
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 5th November, 1980.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 5th November, 1980, at 2.40 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 MENCEA COX; Senator H. F. G. ROCHEFORD, B.A.; Senator AARON TRUSS; Senator H. R. LINTON, LL.B.; Senator K. E. HINDS; Senator Miss O. A. LYNCH, B.A., Dip. Ed.; Senator C. I. E. DEANE; Senator K. R. HEWITT, B. Com., C.A.; Senator Mrs. E. M. LYNCH, B.A.; Senator D. H. G. HUNTE; Senator the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services) and Senator R. E. BRATHWAITE.

Prayers were read by Rev. Dr. L. A. CRAWFORD.

ABSENT

Senators R. FIELD; J. MACKENZIE; Miss M. BLACKMAN; J. WICKHAM; and J. CONNELL.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: 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 Senate that consequent on the absence from the Island of the Hon. C. L. Bolden, M.P.,

Minister of Communications and Works during the period 3 – 9th November, 1980, Senator O'Brien Trotman, Parliamentary Secretary, has been appointed under Section 68 of the Constitution to be temporary Minister of Communications and Works.

I am sure that the Senate would join me in wishing Senator Trotman success in his new appointment.

PRESENTATION OF PAPERS

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

Report of the National Insurance Board on the National Insurance Security Scheme for the period January to December, 1979.

Mr. PRESIDENT: Senator Lynch.

SENATOR MRS. ENID M. LYNCH: Mr. President, Question No. 13.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, Summervale will remain available as accommodation for the retention of girls, but in keeping with recommendations of the Simmons Committee, it is destined to be allocated as separate accommodation for boys aged 12 to 14, as soon as alternative accommodation is found for girls.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, under Public Business this afternoon, we do not at this stage intend to proceed with Order No. 4. I am asking leave of the Honourable Senate to take the Order Paper in the following Order:

Orders Nos. 5, 10, and 11 be the first three Orders of the Day and I will take charge of those, Sir.

Then, Orders Nos. 1, 2 and 3 which fall to be taken care of by Senator Trotman. Then, Orders No. 6 to 9 which Senator the Hon. Don Blackman would have taken care of, but has not been operating at peak and has done himself further damage in the studios last night, so, I will have to come back and take care of those after Senator Trotman has taken care of the Resolutions.

Mr. PRESIDENT: If there is no objection, call Order Number Five as the First Order of the Day.

Order Number Five was called — To move the Second Reading of a Bill to reform the law respecting trespass to property.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, this is a comprehensive Bill dealing with one aspect of the Law which was covered originally in the Petty Trespass Act, or rather should I say Sir, which is currently covered in the Petty Trespass Act.

What we have done Sir, is to separate that Act dealing with trespass by persons and also liability for trespass by animals. So that, on the Order Paper today, we will find reflected two Bills, one dealing with trespass by persons and that is the one immediately before us Sir, and the other which is the one which we shall consider a little later, this afternoon dealing with trespass by animals.

The essence of the Legislation Sir, is the need to provide for some protection against those who do not have quite as healthy a respect for other persons' property, as we would wish to encourage in civilised society. Whether, Sir, we are dealing with those who would go on to somebody else's property, perhaps with the intention to committing the tort of trespass to the person, or, we are dealing with those who would stop short of committing that tort and go on to somebody else's property merely to molest other people, or whether we are dealing Sir, with those who would wish to enter violently, in order, to do injury to other people's property. We must recognise Sir, that if the Constitution recognises a right of the individual to enjoyment of his property, then, the Laws must reflect a serious intention by the Legislators to make that right a reality.

We, I hope this afternoon Sir, will not get to the level in debate, which I know has been reached on at least one occasion, where opportunity is taken to single out one particular group, or identifiable set of people in the society and seek to relate the entire problem to these

persons. I believe that we would be much wiser, if we recognise the fact, that there are no known religions being practised in this country, which have as their ethos, violence, or acts of dishonesty and therefore, I believe that we should not try to identify people with acts merely because they dress differently, look differently and believe a little differently from people in the mainstream of the society. After all, Sir, the man who nearly killed a plantation owner in St. Philip was generally known in Barbados, as not somebody practising any particular religion, or holding any peculiar beliefs. He held a peculiar belief because his belief was that he could go and reap what somebody else had sown and not only reap it, but reap it for commercial profit and when the man came out in defence of his property, he rightly sensed that the man was not going to shoot him down like a common dog and therefore, he had no compunctions about attacking the man with his knife and virtually opening him up. But, that Manager is alive today, as certainly an act of God.

