

THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 - 81

THE SENATE

Wednesday, 16th July, 1980.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 16th July, 1980.

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 C. I. E. DEANE; 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

Senator the Honourable Sir Arnott Cato, Senators Aaron Truss and J. C. W. Wickham.

Prayers were read.

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: Mr. President, I have the honour to lay the following document before this Hon. Senate:

The Airline Service Business (Rate of Tax) Order, 1980.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, at our last meeting I gave an undertaking

that we would not proceed beyond the matters which had been given notice of on or before the 18th June and would not at that meeting have proceeded with, but of the other Items, those of which we had given notice last week and those of which we had given notice previously, would be proceeded with at this meeting. There is, however, a technicality in that the First Reading of Items Nos. 2, 3, 6 and 7 was not formally moved. I believe, Sir, that members do however expect these matters to be proceeded with, and since that is merely a technicality I would ask the Hon. Senate at the appropriate time to entertain a motion for the suspension of Standing Order 45(2) to permit those Items to be dealt with in their remaining stages this afternoon.

I take this opportunity also to say, Sir, that I shall be asking to have the Items called as they appear on the Order Paper, except that 4 and 5 which are Resolutions should come in at 6 and 7, and 6 and 7 move forward accordingly, so that we will deal with the Bills first this afternoon.

I would like, Sir, therefore formally to move that those Items 2, 3, 6 and 7 be read a first time.

Mr. DEPUTY PRESIDENT: Let it be recorded that the Bills on the Order Paper 2, 3, 6 and 7 have been read a first time.

PUBLIC BUSINESS

THE BROADCASTING ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. President, before moving the second reading of this Bill, I would wish to state that although the Items as usual are standing in my name, I shall be taking care of Items 1, 2 and 3, what are now 6 and 7 will be taken care of by Senator Dr. Blackman, and Senator Trotman will take care of the other Items, which are the Resolutions.

The legislation reflected in this Bill, Sir, is a long overdue piece of legislation. I believe that we will find reference to it made as far back as the first licence issued to the Caribbean Broadcasting Corporation, and certainly the files reveal discussions on the point as far back as 1973 but they just seem never to have got beyond the level of discussion at official level.

The situation which came into being and which continued ever since then, is therefore, something of an unsatisfactory one, in that Broadcasting Rules appear as appendices to the Licences of the Caribbean Broadcasting Corporation and I think, of Rediffusion. Rule One of those Rules reads:

"There shall be a Broadcasting Authority in these Rules referred to as the Authority which shall consist of the Minister and such other persons as may be designated by him for that purpose."

As early as 1965, the Hon. Minister took formal action, in that he designated the Chief Information Officer to be a member of the Broadcasting Authority, although no formal steps were taken to establish an Authority which does not appear to exist and in that capacity, he asked for and received information, relating to the use of radio and television receivers, from time to time.

The Broadcast Rules contain a number of Provisions and I believe have been invoked from time to time, that:

Licence Fees of costs shall cause to be kept in a Log Book and such other Records as may be necessary to enable the Minister, or any person authorised, in writing if he desires so to do readily, to ascertain the time at which each station identification is read, the title of each broadcast, the time at which each broadcast commenced and ended, whether mechanical reproduction was used in the course of any broadcast, *et cetera*, the name of the sponsor of any announcements, or programme, where practicable, the time and duration of any interruptions of any programme and the reason for such interruption. The Licence Fee shall not permit to be broadcast from any broadcasting station operated by the Licensee, any matter in contravention of the Laws of Barbados, any abusive comment upon any race, creed, or religion, any obscene, indecent, or profane matter and so on.

Then, it got down to:

The Licensee should ensure that the services which it provides, when considered as a whole, reflects the image of Barbados and the Caribbean Region and gives adequate expression to the culture, characteristics, affairs and opinions of the people of Barbados and of the said region.

That reasonable proportion of daily broadcast material is local, or Caribbean in content and character and that such materials include programmes featuring prose, poetry, drama, music and other arts of the said region and so on.

I am just giving a sample of the things which are included in the Broadcast Rules. In short, for at least fifteen years, a bit over indeed, it has been recognised that there need be some framework for ensuring that broadcast, which after all go into people's homes, ought to be of some quality and that we did not just have inflicted on the young, coming from the broadcast sources, just every and anything.

We believe, Sir, that the time has come for Proposals of the Broadcast Authority to stop knocking about, going from official hand, to official hand, that Parliament establish the Institution and that such attempts as have otherwise been made to establish a scheme for the full control of broadcasting in this country, ought to exist in a single Statute. This is why we are being asked this evening, to consider a Bill which seeks, not only to establish the Broadcast Authority, but to provide for the proper management and control of broadcasting in Barbados. We can set up the structure, it is going to take men to work the structure and we know very well, that if people are so inclined, they can find ways around any structure in which you set up.

What we want to do, is to establish a structure and at least, from our side, put the kind of person on the Authority whose sympathy of national progress, whose concern for the public well-being and whose ability to deal with people will be factors in working out a harmonious relationship with the broadcasting media while, at the same time, seeking the greatest measure of protection for the public interest.

If you look at the cast of the Bill, you will see that the emphasis is not on penalties. This is an age in which self-regulation ought to be promoted, as far as possible, and in the same way as the older professions, the profession of Law, the profession of Medicine and even the newer professions, Accountants and so on, are expected to regulate themselves, the intention is that the Authority will not be acting with a heavy hand, but will be seeking to induce, by the participation and common agreement of the operator, the spirit of professionalism which is the essential criteria for self-regulation.

You will notice, Sir, that in the Bill, the power of Licensing, instead of resting with the Hon. Minister responsible for Communications and Works, rests with the Hon. Minister responsible for Information and what powers continue to reside in the Hon. Minister of Communications and Works, are such powers as can be

properly exercised, until, if one has the technical staff, which that Hon. Minister will have at his command.

To go a step further, Sir, the Minister in the old scheme which I have referred to when I referred to the broadcasting rules was supposed to be a member of the broadcast authority. That is not a position which I was happy with and is a position which I am happy to say my colleagues are not happy with. Consequently this Bill reflects the establishment of an independent authority, not an authority of which the Minister is a member. It does not seem to me, Sir, that a Minister who will be advised by the authority can reasonably himself be a member of that advisory body. If the authority builds up a record of misconduct on the part of any operator such as may prejudice any future application on his part or indeed the continued operation by him of a licence, the Minister who has the licensing power cannot properly be part of the body which sits and considers such information, and therefore reaches its conclusion as to what to advise as a result of having that mind of access.

The other thing is that it is a fact that where the body dealing with matters contains a political person, then the confidence with which the operators will approach that body where perhaps matters of a very sensitive nature are being discussed, the confidence is not going to be the same as if the body were free of such persons. Let us face it; we are dealing with human nature and even though sometimes you say that it is not a justifiable fear, the fact is that that is a fear that people have, and what we want to do is to ensure that no difficulties are put in the way of the operation of the Authority. So that we just cannot set up something and then push it off as an atmosphere of mutual antagonism; that will be dooming it to failure from the start.

At this stage, Sir, I think I ought to direct members to Section 5, subsection (6) of the Bill because the Bill as circulated has a slight error which we will deal with by moving an amendment. In that Section 5(6) appears therein in the form in which it was submitted in draft, not in the form in which it was finally approved. The section reads as it appears before us:

"No licence shall be issued to an applicant who controls a medium for the dissemination of news other than that in respect of which application is being made unless the management and control of that other medium are being kept separate from the management and control of the operation in respect of which the application is being made."

The point raised on that draft was a point which I think it is easy to see and it is this, that if in a

company control is vested in the shareholders, unless the intention is to say that if you own one medium you cannot own another, then what appears there would be contradictory in that it might well preclude the grant of a licence where the operator was already an operator of another medium. The intention was that such operations must be kept separate. Consequently, the proper wording which is the one which is being proposed is that:

"No licence shall be issued to an applicant who controls a medium for the dissemination of news other than that in respect of which application is being made unless the management and operation of that other medium is being kept separate from the management and operation of the medium in respect of which application is being made."

If the management in operation of the two enterprises are separate, then we have no complaint, but if we go the other road, instead of opening up opportunities for persons who are enterprising enough to risk going into the broadcasting business, we might in fact limit them if we stuck to the original wording. What we believe, Sir, is that it is not the healthiest thing for a community to have a single radio station or single wireless and single wired just like it is not the healthiest thing to have a single newspaper, and what we are seeking to do is to create a climate in which those who wish may try and we wish them success. At the same time by an independent monitoring authority we are expecting that we will be able to ensure an improvement on the present broadcast quality and that standards which are attainable but which are in the national interest will be set and maintained.

I am not suggesting that the job of the Authority is going to be an easy one, but I believe, Sir, that this is one of the areas in which coaxing operators and a lot of talk flowing back and forth is the way in which we will get results, and I am not without some justification for that view, because specifically in the same field the quality of broadcasting in Jamaica which has always been higher than the quality of broadcasting in Barbados has benefitted by precisely that kind of operation on the part of the Broadcasting Authority.

The main features of the Act therefore are the establishment of the Authority, the transfer of the Minister responsible for Information of the power to issue licences to establish and operate broadcasting stations and the licensing of stations as separate undertakings rather than the mere licensing of a single corporation where that corporation is operating in more than one medium. One of the problems which we face as a fact in the present situation is that there is not

adequate machinery to persuade the establishment, for example, of advertising codes.

I wonder, Sir, how many people realise that if you make a false claim in an advertisement that there are countries in the world which will require you to set the record right, and that has had a profound effect on advertising in the United States of America, for example, because there has to be truth in advertising and this is one of the ways in which one will achieve that kind of standard. I do not believe that there is anybody around this table who would disagree that that is a worthwhile objective.

Where stations are competing for business and there is no authority but by moral suasion or however else can force them to look at what they are offering the public in terms of the spread of their advertising — I say spread because I think the way in which we must all be thinking in Barbados is that it is not possible to have anything but a concentration of advertising — unless you have an authority that can provide the impetus to a spread of advertising, you will have a continuation of the present mockery that commercial broadcasting has become in this country.

I was very, very put out two or three mornings ago when the technical difficulties with the FM meant that the separate programming consisting of uninterrupted cricket which had been promised could not be done, not for a little while, and for that period we were right back into it where for a certain period in the morning when you turn on your radio you do not even know what news you have heard, piggy backing the ads — and I do not understand it, Sir, because the advertisers continue to spend in an atmosphere where they could not possibly get any value for their money, because a lot of the ads get lost in the crush.

It would seem that it is in everybody's interest — the advertiser, the station and the listener — that there should be some spread so that when a man advertises he has a reasonable expectation that his ad will have some impact; the station because there is an overall body which means that if you move to take a few ads out of these slots you are not going to be surrendering revenue to the other stations and I am sure will be only too happy to do it, because I think the only reason they do not reduce the concentration is the fear of loss of revenue; and the listener will turn on the radio, he knows that there will be some advertisement — he is listening to commercial radio, he expects that — but he also knows that he does not have to listen to the first two bars of a tune before three or four ads push the rest of the tune completely out. I am saying, Sir, that it is not enough for us just to look at those problems and say it is bad, that we need to do something to correct it, and we believe that this legisla-

tion will provide the kind of machinery which can lead to some correction and therefore to greater enjoyment by those and greater information being communicated to those who are listening to radio.

I mentioned radio but I could say radio, I could say Rediffusion — I mean Rediffusion too when I say radio anyhow — I could refer to the television station, it is all the same thing, at a certain hour in the evening on come the ads and everything is crowded into that precious 7.00 to 9.00, and after that if there is a good programme you can really enjoy it because there is no interruption in the programme.

According to our information — and this is information going back over years — the quality and content of radio and television programmes have been favourably affected in Jamaica by the operation of a Broadcasting Authority and the Authority has been able to deal with complaints in such a way that there has been a decline over the years in the number of complaints about the frequency of advertisements, for example, and I am referring to Jamaica not just in its feeble days, I am talking about that time when the economy seemed to have been moving and when there was a lot of advertising, so it will not be reasonable for anyone to suggest that the lowering of the level of economic activity is what accounts for that, because I am looking at evidence not just a couple of years back but I am looking at evidence as far back as 1973.

