A. KING, the CHAIRMAN reported to His Honour the SPEAKER the passing of one Bill in Committee and His Honour resumed the Chair and reported accordingly.

Mr. SPEAKER: The Honourable Member for St. Joseph, you have the Floor.

Hon. D. D. MARSHALL: Mr. Speaker, Sir, I now beg to move that this Bill be read a third time.

Hon. J. A. KING: Mr. Speaker, Sir, I beg to second that, Sir.

The question was put to the Honourable House and agreed to in the affirmative without division.

On the motion of Hon. D. D. MARSHALL, seconded by Hon. J. A. KING, the Bill was passed and cited as the Bail (Amendment) Act, 2019.

A Division has been called for. The Bell has been rung. The Honourable House divided as follows:

Ayes: His Honour G. A. Clarke; Hon. G. W. Payne, Hon. R. St. C. Toppin; Miss M. A. Mottley, Hon. Miss C. Y. Forde; Hon. D. D. Marshall, Hon. T. A. Prescod; Lt. Col. the Hon. J. D. Bostic, Hon. E. G. Hinkson; Hon. D. G. Sutherland, Bishop J. J. S. Atherley; Hon. W. A. Abrahams; Ms. C. S. V. Husbands; Mr. R. A. Thorne; Hon. I. A. Weir, Hon. A. R. Forde;

Hon. C. McD. Griffith, Hon. P. R. Phillips;

Hon. J. A. King, Mr. G. P. I. Gooding-Edghill;

Hon. C. E. Jordan, Dr. Miss S. E. Browne;

Hon. K. D. M. Humphrey, Hon. R. R. Straughn;

Hon. Miss M. K-A. Caddle, Mr. N. G. H. Rowe.

Dr. the Hon. W. F. Duguid.

ABSENT

Hon. K. D. Symmonds.

AYES: 27

NOES: 0

Mr. CLERK: Mr. Speaker, Sir, 27 Honourable Members voted 27 ayes and therefore in accordance with Section 49 of the Constitution.

ORDER NO. 15 – CONSTITUTIONAL (AMENDMENT) BILL, 2019.

Mr. SPEAKER: The Honourable Member for St. Joseph, you have the Floor.

Hon. D. D. MARSHALL: Mr. Speaker, Sir, this Bill was last before this Parliament some months ago when we sought to introduce to the Laws of Barbados a suite of legislation which would deal with the death penalty. Mr. Speaker, Sir, you no doubt would recall that all saved one of the Bills were passed. The amended Constitution was

passed in this Honourable Chamber, without dissent, but was rejected by the Other Place. Mr. Speaker, Sir, since that time we have had a number of meetings with the various individuals in the Other Place who had concerns about the Constitutional (Amendment) Bill, 2019, as was drafted. Sometimes, Sir, you have to step back to go forward. In the words of a famous writer, sometimes when you think you win, you lose, and when you think you lose, you win. The importance of this Bill is that we could firmly put a new regime in relation to the administering of the death penalty in Barbados and we moved it from being mandatory to being a matter for the discretion of the judge under our laws. Hence, the provision that concerned the Independent Senators was removed and the original position in the existing constitutional arrangements is being retained.

Mr. Speaker, with those few words, I beg to move that this Bill be read a second time.

Hon. P. R. PHILLIPS: Mr. Speaker, Sir, I beg to second that, Sir.

The question was put to the Honourable House and agreed to in the affirmative without division.

COMMITTEE

On the motion of Hon. D. D. MARSHALL, seconded by Hon. P. R. PHILLIPS, the House resolved itself into Committees for further consideration of the Bill. Dr. Miss S. E. BROWNE, Chairman of Committees, in the Chair.

Madam CHAIR: This Honourable House is now in Committee.

Clause 1 was called and passed.

Clause 2 was called and passed.

Clause 3 was called and passed.

Clause 4 was called and passed.

On the motion of the Hon. D. D. MARSHALL, seconded by Hon. J. A. KING, Madam Chair reported to His Honour the SPEAKER the passing of one Bill in Committee and His Honour the SPEAKER resumes the Chair and reported accordingly.

On the motion of Hon. D. D. MARSHALL, seconded by Hon. J. A. KING, the Bill was read a third time.

A Division was called for. The Bell was rung. The Honourable House divided as follows:

Ayes: Hon. Miss. M. A. Mottley; Lt. Col. The Hon. J. D. Bostic; Hon. D. D. Marshall; Hon. G. W. Payne; Hon. R. St. C. Toppin; Hon. Miss C. Y. Forde; Hon. T. A. Prescod; Hon. E. G. Hinkson; Hon. D. G. Sutherland; Dr. The Hon. W. F. Duguid; Hon. Ms. C. S. V. Husbands; Hon. W. A. Abrahams; Hon. I. A. Weir; Hon. A. R. Forde;

Mr. R. A. Thorne; Mr. I. G. P. Gooding-Edghill; His Honour Mr. G. A. Clarke;

Bishop J. J. S. Atherley; Mr. C. McD. Griffith;

Hon. P. R. Phillips; Hon. J. A. King;

Hon. C. E. Jordan; Hon. K. D. M. Humphrey;

Hon. Miss M. K. Caddle; Hon. R. R. Straughn;

Dr. Miss S. E. Browne; Mr. N. G. H. Rowe;

Total: 26

The CLERK: Mr. Speaker, Sir, twenty-six Honourable Members voted in favour of the Bill, therefore means that the Bill is passed in accordance with Section 49 of the Constitution.

Mr. SPEAKER: Members, the Bill was passed and so cited.

ORDER NO. 16 – CONSTITUTION (AMENDMENT) NO.2,
2019

Mr. SPEAKER: Honourable Prime Minister.

Hon. Miss. M. A. MOTTLEY: Thank you, Mr. Speaker, Sir. Yes, this is in the name of the Honourable Attorney General, but it really relates to matters pertaining to Service's Commission first and foremost and to the Judiciary. These Amendments, Sir, are to be able to allow us to complete from a statutory perspective those things that are necessary, both (1), to perfect the functioning of our administrative and legal systems, as well as to deal with issues in the operations of our Judiciary which may be of concern to us.

Sir I do not intend to detain the House long in my opening remarks and the Honourable Attorney General would give a fulsome explanation, but I do feel it necessary to speak to the Honourable Chamber about matters that are of grave concern to me. One, with respect to the administration of justice and two, the desire to modernise our arrangements from a 1966 construct with respect to our Services Commissions. As part and parcel of this Government's determination to bring into the 21st century the functioning of the human resources of the public service of Barbados.

If I may start Sir with the Public Service and come back to the administration of justice after, even though that is the first amendment in the Bill, we in our Manifesto, Sir, committed to bringing into reality and existence a modern functioning human resources framework for the Public Service of Barbados. I have said over and over that it is my considered view after almost 30 years in public life that the thing that separated Barbados from most other developing countries and most other countries in the Commonwealth, was in fact and has been in fact the quality of our public service and the extent to which our public service has made this generally a country that is fair, in which things get done and it is desirable for persons to be able to live in and to do their business in. Regrettably, there has been slippage over the decades, and we all know that, and it is largely because of a variety of reasons, but one of which has been a failure to grow to allow our systems to grow with the numbers of persons who are now currently employed by the Public Service and therefore a failure to give that kind of dedicated attention to the individual development of those people who work in service of the Government of Barbados. Sir you may think of a pipe, however much you may want to do something, if at the end of the day the people who have to make the decisions, especially with a consolidation of power into the hands of a few people or one or two persons, it means that there is a continuous backlog and that simple things, simple but necessary things are not done in good time or good order. The most egregious example of it, is the payment of temporary workers. We have for too long and certainly for the better part of my career in this country, in this Parliament, heard of examples of people who have worked an entire month and then month after month after month and in some instances three, four five months do not receive a single cent because the authority to process this person has not gone through. The notion of PSC5 forms and PSC6 forms continues to bedevil the process. Now mercifully, technology would allow us and admit for us the ability to deal with this in quick time in a way that it did not a few years ago. Even that will be insufficient, and we have a Public Service Commission for example and a Police Service Commission that is effectively chaired part time. They meet and has a full committee I think once a week, they may have some subcommittees that may meet more regularly, but in truth and in fact how do treat to over 15 000, 16 000 people in the general public service with the limited numbers of persons and with the limited deployment of persons within the context of the Public Service Commission and the Police Service Commission.

In addition, Mr. Speaker, we have been for a very long time, and I think this goes back to the Forde Constitutional Review Commission, there has been in view that what was essentially only the Police Service Commission at the time of Independence was insufficient to deal with those other elements of the service that are hierarchical in nature and disciplinary in nature, so you

have Customs, you have Immigration, you have Fire Service, you have Prison Service, and Government Security Guards, and all of them belong to a species of type of employment where hierarchy and discipline matter. Where there is almost a different approach to that type of employment than in the general public service or for example the Judiciary, teachers and educators. There has long been in our Constitution a recognition that we should establish a Teaching Service Commission, but it has not been brought into existence even though the last Government promised that it would so do. Even in the recognition by the Constitution of different types of employment, there was already an admission that there should different types of commissions. What we seek to do here today, first and foremost, is to establish a Protective Services Commission, Mr. Speaker, that brings in one place those persons who will help with the management and supervision of the terms and conditions and career development path of a number of people who belong in the same type of areas: The Police, the Prison Service, the Customs, the Immigration, the Fire Service and the Security Guards.

Mr. Speaker, we believe that by so doing that we should also create a Chairman that can function virtually fulltime but with a wider panel of persons from whom to choose to constitute panels so that instead of the Commission having to meet and function fully only as a full panel, that we can get far more work done than simply meeting once or twice a week as happens now.

Similarly, instead of relating to a broad general Public Service Commission that is amorphous and has all of these persons having taken out what will in effect be about 4 000 or 5 000 people for the Protective Services Commission, it is ultimately the intention of this Government to also establish within the next 12 months or so, probably during the middle of 2020 because we are doing it sequentially, because we are also managing our fiscal affairs appropriately, but to establish a Teacher Service Commission which will also responsible for taking another 4 000 to 4 500 persons out of the Public Service Commission, but because we know that is where we are going, we have taken the opportunity at this point in time to change the Public Service Commission to what remains and that is, Mr. Speaker, an Administrative General and Professional Services Commission that will then deal with the remaining categories of workers which should come out to be about another 5 000 to 6 000 persons. What you see now, Mr. Speaker, is pretty much (and the Judicial Legal Services Commission is special because they deal with small numbers so that really and truly they can be pooled together with the Protective Services Commission in terms of the secretariat) but what you see is essentially three commissions that will have anywhere between 4 000 to 6 000 persons under their purview which first and foremost makes the conduct of their affairs far more manageable

than trying to manage 15 000 or 14 000 people at once and having the kind of backlog that precludes first and foremost payment to temporary officers, precludes appointments because you cannot rationalise and do the things that you need to do in good time and good order and to have the interviews and to have the assessments and to look at the performance appraisals, and all of these things suffer but yet we say we want to live in a modern Barbados.

There are other aspects, Sir, that are not before Parliament today and before the social partnership we have a subcommittee on the structure of work, on pensions and on healthcare because those are the big structural things that this Government will engage in in the next 12 to 18 months because we have to. It is as simple as: How can we in 2019 face people to have to say that they are taking a vacation or a sick day to do something for their family that is necessary to do? How do you make them a liar? As big adults we all know that families have responsibilities that may not be vacation, they are not sick but why can we not introduce the concept of lieu days so that you can have up to five or seven lieu days and you take your day now and you give it back later or you can take a half day and you give it back later, but you cannot go above a certain amount. These are the kinds of things that the subcommittee in the social partnership is looking at in addition, of course, to ones that have already announced in the Budget like paternity leave and other aspects of how we treat to families and also how we treat to day care for the needs of persons who work on the behalf of Government. The issue of flexitime, in many instances, what matters is not watching somebody day in day out but are they working and are they doing the job that is assigned to them and do we have not a framework to be able to accommodate it particularly, with the level of rentals being as high as they are for Government and particularly with the incidents of sick buildings being what it is in Government at this point in time, so all of these are part and parcel of an entire move to revolutionise the conditions under which people function as employees in the public service of Barbados.

Sir, we cannot change it overnight but I give this Parliament the assurance that we are going to work our best to change it month by month and year by year because there are too many examples where the Barbadian public service looks exactly as it did in the year that I was born in 1965 and that cannot be.

Similarly, Sir, we also recognise that it is important that we put in place a framework that allows people to know that if you serve on a service commission you have also to be accountable and regrettably, Sir, there are some examples to which I have referred in this Honourable Chamber already which were totally unacceptable. I think and I will stand on record for this, that the greatest blow to our police service came where a Police Service

Commission appointed persons who were junior officers to preside over people who were senior in the system and who would have previously reported to them. Sir, you could even make a case for a person who has retired at the top of the profession and retired 10, 15 or 20 years ago potentially, but when you bring somebody who is at a middle level - and we have seen it in not just the Police Service Commission, there is one other example of it in Government, another Commission - and you bring them and you put them at the top of the Commission and then give them the authority to preside over matters pertaining to discipline and other decisions on the functioning of officers who were senior them when they were an employ of the entity, it is a recipe for disaster.

Mr. Speaker, when I was confronted with this, I indicated on both occasions with respect to the last Personnel and Administration Division, and I am not getting into individual names now. I think the principle is bad because what it does, it does not admit of persons being able to be dispassionate always. Now it got worse because we then found out that two Commissioners of Police, not one, but two, would have sent up recommendations for promotions, only to have the Personnel and Administration Division ignored them completely. In the first instance, ignoring them in favour of recommendations from a Deputy while the substantive Commissioner of Police was off; totally unacceptable and in the second instance, recommendations of their own without reference to the ability to supervise and monitor these persons on a day to day basis; equally as unacceptable with respect to the functioning of the Commission.

I believe that the Government is now faced with a number of matters before the Court and will have to pay the cost and damages of that kind of behaviour taken in the name of The Crown of the country in circumstances where we all know as an issue from the outset that you cannot behave in that manner because it is arbitrary and does not admit of the proper functioning of a discipline hierarchal force.

Mr. Speaker, the bottom-line is that the amendments that are here are limited in respect of what they do. There is a change in terms of the numbers from two to eight as being the number of persons who are entitled to be appointed besides the Chairman and that is to facilitate the multiple panels to which I have spoken instead of having a five-member Commission that sits on everything. If we want to be able to get a lot of work done, then we need to be able to have a lot of different panels working to be able to process the work of the various commissions, and Mr. Speaker, I believe that this allows us to achieve that in good order.

Similarly, Mr. Speaker, the consequential amendments that are here make use of the fact that the different departments that now fall, for example, under the Protective Services Commission, hitherto the Constitution only spoke about the Police, they now have at different sections, for example, Section 96 to include the Prison Service, the Barbados Fire Service, Customs, Immigration and Security with respect to being able to remove and exercise disciplinary control over those particular officers now being vested in the Protective Services Commission. In almost every other instance other than to broaden the class of officers, the name of the Commission and the structure of the Commission, the purpose of the amendments and the nature of the amendments are almost identical to what would have existed before.

Mr. Speaker, I want to mention the issue of Customs just by way of an example here, perhaps simply because I met with the Customs Department today for over three hours in circumstances where this Department has been the victim of some of the worst form of -- what is the word I am looking for... that they have been ignored and that they have been treated almost as if they do not exist in spite of the fact that the Customs and Excise Department of Barbados (1), proudly had one of the best reputations in the region and in the Commonwealth, and secondly is absolutely critical to the collection of revenue, to the security of the country's borders and indeed to the competitiveness of the country's sectors both with respect to imports and also exports. Mr. Speaker, those three duties have to be carefully balanced between security, revenue and competitiveness, but what do we have instead, a Department that has not had 160 posts filled in more than five years, a Department that has not had an appointed Comptroller of Customs functioning as its leader since the year 2006 and we are now in the year 2019, a Department whose whole being was put on pause, a Department whose youngest vehicle is 12 years old until recently, and a Department who literally has been ignored for God knows how long.

We have had reports done for the Government of Barbados in March 2013 by the International Monetary Fund, in September 2013 by CARTAC, in March 2018 before we became the Government, and now again we got the final report last month which I am acting on because this is the first that now comes to us and literally looks at everything.

