
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 9th July, 1980.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 9th July 1980, at 2.45 p.m., today.

PRESENT

His Honour Senator the Rev. G. ANDREW HATCH, M.A., (Deputy President); Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information) (Leader of the Senate); Senator O'BRIEN TROTMAN, (Parliamentary Secretary, Prime Minister's Office); Senator Sir M. E. COX; Senator H. F. G. ROCHEFORD, B.A.; Senator R. L. FIELD; Senator H. R. LINTON, LL.B.; Senator K. E. HINDS; Senator Miss O. A. LYNCH, B. A., Dip. Ed.; Senator K. R. HEWITT, B. Com., C.A.; Senator Mrs. E. M. LYNCH, B.A.; Senator J. D. S. MacKENZIE; Senator Miss M. I. St.C. BLACKMAN; Senator D. H. G. HUNTE; Senator J. A. CONNELL, LL.B.; Senator the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services) and Senator R. E. BRATHWAITE.

ABSENT

His Honour Senator the Hon. Sir ARNOTT CATO; Senators A. TRUSS; C. I. E. DEANE; J. C. W. WICKHAM.

OBITUARY SPEECHES RE THE LATE SENATOR ERMA ROCK

SENATOR THE HON. N. A. BARROW: Mr. President, a few days ago a former member of this Chamber was laid to rest at the St. Andrew's Parish Church. I refer to the former Senator Rock who had given many years of public life in this country at Local Government level where she served on the vestry and later on serving in this Chamber.

Senator Rock was a lady of quiet disposition who by hard work had succeeded in the field of business in

this respect most of her life and indeed was one of the outstanding women in this country having made a mark at a time when there were certainly not many women who had achieved very much by way of public contribution in this country.

On behalf of the Chamber I would wish, Sir, to take this opportunity to extend to her relatives our condolences, and I would wish to have our sentiments placed on record.

SENATOR D. H. G. HUNTE: Mr. President, it was my pleasure to serve in this Chamber with the late Senator Rock sitting on this side between myself and the other hon. member who had just sat down and I became very friendly with her during the time that she was in this Chamber and whenever you had to ask her any question, advice or anything like that, she was always willing to give it.

I recall on many occasions as president of the Youth Council I had to approach her about matters pertaining to travel perhaps as visitors to the Island or for some of the group and she never said "no" despite the heavy schedule which she might have had, and I think her passing, Mr. President, makes us the poorer particularly because as a woman she made an outstanding contribution particularly in the field of business. As a young boy, the name of the Rocklyn Bus Company was entirely associated with the work of the late Erma Rock. As a community-minded person, she contributed to local government, and I believe in St. Andrew she was regarded as the person who assisted most of those people in whatever venture they wanted to go into.

On behalf of the Opposition, Mr. President, I should like to join the Leader of the Senate in extending our condolences.

Mr. DEPUTY PRESIDENT: For the four years that I acted as Chaplain of the Senate I arrived early and Mrs. Rock was always here before I arrived, and usually we would

pass the time of day, and certainly I have a strong memory of the late Senator Erma Rock as a person of great dignity and a lady, and so on behalf of all of us, I shall instruct the Clerk to see that Mrs. Rock's relatives are assured of the sympathy and the gratitude which has been extended on her behalf to them on this occasion.

I should like you to stand just for a moment as a mark of respect.

Hon. Senators stood in silence in their places for a minute.

On her soul as on all other Christian souls may the Lord Jesus have mercy.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. DEPUTY PRESIDENT: This communication from the Governor-General is dated 4th July:

Sir,

I have the honour to inform you that I will be leaving Barbados on Tuesday, 8th July, 1980 on a visit to Britain and elsewhere on vacation and shall be returning on 13th September, 1980.

Senator the Hon. Sir Arnott Cato has been designated under the provisions of section 29(1)(a), of the Constitution to act as Governor-General during my absence.

A formal Message to this effect had been prepared for transmission to the Honourable The Senate, but as it will not now be possible for that Message to be received prior to my departure, I am conveying this information to you by letter instead.

I have the honour to be, Sir,
Your obedient servant,
D. H. L. WARD
Governor-General.

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: Mr. President, I have the honour to lay the following documents:—

1. The Public Officers Loan and Travelling Allowances (Amendment) (No. 2) Regulations, 1980.
2. The Rate of Interest (Amendment) Order, 1980.

3. Statements showing Net Customs and Excise Receipts for twelve months ended 31st March, 1980.
4. Statements showing Net Customs and Excise Receipts for two months ended 31st May, 1980.
5. The Immigration (Students) (Amendment) Regulations, 1980.
6. Report of the National Insurance Board on the National Insurance and Social Security Scheme for the period 1st January to 31st December, 1978.

QUESTIONS TO MINISTERS

SENATOR MRS. E. LYNCH: Mr. President, to ask of the appropriate Minister:

1. What provision has been made by Government for accommodation for female juvenile offenders now that Summervale is no longer available for their use?
2. Is the Minister aware that because there is no appropriate residential institution provided by Government for their rehabilitation, female juvenile offenders may be sent to prison before the age of sixteen?

SENATOR THE HON. N. A. BARROW: Mr. President, the Reply will be given in the course.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to give notice of the following:

A Bill to provide the proper management and control of Broadcasting in Barbados and the establishment in Barbados of a Broadcasting Authority.

The Resolution to approve of the lease of land at Gun Hill, St. George to the Barbados National Trust.

The Resolution to approve the compulsory acquisition of land at Lammings, St. Joseph, for the provision of a housing development, a cultural centre and a recreational area.

The Resolution to approve the compulsory acquisition of land at Ellerton, St. George, for the erection of a Primary School.

The Resolution to approve the compulsory acquisition of land at Retreat, St. Joseph, for the erection of a Primary School.

Mr. DEPUTY PRESIDENT: Let it be recorded that this Bill and these Resolutions have been read a first time.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, the Order Paper this afternoon has a number of Items and only those of which notice was given on or before the 18th June it is our intention to proceed with this afternoon. These items, with the exception of item 3 and item 7 which I shall be taking care of, will be taken care of by Senator O'Brien Trotman.

A RESOLUTION TO APPROVE THE CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) (NO. 4) ORDER, 1980

SENATOR O' BRIEN TROTMAN: Mr. President, the Resolution seeks to provide for the permanent establishment of one post and the upgrading of a second. The first post mentioned is that of Chief Management Accountant in the Ministry of Finance. A post was created some time in 1976 and it is now considered that the work involved will continue on a permanent basis, and therefore permission is being sought to have that post permanently established.

In a general way, Sir, the office will deal with the development and management of accounting systems in the public service, in statutory boards and companies of which the Government is a major shareholder, and it will also be advising Ministries setting up internal audit systems in the various departments. In the case of the Electoral Office, Sir, that office was established some time in 1971 to manage the elections in this country. Prior to that elections were managed by the Local Government office, and in 1971 the post was created in what was then known as Category J, the Heads of very small Departments, like the Port Department, and it was since upgraded to Category F where it now is, and that category of Heads of Departments still relates to smallish departments and is also graded with Deputy Heads of larger Departments. It is now proposed that the post be upgraded to Category D which is a category which embraces the second largest sets of Departments, the Director of Statistical Services, the Chief Town Planner, the Chief Surveyor etc. The point, Sir, is that it is considered that the workload and the responsibility which go with the Electoral Department is becoming heavier, and the responsibility is certainly greater than it used to be. It is also expected that the Chief Electoral Officer will in future be managing the national census and taking care of registration of political parties, etc.

It is therefore felt that a high powered office will have to be created in order to manage what in fact is going to be delicate matters of managing political parties. The

officer will not be merely a public officer who takes direction from his Permanent Secretary but will in future have to exercise some degree of independence and therefore it is now considered that the post be upgraded.

