
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

THE SENATE

Monday, April 4, 2005

The Senate met in the Senate Chamber, Parliament Buildings on Monday, April 4, 2005, at 6.00 p.m.

PRESENT

His Honour Senator Sir Fred GOLLOP, K.A. (President)

Her Honour Senator Dame Patricia SYMMONDS, D.B.E., G.C.M., B.A. (Hons.) (P.G.C.E.), (Deputy President)

Senator the Hon. E. R. GRIFFITH, G.C.M., B.A. (Econ. & Hist.), Dip. Pub. Admin., M.S.C. (Financial Studies), J.P. (Minister of Agriculture and Rural Development) (Leader of the Senate)

Senator R. W. GRANT, B.A. (Econ.), G.Dip., M.A., J.P. (Parliamentary Secretary, Ministry of Tourism and International Transport)

Senator the Hon. J. E. D. WILLIAMS, B.Sc. (Hons.), M.Sc., M.B.A., J.P. (Minister of State, Prime Minister's Office and the Ministry of Civil Service)

Senator T. E. BARKER, B.A. (Hons.), M.A. (Econ.), J.P. (Parliamentary Secretary, Ministry of Finance and Economic Affairs)

Senator G. P. B. NICHOLLS, B.Sc. (Hons.), LL.B. (Hons.)

Senator Miss P. E. PARRIS, J.P.

Senator Miss. S. C. V. HUSBANDS, B.A. (Hons.)

Senator Sir Allan C. FIELDS, KCMG

Senator Dr. F. L. CHANDLER, B.Sc. (Hons.), Ph.D.

Senator Sir Roy TROTMAN, K.A., M.A.

Senator R. O. MARVILLE, B.A. (Hons.), M.A., African Studies, M.B.A.

Senator the Very Reverend H. E. CRICHLAW, G.C.M., B.A. (Hons.) (Dunelm)

Senator I. St. C. LINTON

Senator G. P. I. GOODING-EDGHILL

Senator Dr. D. S. LOWE, Ph.D., Dip. Theology, B.A., MED, ED.D.

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

Prayers were led by Reverend Father Errington Massiah.

Mr. PRESIDENT: This Senate is in session.

MOTIONS RELATING TO THE BUSINESS OR SITTING OF THE SENATE AND MOVED BY A MINISTER

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that Standing Orders Nos. 22 (1) and 45 (2) be suspended for the remainder of this Sitting.

The question was put to the Senate and agreed to.

FIRST READING OF BILLS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that the following Bill be read a first time:

Prisons (Amendment) Bill, 2005.

The question was put to the Senate and agreed to.

PUBLIC BUSINESS

ORDER NO. 1 – PRISONS (AMENDMENT) BILL, 2005

SENATOR THE HON. E. R. GRIFFITH: Mr. President, during the past week, the country witnessed some unusual events which created a number of challenges for the Superintendent of Prisons and the security forces of the country.

Fortunately for us, all of those who were involved in the stabilisation of that situation, including those from the private sector, rose to the occasion and were able to contain what was a potentially explosive situation. Sir, had it been allowed to get out of hand, it could have created a few problems for us.

Unfortunately as all of us know, there was the loss of one life, as the unrest took place at Glendairy. We regret that but we are glad that it did not get worse than that the security forces and the prison officers were able to control the situation to some extent.

It is the unrest that took place over the past week that has caused us to be back in the Senate a bit earlier than we had anticipated. The Government decided that the situation is such that we should meet urgently to provide the legislative framework which would give legal authority to those persons who are involved in maintaining law and order at the prison sites so that they could continue to provide assistance to the Superintendent of Prisons and do so within the laws of the land.

Mr. President, as you know, there were some fires at Glendairy Prison which made that facility unusable and the prison population has had to be housed at a number of locations across the country. Some prisoners are patients at the Queen Elizabeth Hospital and a few are patients at the Psychiatric Hospital. The current situation is such that all the prisoners from Glendairy Prison have been evacuated and are at these various locations which the Government has chosen not to disclose until it is satisfied that all of the measures which are necessary to ensure the safety of the prisoners, the persons who have to maintain law and order at those sites and the population generally are in place.

Mr. President, it is true that Barbados is a small country of 166 square miles so the persons who reside in the immediate surroundings of those sites would be aware of what is taking place. However, that in itself is not enough reason for us to take any action which is likely to create fear in the minds of the general population. Therefore, we believe that we should still keep those locations out of the public domain until we are satisfied that every necessary precaution has been taken and that those sites are as safe as we would like them to be.

Mr. President, during the past week as the Superintendent of Prisons tried to bring some stability to the potentially explosive situation, he has had to rely on support from the Commissioner of Police and his forces, from the Chief-of-Staff and his forces and from the Regional Security System.