The Customs legislation is 1963 legislation. I was not even thought of in that day in 1963 but that is what governs the Customs Departments across Barbados today. We were the first department in the region to implement the ASYCUDA++, and now we are the last one in the region to have it and among the last in the entire world to be operating it. The Customs tariff that we used governing the importing of goods in this country and the rates to be

charged thereto is 2007 but since 2007 we had the 2012 and the 2017, and I am happy to report to this Chamber that I expect to receive in my hand within less than two weeks a draft 2017 Customs Tariff Order in order for us to review and sign off to make the law of this country. Mr. Speaker, what could not be done in 10/12 years has now been done in four weeks. Mr. Speaker, when they told me, and I told you all this in the Chamber already, that it is going to take six months to do the work, I say well make six men do it in one month and that is exactly what they have done.

The ASYCUDA World, which this Parliament voted \$700 000 towards the end of the last fiscal year which finished last weekend should be in place no later than June. I have committed today to meet with the three unions and the Customs Department every month for the next six months until we get on top of all the major issues in the Customs and Excise Department.

Mr. Speaker, perhaps the worst example of what I heard today is that there are people in the Customs Department who dress in a Customs uniform, do customs work and have been in that position for 21 years but are called clerical officers. Mr. Speaker, we agree today, and I am happy to report to this Honourable Chamber, that as Minister of Civil Service I created a new post today called Customs Officer IV, and I want to thank all three unions: The Barbados Workers' Union, the National Union of Public Workers and the Unity Workers' Union, for us sitting today and agreeing in the Other Place, not meeting as the Other Place, of course, to be able to correct wrong things. This is part of the problem that we had equally within the Inland Revenue Department moving to Barbados Revenue Authority where we had a lot of people who work in clerical positions and in administrative positions who did the substantive work and who understood the tax system but once they moved them from Inland Revenue Department to the Barbados Revenue Authority they did not have the qualifications in order to move and therefore the institutional knowledge was ignored. It is the same thing in Customs and Excise Department and a number of people have left. How does the Barbados Customs Department produce people who are now top consultants in Africa, top consultants for UNTAC in Jamaica, top consultants in Trinidad establishing an Electronic Single Window System, top consultants for UNTAC moving through the rest of the Caribbean and we have problems here filling posts and doing basic training here?

I am saying to you that this happens because we do not have the kind of dedicated focus on career development and the potential of our human resources that we ought to have as a Government. It is unheard of that a country that could be so otherwise committed to social justice and to the development of people could become so hamstrung and so hobbled by a public service framework that is decades old that does not contemplate the realities of the 1980s and

1990s, far less the third decade of the 21st Century. Mr. Speaker, it cannot continue. I do not claim that my Government knows the only way but I know that we have the will to work with the unions and to work with the workers of this country to perfect the system that would allow them to be the best that they can be, and that is what these amendments are for.

We accept that the simple creation of these new commissions will not be the only thing that is required, and that is why we are paying careful attention to the secretariats also that would have to support these commissions to make sure that there is a continuous flow and that it is a daily flow and that we move away only from the files that give you sinus trouble and start to use technological processes that allow us to make decisions in short order and to use our time more efficiently and effectively.

The PSC5 forms and the PSC6 forms that trot up now and go in files and come up with a messenger and come up and bum, bum, bum... There has to be a more effective way to get authority to pay people. You cannot have people working four weeks and then cannot go to the supermarket and buy a carton of milk or a loaf of bread; and then to add insult to injury when they trust one month and get the bread and the milk and the food then when they go back the second month and shopkeeper or the supermarket looking for the money for the last month they got to tell them I got to trust again, a second month, and then by the third month, they got to trust again time or this time and beg somebody in their family to help them out and hope that somebody got mercy on them and you working 24/7 all the time? It cannot function anymore like this and if we do nothing else as a Government for the public servants of this country it is to be able to put to bed, put to burial, rather, an archaic practice that does not admit of respecting the dignity of workers in this country. The Barbados Labour Party does not and cannot accept that as a form or standard of behaviour, not in our 81st year.

Asides.

Hon. Miss M. A. MOTTLEY: The Minister of Health and Wellness is telling me we have also inherited a situation where doctors have not had their gratuity paid for six to ten years. I had to ask the Customs Officers this morning if it was a plan to leave everything there for us to solve, because I cannot believe that accumulatively people could be treated in the way in which I heard today and it is wrong. I said this morning in another debate, this is a country where we need to deal first with our needs and put our wants one side for the next year or two. Let us deal with our needs because if we deal with our needs we are going to create a strong foundation upon which to build and it cannot be that people cannot trust the word of Government or cannot plan out their affairs because what

Government is supposed to do or has promised to do by contract it does not do with respect to workers, supplier, taxes, refunds or anything. When you think of it, we are now about to pay out tax refunds for 2011 to 2016; people [have] paid their taxes expecting to get back money, [they have not [got] one cent [for] 5, 6, 7 or 8 years; people worked expecting to get a gratuity at the end of the contract, [and] 5, 6, 7 and 8 years have gone and then people [would] have the gall to want to talk today now, having abused the rights of workers, abused the rights of suppliers, abused the rights of the policies insured by CLICO International Life Limited, abused the whole country and in aid of what. What do you have to show for it? Mr. Speaker, Sir, what bothers me is that every time I think we have passed the worse of it, every time I think we have turned the corner, things keep coming up and files keep coming up.

Mr. Speaker, Sir, yesterday I learnt of another contract [that was] signed, giving a company out of Germany the right to determine whether the Barbados Water Authority could enter into photovoltaic farms and the Barbados Water Authority is yet to show me, [neither] can it find the Board Resolutions authorising the signature of this contract. Mr. Speaker, Sir, every time I think I have passed the worse....

Mr. Speaker, Sir, the Honourable Member for Christ Church East can tell you because the Honourable Member was with me when I heard yesterday and I am saying to this country that our only way to be able to move forward is to first focus on the essentials and part of the essentials for this Government is respecting the dignity of workers across this country. Mr. Speaker, Sir, that is why one of our first duties when we became a Government was to give the public servants a 5 per cent pay increase, they having not received an increase in eight or nine years last year when we gave it to them. I cannot say that we can again do it this year, we probably cannot, but the bottom-line is that instead what we did was to be able to start to ease the level of income taxes paid by workers in this country who are below a certain level; giving the Reversed Tax Credit to workers who now earn between \$18 000 and \$25 000, who even though they do not pay VAT on food, transport, financial services and medicine when they do pay VAT we say look, take back that \$1 300 when the year comes to help you with the duties that you had to pay in VAT; and for the people earning between \$25 000 and \$35 000, or to put it another way the people earning between \$2 085 and \$2 800 roughly, that even though you may pay tax monthly that next year April when they file they will be getting back every cent in income tax that they paid, because we feel that that compensatory income credit will help you to live in this country in the absence of the other things that we would like to do, like an across-the-board wage increase.

Mr. Speaker, Sir, let us focus on these essentials and if we do that and stay the course I know, Sir, that we will be able to produce a strong competent, competitive public service that will rank among the best in the world. Sir, this structure of commissions is intended to allow us to achieve that largely because it makes the number of persons that each commission will deal with manageable and it then allows us to be able, I hope, to sit down with categories of workers and it was the programme that we have to make Barbados a training campus for the next four years to be able to deliver the quality of training that will allow our workers to go anywhere and sell their services at a high rate in the future.

Mr. Speaker, Sir, this amendment, however, also deals with a very troublesome issue to which we committed to dealing before the election, that is, the delay in the delivery of judgments in our justice system. Mr. Speaker, Sir, the only amendment therefore that is here for this is that previously under Section 84 a judge may be removed from office only on the basis on an inability to discharge the functions of his office, whether from an inability of body, mind or any other cause or (2) misbehavior. But now today add: "for delay of more than six months in delivering judgments." I believe the amendment has been made to make sure that that is plural. Why, Mr. Speaker, Sir? Do you know that when a judgment is not delivered that the Crown is potentially at risk of damages for the failure to ensure the constitutional right to due process is delivered? Sir, there are too many instances of people both in the criminal and civil realms who are awaiting decisions for 5, 7, 8, 10 years, all of the resources are locked up; in the case of personal injuries or commercial matters companies cannot make decisions to move forward; in the case of victims in personal injury matters persons are out of pockets, they have paid doctors, they have paid for reports, they cannot work to full capacity in many instances, their earnings are down; in the case of insurance companies' contingent funds money locked off premiums going up because the company is not being as effective and efficient as they might otherwise be; in the case of criminal matters, we saw the worse example of it as we discuss the Bail amendments. How could you have people charged with murder, as you well-know from 2013, 2014, 2015 and [there is] not one drop of evidence? And effectively the sentence of the court which is available to the court rendered nullity before a scintilla of evidence is led against an accused person for a murder charge because you cannot apply the sentence so long as the person has been either on remand or awaiting trial for the length of time that they have been doing; and then the worse example: you get bail, the person comes back out and commits another act of murder, God forbid, as has happened. Mr. Speaker, we cannot continue.

Mr. Speaker, Sir, I remember when the Prisons was burned. The person who is responsible for drafting our

Constitution, who is no longer with us but who was a distinguished Barbadian recognised not just by us but by the region and by the United Kingdom: Sir Roy Marshall. Life is so funny and so short. On that occasion we took the then Leader of the Opposition, the Member for St. Michael North West as he then was, who is now Ambassador and Economic Advisor, and Members of the Opposition to Harrison's Point in order to visit the new premises to which we were going to relocate the prisoners. I will never on that morning Sir Roy addressing the Press, and Sir Roy said then that the difficulty which the Commonwealth Caribbean had faced was that upon the granting of Independence, we focused on the most patent needs of our people -- housing, education and healthcare -- but there were some things which we did not focus on in the first generation of Independence and which were now catching up to haunt us: The administration of justice, our prison system, and one or two other things he mentioned.

It hit me then that he was absolutely correct. We were effectively running a 19th Century criminal justice system, with a 19th Century prison, with a 19th Century Police Force established in 1838 -- the third oldest in the Commonwealth -- and with a 19th Century Psychiatric Hospital. Because they were "unsexy" they did not command even the attention or the claims on the public purse that they ought otherwise to have done, and they had so reached a point of stress that they were now beginning to collapse before our very eyes.

Mr. Speaker, I understood then as I did for the last decade that if we do not fix the administration of justice in our country, [if we do not] modernise our Police Force and our prison system, as well as our Customs Department and our immigration system, we will literally be the architects of our own demise because we no longer have the capacity to deliver the things that we ought to be delivering for the people who rely on these particular services.

Mr. Speaker, Sir, I came to the Bar in December 1988 in Barbados, and in England in July 1988. I was 21 years old, and I entered a Bar that was much smaller. I saw a law court system that generally worked still for people and that was regarded as one of the best in the region. Regrettably, Sir, we have now a system that is not delivering for us and which has been the subject of negative comment by our highest court in the land, the Caribbean Court of Justice, for failure to deliver judgments on time and in quick order.

Mr. Speaker, we take no delight either here or as we then were on that side when the Caribbean Court of Justice could have referenced Barbadian judges negatively with respect to the delivery of judgments and ensuring access to justice in this country for litigants or accused persons. As a result, Sir, like other countries in the region -- I believe Guyana is foremost in it -- we have taken a decision as a

Cabinet and brought now before this Honourable Chamber to expand the reasons for removal of a judge. I hope to never ever have to see the utilisation of this limb, because I hope that it will ensure that we no longer have judgments outstanding for more than six months, criminal or civil. We include today a ground for removal from office if there is delay of more than six months in delivering judgments. All that does is to spark the process, because you still have to go through the normal process where the Prime Minister in the case of the Chief Justice or the Prime Minister after consultation with the Chief Justice or the Chief Justice after consultation with the Prime Minister, can advise in this case Her Excellency the Governor General that there is need to remove a judge from office. If that happens, then the normal process that is already enshrined in our Constitution from 1966, which is the establishment of a tribunal, kicks in then. This does not allow any of us, Chief Justice, Governor General, Prime Minister, to go and say, "You have to go." It just simply says that this can be a ground to trigger the process for the establishment of a tribunal in order to determine whether the person is in fact in breach of these provisions here captured at Section 84 of the Constitution.

Mr. Speaker, Sir, this Parliament, you, me, all of us in here, are accountable and we are accountable at the foot of democracy to a process that cannot exceed -- we used to think -- commonly five years but we now hear of five years and 90 days. I give this House the assurance that I can go back to serve five years. All of us are accountable, and every job in this country has to deliver what it promises to deliver, if not the system does not work. We have to find therefore a way to make our Judiciary and our administration of justice work for us, if not, the average man or woman in this country will feel hopeless that they cannot access justice and cannot get it when they most need it, particularly where there is an imbalance in power or an imbalance in capacity. This Government, as we are to respecting the dignity of the worker, is equally committed to respecting the sanctity of the rule of law and the administration of justice in a manner that matters and means something to ordinary people. Do not tell me to go to court and file a case if, when I file it, I cannot get a judgement under seven years or ten years in this country. Do not tell me that I will be charged in this country and no evidence will be proffered against me for three years or five years, because it means that the system and the society will turn on itself. God forbid, the worst examples of that, where people take their own future into their own hands, starting to happen in a small society.

Sir, we contend that bullying is wrong at the level of the international community and having people unequally yoked at the level of the international community is wrong, it is equally wrong within our domestic shores and within our communities. Mr. Speaker, Sir, I therefore want to commend. There are two different things in this Bill but it

is an amendment to the Constitution on two of the most critical components facing our ability to administer, one, justice in this country and, two, to develop the human resource potential of our Public Service in this land. Sir, this is by no means meant to be a commentary on the state of the 1966 Constitution of Barbados. There was already a Forde Constitutional Review Commission and there was already a draft Republic of Barbados Constitution which I worked on as Attorney General with the same Sir Roy Marshall and Professor (Keith) Patchett who was the first Dean of the Law Faculty at the Cave Hill Campus, along with the then Chief Parliamentary Counsel, the eminent Professor Mr. Simeon McIntosh who is regrettably no longer with us on this earth, but who was an author of one of the better constitutional texts in the Caribbean and indeed a gentleman who was given an opportunity to come to meetings and may well have lost his way along the way since coming to those meetings, but we must not only assume that only Saul turns to Paul. Regrettably, sometimes Paul turns to Saul and in that case we have to take responsibility for his becoming blind after attending those meetings, he came blind in a way that was unfortunate. But without prejudice to his attendance and presence, it was a strong committee. There were two or three matters that still needed to be decided by the then Prime Minister and we need to decide them, and that relates to the Integrity Commission because if we establish an Integrity Commission it ought to be in my view a part of the Constitution, in the same way that the Electoral and Boundaries Commission is part of our Constitutional make-up.

I say only these things now to our work to the House, that the matter of our modernisation of our Constitution is still in the hands of the Honourable Attorney General. But we could not in ten months, deal with the whole Constitution, but equally we could no longer delay these urgent and important components that need absolute modernisation if we are not to bring hurt and difficulty or continued difficulties to too many Barbadian workers and to too many Barbadian litigants and accused persons with respect to the administration of justice and the conduct and the management of our human resources.

Mr. Speaker Sir, I therefore commend these amendments to our Constitution to all Honourable Members in this Chamber and pray that it will enjoy the full support of this House as we have done thus far, recognising that this also helps tangentially, the Police and Customs in particular, both of whom are urgently awaiting strengthening of their hierarchical structures in order to be able to play a more efficient and effective role in law and order in this country.

I said that we need to be able to create a few more posts at the high level of the Royal Barbados Police Force and we need to do the same thing in the Customs and

Excise Department in order to allow it to be able to play the effective role that it has to play to secure our borders. I therefore look forward Sir, to the support of this Honourable Chamber in these amendments to allow us to carry on with the job of securing this country and making it a more productive place for the public servants to work in Barbados. Thank you. I beg to move, Sir, that these amendments be read a second time.

Lt. Col. the Hon. J. D. BOSTIC: I beg to second that.

Mr. SPEAKER: Honourable Member for St. Peter, you have the Floor.

Hon. C. E. JORDAN: Thank you very much Mr. Speaker. I too want to support this Bill that is before this Honourable Chamber this evening, a Bill that speaks to amending the Constitution, but specifically to the establishment of certain Service Commissions, as well as the amendment as the Honourable Member for St. Michael North-East would have referred to, the one that speaks to judges and adding a provision under which a motion can be triggered for their removal from office.