The provision is that the Chief Information Officer will be a member of the Authority, *ex officio*, and that there be four other members. What I am hoping is that two or at least one of the other four members will be selected from among persons who have an interest, not an interest such as the Act precludes which is a financial interest or an interest in selling equipments and that kind of thing, let me put it another way, people who have an interest may have some say in selecting one of the persons to go on that Authority, because this thing is about building bridges and unless you have someone on the Authority itself who is fairly responsible and fairly knowledgeable on the other side in a more practical way, we may in fact find gaps in communication, and hardly anything poses greater problems than gaps in communication. Members will hold office for three years and may be reappointed.

Let me say a word, Sir, on Clause 6 of the Bill where it requires that where more than one licence is issued, that is to say, licences in respect of more than one aspect of broadcasting, where a licensee operates a radio station as well as a television station the two stations are, for all financial and operational purposes, to be treated as separate undertakings.

In the first place Sir, the question might well arise why not do that by policy directive, since CBC is the only such Body. We do not anticipate Sir, that if tomorrow, it proves feasible for another Licence Fee to operate in the area of television and the Licence was therefore granted, that it would be desirable to come back to Parliament to amend the Legislation so that, that could be taken into consideration. We believe that we ought to have the provision there, it will affect CBC and in the event that any other such undertaking should arise, it would affect them equally. This is one of the good things which I am referring to, when I say that we can set up the structures and we know that people can work their way around them.

The reason for that kind of provision is the quality of service being delivered to the country and the number of things, if you want to look at the financial aspects of it. We are unable as a Ministry, at present, to give any information to anybody to indicate whether it is economically feasible to operate a radio station at the present time, whether it is economically feasible to operate a television station, or what because where you have a joint undertaking, it is impossible, so to separate the financing out or, if not impossible, it would take a very long time for any true picture of the economics of the two aspects of the business to be clearly established.

But, there is an interest, even larger than that and that interest is this. We are operating in an area where there has to be a high degree of professionalism, a great deal of sophistication and techniques. A man simply cannot appear with a newspaper page and read it as news, even though in the newspaper, it might read well. If he is going on air, you just cannot take the newspaper page and read that on air. There is a distinction between what might be professionally acceptable if done for radio, as against the same thing done for television. If the public, therefore, is to be fairly served notwithstanding the hard work and the serious effort put into it by present practitioners, the scope has to be there for their professionalism to be properly and fairly developed, so that the products will be one of which they can be proud and of which the public can be proud.

I am looking Sir, to see whether there is need for me to emphasise anything else, before I move into my final point. I am glad at this stage, Sir, to mention that a new Telecommunications Bill is fairly soon to come before Parliament, it has already been drafted, consultations have been going on and will therefore run as a companion, where there are common areas, to this Legislation. Also, that the effect of this Legislation and a number of other things which need to be tidied up and clearly expressed in a single Act, will be a new CBC Act which will come later in the year and on which we are currently working.

The present position Mr. Deputy President, is, in relation to Licences, that the CBC and Rediffusion are currently operating on Licences which will expire at the end of this month and what we have sought to do, is to bring this Legislation down, in time for Parliament, to get it through, so that the Act may come into force before the end of this month, so that next month, there will be a new ball game. It will mean that there will have to be some internal re-organisation in the CBC, to the extent that it is possible within the present Act, to give effect to this once it comes into force, at least to comply with the terms of the Act, when it comes into force. But, I may say, Sir, that I am assured that that is well in hand and no difficulties are foreseen. I suppose that if difficulties had been foreseen in there, they would have been raised when this Bill had gone out for consultations. That certainly was not one of the problems raised. That is as far as immediate effect is concerned.

There is just one final point and it is something which I had forgotten for quite sometime Sir, until recently, I turned my mind to it because I was contemplating on the need to persuade the newspapers of the necessity to induce for themselves some level of self regulation because after all, we are in a community which, whether because of its size, or what other reason, does not enjoy as high a quality service in the press, radio, or television, as we would wish. It is my view that to approach it by way of recrimination, by way of accusing the operators of not spending this, or that rightly, or not doing enough for training, even if there is any truth in the accusation, will only half way be touching the problem. It is therefore, with some pleasure that I was able to go back, to 8th August, 1973 and see a column, "Topic for Today by E.L.C." which posed the question, "Why not a Press and Broadcasting Authority?"

In this column he makes the point among other points that professionals themselves cannot fear such regulatory authority because it is in their best interest for standards to be set to which they may subscribe. So I will take this opportunity indeed to throw out an appeal if it is that the gentleman of the Press would wish any assistance, then they could say what assistance they will need in setting up regulatory machinery, but I believe they are in a position where they can formulate their own professional codes and establish their own professional body for the regulation and observance of standards within the profession.

It is my considered opinion, Sir, that we will be always complaining about the shortcomings in performance in some areas, perhaps what cannot be described accurately as performance unless we can emphasise for the benefit of our people that journalism whether in the print or in the electronic media is a profession to be honoured and it is a profession which has to have

very high standards if the journalist is going to play his true role in the society. As I said, therefore, we can set up the structures, we can establish the machinery which we believe working along with the operators would protect or seek to protect, I hope successfully protect the interest of the public. It is going to be the professionals themselves who are going to make it work and we will need them to see themselves as professionals to put their talents to good use, to understand that in this world you not only have a perfect right to criticise, but that other people have a right to criticise you, and therefore if you pick up a newspaper or if somebody on the telephone makes a point that something you published is not of the quality that they would expect, you cannot always be right; the other man is often right, and the least one can do as an intelligent being is to examine what the complaint is and to see whether, if it has substance, you can move to ensure that such a complaint never comes again. We have to recognise that the profession of journalism has for its success to have a community of intelligent persons who behave in that way, who understand that their interests are being advanced by the quality of their product. They are not different in that respect from anybody else. We can create the structures, we can provide the legal framework. People are still going to have to breathe life into this in order to make it work.

I beg to move that the Bill be read a second time.

SENATOR J. A. CONNELL: Mr. President, this is a Bill of fundamental importance. It may well be laying the foundation of the new Barbados. It is the second Bill that is being introduced in the Senate, the first being the Occupational Training Bill. I think that for both reasons it merits serious informed thorough discussion by this Chamber.

Mr. President, democracy has been defined as the effective participation within an institution of those persons perceived to be relevant. It is within the context of this definition that the City States of ancient Greece can well be considered as democracies although they had significant numbers of slaves. The slaves were not perceived to be relevant to that society at the level of effective participation. The point I wish to make however, is that there can be no effective participation within the institution whether it be the City State, an African village or a home unless there is adequate information. For decision-making to be done in an intelligent and effective way, there must necessarily be adequate information. We live today in a much more complex world than in the past, and it is therefore necessary to have more information and better organised information. Therefore at a national as well as international level the dissemination of organised information is becoming more and more indispensable to the maintenance of

civilised society. It means therefore that the dispensers of this information, those that are responsible for gathering it, organising it and disseminating it are becoming increasingly important in modern society.

I will later in my speech have some comments to make on the observations of the Minister who introduced the Bill in regard to professionalism among journalists.

Mr. President, I think that it is difficult to disagree with the principle behind this Bill. In theory it establishes an independent Broadcasting Authority.

I think that 20th Century life in Barbados and the international world makes the establishment of such an organisation a necessity. What concerns me, and what I hope should concern other hon. Senators and all right thinking Barbadians is how to translate into practice the theory of an independent Broadcasting Authority. I am persuaded, Sir, that there are basically four ingredients or requirements for being a truly independent Broadcasting Authority. The directorate must be independent in the sense of not having to rely on some external authority for the validity and efficiency of its acts and decisions, I think that the staff should be committed to work within the atmosphere of complete professional freedom against the background of professional ethics. I think that there should also be a constant and free flow of relevant information to the viewing and listening public of Barbados, and lastly I think there is an urgent need to elaborate and implement and seek to maintain basic criteria that ensure the impartiality of broadcasts in areas that are likely to be controversial, such as religion, politics, industrial disputes, to mention the main ones.

Now, Sir, I have heard the Hon. Leader of the Senate hint ever since last week and again this week that it would be very desirable if this Bill can pass this Hon. Senate and be allowed to pass on to the Other Place so that it could be on the Statute Book by the summer holidays. I beg leave to disagree with him on this point, I think that this Bill is of such vital importance to the country that it ought to be sent to a Select Committee. I think that the Government in general and the Minister in particular should seek to give this Bill an auspicious launching, he should not allow it and the Authority it sets up to be the subject of any partisan complaint. It is something which as his files has disclosed was adumbrated by the previous administration, it is a concept which the present administration obviously thinks should be translated into practice, why not therefore sit down around the table of a Select Committee and discuss the details of the implementation of the Bill? This would ensure that at the end there emerge a statute and an Authority which had the support of the two main parties in the country. But even more important than that, I submit that the procedure of a Select Committee would permit a cross

section of the public to express their views and make contributions on what they conceive should be an independent broadcasting authority in their country. I think that this is in keeping with the open Government on which the administration came to power, that if it does not connote greater popular participation in important areas of governmental activity, what does it mean? I heard the Hon. Minister who introduced the measure make passing reference to the Bill having been sent to certain persons. He did not share with us the number of persons or the representation.....

SENATOR THE HON. N. A. BARROW: On a point of elucidation, Sir. If I did not make it clear I am sure it would assist the Senator in developing his argument that CBC and Rediffusion were fully consulted on the Bill. That is what he is referring to.

SENATOR J. A. CONNELL: Thank you very much, Mr. Deputy President, I think that the answer of the Hon. Leader of the Senate tends to strengthen my position. Although these two broadcasting institutions are obviously ones that we would expect to be consulted, clearly there are not the only ones, there are other institutions and individuals in the community who I think would want to make some contribution on the very important subject of the implementation of this Authority. If time is of the essence, if the only reason for pushing it through this — I do not wish to say indecent haste — with this haste, I think that the consideration of public participation and involvement preponderates over considerations of time.

There are, Sir, a whole series of issues which could be discussed by the Select Committee, the result of which I am certain would be an enrichment, an improvement of the Bill and of the Authority for which it provides the constitutional and normative framework. I hope that the Leader of the Senate will not harden his heart against it, I hope that he will not consider that either the dignity of his party or his Government is involved. The Select Committee could be given a reasonable time to consider it, it could be done through the month of August and September and when we resume the matter could be finalised. It would provide knowledgeable persons within the community to make the sort of contribution that this most important measure tends to deserve.

The Hon. Leader in a very interesting introduction said among other things that basically what we are doing here is establishing the bare bones, the normative framework in which the Authority can operate. He then went on to look at a negative possibility, namely that there were those who could get around norms and regulations. I wish to look at a positive possibility, I wish to suggest ways and means in which the Broadcasting Authority can play a meaningful role in the development of Barbados as a Third World Country.

I do not think that the Hon. Minister who introduced this measure will hold it against me, if I repeat part of a private conversation which we had at CBC some time ago. I think that it was before he became the Hon. Minister responsible for Information. We were both invited to participate on a "Night Ride" programme and whilst we were waiting to come on, we had a discussion on broadcasting and other matters. My recollection of that conversation, is that the Hon. Minister and I share a community of interest and expectations, as far as, the role of the broadcasting media and the press is concerned, in the development of Barbados. I do remember the present Hon. Leader of the Senate making the point that all of that is quite good, but that we have to look at the money, how are we going to pay for it? My response then, and now, is that, it is so vital to the development of Barbados, that we shall have to find the money to do it.

Sir, one of the characteristics of a country which is designated a Third World country, is that, at sometime in its recent history, both its human and material resources were exploited by a European, Metropolitan country for the development of that country. The result of this exploitation has been to denude the colonial country. The results of this economic and social activity can still be seen in all the Third World countries, in varying degrees. It can be seen notably, in the attitude and the value systems of the people who live in these communities. Very often, these attitudes are such, that they unconsciously take up positions which lend themselves to the perpetuation of this exploitation of their intellectual and material resources. The contribution of the exploitation of intellectual and material resources militates against the development of the formerly colonial society, along lines of greatest value to the people of that country. I am persuaded, Sir, that what is necessary in these countries, including Barbados, is a new, political, economic and social synthesis.