Mr. President, the reason we are bringing these amendments to the Prisons Act today is that for the medium term the Superintendent of Prisons would have to continue

to rely on assistance from these forces. You could well imagine how difficult it is now for the prison staff to supervise and manage several locations. It was difficult before with one prison and that difficulty has multiplied a number of times now that there is more than one sites across the place. Therefore, it is absolutely necessary that members of the Royal Barbados Police Force, the Barbados Defence Force and the Regional Security System continue to provide that support which the Superintendent of Prisons needs.

Mr. President, the Prisons Act is clear on who should interact with the prisoners. Therefore, those persons who are not prison officers have no legal basis for engaging in certain tasks in relation to prisoners. That is why the Government has seen it necessary to propose these amendments to the Prisons Act which would put it beyond any doubt that persons who are not now regarded as part of the Prison Service would be so regarded and will be under the jurisdiction of the Superintendent of Prisons. That is the purpose of the amendments before us today.

Mr. President, these amendments are not in any way seeking to deal with any issues that existed at Glendairy Prison prior to the unrest or to deal with any issue that may be at that site after the unrest. These amendments are strictly to provide the legal framework which would allow the members of the Royal Barbados Police Force, the Barbados Defence Force and the Regional Security System to have that legal authority that would cover them in the execution of any duties which the Superintendent of Prisons would ask them to undertake. The amendments are as simple as that.

Mr. President, I urge Senators to treat to the amendments in that context and to resist the temptation to deal with issues outside of the present problem which we are seeking to control. It is a question of making sure that Barbados remains safe, that the persons who are incarcerated at these particular sites are safe and that the persons who are charged with the responsibility of supervising them and managing that situation remain safe. There will be occasions when persons will be at liberty to raise whatever issues they want to raise, but in my view this is not the occasion for that.

Mr. President, I certainly do not have any answers at this stage as to why these events took place. Those answers would be provided in due course as indicated by the Minister of Home Affairs when the appropriate reports are prepared. If it is deemed necessary that an independent judicial inquiry should take place that too would bring forth answers to this situation. I am not going to presume that I have any knowledge of the situation at Glendairy Prison. In my early days at the Audit Department, I visited that institution merely to conduct audits and therefore...

Asides.

SENATOR THE HON. E. R. GRIFFITH: I spent what time was necessary to deal with the numbers. That is the extent of my knowledge of the institution and the environs. I will await the reports of those persons who have an intimate knowledge of the situation there before I enter any discussion on passing any judgment on the situation. The time will come when all of that will emerge and when it will be clear to everybody what the reasons are.

Suffice it to say, Mr. President, while we await those reports we need to make sure that those persons who are charged with the responsibility of maintaining law and order in the country and of ensuring that the prison population is well taken care of are kept safely on the inside so that those of us who are on the outside can continue to go about our business without any fear. The amendments before us are fairly straightforward.
6.20 p.m.

Mr. President, the Bill seeks to amend section (4) of the Prisons Act and to insert immediately after subsection (2) a number of subsections. These subsections are (3), (4), (5) and (6).

Mr. President, subsection 3 states:

“Notwithstanding subsection (1), where, pursuant to directions issued by the Governor-General under section 9(2) of the Defence Act, section 4B of the Regional Security System Act or any other law, any officer has been assigned to assist the Superintendent in relation to the management or operation of a prison for any period, that officer may perform the functions of a prison officer during that period under and in accordance with the directions of the Superintendent.”

Mr. President, as you know, when the Defence Force is involved, it does so at the request of His Excellency the Governor-General, in keeping with the provision of Section 9(2) of the Defence Act. The Governor-General is authorised to issue directions to that Force.

Mr. President, the Regional Security System Act embodies the treaty which deals with that institution and the amendment which is being proposed in the Schedule to this Act, deals with the section which allows the Governor-General to designate by order the officer who is to exercise the operational control referred to in Article 10(1)(a) of the treaty. In this particular case, my advice is that person to be designated would be the Commissioner of Police.

The amendment proposed in subsection (4) deals with the question of officer. Then in sections (a), (b) and (c) it sets out who are these persons.

- (a) an officer or soldier of the Barbados Defence Force;
- (b) a member of the service personnel of the Regional Security System;
- (c) a member of a disciplined force of a state that is not a Member State of the Regional Security System present in Barbados under any arrangement made with that State under the law of Barbados.

In Section (5) paragraph (c) section 4, the expression “disciplined force” is explained. It means:

- (a) a naval, military or air force;
- (b) a police force;
- (c) a prison service.

Subsection 6 states:

“Where at the request of the Superintendent, the Commissioner of Police assigns the police officer to assist the Superintendent in relation to the management of operation of a prison for any period, that officer may perform the functions of a prison officer during that period, under and in accordance with the directions of the Superintendent.”