I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

Mr. DEPUTY PRESIDENT: Before Senator Trotman starts, it is proposed that Senator Trotman deal with all the Resolutions which are now standing in his name and then Senator Barrow will deal with Resolutions 3 and 7 after Senator Trotman has concluded his presentations.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT CHURCH STREET, ST. MICHAEL FOR THE PROVISION OF OFFICES FOR THE CENTRAL BANK

SENATOR O'B. TROTMAN: Mr. Deputy President, Sir, it is proposed that the Central Bank of Barbados which is now housed in the Treasury Building mainly, and other places, acquires its own home and that that place should be in what is now known as Church Village. It is therefore proposed to acquire the land in Church Village for the purpose of that erection.

In another month, Sir, provided all goes well, it is hoped that the first works of construction should begin, on what would in fact become an auditorium. The Central Bank will have a multi-storeyed building, but it will also have an auditorium capable of seating some 770 people, which auditorium, I am advised, can be converted into a Conference Hall, or, which can be used for Arts Festivals as the case may be. The entire project will cost some \$30 million to \$32 million, going at the present costs and it is believed that in about two years, the entire project should be completed.

There has been some advisor from Sheffield University on the construction of headquarters. A lot of technical advice was sought because of the special problems which might arise in building a multi-storeyed building in the Church Village area, but those things have been overcome, at least in theory Sir, and it is now expected that in another month, construction would be started.

The construction of Headquarters for development of the Central Bank, is one of those things outlined in the Development Plan for 1979, 1973 and as I said, the first phase would start in a month, or so.

I beg to move Sir, that the Resolution do now pass.

Mr. DEPUTY PRESIDENT: It is proposed that this Resolution be concurred in. Senator Rocheford.

SENATOR H. F. G. ROCHEFORD: Mr. Deputy President, I just wanted to ask if there is any special reason why the Schedule does not contain the name of the owner of this parcel of land. It is customary that Schedules do have this in.

SENATOR O'BRIEN TROTMAN: The reason Sir, is that it is generally believed that the real owner of the land is already the Government, but that has not been properly verified and therefore, there is no name attached to it. It is generally felt, by the technocrats, that this is a formality to remove the doubt as to ownership in the land.

SENATOR J. A. CONNELL: Mr. Deputy President, before he sits down, the Plan before us

SENATOR O'BRIEN TROTMAN: Mr. Deputy President, Sir, the Plan, although in sub-division showing names of presumed owners, does say that it is the property of the Barbados Government because, although various persons in fact occupy the land, including the Sanitation Service Authority, what used to be Redman and Taylor Garage, etc. it is believed that the land itself, belongs to the Government of Barbados.

Mr. DEPUTY PRESIDENT: Senator Connell, is there something further on this Resolution? Is there further question on this Resolution?

SENATOR J. A. CONNELL: No, Mr. Deputy President, I simply wanted to be sure that I am furnished with correct information.

SENATOR D. H. G. HUNTE: Mr. Deputy President, there is just one small point. According to the Schedule to the Resolution, the area which we are acquiring is 1.524 square metres and from the Plan, it would appear, then, as if that is only the Central Scavenging Department area because if you look at the Plan which is supplied here, the area in square feet, converted in square meters is 1524, so that it would appear, that the explanation given by the Introducer of the Resolution, would not be quite correct because where Motor Services, Alleyne Arthur, Barbados Knitting and Spinning, J. B. Edwards, E. F. King, Edwards again, Carrington and Chandler is listed here in the little Table.

According to the Resolution before us, the compulsory acquisition is for 1,524 square metres and that would only be the area that the Central Scavenging Department is occupying and not the entire area.

The question that the Resolution be concurred in was put to the Senate and agreed to.

RESOLUTION TO COMPULSORILY ACQUIRE LAND AT MANGO LANE, ST. PETER

The Fourth Order of the Day was called — to move the passing of a Resolution to approve the compulsory acquisition of land at Mango Lane, St. Peter, for the extension of the Alexandra School and for road improvement.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the extension of Alexandra School is another of the projects which is listed in the Development Plan 1979–83. The project is one of those projects financed by the World Bank, and Alexandra is one of the six secondary schools which will benefit from the World Bank project.

At present the Alexandra School has a roll of 474 pupils and it is expected that after the extensions as financed by the World Bank that the roll will go to some 875. It is also anticipated that the Alexandra School will go co-educational in the academic year 1982–83 after the necessary facilities have been completed for the boys. The expansion programme at Alexandra School, Sir, will include three science laboratories, physics, biology and integrated science, one recreation room and storage, one demonstration theatre, one art room, one craft room, one social studies room, one commercial room, one needlecraft room and one music room.

The entire project will cost at current prices \$981,000 and it will be necessary after the expansion of the school to increase the staff from 30 to 36 persons including the Headteacher. The expansion of the Alexandra School is part of the entire Speightstown rural development programme, and what is really necessary now is for us to acquire land mainly as a playing area since the present playing area, as I understand it, would become part of the building area, so they will need a new facility for playing. It is not expected that the work itself would start until 1981, but it is necessary at present to acquire the land in order that detailed drawings can be gone into.

I beg to move that this Resolution be concurred in.

The question was put to the Senate and agreed to.

RESOLUTION TO COMPULSORILY ACQUIRE LAND AT COUNTRY ROAD, ST. MICHAEL

The Fifth Order of the day was called — To move the passing of a Resolution to approve the compulsory

acquisition of land at Country Road, St. Michael, for construction of a Family Court and other facilities for the Probation Office.

SENATOR THE HON. O'B. TROTMAN: Mr. President, some time maybe two weeks ago we said that there would be an informal court in the Supreme Court complex when it is completed for the handling of domestic and family cases in an informal area. At the lower level it is proposed to establish a Family Court in the area of the Probation Department where family cases can be heard in an even more informal atmosphere. As I understand it, it is hoped that the Court will be manned by a magistrate and two law advisers, maybe social welfare officers or probation officers as the case may be.

The purpose of the Family Court at that level is much the same as it is at the higher level, that is, it is hoped that in having family cases heard in an informal atmosphere, as informally as could be, the family would be best served in that the formality and the cut and dried atmosphere of the Court system need not rub off on to relationships and relatives. In the case of the family court of which we are speaking now, Sir, the centre of the whole operation, as I understand it, will be children, and it is hoped that children will not have to be subjected to the regular courts where there are cases of divorce or maintenance or any other matter involving the guardian in the supervision of the children. It will also be necessary when the court is established to have an extension of the probation service in order to give proper back-up service to the family court if the work done in that court is in fact to be meaningful.

Part of the lands which are being acquired will be used for the building itself, and there are also some 79 square metres which will be used, as I understand it, for car parks and road improvement.

There is still work being done on the family court and it is generally considered that it will be necessary to have some amendments to family law in Barbados. There is expected to be reform in the laws of adoption, the laws regarding the rights of property, and it is also suggested that there be a complete reform of the Supreme Court to ensure that not the law but the family is the central figure in these cases.

I beg to move that the Senate do now concur in the Resolution.

SENATOR J. A. CONNELL: Mr. President, the Hon. Leader of the Senate in discussing another acquisition order recently gave it as his weighty opinion that Senators who have an interest in matters coming before the Senate should check on them prior to the debate.

I did not know that Senator Trotman would introduce this measure this afternoon but I took the precaution of checking on this particular item of business. The reason was that I did not understand why is it that a proposal to establish a new Supreme Court complex in Coleridge Street, why it was necessary to have a family court in Country Road as well. I now understand the reason but that has nothing to do with the introduction of this measure by Senator Trotman, and for the benefit of other Hon. Senators I will make a few comments on the position as I now understand it. If it is not that, then will Senator Trotman kindly indicate where I went astray.

Sir, my understanding of it is that in Coleridge Street will be cited the Supreme Court section of the family court. Basically the Supreme Court has the jurisdiction in matters relating to status, marriage, divorce, etc. These matters will continue to be the concern of the Supreme Court. Senator Trotman mentioned adoption, that is also another matter affecting status and that will fall within the purview of the Supreme Court. In Country Road what will take place is a centralisation of all the domestic court activity that now takes place across the island of Barbados in the various Magistrates Courts. The idea is to achieve as nearly as possible the centralisation of the Magistrates court jurisdiction regarding family law matters so that there is not, as one is apt to think, any likelihood of duplication, the two courts as I understand it will be doing rather different matters. One will be doing matters pertaining to status basically and the other one will be doing the sort of adjudication that is now done in all the Magistrates courts across the Island.

