
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 18th June, 1980.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 18th June 1980, at 2.35 p.m.

PRESENT

His Honour Senator the Honourable Sir ARNOTT CATO, M.B., Ch.B., LL.D., (President); 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 AARON TRUSS; Senator K. E. HINDS; 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 J. C. W. WICKHAM; Senator J. A. CONNELL, LL.B.; Senator the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services), and Senator R. E. BRATHWAITE.

ABSENT

Senators H. R. LINTON, Miss O. A. LYNCH, and D. H. G. HUNTE.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: Hon. members, I have a Message from His Excellency the Governor-General to the Honourable the Senate:

His Excellency the Governor-General has the honour to inform the Honourable the Senate that acting on the advice of the Prime Minister he has appointed

Senator Sir Mencea Cox to be Minister without Portfolio for the period 17th June, 1980, until further notice.

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: Mr. President, I have the honour to lay the following documents before the Honourable Senate:-

1. The Civil Establishment (General) (Amendment) (No. 4) Order, 1980.
2. Report of the National Registration Programme.
3. The Custom Tariff (Amendment) (No. 3) Order, 1980.
4. Statement showing Net Customs and Excise Receipts for one month ended 30th April 1980.
5. First Annual Report and Financial Statements of the Barbados Port Authority for the year 1979.

INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, I take this opportunity to give notice of the following Resolutions:-

1. A Resolution to approve the Civil Establishment (General) (Amendment) (No. 4) Order, 1980.
2. A Resolution to approve the compulsory acquisition of land at Church Street, St. Michael for the provision of offices for the Central Bank of Barbados.
3. A Resolution to approve the vesting of land at Indian Ground, St. Michael, in Plantations

Trading Company Ltd. in exchange for an equivalent area of land at Passage Road, St. Michael.

4. A Resolution to approve the compulsory acquisition of land at Mango Lane, St. Peter, for the extension of the Alexandra School and for road improvement.
5. A Resolution to approve the compulsory acquisition of land at Country Road, St. Michael, for construction of a Family Court and other facilities for the Probation Office.
6. A Resolution to approve the compulsory acquisition of land at Church Village, St. Michael, for the Church Village Re-development Project.
7. A Resolution to approve the use of the sum of U.S. \$10 million to be borrowed from the International Bank for Reconstruction and Development for the purposes of industrial development, export promotion and vocational and management training.

PUBLIC BUSINESS

INTERNATIONALLY PROTECTED PERSONS ACT, 1980

Mr. PRESIDENT: Just before the Minister introduces this Bill I think that I should draw attention to the fact that there is a typographical error in this, where it says: "To provide for the protection and punishment of crimes against internationally protected persons", it ought to read: "prevention and punishment of crimes". It should be treated as a typographical error.

SENATOR THE HON. N. A. BARROW: Mr. President, you have already drawn attention to the fact that there is typographical error in the title of the Bill which is before us, and I think we are in the fortunate position that since the error is not within the context of the Bill that it is a matter of not such great moment, so that we will be doing no damage by proceeding straight with the legislation.

It is clear that what is intended here is not protection but prevention because indeed the Bill is to give efficacy to the Convention for the prevention and not the Convention for the protection and punishment of crimes against internationally protected persons. This legislation, Sir, cannot, indeed was never intended to, deal with problems where heinous acts are committed against persons within the limits of their own State, the

State in which they reside, which for some of us is a matter that we regret particularly in view of a very recent incident elsewhere. But then one wishes that the law will rule and that justice will provide some answer to that kind of problem even in places which we might at present have in mind.

What the legislation does deal with is the protection of persons who as is clear by recent international conduct, are now exposed to the kinds of risks which in the international field one previously did not regard them as being exposed to. We are aware, Sir, that within recent times there have been a number of criminal acts against persons representing their countries abroad, and indeed I believe that if we try to get the numbers of the Ambassadors who have been held in captivity in one form or other within recent times over a two year period we will find that the figures are probably staggering. The most recent one to be released, and perhaps for that reason the name one may remember best is that of Ambassador Ascanio who was United States Ambassador to Columbia and who has spent some considerable time in captivity. The Resolution before us results therefore from calls for protection of those persons who are exposed by virtue of the responsibility to represent their countries these risks which seem to be growing both in number and in nature.

In the Convention, Sir, which resulted from the General Assembly Resolution of 1971, you will find the preamble emphasises the importance of appropriate and effective measures for the prevention and punishment of crimes against diplomatic agents and other internationally protected persons in view of the serious threat, the maintenance and promotion of friendly relations and co-operation among States created by the commission of such crime.

Who therefore are the people defined as Internationally protected persons? A Head of State, a Head of Government, a Foreign Minister and their families and such members of their families as accompany them when they go abroad. Whenever such a person is in a foreign state, then he falls within the category of an Internationally protected person.

Representatives and officials of a State travelling on the business of that State or of any International Organisation, they are protected in respect of crimes against their persons, crimes against official premises, private accommodation, means of transport and so on. These persons are now under International Law entitled to special protection. It is said, Sir, this is a reflection of the times in which we live.

We will also be concerned, Sir, in the course of considering this Bill with the crimes against which in

specific crimes there is protection. This constitutes no new category of crimes in Barbados. There will be found either within the Larceny Act, the Malicious Injury to Property Act or Offences Against the Person Act specifically if there is a statutory provision for it in the Common Law.

Crimes like murder and kidnapping, to me, Sir, is a matter of importance because if a new category of offence is to be created then it must be created only within the context of the circumstances then prevailing; the nature of the case which the Bill provides or seeks to provide protection does not represent creation really of a completely new order of offences. This protection is protection not for a Head of State or a Head of Government or an External Affairs Minister in his own country. This represents protection afforded when you are away from your country.

The Convention further senses the necessity for States to co-operate and obligates these States to communicate all the pertinent information regarding an offence or a presumed offender who is among themselves, so that the State whose official suffers has the right under the Convention to expect all the necessary co-operation and all the necessary information from the State in which the offence is committed.

It also provides that the person who commits such an offence may either be tried and punished in the country in which the offence is committed or that he might be extradited. That is the commitment imposed under this Convention and Article 8 specifically requires that such offences should be made extraditable if there are not already extraditable.

Article 9 requires that any person regarding whom proceedings are being carried out in connection with any of these crimes should be guaranteed fair treatment at all stages of the proceedings.

Let me also call attention to the formula for the settlement of disputes which is also part of the Convention. In Barbados we already have an elaborate framework of Law for the protection and security of one's person and property. This is why you will find that the nature of the offences will all be reflected within the three statutes, Caps. 139, 140 and 141 of which I referred to a little earlier.

The Larceny Act, for example, makes felony, armed attacks and assaults on persons with intent to rob, felonies; while the Malicious Injury to Property Act prescribes penalties for the destruction of buildings by explosives. Of course, to destroy a building by explosives and to cause death of a person in committing such a felony is murder.

While the legislation is necessary it is to bring us as a signatory therefore to the Convention in line with those whose legislation deals squarely and whose legislation is intended to accommodate the genus of crimes against internationally protected persons as a result of the development of a new type of phenomenon known as international terrorism.

This is why for example, you will find that it is, I think the argument is supported really, that the way in which the offences are worded in this Legislation, if I look at the Bill, you will see not only attempts to commit certain crimes, but the threat to commit the crime, you will find to be included; and this is because this particular Legislation is geared to combat a precise evil of international terrorism.

We should find it necessary to legislate along these lines. It is not surprising, Sir, in view of the fact that other countries, older countries with long established legal systems and perhaps, with provisions in their Laws more appropriately dealing with this kind of thing have also similarly found it necessary.

I believe Sir, that I have probably covered all the ground that may reasonably be covered at this stage, except that I should call attention specifically to Section 10 of the Bill, which Section exists to ensure that the provision that a person who is charged under this Legislation will be fairly treated, and referred to an important part of the Convention because that Section says:

"Subject to section 79 of the Constitution, no prosecution under this Act may be instituted without the consent of the Director of Public Prosecutions."

This, of course, is part of what is reflected in our Constitution where, the almost exclusive right, because there is a certain small category of offences since 1974, where criminal prosecution can involve the Attorney-General; a very small category but, generally, what we find is that criminal prosecution is a matter for the Director of Public Prosecutions. This is a point Sir, which sometimes I wish people in this country would remember because, sometimes there are some of us who wonder why it actually seems to take so long in matters about which the public is particularly concerned and it would in fact, be well for people to remember that the responsibility for criminal prosecution is the responsibility of the Director of Public Prosecutions and if they become impatient at times, then, it is a matter of their taking their complaints to the correct persons and not to politically appointed persons. We cannot prosecute and it is important that we should not be able to, Sir.

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

SENATOR O'BRIEN TROTMAN: I beg to second that.

Mr. PRESIDENT: It is proposed that the Bill be now read a second time. Senator Connell.

SENATOR J. A. CONNELL: May it please you, Mr. President, I wish to address you on this Bill. This Bill, Sir, is yet another in a series of its type which the Government is placing on the Statute Book.

We expect that in an Independent country like Barbados, it will be necessary, from time to time, to seek to translate into positive Law, the venerable, normative statements that constitute the various International Conventions of which we are signatories. What, however, concerns me Sir, is that when we do come to implement these Conventions, we must be careful not to do so in a manner which may jeopardise the freedom of any person being tried in our Courts. It is for this reason that I have spoken in the past, and speak now, on this type of Legislation in a manner that is somewhat critical.

When a similar piece of Legislation was introduced last time, the Hon. Minister indicated what were the difficulties involved. He pointed out that it is basically difficult to translate the broad, normative statements into precise, positive, legal terms in our Law. I am constrained on this occasion, as I did in the past, to refer to areas of this Legislation which I think are unsatisfactory and to adduce the reasons why I think they are.

I see for example, Sir, questions arising in a court of Law on exactly what is a State because there are problems in International Affairs today, on this point. There are certain sections of the international community who do not recognise other sections of the international community as being a State, or, indeed, capable of being a State. I also see problems arising in connection with the term "Head of State". Not only do I see persons who, one section of the same country recognise as the Head of State, not being recognised as a Head of State, by another section of that country, but, I am constrained to ask, why is it that in Section 2 of the Bill before us the term "Head of State" is limited to the three categories of persons provided for therein? Why, for example, in this day and age of international travel is it felt that only a Minister of Foreign Affairs of a Government, of a State should be protected among Ministers? Are not all Ministers equal? Do not all Ministers have, in the nature of modern day international affairs to travel overseas? Are they not equally in jeopardy in this regard?

What is the justification I should be grateful to hear for singling out the Minister of Foreign Affairs and clothing him or her with this extra legal protection? Now when one refers to the convention itself, one finds that its language contemplates inclusion of functionaries of ministerial rank other than the Minister of External Affairs. I wish to refer you, Sir, to Article 1 on page 12 of the Bill before us. It says: "Internationally protected

persons means a Head of State etc. And it lists the categories mentioned in sub-clauses (a) (b) and (c) of Clause 2, but then it goes on to say in paragraph (b): "Any representative or official of a State or any official or other agent of an international organisation of an inter-governmental character who, at the time etc...." So suppose the person involved I see the Minister indicating that he wishes to say something.

SENATOR THE HON. N. A. BARROW: If the hon. member would permit, I think that there is a small point here, and I therefore would like to rise on a point of elucidation. The references to Head of State or Head of Government or External Affairs Minister are references owing to those who are internationally recognised at all times as internationally protected persons. Any Minister or other government official or representative of an international organisation travelling on business of that Government or that organisation becomes under (b) an internationally protected person. It is just that it recognises as a fact that a Head of State and in fact foreign Ministers

SENATOR J. A. CONNELL: My point is whether the Bill before us incorporates paragraph (b) of the convention in the Bill. Will the Minister kindly indicate?

SENATOR THE HON. N. A. BARROW: It does, Sir. Does Senator Connell wish me to indicate it now? All those defined within the convention as internationally protected persons are so protected under this Bill, and Section 2 in fact reflects this because Section 2 states (a) (b) and then (c) is where (1b) of the convention is set out that all such persons are in fact protected.

SENATOR J. A. CONNELL: It is not immediately apparent that this is so, but I shall leave it to the Minister to satisfy us more fully that this is the case. It seems to me quite clearly that (a) (b) and (c) specifically legislate in respect of paragraph (1a) of the convention, but it does not appear to me that paragraph (b) of the article is specifically provided for.

Mr. PRESIDENT: I think what the Minister has pointed out is that in paragraph (c) of (2) you are almost verbatim what is in (b) of the Article to the Convention. If you read it it is almost the same thing.