Mr. President, I should say at this stage, because of a discussion which I heard elsewhere, that in dealing with the aftermath of this prison unrest, the Government could have gone the route of declaring a state of emergency. That route was not taken because it was felt that in itself would create a certain degree of uncertainty in people’s mind, not to mention the negative impact that could have resulted from a misunderstanding of the situation from persons outside of Barbados. Therefore, the Government chose to deal with the situation by this route.

Mr. President, contrary to some views which I heard also, Section 31 of the Prisons Act provides for the designation of temporary prisons, and that is the route which the Government chose to use. Therefore, the particular sites where the prisoners are now housed have been so designated on the recommendation of the Superintendent of Prisons and with the approval of the Minister of Home Affairs, who has the authority under that section to approve such a recommendation from the Superintendent of Prisons.

Mr. President, there is also a proposal to amend Section 26 of the principal Act by deleting subsection (1) and substituting the following:

“(1) Any person who, without lawful authority, enters or remains

(a) within such boundaries of a prison as the minister may by Order declare; or

(b) any place where prisoners are working,

shall be guilty of an offence and, if he refuses to leave when requested to do so, may be arrested by a police officer or a police constable.”

This is new. Previously that section dealt with persons who entered any place where prisoners are working. It was felt that in view of the fact that persons reside within fairly close proximity to some of the sites, it was necessary for the Minister to create boundaries and to have this provision, so as to prevent unauthorised persons from entering certain areas and lingering, and possibly compromising the security of that site. That is why this provision has been added, so that the Minister by order will be able to designate boundaries and persons who, without the appropriate authority, enter those boundaries, would then be considered to be in breach of the legislation.

Mr. President, my understanding is that Section 26 of the Bill has been amended, where it speaks about a person

“shall be guilty of an offence and, if he refuses to leave when requested to do so, may be arrested by a prison officer or a police constable.”

My understanding is that has been amended to say “police officer” instead of “police constable”. We expect to have the amendment very shortly.

Mr. President, Rule 87 of the Prison Rules which is being amended, currently gives the Superintendent of Prisons the authority to cut the hair of a prisoner, for medical reasons, if he perceives that there is a public health reason why that prisoner’s hair should be cut. What is being proposed now, is to widen the basis on which he can decide that a prisoner’s hair should be cut.

“(2) For the avoidance of doubt and without prejudice to anything in paragraph (1), where the Superintendent considers it to be reasonably expedient or necessary in the interests of

(a) public defence;

(b) public safety;

(c) public order; or

(d) public health,

the Superintendent shall cause the hair of any male prisoner to be cut to such length as the Superintendent determines.”

Mr. President, those of us who have listened to the briefing of the Minister of Home Affairs and the information provided by the Superintendent of Prisons a few nights ago, should not be unduly worried about this proposal. When we remember that many cases were related there of prisoners concealing various objects, some of them dangerous such as pen knives, in various body cavities and the fact that one of them was able to conceal a lighter in a piece of bread, among other things. Therefore, we do not feel that this proposal is one which should create any negative reaction particularly when we remember that in this day of dreadlocks and other forms of hairstyles there is the possibility that long hair can provide a safe haven for unwanted objects. We believe that the Superintendent of Prisons should be given the legal authority to ask a prisoner to cut his hair, if he has good reason to feel it is a possible area in which objects can be hidden that should not normally be in a prison setting.

6.30 p.m.

My advice from the lawyer is that until a case a few years ago, it was thought that the legal authority existed but after that case it was doubtful whether the authority existed. Therefore, Government has decided to make it clear within the law that the authority does exist and then leave it to the good judgement of the Superintendent how and when it should be used.

Mr. President, there is also an amendment to the Regional Security System Act as set out in Schedule which gives the Governor-General the authority to designate by order the officer who is in charge of operational control in Barbados. Taking regard to the fact that this is the first time that Barbados has had to access support from the Regional Security System, we did not have the opportunity before to deal with a situation like this. While two persons are identified in the existing provisions, it is felt that there is need to make it abundantly clear that His Excellency can decide which one of those persons will perform the duties in this particular case.

Mr. President, it is important to note that the involvement of the Defence Force in this situation is for specific times which are identified in the directions issued by His Excellency. In this particular case, I have been advised that it would be until the end of September. There is a similar limit to the involvement of the forces from the Regional Security System. My advice is that in the initial stage, they are with us for one month.

It is hoped that the number of sites which now house prisoners would be short-term sites but some of them would have to be a medium-term situation so as to provide an

opportunity for the appropriate assessment of the damage at Glendairy Prison to be done and for any remedial work to take place. Even though it is still the intention of the Government to pursue the decision to erect a new prison, this will take some time before it becomes a reality and in the meantime, we still have to provide adequate and safe surroundings for the existing prison population. The intention is that as soon as the remedial work is done at Glendairy Prison that there would be a decision to bring the use of those temporary sites to an end.