An attempt will be made as I understand it to achieve a degree of centralisation. If a lady in St. Andrew, for example, feels that she is not being maintained by her husband as she ought to be, or indeed the child of a putative father is not being maintained by him, that aggrieved mother would be able to proceed in the family court in Country Road. If however someone from St. Andrew wanted to change from the status of being married to that of being divorced then they will have to use the court facility in Coleridge Street. This is my understanding of it and it comes as near to centralisation as one could come without taking from the individual Magistrates courts the jurisdiction they have. My understanding is that though persons will be encouraged to use the Country Road court there will be a sort of concurrent jurisdiction in Magistrates in the various district courts.

It will be interesting to see how that will work in the future. Some of us practitioners have spoken out for centralisation, we are persuaded that it will save time and money and it will tend to reduce the number of

adjournments and the long waiting that litigants sometimes have to endure before they can have their matter adjudicated. I think therefore that the partial centralisation of this area of magisterial jurisdiction will on the whole be to the advantage of litigants.

Senator Trotman also referred to legislation coming on family property, property in matrimonial cases. He did not expand on the type of legislation that would be coming. I know that the Government is fond of saying after you have made any point that legislation is about to come on that point and I shall welcome him replying to say that legislation is immediately around the corner on the point that I am going to make now. Again I say that I do not think that this particular point is any narrow party point, it is a point that vitally affects the welfare of Barbadians as a whole, it has been dealt with in the Report on the Status of Women and the general principle has been accepted. All I would say as a practitioner is to urge that Government brings this piece of legislation down as soon as possible. There are persons suffering actual hardship which the piece of legislation that I shall particularise could alleviate.

I refer, Sir, to the situation in which married women are finding themselves in Barbados when the marriage comes into difficulties.

There is a piece of Legislation already on our Statute Book, the Married Woman's Property Act, which provides that the married woman can go to the Court and stake her claim to property which she contends is hers. But, Sir, there have been a number of decisions recently, of the English House of Lords which tends rather to operate against the interest of married women. The Law, as enunciated from high position in the English Juridical System, a position which we tend to recognise and are influenced by, militates on the whole, against fair play to women. I do not want Sir, to go into this whole thing about whether a woman who remains in the home and does her domestic chores is employed or not. In my view, she obviously is.

Interestingly enough, in his book, "Economics and The Public Purpose", Professor Galbraith refers to this contribution to the national economy made by women and characterises "wife" in those circumstances as a crypto servant. He goes on to say that if the contribution were quantified, it would be seen to be a substantial part of the total national economy. I do not wish to go down that road now Sir, the point which I am making, is that it is of urgency that this piece of Legislation be brought down as soon as possible.

I know of many cases where wives have been denied the contribution which they have made to the amassing of matrimonial property and as the Law now stands, it is

rather difficult for them to get an Order saying that a substantial part of the matrimonial property is their own. I am therefore, asking the Government to treat this area of Law Reform, as of really urgent priority because there are cases where the need for it, is very urgent and present.

Finally, Sir, I think that we should note the effect socially, of Legislation which is passing through the Hon. Senate and for the last few weeks and probably, for the next few Sittings, we have been and will be considering, Legislation and other measures which will have a significant effect in re-shaping the Courts. Indeed, re-siting them and altering the procedures which take place in the Courts.

There is another piece of Legislation on the Order Paper which, from all indications, will not be dealt with today, but, that too, will substantially alter the shape of things, inside the country, Those who take note of the social effect, and indeed the social causes of Legislation, cannot but fail to see the impact on the Courts, the judicial system and the facilities available to litigants which recent legislative measures which were passed through this Hon. Chamber have and will have, in the near future.

Thank you, Sir.

Mr. DEPUTY PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Thank you, Mr. Deputy President.

Mr. Deputy President, I am extremely happy that our Government has, at last, taken the opportunity to make some attempt at the centralisation of at least, part of the judicial process of this Island.

Since I have been in practice here. Lawyers have been arguing that indeed, most of the Magistrates Courts, in particular, those in the outlying districts, ought indeed, to be abolished and their business brought to Bridgetown. There is some element, some degree of chaos in the present situation as it obtains, not only, from the point of view of the Practitioner, but often, also, from the point of view of the Litigant. Take, for example, a Court like District B, Boarded Hall. When you have people coming from Oistin and other places at Christ Church, they have to come to Bridgetown, take another bus and go to District B, Boarded Hall and indeed, hope that the bus which they take from Bridgetown is going straight to Boarded Hall. That is not the only Court which causes difficulty.

District C, in St. Philip is placed in a most awkward position and I do not think that it adequately serves anyone who resides in St. Philip, except, those who reside on the border of St. John and St. Philip, visibly, the village

known as Moncreiffe. But, those Courts in the outlying districts pose tremendous and sometimes, unsurmountable problems both to Litigants and Practitioners and therefore, I am very pleased to see that our Government has made this effort to centralise this aspect of the Law, namely, the Family Division. I myself, would like to see this part of the Family Court sited even nearer, to what will be the Family Division of the High Court, some place where the Registry is now, or, some place where the present Magistrates' Courts are, or somewhere in Lightfoot Lane, or, somewhere like that. Perhaps, there are practical difficulties which would not allow the siting of this Division of the Family Court in that particular area. Be that as it may, Country Road is not too far away and I do not think that either Litigants, or Lawyers, will find it difficult to get to Court in Country Road.

But, that is not the main purpose why I rose to speak on this Resolution this afternoon. The main purpose why I rose to speak, is that I wish to reply briefly to some of the points raised by my friend, colleague and now co-partner, Senator Connell, for fear that Senator Trotman, not being himself a legal practitioner, may have to let them slip.

Before I reply to him, I want to make a point myself. I hope that we will get a very comprehensive Family Bill in the not too distant future. I do not think that the greatest problems today in the family division are being caused by the lack of any legislation regarding the division of matrimonial property at all. I think anyone who says that with great respect to my friend Senator Connell shows some slight lack of understanding of the law as it presently stands. I do not think that is the greatest problem in the practice of family law today at all. I think that part of the greatest social difficulty within the practice of family law is the inability of married women who either (a) have a grievance of (b) take court orders for the maintenance of themselves and their children to have these orders enforced without having to go to a lawyer and have some document drawn up and go to the Judge in Chambers on Tuesday morning. I compare this with the system that obtains in the magistrate's court where if an order is made in affiliation proceedings for the support of what hitherto was the illegitimate child and the putative father refuses or neglects to satisfy the court order, then the Clerk of the Court has the power to issue a warrant directly for his arrest if he fails to pay, and therefore all the mother had to do was to go to the Clerk of the Court and say "look, I had a Court Order made on the blank date of blank and he has fallen into arrears by a certain number of weeks, and I want you to send out a writserver to collect him", and that was okay. They were not required to go to a lawyer to have documents drawn up. The same system does not obtain in the High Court at all, and if a married woman obtains an order in the High Court for the maintenance of her children and

the person against whom the order is made does not satisfy the order, then the person in whose favour it is made has to go to a lawyer and have documents drawn up, go before the Judge in Chambers on Tuesday morning, and then and only then is it sent to the Marshal and he goes out with it.

I think a simpler process is required for that particular aspect of family law, and I hope that any Family Law Bill that comes down commensurate with the construction of the new Family Court will reflect that level of thinking that I have just mentioned. I also think that so far as family matters are concerned, particularly affiliation proceedings, we need a slightly less complicated system, and I am not going to develop that argument now because I hope later on to make my input with the particular Minister concerned. I do think that great difficulties are now caused because most of the people are usually single mothers who find it hard to raise funds to pay a lawyer, and they need a very simplified and highly informal process, and it is to this extent that I was very happy to hear Senator Trotman say that this court will lead to a more informal atmosphere especially so far as it concerns the welfare of children.