SENATOR J. A. CONNELL: However, Sir, I shall not pursue the point. I reserve the right to take it up when the matter goes into Committee. Another area that I would like to question, Sir, has to do with this term "dignity". The act recognises the need to provide special protection from attack on his person, freedom or dignity. Now "person" we can understand and that is provided for as the Minister said in the Offences Against the Person Act. "Freedom" we can understand and that is provided for in the criminal law and in the law of Torts, but when

you get into the area of "dignity", I think this is a vague term, and I am against the introduction into the criminal law which is itself concerned with the protection of the freedom of the accused person of terms which are very vague, of terms which contain or may contain a very high degree of subjectivity. How does one, for example, decide that a given act is an invasion of the dignity of a Head of State? What does that mean? In my view, if you are going to make it a criminal offence as the aside says to spit on a Head of State, the Act should say so, because someone may decide some time in the future that a particular action amounts to an invasion of that person's dignity and there is no statute law then to back it up, and I honestly think where we seek to translate the results of this international convention into our local law we have to be precise, because having passed it, it is on the Statute Book and it is open to those whose function it is to bring prosecutions to prosecute on it.

In section 2 which provides for definition, no attempt is made to define it. Obviously it is not a matter that lends itself readily to definition, but the dignity of a Head of State is a concept that may vary from culture to culture among international communities. It may even demand in the case of a given Head of State some mark of respect which our culture in Barbados does not recognise. The term is vague, Mr. President, and I do not think that these vague terms should be imported into the criminal law of Barbados. They portend trouble; they augur the invasion of the freedom of persons charged before our courts.

Another area of the Bill which I take issue with is Clause 9 which is on page 6. Clause 9 provides, Sir, that where in any proceedings under this Act a question arises as to whether a person is a person entitled pursuant to international law to special protection from an attack on his person, freedom or dignity, a certificate issued by or under the authority of the Minister that contains a statement of fact relevant to that question is admissible in evidence in the proceedings; and, in the absence of evidence to the contrary, is proof of the statements contained in the certificate.

Now, Sir, let us put this in its jurisprudential perspective. This Clause in the Bill provides for the introduction of documentary evidence in a criminal trial. Now, I wish to say at the outset that it is well known in the civil law for certificates to be written by the Minister of External Affairs or his equivalent making certain statements about international matters. What I am saying, Sir, is this, that in the criminal law where the issue is the freedom or may be at times the very life of the accused person a higher standard of proof is called for, the *locus classicus* of that Mr. President, is to be found in a statement by Lord Justice Sankey in a case called Woolmington against the Director of Public Prosecutions. It is an English

decision and as such followed by our courts in Barbados. To paraphrase Sankey, what he said went like this: "Throughout the web of our law one single thread is constantly to be seen, that it is the duty of the Prosecution to prove the guilt of the prisoner. If at the end of and on the whole of the case either by evidence adduced by the Prosecution or by the prisoner, there is a reasonable doubt that the prisoner killed the deceased, then he is entitled to an acquittal. No matter what the court or where the trial, this is part of our law and no attempt to whittle it down will be entertained." That is what Sankey said in Woolmington and the DPP.

Now what I am saying is that this clause whittles down the Constitutional protection of a person charged in a criminal case. It provides that documentary evidence can be introduced in the case. It says, Mr. President, that where, in any proceedings under this Act, a question arises as to whether a person is a person entitled pursuant to international law to special protection from an attack on his person, freedom or dignity, a certificate issued by or under the authority of the Minister that contains a statement of fact relevant to that question is admissible in evidence in the proceedings. What that means is that if a person appears in our courts charged with committing some crime in respect of an internationally protected person and the defence lawyer raises the question whether the person is an internationally protected person or not, that a certificate coming from the Minister is evidence that the person was an internationally protected person. What I am saying is that instead of somebody sitting in the Ministry and writing a certificate and sending it down to the court, that person should be required to come into court and be subjected to cross-examination so that the basis of making the statement can be ascertained.

Notice what it says, Sir; a certificate issued by or under the authority of the Minister coming so that a temporary clerk could write it under the authority of the Minister. This is what the statute allows; I see someone sucking the teeth and turning away the head, but I should not really see these things, experience shows that long after the legislators who pass the legislation are silent and gathered to their fathers that the legislation comes up in the courts and forms the subject of legal arguments. It is therefore our function here and now when the legislation is being discussed to test it and to see whether it has weaknesses which may jeopardise the freedom of a person charged in our courts. I am doing no less than this.

As it appears to me, clause 9 allows documentary evidence in the form of a certificate to be admissible in evidence in the proceedings. What I am saying, this does not require the Minister himself to come down to Coleridge Street and to say that I hereby certify that this person is an internationally protected person. If he did that, he or she would be subject to cross-examination to

test the validity of the judgment they have made. That may be the only ground of the defence, that the person is not a person who falls within the definition of clause 2 of the Bill.

What is more, the Bill does not require that the certificate be done by the Minister, it says "or anyone under his authority," which provides for delegation of this authority. It seems to me that this constitutes a relaxation of the observance of the strictest principles of proof where a criminal is concerned. I know that it has been said that these are international treaties, conventions and protocols and that it cannot be expected that we can rewrite them in precise terms in our law, but we must try to do so.

It is often urged that we live in new times and new friends are being created and new laws and procedures must be devised to deal with these crimes, but, Sir, experience has shown that in times of hysteria juries and whole populations can be worked up to fever pitch and make judgements which in aftertimes when reason have had an opportunity to cool and to become more balance it is seen that the hasty judgments formed at the times were not justified. One of the guarantees against this is to ensure that your laws are tightly drawn and that every possible safeguard of the prisoner or accused is built into the legislation. I feel, Sir, that Clause 9 of this Bill is weak in this respect.

So then, Sir, while recognising that our independent status imposes on us, and will continue so to do, a responsibility to observe the spirit of certain international conventions, while I recognise that we have a duty to implement these conventions and to place them on our statute Book, I insist that we have an obligation to persons who are likely to be tried in our courts to ensure that the laws are drawn with sufficient specificity that they can be devised and defended in the courts of law according to the letter and spirit of the Barbados Constitution.

I do not feel that the way that Clause 9 of the Bill is drawn up with particular reference and a possibility of introducing documentary evidence is keeping with this high principle. I also think, Sir, that the reference to the attack on the dignity of the International Head of State and other protective persons is vague.

I see difficulties in drawing an indictment or whatever legal process is necessary to get that person before the Court and to base a trial on that person and for those reasons, Sir, unless the Minister who introduced the measure can persuade me in his reply that my apprehensions are groundless, Sir, I feel constrained to abstain from supporting this Bill. Thank you, Sir.

SENATOR J. WICKHAM: Mr. President, in supporting this Bill I cannot myself avoid a number of thoughts concerning the need for it. It seems to me that the fact that a law is needed to prevent the destruction of diplomats represents a terrible deterioration in human behaviour.

All around us we see in the modern World where things that we used to take for granted, things that we thought did not need legislation, aspects of human behaviour that we thought were simply human can no longer be taken for granted and laws have to be passed to punish, not to stop, but to punish the offenders against our law.

Fairly soon I expect we will have before us legislation to deal with the abolition of the Death Penalty, the abolition of capital punishment and many of us would want to think very deeply about the infliction of death on our fellow human beings. Many of us would want to make pious statements about the sanctity of human life so that this Bill represents for me personally an opportunity to think very clearly about what we mean when we destroy one life, what we are doing.

Events in Guyana have shown that people can be destroyed very savagely and that the law itself does not prevent that destruction. Men have not only to pass laws, but they must use every opportunity to express their distaste of such acts. No doubt fairly soon we shall have some kind of Statement from our government about the events in Guyana but I would wish to hope that the members of this Senate, not as parliamentarians, but as a group of men and women concerned with the behaviour of human beings, would wish to express their horror at the death of Walter Rodney in Guyana. Thank you, Mr. President.

SENATOR THE HON. D. BLACKMAN: Mr. President, the background to the adoption by the United Nations General Assembly of what is called the New York Convention of 1973, the Convention making it a crime to attack internationally protected persons came against a background of the systematic kidnapping and murdering of accredited representatives of various member States of the United Nations.

Having regard to the fact that if World peace is to be maintained, if international chaos is to be avoided, some orderly intercourse between countries needs to take place and bearing in mind that this intercourse is traditionally conducted by diplomats, it became imperative as a practical measure to ensure that every country that wanted an orderly and civilised universe in which to conduct those affairs should subscribe to a Convention such as this.

The proponents of public International Law feel that as long as they are safe havens for criminals any-

where in the World, then they can never be World Order and it is believed that it is necessary to have an environment of World Order in order for men to realise their full humanity.

One, however, would like to indicate some practical problems in applying a Convention such as this and when one looks at some of the problems involved it would become obvious that the adoption of such a Convention is not an act of malice, it is not an attempt to erode in a surreptitious manner the rights of Barbadians but on the contrary, is an act of courage.

What the Government of Barbados has committed itself to by incorporating this Convention into the law of Barbados is a principle *aut dedere aut judicare*. It means that persons suspected of an international crime must either be prosecuted or extradited.

Many of us would be familiar with the circumstances surrounding the Cubana airline crash a few years ago, in which some CARICOM countries stridently accused the Government of Barbados of wrong-doing because it did not accept jurisdiction to try two suspected men of having planted a bomb on the airliner. By the same token, another CARICOM State involved, wanted to get rid of the two suspects with the haste of one dropping the proverbial hot potato. That underscores the difficulty which small States attempt to undertake when they assume responsibility for enforcing international crime, not only in the area of attacks against internationally protected persons, but, the question of hostages and the questions of terrorism are subjects of intense debate in international fora at the present time and the fact that Conventions have not been concluded with respect to outlawing the hostage taking or, acts of terrorism is due entirely to the difficulty of using terminology which is universally acceptable to all State Members of the United Nations.

Indeed, for the last four years, there has been intense and sometimes acrimonious controversy as to what constitutes a hostage, what is the meaning of terror? Are freedom fighters in South Africa terrorists? If freedom fighters in South Africa chose to kidnap the Prime Minister of a minority Regime which has no validity on the basis of the democratic principle, is it an act of terror, or, is it an act of liberation? These are some of the complex difficulties which arise in the forming of any International Law because the participants include a multiplicity of persons from a multiplicity of legal systems and a multiplicity of cultures and again, to insist that the generality of a language of which such provisions are necessarily formulated, is a requirement to satisfy all concerned. To choose another course and insist on precision is to ensure that nothing is done to halt the downward slide of mankind towards chaos in ordering international affairs.

So there is the general acceptance, by all countries, acting in good faith, that one must start somewhere. There are Laws which we all have been taught of a religious nature, simplistic and general in their content, but, nevertheless, they have helped to ensure that we order our lives in a responsible and moral way. The simple Biblical injunction "Thou shalt not steal", does not spell out whether you should steal pens, spectacles, or automobiles. Indeed, I doubt that the framers of this simple injunction ever contemplated at the time of their writing, that there would ever be such things in the world as automobiles. It is therefore an untenable proposition to hold, that because the framers existing over some two thousand, three thousand years ago, did not contemplate, the theft of automobiles, that this moral and religious injunction is therefore invalid with respect to the theft of these things.

SENATOR J. A. CONNELL: I am grateful to the Hon. Minister for giving way Sir. The Hon. Minister knows better than most of us here that the Biblical injunction when reflected on the Statute Books is to be found in the Larceny Act, where Larceny is very precisely defined.

I would like to take this opportunity also to say, Sir, that I checked in relation to the provisions indicated by you and I was incorrect on that point. I wish to withdraw any remarks associated with that, Sir.

Thank you.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I have never yet seen a Larceny Act drafted by men who were born of women which says that the stealing of Concorde aeroplanes, or space machines is illegal, precisely because the framers of that kind of Legislation cannot anticipate, or, predict the different kinds of property which will come into existence, so all they can do is to legislate against property generally and I do not believe that this particular Legislation in the use of generic terms, differs very significantly from any other kind of Legislation.

The point which I made in a previous Debate in the last sitting is this; since International Law is chronologically much younger than the Municipal Law of Crime, the manifestations of it, which would go into precedence are far fewer, this is why one would not be in a position to enumerate the long list of International Offences which would satisfy the demand of Senator Connell, to be unable to do so, in my view, does not, in any way, vitiate the effort because we have a serious, inalienable responsibility to ensure that this world is a world of order in which persons can conduct their activity in a way which fully realises the human potential.

The point which is of particular difficulty to Barbados, I believe, would be questions where the person who commits the offence, is not a Barbadian National, but a person supported by a terrorist group which has greater means at its disposal for destruction, than the State of Barbados itself.

Where the outlaw organisation possesses greater potential, greater firing power than the state itself, then it might be extremely difficult for Barbados to carry out the terms of this particular convention. I do not know whether there have been any reservations entered by the Ministry of External Affairs with respect to the implementation of this convention, but I do know that in the discussions on conventions relating to hostages and terrorists now taking place that the position of Barbados has always been this, that while it subscribes to the principle of *aut dedere aut judicare*, there are times when a small state cannot exercise the capacity to prosecute in its own national interest. If for example a person held here for trial were a man who was a member of a group that was determined to blow up aeroplanes in Barbados and they have the capacity to do this because the State was incapable of stopping them and they have outlaw groups that could so disrupt life in Barbados that it would be counter-productive for the Government of Barbados to attempt to bring to justice any of their members, then Barbados would not be able to satisfy the terms of this particular convention. Recognising this, the Government of Barbados over the past few years has been arguing the position that where this is the case, then they ought to be able to request the Secretary-General of the United Nations to identify a country that has the capacity legal and otherwise to try such offenders. This then would be the only serious problem that I could envisage with the implementation of this kind of legislation, and I do not know whether the Ministry of External Affairs has entered a reservation with respect to questions of actual capacity to prosecute in the event that circumstances arise such as I have referred to.