The point which I want to make Sir is that while the community rightly objects to people masquerading as this or that, and picking coconuts and picking their food crops and indeed, in one particular instance threatening people with knives and taking what was on the land, while the community rightly objects to that we must recognise that the problems of trespass are serious problems which come in wholly from any particular group in the society. Every society has its share of vagabonds, crooks and thieves. We do not have to import them and we need to recognise these facts about our society. We need to recognise therefore, that those who will live by the Law deserve the full protection of the Law and those who prefer to live outside the Law deserve to be dealt with, by the penalties prescribed by in the Law.

The Legislation before us, Sir, as I said, separates from the old Petty Trespass Act, offences of trespass by persons. Under the old Petty Trespass Act that offence would carry \$10.00 and it is felt that as society moves, as time moves, if the Act is still going to have any teeth, penalties must relate to today's values. So, it is no longer a matter of total remedies, if people are going to respect the Law.

The main thrust of the Bill, Sir, is contained in Part II which deals with offences, and an important feature of the Bill is that it makes provision whereby entry to premises may be prohibited, and it also allows a person to recover damages and the costs where an action is brought.

As you pointed out, Sir, the Bill before us does not make quite the point that it needs to make in the second line of section 9, subsection (1)(b) on page 9, where at the end of the line the word should be "without" and not "with", so that it should read: "(b) causes or procures

the defacing of any building, structure, wall, fence, tree or pale, without the previous written consent, in each case, of the occupier is guilty of an offence." It says with the consent, and that would be introducing a new notion in law, that you can trespass although there is consent. Clearly it is without consent.

Part of the Bill naturally, as in clauses 5 and 7, will be a reenactment even though there are some modifications. I will direct attention to the second clause, because it is on the two important definitions of "occupier" and "premises" that the whole thing hinges. If, Sir, we look at the definition of "occupier", it includes, that is to say, first of all the dictionary meaning is accepted, the ordinary known meaning of the word is accepted. Then it goes on, it includes "a person who is in physical possession of premises; or a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, notwithstanding there is more than one occupier of the same premises." The definition is deliberately so worded as to catch as far as it is possible for any definition to catch every species of occupier, because this is the essence of the thing, it is what the Bill hangs on, "occupier" and "premises".

"Premises" means land and structures, or either of them, and includes ships and vessels, trailers and portable structures designed or used for residence, business or shelter; and motor vehicles and aircraft, except while in motion. So that in addition to the ordinary meaning of premises you have things not attached to the land. You would not normally find a definition of premises that would include things not attached to the land, but we are dealing in a modern society where people do sometimes virtually live in trailer vans. In our own circumstance, we have the peculiarity of the chattel house, and I do not believe anybody would argue as to whether the chattel house in law constituted premises, but that is only so since there have been developments in the law ending with remarkable judgment by Wooding, C. J. in *Mitchess & Colly* in which he created a creature called the tenants' fixture, so that the legal justification has indeed been produced, but we are not really drifting into that, Sir. The point we are making is that the definitions are full and very clear.

The Act also tells you where by implication, or indeed not by implication any longer, because it is stated in the Act, there are premises that automatically entry without permission is prohibited. Then there are other premises which if you publish a notice, that is sufficient for prohibition.

One other very wide meaning exists in clause 7 dealing with a weapon of offence. This is to take recognition of the sophistication of the modern criminal.

I do not, Sir, wish to deal any further with the provisions of this Bill, and I think that any Hon. Senator having read it would have got a grasp of it, which would mean that if there are things about which he is not happy, these items will almost certainly be identified in his mind in such a way as to make it almost certain that he will raise questions. I do not believe that Senators have the slightest interest in a recital of each of the provisions or indeed of what the penalties are under the Act. I trust I have given a justification for the provisions and the penalties, and in relation to the powers of arrest, they are spelt out. Fortunately, perhaps, it is not an afternoon in which I can expect a particular automatic point to be made, since the legal practitioners are not here, but common law powers of arrest exist, and this is one of the Bills in which certainty is added to the law by the powers being specifically spelt out.

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

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into Committee on the Bill, Senator Rev. A. Hatch in the Chair.

SENATOR K. HINDS: Mr. Chairman, I beg to move that the Bill be taken as read, that Clauses 1 and 2 be taken and the remainder be taken in Parts.

The question was put to the Senate and agreed to.

Clauses 1 and 2 were called and passed.

Parts I, II, III, IV and V were called and passed.