If one may reason of the analogy of the Hegelian dialectic, the past, historical experience and contemporary reality should be fused, to produce a new future for these countries. In order for this to be done, there must be this constant flow of organised information, coming to the great majority of the people to enable them to understand the economic, social and political environment better.

Education, Sir, has been described as training of people to live in a given environment. The whole historical, colonial process tends rather, to provide training which is not entirely suitable for living in a given environment. When the country becomes independent and it strikes out on a new path of national re-construction and awakening of the national consciousness of the people, it is necessary, in my view, to make available to

those people, a constant flow of well-organised information to enable them to take on new perspectives.

Now, Sir, if this is accepted, that obligation be left to the market forces in the society. History has shown, contemporary experience has shown that the market forces *per se* do not take, within the sphere of concern and operation, matters of this nature. It is not without significance, that today, it is the Government who has to provide an education bill of upwards of \$60 million and in any country, where the people are being given a satisfactory, reasonable education, it will be seen that this is the responsibility of Government. However, the educational system which we have, not only in Barbados, but in other countries of the Caribbean and indeed, the World, is geared to writing exams for certificates and within that academic syllabus type framework, much that is of value in terms of training persons to fulfill their innate, physical, intellectual and spiritual qualities and to improve the society, has had to be omitted.

I am saying therefore, Sir, that there is a void, a gap in our educational system which I am persuaded can and must be filled by the media, broadcasting and press. In other countries, notably Britain with far more resources than we have, attempts have been made to use the media for educational purposes. In Britain there is now the University of the Air. There has for a long time been the third programme which has brought information of high cultural value to listeners. I am not here advocating that we should transplant from the United Kingdom or anywhere else wholesale any system of broadcast programmes in a canned fashion for Barbadian viewers and listeners. What I am saying is that it behoves us to study these innovations in the area of broadcasting, and to adapt them and to invent where necessary to produce the sort of informative programmes that will assist Barbadians to understand their environment and themselves better.

When I use the term "environment" I employ it in a two-dimensional connotation. I refer to the physical or God-made environment, that of a small Island of 21 miles by 14. I do not recall what is the metric measurement, with no dramatic endowment in terms of natural resources apart from its people. I also refer to the cultural heritage of these people which is also a significant part of the environment. I employ the term "culture" Sir, as Fanon employed it. All the effort made by a people in the sphere of thought and action to describe, justify and maintain themselves as a people. I do not employ the term in any snobbish connotation.

I am submitting, Sir, that the educational system as it operates in schools and in the University does not sufficiently train and prepare Barbadians to live

within the environment that I have just defined. There is a need to supplement it and I am persuaded that it can be supplemented within the context of the broadcast media and the press. Only on Sunday, Sir, I was talking to a young man who has had the benefit of a secondary education and who was obviously interested in the current affairs not only of Barbados but of the Caribbean and of the World. This young fellow is eighteen years of age. The questions he asked included ones about international financial assistance to Barbados; he wanted to know whether I thought that Barbados could ever succeed unless it had international aid, and questions of that nature. It was clear that this young man was groping for information. It was clear that he was interested in his country and he wanted to be informed about its potential and its possibilities for the future. I wondered then and I wonder now how many hundreds of persons like him there are out there in the country who have left secondary school and whose minds are still open and eager to learn and who have no institutional framework in which these vital and pulsating issues can be discussed with them.

It has always seemed to me that the broadcast media in particular and the press to a lesser extent can fill this gap. The projections are that the world population is going to rise, and unless some alternative source of energy is discovered in the immediate future, the competition for survival on this planet earth is going to be stiffer. We need in the interest of the young generation that we are calling into being to prepare them to survive in a more competitive world. To do this they must be given more information and at the great risk of repetition I am saying that this information in a large and significant measure should be relayed to them in their homes, sometimes in their schools by the broadcast media.

I have laid great emphasis on youth because they are inheritors of the future, but this information can also be of great value to the older generations. At a time when the very institution of the family seems to be under tremendous stress, in a period when there is great deviation and challenging of hitherto accepted norms of social behaviour, it would be of great value if parents too could sit before the television at some time during the week and listen to programmes that discuss these issues and which were so geared as to provide for reciprocity in the flow of ideas, because no man or no woman has a monopoly of ideas. So then, Sir, I think that we have reached the stage in our economic development where this is a social responsibility that we should consider shouldering.

As the Hon. Leader of the Senate indicated then before he was saddled with the ministerial responsibility that he has now, it will have to be paid for. One of the things that we can discuss in the Select Committee is the ways and means of paying for an educational programme.

There are other broadcasting institutions and other authorities in various parts of the world that have had to encounter this problem of financing programmes. The BBC for example and the other broadcasting institutions of the United Kingdom have been subjected to several enquiries this Century, and there are reports which can be studied, and any conclusion with relevance to our station extracted and implemented. I remember looking at some recommendations in this respect and apart from government financing there were grants from educational organisations, national and international, sponsorships and in some cases the institution itself could levy loans, but however we do it I am suggesting that it is of vital importance, the fierce urgency is now. We have had television, the most powerful of the media, in Barbados for upwards of a decade. I do not think there is anyone around this table who would disagree with the fact that on the whole its influence on Barbadians has been more negative than positive within the context of the definitions of education as training to live in a particular environment which I elaborated upon earlier.

The canned programmes that we receive from North America, and to a lesser extent from Britain, and other parts of the world, are not conceived to inspire the Barbadian youths with some vision of their future, there are presented nightly with a material value system that is alien to the economic and social realities of our society. I can think of nothing more calculated to raise in their minds the attitude which Mr. Frank Walcott is known to describe as Madison Avenue tastes and mauby pockets. It leads to an enormous contradiction in the attitudes of our people. Seeing the sybaritic living conditions of North America constantly, they can be forgiven for assuming that Barbados not only should have them but has them or the potential to produce them and that they are entitled to them.

There should be some countervailing and educational and cultural force in the community to correct the imbalance created by television, the most powerful medium in the community as it is at present purveyed to viewers in our country. If we continue indefinitely exposing our young people to these canned programmes we are going to destroy what remains of the identity of us as Barbadians.

There is something to be said for internationalism, I have serious reservations however about the sort of cultural internationalism that would make us all one type of person speaking with the sort of North American accent that one hears in the average television programme. I also think that it is a contradiction for an independent country to be fostering a method of informing its youth which raises in them the constant and urgent expectation in leaving their country as soon as possible and going to live permanently in North America or some northern industrialised country. We

have got to create a new patriotism, a new vision of Barbados which will inspire the youth of our country to release that dormant creative energy which they all have, because they are human beings.

There is an area, Sir, in the Bill in which the Authority itself will be able perhaps to do some of the things that I am suggesting and will continue to suggest. Under Clause 11 it is provided that the Authority may with the approval of the Minister make regulations respecting, and a number of areas then follow. I want at this stage with your leave, Sir, to direct the attention of this Hon. Chamber to Clause 11 sub-paragraph (f) which begins "the allocation of time by licensees to the broadcasting of matters of religious, political or industrial controversy etc." I wish to indicate in the hope of convincing the Minister that great though the celebration and anxious consideration that he has put into the Bill may be, that he has not compassed all the possibilities in relation to broadcasting.

As a person interested in the environment I wish to throw this suggestion out for his consideration. My understanding of the law of Venezuela is that any *bona fide* institution or individual who has an important and relevant statement to make to his or her country on the environment can demand as of right a few minutes of very expensive television time to make that point. Now, Sir, I think that that is of great significance. With the heavy tourist visitation, with the spillage of oil on international and coastal waters, with the proliferation of garbage, with the dramatic increase of noise, with all the environmental problems that we keep creating and spinning out, with the building on the coastline and the systematic occlusion of all the windows by the sea, these matters, Sir, are going to become of increasing importance to the future generations of Barbadians, particularly to the young people because when we are gone, it is they who have to inherit the over crowded beaches and all the negative consequences which flow therefrom. I think that that Provision which I am informed exists in Venezuela could usefully be adopted in Barbados, that there ought to be some slot in your programmes, which allows persons in the environment and I am not speaking of the environment, I am not suggesting that that should be the only area, but, I think that it takes high priority, it should be able, as a right, to get a reasonable amount of time to disseminate information of importance to the community.

There are some other matters Sir, which I would like to raise. Clearly, the Select Committee would be the more appropriate place to raise these details. I think that a Second Reading Speech should dwell at the level of principle, not descending to details. I am merely mentioning some of these details to convince the Hon.

Leader of the Senate, that there is a need for a more mature consideration of it.

Sir, he mentioned the self-regulation of newspapers. This is one of the subjects which we touched on, in that memorable conversation which we had and I think that our views on this point are almost identical. I think though, that it is fanciful to think that if the journalists are left to themselves, that they will be able to regulate themselves. For a start, it is a relatively new profession. They operate under some very serious constraints, sometimes, in terms of the employer, very often, in terms of the lack of internal cohesiveness of the profession itself.

Now, this is no criticism which can be levelled only at journalists. It took Legislation passed in this Parliament in 1973, to bring Lawyers together in a viable Bar Association. The Government had to pass a piece of Legislation which some Lawyers feel is unconstitutional, making it obligatory for a practising Lawyer to be a Member of the Bar Association. That obligation carries with it, another obligation, to pay subscription fees.

Now, the rock on which previous Bar Associations were shipwrecked, or very nearly impelled, was that of finance. Without the Statute, many lawyers could not be persuaded to pay the subscription fees. So that, to expect that journalists, without some encouragement, some holding of hands, in a benign way, would regulate their own profession, is I think, a little fanciful.

The Hon. Leader of the Senate and I, also agreed at that discussion, that there is a need for greater educational facilities for journalists. Law is one of the older of the professions, Economics has come into its own much later. But, these disciplines prescribe for, and, with great respect to you Sir, Mr. Deputy President, the Priesthood, the oldest of the professions. But, whether it be the Priesthood, Law, Economics, Medicine, Engineering, or Architecture, they all have the advantage of this requirement of an organised course of academic training. I think that something should be done, and done urgently, to make that available, to as many journalists, as can benefit from it and who want to benefit from it. I think that that is inextricably bound up, with this business of setting standards. Some of this will have to be done by the Broadcasting Authority, or the Ministry under which it falls, in collaboration perhaps, with the Ministry of Education. But, to my mind, if journalism is to come into its own in Barbados, this must be done.

In conclusion, Sir, I wish to state that, to all democracy in Barbados, the continued availability of a free and constant flow of information is indispensable. I

wish to reiterate my agreement with the principle of the Bill, but also, that its details should be discussed within a Select Committee. Government should speak more freely on its policy, in terms of the appointment of personnel and to the Board and other areas of the Authority's essential independence. I think that there is this gap in our educational system which can be, and should be filled, by the broadcasting media. On that, depends the very future of Barbados.

I do not wish, in the Second Reading Speech Sir, to go into greater details on matters like advertisements. I agreed with the Hon. Leader of the Senate, in all of his observations on advertisement and I think that one of the things which must urgently be done, is to apply the same standards to the advertisement of cigarettes in Barbados, as is applied in the Northern industrial countries. I think that it is an insult to the intelligence of Barbadians, to allow a product to be sold and advertised on the media, without the warning, when in the country of origin of the product, the warning is necessary. But again, I do not think that these are matters which should be part of a Second Reading Speech and I reserve them to be dealt with during the Select Committee, which I hope that the Hon. Leader of the Senate, will decide to let Hon. Members of the Senate and the Other Place participate in.

The precedent has been already established for a Joint Select Committee of both Houses, and I am urging that this be done. As I said, this Bill can well be one of the foundation stones for the edifice of the new Barbados. It is fitting therefore that its launching, the breaking of the ground so to speak in which the stone will be founded should be auspicious. It should not have around it associations of partisan dispute and more than that, if the Government believes in the principle of open Government that is enshrined in its party's programme, then it should not resist an opportunity to allow a good cross-section of Barbadians to react to this most important piece of proposed legislation. Thank you, Mr. President.