Mr. President, I therefore in the light of personal and governmental commitment civilised and well ordered universe want to support this legislation.

SENATOR THE HON. N. A. BARROW: Mr. President, Senator Blackman has quite ably dealt with all the points which by implication I think arose out of the, I think, too narrow way in which Senator Connell has tended to approach this problem, and in so doing I am pleased to be able to look simply at the couple of points raised on specific sections of the Bill. I think it is extremely important that we recognise that if you read sections 3, 4 and 5 of the Bill, what exists there are specific offences, so that there is nothing in the framework of the Bill which would tend to create vague

crime like an offence against the dignity; so the drafters have been careful while recognising the difficulty of incorporating an international convention into law to so manage their affairs that they did not, I think, create the kinds of huge problems which would result from a lack of the ability to define certain things clearly.

Precisely, Sir, the section referred to by Senator Connell is section 9, and this in fact is where the reference to dignity does exist, and I do not wish to go back too far into the days when we used to be responsible for teaching some constitutional law, but I believe that since it is something you do in your first year in a number of places and do not necessarily, unless practice dictates, return too much of it, it is not difficult to forget that in the development of modern constitutional law a great deal of prerogative power falls to be exercised by the appropriate member of Cabinet, and I am referring specifically to a case like *R. v. Bottril ex parte Kurtenneister* which I think would be a 1947 case where the point is argued and established as to the ability of the Secretary of State to certify that the country is at war, and I am referring specifically to this, Sir, because that has extremely important implications because I can mean that a man's status by that very certificate of the Secretary of State is altered from being just an alien who can enjoy certain rights within the country to being an enemy with all that that can mean. And so what we are dealing with here is an expression of a prerogative power to determine who shall be recognised by the State as a Head of State, as a Head of Government or otherwise is an internationally protected person, that is to say, he is a foreign Minister or an accredited official of another country or of an international organisation.

I think, Sir, it is pretty well established that the ability to certify, the power to certify is a power that now resides in the appropriate Secretary of State and in this case the appropriate Minister of Government. I think further, Sir, that it is reasonably established in administrative law that where the power itself is not a power delegated to the Minister, it is a power that the Minister can delegate. That is not a violation of the principle of *delegatus non potest delegare*, because it is not a power delegated to the Minister, therefore we cannot talk about *delegatus non potest delegare*. So I think what it comes back to is that it may be that we would like to see in some instances that there are other ways of certifying, other ways of doing these things, but in fact if we are operating strictly within the precedence which form part of our law, then this provision in section 9 is in fact a provision which we have a right to expect.

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 the Rev. A. Hatch in the Chair.

SENATOR K. 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 7 were called and passed.

Clause 8 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause 8 stand part.

SENATOR H. F. G. ROCHEFORD: I see no reason why the word "Act" should have a capital A.

SENATOR THE HON. N. A. BARROW: I think, Sir, that Senator Rocheford ought to be aware that we are not responsible for the grammar that goes into the papers.

The question that Clause 8 stand part was put to the Senate and agreed to.

Clauses 9 to 17 were called and passed.

Clause 18 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause 18 stand part.

SENATOR H. F. G. ROCHEFORD: While I appreciate what the Hon. Leader of the Senate says, that we are not responsible for the grammar that comes in here, I do not think it is right that we should still let bad grammar pass into the record of the legislation and it goes down that we are party to such an act. Anyhow, on this point this is not grammatical but I am sure that the Leader of the House recognises that something is wrong with that first line. It reads: "This Act is remedial as shall be given such fair, large and liberal construction....." I would assume that the word was meant to be "and" and not "as". I hope my assumption is correct.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, Senator Rocheford is undoubtedly right as he was in observing that it is not normal for people to commit a statute, which is what the other one says, but we would wish, Sir, to let it go as it is on the basic rule in statutory interpretation that one is not supposed to make nonsense of any provision of a statute in seeking to interpret it, so I do not think that these slightly strange expressions would cause much problems. At any rate, this is why the Attorney General's Chambers at the end

of every year go through legislation like this and pick these mistakes out and have them corrected.

SENATOR H. F. G. ROCHEFORD: It is a great pity, Sir, that the Attorney General's Chambers do not go through this legislation before it comes down to these Chambers and pick out the mistakes and correct them.

Mr. CHAIRMAN: That is undoubtedly a great pity.

The question that Clause 18 stand part was put and agreed to.

Clause 19 was called and passed.

The Schedule was called and passed.

On the motion of Senator the Hon. N. A. Barrow, the Senate resumed and the Bill was reported as having passed the Committee without amendments.

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

Mr. PRESIDENT: If there is no objection on the part of members, Order No. 3 will be taken in place of Order No. 2.

EXPATRIATE PENSIONS ACT, 1980

Order No. 3 was called — To move the Second Reading of a Bill to alter the Constitution to enable payment of the pensions of certain expatriate public officers to be assumed by the Government of the United Kingdom pursuant to an agreement between the Government of the United Kingdom and the Government of Barbados.

SENATOR THE HON. N. A. BARROW: Mr. President, the matter before us is in substance one of very little difficulty indeed. The British Government having adopted a policy on technical assistance seeking to help its former colonies in the matter of pensions payable to expatriate officers, this Government entered into an Agreement on this matter in which the British Government agreed to reimburse the Government entered into an the element of pensions paid to such expatriate officers which was attributable to their service in Barbados prior to the 16th of October, 1961, the date on which the Service Commission was given executive powers.

The category of pensioners concerned is those persons who are not citizens of Barbados who have been in Her Majesty's Overseas Service and subject to the United Kingdom/Barbados Public Officers Agreement of 1961. There are some 57 such persons.

Since the programme started in 1972, Barbados has benefited to the extent of some \$80,000 or \$90,000 a year. From 1971/72 to 1977/78 the Treasury has been credited with reimbursements totalling £150,000. The existing arrangement is termed Phase 1 and in this Agreement the British Government retains a portion of the reimbursable sum now totalling more than £37,000 which will be paid to Barbados as Phase 2.

Phase 2 would involve the remainder by the British Government of the full responsibility for the direct payment to the individual pensioner of his total pension. That is the portion now payable on the reimbursable basis under Phase 1 as well as the remainder payable by this Government in respect of service after the 16th of October, 1961. In other words, we are dealing with an Agreement entirely to our own benefit.

In order to give effect to Phase 2, this Government would entirely divest itself of the responsibility for the payment of pensions to the category of Pensioned officer and that responsibility would be transferred by statute to the Government of the United Kingdom. In doing so, the Barbados Government, would not however, be relieved of its duty and liability for the pensioners as the Barbados Government will be expected to refund to the British Government that element of the pensions which relates to the Pensioned Officer Service after the 16th of October, 1961.

So we have a situation where we are at present paying and they are reimbursing us. We are moving to a situation where they will do the payment and such element of liability as still resides with us, we will then reimburse them so that the expenses involved in making these payments and the bother will be shifting entirely from off our shoulders and what we will do will be to reimburse when the time comes in respect of what we owe.

Since it is such a simple and straightforward matter the question therefore arises, why is it that the matter has to be dealt with by way of anything more than ordinary legislation and that is the point which has to be looked at, Mr. President, because that is why we have to look around and count heads to ensure that when the time comes there is a minimum of 14 votes for, because it has to be passed by a two-thirds majority.

The reason is that Sections 103 and 104 relate to the grant of pension rights under Section 103 of the Barbados Constitution and the grant of withholding pensions under Section 104 of the Constitution. It is Chapter 8 of the Constitution which is one of the Chapters entrenched under Section 49 of the Constitution which is now entrenched in the Section and the one that says by what means provision of certain factors may be altered.

The provisions are quite clear as to the pensions, their granting and their withholding and any law relating to pensions which would be deemed to be in effect before the 30th of November, 1966, and which had been saved by the saving of the existing law clause of the Constitution such law will then, therefore, enjoy the benefit of this provision of the Constitution.

Section 49(2) of the Constitution says that: "Subject to the revisions of Sub-Section 3, a Bill for an Act of Parliament under this Section that alters any of the following provisions, that is to say," and it lists a number of provisions including Chapter 8, which includes Sections 103 and 104, "Shall not be passed in either House unless at the final vote thereof in the House it is supported by the votes of not less than two-thirds of all members of the House." "At the final voting thereof" which means that the records would have to show that at the final vote they were at least 14 persons in favour.

It says "Except for Sub-Section." When it says "Sub-Section." it talks about provision, subject to the provision of Sub-Section 3. Sub-Section 3 really is that provision in the Constitution which was designed to facilitate Barbados Joining other Commonwealth Caribbean countries in the Federation and in the event that Parliament voted to do so then all that would be required is an absolute majority in each House of Parliament but in this case we are dealing with the law that affects one of the higher entrenched Sections of the Constitution.

In section 49(5) it is made clear by what is meant by altering the Constitution because the fact that the law we are dealing with may not appear to do violence with the state of the Constitution is not itself all that would determine whether or not it alters the Constitution.

It alters the Constitution if it repeals with, or without re-enactment of such a Law, or, Provision, or the making of a different Provision in lieu thereof; if it seeks to modify or, if it seeks to suspend the operation of the particular Constitutional Provision, or, Laws similarly protected. This would fall into the category therefore, of seeking to modify and therefore, it falls in the category of altering and Mr. President, our Constitution is one in which there is an explicit protection against the operation of the doctrine of implied repeal because in Section 49, Sub-Section 6 of the Constitution, it says:

"No Act of Parliament shall be construed as altering this Constitution unless it is stated in the Act that it is an Act for that purpose."

Consequently, this Legislation clearly reflects what the Constitution says because it states at Section 3, this Act is for the purpose of altering Sections 103 and 104

of the Constitution to the extent necessary to give the necessary effect to the Agreement.

We have, therefore, Sir, a situation in which, in order to pass this Legislation which modifies Law protected by the Constitution, by the Constitution's entrenched Provisions, we must have a majority on the general vote of a two-thirds majority, a majority of two-thirds of the Hon. Members of this Senate; that is to say, a minimum of 14 votes, as the matter Sir is one which, except for its Constitutional aspects is relatively, I am sure, non-contentious, in fact, even in relation to the Constitutional aspects, I think non-contentious. Indeed, Sir, what I was going to say is that the matter is one which, except for the fact that there is a Constitutional change implied would ordinarily pose no difficulty because of its non-contentious nature.

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

SENATOR O'BRIEN TROTMAN: I beg to second that.

Mr. PRESIDENT: It is proposed that this Bill be now read a second time.

SENATOR J. A. CONNELL: Mr. President, the Hon. Minister introducing this Bill emphasised that it was a non-contentious matter. I do not know if that was intended to be an invitation to treat, or what was its status.

I rise, however, to say this, Sir, I admit that the content of the Legislation is non-contentious but, I think that we must be careful not to create bad precedents. The Constitution is an important document.

We have just had a Commission, the Chairman of which graces our presence here, to look into it and to make recommendations. My point is that whenever any Government intends to amend the Constitution, great publicity should be given to that Proposal. I think that, at the outset, we need to create a tradition in Barbados that if a Government is changing the Constitution, the Law introducing that change should be widely publicised, so that people of Barbados would become accustomed to expecting an inordinate, or unusual degree of publicity, where the Constitution is being amended. The very procedures which we followed in these ancient Chambers for the passage of a Bill has an inherent safeguard that the Hon. Members must know what is happening. The very fact Sir, that you have to leave the Chair at a certain time and your place is taken by another high functionary of this Chamber indicates that Parliamentary tradition in its wisdom, provided that all present, even if they are not immediately within the confines of the debating Chamber, are kept aware of the stages of Legislation. I think cer-

tainly, the country outside should be kept aware of any Proposal to amend the Constitution.

This is a matter relating to Pensions, but there may be other matters on which the Constitution is amended and, at the outset, we should create a good precedent of giving wide publicity to Legislative Proposals and the Amendments of the Constitution. If we do not do this, the general public may slip into the habit of regarding Amendments of the Constitution as just another piece of Legislation coming before Parliament. I think that to this extent, the built-in safeguard of public opinion would be weakened and diminished. I am therefore asking that, for the future, adequate publicity would be given to all measures which have as their purpose, the Amendment of the Constitution. As a matter of fact, I do not think that it is too late, even at this stage, for the Hon. Minister responsible to give the necessary directives to ensure that the Amendments that would be passed here this evening, would be given due publicity in the country outside.

Thank you, Sir.

SENATOR THE HON. N. A. BARROW: Mr. President, neither at the wish of prolonging the Debate, nor, of being contentious, but I do not think Sir that I can allow my friend, Senator Connell to get away with that point. It sounds like a good point, it is one which has touched the hearts of many, but it is not a good point.