Now so far as the distribution of matrimonial property is concerned and Senator Connell's request that he would like to see more urgent legislation come down rectifying this matter, as he sees it at present, married women are placed at a great disadvantage so far as they are unable to benefit from the proceeds of the matrimonial home on a divorce where the parties get divorced. Strictly speaking the law is only in a slightly confused state where the married woman has not made a direct contribution to the purchase of the matrimonial home, that is, where she has in fact made what she calls an indirect contribution, because it is good law that if the married woman makes a contribution to the acquisition of the matrimonial home, either to the deposits, the mortgage repayments or any other direct contribution, then she is automatically entitled to a share in the matrimonial home.

SENATOR J. A. CONNELL: If my friend would give way, I would like him on a point of elucidation to say what it is that is a direct contribution. Why is my friend assuming a contribution can only be financial?

SENATOR H. R. LINTON: Mr. President, I did not at all say that the contribution can only be direct. What I said was that the law as it presently stands has made a distinction between the contributions. The law talks about (a) direct contribution and (b) indirect contribution, and that distinction has to be made because if a wife's name appears on the conveyance, no one can deny her the right to a share in the matrimonial home, and the position that the law takes is that equality is equity and it is divided in half. As a matter of

fact, Mr. President, I go further and would state that in such cases the husband is at a disadvantage because if the husband conveys land or the matrimonial home to a wife on the conveyance, this is regarded in law as a presumption of advancement, and the law presumes that he intended to make a gift of the home to the wife. Vice versa does not obtain. If a wife conveys land to her husband even where his name only appears on the conveyance, she can still go to court to demand either the return of the house or at least half of it. The presumption of advancement does not obtain where a wife conveys land to a husband, whereas it obtains where a husband conveys land to a wife; so where is the direct contribution? Then the wife is clearly at a distinct advantage vis-a-vis the husband. So that the law makes this distinction between direct and indirect contributions, whereas, Mr. President, the wife is arguing for an interest share or interest in the matrimonial home by virtue of what the law calls her indirect contribution. Then the law goes further. It requires her to show that her indirect contribution was of a substantial nature for the sensible reason that a wife cannot claim an interest in the matrimonial home simply by showing that she has done things around the house which any normal wife would be expected to do and very often in which the husband has shared. So that this distinction between direct and indirect contributions must be made.

I said earlier that the law so far as indirect contributions are concerned is slightly confused and I said that to say this: it has only become slightly confused because Lord Denning who is a famous Judge in England has found the ruling in the House of Lords to which Senator Connell referred very burdensome, and in an effort to avoid the strictures imposed in the House of Lords, Lord Denning has been creating all sorts of devices to get around this question of the wife not being able to benefit as a result through an indirect contribution except she can show that her own contribution was substantial. I think that is quite a reasonable position, that if the husband is working all his life, has accumulated all his money or perhaps has inherited his property or what-have-you and it is in his own name and it may be improved after he got married, the wife on a divorce ought only to be able to benefit if she could show she has made a contribution either to the acquisition or to the improvement. As a matter of fact, in my experience, I have seen very few wives who have attempted to benefit from the sale of the matrimonial home where she has made no contribution at all or no substantial contribution, and wives accept that as a reasonable position.

What we have to worry about, Mr. President, is the situation where a husband and wife are both going out to work and traditionally or as a matter of custom or habit or because she feels like it, the wife decides

that the husband could and should put everything in his name as we in Barbados put it. That is the difficult situation where she sits down idly by and allows him to purchase everything in his name. It is not right in such a situation that he ought to be able on a divorce to claim everything, and that is the most difficult situation we have today.

SENATOR J. A. CONNELL: If the hon. member will give way, he is saying, with respect, that the wife sits down idly by. What I am asking him to consider is that at the time when they are building the matrimonial asset the wife doesn't think of the courts, she thinks of building a home and she finds out afterwards that she did not take the legal steps. She loses because she didn't do that.

SENATOR H. R. LINTON: She is protected in law, Mr. President, she only has to prove — and it has been done in the courts of law here and it can be done again — that she has made substantial contributions, so she is adequately protected. I think Mr. President, we ought not to get too emotional about this particular type of legislation being brought down here except it is given extremely careful thought. I think we need some time, we have to circulate it, we have to get the views of everyone concerned, and we have to start above all re-educating people. This interpretation that the law has received in England has created great hardships and we in Barbados ought to avoid the difficulties that have been created in England because of the situation to which we are now referring, and we have to be very careful when we develop this family court and develop the family law that we do not bring any legislation down here that we will regret later on.

Perhaps the time has come when people who are thinking about going into marriage ought to sit down and among the things they discuss ought to be the ownership of future property, and that is no idle statement, Mr. President, that view is being advocated in Britain right now, it is being advocated in America and in Canada, I think the time has arrived in Barbados when persons contemplating marriage will have to sit down and discuss the future ownership of matrimonial property. We in Barbados tend to bury our heads in the sand like ostriches and think that we ought not to contemplate these things. It is very difficult to get a young person in Barbados to make a will or even to contemplate making a will because they think as soon as they make a will they are going to die. In the same way I think it is going to be extremely difficult to get persons who are on the threshold of marriage to think about the future ownership of their property but until we re-educate our people and get them to begin to think about the ownership of matrimonial property, about the ownership of all their property whether it is individually owned or

whether it is pooled, we are going to see a situation whether we have legislation or not where there are hard fought battles in the court regarding the distribution of the proceeds of the matrimonial property.

I hope that we will not rush into it in a very *ad hoc* and slipshod manner, Mr. President, I hope that we will have proper legislation brought down, we will review all the cases that have been cited in England, Canada and America and we will bring down proper legislation. What is more we not only in our legislation have to take account of married people, we have to take account of engaged couples and people who have no wish either to be engaged or to be married and who are quite content and happy living together. We have to fashion the legislation so that they too when they work together and purchase property together that the legal formalities are worked out so that if there is a split up they will not have to spend three, four, five or six years in the family court whether it be at Country Road or Coleridge Street trying to sort out the ownership of the particular property that they have accumulated.

I think that the establishment of a family court is the first and very necessary and important step towards regularising the situation as it presently obtains in this country with regard to family law. I therefore welcome this Resolution and I hope that it would not be long before we have the soil turned out there in Country Road and likewise in Coleridge Street to give effect to the establishment of these two courts which are so essential to the very fabric of society, to the very fabric of social life in this country and indeed in the world. Thank you, Mr. President.

SENATOR MRS. E. LYNCH: Mr. President, those of us who have been for a long time interested in the welfare of children will welcome this indication that serious attention is being given to what I believe is the central problem in our community, that is, family life. All our social problems are rooted in the form of family life that we have developed.

The passing of legislation which has to do with the status of the child in removing the word "illegitimate" in describing the child has caused some people to under-estimate the importance of marriage and stable family life for the child. As I see it the two lawyers just speaking were dealing with the very kind of problem which the family court being envisaged will try to avert. I think that this family court in Country Road will be concerned with trying to prevent family breakdown. We hope they will not have to consider the points being raised by the last two members who spoke because this court will try to see that they do not reach the point where they are quarrelling over their family property, it will seek to prevent the breakdown if possible.

I see here a widening of the functions of the juvenile court and I do not know whether we think a great deal of the ways in which children in this Island are at risk within the family home, and in that situation it is extremely difficult to get the kind of evidence which will help to deal with the problem, because we have the situation where every time a woman changes her spouse where she has children from several different fathers, the result is often that the boys in the family leave the family home and take to wandering, and this is the sort of problem which is at the root of a great deal of truancy and the beginning of their education in the streets which eventually brings them into trouble with the law.