Mr. President, at this stage, I cannot tell you how long they would remain in their present state because it would depend on how much remedial work has to be done at Glendairy Prison and the time it would take to do that work. I would say, however, that these arrangements to relocate the prisoners are in some instances short term and in other instances medium term. They are not intended to be permanent solutions to the problem.

Mr. President, I do not wish to go beyond that at this stage but would simply urge fellow Senators to try to approach this situation which is an unprecedented one and which involves the security of the country, the safety and security of the prisoners, the safety and security of the personnel that have to supervise and manage them. We should take steps now to put in place the appropriate legislative framework that would give authority to the various persons involved in maintaining that safety and security, the right and ability to go about their duties so that all of us can feel safe in the country.

Mr. President, before I close, I wish to take the opportunity to commend the Minister of Home Affairs for the manner in which this unprecedented situation has been managed. I also wish to join with her and the Prime Minister in thanking all the security forces, prison personnel, members of the Fire Service, those persons from the private sector and the staff of other agencies of the Government for the hard work which was put in a short space of time and for making sure that what could have turned out to be a very dangerous situation was contained.

I also wish to join with them to thank the members of the public generally for their support and understanding, particularly those persons who reside close to this area. Mr. President, it is evident now that in spite of any differences we may have on issues that when the time comes for Barbadians to work together in the interest of the nation, that they have the ability to do so.

Mr. President, I beg to move that this Bill be read a second time.

Mr. PRESIDENT: Senator Stuart.

SENATOR F. J. STUART: Mr. President, I do not intend to delay the Senate on this matter. I believe that my colleagues in the Other Place gave the Government the support it needed earlier today and in this Chamber I do not intend to deviate from that example. We on This Side accept that Parliament has the power to make laws for the peace, order and good Government of Barbados according to Section 48 of the Constitution of Barbados. Sir, what measures need to be taken for the peace, order and good Government of Barbados is a question of the judgement of the Government at any given time. If the Government of Barbados today judges that these amendments are necessary for the peace, order and good Government of this country, the Opposition sees no reason to try to stand in the way of the Government.

6.40 p.m.

Mr. President, some time ago, in the early 1990s, the Democratic Labour Party, in office, had to make a judgement as to what was required for the peace, order and good Government of Barbados and made decisions which did not necessarily secure the kind of patriotic support which is now being commandeered by the Government but the decisions were made nevertheless and are now part of this country's history.

Sir, national security is very important in any country and the preservation of it is one of the fundamental obligations of the State. I believe going back, the writings of the English philosopher Thomas Hobbs, the point was made that the primary obligation of the State is to make its citizens feel secure and security can be either physical, political, economic security or whatever but whatever the issue of security confronting a country, the Government is empowered by the Constitution to make laws for the peace, order and good Government of this realm.

Sir, we do not call into question the Government's right to make the decision, which it is making today, and to make the amendments to the various pieces of legislation to the Prisons Act, the Regional Security System Act or the Prisons Rules as indicated in this Bill.

The Leader of Government Business made the point that the Bill does not deal with what will obtain at the prisons after the events of last week and does not deal with what obtained there before but since the Bill did not come out of thin air, there is a context within which the Bill has to be analysed and evaluated. It is true, as he indicated, that there were unprecedented events at Glendairy last week that have been described as the greatest challenge to the nation's security since Independence and that is no small claim to make for the events which occurred in Barbados last week.

Mr. President, the Bill before the Senate today reflects the policy focus of the Government in response to those

events. It is well-known that on matters of policy, the Cabinet is collectively responsible to Parliament, according to Section 64(2) of the Constitution. It is also a hallowed convention of the Constitution that Ministers are individually responsible for the departments that fall under their portfolio and the prisons fall under the portfolio of the Minister of Home Affairs and in accordance with that convention, the Minister has to accept full responsibility for the events which occurred at Glendairy last week.

Mr. President, we all know that for some time there were challenges at Glendairy and very recently an alarm was raised by an individual in Barbados, Dr. Rev. Gordon Matthews, about the state of affairs at Glendairy. He, I believe, in language quite characteristic of himself, said that it was in the nature of a time bomb just waiting to go off. An alarm was raised and I would certainly have thought that if the alarm was raised that some attempt would have been made to intervene in timely fashion to, in some way, try to steer Glendairy from the eruption which eventually occurred there. Sir, that did not happen.

In fact, what happened was that the Superintendent of Prisons went public to contradict and ridicule Dr. Rev. Matthews and the rest of course is now history. Sir, it is very unfortunate that the alarm that was raised by him was not taken more seriously.