It is not envisaged Sir, that every single thing which touches on the Constitution should be treated as though it is a major Constitutional Amendment because the Constitution itself, the framers of the Constitution in almost every Constitution recognize that there are things which, while they must be protected, will, from time to time come into contact with legislation which is fair and reasonable and not by any means far reaching. In other words, Sir, what I want to say is that if you examine, I think it is Section 50 of the old Trinidad Constitution, you will find that to suspend certain provisions of the Constitution, all you need was a majority at a different level for example, from a majority which was needed for entrenching other Clauses.

The Barbados Constitution follows a most simple and direct formula in which there is provision generally, except in sub-Section 3 of Section 49, there is generally a single formula for changing the Constitution. This means that also because like the Jamaica Constitution and unlike some others, there is a specific provision to ensure that legislation may not just be passed for amendment to the Constitution, merely by virtue of the fact that they got the required majority. What is provided for, is that any legislation which touches on certain things, must be passed in conformity with the Constitution and therefore, it is made more difficult to pass. It is not to say, that every little thing, just because it has to be passed in that

way, must be elevated to the same level as issues which form serious Constitution matters.

There is nothing that is of serious constitutional implication in this. What the Senator seeks to protect against is itself provided for within the corners of the Constitution. I am making the point, I think, badly because what I want to say is this: that where you have a constitution which within its four corners make certain specific provision which protects against the constitution being changed in any particular except it is explicit that change is intended, where you have things like financial rights of public officers entrenched and made subject to the most difficult formula of change within the Constitution, it means that any matter which is deserving of serious attention is bound to get serious attention because you have to announce to the world before you even bring the legislation down that this is a Bill intended to alter the Constitution in some respect. What determines whether something gets a great deal of publicity is, as indeed it should be, the character of the thing which is being done.

If for example it was attempted here to interfere with the status of the judiciary as was done in 1974, it would then be important for that to be given a great deal of publicity. If it were intended here to interfere with the status of the Director of Public Prosecutions, if it were here intended to interfere with any of the fundamental rights that are protected within the fundamental provisions chapter of the Constitution, clearly these are matters which are envisaged when we talk about giving great publicity to constitutional matters, but this is a matter which incidentally was around for a little while, and while the Constitutional Commission was sitting, on the 14th day of June 1978 by a letter addressed to its Secretary, the Commission was informed of the intention to legislate in this way, so that not only has it been done properly at every step, but cognisance was taken of the fact that there was a Commission sitting at the time and the Commission was duly informed. But the fact is that this is really a routine matter, and I just want to make this point because I do not think it is an appropriate situation for making the claim that these things ought to be well ventilated so that people will know the situation is being altered. There is absolutely no way in which anybody can alter the Constitution of Barbados in the dark unless you first remove Section 49 subsection 6 which requires that in the very Act itself, in the very Bill itself it states that this is an Act for the purpose of altering the Constitution.

Mr. PRESIDENT: I will direct the Clerk that when I put the question for the second reading and later for the passage of the Bill that he records the votes of members "Ayes" and "Noes" individually as if for a division.

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

AYES: Senator the Hon. N. A. BARROW; Senator the Hon. D. G. BLACKMAN; Senator the Hon. O'B. TROTMAN; Senator the Hon. Sir MENCEA COX; Senator K. HINDS; Senator R. E. BRATHWAITE; Senator A. TRUSS; Senator R. FIELD; Senator H. F. G. ROCHEFORD; Senator J. A. CONNELL; Senator C. I. DEANE; Senator Miss M. BLACKMAN; Senator D. S. MacKENZIE; Senator Mrs. E. LYNCH; Senator K. R. HEWITT; Senator J. WICKHAM and Senator the Rev. A. HATCH - 17.

On motion of Senator the Hon. N. A. BARROW, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator Rev. HATCH in the Chair.

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

Clauses 1 to 5 inclusive were called and passed.

The Schedule was called and passed.

On Motion of Senator the Hon. N. A. BARROW, the Senate resumed and the Bill was reported as having passed the Committee without amendment.

On motion of Senator the Hon. N. A. BARROW the Bill was read a third time forthwith.

On motion of Senator the Hon. N. A. BARROW, the Bill was passed the Senate voting as follows:

AYES: Senator the Hon. N. A. BARROW; Senator the Hon. D. G. BLACKMAN; Senator the Hon. O'BRIEN TROTMAN; Senator the Hon. Sir MENCEA COX; Senator K. HINDS; Senator R. E. BRATHWAITE; Senator A. TRUSS; Senator R. FIELD; Senator H. F. G. ROCHEFORD; Senator J. A. CONNELL; Senator C. I. E. DEANE; Senator Miss M. BLACKMAN; Senator D. S. MacKENZIE; Senator Mrs. E. LYNCH; Senator K. HEWITT; Senator J. WICKHAM and Senator the Rev. A. HATCH - 17.

SUSPENSION OF SITTING

Mr. PRESIDENT: I think this is an appropriate stage at which to have a short suspension. This sitting will be suspended for twenty minutes.

On Resumption:

Mr. PRESIDENT: The sitting is resumed.

LAND TAX (AMENDMENT) ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. President, this Item, according to the Objects and

Reasons of the Bill, it says: "The Bill would amend the Land Tax Act, Cap. 78A to restrict to certain churches the exemption from payment of tax on land used exclusively for public religious worship, and to facilitate in certain cases the recovery of tax due and payable."

Indeed, Sir, it is legislation which deals primarily with the second of the objects, to facilitate in certain cases the recovery of tax due and payable, and therefore one is almost tempted when one reads the Bill to overlook section 3 which amends section 8 of the principal Act by inserting immediately after the word "used" appearing in the first line of paragraph (c) thereof the words, "by a church, being a charity within the meaning of section 2 of the Charities Act, 1979". However, it is there that I want to start, Sir, because I think the Hon. Senate is entitled to some introductory remarks on this particular point.

Some time ago it was drawn to the attention of the Ministry of Finance that there were certain religious organisations enjoying the concessions provided in section 8(c) of the Land Tax Act, namely that of holding land free of taxes which is used exclusively for the purpose of public religious worship but that these organisations were carrying on their financial operations apparently for private gain. When this state of affairs was drawn to the attention of the Ministry it was decided that the advice of Sir Roy Marshall who was then on special assignment to the Barbados Government should be sought as to how to achieve the desired objective, which is to ensure that those who were carrying on their religious organisations not for private gain but indeed as a *bona fide* charity were the ones who should benefit under the Act, and it was pointed out by Sir Roy Marshall that with the coming into force of the new charities legislation – the Charities Act which we ourselves passed some time recently – the situation would be quite adequately dealt with because no charity would be entitled to tax privileges unless it had taken the necessary steps to prove itself as a charity and to have itself registered as such, because there are certain consequences of registration, the principal one being that the Attorney General has the power to institute enquiries in relation to the management of charities and to apply to the court to prevent mismanagement. The Attorney General is the custodian under the law of the rights and interests of the objects of a charitable trust. Charity trustees are required to keep proper accounts, to have them audited and to submit them to the Registrar on a regular basis. This is obviously to prevent persons operating as trustees of a charity from defrauding the trust.

Failure of the charity trustees to comply with any orders given or requests made by the Attorney General under the two things I have just mentioned, or

to satisfy the requirements of proper accounting, would lead the charity trustees to incur fines as well as render themselves liable to contempt proceedings in the high court. Such failure would also cause the charity whose trustees are in default to lose tax privileges for the whole of the tax year during any part of which the trustees are in default. The position then is that the machinery is there for the objects of the charitable trust to be protected. On the other hand, an organisation which operates whether for religious or any other purpose but is not a charitable trust within the meaning of the law can operate without the Attorney General being able to reach into that organisation and require that it does certain things, and so the situation is that a church which operates for the private gain of any one person or any persons could continue to operate and still benefit from the exemptions within the law in relation to the payment of land tax.

What this amendment therefore does is to say, if you are operating your religious organisation as a genuine charity there is no problem because you can establish you are such and register as such and you will then be allowed the exemption from land tax. If however when that land is vested in you it is vested in you in your own rights, you are the owner of the legal estate and the equitable estate and you are not trustee, because the legal estate is vested in the trustees whereas the equitable interests belong to the beneficiaries under the trust, so if you wish to operate and say well this is mine and the equity is mine also, then you may no longer when this amendment comes into force be qualified for any such exemption. That is why the term is used "restricting".

You can see, Sir, that it is at least in my view the kind of amendment I urge very strongly because it is fair and right that those who have *bona fide* organisations of a charitable nature ought to benefit since the law intends them to benefit, but those who would seek to operate for private gain have no higher right than someone who opens a store in Bridgetown and ought therefore not to benefit. That is that amendment, Sir.

In relation to the rest of the Bill, the positions relate to a completely different matter. It is simply that we took the opportunity to put all two in together since they both related to land tax rather than bringing down two separate sets of amendments, but the rest of the Bill relates to a different kind of problem which has caused some problems with the legal fraternity, and what the position is, Sir, is that when a transaction involving land is to be completed the Collector of Taxes must issue a certificate to say that all taxes due and owing have been paid, otherwise the person who purchases will purchase the land with whatever encumbrances are implied in the non-payment of the taxes due and owing. If a man had paid his tax in a given year but after the 1st April and before the period of the issue of the new demand notice and he applied

for the usual certificate, certain problems automatically arose. Is it true that there are no taxes due and owing since the taxes in respect of which the demand certificate normally issued in November would have been issued, since those taxes relate to the entire year, is it true that there are no taxes due and owing?

Well, Sir, the legal answer is that there were no taxes due and owing because a man cannot owe you taxes unless, as the Law stands and stood then, unless first of all he had issued you a Demand Notice and taxes were not apportionable. Therefore, you could not say that they should operate under Agreement that the person who owed had up until June to pay that part of the taxes and the vendor would pay the other part of the taxes.

If the Collector of Taxes issued a Certificate that there were no taxes due and owing he then would be faced with the problem of having to seek to collect taxes later in the year from someone who had already sold the land because the land would have passed unincumbent in respect of the taxes to the purchaser and when people have already sold the land they are not overly anxious to go and find money to pay taxes, so it developed a certain degree of difficulty because Lawyers understanding that their clients did not owe any taxes said the Collector must issue a Certificate and the Collector felt he was not in a position to issue a Certificate because if he issued a Certificate he would automatically, almost certainly, incur a loss of Government revenue and it was therefore understood and there were meetings on this between representatives of the Lawyers and Government representatives and they came to an understanding that something had to be done in relation to an Amendment of the Law so that the Collector of Taxes when one applied for the Certificate could now issue an interim notice and when the taxes were paid in respect of that interim notice, it would mean that the Government would not lose its revenue and at the same time you could complete your transaction.

This is what this legislation is about, Sir. It is to facilitate precisely that easing of the transfer of lands which had been made difficult by a defect in the Land Tax Legislation. At the same time, Sir, we are taking the trouble to deal with the problem where the name and address of a person owning a particular parcel of land was not known and this is reflected under Section 4 of this Bill because you have to have a formula where the Demand Notice could still apply in the law.

All in all, Sir, the Bill seeks to do two things basically and it also does a third, the third being a formula for the publishing of a Demand Notice in respect of land where the owner is not known or the whereabouts of the owner. It also seeks to remedy the problem

in respect of Certificates of land in respect of which discounts have been paid but would cover that gap between the 1st of April and the issue of the Demand Notice. It also deals with the problem of providing that only those who deserve or are entitled under the Charters Act receive that relief.

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

SENATOR D. MACKENZIE: Mr. President, I would just like to ask one question for my own information that is in requesting the Collector of Rates and Taxes to collect a Bill for what would be an outstanding tax? Is the interim Tax Bill made out in full for the ensuing year or is it made out in part and how is it determined? Just for my information, Sir.

SENATOR J. WICKHAM: Mr. President, this Bill before us gives me the opportunity to make a comment on some information which has come to me quite recently about the definition of a Church. We are living in an age, as Senator Don Blackman pointed out earlier, where it is impossible to define in precise terms elements which are going to change as time goes on.

Before the Supreme Court of the United States at this moment there is a question of the definition of a Church because some churches in the United States have claimed the use of marijuana as a sacrament of their Church and therefore the entitlement to duty free import of this commodity. This is not really a joke and while we of an older generation understand what people mean by Church, it has a certain emotive quality. There is a certain generation which would question the definition of Church and it may very well be that not too long from now we will be asked to define the Church or what is the use of it.

SENATOR R. BRATHWAITE: Mr. President, I would first like to commend the Government on such a Bill because as a member of a small Church, you would call it, I think it is a means of securing some of these Pastors or Elders, what you might call them, because it is one of the saddest notes when you can look into the newspapers and see two Church Leaders in the Law Courts and I believe that such a Bill like this would protect them from such actions.

I would also like to let you know that I am very happy about this because some of us are only striving to survive and I am sure that once we as Church members can give the Government full proof that we are doing something good in the community, I am sure that we all will be exempted. I commend such people who spend their money in such ideas to try to have small Churches and, as Senator Wickham asked, what is a Church, I would like to define it for him. A Church is a body of

believers. It is not directly the people, so any group of believers that join together an established group is a Church. I would say that is what you call a Church so I think it is a very good Bill and it would help the smaller Churches where they can do something to help themselves. I would like to stand by this and I think it is a very good piece of legislation. Thank you.