I hope however that we will not stop there at providing or trying to provide curative measures. The trouble which we have recently had at the Government Industrial Schools and certain other problems, such as the young adults going off and joining deviant groups and matters of this sort, I hope that we will not just think of legislation and curative measures. I myself feel that we need many hands in order to rear a child, not just one pair of hands, and that we should really be looking at preventative services as well. When we come to the family court and the Government Industrial Schools, the horse is already out of the stable.

I think we ought to be looking at the kind of provisions in school and for the family, the kind of services within the school and within the family home which will give the child greater protection and greater guidance. That is why I am so concerned about the delay in introducing compulsory education because it is obvious.

I asked a question I think on this in 1977. It is obvious that we need first of all to see that the children are in school because education is an essential service that co-ordinates all the services for children. If the children are in school then they are better able to detect the first signs of trouble and to apply remedies early before the children come within the reaches of the law. I therefore hope that we will have not only a Family Court but that children will be compelled to go to school or rather, that parents will be compelled to send children to school.

For the first time in our history several children are not going to school even although at Primary stage they have a free meal in the middle of the day and they can get assistance with clothing, still children are not going to school. We can see that. I can see that in my own district and I am very concerned about it because I do not think that the expenses incurred in compelling parents to send those children to school will be all that great.

We have not got School Attendant Officers, or not enough of them or if we do have them they have no power and so I wish to ask most earnestly, Mr. President, that we should not merely have a sort of interest in

punitive measures because of recent events which make a sort of crisis. I think we should give the ancillary services in school, provide the Family Case Workers in the Welfare Department, provide counselling as part of the training of Teachers so that we have early detection and provide the sort of services which support the family and which therefore would reduce to a minimum our need for the Family Court and for Institutions to deal with juvenile delinquencies.

SENATOR THE HON. N. A. BARROW: Mr. President, I rise not unduly to prolong the debate but really in relation to one point raised so far and it is to assert that in fact along with the other aspects of the Family Law which has been under review by the Attorney General's Chambers, there is the matter of Matrimonial Property.

We have had legislation abolishing the status of Illegitimacy. We have had other items supporting legislation and among other things there is the new Divorce Bill slated which will remove the punitive aspects which now exist in the Law of Divorce and bring more modern considerations into the Law as have been happening systematically from country to country and will also have legislation dealing with Matrimonial Property.

In relation to the Legislation on Matrimonial Property, I am not sure exactly what the form finally is going to be because there is an important aspect of the Laws that has tended to develop in many places, certain States in the United States and I have California particularly in mind where the concept of community property has not only been brought into the law but has been developed to an extent which is more than I personally can subscribe too and we have to be careful that in moving from one level, the level which now exists and on which I will share Senator Connell's views rather than Senator Linton's views, the levels which now exist and cries out for something to be done. We have to be careful not to move suddenly from there to the other level in which so long as one is married even if the blatant facts are that anything he or she has been able to acquire has been without the assistance of the partner and in fact in some instances in spite of the opposition of the other partner, we do not find the law giving them an interest. It is one of these extremely dicey matters, Sir.

I am listening to Senator Linton and I am reminded at this moment that there is another view. There are very interesting decisions in the area. The one I remember particularly is the one in the *Deline Judgment* in *Hazel and Hazel* where they used the term "family assets" and the law lords sneered and they slapped the decision down. They called the term "family assets" one which was incapable of a precise legal definition but to people who had to face the problem as legislators, the term made a lot of sense as a result of which that term has been perpetuated in English Statute, a Statute of fact which has

done more towards introducing a sense of equity and fairness into the area of matrimonial property than all the decisions given before had managed to do.

It is an extremely difficult area. I do not know how we will find the answers but I agree with Senator Connell that you cannot always quantify the contribution made by a spouse. When people start out to build a house, for example, they are not building a house because they think that in a few years time they will be in a divorce court. It would therefore be the last thing in their minds that they ought to keep careful accounts to ensure that whatever one has put into it will reflect in the overall result and therefore he can get it back out.

There are several ways in which one can contribute and if we take into consideration the fact that there are intangibles, we then recognise that there are in many instances. In a large area it defies the human talent it quantifies and it seems to me that where the matrimonial home is concerned, the law will have to arrive at perhaps more arbitration but looking overall and recognizing that we cannot legislate for every exception and looking overall for something that would in most instances be fair and leave the rest of the property for people to fight about.

I believe Sir, that where two people have come together whatever in circumstances of matrimony or what is known as common law, whatever the circumstances are, I think we should recognize that the intention when the home was built was not that either one should be left in the cold. I for one was wondering if I was hearing right and then Senator Linton corrected himself a bit but there is a West Indian case in which the man made an outstanding contribution in the development of the building of a house. The property was initially given by the Wife's father and because it was vested in her, he could not get any share out of it.

It can operate to the disadvantage of the man also, but, the plain, hard, straight fact is, that the person who suffers, is the female spouse and not the male. That is a fact and if we recognise that and we are going to reach for some element of fairness in the apportionment of matrimonial property, I believe that there are going to have to be a very hard decision, but, in the interest of reaching some sort of overall pattern of fairness. But, what I would really urge Sir, at least what I hope is that, in reaching for fairness, the Drafters do not go so far, as to decide that everything goes into a common pool because that is a concept which I know has been adopted in some places but it is a concept that clearly is as in-defeasible as the present state of the Law.

The question that the Resolution be concurred in was put to the Senate and agreed to.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT CHURCH VILLAGE, ST. MICHAEL FOR THE CHURCH VILLAGE RE-DEVELOPMENT PROJECT

Order Number 6 was called — To move the passing of the Resolution to approve the compulsory acquisition of land at Church Village, St. Michael for the Church Village Re-development Project.

SENATOR O'BRIEN TROTMAN: Mr. Deputy President, Sir, next door to the Central Bank's proposed complex, which we discussed earlier, it is proposed to re-develop what is now Church Village, that is, the area generally speaking, between Crumpton Street and Church Street.

It is proposed Sir, that the land in that area, be acquired by Government, that the several houses which are presently in this area, be removed and that the persons occupying those houses, be properly re-settled generally, with the assistance of the National Housing Corporation. It is hoped, that that relocation will be as painless as possible, and then, it is proposed to utilize the area for the building of a proper auditorium for the performing arts. Not only, Sir, as I understand it, will there be room for theatres and other performing areas, but, it is also hoped, that an entire, administrative area will be built up to constantly maintain and train persons in the performing arts.

I have circulated various Plans for that area and it is proposed that work on the Church Village Re-development Scheme starts early in the next year. The project will take more than two years to complete because a lot of surveying has to be done, there would have to be Plans to be drawn and all sorts of things to be done, to the soil. But, the immediate problem is to acquire the properties, resite the residents and then, move into the question of construction of an Auditorium and a Centre for the performing arts. It would be the first time that we will have a real theatre for persons who have interest in these cultural things.

At present, I believe, they use Combermere School, to some extent, and the Ursuline Convent but, for the first time, artistes in Barbados, whether they be singing, dancing, or whatever else, will have a central place, where the arts can be developed and where all the facilities will be provided for them.

I beg to move, Sir, that the Resolution do now pass.

Mr. DEPUTY PRESIDENT: It is proposed that this Resolution be concurred in. Senator Hunte.

SENATOR D. H. G. HUNTE: I would not be long, Mr. Deputy President, just a couple of queries.

The Introducer of the Resolution referred to the Cultural Centre, but he did not give any information, other than, that artistes in this country will have facilities. I believe that when this was mooted, the Government had in mind, that with CARIFESTA being held here sometime in July next year, that the Church Village Re-development Project which includes the Cultural Centre, will be made for the performing arts. I believe that somewhere along the line, that mention was made of this.

I notice, that the Hon. Minister responsible, recently made an appeal, I believe, in another place, to another Organisation in this country, to make its auditorium available, free of cost, to the Government. But, on the question of the auditorium, I want to find out, what is the Government doing with regard to facilities for the performing arts, at the time of CARIFESTA because we are scheduled to have CARIFESTA in July next year and it seems to me, that the planning necessary to get the projects off the ground for CARIFESTA is behind hand. I mentioned this because the Cultural Centre is involved in this.