I want, Mr. Speaker Sir, to begin where I normally do, because I think it is important to repeat and to keep repeating, especially in situations where we are talking about people and the management of workers. I think it is important to continue to remind Barbadians that this party, the soul of this party, is with the struggle of workers of this country. This party was founded out of an understanding that people needed to be looked after. The lot of workers needed to be improved so that their terms, their conditions, the environment in which they worked, needed to be addressed and improved because our founders saw those workers as human beings who deserved better. They deserved to be treated as human beings. And so, Mr. Speaker, once that was recognised, then we moved to organise workers. And those who led this party, in their quest to organise the workers, set up a second organisation which they also led, on a parallel track and they did that because they recognised that if workers are to be developed then structures needed to be put in place to foster and to encourage that development; structures that would speak specifically to the need for workers to be developed and that would speak specifically to what measures needed to be put in place to facilitate that development, because Mr. Speaker, these things do not happen, as we say in St. Peter, 'just so'. Structures have to be put in place to allow for the facilitation of workers' development. And so the formation of institutions such as workers' unions - I think the Barbados Workers Union would have been formally established in 1941, a few years after, the party that I am a proud member of, was formed. But that was not the start because there had been attempts to organise workers before. Another great son of the north, Mr. Charles Duncan O'Neal also participated in a process to organise workers --

the Working Men's Association -- because it was understood that organisation was needed and that structures needed to be put in place so that workers could be organised and so that what was necessary for their improvement could be adequately carried out so that programmes could be put in place by these organisations that were fostered and developed. And once there are organisations developed, Mr. Speaker, then there needs to be adequate leadership and management of these organisations. And outside of organisations that are set up specifically to agitate or to promote the improvement in the welfare of workers, the organisations that workers are already a part of, where they work, those organisations, if they are to be part of the process of improving people, also need adequate leadership.

I want to suggest to you, Mr. Speaker, that most of the industrial relations issues, most of the negative aspects of the relationship between employers and employees, is as a result of persons in leadership, either not being sensitive, not being sensible or being just totally callous about the people whom they would have been charged to lead, manage and develop. Proper management and effective management of worker is absolutely necessary if workers are going to be able to perform at their maximum. If a person is to be able to perform and to give of their best, operate at their full potential, then those persons need to be properly managed. Management at the level of the workplace needs to be such as to encourage workers to produce their best.

Mr. Speaker, we live in society among people, we are people, and I want to suggest that most of us want to do our best, we want to feel fulfilled and accomplished, and so it is incumbent upon those of us in this Chamber, those of us elected to lead in the country, to ensure that structures are in place, effective structure that would allow for the development of people and allow those workers to produce at their full potential and to feel as though they are fully a part of the process of nation building.

The management of people in our society is no longer about keeping records, about writing up warnings, about simply engaging in disciplinary activities. This is now 2019, not 1919. We are, as the Prime Minister often says, on the cusp of the third decade of the twenty first century, and so the process and the procedures involved in managing workers must evolve with the times. We are at a stage Mr. Speaker where people working must be recognised as persons with the potential to contribute, they must be encouraged to contribute; training must be put in place to allow them to develop their skills, even sometimes to recognise what their aptitudes are, because often there are people in workplaces who are unhappy, not necessarily because of their workmates or supervisors, but because what they are doing is not really what they enjoy doing. Part of the role of those who manage people is to help those

who are working, who are part of the organisation, to recognise either that this is something that suits my aptitude, (suits what I like), or maybe there is something else that would allow you to be fulfilled and to feel accomplished every day that you come to work. That is part of what managing people is all about, and so as we seek to develop structures to manage workers in this country, we have to recognise that as we manage people, we have a significant responsibility in helping to guide persons to allow them to feel accomplished and to deliver on the potential that lies within every one of us.

The Honourable Member for St. Philip West spoke earlier about holding babies and looking at them and one baby could be a Prime Minister and the one could be a serial killer, but at that point you have in your hands a human being who can be molded, who can be fashioned, who should not be written off, and I want to say that even though I made reference to babies or young children, that once a worker is part of an organisation, then those who lead the organisation have to recognise that they have a similar responsibility; not to treat the worker as a child, but to see themselves as part of a process to allow that worker, that human being, to go down the right road, to realise their potential and to make a contribution, not just to the business, company or the organisation, but to themselves, to their families and their relatives and dependents, and ultimately to make contribution to the development of the country that they are a part of. Management of people is about developing people.

I want to insert here that there are a number of people, both in the private sector, but I have also realise in the public sector as well, some under the guise of being 'human resource advisors', they seem to see their role as that of 'tormentor-in-chief' and some of them seem to think that they have been engaged to make people's lives miserable. I want to say to them and to those who have engaged them and to my colleagues who in some cases have oversight over them, that that is not how the Barbados Labour Party operates. The Barbados Labour Party is a party that, I do not want to say that we are partial, but if we were to be partial we would be partial to workers. I would want to say that we are fair and that we believe that organisations are created to achieve certain objectives; businesses are set up to earn a profit, but the people who constitute the bedrock of all of these organisations must be treated fairly, must be treated with dignity, must be treated in recognition of the fact that they have value in and of themselves and that they have value to contribute to the organisations, and so they are not there to be mistreated, looked down and treated as though they are some other resource like a machine, building, plant or something like that. That is not how we operate. I do not send warning shots, I am just saying to these people who, and I do not like using religious references in these instances either, so I am not going to refer to them as popes. I am going to refer

to them as misguide, people who fell they are "muguffies", but I want them to understand that they are in place to facilitate the development of human beings, to facilitate the development of people.

I also want, even as we speak about the establishment of Service Commissions, essentially structures for managing people, to speak to those organisations who believe that they do not have to follow the laws of this land. Unfortunately, in 2019, at the beginning of the fourth month, there are still people in Barbados who do not believe that they have to give three weeks or four weeks' vacation according to the law. There are still some employers in Barbados who do not believe that they have to give persons notice of disciplinary hearings. There are still people and organisations in Barbados, in April of 2019, who do not understand that a person has a right, both to representation or to be accompanied by somebody in a disciplinary hearing. There are still people and organisations in Barbados, in April of 2019, who do not believe that they have to give reasons for termination or that they have to give what we call, traditionally, a green paper. There are, in essence then, Mr. Speaker, still bandits in Barbados long after I was a child and bandits were banned. There are still people who believe that they can treat people as just things to be used. This Barbados Labour Party do not go down that road. This is a Party that believes in people, that respects the rights of people, and that believes that workers, those who contribute to organisations must be valued, must be respected and must be taken care off. As a Party, we lead by example and so when the Honourable Prime Minister spoke to recognising that public servants did not get a pay raise for eight or nine years, one of the first things this Government did on coming to office was to give a pay raise. As a matter of fact, we went so far in the campaign as to say, if within X period of time, we cannot agree, we will go ahead and give people more money because we believed strongly to the point where we took, maybe, an undemocratic approached, but we believe even if we have to force the money in your pockets that was what we were going to do. The Honourable Leader of the Opposition is looking at me, he remembers well because he was one of the persons, then with us, who felt very strongly about that and who agreed that whether or not the unions agreed, if we had to force the money into the pockets of public servants we would have done that because we believed that they deserved an increase and so we did it on assuming office last year around the middle of the year.

Mr. Speaker, this Government is also not above talking with people, engaging in conversations with people and so the Prime Minister would have met early in the morning. Those of us who work with her knows that she is not necessarily an early morning person, she does not like to go to sleep at night. She would work all night. The Honourable Member for Christ Church East Central is very

familiar with that, poor fellow, but she went early in the morning to meet with workers of the Sanitation Service Authority. We have also met with workers of the Barbados Transport Board because we believe that workers are people, workers are to be respected and that respect must happen from the highest levels. Today, we met with the Customs Department. We heard some stories, (I do not want to call them horror stories) but we heard some concerns and we are able to hear those concerns because we have determined -- because it is in our DNA -- that we will listen to workers, we will show respect for workers and some of those workers told us - and you could see the relief on their faces -- they have not had a situation in the past where people at the level of Prime Minister would sit and listen to their issues and commit to the resolution of those issues, but Mr. Speaker, that is what good management is about, that is what the Barbados Labour Party is about, that is what our brand of leadership and management is about. We respect workers, we value workers, and we engage with workers.

Structures are needed if the management of workers is going to be effective and I started to speak to the face that, as a Party, we put structures in place as early as the 1940s, but times change and so as we move forward and we develop - and that is the reason why the Prime Minister has indicated that amendments such as these are not to suggest that what happened at Independence in terms of the Barbados Constitution was in any way deficient - but, Mr. Speaker, we are now over 50 years removed. When that Barbados Constitution was put in place, I was not yet born. I was not thought of because the two people who came together to produce me had not yet met and so, I could not have been contemplated, but definition, but it is not to say that there was a deficiency in the Constitution. Times have changed and so the organisations, the structures, the mechanisms that are to be put in place or the mechanisms that are designed to manage workers and manage workers in the workplace have to change as times change and so this amendment speaks to the creation of an Administrative, General and Professional Services Commission, it also speaks to the establishment of a Protective Services Commission and the Barbados Constitution already speaks to the Teachers Services Commission.

Mr. Speaker, even in small organisations, organisations of 100 and 200 persons, there are fully staffed Human Resource Departments. The Honourable Member for St. Michael West Central is probably better able to say this than I am, but an organisation of two or 250 will probably have a Human Resource Manager and one of two Human Resource Officers because it is recognised that when we are managing people and everything that comes with managing people... Mr. Speaker, we are complex beings, we are not boxes, refrigerators, stoves or buildings. We are complex beings and when we are managing people

then we have to have the adequate resources to manage those persons, and with a public service of thousands of persons, it is now almost unimaginable how we would deal adequately with these thousands of persons with the existing structure. It is just not possible anymore. It is no longer possible and so having to separate the Commissions or segment those workers who fall into the three different Commissions also allows for a certain degree of specialisation. I spoke a bit to specialisation when we debated the matter of increasing the number of judges. I am of the view that with specialisation comes a greater ability to manage and so if you are charged with managing teachers only, for example, then you have a greater opportunity to understand the nuances of the profession, to understand maybe in a more granular way what takes places in teaching and learning institutions; how they are structured. There is an opportunity to gain a more in-depth knowledge of what happens in those particular areas of endeavour and I am of the view that with that improved knowledge, it allows those who manage to be more effective in their management and so I fully agree that there should be a Teachers Services Commission; that there should be a Protective Services Commission because one of the issues that not just our country but that the world is grappling with is the issue of safety and security. Whether it is a young man shooting somebody in Sheraton Centre or ISIS somewhere in Syria, there are issues of security all around the world.

The things that impact security and those who work in the areas of security need special attention. I believe that as time continues that need for special attention will not diminish because just as large countries develop new weapons of war, people in small countries develop new ways of attempting to destabilise and infiltrate and so those who manage, persons who are on the frontline and those who are exposed, also need to be focused and so there is a need for that special Services Commission that focuses on the protective services.

The role of a Government is to protect me, you and all the people in St. Michael Central, in St. Peter, and those whom we have invited to visit our shores. A Government is charged with securing a country and so a Protective Services Commission is a must. It is a development whose time has come. We are a responsible Government and as a responsible Government we sat - I am speaking now specifically to how we manage our people... We heard today, and I know this is replicated across the service, of clerical officers who have been doing Customs Officers work; one person I think for over a dozen years but still classified as a Clerical Officer. Those things are just not right and so the Honourable Member for St. Michael North East, the Honourable Prime Minister, would have indicated that she agreed today as Minister of the Civil Service, the Public Service now, that we would establish a position that allows for entry levels. Previously the lowest position

would have been Customs Officer III, but there are persons now who are moving from clerical officers, because they are doing custom work already, to the created position of Customs Officer IV. That position will be covered in the explanation in this Bill that speaks to those people who are called Customs Officers, whether they are leaders, the Comptroller, the Deputies or Customs Officers because if they are to be included in this Bill then they need to be titled Customs Officers. If they are doing Customs work as they are doing but they are called Clerical Officers then they are not covered under this amendment and as a party and as a Government that is really concerned about workers' welfare and just essentially a Government that wants to do good by people, we have determined, and the Minister responsible, the Honourable Prime Minister has determined, that because they have been performing the duties of Customs Officers for so long without any negative references that it would only be fair to these workers to include them in this new structure that allows for better management of them as workers in the workplace; that is why those who have been doing this for quite a long time will be included as Customs Officers IV at the entry level.

Asides.

Hon. C. E. JORDAN: The Honourable Leader of the Opposition is asking about pay. I just want him to know that his Senator was present and is fully seized and if he has not informed him of this maybe he should be sanctioned but I know that he will inform him in due course, it was just earlier today. This Government will do good by the people. I want to inform the Honourable Member for St. Michael West, I want to inform you, Mr. Speaker, and I want to inform Barbados that we will do good by the people. Not everything we want to do can be done immediately, and we have been clear and open with those customs officers with whom we met today. It is important though that even before we discuss the remuneration, which will be discussed, we need to make sure that they are covered by this Protective Services Commission because this Commission will assist in properly managing them as workers and that was the reason we have created the new position.

Mr. Speaker, before I heard the aside that we are not supposed to hear, I spoke to Customs Officer IV but by doing good by the workers of this country we recognised that there are persons who have been performing the duties for ten years or even more and that it would be unfair to put them into Customs Officers bracket at the same level of a person who is now being appointed straight from application and so it is possible, because I am not here now to able to make a commitment but we have discussed it, that some of those persons will move into the system as Customs Officers III as opposed to starting at Customs Officers IV so that persons who have been performing the

duties properly for 12 years will not start at the same position as a person who is now starting out or who has been in for six months or one year.

We are trying to get away from the unfairness and the mismanagement of people. Essentially, Mr. Speaker, out of all respect for workers, in everything we do we have been engaging the workers and their representatives so I just want to say this before I finish. The Honourable Prime Minister would have said that all three unions were present because we recognised that there are three unions and so, even though the leader of one of them maybe a little rough with us sometimes, we do not play politics when it comes to the welfare of workers in this country and so even if the leader of a union will chew us up and spit us out, once that person is representing people we will engage with them; that is how we see workers and that is how we respect workers.

Mr. Speaker, I want to say that the public workers that I have come into contact with over the past months are in the main willing and ready to work. The Customs Officers we spoke to this morning are patriots. They are saying to us these are ways that we can make things better. They are not asking for lot, they are just asking to be valued, they are asking for their views to be heard and they are asking to be treated as human beings and so, Mr. Speaker, we have committed to providing the real leadership that our workers have been longing for, for many, many years. We are going to do it.

I want to say something very, very briefly, Mr. Speaker. I know I have gone over...

Mr. SPEAKER: You are very cognisant of that, Sir.

Hon. C. E. JORDAN: Mr. Speaker, Sir, I am conscious but I want to say something. The Honourable Prime Minister spoke to the issue of the judges and the matter of the commissions being different. I almost forgot but I want to say - and I am not correcting the Honourable Prime Minister - that anytime you set performance targets, that is fully within the ambit of human resource management and so I see the inclusion of the six-month's limit for judges to deliver a judgment as fully part of the managing of the workers of Barbados because judges are workers as well and so if we are going to hold them accountable we have to tell them what the standards are. After this Bill is passed in both places they [will] know that they have no more than six months, so that if there is going to be any disciplinary procedure afterwards they [would] know up front, you cannot discipline a person if the person does not know the standard and so all facets of this Bill speak to managing people and as a Government and as a party we are committed to people, we are committed to their development, and we are committed to putting the structures in place that will allow them to reach and realise

their full potential. With those few words, Mr. Speaker, Sir, I commend this Bill to this Honourable Chamber.

Mr. SPEAKER: The Honourable Leader of the Opposition, you have the Floor.

Bishop J. J. S. ATHERLEY: Mr. Speaker, Sir, this Government as we all know has made much ado about improving business facilitation in Barbados, they have projected that as one of their principal planks as their programme for growth going forward. You cannot speak, in my view, to the matter of business facilitation without addressing many of the inadequacies in the public sector with reference to the service it is anticipated to render to its much varied clientele, therefore it would be significant in that context to address any deficiencies in the overarching administrative structure with reference to the public service and that is how I therefore view this matter that addresses what we have known as in the past a Public Service Commission and the intended change to that of Administrative, General and Professional Services Commission.