On motion of Senator the Hon. N. A. Barrow the Senate was resumed and the Bill was reported as having passed the Committee without amendment, Mr. President in the Chair.

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

SENATOR THE HON. N. A. BARROW: Mr. President, I should wish to draw to the attention of the Senate that the files relating to the other Orders which Senator Blackman would have to deal with have now arrived, and since Order No. 6 is a companion Bill to this one, I would like to ask that we take Order No. 6 as the next Order of the day rather than Order No. 10.

THE ANIMALS ACT, 1980

The Sixth Order of the Day was called — to move the Second Reading of a Bill to reform the law respecting civil liability for animals.

SENATOR THE HON. N. A. BARROW: Mr. President, this particular piece of legislation is new legislation replacing the section of the Petty Trespass Act relating to animals, and it represents a new approach to the whole business in that two modern Bills have been produced. There was established by the Minister responsible for Agriculture, Food and Consumer Affairs as far back as March 1977 a Praedial Larceny Committee for the purpose of reviewing and making recommendations for the updating of the Larceny Act. Then the Parks and Beaches Commission through the Ministry of Housing, Lands and the Environment requested certain amendments to the Petty Trespass Act with special reference to the fees charged for the impounding of animals. This request was then brought within the purview of this Committee. A decision was subsequently taken when the recommendations of the Committee were considered to have the two Bills which I have mentioned, the first of which we have just dealt with, and what this one does, Sir, is that it seeks to consolidate and reform the civil law as it affects all types and categories of animals in the context of a modern Barbados society. It seeks to remove anomalies, uncertainties and the strictness of the common law.

It takes its inspiration from the United Kingdom Animals Act, 1971 and such provisions of the Petty Trespass Act as were found to be relevant were extracted therefrom. An examination of certain Clauses brings one directly face to face with Clause 3 in that that clause deals with the liability for damage done by animals that are classified as dangerous and those animals though not classified as dangerous which display the characteristics of a dangerous animal or that are known to be dangerous. That, Sir, is a more satisfactory provision than the old common law rule which quite frankly when you looked at it and you were dealing with a society that did not necessarily have the same kinds of animals caused certain problems.

I believe, Sir, that my friend Senator Linton would agree that it might be a little difficult at times to tell exactly what is meant by a term like *ferae naturae*, and this formulation seems to me not to beg the question yet not to tie it up in a concept which in itself does often need to be examined in detail in order to arrive at some sensible definition. It says:

Liability
for danger-
ous animals.

3. (1) Where any damage is caused by an animal which belongs to a dangerous species, any person who is a keeper of the animal is liable for the damage, unless he is exempted by this Act.

(2) Where damage is caused by an animal which does not belong to a dangerous species, a keeper of the animal is liable

for the damage, unless exempted by this Act, if

- (a) the damage of a kind which the animal, unless restrained, was likely to cause or which, if caused by the animal, was likely to be severe; and
- (b) the likelihood of the damage or of its being severe was due to characteristics of the animal which are not normally found in animals of the same species or are not normally so found except at particular times or in particular circumstances; and
- (c) those characteristics were known to that keeper or were at any time known to a person who at that time had charge of the animal as that keeper's servant or, where that keeper is the head of a household, were known to another keeper of the animal who is a member of that household and a minor.

Sir, the formulation is indeed a formulation which those who have sought to make sense of *ferae naturae* have put on the law for some time and it represents a common-sense statement of the kind of thing for which one ought to be liable.

Clause 4 goes on to define dangerous species, species not commonly domesticated in Barbados and so on.

I would like to draw attention for a moment to Clause 5 where a simple procedure is laid down whereby damage done by livestock may be appraised by a Justice of the Peace for this purpose. Unless there is a certain kind of machinery built in to know exactly the kind of problems which can be caused where there is damage by livestock, then there is a provision for the protection of livestock in Section 7.

The important rule is that a person retaining livestock is liable for any damage to the livestock by failure to treat the animal with reasonable care. The animals may have done damage but then in turn you do not damage the animal but redress has to be done against the owner.

Clause 10, Sir, is the one which I think some will find difficult to take but which will be necessary where there is a qualified right to kill a dog if it is molesting or is about to molest livestock or if it has been molesting livestock and does not live in the vicinity and is not under the control of any person and there is no practical means of ascertaining the home to which it belongs.