SENATOR MRS. E. LYNCH: Mr. President, I have listened with great interest especially to the speech of the Opposition member which I hope he will have taped to deliver at the next open air meeting which his party might hold, because it is good for people to hear these things outside the Senate.

I was really thinking that I might wait until the Bill relating to C.B.C. was brought before the House, but this is a good time to reply to some of the sentiments I have heard expressed. When I joined the Board of C.B.C., I had a lot of lofty ideas about what we would do with programming. I would like to draw to the attention of members that there is a tendency to over-estimate what the influence of the media will do. It seems to me

that we feel that the negative influences come from the media, but the influences for good do not seem to me to be affected greatly by the media. It still seems especially in developmental matters that any ideas put across through the media must be reinforced and followed up by person to person contact; the media alone it seems to me does not produce the magical effect that we imagine. If you doubt me you can try questioning children on the contents of the newspaper, radio and television and you will find that they have assimilated very little. It is true that they may have been influenced in other ways which might not be specific; they may have had other adult experiences forced upon them vicariously. Whatever gaps we may have in education, we must not feel that of necessity the media will fill those gaps. What we can get through the media is continuing education, but people are very resistant to having education pushed on them. Sometimes we find that they complain that there is too much talking, there are too many discussion programmes, they want entertainers, they want roots music and things of this kind. They want Starsky and Hutch.

You will be surprised to know when we attempt to put late in the evening the kind of programmes which we feel might not be so beneficial to children, we will get letters often from parents telling you that Starsky and Hutch is educational and they want it early in the evening so that the children can see it and not have to be kept out of bed in order to see the film. You see we are really up against public taste because we are a commercial station to a certain extent. We have got to pay our way and if we are going to fulfil all the lofty ideas that we ourselves would like to fulfil, then we might find it rather expensive, and if you turn to Government for a subsidy, you then seem to lose your independence because you will be dependent on Government financing. So please don't think that you can substitute the media for our person to person contact.

I think at the moment that the community is suffering most from this lost of contact between the various classes which we got more easily in the mixed communities of our own day as against the kind of development which we now have, where even if you look at Government's housing areas, these themselves are special enclaves, and it is this loss of contact between the classes that has contributed more than anything else to some of the decline in the society.

We have a problem of cost. We do discuss a great deal what we would like, the kind of programmes we would like to have and then we proceed to the film market at some point in the West Indies where we try to buy things together with the other West Indian islands so that we can reduce the cost by passing the films along from one island to another, which means that

what we buy is very largely influenced by what other West Indian islands want to buy, and if we try to buy the best films, then they turn out to be extremely costly. I myself was staggered by the cost of equipment and films. I had no idea that it cost so much to run a television station and I kept asking myself whether we were wise at the time to have embarked upon it because it is so costly, if you want to do a first-class job. Speakers have touched on standards. The most important thing is the person who will administer and who will turn these ideas into action, and the real problem is that we do not recruit trained people as is done abroad.

We recruit people in the hope that they will turn out to be able to assimilate training, and it does not always prove to be so. It is extremely difficult after you have employed people to dismiss them, you just have to keep on and try, so that the problems are not simple and even in a country like Britain, you know, the most widely sold newspaper is the News of the World, not the Times or Observer or the Daily Telegraph, it is the News of the World. I am sure that the member of the Opposition knows that and that they had compulsory education for a very long time, that is to say, that if you try to put your programmes to sort of take the highest tastes, the thing that is best, the community is not going to accept that, they always accept something rather less than the best. Now we hope that we should be able if we cannot please everybody all the time to please everybody sometimes, and that is about the nearest we have got so far. Nevertheless I do believe that there is a lot more to be done. We have been trying, and I readily admit that perhaps we have not succeeded to the extent that we would have wished, nevertheless there was a time when I would not buy a television set. I did not buy a television set for a number of years because I did not think it worthwhile. Now I have a television set, I had one before the one that you are lent from CBC, but I do feel that there has been some improvement in television programming, there have been definite efforts to bring films and discussions which are educational. We were disappointed sometimes that people were impatient with English films. They asked why we were bringing all these English films when they wanted to see American films, and at that time the very films which the Barbadians were rejecting were extremely popular in the United States of America.

This is the sort of problem which you have got and we have somehow to make an accommodation to put some sugar on what they might regard as the pill, we cannot just force certain types of programmes on them continually, but one of the things that strikes me is how much people miss over the media. It is rather fleeting and people miss a lot. It seems to me if you want to get across something it has to be repeated in a lot of different ways and not only through television. I wonder if television has all the power that people think it has, I hope not. For example, we hear a lot about the increase in crime and how television contributes

to it, yet there is far more crime in some territories which have no television, so you see we tend in looking at our social problems to over simplify and say it is due to this and this is due to that, social problems are never due to just one cause, there is always a mixture of things which influences, which causes the results we see. We are trying for example, if you have not noticed it, we have cut down considerably on films dealing with crime on television. We have cut down those a lot and we are very careful at the times at which they come, though parents allow their children to stay awake to see the films that we have put late so that they shouldn't see them.

I would be glad if the member of the Opposition would let his lofty thinking permeate the community and if we could hear more about this sometimes outside of the Senate. I would like to see the day when we would have a pool of trained people whom we can employ, because this is really one of the basic difficulties. Production of our own films is much more expensive than to buy a film, and when the film has been produced then the viewers expect it to have the same level of technical skill and know-how and slickness which they see produced by people who have been dealing with the technology for a very much longer time than we. If we are going to have more local productions then people in the community who have been exposed to productions outside will have to realise that we have to learn, we will have to go through the process of improving gradually, we will not be able to produce films like those that you see produced by Granada or somebody like that, we will take time. In this island we are very much exposed to outside influences and we tend to measure ourselves by the standards of countries very much bigger, very much wealthier than we are. If we are going to put up a building we want that building to compare with something which you will see in the United States of America or in Britain, we are not satisfied to put down something which we can afford to put down and we must then if you want to develop as the hon. member has indicated we must realise that people have got to learn and the kind of adverse criticism to which CBC is subjected is very discouraging, it is one of the things that causes us to find people there very discouraged. We do not encourage them enough. I am not saying that the criticism may not be justified, but CBC gets very little encouragement, its workers do not get the support which I think they often deserve. Even during the bye-election campaign, although we had done everything we could for the first time to allow both parties to have as much exposure, a fair amount of time as we could between the two parties, the people there were bitterly disappointed, nobody will know how much harm it did to the staff to find that after their efforts not a single person said thank you CBC for the special effort you made to give both sides an opportunity to be heard, and these things after all call for a lot of hard work. It is creative work and if they do not get encouragement then they are afraid even to try because they do not want to fail, and therefore please

remember all this when we are looking at building up our local standards.

We have not only to educate, we have to educate while we entertain or people will just turn the sets off. As the news comes over they turn the set off, they do not have to listen, but it is good to hear politicians so interested and so well informed on this topic.

I do not wish to say very much about the Authority. It may be that a Select Committee will look at it and perhaps say something about it, although I am surprised that the member concerned favoured this because it seems to me that sometimes that party does not like to sit on Committees of this sort, so I hope that if they have an opportunity to sit on this Committee that they will sit on it, especially since it was in that party's term of office that CBC Television was established in Barbados and they had an opportunity to put everything to give CBC all the independence that they now want for it.

We would have been glad to see it given. If we had started off on the right foot, it would have been so much easier now, to go forward into these new areas, which the Hon. Member now invites us to essay.

I have my own comments to make, but, naturally, as a Member of the Board, I was able to send forward my comments at the time when the Board was sending it forward. They had the opportunity to comment on different things. I think that some of the things which we commented on were noticed.

I would have liked to see an Authority, quite frankly, which had the same kind of power, as say, the Public Utilities Board. But, I do not know whether there are other reasons. After all, we are not so well-developed in this sort of area and we are a small community. No matter what we do, we have this fact. We talk about Independence, but we are very dependent both psychologically, and perhaps in matters of economics. Indeed, there was a time when we deliberately educated Barbadians to leave Barbados. Just as other people produce cars and export them, Barbados set out to produce fine people. We were very good at producing people, but we knew that we were producing those people for export. We produced people to go away and when they were away, they would send back money to Barbados. I do not think that any economist has ever been able to work out how Barbados survives because there is no way to trace the number of dollar notes, five dollars notes and pound notes which make their way back to Barbados just in letters and things of that sort. For a long time, this was how our economy worked. But, we are so tied to that, that we have to try to be more self-reliant. We have to try to think of a community being reared for Barbados.

But, we are doing this for the first time. For the first time in our history, we are trying to raise people with the idea that these people will remain in Barbados. I know this because in my earlier years as Headmistress, I would go to the fourth and fifth forms and ask, now, how many of you expect to live outside of Barbados when you leave school? I was amazed at the number of children who had relatives abroad, and who intended to leave Barbados. This caused me to make certain modifications in my Curriculum because I said, now, what am I doing? I thought that I was educating Barbadians, but I am really educating people who expect to go and live outside of Barbados. I felt that we had to increase the number of people we are training because we are losing so many of them. I do not think it is quite as bad now, as it was then. But, I seriously questioned what I was about and I was very upset that education was really not doing what we thought we were doing. We had to educate people who would be able to go and live anywhere at all, and so I set about giving them a special course which involved being able to look at a new community, study it and adapt to it because I said that I am training children who are going to live outside of Barbados. This is nothing new, in fact, it is less so today, than it was previously.

The Hon. Minister might well consider what the Hon. Opposition Member has said about a Select Committee. I do not know how much we have at our disposal. He will note that he mentioned that the date for the granting of new Licences for CBC and Rediffusion is near at hand. I do not know how much the timing of the Bill will be influenced by that fact, but, I am cheered with what I have heard in here today because it means that in efforts to produce good programming and to give the community a station which reflects the national character, we will have the support of important Parliamentarians.

Thank you.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, it is a joy to sit down and listen to speeches of quality and to think that you have provided the occasion for those speeches, by introducing a particular piece of Legislation. It makes me feel Sir, that the work of those officers who put so much into preparing this Legislation has not been in vain. It also persuades me, that while the argument for a Select Committee has not been made and really I do not think there is any need to go to a Select Committee, the interest in this kind of Legislation runs very deep.

The reason Sir — let me go straight to the point — I do not propose to invite this Hon. Senate to sent the matter to a Select Committee, is that the tenor of the Debate was not about inadequacies in the Bill, itself,

and therefore, it is extremely difficult to see what can be achieved. What the tenor of the Debate revealed to me was a number of things which would be important guidelines to the Authority in carrying out its duties. I would think for example, Sir, that after hearing the two speeches which have just gone, that the Board could not possibly set about its duties without a certain degree of public consultation in order to get the feel of what things are at and what levels of acceptability there are going to be. I do not mean necessarily holding public meetings, but I am saying Sir, making themselves accessible to memoranda from a wide cross-section of the public.

I do not think any of that would be affected one way or another by our sending the Bill to Select Committee. Now Senator Connell referred to an earlier statement of mine and I think he misconstrued it a little bit where he said the idea was adumbrated by the previous administration. I am not trying to score a point on this, but let me make it very clear. What happened was that there was an attempt made to attach broadcast rules to the licences. The idea that there should be separate legislation to give full effect to a broadcast authority is one which appears in the files at official level and never seemed to obtain political blessing. In this particular respect, Sir, I found myself going through an experience that I had in a different matter. Some couple of months back, in fact it is almost time for that Council to report, I inaugurated a Council that would work on the establishment of a national information system. What had happened was that when I assumed responsibility for information and I had put this idea up and asked to have it worked on, the public servant involved discovered when he had started to research it that there were suggestions, in fact there was a specific proposal in the files coming from the Public Library, a proposal going as far back, I think, as 1971, which ran along the same lines as I had intimated. I knew nothing about the proposal. Nobody knew that a Minister was going to come along who had the same interest which the Librarian of the day had had, and what happened was that because the Librarian of the day had had that interest we were able to get the thing established much faster than if we had to work the idea from scratch.

Now we are in the same position here that they were public officers who were arguing back in 1973 that there should be moves to establish an independent Broadcast Authority, but that is as far as it went. But again it facilitates us because when we come along with the idea that we ought to do it, it means that there is a certain basis of activity that has already gone on which would help us to get it before Parliament as quickly as we can.