Mr. PRESIDENT: Order, order.

SENATOR THE HON. N. A. BARROW: It is a good thing you cannot hear an aside, Sir. Mr. President, the Church in St. Philip South had a little meeting over tea and it has not to the best of my knowledge applied for registration.

I think, Sir, that it might turn out to be not too charitable a church, judging by the congregation which I witnessed. (ASIDES) Sir, the last point made by Senator Brathwaite is a point which touches the memory quite a bit because I think people my age grew up hearing of Larrier and Hoyte, Hoyte and Larrier and then, in more recent times they had one on Constitution Road. I have in fact, forgotten examples in introducing the Bill. If anything, I might even have had another example in my mind, examples of people who claim that the property is theirs, until there is litigation, and even then, we are not too sure what we are going to claim. So I quite understand Senator Brathwaite's point because a number of persons would indeed have suffered in the course of all that litigation.

In relation to Senator MacKenzie's point Sir, I can best answer his question by saying perhaps a little more clearly, something which I said in my introduction. Section 5, sub-section 2 of the Act requires that tax be paid by the person who owns the land at 1st April. This is where the problem has arisen. Let us say, that the transaction is a 1980 transaction, we are into June 1980 and the taxes in respect of the 1979 year have been paid, demand notices have not yet gone out for 1980; in law, there is no tax due. So the tax becomes due at a point when the vendor has already divested himself of the land. The Government, therefore, does not have that land to attach. In one instance, a lawyer in town had to face a situation where the Collector of Taxes was hesitant in issuing a certificate because he had had the experience that the taxes which were not collected up front, were not collected at all. The lawyer wrote and put the Collector of Taxes, the Attorney General and the whole Government on notice, that if his client incurred any loss, he would be holding them liable. No doubt, he was right. Therefore, you have to devise a system in which tax can be held to be due and owing before the demand notice which goes out later in the year is issued. This is the position if you are billed for tax and you pay, evidently, you cannot be called upon

again to pay that same tax, so that squares the account there.

On the motion of SENATOR THE HON. N. A. BARROW, the Bill was read a second time.

On the motion of SENATOR THE HON. N. A. BARROW, the Senate resolved itself into a Committee on the Bill, Senator the Rev. A. HATCH in the Chair.

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

Clauses 1 to 5 inclusive were called and passed.

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

On the separate motions of SENATOR THE HON. N. A. BARROW, the Bill was read a third time and passed.

COMPULSORY ACQUISITION OF LAND AT CHARNOCKS, CHRIST CHURCH

Order No. 4 was called — To move the passing of the Resolution to approve the compulsory acquisition of land at Charnocks, Christ Church for the purpose of road improvement.

SENATOR THE HON. N. A. BARROW: Mr. President, Senator the Hon. O'B. Trotman will take care of Items 4, 5 and 6.

SENATOR THE HON. O'B. TROTMAN: Mr. President, Sir, I took the opportunity while we were doing other things, to pass the Plans around so that you could see exactly what land is being acquired. The purpose of acquiring the land Sir, is for the improvement of the roundabout next to the new air terminal.

If one drives from St. Martins into Bridgetown and even driving at the present speed limit, one finds it very difficult to negotiate the roundabout opposite the air terminal. The road is not only narrow, but the curve is unthinkable and it is hoped that some improvements can be made to the roundabout for the assistance of motorists. The land which we are acquiring is situated in the middle of all other Government properties. If you see the plans which are being circulated, it is a triangular bit of land, Spencers owned by ADC and the Government on the one side and the airport land on the other side. There is this small lot of land standing all by itself in the middle. It is considered then, that about half of that land will be necessary for road improvement, but then it would be of no purpose to leave

a few square feet of land in the middle for the poor lady who owns it. It was decided to acquire the new portion of land and keep it as road reserves in case we have to do further amendments to the roundabout at the airport.

The owner of the land was contacted and she has no objections to the deal, and we are merely doing it this way, Sir, in order to have all of our titles sorted out properly, because there seems to be some minor doubts as to who owns the land and who has proper titles and who have not; but the person whom we think is the correct owner we have had some negotiations with, and she is quite happy with the arrangements we are making.

I beg to move that the Senate concur in this Resolution.

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

THE CIVIL ESTABLISHMENT (GENERAL)
(AMENDMENT) (NO. 3) ORDER,
1980

The Fifth Order of the day was called — to move the passing of the Resolution to approve the Civil Establishment (General) (Amendment) (No. 3) Order, 1980.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the major part of this Resolution deals with the Ministry of Finance where the budget analysis section and the public investment unit are being established on a firm basis. For some time they have been operating on a temporary basis and it is now considered that the posts should be permanently established.

It has been found that especially in the public investment unit — that unit assists Ministries in preparing project documents and negotiating loans — that because of shortage of staff enough follow-up work is not being done and some projects are not supervised as efficiently, may be, as they could have been. It is therefore considered that the unit should be properly established so that those persons who are functioning there would have some permanent attachment to the Ministry and I suppose that would assist them in being more enthusiastic than if they were just temporary officers working on a day to day basis.

The other thing that matters particularly in this Resolution is the change in the Prime Minister's office from a post of Administrative Assistant to Supervisor of Emergency Services. We have been seeing on TV and reading of the work of the Central Emergency Relief Organisation. The country is becoming very conscious of preparedness in case of misadventures, hurricane or otherwise, and it is considered that the person who organises

the Central Relief Organisation should be properly graded — there has been a slight upgrading in the rank — and taken out of the general run of administrative work in the public service.

The Resolution also seeks to upgrade and regrade what is now the personnel section of the Ministry of Agriculture. For some time those persons who did personnel work in the Ministry of Agriculture have been in the executive grades, and I am particularly happy to see that a large Ministry like the Ministry of Agriculture is at last having its own personnel section. The other big Ministries, Health, Education and Communications and Works already have established personnel divisions, and I have some interest in personnel, and I am very pleased to see that at last personnel work which is being done in the important Ministry of Agriculture is being recognised and those persons who serve personnel will no longer be confused with the other persons who deal with benches, chairs and desks etc., and one would therefore expect that the personnel officers now attached to the Ministry of Agriculture will be given proper personnel training and as a result there will be some improvement in personnel relations in the Ministry of Agriculture.

I beg to move that the Senate concur in this Resolution.

SENATOR J. WICKHAM: Mr. President, in the absence of Senator Rocheford, I think that I really must ask members to look at the number of grammatical mistakes in the context of this document. On page 2, the paragraph before the last sentence: "They are considered necessary to the functioning of the Ministry and it is therefore *recommend* that they be established on a permanent basis."

On page 3 in the third paragraph: "The functions of the Central Emergency Relief Organisation *has* expanded to include....." The last sentence: "A temporary post of Supervisor of Emergency Services was provided and it is now being *establish* on a permanent basis." In the next paragraph: "With the provision of the post of Supervisor of Emergency Services, the work schedules of the administrative staff *was* re-organised."

You know really, Mr. President, I need say no more. This simply is not good enough. It is true that we understand what they mean, but surely a little care could be taken at least with the grammar if not with the arithmetic.

Mr. PRESIDENT: Before I put the question, I really must, as I intended before Senator Wickham spoke, on behalf of the Senate ask the Minister if he will take the necessary steps to ensure that when Resolutions of this nature are prepared for this Chamber, at least those elementary blunders can be corrected. It does give the

impression, there are so numerous, that that is the way the people speak; and I do remember hearing the Prime Minister at a University function once complaining about the rudimentary knowledge of basic English which seems the norm nowadays in people whose standard of education is supposed to be high.

I do on behalf of the Senate urge the Minister when Resolutions of this nature come, they at least should be clothed in reasonable decent English.

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

RESOLUTION TO APPROVE COMPULSORY ACQUISITION OF LANDS, AT COLERIDGE STREET, JAMES STREET AND SYNAGOGUE LANE, ST. MICHAEL

SENATOR O'B. TROTMAN: Mr. President, the Resolution seeks to permit the Government to acquire lands at James Street, Coleridge Street and Synagogue Lane for the purpose of constructing a new Supreme Court complex. The complex will house the Courts, the Registration Office, the Office of the Permanent Secretary, Legal Affairs, the Solicitor General, the Chief Parliamentary Counsel and the Director of Public Prosecutions.

I cannot speak with first hand knowledge but as I understand it, Sir, the Courts are overcrowded, officers work in very bad conditions, attorneys have no proper facilities for briefing their clients and it is generally considered that those persons who administer justice and see that justice is administered properly do so in very trying circumstances. It is therefore hoped that the new supreme court complex which will have two criminal courts, two civil courts, one court of appeal and an informal court will improve facilities for those persons.

In the general scheme of things for that area, Codd's House which used to house the old Waterworks Department will be upgraded and properly taken care of in the interest of our heritage, the Jewish Cemetery which is being acquired, part of which will be used for the complex and the other part, Sir, will be kept by the Government and properly taken care of, because as I understand it the present cemetery is in very bad condition, nobody seems to take care of it and it has become an unofficial public convenience, and since we cannot have a public convenience outside a \$15 million complex it is considered that the Government should acquire the entire cemetery and take care of this cemetery in proper fashion. It is also hoped that the basement of the complex will be used as vault space for the National Bank and it is generally considered that the entire project should last two years after construction begins.

At present arrangements are being made for tenders and it is hoped that by the end of September all the tendering arrangements should be completed and the drawings which are presently being prepared will be ready for the benefit of Senators and the public in general. In the meantime I have circulated a first drawing for the benefit of the Senate and the refined drawings will probably be made available when we have to get permission to construct the building itself, Sir.

I beg to move that the Resolution do now pass.

SENATOR J. CONNELL: Mr. President, there is an element of futility in speaking on this Resolution at this stage. The plans for the Supreme Court building, as I understand it, have already been drawn or are in the process of being drawn, a very attractive little model of the Supreme Court complex has been on display in the existing Supreme Court complex for a short while. I regret that the powers that be did not consider that this Hon. Chamber was equally entitled to see it and I would suggest, Sir, that in future you present us more vigorously in this quarter, because since as legislators we have to look after the general public weal, I think it is only right and fitting that such things be also made available to the Senate. It would have given hon. members a more graphic idea of what this complex is to look like.

I referred to the element of futility having in mind that whatever we discuss here on this resolution probably will have little or no effect now on the development that will take place if and when it comes on James and Coleridge Streets. I think however, Sir, that there are still a number of points that can be made.

The point that was made over recent land acquisition resolutions needs to be made again. When we are acquiring land and making development plans in relation to areas in Bridgetown we need to take the long view and to have constantly in mind that what we are really doing is rebuilding the new Barbados for the next 50 or 100 years as it may be. I am persuaded that this element of it is not uppermost in the minds of those technicians who have to advise Governments on these matters. When one looks at the Treasury Building across the road and the National Insurance Building further across the road, one cannot escape the conviction that the architects have not done justice to the City of Bridgetown. We need to bear this in mind more and more. We are a small country with a very high density of population, Bridgetown was never properly set out as a Capital City in the first place, and as a result therefore those who have to make significant changes in its landscape now should go all out, within the limits of our economy of course, to lay the foundations of an attractive new city. Cities tend to reflect

the aspirations and the image of people whose capitals these cities happen to be.

Reference was made earlier in this Hon. Chamber to the Central Bank Building. I believe it was Senator Wickham — I speak subject to correction — but some Senator made reference and I think it was Senator Hatch in his prayers for us all who made reference to the Central Bank Building and that is going to be another major development when it comes in the City of Bridgetown. These two significant developments will contribute greatly towards the landscape of the down town city area, and I regret that the greatest degree of consideration and foresight have not accompanied the planning for the Supreme Court complex and I sincerely hope that that is corrected in relation to the Central Bank complex. I have submitted to this Honourable Chamber before the conspicuous absence in the City of Bridgetown of any large area of green. Many cities in the World are characterised by some open bit of green; generally, by statues of some prominent persons well set off and Bridgetown is without this.

I would have been glad to see when the planning for the Supreme Court complex was done that this was taken into consideration. Now I know that I am going to be told that given the constricted area in which the complex is to be set up that there was no room to do this. It is bounded by a Cemetery on one side, the Montifiori Gardens on the other and in making an aside at this point to support you, Mr. President, in the call for better grammar and better spelling, I notice that on the plan that has been sent around that the Montifiori Gardens have been spelt "Montifury" Gardens and some correction has already been interlined but things are really becoming desperate in the matter of spelling that is offered up before us.

It is bounded on one side by the Cemetery and another side by the Gardens and on the third side by the Police complex and, of course, on the fourth side by the National Bank and there are buildings there so given that site, there is not much elbow room for the sort of development that I envisaged but the question leaves to be asked whether it had to be put there.

Also, I am offering this for the consideration of the Government that in future when it is contemplated putting massive developments like this in Bridgetown the opportunity should always be grasped to eliminate the remaining slums in our City. I think that the houses that are occupied by disadvantaged persons in the lower income groups and which form the sort of minus impression in the City should be resited and the occupants in these houses given the opportunity to have basic living accommodation.