The re-development of Church Village, Mr. Deputy President, will mean that one of the famous areas in Barbados will change in character and I have no tears to shed, Mr. Deputy President. Indeed, we are glad to see the re-development of these areas and I hope that, in the same way that the Government is re-developing Church Village, that they will look at other areas in this country and re-develop them because I believe that with the improvement of the standards of living, it is necessary for improvements to be made all around.

But seriously, I also want to question the Introducer as to who is going to do this project? Is it going to go out to private enterprise or, will it be done by the Ministry of Communications and Works? These are things which I do not know. He said that work is going to start next year and naturally, if it is going to be done by private enterprise, one would expect complete sets of drawings ready, in order that Tenders could be submitted, but with the Ministry of Communications and Works, I think that you have too many problems because they start work without the drawings being ready and they go along all the time, and the cost escalates. You never get a complete set of drawings on any project when the Ministry of Communications and Works starts on it. You get what you may call the outline drawings and they add on one, then they do the steel, etcetera and when the cost is quoted, nine hundred and eighty something thousand dollars, I think I heard the Hon. Minister mention earlier, in one of his presentations, for a project. By the time that is finished, I am sure that we can be talking millions of dollars.

I would like some information as to the CARIFESTA aspect of it. I do not want to mention this, but only yesterday, I understand that the West Terrace which is supposed to construct 85 houses, I think it is, to house some of the participants in the cultural village; I understand that it is not likely that that will be ready and that schools like Ellerslie, and schools in that area, have been commandeered in order that the participants could be hosted during CARIFESTA.

If we are to host CARIFESTA, then we must make an all-out effort to involve everybody in it because it is not going to be a small thing. I happened to see the one in Guyana in 1972 and I know the problems that they had in getting the participants to perform, getting them to rehearse and things of the sort, and we must make sure that we either have proper facilities for the hosting of CARIFESTA or nothing doing.

I know, Mr. President, that next year will see lots of things happening and no doubt CARIFESTA must go on because if it comes into line, Sir, it will bring the necessary filip that is necessary if it is successful, but if it is not successful it could have dangerous repercussions for many on the other side. I look at it from the point of view of the entire country, not from any one particular point of view, and when I realise the difficulties we had in Guyana after a lot of planning, and then we have not started yet and we have only got a year to go really to start getting things in motion, I would really like some assurance about that.

SENATOR THE HON. O'B. TROTMAN: Mr. President, just to assure Senator Hunte that as far as the facilities for performing are concerned, it is expected that the Central Bank's auditorium alone at the Central Bank would be ready by CARIFESTA and also some work has to be done at Queen's Park, so the theatre at Queen's Park will also be available for some of CARIFESTA; so he need not worry too much about the auditorium. We know that the auditorium at Church Village will not be on stream in time, but proper arrangements are being made to have everything ready in 1981.

The question that the Resolution be concurred in was put to the Senate and agreed to.

RESOLUTION TO APPROVE THE VESTING OF LAND AT INDIAN GROUND IN PLANTATIONS LIMITED

The third Order of the day was called — to move the passing of a Resolution to approve the vesting of land at Indian Ground, St. Michael, in Plantations Limited in exchange for an equivalent area of land at Passage Road, St. Michael.

SENATOR THE HON. N. A. BARROW: Mr. President, this Resolution is one that has been in the works for some time. It has its origins in the search for suitable alternative housing accommodation in the Bridgetown area, and the fact that one of the few reasonably sizable suitable areas happen to be at the corner of Passage Road and Barbarees Hill and this is land which is owned not by Plantations Trading Company as the Resolution states but by Plantations Ltd., therefore, Sir, before I sit I am going to be asking this Honourable Senate to amend this Resolution. I am not sure how it happened, but it is clearly an error that Plantations Trading Co. Ltd. is being referred to both in the Resolution and in the Addendum, whereas it is Plantations Limited, a holding company in whom the property is now vested and in whom the property on exchange will be vested; and because Government wish to have these lands which are valued at a little over \$½ million, it became necessary to enter into an exchange arrangement because Plantations Limited agreed to sell their property presently housing General Traders Ltd. which is a wholly owned subsidiary, and it agreed to get out by a certain time and to apply the proceeds therefrom to the construction of new warehousing facilities at the corner of Passage Road and Barbarees Hill.

With the Government expressing an interest in the land, it became necessary therefore for alternative lands to be found, and it is consistent with the development of the Indian Ground area that lands to be used for warehousing as well as for industrial purposes, and while the lands at Indian Ground would be lands of greater value than the lands at Passage Road and Barbarees Hill, the method of construction because of the nature of the lands is also rather more expensive. So that when the whole thing is worked out, you arrive at what would appear to be a fair exchange, and for that reason when it was suggested, the Government declined to pass on the lands with any extra cash merely because of the difficulties of building and because in fact the two things had to be taken together.

The Resolution before us therefore, Sir, is to give parliamentary approval to the exchange of lands so that both Government's housing programme may be facilitated and the results of their more recent contractual arrangements entered into by the company could also be facilitated. Accordingly, Sir, I move that the Resolution be amended by the deletion in line 3 of the words "Trading Company" and that the Addendum be amended by the deletion in line 3 of the words "Trading Company", in line 6 the deletion of the word "Trading", in line 7 the deletion of the word "Company", and in line 8 the deletion of the words "Trading Company"; so that Parliament will now be asked to concur in a Resolution to approve the vesting by the Crown of the parcel of land described in the Schedule hereto in Plantations Limited. The title of the Resolution itself has

similarly to be amended, to approve the vesting of land at Indian Ground, St. Michael, in Plantations Limited, so that "Trading Company" is there again deleted. I believe I would have to put these as two separate motions, first of all the amendment to the Resolution and then to move that the Resolution as amended be concurred in.

I beg to move that the Resolution be amended as I indicated.

The question that the Resolution be amended as indicated was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. President, now we have amended the Resolution, assuming we now pass the Resolution as amended, it will have to go back to the Other Place before it can have the legal effect which we sought. I now move, Sir, that the Resolution as amended do now pass.

SENATOR K. R. HEWITT: Mr. President, just one brief query. As a matter of fact, Senator Barrow more or less anticipated the query by giving an answer. What struck me here was that we seem to have been exchanging land of equivalent area as distinct from land of equivalent value, and as I said, the Senator seemed to have anticipated the query by indicating why it was done, but somehow I am still a little baffled at the logic. I understand why it was done, or what the Senator said, but I still feel that this exchange was not really a *quid pro quo* if the classicists call it that, in that land located at Indian Ground bearing in mind the type of development in the area would of necessity be much more valuable than property located at the corner of Passage Road and Barbarees Hill, and even though it may be more costly to build at Indian Ground the fact remains that having built the owners maintained the value of the property, the building, plus the value of the land. So although I understand what he said it does not seem to me to be a full explanation or a logical explanation why land of different value may be exchanged, because in the end the actual building construction may be more.

I think one will have to be a lot more explanatory to indicate that the total cost or the return on that total cost would only be justified if the land itself could have been had at that cheaper price, but merely to say that building will be more expensive, bearing in mind the obvious disparity in the value of the land, I do not think it is good enough and perhaps the Senator may be prepared to give a further elucidation.

SENATOR THE HON. N. A. BARROW: Mr. President, on the fact of it Senator Hewitt is entirely correct, and indeed he is correct in so far as I did not perhaps go sufficiently deeply into the facts and figures involved in this, but I think we ought to take first of all the given

situation where perhaps even litigation is going to result from the present arrangement whereby Plantations Limited having entered into an agreement of sale has not in accordance with that agreement, or so it would appear, been able to vacate the premises, and also it would appear seems automatically to be incurring penalties because of the fact that the Government decided on a negotiation for this land. If we take that into consideration I think that is an area of cost which must be considered and which I believe the court would certainly consider if the Government and Plantations Limited could not settle the matter amicably and had therefore to seek the assistance of the court in settling it.