There is another point that after hearing Senator Lynch I did not really intend still to make the point,

but I think I must and it is this: that I remember having announced in November that we would have an independent Broadcast Authority and Parliament was going to be invited to consider legislation for it, and then the Chief Medical Expert of Senator Connell's party, the medical economist made a public call for an independent Broadcasting Authority, even though he might have been calling after the undertaking was given. The fact is that it indicated that in so far as he considers that truth matters in politics, in so far as that is the case, it would indicate that as far as he also represents his party's position, the party was at one with our party in recognising the need for such an authority, and so as long as the legislation is reasonable, I do not think that we need now to delay any further by pushing it into Select Committee. Too much good legislation has lasted too long in Select Committee.

The Senator referred to a conversation which I remember well, and there is just one aspect of what he said I should like to report on when we talked about how we afford something, because we were at that time operating within the corporation on the business of establishing a number of new procedures, restructuring and trying as far as possible to eliminate waste, because we honestly believe and we think we have established it by a fact that very often people are faced with the problem of finding money when indeed they might still have to find money after this exercise; but some of the money, if not all, could be found if certain practices were necessitated which would increase efficiency and eliminate waste. This is why I am one of those persons that could never set out to underwrite inefficiency because nobody benefits by waste. I think that aspect of the corporation's management has been very significantly improved. So that the question about affording it is a question which falls to be answered. Let me put it this way: the first thing is that the corporation can do it within its means because of the state. I can tell you something about the corporation now that would be a shocker, because for years the auditors at CBC used to return a clean bill of health, and after some thirteen years the corporation then suddenly got an audit in which it was stated they could not verify the fixed assets of the corporation because there was no register of assets and enquiry established that there had never been any, and the same people had been auditing the accounts all that time and apparently they must have put a new man on the audit who for the first time took the job as seriously as it should have been taken. We changed the auditors of course.

The point I am making is that it is only now that a register of capital assets has been compiled, and on the technical equipment side of that register you will find that a great deal of the equipment is in an advanced state of obsolescence and they had to find a whole lot of money now for re-equipment purposes. It is a completely different ball game, and there is a limit to the money that you are going to be dealing with, and therefore when you raise the

question of how you are going to afford something, you are talking about seeking to find the money for general improvement of your output, but it is not only the programme content, it is also the equipment content of that programme that has to be taken into consideration.

Senator Connell got in his environmental plug. I believe he was watching the GIS Programme on Parks and Beaches which I thought was one of the better things done by the GIS and done on television, and I thought it was one of the things that environmentalists must have liked. I trust he saw the programme. It was in two parts, I believe. The Senator was making the point, I would have expressed it slightly different but I could not agree more. The point relates to the role and the activity of the publications needed whether print or electronic in the overall education process. It is something, Sir, that I believe, we do not pay enough attention to. We cannot anticipate what kind of effect certain things will have and always expect to be right. It may be that as Senator Lynch said, the effect is more negative than positive, but I would like to believe, Sir, that where you have programmes like the same one I referred to, which is why I am raising it not because I was teasing really, the real reason is that if you have a programme like that, it must heighten people's awareness of the value of the environment, and I think that programmes like that which are our own programmes which are locally made, everything in them has come locally, they can only have in my view positive effect.

The final point, Sir, in my reply has to do with Senator Lynch's point that she would have preferred to see an Authority more like the Public Utilities Board.

In the United States where there is the Federal Communication Commission which is a Commission with teeth, it has a lot of power, it licenses stations, it does this, it does that. Experience has established that the use of that power brings the best results where they have gone into a process almost of deregulation and trying to stimulate self regulation within the broadcast industry. Their own experience has established that they are getting better results now that they are not really wielding the big stick, because identity of interest is something which can be appealed to to bring better results, and we have been careful for that reason to fashion an instrument in which the emphasis is not on any big stick, any punitive powers and so on because we feel, Sir, that it is very important that the right climate be prepared for the Authority to operate in and that there will be a lot of give and take and emphasis on getting people to do things themselves.

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

APPOINTMENT OF CHAIRMAN OF COMMITTEES

SENATOR THE HON. N. A. BARROW: I would like to move, Sir, that Senator Rocheford be appointed Chairman of Committees for the purposes of this meeting.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. Barrow the Senate resolved itself into a Committee on the Bill, Senator H. F. G. Rocheford in the Chair.

SENATOR K. E. HINDS: Mr. Chairman, I beg to move that the Bill be taken as read.

The question was put to the Senate and agreed to.

Clauses 1 to 4 were called and passed.

Clause 5 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, as I intimated in introducing this matter, if you look at subsection (6) of this Clause you will find that in lines 4 and 6 two amendments have got to be made. I beg to move that the word "control" in line 4 be deleted and the word "operation" put in its place, that the word "control" in line 6 be deleted and the word "operation" put in its place, that the word "operation" in line 6 be deleted and the word "medium" put in its place. The subsection will then read, Sir:

"No licence shall be issued to an applicant who controls a medium for the dissemination of news other than in respect of which application is being made unless the management and operation of that other medium are being kept separate from the management and operation of the medium in respect of which the application is being made."

The question that the subsection be amended as recommended by the Minister was put to the Senate and agreed to.

SENATOR D. H. G. HUNTE: I am not speaking on the amendment, I just want to ask a question on this one, Sir. I believe that some time ago when the Minister announced that if Rediffusion had changed hands the licence would have been granted. There have been some reports that another set of persons have been granted a licence to operate another radio station in this country. To date we have not had any confirmation as to the persons behind this other radio station and I wonder if the Minister could throw some light on it.

In the past, Mr. Chairman the Minister and his colleagues have been very critical of the issuing of

licences by the Democratic Labour Party to persons whose identities were well known. In this case we do not know the identities of these individuals and for all we know we can assume too that it may well be the same people for whom they criticised us, but the question really is that we have CBC, we have Rediffusion and we have been talking this afternoon about the content of programming and things like that, and we wonder whether this small country can really carry three radio stations of that magnitude. This is something I would like the Minister in his reply to address himself to.

SENATOR THE HON. N. A. BARROW: If it is on the amendment, Sir, then I am most certainly going to reply to Senator Hunte.

SENATOR K. R. HEWITT: Mr. Chairman, I think the Minister in moving the amendment indicated that if the word "control" had remained it may pose a problem in that control would rest with the shareholders and therefore what in fact he might be saying is that an individual shareholder or group of shareholders should not in fact control the two types of media.

The Amendment, as it now reads, still includes the word management and in fact, I believe that this word management here, is a bit imprecise. I do not know that it is very obvious when we talk about management, unless the management is different. Management at what level? Are we talking about the Board of Directors? Are we talking about the day to day management and so on. I think, in view of the fact that the Section here may have immediate application to an existing situation that the wording should be pretty explicit as to what is meant and I feel that if we are talking about the Board of Directors, perhaps the Act should say that, or it should be more explanatory as to what exactly is meant by "management", so that in case there is any entity which is in danger of breaching this Act, that entity will know precisely what it should, or should not do.

SENATOR THE HON. N. A. BARROW: The point Sir, is that — no entity is in danger of anything in this Provision and indeed, the form of wording arrived at, is a form of wording arrived at, after consultation because the word "control" was the original wording and it was changed from "control" to "operation" because of representations made by that source.

The fact is, that what we want to ensure, is that operationally, there are two separate things. If your management, in the day to day sense, is going to be merged, you know very well what you are going to get, Sir. I think that what will happen is that people operating under this sub-Section would probably ensure that there is not too much interlocking in the Directorates so that

they will, at all times, be reflecting the necessary separateness and that is not difficult to achieve.

I am assured that this formula does not present them with a problem because what we want to do Sir, is to be realistic. It might not be possible to have that institution locally owned, if we were going to talk about the kind of separateness which "control" would suggest. To me, it is certainly more important that the media be in local hands, or substantially local hands, than that what was the case, should continue.

The question that sub-Section Six be amended was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Senator Hunte Sir, was not on the Amendment and therefore, I do not want to confuse the issue but I do not think that Senator Hunte, or anybody else can reasonably suggest that the matter of Licensing, in the area of broadcasting, that we can be accused of what they were accused of, because you can only accuse the Democratic Labour Party of not having Licences, not having done anything to advance local ownership in the media and not having encouraged any kind of local investment in such areas.

If Senator Hunte had put his question straight, without making that comment about what they were doing — we are not giving out cement licences, this is Broadcasting Licences, we are not dealing with Sydney Alleyne and that type. We are not even dealing with Leo Leacock. We are dealing with broadcasting. I think that what Leo Leacock sells cannot, in fact, qualify as broadcast equipment.

SENATOR D. H. G. HUNTE: Mr. Chairman, I am not dealing with cement, or that kind of thing and he knows it too.

SENATOR THE HON. N. A. BARROW: What Senator Hunte is dealing with is the issue of a licence for broadcast, as a result of an application by Crown Publications Limited. The key figure of Crown Publications Limited is Mr. Tony Bryan. You know Mr. Tony Bryan's politics, I know them. He is a supporter of this Side. Is that what you want to say? All of that information can be given.

The point is, that if a man applies for a Licence and the application is evaluated, you mean that because he might have certain politics, he is not to get a License? That would be setting a very bad principle and the way in which we look at it, is that if you apply for a Licence, the application is clear and it is justifiable for you to be granted a Licence, the fact that you support this Government or that Government, cannot be a qualification, or disqualification.

The gentleman, Sir, will not be able to advance one iota of evidence of another application which has been rejected or omitted. It looks, Sir, as though we are to tell Mr. Bryan, you like the Labour Party, so you had better not apply for a Licence. We cannot do it so, Sir.

The only Licence which I know that is knocking around my office, is one to do with religious broadcasting and on that one, the application was extremely imprecise and in addition, it raised certain problems. That has certain problems and there is no final decision which can be taken on that, for the time being.

But, I want to make it very, very clear, that applications as have come in, or of which I am aware — in the case of Rediffusion, we told Rediffusion very bluntly, I said, Mr. Thorington, if you can tell me how it is that we are to give you a Licence so that you can enhance the value of your Corporation, so that Barbadians will then have to pay you more for your Corporation, then, perhaps, I can consider giving you a Licence, but you have to explain that one to me first. I made it clear, unless you went local, you could not get a Licence.

We have not announced that we gave Rediffusion a Licence either, Rediffusion announced it when they felt like it. We told them that they will get a Licence and they will get a Licence. They announced it, when they felt like.

Crown Publications applied and they got a Licence. There are no problems, Sir.

The question that Clause five as amended, stand part was put to the Senate and agreed to.

Clause six was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause six stand part.

Mr. CHAIRMAN: The question is that Clause six stand part.

SENATOR J. A. CONNELL: Mr. Chairman, I, even after the Second Reading Speech, am not quite clear as to the justification for Clause six. Is it that it is being included in order to facilitate proceedings already in process?

One notices that it was a minority report in the Annan Enquiry in the United Kingdom which made, as I understand it, a similar recommendation in relation to the BBC and the purpose of it was to weaken the BBC by separating off the television operation from that of radio, and I was wondering exactly what was behind the idea of clause 6.

SENATOR THE HON. N. A. BARROW: In so far, Mr. Chairman, as there is any point about facilitating the operations already in progress, as I made the point before, such operations can be done by a directive; it does not have to be a legal provision just to take care of CBC. The point about this is that that is consistent with the idea of separateness which is expressed in the subsection of the section immediately preceding it, subsection 6 of section 5. The whole idea of separateness runs through these two and it is consistent.

The second point about it, as I said before, is that you have a general provision in there. I do not know, in a couple of weeks if somebody has to come and do a presentation on cable television, that it will get any further than that. Suppose however a case either for another channel, another station, cable television, I can't remember what you call it where you do not use cable, but people have a decoder in their sets which allows them to receive certain programmes that other people cannot receive, whatever other things there are that might come, these are things that are all in the air around you. We might decide as a matter of public policy for only CBC-TV, but you can't just without the evidence say which way such a decision can go, and therefore there is a provision there which will cover whichever way the decision goes.