Because of the position that Barbados occupies in the table of developing countries it is not an easy recipient of International aid for the purpose of housing. Although we bemoan certain standards of living among certain sections of the community, the fact is that Barbados compares very favourably with many other countries in the developing World. As a result, when we are seeking to get assistance for housing we are met with the answer that we cannot fund this proposal for housing because of our existing standard of living. It therefore behoves us to get around this by placing big developments in areas where there is housing of such a nature that it calls for improvement and to remove this housing, site the development and resite those who are now living in these disadvantaged areas in the City.

I, for example, thought that the Polytechnic was another such building which could have been placed in an area where housing was very marginal or slum and provide the opportunity both for the institution and for improvement of those who now live in depressed areas.

I should mention in passing and I should place it on the record that I compliment the Government for not placing the Polytechnic in the place originally envisaged for it. I do not think that that was the best place to have put it but I do not think that the place chosen is the best place for it. I think that the place that was originally envisaged is a natural extension of the Queen's Park area. I am persuaded that a City of the size of Bridgetown does need what I call "lungs" in its immediate proximity to improve the general appearance and the quality of the air breathed by people who have to be in the City.

It is unfortunate, in my view, that the decision was taken to increase the density of people in the immediate vicinity of the Pinelands and Wildey. However, that all fits into the point I am making, Sir, that what we are doing is radically, rapidly and significantly altering the landscape of Bridgetown and its configuration. We are doing this by piecemeal and in a sense history is repeating itself. What we should do is to devise some master plan in accordance with which the development of Bridgetown can proceed at a pace given our economic resources.

I would have like to see, Sir, that the Supreme Court complex was well set off providing a visible symbol of Your Majesty and Permanence of Laws. I think that this would have been a cultural asset to the country. From what I can observe of the plan and I read it with no expert eye, the building is going to be rather near the road. Given the limited area, better could hardly be done but I am not accepting that we had necessarily to be dealing only with that area.

I must assume, Sir, that the architects have made the arrangements for adequate parking. I find, Sir, that in

comparatively reasonably constructive buildings in this country, no realistic estimate seems to have been done about future demands, future in terms of the needs ten years or so and as a result those which were reasonably, recently constructed, are already experiencing inadequate space either on the exterior or on the interior for catering for those who have to use them in their day-to-day economic and social affairs and I sincerely hope that in relation to parking this is not going to prove to be the case with this Supreme Court complex in the very near future.

Turning, Sir, to the question of the interior of the Court, I regret that it is not possible to incorporate the Family Court in the same complex.

Practitioners at the Bar have tended to favour a centralized court system. If a time and motion study is done on practical movements, it will be seen that a great deal of wastage takes place in travelling from one court to another in the same day. I heard a whisper that Barbados is very small, but persons who do not do these things, do not understand the problems involved.

If you have a case Sir, in Country Road at the present Probation Office and you have a case in Bridgetown, although Country Road seems very close to Bridgetown, a lot of time is wasted in between and in the end it is the public who suffer. The costs are passed on to the consumer ultimately. Many of us felt that centralization tends rather to benefit the consumer in the final analysis.

Now, I heard the hon. acting Minister who introduced this measure refer to an informal court. I believe that if I heard him correctly, that is what he said and I wonder whether that informal court has something to do with juveniles. The tradition and indeed the law had required that juveniles be not exposed to the atmosphere of the same court into which adults go to receive justice. But, I would have thought that it was possible to preserve that position, to observe that law and nonetheless, have the court for juveniles within the same complex as the Supreme Court building. I am persuaded that that would lead to a saving of time and the litigants would have been the main beneficiaries of such a farsighted plan.

The Resolution, Sir, also refers to the Registry. I found it quite interesting to hear the acting Minister introducing this measure say that the basement is going to contain vault accommodation which would be used by the Central Bank. Again, I wonder whether adequate thought has been given to the Barbados National Bank, not the Central Bank, I am grateful to you Sir, because anybody who goes into the Registry from day to day, well knows that the Registry has passed the stage of bursting at its seams. There are documents piled one on top of the other now and I hope that not in the interest

of prosperity, but of contemporary Barbadians, that a proper survey has been done of the space requirements to accommodate the flow of documents.

Sir, we live in an age of paper. Paper is driving us out of our offices. We have to be constantly making adjustments to accommodate the increasing volume of paper flowing through our offices. This is one of the spin-offs of 20th Century civilization. The Registry of the Supreme Court, like other areas of modern, industrial and commercial life, is reflecting this phenomenon. I am not quite amazed, but very interesting indeed, to hear that there is going to be space for the Barbados National Bank to store its documents in vaults below the Supreme Court building. I would have thought that all the vault space which would be provided, is going to be needed by the Registry itself. These things are not Party matters. These are national, Barbadian concerns. If we are interested in the preservation of documents, and indeed, the protection of preparatory interests of persons whose documents are evidence of their property, then, we need to ensure that adequate facilities exists to do this.

One example which comes readily to mind, is the room in the Registry where Title Deeds are being copied photographically. The lady doing that has to pile them on the window sill. She says very frequently that she prays to her God daily that one of the fires which seem to be breaking out so frequently in the City of Bridgetown does not visit the Registry Building, the situation would indeed be serious. The point which I am making here Sir, is that unless some sort of adequate appraisal of the space needs of the next ten to fifteen years is done now, we will find that within the ten year period of the erection of this building, there is going to be a crisis of space requirement.

I remember, in 1955, when I entered the Civil Service much of the Civil Service was accommodated in this building across the road. It contained the Treasury, the Audit Office, the Post Office, I think the Chief Secretary's office was there as well. Since then, Government Headquarters has been erected and within a short time, that apparently is now only adequate to accommodate the Rt. Hon. Prime Minister's office and certain apparently vital support offices which he must have near to him to function in his exalted capacity. I say that, Sir, to say, that our planners need to do some estimates of the space needs of given sections of the Administration and to let that be reflected in plans which they are making for buildings such as the Supreme Court complex. I hope too, Sir, that they have done an adequate estimate of the staff needs. Many of us lawyers can be critical of the way in which the Registry functions. There have been faults. Again, I do not think that this is a Party matter for scoring points. I think that this is a national problem, but those Clerks and other officers in the Registry exist under very difficult conditions. They

sit literally one on top the other. Unless that is clearly understood and provided for, chances are that this new accommodation is only going to provide a solution for the very short term period.

Somehow, they never seem, those who plan these new buildings — and I say this because the existing Registry is a comparatively new building, which is the point that I am making — When one looks at that and compares it to the older Supreme Court building near to it and the other building, which comprises, the Police Headquarters, that building is comparatively new. There are no doubt, persons in this honourable Chamber today, who knew when that building was going up. But, if one visits the Registry between 11.30 a.m. and 1.30 p.m., they will be greeted with the amusing spectacle of Clerks of the Registry having lunch in the Civil Court.

Last week a magistrate of that court made arrangements to deliver a decision in a case at 12 o'clock. He was engaged in another court in the country and had to travel to Bridgetown to deliver this decision at 12 o'clock. Because the court was empty during the morning, the Clerks assumed that it would have been empty for the rest of the day and when they came in and saw counsel sitting at the Bar Table, you know they were surprised and disappointed and they had to take their sandwiches elsewhere. There is simply not enough accommodation for them. Unless this is understood, this complex is not going to solve that problem for very long.

I should like also to say something on the question of energy. The Hon. Minister acting who introduced the measure did not feel he should inform us about these matters, but when the model was displayed, the architect, I believe, said then that it was hoped that the energy needed for air-conditioning and lighting would be provided by local natural gas. If this is not true or it is no longer true, I should be grateful if the Hon. Minister would correct the record. But my understanding is that it is planned to use local natural gas to provide the energy for this building. I think that this is quite good, and if it seeks to reduce the Bill that the taxpayers have to pay, then so much the better. The point I wish to make here, Sir, is that it would be wise if when the building is being built somebody will foresee that these man-made systems do fail from time to time. Many a time and oft we have been in the Supreme Court doing cases for which we were paid, some of us very highly, and the air-conditioning goes off. It is virtually impossible then to have justice done in that Court with the air-conditioning off, so work has to stop, and what I am saying is that in these new plans provision should be made that if the energy system fails, that you can open the windows and allow in the natural air and natural light and allow justice to continue to be dispensed.

Someone said "adjourn" but again I make the point that in the end it is the consumer who has to pay. When you adjourn the case takes ten days instead of four; then somebody gets refreshed.

My point, Sir, is that we need to be aware that when we are changing the landscape of Bridgetown significantly, we need to do this against the background of some long-term plan that takes in a global view of what Barbados in general and Bridgetown in particular should look like twenty-five, fifty years from now. I made reference to the Government Headquarters building colloquially known as the Ministerial Buildings. I think that it would be conceded that that is an attractive building. It is well set in from the road, it has beautiful gardens in front of it and of course it looks out on the sea. Yes, it looks through a window to the sea. Its value is thereby further enhanced. It would be good if that sort of standard was observed and maintained in the erection of buildings in the City of Bridgetown.

I appeal to this Government to seek to observe and maintain those high standards. I appeal to them on the broad ground of the public good, but if this appeal does not strike any responsive chord in their breast, I appeal to them on the more narrow ground therefore that is contained in the epitaph to the great Sir Christopher Wren. His epitaph reads: "If you need a monument, look around you". *Si momentum quaeris circumspice*. It is impolite to use Latin today, they tell me, so I try to translate it on my feet. If therefore Government find that they cannot respond to an appeal based on the public good, let them respond to one based on the light of self-interest. If they are leaving monuments on the eve of their departure, let them be impressive monuments which will edify the lives of Barbadians in the immediate future. Thank you, Sir.

SENATOR A. TRUSS: Mr. President, I sometimes take great delight in listening to Senator Connell particularly when he was explaining how it was so expensive to travel from one court to the next, and ultimately the cost will be passed on to the consumer. Such an expression I did not believe or think Senator Connell was capable of making. That is a capitalist statement. I thought that the hon. Senator was incapable of making a capitalist statement, and I do not think that Senator MacKenzie could have said it much better.

The Resolution dealing with eight parcels of land as we see here in the Schedule is very interesting. I note on the plan itself that there is no provision made at all for parking, and as Senator Trotman said, this is a preliminary drawing. But really, Sir, there are a couple of things that worry me, particularly the Fifth and the Seventh Schedules. The Senator said that Codd's House remains because of the interest which we Barbadians should have in our own heritage, and I completely agree

because Codd's House as you know is a National Trust building. But more importantly it served as the Barbados legislature between 1837 and 1849, and there were certain changes during that period in the apprenticeship system which finally meant the complete abolition of slavery. Even more important than or perhaps as important was that in 1843 the first non-white parliamentarian came into parliament, Samuel Jackman Prescod, and that is why I believe it is important to restore Codd's House.

Of equal importance, perhaps, a building which will be destroyed in order to accommodate this new structure is the old Jewish synagogue. I believe that was originally built in 1679 and is presently used as offices for solicitors. It was destroyed in 1831 by a fire and rebuilt in 1833 and from 1833 to this day it stands where it is. I am a little upset that such a building could not have been restored in the same way in which Codd's House was restored, because the Jewish synagogue and cemetery certainly served as an important chapter in the history of Barbados.

In the Advocate Magazine of February 3, 1980, Edward Stoute stated in an article, and I quote, Sir: "I have had several telephone calls from interested people asking if it was true that the synagogue was to be demolished. Unfortunately, I am not in a position to know the different plans of Government, so I could not answer their questions. However, what struck me as peculiar was that among the callers there was one Jewess and the rest were Christians."

This clearly satisfies the point for me that there are not only Jews that are interested in the Jewish Synagogue or the Jewish cemetery which would be touched by this particular plan, but several Barbadians as well who are interested in the heritage of Barbados, because what is astonishing, Sir, is that according to Sir Charles Pitcher Clarke the first colonisation of Barbados took place in February of 1627 and the first Jewish settlers arrived in 1628. If that is so, then I think that the heritage is there for all to see, and more importantly, Sir, there is a grave of tremendous significance as reported by the American Jewish Encyclopaedia and Schomburg's History of Barbados. The grave is the one of Benjamin Massiah with the following inscription: "He has been a reader of the Jewish Synagogue for many years without fee or reward, and performed the office of Circumciser with great applause and dexterity." That is on the lighter side of things, but certainly, Sir, the same Massiah was a relative of the late Hon. Dr. William Hallam Benjamin Massiah, Parochial Medical Officer for the parish of St. Lucy, and a member of the Legislative Council for a number of years.

Now, the reason — as is pointed out by Edward Stoute in his article of February 3, 1980 — for stating that there were Jews among the early settlers in the

records, is that a letter from one Abraham Jacob dated September 22, 1628, was forwarded to the Earl of Carlisle complaining that the business of the island was exceedingly unprofitable, and in 1674 by special decree a Royal Order sanctioned Jewish testimony and the five books of Moses. Swan Street, as you know, was then called Jew Street because the Jewish population in those days totalled some three to four hundred. They carried on business downstairs and they lived upstairs until a gentleman by the name of Captain Swan redirected, redistributed, redesigned Bridgetown, particularly Swan Street, and it was named after him, Swan Street.