I was not at all consoled when questioned subsequently in one of the briefings as to when last the Minister visited the prison and she indicated that she had not done so since some time last year. Sir, this is why I made the point about individual responsibility for a department as distinct from collective responsibility under the Constitution.

I hope, therefore, that when the dust settles ... because we are told that the stabilisation phase has come to an end. I believe that there are three announced phases which we have to go through. It was the stabilisation phase, the recovery phase and the return to normalcy phase. I think on Saturday night it was announced that the stabilisation phase had come to an end, so the situation is now stabilised and we now move onto recovery phase and hopefully, in the very near future to a return to normalcy.

Sir, the challenges of our prison have been the subject of much discussion in this country for some time and a recently commissioned report makes the point that the conditions in Glendairy were primitive and that overcrowding there was a serious problem that stood in the way of any meaningful attempts to rehabilitate the inmates who were there. In fact, remarkably, the report makes the point that about 600 persons at Glendairy, in other circumstances, should not have been there. They could have been punished otherwise and that would certainly have made

a fundamental difference to the challenges faced in that institution.

Mr. President, it was indicated by the report that at anytime about 30 persons at Glendairy are there as a result of being sent there for contempt of court arising from the failure to pay debts or the failure to maintain children. Sir, for some time in Barbados and certainly...

Sir, for sometime in Barbados and certainly over the last ten years in particular, there was the issue of repealing any legislation that allowed for imprisonment of persons who were liable for debts of any kind or civil debts for maintaining children.
6.50 p.m.

Mr. President, that was an agenda item around here for sometime. I believe it appeared in this Government's Manifesto in 1994 and a solemn pledge was made to repeal that legislation so that persons would not have to go to prison for debt.

I hope that the Government sees the wisdom now of confronting that issue because it is really not fair to persons who would not pay their debts to have to go to prison in circumstances where the overcrowding there could expose them to perils which they would not otherwise have to confront in normal life, outside of prison. Sir, in some cases, even a death sentence depending on whether they are lucky or not, when they occupy overcrowded cells with other prisoners, so that is one issue.

The other issue, according to the report which I read, was that about 125 persons in prison would be better treated at the Psychiatric Hospital because they suffer from mental illnesses and prison is an inappropriate place to deal with the peculiar challenges they face, as a result of those mental illnesses.

Then, according to the report there were others who could have been handled differently through community service orders where they could give something back to the society, rather than have to go to prison for what was really regarded by the persons writing the report, as minor offences.

Therefore, we have a whole panoply of concerns at which we have to look, if we are going to solve the problems at Glendairy. One of the principal concerns which has to be addressed is that of ensuring that only persons who really deserve to go to prison end up there, but that where other sentencing options can be used, that those options are utilised to the full. Therefore, I hope that in the return to normalcy phase, as it has been dubbed that those concerns will be embraced.

Sir, another issue, I think that would be useful to look at when dealing with the Prison is the management practices. In the not-too-distant past, it has been known that police officers were lifted up out of the Royal Barbados Police Force and sent to Glendairy Prison to perform the functions of prison administrators, in circumstances where they might not necessarily have been effectively and properly trained, for those responsibilities.

There is a particular culture and a particular ambience at a prison which requires a specialised kind of training. In those circumstances where police officers have been sent there, the record has not necessarily been as good as those who sent them there would have wished.

More recently, of course, a soldier has been sent there and under that soldier's watch, we now have the challenge with which we are dealing today. Sir, rumours have abounded that there have been serious management challenges at the prison.

Mr. PRESIDENT: Senator Stuart, I would just like to ask you to go carefully, in referring to the character or conduct of any prison officer or public officer in their official capacity. I am sure you understand that there are specific rules and practices governing that where the presiding officer should be consulted. You can make your reference but certainly do not be as direct as you seem in danger of being.

SENATOR F. J. STUART: I am obliged to you, Sir. I could have said really that I was still quoting from the report to which I was referring earlier because the report deals with those issues as well. It is a report well-known to all Senators here. I thank Your Honour for the guidance.

The point I am making though is that in the reconstruction phase or return to normalcy phase, it is hoped that persons with adequate training will be put in the correct positions at the prison, so that the challenges which the prison has faced over the last 15 years or so, will be abated and that we may be able to get on with a lot of the rehabilitative work which is one of the objectives of criminal punishment.

Mr. President, so far as the actual amendments are concerned, the amendment to Section 4 of the Prisons Act seeks, as I understand it, to strengthen the hand of the Superintendent by making available to him, in the appropriate way – and by in the appropriate way I mean with the proper procedures being followed, directions being issued by the Governor-General – assistance from persons who are not necessarily prison officers but whose training and skills might help to maintain proper order in the present explosive situation.