The question that Clause 6 stand part was put to the Senate and agreed to.

Clauses 7 to 18 inclusive were called and passed.

The Schedule was called and passed.

On motion of Senator the Hon. N. A. Barrow, the Bill was reported as having passed the Committee with amendment and Mr. Deputy President resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. N. A. Barrow, the Bill as amended was read a third time forthwith and passed.

THE EVIDENCE (AMENDMENT) ACT, 1980

The Second Order of the Day was called — to move the second reading of a Bill to amend the Evidence Act, Cap. 121.

SENATOR THE HON. N. A. BARROW: Mr. President, apparently Senator Connell was on his feet at the time when I sent a message through and it did not reach as far down as Senator Connell, which was that instead of stopping for tea that we would go to as close to 6 o'clock as possible and members could go out and have a cup of tea if they wished. I am sorry about that

because I myself did not avail myself of the opportunity and I thought that I must be an Opposition too, Sir.

Mr. President, this Bill before us is not meant to be a substitute for the new Evidence Act which has been promised and which is I think at this stage out for consultation, but it comes down because there was a certain area of urgency surrounding this recommendation which according to my information is a recommendation that came from the Bar Association. So that in every conceivable sense, Sir, one can say that this is a lawyers' Bill.

It has been recognised that there was really little point in requiring certain people who simply because of their particular role in life would have to do more with the courts than anybody else to come down to the court whether needed or not in order to give certain formal evidence. Therefore the provisions of the Evidence Act needed to be changed to modify the requirement that members of the medical profession are required to attend court in order to give evidence. What the operation of the present situation meant was that long hours would often be lost when what was entered was merely formal evidence, while of course the man or woman was called away from the duties which appear to be important and required his or her attention. What is therefore provided for is the admissibility in evidence in proceedings before any court or a coroner's inquest of certain medical certificates and reports. However the Bill also makes provision for the court on its motion or on application from any particular proceedings to require a person making a document to be tendered in evidence to attend before the court and give evidence, so that where it is in the opinion of the court or in the opinion of any party to the proceedings important for the person to be there the person will have to be there. So you lose nothing in terms of the rights of the individual in terms of the fairness of trial, what happens is that you merely recognise a situation and correct an existing grievance.

The Bill as it stands before us, Sir, is what passed the Other Place, but immediately after it passed the Other Place representations were made for the toxicologist to be included. Apparently while the Bill was out no representations had been made and as soon as the Bill went through the Other Place the toxicologist must have made representation because the President of the Bar Association had represented that his interest needed to be provided. Accordingly when the Bill goes into Committee I shall be moving the following amendment, Sir, to Clause 20a(1)(b): Where it says: "a certificate or report of an analyst or consultant in the field of bacteriology, pathology", a comma should be placed after "pathology" and the word "or" be deleted and the words "or toxicology" inserted after the word "radiology" so that the section would read as follows: "a certificate or report

of an analyst or consultant in the field of bacteriology, pathology, radiology or toxicology in respect of his examination or analysis is of any matter."

SUSPENSION OF STANDING ORDER

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I beg to move the suspension of Standing Order 45(2) to enable Items 2, 3, 6 and 7 to be proceeded with in all their stages.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: I beg to move, Sir, that the Bill be read a second time.

SENATOR J. A. CONNELL: Mr. Deputy President, the Leader of the Senate, I think, referred to this as a Lawyers' Bill, I think it would be more precise if he refers to it as a doctors' Bill. It is a Bill essentially to relieve doctors of the necessity to go to court to give evidence if their report is acceptable to all sides of the court. For those who are interested in legal history and the sociology of law, this is an important landmark, it means that Barbados is moving towards a situation in which more evidence is going to be taken by way of paper. There are a whole number of persons — housewives, teachers, businessmen, other specialists, engineers and architects — who will no doubt feel, including others, that their time is also of importance and that if doctors can be given this particular facility that they should have it too.

In the case of doctors there is an additional humanitarian dimension, the doctor can always plead that he has a very sick patient waiting for him either at the hospital or in his consulting rooms while he is kicking his heels waiting to give evidence in the court of law. What I am moving towards, Sir, is to ask the Government to consider basically extending this sort of legislation to preliminary enquiries in the magistrates courts. For the benefit of those who do not have great experience with this, where the case is indictable, where it is the more serious type of criminal case, information is taken on the case in the magistrates courts and if the magistrate feels that a *prima facie* case has been made out, then the proceedings are sent on to Sessions where the real trial takes place. That necessitates witnesses, including doctors, coming to the court twice. Of course after this piece of legislation is passed doctors will be exempted but there are other persons who will have to come to the court twice.

Many years ago, over 10 years ago, a document was circulated for consideration of the Bar Association of time, the burden of which was to recommend legislation that basically what is contained in this Act, the Bill before us, be done for all evidence given at the preliminary enquiry. You could have the preliminary

enquiry done by a submission of written evidence and if anybody wanted to cross-examine a witness then you could call for that person. At the time when it was mooted it was felt that Barbados was not ready for it, it was felt that the police prosecutors in the courts did not have the level of experience and training to prosecute on the basis of documentary submissions. Well over 10 years have passed, there is increasing pressure on the time of the courts, many persons do have to go and wait around the courts for long hours and then have to go back and come again and if someone does the computation of the man hours that are lost by persons waiting in the courts to give evidence I think they will be astounded to see the loss on a national scale. I think therefore we are going to have to face up to this need to implement a system of evidence by written documents, statements at preliminary enquiries and even at coroners' inquests.

There are a fairly disturbing number of Coroner's Inquests which drag on interminably over a year to eighteen months. Evidence is given one day from one witness, then the matter is put back, people come down in large numbers and suffer considerable frustrations waiting around the court. I am suggesting that this can be looked at again, that the objection raised 10 years ago, that the police did not have the experience be also re-examined. If they are not enough, the Police now have among its numbers, trained Lawyers, who can assist in the presentation of this paper evidence. More should be trained to do it, it would lead to considerable saving of time. It would speed up the trial of indictable offences and release precious magisterial time, for the trial of other matters. With the whole spirit and flow of change which is coming to the Courts, I think it would be a good thing to look at making this innovation.

I wish to agree with the Hon. Leader of the Senate on the Amendment to include the Toxicologist. My understanding is that under the rubric of Toxicology, comes the marihuana cases. On Tuesday last week, I think it was, something like seven to eight cases were put back, simply because the Government Analyst was unavailable to attend to give evidence in those cases. For his convenience, the Court would put a number of cases, as high as seven to ten for him to give this specialised evidence in. Very often, it is not controversial at all, the Analyst is not cross-examined, but because he was not there, the cases could not proceed, and they were put back again until sometime in the future. So that, with this Amendment, the Report of the Government Analyst on his findings on examination of cannabis, will now be admissible, if there is general agreement by the Court and Counsel on its admission. That too, should lead to a considerable saving in time.

I have sat next to this Government Analyst for many a day and heard him give effect to serious frustra-

tion, hanging around the Court for interminable hours, waiting to give evidence which last sometimes six or eight minutes and I am certain that the taxpayers are going to benefit from this small Amendment and administration of justice generally.

Thank you, Mr. Deputy President.

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

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I beg to move that the Senate do now resolve itself into a Committee on this Bill.

Mr. DEPUTY PRESIDENT left the Chair and the Senate went into Committee, SENATOR H. F. G. ROCHEFORD in the Chair.

On the motion of SENATOR K. E. HINDS, the Bill was taken as read.

Clause one was called and passed.

Clause two was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause two be amended as follows:

20 A(1) (b) the words: "or radiology" appearing in that Section be deleted and the following words substituted therefor:

"radiology or toxicology".

The question that Clause two be amended in the manner in which the Hon. Minister moved it, was put to the Senate and agreed to.

The question that Clause two, as amended, stand part, was put to the Senate and agreed to.

On the motion of SENATOR THE HON. N. A. BARROW, the passing of the Bill in Committee, with Amendment, was reported to the Senate and Mr. Deputy President resumed the Chair and reported accordingly.

On separate motions of Senator the Hon. N. A. BARROW, the Bill was read a third time and passed.

BILL TO AUTHORISE THE ISSUE AND PAYMENT IN BARBADOS OF SAVINGS BONDS

Order number three was called — To move the First Reading of a Bill to authorise the issue and payment in Barbados of Savings Bonds.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, twice so far for the evening, I moved passage of Bills, twice so far, I have sought permission to amend and for a third time Sir, I am moving a Bill, which for a third time, I am seeking permission to amend.

This is a piece of Legislation which seeks to give effect to that part of the Budget on which the Hon. Minister of Finance reflected on the comparatively low yield of Treasury Bills and the lack of liquidity, provided by Debentures which resulted in diminished public, as opposed to institutional response to these investments.

The present needs appear to be an issue of appropriate instruments providing liquidity, attractive rates of interest and investment opportunity for the smaller saver. The proposal of issue national savings certificates was formulated in that context. Consequently they are to be issued in denominations within the reach of the smaller saver. The intention is that the profitability would be competitive with the yield on savings deposits, that earnings would be tax free up to a total of \$10,000 in certificates per individual. The total issue of savings bonds would be up to a limit of \$25 million. The purpose would be to finance such capital or other expenditure as the Minister of Finance and Planning may determine.

The proposed arrangements for the issue of the bonds are as follows: the Central Bank would be permitted to issue savings bonds up to a limit of \$25 million over a period of time; it will be responsible for the distribution, registration and encashment of bonds, but commercial banks would be allowed to participate as authorised to do so by the Central Bank; savings bonds would be available in denominations of \$50, \$100, \$1,000 and \$5,000 and would bear interest at a rate applicable to the issue; payment of such interest would be made only on maturity or encashment. Savings bonds may be encashed at any time by the surrender to the Central Bank or any authorised agent for such value as is shown in the maturity table provided on the reverse side of the bond. The savings bonds would be regarded as registered securities and would not be transferable except at death; savings bonds would be issued only to persons who are citizens of Barbados or permanent residents within the meaning of the Immigration Act. Savings bonds may be held by individuals or jointly by two or more individuals and by registered benevolent organisations within the meaning of section 85(1) of the Income Tax Act, Friendly Societies and Credit Unions. Savings bonds may be purchased on behalf of and in the name of persons under the age of eighteen by a parent or guardian or by any person who satisfied the Central Bank or its authorised agent that he is a proper person to act on behalf of a minor. It is further proposed that a commission of one per cent of cash collected from issue of savings bonds should be paid to the commercial banks acting as agents

for the Central Bank. I believe, Sir, that the issue will be at 68%, and the interest rate would be something like 8%, but I presume that the reason as expressed as bearing interest rate at the time of issue is that that is probably variable, but there is a schedule of surrender values which shows that the value of a \$50 bond will be \$50 after five years because that is the life of the bond, at three years it will be \$41.50, at four \$45 and so on. Looking around the table I do not think that hon. members would really be interested in the \$50 bond. The \$1,000 bond — there seems to be some approval about that one, Sir; the cost seems to be \$700; it will be worth after one year and six months \$745, after three years \$830, after four years \$900 arriving at \$1,000 at the end of year five.

You can see, Sir, that it is part of the programme for national savings year, an incentive really established in a year where there has been substantial income tax reduction, and there is evidently going to be an even more fairly sizeable wage settlement. This legislation affords the smaller saver an additional area of saving.

The amendment to which I referred earlier is in respect of the signature on the bonds. Now the Bill at Clause 5(1) says: "Every Bond must be signed by the Governor of the Central Bank and by such other officer of the Central Bank as the Minister approves." That in operation would cause some problems. It could only satisfy those who for one reason or another would like to see the Governor of the Central Bank running about signing these things from bank to bank as they were issued. I know of no such person who would like to see that, Sir, and therefore a provision is now being proposed that in addition to section 5(1) there be as follows: "A facsimile signature of the Governor of the Central Bank and of such other officer of the Central Bank as the Minister approves shall be adequate for the purposes of this section."

In all fairness, this is an amendment which it should not be necessary to bring at this stage because I have gone through the files and with all the consultations that have taken place it is difficult to see how the Central Bank only just spotted that, that the Governor or whatever officer he designated would have a fairly dusty time if the provision existed without that amendment now proposed.