The interesting thing, Sir, is that for hundreds of years the Jews who lived in Barbados that came from Europe and from South America did indeed make a contribution. In the Journal of the Barbados Museum and Historical Society of May 1942 by the Rev. Canon P. A. Farrah, who is well known, by Mr. Stoute, he states about Jews in Barbados that when the Barbados General Dispensary was established in October 1786, the Jews subscribed upwards of one-tenth of the amount that was required, although they were one-twentieth of the white population, and did not own one-hundredth part of the property in the island.

There were other extracts, Sir. The Barbados Globe, April 1, 1833: "The Jews from the early settlement of the island have been among us and may truly be said to have always been useful and a valuable branch of our commercial industry and enterprise." The Barbados Mercury, April 2, 1833: "There is indeed no portion of our civil, political or religious institutions to which they have not contributed to, improved or benefited, and to them and to their liberality there is no charitable association on the island which is not deeply indebted." The very Montifiori fountain which has been mentioned by the last Senator was donated by Mr. John Montifiori, a Jew, in 1864, to the people of Barbados.

Sir, in the closing paragraph of a journal of the Jews in Barbados by the Rev. Canon P. A. Farrah, he says: "Although their ways were not our ways, yet the Jews of those days of long ago in spite of the disabilities imposed on them showed the Christians of this land how to succeed in the face of distressing odds. More than that, at a time when there was a slackness in living and a weakness in morality, they by their compact and organised manner of life set a bright example of piety, of religious enthusiasm and of the security and sanctity of family life."

Now, Sir, to deal with the Resolution about the cemetery, I had to give a little history, a little brief Jewish history that perhaps some of us may have forgotten. The oldest recorded tombstone, Sir, in the very area, an area which I have marked off on this, according to the Archives it is recorded that one Aaron Demarcao — no

relation to me, Sir — in 1660 — there are older tombstones as well but they are not recorded in the Archives — but there is a Deed of Cemetery which was created in 1743 for the establishment for this very same piece of property which the Government now seeks to compulsorily acquire. The original trustees in those days were Isaac DePeiza and Moses Nusettes. In 1869 it was passed on to Edward Daniels who was appointed trustee, and when he died in 1905, Sir, Joshua and Edmund Baeza and in 1928 one of them died and the other one sold to Mr. Graham Yearwood, and in 1934 when Mr. Yearwood and Mr. Baeza died at the same time Mr. St. Clair Hutchinson purchased the property from the Executors of Mr. Yearwood's will.

During this period of the Deed of Cemetery from 1743 to the present time there has been and still is a clause which stated that the cemetery should not be desecrated, and in 1934 after Mr. St. Clair Hutchinson had purchased from the Executors of Mr. Yearwood's will the property in question, you will see on the plan which I have circulated and also on the plan which the Senator has circulated that the cemetery is separated by a road. That road at one time was all cemetery, and Mr. St. Clair Hutchinson, as the story goes, was one day attempting to break the wall down to create the road, and Mr. Henry Altman was passing Synagogue Lane and asked him what he was doing and he said he was breaking the wall to create a road and Mr. Altman said to him: "Mr. Hutchinson, that is desecrating the cemetery, there are people buried there." And he said: "I intend making the Synagogue into an office, I need an entrance, so I shall cut the wall and make a road, and if you do not like it, find a solicitor and take me to court." shortly after the road was built Mr. St. Clair Hutchinson became extremely ill. There was no medical reason for his illness. (SENATOR J. A. CONNELL: Is that obeh?) I cannot explain whether it was obeh or not, but perhaps coming from his two sons who lived through that, it certainly was no joke.

He became ill. There was no reason for his illness and shortly after that he died. As a result of that the Hutchinson family became extremely afraid of the Cemetery and its lands and they made a covenant with the Jewish community in Barbados at that time to lease to them the lands marked the Jewish Cemetery on the circulated piece of sheet there. He leased the land to the Jewish Cemetery to appease the Gods.

SENATOR J. CONNELL: I hope the Senator is not saying anything to affect my religious beliefs because I do not believe in any Gods and he is speaking in here about appeasing the Gods. I do not know whether he is seeking to affront my religious beliefs.

Mr. PRESIDENT: I really do not see the purpose of that interruption. He was saying something about the

Hutchinsons and their belief in God. Just continue. Is all this leading up to opposition to the Resolution? Well could you do it a little less circuitously?

SENATOR A. TRUSS: Thank you, Sir. Well, I am dealing with the piece of land that is going to be acquired by the Government and there is a history to the land and there is a lesson to be learnt perhaps. I do believe that Senator Connell's God is the same God as my God so I really do not know the point he is making unless his God is different to mine.

Mr. PRESIDENT: No. He is speaking of Gods.

SENATOR A. TRUSS: Well, Sir, as I understand it, in the Ministry of Communications and Works, the Fifth Schedule, which is the Jewish Synagogue, will be demolished. There is not much which can be done about that because the whole project cannot be built unless the Synagogue is demolished. I do not believe that there is any real reason to put an argument against that and if the Jewish community had wanted to restore it they certainly had a long time in which to do it so the blame should lie with them as far as that matter is concerned.

In the Seventh Schedule the Jewish Synagogue is indicated there on my architectural plan. That section really and truly was supposed to be for parking so we asked the Ministry of Communications and Works, the people who designed the project whether or not they were really interested in the entire area for parking taking into consideration that it was the Jewish Cemetery or whether or not they were prepared to use the minimum and just not take it because it was there to be taken and this is why the second plan came up and this plan was submitted, as I understand, to the Attorney General's Office.

I am not sure if it went to Planning and Priorities Committee. This is why I am a little concerned that at this time this particular Resolution had come to this Honourable Chamber because it appeared to me as though everyone was quite prepared to use the minimum amount of land and not acquire the entire 540,974 square metres and take the portion of the land at the back which was acquired from Sports and Games and remove the graves from the portion that they need and put in that area and this is really my point, Sir.

Senator Trotman did not really indicate. He did say that a portion of it would not be used but according to the plan, there are three or four shaded areas there which were submitted to the Jewish community for consideration and none of that has been mentioned so I was a little concerned and the reason I am raising the point now is because I would like the Minister

introducing the Bill at the appropriate time to discuss this with the appropriate people to see whether or not the entire Jewish Cemetery will be used for parking facilities or will be used as part and parcel of the entire building whether or not a portion of it as was indicated would be used.

Are they taking the whole cake not to eat it or just to take a slice out of it to make things easy? I am not quite sure and I would really like to know what the situation is, Sir, because in the middle of the negotiations to have the entire thing compulsorily acquired sort of leaves a bad taste in the mouth and this is why when I read the extract from Mr. Stoute in the February 3rd Article, the reason none of the Jews had ever said anything about it was because they were privately negotiating with the Government and they did not want to appear as though at the same time they were publicly condemning Government so as a result they have said nothing. This is the first opportunity that we have heard something from Government in relation to the Jewish Cemetery and I would like to have the matter clarified. Thank you, Sir.

SENATOR H. ROCHEFORD: Mr. President, I share with Senator Connell the sense of futility that any comment on the purpose of this Resolution would have in affecting the decision of Government to proceed with the establishment and siting of the Registry and Supreme Court complex where it is planned but the same thoughts that he has expressed had been part of my comment that I wanted to make on this Resolution.

First, that there is obviously need for the improvement of the appearance of the area which is being acquired for these purposes, but in my view and I would hope that in the plan for the establishment of a new Supreme Court and Registry, the Government would have looked on the other side where in depressed areas like Mahogany Lane, Sobers Lane and other areas where housing is certainly in a depressed condition to certainly house that sort of area for the establishment of this complex and even if it was necessary to improve the appearance of the other side that could have been possible, perhaps in the suggestion of Senator Connell, become part of the open area in the City.

I also was a bit concerned myself as Senator Truss has said that we should set the preservation of Codd's House as part of our historical association in Barbados and not be concerned about the Jewish Synagogue building as also part of the historical association and these are thoughts that have been running through my mind when we came to this whole Resolution.

I have not had the privilege of seeing the model that Senator Connell has seen but I have always had

the feeling myself that any buildings of any significance which are being constructed in Bridgetown and its environs should be compulsorily acquired to provide at least the ground floor area for parking of the vehicles of those people who are going to be occupying that building because it does seem to me that when we are talking about our development of the City of Bridgetown that we have to think in terms of adequate parking facilities and people have to go hunting all over the place. Nobody has yet thought of going into the commercial parking facilities in Bridgetown.

Apart from the changes that are being made for the Government parking facilities, we have no real parking building and that sort of thing. I would hope that in any buildings of importance which are going to be built in Bridgetown and its environs, that certainly some provision would be required for adequate provision of parking.

To the Resolution itself and this is a little more pertinent to the Schedule that is here before us. I notice, that the first three Schedules contain lands that are bounded on Roebuck Street. Now, in all the Plans which I have seen circulated here and all the thought which has been made, none of those areas which we talk about, which contains the Supreme Court and the Registry appear to me to be any where near Roebuck Street. There are three parcels of land here which are bounding on Roebuck Street. What I want to know from the hon. Minister is what are these three pieces of land going to be used for, are they part of the complex? Are we having a whole complex which will eliminate the whole of Synagogue Lane and move from Coleridge Street back to Roebuck Street, bounding on four sides by Roebuck Street, James Street, Coleridge Street, and Magazine Lane? Are they going to be part of the Supreme Court and Registry complex, or, are they going to be used for something else which the Resolution does not say? That is my particular question, as regards this. My other comments, Sir, are general comments for the whole project for which I have great concern.

SENATOR THE REV. A. HATCH: Mr. President, I am the third person to rise to register a sense of futility in that one is presented with a Plan, upon which it is difficult to make any impact at this stage and so, I was interested in the comment of Senator Truss when he said that it has been submitted to the Jewish community for consideration. I would like information later, as to that process because it seems to me that if someone like myself, who is interested in these matters has been taken by surprise at this late stage of the development of this Plan, there is something wrong with the process and I do believe that there is something wrong with the process through which nature, physical developments in the Island take place, without the general public being fully informed of the Plans because I am not persuaded that the Government of the day, or, the technicians of the day, are necessarily, totally informed as to how the community feels on all aspects of physical development.

There is also an important stage in the development of Barbados where, with the growth of population, with the growth of the economy major, physical, development schemes are being undertaken at a time when the sensibilities of our community, through our history and our historical buildings is not yet well developed and by the time economic growth has replaced many of the traditional buildings with modern and up-to-date buildings, it will then be too late to retain the history in the memory of the Island.

Psychologists are indicating to us increasingly, the importance of the memory of a society and to destroy the physical landmarks which are so much a part of that memory, is to play extremely dangerously with our heritage. So, in this respect, I am taken by surprise, by the fact to learn today, that the Synagogue is to be demolished. I may not be fully informed but, I doubt that the Island as a whole, understands that the Synagogue is to be demolished. We understand that those who visit the Court have had the opportunity to see a Scale Model of the proposed court building, but I wonder, if those who saw it, understood where it is going and by implication, that the Synagogue would have to go. By the same token, we have seen a Site Plan and there is no indication on the Site Plan, that the Synagogue would have to go and I have to ask the Hon. Minister responsible, whether the Plan involved the demolition of the Synagogue? It was only during the Debate that I came to understand that the Synagogue is going to be raised to the ground. So the fact, that different people have had little bits of information does not seem to me, to indicate a sufficient attention to public opinion.

I take it as axiomatic that a Government needs, and seeks the involvement of its people and that is the very meaning of the word "democracy". Therefore, I do not believe that a Government and its technicians should undertake a major, Physical Development Plan in the centre of Bridgetown without explaining the implications *in toto* to the society and give the society an opportunity to debate the issue.

Two of the Senators who have spoken previously have drawn attention to the constricted nature of this site and as it is unlikely that adequate sidewalk or pavement facility would be had. Increasingly, one sees in other developed cities of the world, how, what I think are usually called piazzas being provided for example, on Victoria Street, in London, at what I imagine is an enormous cost. The building between the Westminster Cathedral, the Roman Catholic Cathedral and Victoria Street has been bought, the buildings raised and an open piazza made available to Westminster Cathedral. This can do nothing but lift the hearts of people, whether Roman Catholic, Christians, or others. By the same token, on the other side of Victoria Street, going towards Buckingham Palace, what used to be called the Overseas Development Ministry of the British Government, I understand that it now has that de-

signation, these buildings too, have been put on legs with not just sidewalks, or pavements, but with wide piazzas so that people can walk and enjoy both the architecture of the buildings and the breathing space, or lungs in the city. I believe that the process is wrong, that the society is being taken by surprise. The Town and Country Planning Act ensures that the public has access to applications which are filed in the Town and Country Planning Department for permission for development, but, how many members of the public go to the Town and Country Planning Department during any day of the year, to discover what applications have been filed for development permission.