I think as well we need to ensure that the system under which we operate also yields a better facility to our protective services. As the last Honourable Member has said, protection is one of the primary responsibilities and obligations of the State management to its citizens and therefore we cannot mess around with the business of the protective services. We are all aware of some of the shortcomings in the past, several of which were alluded to by the Honourable Prime Minister when the Honourable Member spoke, and if we have to improve the way services are being offered and provided through agencies and entities such as the Customs Department, the Prisons Service, Fire Service, Police Force, Immigration, et cetera, and if this measure is intended to yield that better facility for the functioning of those entities, then I am very much agreeable to that. We cannot mess around with the business of protecting our gains, protecting the liberties of our people or protecting our borders, socially, politically, economically, we advance but that has to be in a context where the services charged with the frontline responsibility of ensuring protection are properly administered and therefore properly positioned to service.

The Honourable Prime Minister made illustrative reference to the matter of Public Service Commission files and authorities for appointments and payments of people and I used to be very familiar with that type of unfortunate situation with reference to the Prison Service where for months people would have to go without pay because there was an absence of authority; people operating in a supposed environment charged with a primary responsibility for securing our interest and yet they were exposed to temptations, they were exposed to that type of indignity and the security of the country therefore [was] put

in a place of peril and jeopardy and so I would want to say at the outset that I support the measures to amend the Constitution such that we can provide for more effective administration of the frontline security services in Barbados, as well as for the administration of the public service by devolving some of the responsibility from the now established Public Service Commission to an Administrative General and Professional Services entity and a Protective Service entity.

Mr. Speaker, Sir, I think the more controversial part of this Bill to amend the Constitution before us would obviously relate to an attempt to provide further for the possible removal of members of the Judiciary. Mr. Speaker, Sir, not so very long ago the Caribbean Court of Justice, and I think it was a repeated instance, was fairly scathing in its critique of the Barbados judicial system.

Mr. SPEAKER: Honourable Member, it has become a norm.

Bishop J. J. S. ATHERLEY: And that is the point, and it was characterised as being a system which was fraught with inordinate delays, they cited the inordinate systemic delays and they made reference to particular cases which went 'unfinalised' if I may use that term, in terms of the full decisions for years and years, inordinately long time. The surprising thing was then that the reaction of the then Government vocalized in the words of the former Honourable Prime Minister was pretty dismissive of that critique. I had taken note of that and it constituted a serious concern to me because if the Caribbean Court of Justice criticises in that fashion your judicial culture as being characterised as an inordinate systemic delay, then that should be cause for concern and to be dismissive of that was seriously a concern to myself.

All of us in this Honourable Chamber, perhaps you would be among those persons more so, Mr. Speaker, Sir, who would be immediately faced with the challenges constituted by those delays and you would have suffered some of the frustration....

Mr. SPEAKER: And continue to suffer.

Bishop the Hon. J.J.S. ATHERLEY: And continue to suffer some of that frustration on behalf of your clients, then we are faced with a system that does not work. Is it therefore that we must interpret the attempt to give an added stipulation re: potential removal of judges in this context? Should it be evaluated with reference to that inordinate, systemic delay characteristic of which we spoke? I think we must. Mr. Speaker, dysfunction at the level of the court strikes at the heart of justice, which is one of the principal planks of our political, social and human development. Dysfunction at the level of the courts strikes at the heart. That kind of phrasing is fairly familiar. In

recent days a banking official has so characterised this Government's efforts to restructure its debt with reference to the banks as "an axe striking at the heart" of the banks in Barbados. That too was responded to in dismissive tones, Mr. Speaker, not by anybody who legitimately is located in this Chamber but that also concerned me; that you could have those types of dismissive tones employed and those types of dismissive remarks made in response to a concern expressed by a banking official with respect to the impact of the Government's debt restructuring arrangements with the bank.

It concerned me not so much because of the banks but because of what the banks are likely to do as a result of the negative impact upon their finances. Mr. Speaker, that reaction on the part of the bank is likely to ensnare yourself and is likely to ensnare me and to impact upon our pockets. The point being made here is that dysfunction at the level of the courts is like an axe striking at the heart of justice, which of itself lies at the heart of our political, social and human development, Mr. Speaker.

This is an issue of productivity, and the Honourable Member for St. Peter did not use the term "productivity", but in essence I thought that was what he was saying. When you address the matter of delays for whatever reason in the judicial system, when you introduce a stipulation which says the standard here is that we should have decisions fully rendered in six months, you are addressing the issue of productivity. We may not want to think about it in those terms because we are talking about the Judiciary but it is how productive are you in the circumstances in which you pursue your obligations and with reference to how much you are paid and what privileges you enjoy. We are therefore talking about the business of productivity. Productivity is not only about economic input, it is about the rate and the pace at which the systems that manage our endeavours from day to day are able to respond to the demands placed upon them and the expectations that lie at their doorsteps. The court must therefore see itself in those terms as well; that we must produce adequately and sufficiently at a pace that we can responsibly react to the demands which are placed at the doorstep.

Sir, the Prime Minister made reference to the increased costs to parties, and in my reading up on this that is especially with reference to civil matters. She illustrated that in a fairly detailed fashion but private parties are negatively impacted and disadvantaged by this. Business interests are negatively impacted by this. Investment is thrown off or stymied as a result of this, and you could create as a result of this phenomenon -- if it is an inordinate, systemic delay process -- you can create a negative culture impacting in the wrong way upon the mindset of those who otherwise would seek to invest in our fair land and in our economy. This matter is therefore very important. It must be looked at in its very broad context,

not in the narrow frame in which some would perhaps choose to look at it.

Having said that, Mr. Speaker, there is the continuing issue of the management of caseloads, and the recent attempts to increase the number of judges, I presume, is a response to the argument which might be put by some in defense of the status quo that the caseload is too heavy for the numbers of those at whose hands we expect the dispense of justice.

Sir, it is a question of manageable caseloads; poor administrative support systems, we have heard that argument put as well. Only do I make reference to that to suggest that when we add this stipulation for potential removal of the judges, it is of course our responsibility to ensure that there are adequate support administrative systems around those who are in the frontline of doing this job. You cannot tell a man do it in six months when the context in which that man, or woman I should add, perhaps even more particularly so, is such that there are not the adequate administrative and support mechanisms that would facilitate that rate of productivity. Of course, integration of technology in the system also becomes an issue which must be of priority focus. This system has to be properly technologically platformed, properly staffed, efficiently so, that it may produce as we expect and anticipate that it will.

There are some inefficiencies in the Registry Department. I hear escaping the lips of those who are involved in legal practice that there is a high level of frustration. I do not work over there and I rely very much upon those who are operating in the immediate context and who experience these things from day to day and who would speak to me, or as my Honourable friend from St. Peter would know, the voices at the top of Broad Street or the middle of Swan Street. I hear that there are some high levels of frustration escaping the lips of those who practise before the Bar because of inefficiencies in the Registry Department, which have even further deteriorated in the face of recent layoffs.

When I say these things, I do not say these things to get at the Government. I say these things in debate to point to realities which we have to consider and which must be addressed. We cannot think that we expend fullest effort in addressing the inadequacies and inefficiencies in the system, while at the same time there is a programme of layoffs that is impacting the system with respect to a critical staff complement in key places. The Judiciary is one of those places. Of course, to balance the discussion you have to admit that it takes a long time to call some cases.

Mr. Speaker, my information is that some of the delay is not only on the side of the Prosecution, the side of

the government bureaucracy that must service the Judiciary. However, on the side of some practitioners before the Bar none of whom are known to you, Mr. Speaker and certainly you have not been identified as one who is given to such practice. I applaud you for your sense of discipline and I encourage you to continue to provide that type of model behaviour before your peers. Just to present the balance I understand that that is also part of the mix.

Mr. Speaker, specifically in our context when it comes to the removal of a judge, I think that we provide that it is for an inability to discharge the functions of his office arising from infirmity of mind, body, or any other cause. I suppose that might mean any other cause that is induced in conducting to that infirmity of mind or body. That is the Barbados' position to which we now want to add this six-month prescription. I did a bit of checking in places far afield; Gibraltar case of the Chief Justice in 2009. Removal can be justified where the shortcomings of the judge are so serious as to destroy confidence in that judge's ability to properly perform the judicial function. I think you want to have officers presiding in our courts who can demonstrate a level of competence such that there is no peril or jeopardy with the confidence of the public in that ability.

Therefore, to perform in New Zealand, Mr. speaker for them it is about confidence as well in the judge's ability properly to perform the judicial function. One would have to interpret what that means to oneself "to properly perform the judicial function". What does it mean that it is so serious a deficiency in practice that you destroy the confidence of the public in the ability of the judge?

In Switzerland and I used to read when I would visit there in a former life with some frequency. I used to read a lot of literature because I had a lot of time on my hand when I go certain places, I am not the walk around run around type. I stay indoors a lot and read when I am not otherwise engaged. In Switzerland; willful misconduct interpreted as willful or gross negligence in the performance of official duties. Misconduct interpreted as willful or gross negligence in the performance of official duties. We, therefore, I suppose, would have to determine if a judge is unable to render a decision in six months should that be interpreted as willful or gross negligence in the performance of his or her official duties. It speaks further to an insufficiency of performance which is permanent, or which constitutes a pattern, and then the question has to be the issue of pattern, the issue of practice, the issue of habit. Is this particular judicial officer given to this type of practice? Does it constitute a pattern of behavior which further constitutes a cause for concern and hence removal from office?

Since we have been going into all of these judicial and legal debates and I might, Mr. Speaker join you at the Bar one of these days. Mr. Speaker, I say that in all seriousness. My ambition was to become an attorney-at-law when I finished college, and the Lord called me to the ministry, I chose that path. I have no regret, but that instinct is still there, and I might join you one of these days because I hear my Honourable colleagues in here have plans for me in terms of my dismissal from St. Michael West so I may have time. Mr. Speaker, let them come, you let them come. I might have time to join you at the Bar.

However, I have been reading a lot about these Latimer House principles and Latimer House concepts, something I honestly did not read a lot about before we got into all of these debates relative to law, judicial practice and so forth. Those principles also show up the business of incapacity and misconduct as constituting proper grounds for removal. Incompetence elsewhere is understood to be in a particular manifestation of incapacity and misconduct. Therefore, it would seem to me, Mr. speaker that from whatever perspective you come at this thing, the business of removal of a judge for a failure to render a decision in a given sufficiently time does, in fact, constitute a proper ground for considering his removal once the method of removal is established in a proper fashion. Then we collide with the notion of the independence of the Judiciary because it is the Legislature here (and this process would have started at the level of the Executive in the Cabinet), but it is the Legislation here which will put in place this stipulation which will be binding on those who practise at the Bench at the level of our High Courts.

The view is offered that the notion of judicial independence cannot preclude the ability for there to be check on the Judiciary by this branch of government. The fact that there is provided for a mechanism of check, (I do not want to use the word "control" because that conjures up the wrong type of image). However, there is nothing that precludes an appreciation for the independence of the Judiciary in this particular branch of the government providing for checks and balances with respect to how the Judiciary functions. The important issue would be that such check mechanisms are free of political partisan flavour.

Having read the proposed Bill before us it would seem to me that we are providing a mechanism for removal with this added stipulation (this is new this is added) but that we are not departing from that framework within which the procedure to effect that removal is anywhere brought more so into the arena of partisan influence because we are still providing for a fairly nonpartisan way of triggering and managing the procedure.

Justice Stafford Georges of whom I am sure you would be familiar says that judicial independence is defined in terms of the absence of domination by the

Executive, the political functionary. I think having read the stipulations in this Bill, having read the constitutional provisions for appointment and removal of judges, this measure does not bring us to a place where it provides for the dominance of the Executive or the Legislature over the Judiciary. Hence, Mr. Speaker, therefore I have no discomfort with the measure.

Mr. SPEAKER: Honourable Member for St. Michael West Central, you have the Floor.

Mr. I. A. GOODING-EDGHILL: Thank you Mr. Speaker. I also rise to support The Constitution (Amendment) Bill before this Chamber. I want to begin also by saying that for years going back to the days of the Right Excellent Sir Grantley Adams, the Barbados Labour Party had a very proud and successful record advocating on behalf of the workers of Barbados. I believe that is the point the Honourable Member for St. Peter, in his presentation today, stressed on. I just wanted to make that as you go back to the annals of history and you come through, you would see that in the Barbados Labour Party, and it continued through successive Barbados Labour Party Administrations.

Mr. Speaker, I support the amendment, especially as it relates to the Judiciary, it is an attempt to enhance the efficiency of the Judiciary. I would say that is good and ideally a wonderful goal for any progressive government. I would add they are well compensated and have excellent retirement packages, in fact, better retirement packages than people who serve in this Chamber. I also believe that as they continue to do the job assigned to them, it would help us in Barbados to also improve our ratings in reference to the ease of doing business in Barbados. The speed of the Judiciary will certainly engender confidence in our system and as we continue to improve the confidence in respect of doing business in Barbados, I think it is a wonderful start.

Mr. Speaker, I also support the establishment of the composition of the Administrative General and Professional Service Commission, as well as the Protective Services Commission. I believe it was in the Constitutional Review Commission, chaired by that Honourable and wonderful gentleman who also served as patron of an organisation that my grandfather had the honour to lead, known as the Dorkus League. Sir, with your permission, I refer to Sir Henry deBoulay Forde, a wonderful man indeed. Sir, I took the opportunity only last Saturday to review the work of the Commission as contained in that document. I believe it is about 120 pages. Within that document reference was made to the Protective Services Commission. I believe that was back in 1998; I stand corrected, but I believe it was in 1998. Sir, that Report is required reading not only for us as politicians, but I also believe it is required reading for all those who are aspiring to be in this Chamber some day and who would want to

have an understanding. I believe the Honourable Member for St. Michael North East made the point that over time we will have a fuller debate on the Constitution and any amendments thereto. However, there are some things within that Constitution, not only the Protective Services Commission that matters reference to the adoption of children and so on that we really need to have a discussion and debate along with other issues.

Mr. Speaker, what was envisaged in my opinion back in 1966 and worked while during that era, cannot be applicable to a modern Barbados in 2019. Why do I say that Sir? We have a Public Service Commission, it was established as we have become accustomed to know that it was a mechanism to avoid political interference, so it is alleged, and that the Executive should have little or no input in that aspect of the public service.

Mr. Speaker, I do not know, and I do not understand how any Chief Executive Officer of any executive branch of anything could not have and should not have at least input on managerial appointments. Sir, I do not understand what it would be like and I worked in the private sector, as you know, but if I were in charge of a company or an executive of a company, that you could have little or no input in the executive management. This is something that we do not have to address now, but I have come here to advocate change; and it is something that we have to think about, and it is something that we have to start to look at in terms of reforms.

Mr. Speaker, you would probably ask why I said that. I am not a Minister of Government, Sir, but there are Ministers of Government and when things are broken or when things go wrong, they do have to take responsibility, because the public will say "the Minister". Mr. Speaker, they look to the Executive, they do not look elsewhere, and sometimes the poor Minister, the political class in other words Sir will have to sometimes suffer a dent in their popularity because the public would believe that it is something that the Minister did, when the Minister had absolutely no control Sir. However, that is something that we can discuss or should discuss later on. I hope that these challenges are addressed.

However, I want to say that we should never have a situation in this country where the Executive, for example, when there is a change in Government, that Commissioners perhaps can elect not to resign and that they can continue. Therefore, if you were faced with what we were faced with before, it sends the wrong signal. Sir, I believe those challenges could be addressed later on but I believe if you are sitting on a Commission and there is a change of Government, and if you were not appointed and I understand the appointments through the other branch, that you should automatically tender your resignation or there should be some safe clause within legislation to allow those

who served to put their resignation at the disposal of the Government. Mr. Speaker, in other places that is basic governance, very basic governance, and I do not believe that an Executive should be held ransom. Never Sir. We should have a system in place to address those concerns, but I believe that we will address some time down the road.

Mr. Speaker, I support the need for reform, but I will also say that we need to have support staff within the Personnel Administration Division. We need strong HR management, systems and standard operating procedures. We need to expand the HR function within the public sector of Barbados. I am aware that we have a personnel officer, but again that is a practice that perhaps served us well back in the 1960s; those days are long gone, Sir. We need to get to a position of currency and move to the future and we need to have a HR management function within the public sector, not a personnel management function. There is a difference. I believe that if you move away from a personnel administrative system to more of a human resources (HR) management system I think it would do us well down the road.