The second point, Sir, is that we are dealing with known estimates for building, which estimates if they alter are more likely to alter in respect of greater disparity than lesser disparity. That is to say, referring to the fact that on the original estimates the company would have been able, or it was so advised, to put up this building for \$1,289,400 and had it been able at that time — this is now before the additional cost, because while negotiations continue the delay that is imposed on the whole transaction also increases cost — without taking that into consideration the cost to the company of building at Indian Ground is estimated at \$1,613,400. I am saying, Sir, that when you take the difference in the price of the land — I think the valuation was something in the vicinity..... the point is that the difference in valuation between the new building and the old, and the difference in the value of the land came out to about the same without there being any additional charges such as the company might have to bear, and I think one has to take into consideration that they were going to build on land they had already acquired and therefore would not attract additional charges whatever, except for the charges incidental to the accretion to the cost of the building. In other words, when you look at the thing overall there is every good reason I think why the company might want to go to court and press the point which is what it was arguing, that if we are to go down to Indian Ground we would need not just the exchange in lands but additional monies.

Now I have sought to give as much information as there is available to me. I think, Sir, that Senator Hewitt will be more happy with the transaction, or at least I hope he will be. This is a Government after all that saw Shamrock given how many million? I cannot remember, Sir, when it was quite possible to settle for \$700,000.

The question that the Resolution as amended be now concurred in was put to the Senate and agreed to.

RESOLUTION TO APPROVE THE USE OF THE SUM OF U.S. \$10 MILLION

SENATOR THE HON. N. A. BARROW: I believe, Sir, that this is a case where the Addendum to the Reso-

lution is rather clear and indeed leaves very little for me to say in introducing this matter, except that I would like to stress a particular feature, and it is this, that this loan from the World Bank has as its main advantage the support which it will give to the development of an industrial infrastructure.

It has broken down. The Industrial Development Corporation will be benefitting to the tune of US\$6 million, the Barbados Development Bank, US\$3.2 million, US\$300,000 to finance technical assistance to the Export Promotion Corporation, and a further US\$500,000 to be used for Management and Vocational Training activities by BIMAP and the National Training Board. It therefore reflects the provision of funds for the Development of both physical and human resources and by way of creation and expansion of industrial estates, promotion of industrial investment, export promotion, technical assistance and vocational management training.

What we welcome here, Sir, particularly is the inclusion of the industrial lending programme to BDB of US\$3.2 million which is much less than the World Bank normally lends. The minimum World Bank loan for lending is usually about \$7 million and it is a matter of imaginative packaging that we have been able to get a smaller loan which is commensurate with the BDB's immediate needs.

The BDB is currently placing emphasis on industrial financing and hence the restriction of the loan to industrial financing is consistent with the present policy of the organization and this also is reflected by the fact that over the last two years commitments for industry moved more closely to those of tourism and it is expected that on an annual basis in the next few years commitments for industry will exceed the commitments for tourism.

With regard to the provision for Export Promotion, we have to recognize, Sir, that with a small basic economy, a small domestic market, all of the growth that we are trying to generate will really make sense only if we take the business of marketing seriously and look for more markets. We will have to find markets because markets of the size such as ours are really too small to support structural change and the training aspects of BIMAP and the National Training Board. The support for management and technical training is essential to the commitment of the transformation which is being undertaken.

I can just give a little additional information referring to the schedule of the loan which will show that industrial estates half of the money is allocated, US\$5 million, industrial promotion US\$600,000 and for technical assistance \$400,000. Industrial lending we have mentioned already, \$3 million and \$200,000 for technical assistance. For export promotion I have given the figure

already \$300,000 and for vocational management training \$500,000.

The emphasis in the Industrial Development Corporation's loan will be on land development at Speightstown, Grantley Adams, and Six Cross Roads, for the construction of access roads beside factory buildings, levelling and packing of the sites, constructing internal roads, construction of 35 factory buildings on about 30 acres of improved lands in the existing industrial estates, investment promotion, training of staff and so on.

It is a matter of bringing funds into the economy in order to give the necessary filip to the industrial development programme and in trying to develop the industrial capacity. It is a programme which has the twin aspects of emphasizing the human and the physical resources. It is a loan for fifteen years with a grace period of three years and it carries an interest rate of 8.25% per annum.

I move, Sir, that the hon. Senate concur in this Resolution.

SENATOR D. S. MacKENZIE: Mr. President, I rise not because I wish in any way to oppose this particular Resolution because I am in agreement with the objectives of what it is trying to do but there was just one query I would like to ask that is, the Resolution says:

"Whereas by section 2 of the Special Loans Act, Cap. 105 the Government is authorised from time to time to borrow from any bank, corporation, company or any other institution, sums of money not exceeding in the aggregate one hundred million dollars on such terms as my be agreed....."

It then concludes by saying that "such sum is within the authorised borrowing limits given to Government" so I know that obviously it is so because it says so but one of the things that causes me some concern is the levels at which we are borrowing from external sources foreign capital most of which we are spending wherever possible in areas that would be productive and this is one such area so I have no question about this.

What is really worrying me is that with the clouds of inflation and recession that seems to be on the horizon on an international basis, there comes a time when we have to pay back the loan plus interest and this would require a first call on our foreign reserves and our ability to continue to earn foreign reserves is something that will fluctuate according to the state of the economies of the world. To a large extent we would be depending mainly on the exports of manufacturing goods including sugar and revenue from tourism.

Now although we are within our limits I was just wondering and I would like to find out how close to the limit of \$100 million we are committed to, because the more we borrow from external sources when the day for payment comes back the greater the demand will be made on whatever foreign reserves we have and then whatever is left from the foreign reserves is what we will have with which to support ourselves and with which to continue trade and the support of the country and the more we borrow the less and less those reserves will be for maintaining of our standards of living, and for our ability to trade on an international basis.

I am a little bit concerned at this point in time over what is likely to happen in the future as a result of these borrowings and I was wondering if it were possible for the Minister who introduced the Resolution if he knew just how close we were to our limit of \$100 million at this moment in time of our borrowing because I think it is something that the Government has got to start to exercise themselves with in deciding exactly on the priorities for the loans that they are able to get and what they are going to do with them.

I would not say that this is one, but I was making the point that I would caution them to give serious consideration to this aspect of things.

Thank You.

Mr. DEPUTY PRESIDENT: Senator Hewitt.

SENATOR K. R. HEWITT: Mr. Deputy President, in supporting the Resolution, I just want to make a few points.

First of all, Sir, the thing which strikes me more in this Resolution, is the consistency through the whole package. Here, we have funds flowing, or, proposed to flow, to upgrade and extend the Physical Plant. Secondly, to improve the management capability of those who would have to look after that Plant and I am using the word "plant" widely. Finally, we have the thought being given to the obvious export market, *etcetera*, which would then be needed. As I said, there is evidence of consistency here, which is quite pleasing.

I think that this type of activity is fairly timely because in recent times, we have been depending, to a large extent, on the earnings from the Tourist Industry and bearing in mind, the type of economic situation in countries whence our tourists mainly come, it is heartening to see that we are more or less, putting emphasis on the Industrial Development, so that if and when the time comes for a recession in the Tourist Industry, we would not be found wanting.

Looking specifically, or more particularly, in the area of management particularly, it is pretty evident in some areas to know when we are experiencing shortages in certain areas. For argument's sake, recently, in the construction industry, it has been evident that skilled workmen are in short supply. But, very often, it is not so evident what the situation is, when we think in terms of management. Management is a bit more nebulous term and therefore, as I said, it is not evident to many, what short supply of skills in this area of Middle, Upper Management, there is, in Barbados.

In the past years, we have been emphasising the extension of finance to various types of businesses, through the BDB and so on. Government itself is involved more and more, in financial activities, whether it be banks, insurance, or what have you. The private sector has been expanded, thereby, altogether putting great demands on a pretty scarce resource and it is indeed heartening to see that this relative shortage of management skills is recognised here, by indicating that part of the loan in fact, would be used to upgrade this area. Hopefully, the results of that would be more careful lending, better monitoring of loan portfolios and being able to spot problems well ahead of time and so on. Having said that, Sir, there is one little thing which is bothering me here.