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

SENATOR K. R. HEWITT: Mr. President, just a few comments really to elicit some clarification. As the Leader intimated, the Bill really stems from certain proposals in the 1979 Budget. In particular this deals with offering incentives to individuals for saving. The Budget in fact did make reference to national savings certificates and I only mention that specifically, not to quibble be-

tween the word "certificates" and "bonds", but merely to indicate that the recent amendment to the Income Tax Act that we passed some time ago in fact also refers to national savings certificates, and for income tax purposes I think it should be made specifically clear that what is mentioned in the Act is national savings certificates and what we now have is savings bonds.

The amendment that we passed some time recently specifically mentioned the exclusion from taxable income of income on holdings of national savings certificates issued by Government up to a limit of each individual of \$10,000, so for whatever it is worth, bearing in mind that the word "certificates" is used in the Income Tax Act, I feel that there should be some consistency perhaps at some time by bringing through some small amendment to change that to national savings bonds. As intimated, one of the reasons for the issue of savings bonds was in fact to make up for the lack of interest that the public at large seems to be showing in the Treasury Bills and also the longer term debentures. Part of the incentive to purchase these bonds or certificates is in fact the exemption for tax purposes of the interest on the bonds. Whereas that in itself is an incentive, one would wonder whether the incentive could not be a little greater and more in keeping with another fiscal measure which was aimed at encouraging investment, namely the exclusion from income of bonus payments up to \$1,000. The difference between the two things here is that in the case of the exemption of bonus payments is the principal of a maximum of \$1,000 which is exempt from tax, whereas here it is only the interest on the principal that is being exempt.

I feel, and I have said already, that that incentive to invest in shares of an employer is a bit restrictive and in fact a bit discriminatory in that it is only a part of the population which is employed by limited liability companies and hence it is only that part so employed which can benefit from the incentive of buying shares into the employer's company. One may even ask whether it may not be a question of a worker putting all his eggs in one basket if he works at one place and then invest or the incentive to invest is only with that place also. The point I am making is that whereas the incentive to invest is good it is a bit restrictive and in fact a bit discriminatory, and I was wondering if perhaps in addition to giving exemption for interest whether one may not contemplate also giving some exemptions with regard to the principal, because one would only be able to earn the interest in the first place if one was able to make that saving to accumulate the principal.

Now just one other minor point I think is that the Act refers to the Minister, but whereas in most of the other legislation they normally give a definition of Minister, in this one somehow we do not say who the Minister would be although I guess it is pretty obvious,

but in most of the legislations the Minister is normally in the definition part.

SENATOR THE HON. N. A. BARROW: Mr. President, if the Senator would give way a minute, in the new school of drafting they hold that it is not necessary to state in the Act a definition of Minister. Since I do not understand enough about it to see why that is no longer necessary, the first Act we did this evening does bear a definition, but in that particular case where it was for transfer of powers from one Minister to another I really did not see how it could be clear if there was not a definition in the Act, but the thing is that these subjects are scheduled and apparently this is a way of doing away with the need to define Minister in the Act. I could not explain it any more clearly than that, I have not gone any more clearly into it but I think it would be fairly clear here that it is the Minister of Finance anyway.

SENATOR K. R. HEWITT: I did not think it was a major point myself but I just thought I would mention it. Finally I think Senator Barrow at one time was going through a Schedule *vis a vis* the value of the bond at particular points in time. I am not sure whether it was that we were interested in the \$50 bond or whether we were trying to determine why the \$50 should be worth \$41, or whatever he said, at one point in time. Judging from what was said I would assume in fact that the bonds are going to be issued at a discount, in other words, at the amount of money which when the 8% is applied over a period of time it would bring the bond up to the \$50 at that point in time, so in fact you would not be buying the bond for \$50 but for that amount which when invested at the relevant interest rate would bring it up to the face value of the bond.

One final point. I was not sure about the term of the bonds, whether they would be for one, three, five years or what. (**SENATOR THE HON. N. A. BARROW:** Five years). That is all right.

SENATOR H. F. G. ROCHEFORD: Mr. Deputy President, while I am quite happy about the efforts which are being made to mobilise the savings of the people in this country, I was a bit concerned at the fact that the minimum bond which is going to be available is \$50. I think that we have got to direct our attention at mobilising savings not only to one section of the community, and there are quite a number of people in Barbados who cannot take out \$50 or put their hands on \$50 even discounted at 68% to purchase a savings bond, and I really would have liked to see opportunities made to encourage people of smaller incomes to do savings in Government securities, to invest their money and have savings, and I would hope that in view of this legislation and in view of the issuing of these bonds that Government think seriously of issuing bonds of smaller denominations so that people in the lower income groups

would be able to be encouraged to save in this way as well. That was my main concern about this legislation.

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

On the motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into a Committee on the Bill, Senator H. F. G. Rocheford in the Chair.

On the motion of Senator K. E. Hinds, the Bill was taken as read.

Clause 1 was called and passed.

Clauses two, three and four were called and passed.

Clause five was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that clause five be amended by the insertion in 5(1) after the words "approves of the following."

"A facsimile signature of the Governor of the Central Bank and of such other officer of the Central Bank, as the Minister approves shall be adequate for the purposes of this Section."

The question that Clause five, sub-Section one be amended, as indicated by the Hon. Minister, was put to the Senate and agreed to.

The question that Clause five as amended, stand part, was put to the Senate and agreed to.

Clauses six to fourteen inclusive, were called and passed.

On the motion of Senator the Hon. N. A. BARROW, the passing of the Bill, with amendment, in Committee, was reported to the Senate and Mr. DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the motion of Senator the Hon. N. A. BARROW, the Bill as amended, was read a third time and passed.

Mr. DEPUTY PRESIDENT: Will the Clerk please call the Order which was number six and which is now number four.

BILL TO AMEND THE OFF-SHORE BANKING ACT, (1979-26)

Order number six was called — To move the First Reading of a Bill to amend the Off-Shore Banking Act, (1979-26).

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, the Hon. Senate will no doubt recall, that late last year, this Body addressed itself to legislation dealing with Off-Shore Banking.

The Off-Shore Banking Act which this Hon. Senate passed last year, is now being amended in the Bill which comes before us. There are two significant Amendments and the other Amendments following on these Amendments, are consequential to the two Amendments which I shall deal with briefly.

You will recall, that the Off-Shore Banking Act of 1979, provides that Off-Shore Banking should be conducted by businesses, other than those which are Barbadian businesses. It transpires that in Barbados today, there are businesses which are permitted by the Foreign Exchange Authority to hold bank accounts in foreign currency, in order to facilitate the payment for imports.

Under Section 4(1) of the Off-Shore Banking Act, these businesses are Off-Shore Banking Institutions and the Amendments; one Amendment is designed to save the continuation of this particular practice, the Amendment to Section five as represented in Clause 3(1).

The second amendment of significance has to do with the provision in section 6 of the Off-Shore Banking Act which sets out those institutions that are eligible under the Act to be considered as Off-Shore Banks, one of the necessary conditions under the legislation required in regard to such a business. In the period that passed between the enactment of the Off-Shore Banking Act, 1979, and the present time the Government received numerous communications from multi-nationals interested in setting up offshore banking business in Barbados, and one of the things that developed is that some of the multi-nationals that have been in contact with the Government of Barbados such as the Imperial Chemical Bank of New York prefer an arrangement whereby their business in Barbados would operate as a branch rather than a separate legal entity which would be the case if the requirement of incorporation was carried out. This amendment therefore seeks to make possible an arrangement of branching to use terminology that exists in the world of international finance. There are some multi-national institutions which have no objection to the incorporation of any offshore banking businesses that are placed in Barbados but there are several others that do, and therefore this second amendment is designed to accommodate the latter.

All the other changes in the legislation are consequential to these two central amendments which I will refer to again. (1) the amendment says the existing practice where the foreign exchange authority of Barbados permits certain local businesses to hold bank accounts

in foreign currency in order to facilitate payment of exports, and under the 1979 Act Section 4(1) this would make such organisations offshore banks which the Act was designed expressly to forbid. So this amendment is a saving amendment which would enable those businesses to continue this practice. And the second amendment deals with the question of waiving requirement of incorporation of certain banking institutions and permitting branches of multi-nationals to do offshore banking business here.

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

SENATOR K. R. HEWITT: Mr. President, actually just a few comments again probably seeking some clarification. Now as the Minister intimated, originally the Act called for a minute mandatory for incorporation before one could obtain a licence to engage in offshore banking. Now much has been said in support of offshore banking and much has been said against. By and large people feel that some revenue will accrue to the Government through taxation, licence fees, etc. Some feel that there will be some employment generation in things of a clerical nature. There may be some demand for ancillary services such as accounting, lawyers, etc. Some also feel that some of the expertise of expatriates would rub off on locals as they become more familiar with financial dealing of this nature. In addition to that, on the opposing side, there are those who express some fears that the whole nature of offshore banking could cause some undesirable effects; some feel that there may be some attraction to dirty funds or laundered funds as some may say, of undesirable elements and so on. Some people even question whether in fact there will be any great employment generation, but by and large though it would appear that there are gains to be had from the offshore banking, but on the other hand one must be ever watchful, and in fact to be forewarned in a way is to be forearmed.

Now I felt that the requirement to incorporate locally would in fact make it easier to monitor operations of multi-nationals, and as such I was a little surprised at the apparent speed with which the Act was sort of amended even before it really came into being, or so soon after coming into being, and one would have expected the introducer of the Bill to have intimated either (1) that there was some benefit to accrue to Barbados by the removal of the stipulation to incorporate, or secondly to give the assurance or the indication that in so removing that stipulation it would not in fact weaken or it would not make the task of those who would have to monitor the operations of the offshore banking activity more difficult.

In other words one would expect the proposal to have said that, in so doing we would in fact not be

weakening the monitoring aspect of the off-shore banking. As I said, it seems to me by instinct that an incorporated entity would be much easier to monitor than a branch operation, and I do not think really it is sufficient to say that some multi-nationals requested this permission and therefore it was granted. I am not saying that it would be a worse situation but at least I think we need some little assurance that this thing has been gone into, and by removing the stipulation to incorporate, why not in fact we can be monitoring authorities.

There is one section of the original Act which also gives me a little concern, and one in fact would have hoped that that section could have been included in these amendments. It is a section dealing with taxation of ex-patriates. The substance of that section was that if it were found necessary in order to attract ex-patriates to grant concession, therefore the Minister can so do. I thought myself that there are two elements there really. One is the whole question of people working in Barbados and not being taxed which tends to cause some type of — I do not know if it is enmity, frustration, jealousy, whatever you will — but some people feel that two people doing the same job should be taxed similarly and the fact that a particular company felt that it had to bring in an ex-patriate, the fact that that ex-patriate had to pay taxes would in fact be part of the cost and one of the parameters. I am not saying there are not precedents for this, do not get me wrong, I am saying that there are two aspects to the thing that I do not like and one was where the person working in Barbados was free from tax.

The section I was referring to earlier was section 112 which reads as follows:

"Where the Minister is satisfied that a licensee must use the services of specially qualified persons in order to do its business effectively from within Barbados and that

- (a) it is unable to acquire those services in Barbados, and
- (b) it is unable to retain or hire those services from outside Barbados without special tax benefits being made available,

the Minister may authorise an off-shore benefit provision for the employment of those specially qualified persons."

The second aspect of this thing that I do not like is the impreciseness, if I may use that word, of the tax benefit. In other words it is just saying the Minister may authorise an off-shore benefit provision, and it goes on to say whereby a prescribed percentage of employers or contractors is exempt from tax. Now I do not know if

in saying a prescribed percentage whether it means that in the regulations to come down before hand those regulations would say that where this is necessary then the exemption would be 50%, 20% or what have you, but I really feel that if the exemption is to be given it should really be on a general basis and in the regulations aforesaid rather than having a situation where exemptions are given *ad hoc*, meaning that for ex-patriate "A" he is allowed an exemption or the portion of his salary exempted, let us say is 20%, and that for ex-patriate "B" it is 30% and so on, so I really felt that this section 112 is one that I would have liked to have seen amended unless it is said by the reference to the word "prescribe" the section may be suggesting that in the regulations a percentage would be prescribed up front. If that is done, fair enough, it is the sort of *ad hocness* in reacting to individual ex-patriates who may then have different levels of exemption that does not appeal to me.