Mr. Speaker, it is true that we need to also look at reviewing the duties and this has to be a part of the comprehensive reform and I agree that we would have to get all of the stakeholders together to discuss these matters, but we need to have a review of the duties and entrusted to the Personnel and Administration Division and go through them because you need to have good human resources (HR) practices. We have very good human resources (HR) practitioners in Barbados. We have strong labour union representatives in Barbados as well and perhaps the time has come where you can put those together and sit down and look at how best we can fine-tune the human resources (HR) management in the public service to enhance efficiency, Sir, and I believe that from my heart, but I would also say, Sir, and I said it in the Budget, that we need to repeal the Qualification Order of 2016, Mr. Speaker. Everywhere I go -- and you know, Mr. Speaker, I canvass. Up to yesterday, Sir, I was in Rogers Quarry Road, 1st Avenue Grazeettes Road and I also did Derriston Road and while I am on the subject of Derriston Road I will ask the Minister of Public Works to look at the road down there for me. Mr. Speaker, up to yesterday and everywhere I go, Sir, there are people from within my constituency and outside of the constituency who would call me and express dissatisfaction. Mr. Speaker, if I have to speak in here every Tuesday about the Qualification Order of 2016 I am going to do so because the last Administration did an injustice to a lot of people in the public sector of Barbados and we have to deal with it. You cannot have a situation where the people who have experience within the sector, but because they do not have the qualifications, that they have to remain at the bottom, at the ground of the ladder and other persons can go up and

they too have to, in turn, have train that staff. Mr. Speaker, we need to review it.

The issue of Letters of Appointment within the public sector is a common complaint. People complain to me all the time, so we need to move away and become more efficient in respect of that. The issue, Sir, of notification as it relates to movements within jobs within the public sector. Mr. Speaker, sometimes people tell me sometimes they get one day's notice. They are told today; you will report elsewhere tomorrow. Mr. Speaker, even if you have a Mobility Clause in your contract, you at least get reasonable notice, Sir, within contracts of employment and that is something we have to look at. It is unacceptable. You have a situation, Mr. Speaker, where you have an employee who, perhaps, with a special skill working within the department and then that employee, with one day's notice, Sir, is transferred with that special skill and moved to another area and then the department is scrambling to seek another resource; sometimes you do not get the replacement resource for weeks. Mr. Speaker, you cannot run and talk about efficiency if you do not fix these things. We have to, Mr. Speaker, and that is why I am making the case, perhaps, to have experienced human resources (HR) persons, labour unions, et cetera, to help us resolve some of these issues.

The issue, Mr. Speaker, of acting appointments as well. Sir, they are too long. I am aware of persons who are acting in position for more than 12 years. It is dangerous for the worker too because tomorrow they could be sent back to their position and another person comes, who is not appointed by the political class, not appointed by the Executive as we know it, but appointed by the Commission. Mr. Speaker, that is another story that I intend to speak to sometime too, because the workers also told me, and that is why I make the point, it is alleged, because you know sometimes you might have a family or friend, not the political class, but the political class will take the blame, but we cannot have a situation where you have acting appointments going on. I know of one case for 12 years; in fact, more than, Sir, where the persons have been acting for more than 12 years and we have to address these issues. If the last retrenchment exercise did not tell us anything, Mr. Speaker, I think we should remember how it was done and how we managed it, Sir. That is all I will say on that point.

The issue, Sir, of discipline; we have to find a more efficient system. There cannot have a public servant on suspension for years - obviously on a full salary, some people have full salaries, Sir - but the issue of this: It is a cost to the Government. It is a cost to us, the taxpayers of Barbados, so that if you have some person at home on suspension pending investigation and you keep that person at home for years, the system is wrong. We have got to

look at these things and we have got to move with great haste to address these issue.

Mr. Speaker, I wish to suggest/recommend that we start looking at an integrated human resources (HR) management system for the public sector of Barbados. Why do I say it, Sir? You need to have a human resources (HR) management system in place. I am not saying there is not one in place, Sir, but I think based on my experiences and based on what I am hearing you need to have a proper human resources (HR) management system in place. Mr. Speaker, it would help the country to address the issue of efficiency, but more importantly, you could have a career management system in place which would take care of a lot of the issues that I cited in my presentation as it relates to the movement of people within jobs - a simple career, I call it simple, Sir, but a career management system. I believe they have a payroll system and if they have a central payroll system that should be integrated into a central human resources (HR) administration system so that the issues of persons who are acting and have to wait for months to be paid could be addressed.

The issue of temporary workers who have to wait on the Personnel and Administration Division and others to sign all of these forms, you could easily manage the system so you do not have to be a worker within the public sector and that you have to wait from four and five months before you are paid. Sir, it sends the wrong signal. If anybody in the private sector had done that, man you would have heard the entire country complaining, Mr. Speaker, and what is good for the private sector has to be good for the public sector, Mr. Speaker. It is about a standard performance. You cannot have a system in Barbados where you have doctors who have mobility, nurses who have mobility, especially if you a registered nurse you could pick up and go to United States of America, Canada, wherever and earn more money, yet you keep them waiting for months to be paid? Well, they too have responsibilities. They may have a rent or a mortgage to pay, children to support and they have to support themselves, Mr. Speaker. It is unacceptable, Sir, and I would suggest that they have a new human resources management system, Sir, that we have to move away from what we refer to as a personnel function and take it to an all-inclusive human resources management function.

Mr. Speaker, the Honourable Member for St. Peter knows about human resources management. The Honourable Member is in the Ministry of Labour and I know that he will use his good offices, Sir, and his intellect to assist and I really and truly believe that we need to do this. Mr. Speaker, we also have a wonderful opportunity if it is integrated with the other human resources departments within Government because you have personnel departments almost in every ministry and what obtained with the last retrenchment exercise where the Personnel Administration Department had one date of employment

and then you had a department within a ministry saying well no this is the date of hire. Sir, you have to have one date of hire, so if you have a central system integrated and linked to the ministry, I think it would help us. Mr. Speaker, I do not want to go into the details about the last retrenchment exercise because some of those challenges could have been managed and eliminated, that is my view.

Sir, if we modernise the HR function, like I said, there will be substantial benefits to the country, including efficiency, productivity - call it whatever you like, Sir, there would be significant improvements.

Mr. Speaker, we have to reduce the burden of frustration and that is what happened because when I hear workers who work in the public service come to me and complain, they are complaining because they are frustrated. They enjoy working in the service but they would like key aspects to be fixed so that, Mr. Speaker, I support the amendment. There will be expansion of the service. It shall consist of a Chairman and not less than four nor more than eight other members. Mr. Speaker, I salute that but I too would hope that they have targets too and that we also look, especially as it relates to discipline, to a new procedure that could dispense disciplinary hearings within a defined period. If the judges have to subject themselves to six months, then I do not know, but we have to come up with... Some people might argue you need some service guarantees in this country, I do not know but perhaps we have to look at that.

Mr. Speaker, I am not going to delay the Chamber because I am mindful of the time and I cannot offend the Speaker in respect of my time but I am really calling for comprehensive reform of human resource management within the public sector. We have to move away from Personnel Administration Department to a Central Human Resource Department.

Sir, there are very good people who work in the public sector but it is the system that overtime that will continue and we have got to change. I referenced my presentation earlier when I commenced and said that what perhaps served us well in 1966 perhaps is antiquated now and we need to seek and move to systems relevant for the times.

Sir, I know I have said a lot but I really have to speak to this issue and some time I am going to come back and speak to the issue but I really want to make representation on behalf of some of those who have sent me here, for us to improve the system.

Mr. Speaker, I would end on this note by repeating myself. I really think the Government should consider repealing that Qualifications Order of 2016.

Asides.

Hon. G. P. I. GOODING-EDGHILL: Mr. Speaker, I am going to speak and I am going to continue to speak in here every session if necessary about it because it has to go. It must go, Mr. Speaker. It is frustrating and demoralising; the public service of Barbados. There are a lot of people out there who agree with me and there are a lot of people out there who are hurting as a result. Sir, I never asked you permission to call the names of people in this debate so I cannot tell you the names of constituents who have come to me. I cannot do it, but the issue is we have got to repeal it.

Mr. Speaker, I support the amendment but I am also asking the Government to consider, (as I know this progressive Barbados Labour Party would do), looking at modernising, reforming and moving to a central HR platform within the central Government of Barbados. In statutory corporations you already have HR managers, link it so we could create a wonderful apparatus to reduce frustration and to increase workers' morale within the public sector.

Mr. Speaker, I am much obliged to you.

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

SUSPENSION

Lt. Col. the Hon. J. D. BOSTIC: Mr. Speaker, I beg to move that this Sitting be suspended until 8.10 p.m. today.

Hon. K. D. M. HUMPHREY: I beg to second that, Sir.

The question that the Sitting do now suspend until 8.10 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

RESUMPTION

Mr. SPEAKER: Good evening, Honourable Members, this Session is now resumed. Honourable Members, when the Suspension was taken we were on Government Business, the Constitution (Amendment) Bill, 2019, to that we shall revert. The Honourable Member for St. James North.

Hon. E. G. HINKSON: Mr. Speaker, Sir, I rise to support these two basic amendments to the Constitution of Barbados, the establishment of a Protective Service Commission to replace the Police Service Commission, and the establishment of a General and Administrative Services Commission. Mr. Speaker, Sir, the historical basis

of the concept of Public Service Commission came from 1950 United Kingdom White Paper which sought to establish service commissions which were impartial and free from political interference in terms of their composition. As a colony we would have had the basic tenets of it whereby the Governor of the day appointed of course, from the United Kingdom was responsible for appointments to the public service. Of course, we then had our Constitution in 1966 which set up a Public Service Commission, a Police Service Commission, also the Judicial and Legal Service Commission which would have dealt with judicial appointments, appointments of judges and essentially entrenched them into the Constitution. In 1975, of course, we know that the then Government of the late Right Excellent Errol Walton Barrow would have established a Teachers Service Commission which, in fact, never became established until 2017 when the last Administration then proclaimed that aspect of the Constitution amendment in 1975 but never appointed any Teachers Service Commission and therefore almost 45 years after the Teachers Service Commission was established we still do not have any. In 1998, of course, the Commission headed by Sir Henry Forde, as the Honourable Member who last spoke, the Honourable Member for St. Michael West Central said, would have had a wide mandate to look at our Constitution and see what constitutional changes would be recommended. That Commission looked at, among other things, the Public Service Commission and how we could make it more efficient in terms of its delivery to the public and in terms of those who were the public servants working under it. That Sir Henry Commission was also mandated to look at issues such as the right of recall of Members of Parliament and the role and powers of the Head of State, whether we should have a Republican constitution and a President, it also looked at our fundamental rights. A lot of the recommendations of that Commission have not yet been brought into force. I know that one set of recommendations that has been, though, was to remove some of the gender bias in terms of the immigration legislation whereby, for instance, a man who married a Barbadian citizen was not entitled to Barbadian citizenship but a woman married to a Barbadian citizen was so entitled. Sir, coming out of the Forde Commission that legislative change was made to remove that gender imbalance.

Sir, one of the main recommendations of that Commission was that we should establish a Protective Services Commission under which the Barbados Fire Service, the Prison Service and the Police Force should fall and therefore what we are doing, as the Honourable Member for St. Peter said, this is a time of bringing into force an entity whose time has come; in fact, whose time probably has come a long time ago because right now we have this amalgam of a Public Service Commission under which 25 000-odd public servants fall, as the Honourable Prime Minister said, meeting generally once a week to deal

with matters of discipline, appointments, suspensions, et cetera, and really and truly, that is absolutely impractical and therefore this legislative intervention by Parliament tonight is to establish a Protective Service Commission under which 4 000-odd public servants will fall. In addition to the Police Service Commission, the Fire Service Commission and Prisons Service Commission which were recommended by Sir Henry Forde Commission, public officers, Customs Officers and security guards under the Ministry of the Defense and Security would also fall.

Mr. Speaker, Sir, it is contemplated and certainly with the setup would bring greater efficiency, speedier decision-making in terms of the public servants falling under this Commission. Sir, Immigration, of course, right now has about 175 employees; Customs has roughly 257 [employees]; the Fire Service has about 239 [employees]; the Prisons [has] about 386 employees. I know the Police Force has about 1 250-odd [employees] so that this will bring greater efficiency. The proposal is to set up fulltime secretariats which will be able to deal with the human resource management because of course these Commissions are similar to a human resource department of major companies and with human resources experts in here, like the Honourable Members for St. Peter and St. Michael West Central. Sir, this is part of modernising our whole bureaucratic system which has been, I mean, I think we all accept slow deliver to the public and to itself and it is part of the ease of doing business, it is part of making Barbados more competitive which is something which we have absolutely to do, to be able to move forward in our development as a whole.

Mr. Speaker, Sir, the creation of a Protective Services Commission has been supported by the unions. When you look at the files you see the Congress of Trade Unions and Staff Associations of Barbados [has been] calling for it for a while, for well-over five years. I would have had meetings in July last year with the Royal Barbados Police Force, Prisons, Barbados Fire Service, Immigration, Customs, Chief Personnel Officers, representatives of the Ministry of the Civil Service in terms of the feasibility of establishing the Protective Services Commission. Sir, all were in agreement and felt that it would make the whole system more transparent and accountable and therefore I am fully supportive of the abolition of the Police Service Commission and bringing in this Protective Services Commission, Sir. That is what they have in common with one another: Essentially protective border security forces under one Commission. Sir, of course this will take these departments out of the Administrative and General Services Commission. That Commission will now have less public servants under its mandate; something which is essential for greater efficiency. The Administrative (General and Professional) Services Commission will replace the Public Service Commission, Sir. We look forward to an exciting period in

terms of greater efficiency in the human resource management of Government. There has been a tradition where matters of discipline and suspension of public officers have taken years to be resolved or heard by the Public Service Commission. Appointments of public officers have also been outstanding for a long time, Sir.

We heard the Honourable Member for St. Michael West Central speak extremely eloquently on the difficulties which the Qualification Orders brought in by the Administration three years ago, have caused throughout the Civil Service, Sir. I am absolutely aware of this because the departments, about nine of them, falling under my Ministry and every time they have a meeting with representatives of management of these departments, you hear about the difficulties about this Qualifications Orders; the fact that officers who are acting in positions for years were not eligible for appointment to these positions because they may not have reached a certain academic qualification grade which these Qualification Orders now set out. Clearly, perhaps, those officers should have been 'grandfathered' in, even if you wanted to carry on this higher distinctive academic qualification requirement for the future, Sir. I believe that the Honourable Prime Minister, as Minister of the Civil Service, is committed to relooking at those Qualifications Orders, Sir. The Honourable Prime Minister and this Government is clearly mindful of the trauma that this legislative intervention by the last Government has clearly brought to people all across Barbados in all the Ministries, Sir. We are happy to give support to this, Sir. We are happy that the Honourable Leader of the Opposition has found it fit to support this amendment and we are aware that the unions and the Labour Movement are also supportive of this amendment, Sir.

The other aspect of this Bill to amend the Constitution, of course, relates to the judges. There is the provision that judges deliver judgments within six months and that if they do not, it can trigger proceedings. It is not automatic, as the Honourable Prime Minister absolutely clarified and explained. It is not an automatic part of the Bill that they would be dismissed because of failure to deliver a judgment but it triggers a process and Tribunal hearings as to why they have not delivered the judgment, Sir. This is something that we have spoken of in this session already when we passed legislation to provide for more judges. There is no reason whatsoever why any judge who is suitably qualified for that position cannot deliver a judgement within six months, Sir. They have the transcription facilities, judicial assistants to help and the management tools, Sir. As I understand it, they get continuous training in writing judgments. They have the technology and the video recording of the proceedings and, as I always say, the best time to deliver a judgment is right after the case when all the evidence is fresh in your mind, Sir. I served in judicial capacities as Chairman of the

Severance Payments Tribunal 20-odd years ago, and that is the best time, when the evidence is fresh in your mind.