Sir, with that amendment, we on This Side can find no fault, once the correct procedures are followed and the assurance given by the Leader of Government Business that these arrangements are not intended to be indefinite but just to tide us over the present difficulties. We can find no reason, Mr. President, to object to that amendment.

Mr. President, the amendment to Section 26 that seeks to deal with the peculiar situation which we now have – one that differs markedly from what existed before the events of last week, where we have prisoners now in more than one location and these locations may not all conform to the same physical features – it is absolutely necessary that legislative action be taken to ensure that persons at those temporary prison sites, and persons in surrounding areas are properly protected. Sir, also that those persons who are required to discharge responsibilities at these temporary sites can do so without unnecessary let or hindrance. The amendment to Rule 87 of the Prison Rules has to do with the right of the Superintendent of Prisons in appropriate circumstances to cut the hair of a prisoner. Under the existing Rule 87, which appears under a rubric hygiene, the right to cut a prisoner's hair according to the rule for good appearance is already vested in the Superintendent.

7.00 p.m.

What the amendment is now seeking to do is take account of recent discoveries that have been made in the wake of the recent convulsions at Glendairy Prisons. It is now apparent that hair is not only worn for good appearance, but it can be used as a place to secrete dangerous weapons or other personal possessions. In my view, it is highly appropriate that those who have to deal with the prisoners be protected from the risk that flow naturally from not taking preventive measures such as that contemplated by the amendment to Rule 87.

Mr. President, I hope that these things would be properly explained to the inmates of the prison so that the prospect of unnecessary confrontation would be kept to a minimum and that a more collaborative and cooperative ambience can be secured.

Mr. President, there is the amendment to the Regional Security System Act which I believe speaks for itself. Barbados is a party to the treaty setting up the Regional Security System and is quite entitled, in unusual circumstances, to call on the Regional Security System for assistance. I think that the present circumstances are such, having regard to the fact that for some time it has been admitted that due to the overcrowding at Glendairy Prison that the Prison was undermanned, that we would need their assistance. Of course the command, who has operational control in those circumstances, has to be determined by His Excellency the Governor-General.

Mr. President, we have found ourselves in an unusual situation over the last few days. I think that is a wake-up call for the country. For us, in the past issues like this have just been news items from other parts of the world, we now know that this too can happen here. There is a tendency in Barbados to say it cannot happen here but modern techniques of communications and the global village the world have become, has put us all in a position where the perils which threaten people elsewhere are also likely to threaten us.

Mr. President, I think it is a matter for commendation that our security forces responded so well to this challenge and gave selflessly and unsparingly of their time and effort to bring it under control. I certainly would like to join the Honourable Leader of Government Business in congratulating the security forces for the sterling work which they have done in these trying circumstances and for the lavish expenditure of their time and their energy in trying to bring this situation under control. I am given to understand that there are others in the private sector and the whole citizenry of Barbados, all of whom united in the view that this was a crisis that touched all of us and responded patriotically to the challenge. Therefore, I believe that we can all lay just claim to some kind of immortality for the way in which we responded to all of this.

Mr. President, I think I have said much more than I really intended to say when I got up. I believe I have now exhausted myself and with those few words I assure the Government of our support at this time.

I am obliged to you, Sir.

SENATOR Sir Roy TROTMAN: Mr. President, if I say to you that I should not be long, that will not be in the same vein as my previous colleague who spoke.

Mr. President, I wish to commence any comments I make by saying that I would wish to join with the two other speakers to commend those persons who work so faithfully in an effort to keep Barbados safe and secure for all of us in this crisis.

Mr. President, you would expect me to start with the workers first because charity begins at home. Therefore, I would want to start by thanking and praising those officers who committed themselves to working assiduously giving of their time and effort to those other public officers who came along to assist them, be it from the Royal Barbados Police Force, the Barbados Defence Force or the Regional Security System, and those members of Government including the Attorney General and her staff and other members of the public who recognise that there are times where we have to forget differences of whatever nature and rally around the common cause. The common cause on this occasion being the need for us to make sure that when we went to bed at night or even if we were walking the streets in the day that

we did not have the constant fear of having hardened criminals being on the loose and not knowing in what direction to look for the danger of any anger they might wish to unleash upon anyone.

Mr. President, much of what has been said by Senator Stuart must be recognised and be taken seriously because there has to be an appreciation at some time that the issue which took place last week is not the kind of issue which springs out of the deep. Even when matters spring out of the deep like the great tsunami of December last year, there were factors which underlay that particular phenomenon.

One day there will be a report, we have no doubt, and that report will indicate exactly when it was that the uprising started, where it was in Station Hill that it started, who were at the centre of the uprising, why they became involved and what may have been the factors which exacerbated the particular problem. I would like to be able to know something about that and I am sure that the entire Barbados community would want to know about it. However, I do not think that there is anybody who has the answer to it tonight, and as the Honourable Leader of Government Business has said, we should have to wait for the occasion when that particular exercise is done.