I know Sir, that this is a time of extremely high interest rates and perhaps, we are so developing, that we also may not be in line for too favourable interest rates. But, if the Barbados Development Bank has to borrow at 8.25, my query would be, at what type of interest rate would one envisage loans going to the sub-borrower? I think that I am going to repeat that. If the Barbados Development Bank is borrowing at the rate of 8.25, it would seem to me that the minimum spread which they would need is two percent and hence, they could hardly afford to lend at less than 10.25. I leave it at that.

Finally, a slight response to a point made by Senator MacKenzie. Senator MacKenzie wondered whether, bearing in mind, the general state of inflation and so forth, whether this may be the time to borrow. Actually, without sounding too selfish, it in fact, will be, to our benefit, taking this thing in isolation — I would not want my comment to be misconstrued — but taking the comment in isolation, it really is to the benefit of the borrower in times of inflation because in fact, ten years down the line, we will be paying back in cheaper, or less valuable money. I am not saying that inflation *per se*, is something which we welcome. All I am saying, is that in times of inflation, it would seem to me that things are in favour of the borrower. Other things being equal, the ability of the borrower to earn, *etcetera* on the funds borrowed. Other things being equal, it is easier to repay in the cheaper dollars.

Very often, it is mandatory more or less, or good, when we can borrow externally because much of the plant, for argument's sake, which would go to improve the physical facilities, would have to do with materials imported from outside, and to that extent, if we were not getting the loans in foreign currency, it would have made it more difficult to import the necessary materials and so forth, to do the Physical Plant.

Provided the funds are used properly so that when the time comes to repay we are able to earn the additional foreign exchange or alternatively to have some import substitution, then we do not have too much to worry about.

In summary, Sir, I support the Resolution. It really seems to me to be well and neatly packaged although I do wonder at the type of interest charges that the BDB itself would have to pass on to its borrowers. It would seem to me that the interest would have to be in excess of 10¼%.

SENATOR Miss M. I. St.C. BLACKMAN: Mr. President, I am more than pleased to see in this Resolution that we have included a sum for training for upgrading of skills. So often we borrow money and we invest it in plant without paying adequate regard to the people who are to use the plant, and so Sir, it gives me great pleasure to see that we are in fact paying recognition to this, that nothing, no business can be better run than the person who is running it is qualified to do. I have often felt that a great deal of our problems in this country has been due to our not paying adequate attention to the question of training both at vocational level and at management level. In this Chamber I have on previous occasions been pretty hard on things or organisations like the Industrial Development Corporation and the Barbados Development Bank. I have said what I had to say on those occasions in no uncertain terms, and so when I see that we now have before us a funding for training, I hope that we in Government will somehow find it possible to monitor the training and the effect of the training which we are doing. It is not good enough that we should just run a training class and have several people sit in front of us and when we finish the people are none the wiser because the training has not been geared to the person who was sitting the other side of the table or on the bench on the other side. I sincerely hope that in carrying this through we will be able to make the training relevant to the needs of Barbados in the 1980s. I am very pleased to see that we have recognised this fact that the essential place of training for schemes which we hope to develop may really be for the benefit of this country. I am very pleased to be able to support the Resolution.

SENATOR THE HON. N. A. BARROW: Mr. President, just a couple of points. There are two points which Senator Hewitt has already taken relating to the obvious relationship between the raising of foreign loans and the importation of plant, because if we have to find our own

resources to pay for the plant, then evidently we put our foreign exchange situation under direct strain. I will go further and say that if the investment yields return the kind of return it ought to yield especially with the emphasis we are trying to develop on export type industry, then we ought in fact to be earning the foreign exchange at least partly to honour repayment schedules.

The other point which Senator Hewitt dealt with was the point of when you pay back and what the value of the money you pay back is at the time when you are paying it back, as he said, all things being equal. I am encouraged to hear Senator Hewitt say that the spread is likely to be 2% because my own information suggests to me that the spread is likely to be 2¾%. I believe at the level what we are looking at here is 11% monies. That is my own expectation. I cannot quite see how staying in business and borrowing at 8¼% the BDB is going to be able to lend at less than 11% on these loans. You have to take into consideration the administrative costs plus some default rate. I do not think they can therefore lend below 11%, and I believe also that 11% is more or less what the rate has gone to now for industrial loans. I do not think it is below 11% at present, and the advantage which the BDB has is that it gives a longer period for its industrial loans than the commercial banks so that even if they come out half of one per cent higher than the commercial banks they still have a very attractive offer in that the repayment terms are less onerous.

The other point is Senator MacKenzie's point about the \$100 million debt limit. The point is that the debt limit has to be varied from time to time and this happens obviously, and the varying of the debt limit will reflect the economic health of the country such as is seen by the Government and by the people who are preparing to lend the money. For example, in seeking loans funds of this nature, the kind of information that has to be supplied to the lending agency includes a description of the individual external public debt, includes a schedule of the principal and interest payments for individual external public debt, includes in relation to individual external public debt current status and transactions during the period up to the end of the financial year immediately preceding; so that the kind of information which the lending agency requires is such that they can determine reasonably well having settled of course the point as to whether there are any liens and so on, because this also has to be satisfied, they can determine reasonably well the capacity of the country to service debt at a certain level. From all that we have been able to hear so far, it is not yet the view of the lending agencies that we are anywhere near the border line. So I do not think, Sir, that we need at this stage at least to get unduly worried of that. I agree with Senator MacKenzie that one has to keep careful watch.

The question that the Resolution be concurred in was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. President, among the items we gave notice of this evening is a Broadcast Bill, a Bill to establish a broadcasting authority and to make certain regulations for broadcasting. It will represent the first instance in this session where a Bill will be introduced in this Chamber and then proceed to the other place. (Asides). I am sorry, the second. I now understand why we do not see Senator Hunte more often; he cannot keep quiet. It is one of those few occasions then, Sir, when we introduce a Bill in this Chamber and then it goes to the Other Place. That is a reason why although hon. member have not yet got their copies of that Bill we will wish to proceed with the second reading and doing it through the remaining stages next week.

There is a reason why although members have not yet got their copies of that Bill we will wish to proceed with the second reading and take it through the remaining stages next week. I am proposing, Sir to adjourn till this day week. The reason for wanting to take it through is that the existing licences expire at the end of July and on a very tight timetable we will expect to get the Bill through both Houses by the end of July, so next week, Sir, I think we ought to come prepared for a longish session if necessary, because we have the Evidence Act and a couple of other things also on the Order Paper.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I move that this House do now adjourn until this day week at 2.30 p.m.

SENATOR J. A. CONNELL: Mr. President, with your leave, on entering this Chamber I noticed that some thoughtful person had left a literary and sacred gift for each and every Senator. I do not know whether it was done by your instigation or encouragement well knowing the state of our souls in this Chamber or not, but it appears to me that someone has gone to a lot of trouble not only to present the gift but to have our names engraved on it in very beautiful form. I would like to take the opportunity on behalf of fellow Senators to thank that person or institution and if you were so disposed I think the Clerk could be asked to record or appreciation in a letter to the person or institution. Thank you.

Mr. DEPUTY PRESIDENT: Senator Connell, did you notice that each copy is in fact inscribed on the fly leaf?

SENATOR J. A. CONNELL: Yes, Sir.

SENATOR THE HON. N. A. BARROW: Mr. President, there is one point I omitted when I was moving the adjournment, and it is this, I am going to have arrangements made with my office so that we can have cyclostyled copies of the Broadcasting Bill at least by Friday morning in the event that it will be impossible to get them into circulation in time or at least for the week-end members will have the Bill to study.

The question that the Senate do now adjourn to meet today week at 2.30 in the afternoon was put to the Senate and agreed to, and Mr. President adjourned the Senate accordingly.
5.20 p.m.