The judges signed on to a Code of Conduct many years ago that their judgments should be delivered within eight months, Sir. As the Honourable Prime Minister said, Guyana passed constitutional amendment in 2001 on this issue, that judges must deliver judgments within six months. Guyana then went further and passed legislation which limited the time that judges must take to deliver judgments within six months. Here as well, we are making provision that if the judges feel that they cannot deliver the judgment within six months, they can go to the Chief Justice and give reasons. The Chief Justice, under those circumstances, will probably give that judge time to write the judgments, but it cannot go on like how it has become within recent times where there are judges who have outstanding decisions for five, six and seven years; some of whom have retired without giving their judgments; and they get their gratuity which, quite frankly, is up to question as to whether one should get one's gratuity if one has outstanding decisions. Some have died and gone along, Sir, without rendering the decisions and leaving the parties to the case in absolute limbo. What are you going to do? Are you are going to have to look for more money to pay now to get the cases reheard? You are so frustrated, Sir. All of this has to do, again, with making Barbados competitive, not only in the commercial sector in terms of commercial courts where of course speed in delivery of judgments is so important, but in other areas of civil law where parties are at a limbo and there is therefore a socioeconomic cost to our constituents because of judges' unreasonable delay in giving judgments, Sir. We are here trying to help the judges themselves, Sir, because judges have to be accountable. It cannot be that because you are appointed to high judicial office that you are a law unto yourselves, Sir. They have to be accountable for their conduct and their manner. All this is doing, very reasonably and sensibly, Sir, is making failure to deliver judgments within a six-month's period, which is reasonable time, a possible ground for dismissal of a judge but after due process, Tribunal hearing and everything else.

Sir, I am fully supportive of both of these amendments which have been brought here before this Parliament this evening. I am obliged to you, Sir.

Mr. SPEAKER: The Honourable Member for Christ Church East, you have the Floor.

Hon. W. A. ABRAHAMS: Mr. Speaker, I do not propose to detain this Honourable House, unless provoked (sic).

Mr. SPEAKER: By whom, Honourable Member?

Hon. W. A. ABRAHAMS: By the rumblings and grumblings from the other side, Sir.

Mr. SPEAKER: From the other side. The Opposition side, Honourable Member?

Hon. W. A. ABRAHAMS: Well, I have to question that, Sir.

Asides.

Hon. W. A. ABRAHAMS: Sir, other Members have spoken in detail and well, in particular on the Public Service Commission. The Honourable Prime Minister herself has indeed addressed the matter of the Public Service Commission, Sir, so I would just concentrate on the Judiciary and the amendment that affects the Judiciary. I think it is necessary in certain things to contextualise why we have to do what it is that we have to do and put in a time frame, explain why we are putting in such a time frame. Sir, we recently made some amendments in the Supreme Court to the Judicature Act. We are appointing more judges and more courts are being created, we are segregating into specialised divisions of the court; all aimed at increasing the efficiency of the court. Sir, we have finally codified the Latimer House principle that are considered now the best practice in the Commonwealth and perhaps in the world for the appointment of judges to ensure the independence of the Judiciary and the separation of powers.

While we were downstairs just now having dinner, the installation of Andrew Burgess, former Justice of Appeal in Barbados, now a Judge in the Caribbean Court of Justice was going one, and the Honorable Mr. Justice Saunders who is the President of the Court, was explaining the process by which they arrived at the selection of Justice Burgess. It was an internationally advertised post, the vacancy was created when the former President retired, Justice Saunders was elevated to the position of President and a vacancy was created for another Justice of Appeal in the CCJ. It was advertised internationally; they had applicants from New Zealand, Botswana, Jamaica, Belize, Guyana and Barbados. I think there were 20- something applicants for that one post, it was shortlisted down to eight people. The shortlisted people had to present an extensive dossier on the cases that they had done and explain why they should be chosen above anybody else. Out of that, our own Andrew Burgess, former Dean of the Faculty of Law, Lecturer at the University of the West was selected. So there was dispute; when we codified the Latimer House principle some people were saying if we open to international judges that we might not ever get another Barbarian judge on our own court. Just to put that to lie, the fact is the CCJ went fully international, and a Barbadian was still deemed to be the top of the pack in the selection of the next judge for the CCJ. Hence that points towards

what we have in Barbados and the level of jurisprudence that we have in Barbados; something that we can be proud of.

All of this has been going on in the last year, led by the Honourable Attorney General, the Member for St. Joseph. We have put in place that regime designed to secure the independence of the Judiciary here in Barbados to remove as much of the political aspect as practicable from the decision-making process, to make sure you do not have prime ministers appointing their friends or spouses or close associates as favours and diluting the courts with incompetent people. We have put that in place. I expect that the next set of judges to staff the expanded court system will be appointed in accordance with the Latimer House principles; that is the assurance that we have gotten, and I believe that is the law and that Sir is a good thing. We are protecting the public by creating more independent judges, setting the framework for the independence of Judiciary. We are protecting the judges so that the most suitable judges can get it on merit as opposed to political patronage.

Sir, to be honest now we are laying the framework for the revolution of the court system in Barbados. We have accepted that for Barbados to go forward our court system needs a radical overhaul. Sir, we have perhaps made the largest investment in the court system, outside the Barbados Water Authority building, (sorry I could not have resisted that one) in the creation of the Supreme Court. We have supported the court with the infrastructure, the court is technologically advanced, the court has everything it needs now to function properly and so do the judges; it is no time for the judges to give something back. It makes no sense to have a new court system, a new method of selecting judges, new specialised courts, and still have the same old practices that ran us into problems in the first place.

Sir, the backlog will not come down in the court system unless judgments are coming out effectively faster than cases are going in. We are not going to get it; it is simple mathematics: what is coming out must be more than what is going in for it to reduce.

Sir, I have heard some rumblings that six months is too short a time frame. A judge is someone who is appointed to decide a matter. At the end of the trial there must be a judgment. Our Constitution guarantees fair access to the courts and judgments within a reasonable time, both for civil litigants and for criminal litigants. Anybody approaching judicial system should have some certainty that their case will not just be decided in a reasonable time but that the case will actually be decided. It makes no sense to have a court system that at the end of the day does not yield a decision. That is simple. A lot of people when they go to court know whether or not they are wasting time. They have some idea of the strength or

weakness of their case and sometimes all it needs is for somebody to say you are right or you are wrong or, we both know you are wrong so here is how much you have to pay. Most cases do not get appealed. I do not think the public understands that; most cases, the decision of the initial judicial officer whether it be a magistrate or a judge, that is usually the end of the matter. People either pay up, work out some other settlement or the matter is otherwise resolved.

Sir, here is my other issue. It is not necessary that every judgment be written. What these amendments seek to do or one of the arms or limbs for which you can infer judicial misconduct is a delay in granting judgments of over six months. This does not mean that the judge has to write his reasoned decision within six months, it would be good if he did, but once again in many cases the decision can be made orally. Sir, quite often if we are honest with ourselves, by the end of a case the judge can actually make that decision there on the spot. It is only in very, very technical cases where a complete review of the evidence has to happen that you may need to delay to come back with a reasoned judgment. In the Magistrate's Court, in particular, which is the court of first instance, it is the summary court; that is where justice is supposed to be dispensed very, very quickly. At the end of most cases the magistrate can on the spot say I find for the plaintiff or I find for the defendant. However, the failures of our Supreme Courts system have now started to creep into the Magistrate's Court system where the magistrates are often now reserving judgment and the magistrates are delaying in bringing back judgments. That defeats the whole purpose for which the Magistrate's Courts exists. It exists technically as a small claims court intended to dispense justice quickly. Although the amendment says that judges have to bring back their decisions in six months, it does not go further than that. A judge can give an oral decision. The proceedings in the courts are now recorded, you can have CAT transcription I believe for the judges, the judge can give his oral decision, it can be recorded. If the matter is appealed and he has to write reason or give a written judgement, he can then do his written judgement, but what people want is a judgement. Why are we so afraid to get it wrong that we are paralyzed into inaction? There is nothing worse than not giving a decision, and the court system is perhaps the only profession that contemplates from the outset getting it wrong. That is why they are "lovers of appeal". If the judges got it right all of the time or are expected to get it right all of the time, there would be no need for the Court of Appeal. If the Court of Appeal was expected to get it right all of the time, there would be no need for the Caribbean Court of Justice. You create more of an injustice in delaying in giving a judgment for one, two, five, ten years than you do in giving the judgment, even if you get it wrong, because it can then proceed to the next step.

Some people might say there are circumstances that a judge might not always be able to give decision in six months; in an exceptional case, fine, but then there is provision, as the Member for St. James North indicated, for an explanation as to why you cannot deliver in the time before the time expires.

Sir, the other correction that is being made by this amendment, is that previously the Prime Minister could only invoke a complaint against the Chief Justice and it was up to the Chief Justice to make a complaint for misconduct against any of the other judges below him. This is now expanded; the Prime Minister can actually make a recommendation to the Governor General in respect of any judge. The Chief Justice can make the recommendation in respect of judges below the Chief Justice, so it has expanded that. Judges need not fear and people need to understand something. The fact that a judge has been cited under this amendment does not automatically mean that they are going to get terminated, that their employment is going to be terminated, or that they are going to be disciplined. It starts a process. The process requires the Governor General to appoint a Committee, including a Chairman and not less than two other members. These two other members must have been either sitting judges or former judges in a Commonwealth country; sitting in a court of unlimited jurisdiction. It is not simply that you are going to pull someone who does not like you from Barbados, we can go outside. The Governor General has the ability to go outside and source as independently as you can. And you want to be careful when citing a judge; it cannot be done willy-nilly.

Mr. Speaker, Sir, to be honest, Sir, I do not see this as being something to punish a man if he has a decision that runs seven or eight months. Invariably this will only be invoked Sir if you have a judge who has history, a complete backlog that is clogging up the system, and the most well-meaning pleasant judge is wasting our time and injuring litigants and hampering the process and adding to the backlog when they just do not deliver the decisions.

Sir, this also adds certainty to the structure. We keep talking about wanting to make Barbados the commercial hub of the Caribbean. We keep talking about the ease of doing business. We have spoken over and over about where Barbados ranks in the ease of doing business. It may surprise a lot of people to know that in contracts being entered into in Barbados with parties external, once upon a time Barbados was the jurisdiction of choice, so in a contract, you will normally state that this contract is governed in accordance with the laws of a country. If the contract is substantially to be carried out in Barbados with a Barbadian company, it used to be a matter of course that the contract fell under the jurisdiction of the courts of Barbados. Increasingly now Sir, external parties are insisting that the jurisdiction be outside of Barbados. What

this does is that it also prejudices our commercial sector, because if we want to assert our rights under a contract, where the contract effectively is being performed in Barbados, the company is in Barbados, the people being affected are in Barbados, but you now have to fly to somewhere else to sue, because our current courts are not reliable and cannot give the judgments in a timely fashion, you are crippling business; people will actual avoid coming to do business in Barbados because of that. For those who say six months is too short, I say six months is not too short when millions of dollars are riding on it. Six months is not too short where the rights of the individual are concerned. Six months is not too short where it is a family matter, where the emotions of the parties are tied up and it can turn into violence. Six months is not a short time to render a judgment, and it only becomes a difficulty if you keep falling back.

Sir, if the new judge coming in (whoever is going to be appointed) starts to keep on top of their judgments, they need never have a problem. There was a judge who left Barbados Sir, (I will call her name because it is a good context), Justice Maureen Crane-Scott, who I believe was one of the best judges we ever had in Barbados, one of the best judges I appeared before. Every single matter I had before her, I received a judgment in. When she eventually left Barbados to go and sit on I believe on the Court of Appeal in the Bahamas, because....

Mr. SPEAKER: That is correct Sir, in the Bahamas.

Hon. W. A. ABRAHAMS: As good as she was she could not get on our Court of Appeal. She gave her notice, frustrated with the way the system was working in Barbados, and she went along. When she left she not have one outstanding judgment, not one. Every single case before her for which she was responsible was resolved, dealt with, adjudicated and the judgment given. If it can work for one, it can work for all. It has to work for all.

Sir, I would say there is a lot at stake. The confidence in our judicial system has been eroded. The backlog Sir has reach what I actually would call "crisis proportions". I left practise Sir to come to these hallowed halls and I have judgments that still have not been given. I have to get other people to try to get those judgments for me, and they are important to me, because when the judgment is given I can finally get the money that I worked for, for years. Let us be very serious. In many instances lawyers in Barbados would do cases for litigants, where the litigants cannot pay and the lawyers agreed to accept the money at the end of the day. People may talk a lot about lawyers Sir, but at some point you have to defend some. They are a lot of poor people in Barbados who have gone before the courts and who have had their matters ventilated and they have had them done so because lawyers work with them to try to get them the justice that they require. Sir,

when we do not give judgments, we put people's business and livelihoods in trouble, not just the lawyers but also the litigants. Sir, is I am waiting for a judgment in a personal injury claim, where I expect to get \$100 000 and the bank is about to sell my house (and this has happened) and the people keep going... Sir, even in cases where the judgment has been given and you are waiting for quantification of damages and you are telling the bank, hold on, hold on, this is soon coming on; and sometimes the banks work with you but eventually the banks have a business too, so when you stop somebody from getting the money for their injury it affects every other part of their life. They cannot work, they are depending on that money, they may lose their house, they may lose their car, their wife may divorce them...

Asides.

Hon. W. A. ABRAHAM: Sir, I am not making a personal reference to anybody in this Chamber, Sir. All I am saying Sir is that there is actually way too much at stake. We, as a Government, have tried to do everything that we could in a short space of time to put the infrastructure and the facilities in place that the courts can function properly and efficiently. We have done our part. It is now time Sir for the judges in whom we repose so much trust to do theirs. So in light of that Sir, I entirely support all of the amendments and I hope that my explanation in relation to the provisions for the judges have made some sense and clarified some misapprehensions of other people.

With those few words Sir, I entirely support the amendments to the Bill.

Mr. SPEAKER: Honourable Member for St. Joseph, you have the Floor.

Hon D. D. MARSHALL: Mr. Speaker, Sir, I rise, perhaps unusually, to wrap up this Bill in circumstances where the honour was the Prime Minister's to lead off the debate on this very important matter. I truly appreciate the interventions of all the Members of the Chamber and they have been so comprehensive that it means in my wrap-up I need not tarry too long. But there are a few points that I would want to make, especially given that the Judiciary and how it functions is directly related to my own ministerial responsibility.

Sir, it was not an easy thing to propose to Cabinet that we should amend our Constitution and expand the grounds on which an individual could be removed from the Bench. I only have one career, professional career that is, as a lawyer, and I would like to think that I personally know all of the members of the Judiciary. In fact, it is a little known fact that the Chief Justice and I used to be musicians and played in the campus band back in the 1980s. He was a lecturer in law playing bass guitar and I

was a student in law, not playing tambourine, playing rhythm guitar. I am able to say that some of the judges are older than I am, but over the years I have enjoyed very cordial relations with them. And it is always a difficult thing when people perceive that you are doing something to cause them a disadvantage. So it has not been easy for me, or perhaps for any of the lawyers in this Chamber, to make a decision that we would want to support this particular limitation. But the fact of the matter is Sir, that we have to push past the sentiments which arise out of friendship and collegial relationships and accept that in the same way that every other person in this society is accountable for the duties that they are called on to perform, that judges really are no different; and the Constitution sets the ground rules. The Constitution has always provided that if a judge is unable to perform his work, or if a judge is guilty of misconduct, he or she can be removed from Office. That exists today and has existed from the time of the passing of our Constitution, Sir. And so grave a responsibility is it, that the circumstances not only are circumscribed to inability through illness or otherwise, or to misconduct, there is a very extensive tribunal process which must be gone through in order to achieve the removal of a judge. And what is more Sir, in 2003, the Parliament of Barbados added another level of supervision and that is the Caribbean Court of Justice. So that even if a tribunal reviews the particular facts and determines that based on their opinion the question of the removal of a judge from Office should be taken, they make a recommendation to the Governor General, who must refer that matter to the Caribbean Court of Justice for ultimate decision.