Mr. President, I suspect that we might find ourselves needing to have some real independence there because being a small society, such as we are, it is going to be very necessary that be done with the greatest degree of discretion that is possible. Mr. President, the objectives in the legislation which is before us are sound and I do not think that my colleagues in the labour movement would have me say anything other than that we are satisfied with the basis for them. We are particularly satisfied that there is, in fact, a time element involved in what is being planned for. The original submission which we have before us for some of the changes, is a submission and a period that ends on the 30th September, as we understand.

7.10 p.m.

Mr. President, those of us in the labour movement think this is very important because we had certain concerns about the constitutionality of some of what is happening, and although we may argue that there are changes being made in the legislation which may address the concerns about the constitutionality, it still happens to be that morally from a labour perspective, we had concerns which we think should be known to the public at large.

Mr. President, we are not saying that we want now to have those concerns intrude or to impress themselves so much on what is before us that we would want to negate the efforts which are being made by the Attorney General and the Government. But although we want to support that

measure, we still want it to be absolutely clear that we do not wish to see Barbados become militarised insofar as treatment and the interactivity with civil society is concerned.

We are very anxious to make sure that Barbados remains a civil society in which we all observe, practise and respect the rule of law and where the parties for treating infractions in that law remain the Royal Barbados Police Force. The Police Force, in our view, is trained to deal with infractions of the law but the Police Force is also trained to be able to deal with people in such a way as to anticipate crime and turn people away from crime.

The view we have of the Defence Force of the army in any country, is that the army is constituted to perform a completely different task, and we always get worried where the military finds itself imposing directions on civil society because the army's position is "do as I instruct you" and you do not, so it appears to have any opportunity for expressing your disagreement. In fact, if you were to seek to express a different point of view, it is quite possible that you may feel the full weight of their leadership. I do not speak about that in relation to what is happening at Glendairy Prison, I speak about it in relation to the possibility of our having occasions like this, set the ground work for us moving away from the kind of civil society that we have and know, into a society as indeed other society where we have gone, where the army walks side by side with the police, in directing civic and civil society.

I am assured that this is a six-month experimental arrangement. I am satisfied that I should believe that is so, and I am hopeful that when it is all finished, the army will go back to the barracks and that the police will continue to be the authority that controls and ensures that our efforts at peace-keeping are maintained.

Mr. President, I think, however, that is very important that my colleagues would have me say this, that we do not want to put a time element that said 30th September, if it so happens that it is necessary that on October 1st, we need in the overall interest of the people of Barbados, to maintain the assurance that this country remains safe and sound for all of us.

Therefore, Sir, I do not want to be misunderstood. We are saying that we want an ideal situation which does not involve a certain orientation in terms of governance but we are not saying that we want to limit a position into so straight-jacketed an exercise, that we make a farce of our desire to make Barbados a safer place for all Barbadians.

Mr. President, since I have spoken to the matter of the militarisation or the conflicting of rules, I do not think I need to belabour it much more than possibly to add this little

codicil, and that is that where we have forces that give direction, there is a likelihood that there could, from time to time, be a conflicting of the kinds of instructions that might be unpass and what will become very necessary in our view, is that there is a clear line of demarkation regarding who does what and when. We understand that in this legislation, although the police remains under the direction of the Commissioner of Police that he, the Commissioner, will be allowing those persons to be under the daily guidance of the Superintendent of Prisons. The understanding, therefore, would be that if there are problems, that those problems would not be problems which would be dealt with by the Superintendent of Prisons but rather would be reported by him to the Commissioner of Police who would still have responsibility for his force. If that will be the given situation, then my colleagues within the Royal Barbados Police Force will continue, I have no doubt, to be very satisfied that in giving their service, they are not surrendering their entitlement and their relationships with their current structures.

Mr. President, I daresay the same thing will obtain for the Defence Force, except on this occasion, the Governor-General will be making the dictation.

Mr. President, the workers are of the very great view if we are clear on the importance we attach to the separation of powers, then we would not see a difficulty in where we are likely to be going in this particular issue. When I came to the Honourable Senate, I came wanting to speak as well on the subject of the cutting of hair. At that time, my concern was that there was a proposal to cut males' hair but I had the question at that stage as to what would have been the purpose for the cutting of males' hair. Sir, for me it raised the question of whether it was an action intended to deal with the possible hiding of small implements or dangerous substances.