Finally, this may be slightly an off-shoot, but dealing with the question of incorporation and non-incorporation, one wondered whether in addition to the off-shore banking, following a report recently in the Press to the extent that other type financial institutions, namely the insurance companies, were being encouraged to incorporate locally, whether the logical extension of that may not be an encouragement for the other commercial banks to do likewise.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I believe that I stated very clearly, although I did not elaborate upon it, that the rationale for the amendment which dispenses with the requirements of incorporation in certain cases is based upon the approaches that were made to the Government during the period when the Off-Shore Banking Act was passed in the present time.

What I did not say and I may now add, perhaps for the psychological comfort of Senator Hewitt, is that one of the advantages of having branching permissible in the amending Legislation, is that, where you have reputable institutions and I want to emphasise here, that it is the policy of the Government not to countenance any applications from shadow institutions, only reputable and substantial multi-national institutions will be considered for establishing facilities for Off-Shore Banking in Barbados. That being the case, branching has the distinct advantage of the vast capitalisation of a reputable multi-national behind the branch itself.

Senator Hewitt expressed some concern as to whether this accommodation would result in a laxity of the monitoring mechanisms. In order for an institution to operate in Barbados, as an Off-Shore Bank, it must be granted a Licence. The process of incorporation is something separate and distinct. The process of incorporation is provided for in Section seven. A body

corporate is an eligible company, if it is incorporated in the Companies Act as a Company Limited by shares. Its objectives and business activities are restricted to Off-Shore Banking, *et cetera*. It is the normal process of incorporated which any business, setting up in Barbados, would have to undertake, except there is an added requirement of obtaining a Licence. The Act itself, sets out the rigorous conditions which would have to be satisfied before a Licence is granted. Once a Licence is granted, it is not an Act, like the Law of the Medes and the Persians which changeth never. If a Licence is granted and corrupt activities of a business come to the attention of the Government, then, the Act provides the Government with the authority to cancel, or suspend such a Licence.

I do not believe, in the light of this, that the apprehensions expressed by Senator Hewitt are without any foundation, except, insofar as this is a novel venture and when a country, without any experience, ventures into the labyrinthine and complex world of international finance, it can be confronted with situations which will tax the ingenuity of its leaders. These then, are my only fears, which are fears which would apply to any new area into which the Government is entering. The animadversions which have been levelled at the Government for implementing this kind of Legislation, can apply to the principle of industrialisation by invitation, something which has been with us for over two decades. Precisely the same critique which is made of Off-Shore Banking, can be made of industrialisation, or any kind of business by invitation, where there are external oriented factors beyond the control of this Government, or where we are dealing with multi-nationals which have to deposit considerably greater resources, than the Government itself. So that, to argue against an Off-Shore Banking Act, is at the same time, if one is going to be consistent in one's logic, to argue against industrialisation by invitation.

SENATOR K. R. HEWITT: I do not want to interrupt the Hon. Senator, but just for the Record, I hope that he is not suggesting that what he is saying was argued by me. He did not say it, Senator Blackman had said sometime previously, that he is very careful with his words. He did not say that I said so, but for the Record, I would not want it to be assumed that the arguments he made, were arguments made by me because I have not made any arguments against Off-Shore Banking. I just asked with respect to the incorporation versus branching.

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, in deference to the hypersensitivity of Senator Hewitt, I now categorically declare that the remarks which I just made, bore no reference to anything he said, although they arose logically, out of a critical reflection upon certain statements which he made, in

which he alluded to certain negative comments which were made with respect to this kind of Legislation.

The second question raised by Senator Hewitt relates to the Tax Exemptions. I think that, when we are dealing with this kind of Legislation, which is normally described as Tax Haven Legislation, we have to recognise that, if we are going to try to develop Barbados as a Financial Centre, that it is necessary to create an environment in which multi-nationals, foreign investors and the like, are induced to come to Barbados. Nobody has as yet created a Financial Centre in a developing country, unless tax concessions were granted.

The Barbados Government, in its wisdom, has opted to set up a kind of Financial Centre, predicated upon a two-tiered tax system, in which the internal tax structure remains untouched. It is the same one, but the external tax structure, if you like, that is, those which relate to the institutions which operate as Off-Shore Banks, are deliberately kept at a low level in order to induce people, or multi-nationals from countries which Barbados has a double taxation agreement to minimise their tax obligations by setting up business in Barbados. It is inevitable in such circumstances that there would be substantial tax exemptions. (ASIDES). This is nothing unusual. If you are going into the business of establishing a Financial Centre, there can be no timid, half hearted approach. It takes a country about two decades, if we are to go by the history of existing Tax Centres in the developing world to become a reputable Financial Centre. It is inevitable, in the circumstances, that you create an ambience whereby, companies doing business in this Off-Shore Centre, will be assured of persons of the highest calibre and therefore, this particular type of tax exemption cannot meet, or satisfy the kinds of criticisms levelled at it by Senator Hewitt.....

Because it was designed precisely to enable companies to bring people with skills that Barbadians do not possess. The burden of Senator Hewitt's contention is that the Barbadian populace might not feel too happy if people doing the same kind of work get tax exemptions. The experts who will be brought in will not be doing the same kind of work and this is precisely why they are brought in, and just as one of the arguments used to support industrialisation by invitation is that it enables Barbadians to master a new technology, it is believed that when one sets up these offshore banking institutions that those experts with new skills that Barbadians themselves do not possess will in time impart them to Barbadians and they will be able to depart in peace and be replaced by Barbadians. So in it there is also the question of transfer of technology although it is a different kind of technology.

Senator Hewitt, I believe, made a third point which is that the Minister of Finance is afforded broad powers

under section 112 to make exemptions. It is not clear to me what he said in his presentation. The fault may not be in his presentation but in my comprehension. I think though, that whatever he may have said with specificity can be answered by this broad reply which is that an Act such as this must necessarily confer upon the Minister responsible for its administration a high degree of flexibility to deal with situations which cannot be anticipated because of the paucity of our experience in this area. I believe that I do not need to flog this any more, Mr. President, and simply 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 motion of Senator the Hon. D. G. Blackman, Mr. Deputy President left the Chair and the Senate resolved itself into Committee on the Bill, Senator H. F. G. Rocheford in the Chair.

On motion of Senator K. Hinds, the Bill was taken as read.

Clauses 1 to 10 inclusive were called and passed.

The Schedule was called and passed.

On motion of Senator the Hon. D. G. Blackman, Mr. Deputy President resumed the Chair and the Bill was reported as having passed the Committee with an amendment.

On separate motions of Senator the Hon. D. G. Blackman, the Bill was read a third time forthwith and passed.

THE PATENTS (AMENDMENT) ACT, 1980

The Fifth Order of the Day was called, to move the second reading of a Bill to amend the Patents Act, Cap. 314.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, this is a pretty straightforward bit of legislation. The Prime Minister in his Budgetary Proposals made certain proposals with respect to increase of the fees with respect to patents, in the Second Schedule of the Patents Act, Cap. 314. This Bill seeks to substitute the new rates as contained in the Budgetary Proposals of the Minister of Finance.

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 motion of Senator the Hon. D. G. Blackman, the Senate resolved itself into a Committee on the Bill.

On the motion of Senator K. E. Hinds, the Bill was taken as read.

Clauses 1 to 3 inclusive were called and passed.

The Schedule was called and passed.

On the motion of Senator the Hon. D. G. Blackman, the Senate was resumed and the Bill reported as having passed without amendment and read a third time forthwith.

On the motion of Senator the Hon. D. G. Blackman, the Bill was passed.

RESOLUTION TO APPROVE COMPULSORY ACQUISITION OF LAND AT HALLS ROAD AND CONSTITUTION ROAD, ST. MICHAEL

SENATOR O'BRIEN TROTMAN: Mr. President, the Halls Road roundabout started last year on the 20th April and it is expected to be completed by March next year because the project has expanded from what it was originally scheduled to be. Not only the roundabout itself being done but a whole new road is being built in Ellis Village and Halls Road itself is being widened on the western side of the road. That is in fact why we are making this large number of acquisitions this afternoon.

There are 32 parcels of land which will be affected because of the entire project, and it is those properties to which the Resolution refers. It was estimated that the entire project would have cost \$490,000 but that was last year and last year's figures, and therefore it is expected that the construction of the roundabout alone will cost a bit more than that. The road at Ellis Village which is being constructed now will start somewhere immediately east of the Constitution River and end at Halls Road and will cost some \$91,000. For that we are employing some 38 people on the project and it is hoped that the whole road will be completed, as I have said, by March next year.

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

SENATOR D. H. G. HUNTE: Mr. President, nothing to do with the roundabout, nothing to do with eight months that it was supposed to have been completed in and all that, what I want to check with the Leader is this, they are providing these little islands,

these little triangles in the road, and I notice that in some instances we tend to concrete them or tar them. I am wondering whether it is not possible to fill these with mold and put a little hedge. I think they look much better than the ones you have by the Globe which are concreted. I do not know whether the problem in this particular area would be because of the sewerage pipes that run underground, whether that would pose any problem. I speak about Halls Road because I was born near that area, when it is the Ivy I leave it to my colleague but I would really like to suggest, Mr. Deputy President, that we already have a lot of concrete in the area with the side walks and all that kind of thing and rather than concreting those little islands if we could not put some mold in them. There is a little one outside the airport by the St. Bartholomew's Church which has a small hedge around it, and then when you get below the Governor General's house where the Light and Power has a sub station there, that one also has a hedge around it and I think it is about time we try to find some work for the Parks and Beaches Commission so that the Chairman could have something profitable to do.

This roundabout, Mr. Deputy President, I think will serve its purpose. That area was one of the very congested areas in Barbados with the laying of these sewerage pipes and things like that and a lot of confusion arises with the signs. I do not know if it is deliberate or not, but you get these signs put up at all points about the place.

If you drive across Halls Road from the Tweedside Road roundabout, you may find a sign there which tells you "John Beckles Road closed". Now, it bears no relation to John Beckles Drive. I believe that it was the sign which was used when the John Beckles Road itself was closed, but somebody has moved it up to that point and when you get there, you see "John Beckles Drive closed". If you are not aware of the work which is going on, you tend to shift away from going towards John Beckles Drive and you tend to go somewhere else to find that it is another road which is closed.

I made this comment because the Hon. Minister of Health went on a tour, I think it was on River Road and she stopped certain motorists who were proceeding along River Road to enquire if they could not read the signs

and things of this sort. But, if the signs are put up badly, somebody must take the blame for this. I think that a little more care should be taken by the people in making sure that they do not put a sign like that, at that point.

When I was coming down today and I got by the old Eye Ward, on the sidewalk below, there was a sign which read: "Traffic Diversion" and it pointed you to Jemmott's Lane across by the Ministry of Education. The cars which were in the left lane, realising this, suddenly made a right turn to come across by the Ministry of Education. Now, this could have caused an accident, or something of the sort. I discovered that the road right down was not really closed because you could still get through Wellington Street and on to Nelson Street and come back out and that the diversion sign was there for morning purposes because it is necessary, in the morning, to close it off at some point.

I would like the Introducer of the Resolution to convey to people that we are not against the inconvenience which we suffer from time to time, in having to change from one road to the other, but that they must be careful, as far as, signs are concerned because they can be very misleading.

SENATOR O'BRIEN TROTMAN: Mr. Deputy President, Sir, I can only thank the Senator for taking us from the roundabout at Halls Road, down to Jemmott's Lane, into Bay Street and the Sewerage Project and back into the John Beckles Drive. I was really hoping that he would mention something about the roundabout, Sir.

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

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, it is the first time, Sir, that I have ever risen to move the Adjournment.

I beg to move, Sir, that the Senate do now adjourn until this day week, at 2.30 in the afternoon.

The question was put to the Senate and agreed to, and Mr. DEPUTY PRESIDENT adjourned the Senate accordingly at 7.35 p.m.