I heard the Leader of the Opposition speak and the Honourable Member seemed to have some view that the process of removing a judge from office is one that could be tainted with politics. Not so, Sir. Apart from the tribunal, I reiterate that the final decision rests in the hands of the Caribbean Court of Justice -- people who are of impeccable reputation -- and whom we rely on every single day to make decisions about our domestic matters and to make decisions as the court of original jurisdiction. So if we can accept that that court can rule effectively on matters like Shanique Myrie and rule on disputes between Barbados and other states, and rule on appeals Sir, then it seems absurd to me that we could not have the confidence in them to make the determination on the suitability of a person for (judicial) office. There is no political involvement there.

But let me try to explain to this Chamber, through the words of the same Caribbean Court of Justice, the gravamen of the situation. In a matter which we call Walsh, a decision given in 2016, the Caribbean Court of Justice felt compelled to write about four paragraphs in that decision -- the case is actually Walsh against Ward -- to deal with land in St. Lucy I believe. The Caribbean Court

of Justice felt compelled to speak in clear terms on the matter of ‘delay’, not generally across the region, not in the courts of Trinidad or Jamaica or Belize or Guyana, but they spoke specifically about the ‘delay’ in the courts of Barbados, and I know Sir you would not want me to labour too much on this, but I feel I need to read these four paragraphs, and they are not long Sir. The Court said this in its decision at paragraph 68:

‘Regretfully, we are forced to comment once more on the excessive delay that characterizes many cases coming to us from Barbados. These proceedings commenced in 1998, some 17 years ago. The substantive hearing in the High Court commenced on the 7th of February 2000 and after a three-week hearing the trial judge reserved judgment. After several requests for the delivery of the High Court judgment the trial judge finally gave his decision on the 8th of June, 2005. (A three-week hearing in 2000 and a decision is given in June 2005 more than five years after the substantive hearing in the court observed). Ward filed his appeal in relation to the High Court judgment on the 18th of July 2005 and the appeal was eventually heard on the 20th and 21st of September 2011, over six years later.’

To be fair that was when the appeal was heard and what we are talking about here is delivery of a judgment so that delay is a delay of the system that we have to wrestle to the ground too.

Mr. Speaker, it goes on:

“Over a year later the Court of Appeal issued its judgment on the 28th of November 2012. This type of delay imposes hardship on the litigants. This is a case where the hardship is obvious. The delay also reflects adversely on the reputation and creditability of the civil justice system as a whole and reinforces the negative images which the public can have of the way judges and lawyers performed their tasks”.

I will remind you, Sir, that in a debate earlier today dealing with bail I made reference to a decision called the *Queen v. Hall* where the Chief Justice of Canada said people look to the courts for protection.

The judge goes on:

“The unfortunate frequency of our lament suggests that the problem is systematic. In *Barbados Rediffusion Services Limited v. Asha Mirchandani*, President, De la Bastide, as he then was, said: “We would be failing in our duty if we did not express our strong disapproval of judicial delays of that order. They denied parties the access to justice to which they are entitled and undermined public confidence in the administration of justice”. That is the ‘chicken and Ram’ case, I believe, Sir.

In another Barbadian appeal, *Yolande Reid v. Jerome Reid*, Justice Saunders says:

“This is the second time we have had occasion to call attention to inordinate delay in the delivery of judgments in Barbados. (Not in St. Lucia, Sir, in Barbados). He goes on:

“We trust that effective remedial action if not already taken will now be taken to ensure that judgments are delivered within a reasonable time as required by the Constitution of Barbados”.

In *Sea Haven Inc. v. Dyrod*, Mr. Justice Hayton, another judge, said:

“This is a most unsatisfactory situation that needs to be remedied and we trust that the new Civil Procedure Rules will considerably improve matters”. It did not happen, Sir. In *Colby v. Felix Enterprises*, Mr. Justice Hayton referred to an approach in the English Court where the English judge said: “This extraordinary delay clearly calls for an apology and if any existed, an explanation of the mitigating circumstances”.

In *Systems Sales Limited*, another Bajan case, President Sir Dennis Bryon noted that:

“The Court deplores the fact that parties are denied justice in a timely manner and recalls that this must bring the administration of justice into disrepute and undermine public confidence. The consistent need for the repetition of this disapproval and over such a long period of the delays in the system, accompanied by calls for remedial action, makes the situation extremely deplorable”. Reaction can no longer be put off. This is an aspect of the judicial role for which there should be accountability. We urge the Judiciary to take steps to address the problem of delay in the judicial process and ensure that citizens enjoy the benefit of the constitutional promise of a fair and expeditious resolution of disputes”.

Sir, that extract from the *Walsh v. Ward* decision would cause any right-thinking member of the Barbadian society to cry shame on the functioning of our judicial system. These are distinguished international jurists who repeatedly have found it necessary to draw attention to delays in our judicial system which they described as obviously being systemic, and instead of grappling with the situation, Sir, we have had excuses. Our last Prime Minister said, as far as he was concerned he was going to come out of the Caribbean Court of Justice because they are slandering Barbadian judges and criticising us wrongly. That is what our former Prime Minister said. He did not put an additional judge on the Bench. He did not do a single thing to improve the administration of justice but just

complained that the Caribbean Court of Justice was talking badly about us.

Sir, everything that the Caribbean Court of Justice has described there has been and is factual, so we have a choice, we could say, well, we could try and pick at it or we could do all kinds of things, but do you know what? We have judicial officers who have in excess of 25 decisions to deliver.

Mr. Speaker, if I were a litigant and I had invested my time and my effort in fighting a case, it is because the other side and I have a dispute that we cannot resolve among ourselves and we have decided to have recourse to the constitutional mechanisms which are in place in an orderly society, called a court, and a court has a responsibility to sit. In this context that is a term of art but what it means is that every judge has a legal obligation to hear matters and to dispose of those matters, so sitting does not mean that you come and sit on the Bench and have lawyers come and talk; the duty to sit includes, as an inextricable part of it, the disposition of the case.

Sir, this has been going on for too long and as I said this is not an easy place to be because I believe that the other lawyers in here consider many of these individuals to be friends. Sir, it just occurred to me that at least one of them considers one of these individuals to be a spouse, so these are not easy things to do, but throughout the ... of the Caribbean Court of Justice there is that golden thread of accountability. Mr. Speaker, you are accountable. I am accountable. The Clerks at the table are accountable. Everybody is accountable and all that we are saying is that our judges need to be accountable to the people and the system that they serve.

Mr. Speaker, the issue is not whether you can write a decision in six months. In fact, the Caribbean Court of Justice and other courts have repeatedly said that only the most complex of cases should take you more than three months to write. There is a code of judicial conduct that all of our judges have signed on to where they agreed that they will deliver judgments within eight months of hearing the matter, yet we could have a judge who has retired and has gone home and there is a decision that he still has not given. I only mentioned that because that really is an extreme case. I know of one in particular, but we have judges with decisions that are outstanding for five years.

Mr. SPEAKER: Honourable Member, trust me, [it is] more than that, [it is] more than five years.

Hon. D. D. MARSHALL: Mr. Speaker, Sir, we have had instances where people have had to bring constitutional motions against the Crown because of delays in giving decisions. We have had instances where individuals have died and either the case cannot be completed or they have

lost the fruit of any decision that is given. There is no other aspect of our society that we would accept this kind of situation, none. Sir, if somebody goes to the Casualty and waits for half-hour they [would be] calling the Honourable Member for St. Andrew or the Honourable Member for St. Joseph asking to get ahold of somebody, that they have been there too long, but somehow the rest of us are supposed to accept that delays in the delivery of judgments is right. It is wrong and as a Parliament it is important that we send a signal.

Mr. Speaker, Sir, it is not about how long it takes to write a judgment, it is about how long it takes you to deliver your decision. There are numerous instances, throughout all of our legal education, you see sometimes you see the judge gives a decision and says to the litigants [that they] can render a written decision if it is required. Sir, many matters can be disposed of in that way. Mr. Speaker, Sir, what is surprising is that when these judges sit on the Criminal Bench and the matter is heard, they do not adjourn for five years, then to come back and give a summation to the jury; generally, the summation to the jury of sometimes evidence of 30 or 40 people is done within a few days, Sir. But in civil jurisdictions where now you have written submissions, skeleton arguments, all of these things, everything is there, Sir, Mr. Speaker, Sir, the process to the removal of judge so far as I am aware has never been undertaken in Barbados and I hope to God that it never is [undertaken] but there is nobody who could say that we are being unfair to anybody because we are increasing the numbers of judges, we are helping to get rid of the backlog, we are creating more courts and specialised courts. Sir, all of these things we in the Executive and Parliament are doing so as to ensure that justice is delivered with all possible dispatch. It is only fair, Sir, that on the other side of the coin that we should say to our judges, [to] meet the people of Barbados halfway.

Mr. Speaker, Sir, I will not trouble the Honourable Chamber to speak on the other elements of the Constitution (Amendment) Bill, 2019, dealing with the public service, I believe that the Honourable Prime Minister and others have dealt with that admirably. I can only say that there is that old adage: "To whom much is given, from him much is expected." Our judges are in a very rarified element; few people in our constitutional arrangements have the kind of protection that they have, they have protection which says that you cannot alter their terms and conditions, that in order to remove them you have to go through all kinds of processes. Sir, all we are asking the judges to do is to honour their commitment to do justice to the people of this country by giving decisions, and in a reasonable time.

When we set up a commercial court the nature of commercial court work has to be that decisions have to be given quickly, so I am obliged to the Honourable Members of this Honourable Chamber for their support for this Bill.

This too requires, as you are aware, an amendment to the Constitution and we look forward to your support. I commit not just to the public of Barbados but to the judges as well who, I am sure, work hard. We are going to give them everything that they need but the people of Barbados need justice and justice delayed is always justice denied. I am obliged to you, Sir. I now beg to move that this Bill be read a second time.

Hon. E. G. HINKSON: Mr. Speaker, I beg to second that, Sir.

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

On the motion of Hon. D. D. MARSHALL, seconded by Lt. Col. the Hon. J. D. BOSTIC, the House resolved itself into Committee on the Bill. Dr. Miss S. E. BROWNE, Chairman of Committees, in the Chair.

Madam CHAIR: This Honourable House is now in Committee.

COMMITTEE

Clauses 1 - 2, inclusive, were called and passed.

Hon. D. D. MARSHALL: Madam Chair, we wish to propose an amendment to Clause 3(c):

“for delay of more than six months in delivering a judgment” and substituting: “for delay of more than six months in delivering judgments.”

The reason for that is so that it could not be said that for delaying for one judgment that the judge would face removal.

Clause 3 (as amended) was called and passed.

Clauses 4 -- 10, inclusive, were called and passed.

Clauses 11 -- 15, inclusive, were called and passed.

Clause 16 -- 22, inclusive, were called and passed.

On the motion of Hon. D. D. MARSHALL, seconded by Hon. Miss C. Y. FORDE, Madam CHAIR reported to His Honour the SPEAKER the passing of one Bill in Committee (with amendments) and His Honour the SPEAKER resumed the Chair and reported accordingly.

On the motion of Hon. D. D. MARSHALL, seconded by Lt. Col. the Hon. J. D. BOSTIC, the Bill was read a third time and passed and cited as the Constitutional (Amendment) Bill, (No. 1) Act, 2019.

RECOMMITTAL OF PAPERS

Mr. SPEAKER: Honourable Member for St. Michael North.

Hon. R. St.C. TOPPIN: Mr. Speaker, I am commanded to lay the Corporate Affairs and Intellectual Property Office Business Plan, 2019-2020.

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

Hon. R. R. STRAUGHN: Mr. Speaker, I am commanded the Quarterly Report on State-owned Enterprises for the quarter, October -- December, 2018.

RECOMMITTAL OF STATEMENTS BY MINISTERS

Mr. SPEAKER: Honourable Member for St. Michael North.

Hon. R. St.C TOPPIN: Mr. Speaker, this Ministerial statement concerns the development of initiatives to strengthen the Corporate Affairs and Intellectual Property Office (CAIPO) with a view to providing greater efficiency and effectiveness of that office. The Department's mission is to provide and maintain within the framework of the law and the available resources a reliable system of public records and an efficient registry service which supports the commercial activities of the public and private sectors, as well as the development of Barbados' domestic and international trade and business. Mr. Speaker, this Government is committed to entering into a public-private partnership to outsource the management of operations at CAIPO. This partnership will provide greater efficiency and timeliness in the registering of new businesses and the operations of CAIPO generally. It was originally envisaged that certain arrangements would have been in place by the beginning of this new financial year. However, it is now expected that these reforms will instead take effect during the first half of the financial year. In the interim, the officials at CAIPO thought it prudent to prepare a Business Plan which would implement some needed adjustments and improvements to that office pending the commencement of the proposed partnership.

The goals and objectives of these initiatives are to improve the operations of the Corporate registry through improved technology and the effective utilisation of the optimum staffing levels to bring about the following changes:

- Processing of business name searches and reservations same-day response

- Processing of applications for the incorporation and organisation of companies and societies, one day provided that the applications are in order

- Registration of companies as external companies, two days provided that the applications are in order

- Registration of business names, same day

- Processing of applications for the issuance of a Registrar's Certificate or a certificate of Good Standing, same day

- Processing of posts, incorporation, filing of records, five days

- Processing of posts incorporating changes, for example debentures, bills of sale and business names, three days, Mr. Speaker.

Sir, in 2015, an e-filing platform was introduced at the Corporate Registry to facilitate the electronic filing of applications for the registration and incorporation of businesses and corporate entities, the examination of applications by the officers of the Corporate Registry and the registration or incorporation of businesses and corporate entities by the Registrar of Companies, evidenced by the issuance of a Certificate of Registration or Incorporation. However, the facility stopped short of full electronic processing as the Certificate is presently being physically signed by the approving officer for issuance. This is to be rectified, Mr. Speaker, by mid-April 2019. Further, currently it is only possible for local entities and persons to make payments directly online. It is our intention to be able to allow online payments from our overseas clients as well. This is expected to be remedied with the proposed Government e-payment platform, which will allow the users to review all of their obligations to the Government of Barbados and make payments as required.

Payments will be done via the red application, using direct debit or credit card via a payment process, Sir. The e-payment platform will allow the customer to have a full view of all obligations and payments made to the Government of Barbados, regardless of the channel used for payment. This is expected to result in an increase in business as well as revenue. It is recognised that the current level of human resources at CAIPO is resulting in the under-performance of the Corporate Registry. Accordingly, going hand-in-hand with the improvement in technology will be the provision of adequate staffing levels throughout the Registry to strategically refocus it to achieve the intended results regarding the timelines in registering all business entities. The redeployment of the staff complement both legal and administrative will also ensure that the requisite skills and proficiencies are assigned to the most vulnerable areas of the corporate registry, thus

generating greater immediate positive outcomes. Our aim is to ensure that improved business facilitation results in increased revenue and an overall improved experience at CAIPO. A business plan has been prepared for the corporate affairs and intellectual property office and they lay a copy of this document here today. We strive to make our corporate registry and intellectual property office the best that it can be while servicing by basis domestic international trade and business. Thank you, Mr. Speaker.

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

Hon. R. R. STRAUGHN: Mr. Speaker, this is a ministerial statement on the reform of the state run enterprises. As you are aware, Barbados has developed a homegrown economic program that is being supported under the International Monetary fund extended fund facility. One of the key elements of this program is the reform of state-owned enterprises. The state-owned enterprises in Barbados the standard in the present Barbados currently consists of 50 entities of this amount 37 being classified as commercial state-owned enterprises while the remaining 21 have public service and regulatory objectives and are being classified as noncommercial state-owned enterprises. Normally transfers from central government to state owned enterprises are extremely high and our major contributor to fiscal risk. We are, therefore, aiming to reduce these transfers by a combination of much stronger oversight of state-owned enterprises, improved reporting, costs reduction, revenue enhancement and mergers and divestments. A number of state-owned enterprises are being reformed under the extended fund facility program and will be closely monitored through structural benchmarks allowing for timely implementation of additional measures should slippage occur. One of these structural benchmarks is the requirement that the standardised quarterly financial report is laid in parliament. The quarterly report at December 31st 2018 reports on 51 state owned enterprises out of 57 that are being monitored which represent a 90 per cent compliance rate. Some six state owned enterprises have therefore not complied and this is a clear contravention of the directives from the Director of Finance and Economic Affairs which stipulates that state owned enterprises were to report their quarterly financial information by the 5th of the month following the end of the quarter as well as submit restated financials at December 31st 2018 in respect of the write off of intergovernmental arrears.