Repeatedly, interested parties have urged that the Town and Country Planning Development Act should be amended to ensure that major development projects should be publicised and not only publicised in the Government Gazette, or publicised in the traditional format of which Government notices are made, but also, that the implications of them should be spelt out, so that the public may understand what is being proposed. This is what I mean by the process. I believe that if the Government in a democratic society is intent on the support of the people, then the people should be taken into the confidence of the Government, and to go through the motions is insufficient that the implication of the development project should be spelt out to the public.

Then the professional bodies, groups like the one Senator Truss referred to, to which the plan had been submitted for consideration would have an opportunity to register their concern to Government, because I do believe that this, as has been repeatedly said, has nothing to do with a party matter, but one is struck by a sense of futility at this late stage of this plan and registers the hope that this is not how the rest of the major development plans for the City will be implemented.

SENATOR THE HON. N. A. BARROW: Mr. President, I rise to speak in relation to a point, a part of Senator Connell's speech, part of the speech which has particular significance for me, and not to join the chorus, because you see, I am not descended from the Barouks.

I am glad that Senator Connell thinks that is a good thing. Senator Connell referred to the state of keeping of documents and in so doing raised a point which has direct significance for me because some years ago when I was doing a little research on some personal injury cases, I was faced once with the prospect of going to the vault in the Registry to try to locate some material. I did not go. (*Asides*) I fear if I had gone in I might not have got back out. The present plan which we have for dealing with that particular problem involves the erection of the microfilm centre as an adjunct to the Archives Department, and also more comprehensively we have recently set up a Council to devise a National

Information System for the entire country, because the kind of situation to which Senator Connell refers results in a great deal of waste, a great deal of duplication of effort. Studies that have been conducted are located somewhere and nobody knows where and these people have to go and do all over again the work which they could have escaped had there been a proper system to indicate to them just where to find things, and I cannot anticipate any of the recommendations of the council, but I would expect that by the time they have reported and we have implemented the system, more modern techniques for storing material would then be employed which will of course create less of a physical demand for space. That is the point in direct relation to which I wished to speak, because it is to me a matter of particular importance that in a society such as ours the state of record keeping even where it is not as scandalous as he describes in the Registry situation is generally very very bad, and indeed one aspect of this has been touched on in here, not touched on, mentioned quite definitely by Senator Wickham on a previous occasion when he referred to the decaying state of the newspapers some of the oldest newspapers in the Island which are important source material.

As to the tenor of the comments, I feel constrained to say that I do not believe it is entirely fair — and I am not making a partisan political point — for any Senator, and I do not mind on which side, to express in relation to this particular project a sense of futility, because if anything has been around and has been talked about for a long, long time, indeed before I became a member of the Cabinet, and I have been a member of the Cabinet for something now like two years, it has been precisely this project, and I believe that Senator Connell would have seen the model, to which he referred some time ago, and the reason for that model being on display was to get from the Bar Association, from the people who are going to have most immediately to work with the outcome of the project, their careful consideration and their views so that necessary changes could be made. I do not think it is fair to suggest that, look here, we are not talking about the politicians, we are talking about the officials who have to deal with this, that they are insensitive to that extent or perhaps at all on this point.

The other points I wish to make, and this is why I do not like to hear that there is this sense of futility, is that I think alert members of Parliament who wished to have information and to express a point of view have had a long time in which they could have done this, and I must therefore take issue with Senator Hatch's position that there is need therefore for greater consultation. I am not saying this because of any personal or even governmental responsibility at this level. I am saying in fact that all this talk about this and display

of models have gone on for a long time now in a way that the project has never stopped being talked about, and I believe, Sir, that the reason Senator Truss can make his speech reflecting very careful research and the reason he has been able to express a point of view here which is a point of view of the Jewish community is that the community most immediately affected was at an early time given enough of an opportunity to have an input. If they did not do it then and they come down, I am not sure whether the state of planning is such that they can still take these things into consideration, but I think that we must, to the people who have the planning to do and to the architects who have the drawings to do, at least be a little more kind because I do not know who the architect is on this thing, but I have known that in projects of this sort it has been my experience that they have been taking as much opportunity as possible to ventilate the fact that this and that are going to be done and to let people have a look at the model and talk and have an input.

SENATOR A. TRUSS: On a point of elucidation, Sir, if the Minister would give way, it is not as though it has been a last minute thing. On 27th December, 1979, the architect in the Ministry of Communications and Works wrote to the Permanent Secretary in the Ministry of the Attorney General outlining precisely and exactly the point which I raised in a letter to which there was no reply, and then suddenly we had the Resolution before us.

SENATOR THE HON. N. A. BARROW: But, Sir, the point surely is on this that the land has to be acquired anyhow whether the plans are going to be modified or not, because these are the lands that are going to be involved in it if there is going to be parking for 1,000 cars or parking for 10 cars. That whole area from behind the National Bank building to the corner of Roebuck Street and James Street up to the corner of Magazine Lane and Roebuck Street, out to, I cannot remember what you call that street bordering on Codds House and coming back to Coleridge Street, that is the area that is directly affected, therefore the acquisitions which we have here do not reflect that everything is set and sealed and that cogent argument does not affect anything, and I believe that is a presumption which at least I think I recognise in Senator Hatch's comment. I believe that if comment which comes late fails to have an impact, it cannot be said that Barbadians did not know for a long, long time that there was going to be a new Supreme Court complex involving that entire area and that those who wish to have an input certainly had an opportunity.

SENATOR THE REV. A. HATCH: Mr. President, I did not say or imply in any way that Barbados did not know there was going to be a new court house, what I

said was that in the process we were not aware and Mr. Stoute was not aware on the 3rd February that it would involve the destruction of the Synagogue. That is the point.

SENATOR THE HON. N. A. BARROW: What I am saying, Sir, is that part of the whole thing is that there is also responsibility on us as parliamentarians to seek information. This is a point that I want to make very seriously. I am remiss myself in this because I do not know if the Synagogue is going to be destroyed. The decision was taken before I was a member of the Cabinet, that does not mean anything, the point is that I myself had not taken the trouble to find out. I cannot blame anybody for that because the thing has been in the air for a long time. I am making the point very seriously because it is part of my responsibility when something of these dimensions is going to be done where I do not have the information, to seek it. There is in my view no way in which one can determine that X and Y are going to be done and be able to put out every piece of information in detail.

The final point I want to make, Sir, is this, that part of the importance of the consultation with the Jewish community would have been because of the existence of the Synagogue, and if I understood Senator Truss correctly, the destruction of the Synagogue seems to be a point on which there were no representations made.

SENATOR A. TRUSS: If the hon. member would give way, no Sir, it was a question of a *fait accompli*. The Government said that they would destroy the Synagogue and it made no sense even talking about it, so the Jewish community tried their best to salvage what was left of the cemetery.

SENATOR THE HON. N. A. BARROW: Mr. President, I want to go easy on this because Rosemont is very fresh in my mind where a Minister gave an undertaking that he would have his technicians look and see what could be done, and while he was being advised on whether the plans could be re-drawn to save the building, he found himself under attack from certain sources for his design to destroy the building. I want to go easy on that, I would like to find out more before I accept that that is the position, because frankly, Sir, I do not believe that any decision would have been taken without fully considering the historical implications and the National Trust implications — I call it National Trust for shorthand — to destroy any section of Bridgetown or anything important to any section of Bridgetown, but I believe that we need to come out ourselves in a lot of these instances and seek the information and have an input before the project comes near to finalisation. I think, Sir, we have to remember that all these things not only take a lot of time, but sometimes when we are dealing with a project

of these dimensions they are around and in the works before final plans have come up for two and three years, and certainly this one has been in the works for that period of time.

SENATOR O' BRIEN TROTMAN: Mr. President, there was a question raised, I think by Senator Rocheford, as to parking, and a second question as to what will happen to three parcels of land which were being acquired on the other side of the street away from the Synagogue and the cemetery. One question answers the other because the purpose for acquiring the land on the other side of the street is to provide the parking for which he asked. It has been recognised that the parking which will be needed for attorneys, officers of the courts, as well as for persons at the National Bank, the Insurance Corporation and the Development Bank, all of which will be in that same area will run into may be a hundred cars and the properties on the other side of the street are being acquired to provide some measure of parking for persons working in the area.

As far as the cemetery is concerned, the drawing which was circulated does not indicate it, but I have on record that of the 500 odd square metres which we are acquiring only 300 square metres will be necessary for the project. I said in my opening statement that the entire 500 square metres are being acquired because at the present it is not well kept, whether it be a Jewish Cemetery, an Anglican Cemetery, a Catholic Cemetery or any kind of Cemetery, it is not well kept. The Government is therefore acquiring the Cemetery so that it can be well kept, so there is no point in arguing about a Jewish Cemetery because the Jewish community does not take care of it and therefore Parks and Beaches will take care of it. It is no point in the Jewish community coming now to argue that it should not be taken care of and that it should be left for the Jews not to take care of it.

The question of the Synagogue, there is no Synagogue. Senator Truss himself said that if the Jew wanted to restore it they had enough time to restore it. It is in the middle of a site. There is either going to be a Synagogue or there is going to be a court complex, and there is going to be a court complex because the Jews did not want a Synagogue. It has lost its architectural value and now they want to resurrect the Synagogue which they did not want to restore. I do not know who died or who will die, but the point is we are going to have a court.

The other question that Senator Truss raised, the question of no reply going from the Ministry of the Attorney General to the Ministry of Communications and Works regarding representations made by the Jewish community, Senator Truss seems to consider himself in some position where every bit of correspondence from one department to another has to be copied to Senator Truss.

The original memo was copied to him because he was a member of a delegation, since then there has been correspondence between the Ministries concerned and the Land Surveyor Department and the points raised at the meeting were taken care of and as a result of taking note of the points raised at the meeting which Senator Truss attended a decision was taken to use only approximately one half of the cemetery, so that the point he has been making has been taken but that does not entitle him to a copy of the memorandum from the Chief Surveyor to the Ministry.

I beg to move that the Resolution do now pass.

The question was put to the Senate and agreed to.

RESOLUTION TO APPROVE THE USE OF THE SUM OF
U.S.\$1.5 MILLION FROM THE OPEC SPECIAL FUND
FOR ASSISTANCE IN THE PROVISION OF LOCAL
COST FUNDING FOR THE INTEGRATED RURAL
DEVELOPMENT PROGRAMME

Item No. 7 was called — To move the passing of the Resolution to approve the use of the sum of U.S. \$1.5 million from the OPEC Special Fund for assistance in the provision of local cost funding for the Integrated Rural Development Programme.

SENATOR THE HON. N. A. BARROW: Sir, it is well known to midnight that those of us who thought that we would not need to eat this evening are perhaps not feeling so well fortified inside, I will be brief now.

At the back of this loan proposal is the Integrated Rural Development Programme whose objectives very briefly are to increase food production in Barbados, to supply the domestic and tourism demand for foodstuff and secondly, to raise the productivity and incomes of those small farmers both tenantry and small holder families participating in the Programme. Moreover, in the case of tenantry families to provide the legal and institutional mechanisms to permit them to acquire the land on which they reside.

In the not too distant future, Sir, this Chamber will be hearing in detail the proposals on the legal and institutional mechanisms for the acquisition of the lands as indeed the legislation is at an advanced stage of preparation and I think that since we will have a debate on the rural programme I expect to confine my introductory remarks to what this Loan is all about.

This Loan of U.S. one-and-a-half million dollars is in the form of Balance of Payments support. The Agreement

was signed in May this year by the Minister of External Affairs in Nassau and the proceeds of the Loan will be used exactly for the importing of capital goods, inputs for agricultural industry and essential consumer goods within the context of the Programme. Government has to deposit an equivalent amount in local currency with the Central Bank to be used to finance the local cost of the Integrated Rural Development Programme.

This Loan is at 4% per annum with an annual service charge of $\frac{1}{2}$ of 1% on the principal amount withdrawn and outstanding, to be payable in 14 semi-annual instalments commencing April 15, 1983 after a grace period up to that date.

As you know, Sir, and as it is stated in the Resolution, Government is authorized by Section 2 of the Special Loans Act to borrow up to \$100,000,000 on such terms as are agreed between Government and the lender and the money is to be applied to such purposes as Parliament may approve by Resolution. Therefore, before the money is used, the approval of Parliament is sought to give adequacy to this Agreement.

I believe, Sir, that outline pretty well covers what the Resolution is about. The Integrated Rural Development Programme, its various aspects are moving on quite well and as I said before, we will shortly have major legislation on the vesting of lands and the acquisition of lands coming before this Honourable Chamber.

I move that this Senate do now concur in this Resolution.

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, we have given notice this afternoon of a long list of items and in addition, I am expecting that reasonably soon, perhaps within two weeks, I should be able to get the Bill to establish an independent Broadcasting Authority from the Government's lawyers and instead of adjourning therefore until next week, I believe, Sir, we could usefully allow for another week or if the timetable suggests we can go perhaps the third week but I think for just one further week.

Therefore, I move that this Senate do now adjourn *sine die*.

The question was put to the Senate and agreed to and Mr. President adjourned the Senate accordingly.
7.45 p.m.