If that were so, then in my mind, the question would be what about females' hair. But I noticed that has been corrected in Another Place and it is before us now that it is the cutting of the hair of prisoners. We think that is something which might in fact, occasion some concerns for constitutional attorneys-at-law, but it seems to me that there has to be the question regarding those people whose religious belief will tell them that it is within their religious rights to maintain their hair without having it shorn and I would wonder whether, if we understand what it is that we are aiming for, whether we might not be able to find another set of measures by which to address the problem which underpins this particular issue. If we are only concerned with the possibility that people may hide things, then it seems to me that those things can be hidden at certain points in the structure of an organised prison, and I would not know just how and when it would be done because although, like the Honourable Leader of the Senate, I have gone to the prison

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Barbados, that we know about, has been alarmed by what has taken place and that we are very conscious of the fact that we have been spared what might otherwise have been a really great tragedy for all of us. We are grateful to everyone who has assisted in the exercise of reducing the level of the problem both in the public sector and private sector.

We have heard the Minister speak to people working 24 hours around the clock and of the level of the commitment of the workforce by the employers of the private sector. I think, to a great extent, this is because there has been the development of the spirit of dialogue, that we have moved to a position where we are able, although having levels of disagreement, to sink them in the overall interest of the common good of the greater number.

I am pleased to be able to recognise that this is happening at a time when we have been speaking to the question of greater excellence in the service that we give. Mr. President, I am satisfied that Barbadians can rise to the occasion and will rise to the occasion. I think what has been our answer over the last six days, is ample proof that we can and will succeed.

Mr. President, I thank you.
7.29 p.m.

Mr. PRESIDENT: Senator Marville.

SENATOR R. O. MARVILLE: Mr. President, first of all I would like to offer my congratulations to the army, coastguard, the Royal Barbados Police Force and the public in the handling of this matter. I propose to support the amendments offered. I recognised that the need arose out of circumstances that were rather sudden if not altogether unforeseen. Mr. President, what bothers me a bit is that succeeding Governments since Independence have left unattended a facility that was built 150 years ago for a maximum of 300 persons, but now holding, as I understand it, more than 1000 persons.

Sir, there is a need for immediate plans to build a bigger and safer prison. We cannot ignore the fact that we are no longer an isolated island which would forever be peaceful. Consideration should also be given to amending laws like the one which allows imprisonment for debt or for failing to pay what Bajans call 'child money'.

Indeed, the concept of imprisonment for debt is reminiscent of the deportation of debtors and petty thieves to all parts of the British Empire during the 16th, 17th and 18th centuries. We must look at a more recent treatment of petty debts. I think that we need to look ahead to do things that prevent what happens on occasions which seem always to surprise us.

I thank you.

Mr. PRESIDENT: Senator Griffith.

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I wish to thank Senators for their support for these measures which are before us and to give the public the assurance that the Government will continue to put in place the necessary measures to guarantee their safety. As would be expected, since a number of these sites are not sites which would normally be used for this purpose, there would be need for those persons in charge to take a number of administrative measures from time to time to ensure that persons who are visiting the sites and who are working there, do not in any way engage in any activity that will compromise the security of the areas. Sir, it is my understanding that where it is considered appropriate, scanners would be used and that all persons visiting those sites will be expected to pass through those scanners as a precautionary measure.

Mr. President, I trust that those persons who have reason to go there, including those who work there, would appreciate the need for the extra precaution to be taken and will not find it too difficult to adhere to any such requirements.

Sir, I do not believe that we should continue to delay the Senate on this matter and I beg to move that this Bill be read a second time.

The question that the Bill be read a second time was put to the Senate and agreed to.

On the separate motions of SENATOR THE HON. E. R. GRIFFITH, the Senate resolved itself into Committee on the Bill. Her Honour Madam DEPUTY PRESIDENT in the Chair.

COMMITTEE

Madam DEPUTY PRESIDENT: The Senate is in Committee.

Clauses 1 to 2 were called and passed.

Clause 3 was called.

Madam DEPUTY PRESIDENT: Senator Marville.

SENATOR R. O. MARVILLE: Madam Deputy President, I want to know whether Clause 3(b) has been changed or it still reads "requested to do, may be arrested by a prison officer or a police constable."

Madam DEPUTY PRESIDENT: Honourable Senator, it is already amended. Delete the word “constable” and substitute the word “officer”. Thank you.

Clause 3, as amended, was passed.

Clauses 4 and 5 were called and passed.

SENATOR THE HON. E. R. GRIFFITH: I beg to move that the Schedule be the Schedule to the Bill.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. E. R. GRIFFITH, Madam CHAIRMAN reported to HIS HONOUR the PRESIDENT, the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. E. R. GRIFFITH, the Bill was read a third time and passed and cited as the Prisons (Amendment) Act, 2005.

ADJOURNMENT

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that the Senate do now adjourn *sine die* and I take this opportunity to inform Members that dinner is being served.

The question that the Senate do now adjourn sine die was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.
7.39 p.m.

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