The report summarises the arrogant performance of the state-owned enterprise sector for the quarter with their fiscal position being impacted by the government's write off of transactions occurring between the state-owned enterprises and central government which affected outstanding amounts for receivables, payables and loans. The analysis of the data suggests that the state-owned

enterprise portfolio to a large extent had underperformed during the quarter and this was demonstrated in the ratios for profitability, liquidity and debt which were predominantly below the acceptable benchmarks.

Mr. Speaker, on the surface the third quarter marked an encouraging period for the state-owned enterprises in terms of performance with the entities reporting and aggregate net profit of 186.82 million. The commercial state-owned enterprises were the major contributors accounting for 92 per cent or 171.77 million of the total while the noncommercial state owned enterprises accounted for the remaining 8 per cent or \$15.05 million. However, these profits earned by the state-owned enterprises were largely as a result of the intergovernmental write off exercise which resulted in a number of the state-owned enterprises posting to other income the payable balances that were written off. This one-off transaction had the effect of increasing the overall revenue totals for the quarter. Excluding the write-off, the noncommercial state-owned enterprises would have reported a net profit of 1.86 million while the commercial entities would have reported a net loss of \$14.20 million. The entities identified for reform reported a net profit of \$117.42 million for the quarter with the results being largely influenced by government grants as well as the write off. In that loss of \$161.01 million would have been recorded had the government subvention and the write off of interagency balance been included.

There were five top profit earners within the group Barbados Natural Oil Company Limited and Barbados National Terminal Companies Limited consolidated. Caribbean Broadcasting Corporation, Barbados Agricultural Management Company Limited, National Petroleum Corporation and the Queen Elizabeth Hospital which reported profits totaling \$77.17 million, \$44.12 million, \$34.69 million, \$19.18 million and \$14.03 million respectively. However, without including government grants and the write off only two of these five state owned enterprises would have recorded a profit namely the Barbados National Oil Company Limited 2.14 million and the BAMC \$1.13 million. Conversely there were some significant loss makers namely the Barbados Tourism Marketing Inc, the Barbados Transport Board and Caribbean Aircraft Handling Co Limited with reported net losses of \$7.69 million, \$7.12 million and \$5.25 million respectively. As previously mentioned, the analysis of the financial ratio showed a concerning trend of low levels of liquidity across the large portion of the state owned enterprises sector particularly within the commercial state owned enterprises where it was shown that this group recorded a working capital deficit of \$65.08 million. Approximately 20 state owned enterprises recorded current ratios that were just slightly above or below the minimum acceptable benchmark of one. Ranging between 0.07 and 1.40. The Student Revolving Loan Fund, Fund Access,

Enterprise Growth Fund Limited and Caves of Barbados were the main exceptions to this trend as these entities recorded significantly high ratios of 173 to 1, 43 to 1, 25 to 1 and 19 to 1, respectively. The analysis suggested that liquidity was largely suboptimal especially within commercial state-owned enterprises and to a lesser extent within a number of the entities included in the group in the extended fund facility program. This situation could lead to the state-owned enterprises accumulating a raise which has the effect of increasing the government of Barbados exposure to financial risk. The debt-to-equity ratio at the aggregate level stood at 1.93. Placing it above the traditional benchmark of 1. As suggested that for every dollar in equity the group had \$1.93 in debt. Within the commercial and noncommercial state-owned enterprise portfolio, however, there was a level of contrast. The commercial state-owned enterprise recorded a high debt to equity ratio of 2.10 while the non-commercial entities debt to equity ratio was favourable and stood at 0.65. Further, regarding entities identified for reform, the debt to equity ratio was relatively high at 1.68. However, given the debt restructuring exercise is still ongoing and this is expected to address this area. It is therefore important that state-owned enterprises continue to be closely monitored to ensure that these financial challenges when corrected do not re-occur.

Two other areas of concern relate to some entities over dependents on Government and to the cost recovery ratio. Government's subventions and grants was shown to be an important contributor to the total revenue of the state-owned enterprises, accounting for 30 per cent of the aggregate total revenue. In the commercial state-owned enterprises, Government subventions represented 22 percent of the revenue. This is in contrast to the non-commercial sector, where the contribution of Government subvention was substantial accounting for 65 percent of their revenue. Operating revenue Sir as a percentage of operating expense which is the cost recovery ratio, was slightly below the benchmark and stood at 93 percent for non-commercial entities, 90 percent for commercial entities and 97 percent for all the entities in the program. This suggest these entities were not generating enough operating income to cover their operating expenditure. Regarding the commercial entities this indicator was especially concerning as this sector should be more profit focus. At least ten commercial entities had cost recovery ratios of less than 50 percent, with four of these having ratios of zero. The above largely indicates that cost recovery is generally poor in the state-owned enterprise sector and underscores the importance of the need for thorough review of the tariff and user fee structures to address this peculiarity. The identification of areas where cost can be streamline would also contribute to improving the operating performance of the state-owned enterprises.

Mr. Speaker, Sir, the arrears of state-owned enterprises is an issue that has plagued the country for a number of years. This issue was of significant concern to the Government as the size of the deficit was directly impacted by these arrears. The Government in its attempt to address this issue has institute a number of measures to clear a significant proportion of the arrears held by the state-owned enterprises. Initiatives that were introduced include the arrears of the five major state-owned enterprise suppliers as part of Government's debt restructuring programme, writing off inter-governmental transactions occurring between state-owned enterprises and other public sector bodies and the Government offering discounted settlements to suppliers for arrears occurring prior to September 30, 2018. For the latter measure, state-owned enterprises were instructed that the arrears were not to be liquidated by them and their balances were to remain constant until the Government settles the amount. The state-owned enterprises were also instructed that they should no longer be accumulating arrears from the aforementioned date. The data however, largely suggests that they are still a few issues with regards to the management of arrears, but these are being dealt with accordingly. Although a number of reasons have cited for this, it is unacceptable as it can derail the programme if not stemmed. One of the major highlights within the state-owned enterprise sector relates to the impending enactment of the Public Finance Management Act. This legislation is scheduled to be proclaimed shortly and should provide the Government with a strong legal framework that would target the areas of deficiency within the state-owned enterprises that include gaps in accountability, transparency and fiscal prudence.

The standardisation of the financial reporting within the state-owned enterprises is also an area that is to be addressed and this would have the dual purpose of assisting in improving the comparability of the state-owned enterprises financial statements as well as improving on the quality of financial data and accompanying notes being submitted. Efforts are also being undertaken by the Government to accelerate the completion of the audited financial statements of the state-owned enterprises, where a considerable amount of them are in backlog. This exercise which is also key requirement of the IMF supported program would greatly assist the Government as the owner and shareholder of the state-owned enterprises to obtain better assurance with regard to the reliability of the information contain in the financial statements. The consolidated database will also be developed to ensure that information is more timely and accurate.

Unfortunately, the analysis of the data suggests that the state-owned enterprise portfolio to a large extent underperformed during the quarter under review and that the financial performance was weak at both the aggregate and within the groupings. Additionally, although it is

appreciated that a lot of work is being done on the financial analysis side, the risk management and non-financial areas will need to be strengthened. It is apparent therefore, that despite the strides that we have made, there is still a lot of work to be done. I am obliged to you Mr. Speaker.

REVERT TO GOVERNMENT BUSINESS

ORDER NO. 2 – FINAL APPROPRIATION 2017-2018 BILL, 2018

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

Hon. R. R. STRAUGHN: Mr. Speaker I beg to move that the Bill be read a second time.

Hon. K. D. M. HUMPHREY: I beg to second that Sir.

The question that the Bill be read a second time was put and resolved in the affirmative without division.

On the motion of Hon. R. R. STRAUGHN, seconded by Hon. K. D. M. HUMPHREY, the House resolved itself into Committee on the Bill. Dr. S. E. BROWN, Chairman of Committees, in the Chair.

Madam CHAIRMAN: This Honourable House is now in Committee.

COMMITTEE

Clause 1 was called and passed.

Clause 2 was called and passed.

Clause 3 was called and passed.

Clause 4 was called and passed.

The Schedule was called and passed.

Hon. R. R. STRAUGHN: Madam Chair, the Amendment at Clause 1 relates to the name of the Bill. I am asking for an amendment for the Bill to be cited as the Final Appropriation Bill (2017-2018) Act, 2019 as opposed to 2018.

Hon. J. A. KING: I beg to second that.

The question that Clause 1 as amended do now pass was put and resolved in the affirmative without division.

Clause 1 as amended was passed.

On the motion of Hon. R. R. STRAUGHN, seconded by Hon. J. A. KING, MADAM CHAIRMAN reported to His Honour the SPEAKER the passing of one Bill with amendment in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motion of Hon. R. R. STRAUGHN, seconded by Hon. J. A. KING, the Bill was read a third time and passed and cited as the Final Appropriation, (2017-2019) Act, 2019.

ADJOURNMENT

Lt. Col. the Hon. J. D. BOSTIC: Mr. Speaker, that brings us to the end of Government Business for the day and I beg to move that the House be adjourned until Tuesday, April 09, 2019 at 10.00 a.m.

Mr. G. W. PAYNE: I beg to second that, Sir.

Mr. SPEAKER: Before we stand adjourned, I wish to inform this Honourable Chamber that I will be out of the jurisdiction from the 4th day of April until the 12th day of April. I will be attending the 140th Inter-Parliamentary Union Assembly in Qatar which will examine the role of Parliaments as platforms to enhance education for peace, security and the rule of law. I will be accompanied by the Clerk of Parliament and also Senator Damian Sands from The Honourable Senate. In my absence obviously the Deputy Speaker will stand in the Chair in this stead.

The question that the House be adjourned until Tuesday, Tuesday, April 09, 2019 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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BOSTIC, Lt. Col. the Hon. J. D.
CHAIR, Madam
CLERK, Mr.
DUGUID, Hon. W.F.
FORDE, Hon. A. R.
FORDE, Hon. Miss C. Y.
GOODING-EDGHILL, Hon. G. P. I.
GOODING-EDGHILL, Mr. I. A.
HINKSON, Hon. E. G.
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JORDAN, Hon. C. E.
KING, Hon. J. A.

MARSHALL, Hon. D. D.
MOTTLEY, Hon. Miss. M. A.
PAYNE, Mr. G. W.
PHILLIPS, Hon. P. R.
STRAUGHN, Hon. R. R.
TOPPIN, Hon. R. St.C.
WEIR, Hon. I.A.

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EDITORIAL NOTES — NOT PART OF THE REPORT

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

EDITORIAL QUERIES

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

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

Q2. Bail (Amendment) Bill, 2019, division. The division is recorded after the note that the Bill was passed and cited, and the Clerk's announcement ends incomplete: '27 Honourable Members voted 27 ayes and therefore in accordance with Section 49 of the Constitution.' Printed as in the source.

Q3. Order No. 15, division. The division list names 27 Members as voting Aye, but the list gives 'Total: 26' and the Clerk announces that twenty-six Members voted in favour. Printed as in the source.

Q4. Orders Nos. 15 and 16, titles. Order No. 15 is headed 'CONSTITUTIONAL (AMENDMENT) BILL, 2019.' (the notice and first reading give 'The Constitution (Amendment) Bill, 2019') and no citation is recorded for it after the division. Order No. 16 is headed 'CONSTITUTION (AMENDMENT) NO.2, 2019' but was cited as 'the Constitutional (Amendment) Bill, (No. 1) Act, 2019', and no division is recorded on its third reading. Printed as in the source.

Q5. Order No. 2, Final Appropriation Bill. The heading reads 'FINAL APPROPRIATION 2017-2018 BILL, 2018'. In Committee Hon. R. R. Straughn moved that the Bill be cited as 'the Final Appropriation Bill (2017-2018) Act, 2019', but it is recorded as cited as 'the Final Appropriation, (2017-2019) Act, 2019'. Printed as in the source.

Q6. Name of the Member for St. Michael West Central. The Member appears as 'Mr. G.P.I. GOODING-EDGHILL' in the PRESENT list, 'Mr. I. A. GOODING-EDGHILL' and 'Hon. G. P. I. GOODING-EDGHILL' in speech labels, and 'Mr. I. G. P. Gooding-Edghill' in the second division list. Printed as in the source.

Q7. Suspension and Adjournment. The question on the evening suspension begins with a stray character ('The question that the Sitting do now suspend'), and the question on the adjournment reads 'until Tuesday, Tuesday, April 09, 2019'. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met on Tuesday, 2nd April, 2019 at 10.00 a.m., with His Honour A. E. Holder, Speaker, in the Chair; prayers were taken by the Reverend Mark Harewood. The Minutes of 12th March, 2019 were confirmed and those of 20th March deferred. Lt. Col. the Hon. J. D. Bostic laid the Financial Statements of the Board of Management of the St. George Secondary School for the years ended 31st March, 2007 to 2012, and the Attorney General, Hon. D. D. Marshall, Member for St. Joseph, had two Constitution (Amendment) Bills, 2019 and the Bail (Amendment) Bill, 2019 read a first time. Orders Nos. 5 and 9 were withdrawn and replaced by Orders Nos. 15 and 16.

Moving the second reading of the Bail (Amendment) Bill, 2019, Hon. D. D. Marshall said there had been 20 murders so far that year, 12 of them gun-related, and that of 260 homicides in the decade ending the previous year 140 were caused by firearms, against 101 of 267 in 1999 to 2008. He traced bail since the Bail Act of 1996 and explained that the Bill was drafted to require a constitutional majority because it touched the liberty of the subject. The Prime Minister, Hon. Miss M. A. Mottley, supported the Attorney General on the protection of the State and the public interest. Hon. W. A. Abrahams, Member for Christ Church East, defended the Royal Barbados Police Force; Hon. Miss C. Y. Forde, Member for St. Thomas, called for more special needs programmes for children. After lunch the Leader of the Opposition, Bishop the Hon. J. J. S. Atherley, objected to locating the origin of crime in the last ten years but supported the Bill; Hon. E. G. Hinkson, Member for St. James North, Hon. A. R. Forde, Member for Christ Church West Central, and Hon. J. A. King, Member for St. Philip West, also supported it. Hon. D. D. Marshall referred in reply to the gun amnesty. The Bill passed, and a division gave 27 Ayes and no Noes.

On Order No. 15, Hon. D. D. Marshall explained that the earlier constitutional amendment on the death penalty, which made it a matter for the judge's discretion rather than mandatory, had been passed by the House but rejected by the Senate, and that the provision which concerned the Independent Senators had been removed. The Bill passed without debate, 26 Members being recorded as voting in favour on the third reading.

Order No. 16, a further Constitution (Amendment) Bill, was introduced by the Prime Minister. It establishes new Service Commissions and concerns the Judiciary; she

spoke of a modern human resources framework for the Public Service and of the Forde Constitutional Review Commission, and of matters the Government had inherited, such as doctors' gratuities unpaid for six to ten years. Hon. C. E. Jordan, Member for St. Peter, and Mr. G. P. I. Gooding-Edghill, Member for St. Michael West Central, supported the Bill, and Bishop the Hon. J. J. S. Atherley raised delays in the system. After an evening suspension Hon. E. G. Hinkson described the Protective Service Commission to replace the Police Service Commission and a General and Administrative Services Commission, and Hon. W. A. Abrahams spoke on the Judiciary. Hon. D. D. Marshall said in reply that the Bill expanded the grounds for removing a judge to include delay; in Committee he amended Clause 3(c) to read 'delay of more than six months in delivering judgments', so that one delayed judgment would not lead to removal. The Bill passed.

Hon. R. St.C. Toppin, Member for St. Michael North, laid the Corporate Affairs and Intellectual Property Office Business Plan, 2019-2020 and made a ministerial statement on strengthening that Office, and Hon. R. R. Straughn, Member for Christ Church East Central, laid the Quarterly Report on State-owned Enterprises for October to December 2018 and made a statement on their reform under the homegrown economic programme supported by the International Monetary Fund. Hon. R. R. Straughn then moved the Final Appropriation Bill for 2017-2018, which passed after an amendment to its citation.

Before the adjournment the Speaker informed the House that he would be out of the jurisdiction from 4th to 12th April to attend the 140th Inter-Parliamentary Union Assembly in Qatar. On the motion of Lt. Col. the Hon. J. D. Bostic, seconded by Mr. G. W. Payne, the House was adjourned until Tuesday, 9th April, 2019 at 10.00 a.m.