I believe that much as we would not normally wish to see a provision of that sort, Sir, given the amount of damage which strayed dogs have done to livestock over and over again, and the fact that even the various bits of legislation which have been passed in recent years concerning dogs and for their control, even that has not really brought an end to the problem of the destruction of livestock by stray dogs, therefore, regrettably such a provision must exist if we are going to recognise the economic value of livestock and the overall benefit of the pursuit to rear livestock within the community.

The other provisions, Sir, I believe are straightforward and hardly will call for any further evaluation.

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

SENATOR THE REV. A. HATCH: Sir, I believe that the law requires that if people take their dogs into the bay, then they have got to put them on a lead. Unfortunately, if this is the law of the country it does not seem to be enforced to any great extent because it is common that people are disturbed on the bay by people who do not have their dogs on leads.

I am concerned about another increasing practice on the bay and that is the practice of horse-riding along the beach. I do not know whether this is legally permissible or not, but it happens. It certainly happens along the West Coast. I am not at this stage attributing even carelessness or discourtesy to the particular Riding Stable that uses the West Coast. Far from it. I discern a certain discretion or courtesy but I think that if it is not legal that the authorities ought to look into the habit because it is not one that should be allowed to increase.

I do not consider and I do not think it is a peculiar view that the beach is a place to ride a horse and, certainly, not beaches where people are bathing. I have observed and I think this should call for the attention of Senator Linton, that in spite of the attempts of the Parks and Beaches Commission to clean the beaches, the horses do not seem to notice and follow closely behind some of the ladies and gentlemen with their rakes and proceed to drop their droppings and the people with their rakes do not always turn back to rake them up. That is unpleasant.

It is also unpleasant in the case of dogs for people who are bathing. It is highly unsanitary and you, Sir, Mr. President, as a physician know, as I understand, the faeces of dogs to be the carrier of many kinds of skin diseases and certainly anybody with any sense does not lie on what Bajans call dead sand, on sand which has not recently been swept by the waves for the direct reason that the faeces of dogs very often cause skin complaints and so nobody with any sense lies on the sand that has not been recently swept by the waves.

There is an even more particular specific concern which I would like to raise and that is that I have seen people surprised by horse-riding on the beach because they do not expect it.

All of a sudden hears the hoofs of a horse and jumps up and not everybody is unnervous, many people are highly nervous and certainly nervous of animals, as big as, the horses which are ridden on the beach. I have seen on one occasion and I have heard the complaints and as Honourable Senators would know, if you are in Parliament, you are a fair game for everybody who does not intend to do anything about problems themselves, other than recount it to you and you, as a Parliamentarian are expected to raise it. So, I am raising a concern given to me by at least one mother that with small children on the bay, it is neurotic to have horses ridden on the beach.

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Mr. President, I had no intention, at all, on speaking on this particular piece of Legislation because it is so very useful to the community at large and I thought that it needed no introduction at all and certainly, no comment. I have risen solely because Senator Hatch has raised the problem of droppings of the horses on the beaches. That, incidentally, is not the only problem of its type, which the Parks and Beaches Commission faces. We also have had a very serious problem with the bathing of horses on the beaches, particularly, the area which was popularly known as the pot. With the assistance of the Turf Club, we have managed to solve that particular problem and an area has been marked out, where it is legitimate to bathe horses and the times at which they may be taken to the sea have been set out and they are, generally speaking, adhered to and people, in recent times, have not been offering any complaints about that.

So far as, the question of riding horses on the beaches is concerned, the Parks and Beaches Commission is quite aware of this problem and on more than one occasion, members of the Commission itself have held discussions with the riding stable concerned. We have sought to control it, to limit it as far as, possible without denying a Barbadian the right to earn his living, by using

the public beaches, but, we still appreciate that there is a problem outlined by Senator Hatch, that so far as, the horses will drop their what not immediately after Parks and Beaches have cleaned. We are still trying to find ways and means of solving this particular problem, but it is a question of balancing of interest because there are still a lot of people, including Barbadians, who would suffer hardship, if there were a total ban on the riding of horses on the beach. Quite a few Barbadians are employed by the stable concerned, not only that, quite a few Barbadians do themselves ride along the beaches and therefore, we have to try to control it within certain limits, without seeking to impose any undue hardship on other Barbadians like themselves. The problem is a real one, but the Parks and Beaches Commission is grappling with it. I can assure Senator Hatch that if it becomes necessary for the Government to pass Legislation to deal adequately with the problem then, Parks and Beaches, through the Ministry of Housing and Lands will alert the Attorney General and he will bring down the required Legislation. At the moment, however, since there is an ongoing dialogue and discussion regarding the problem, I do not think that that is necessary at all.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Sir, I was about to forego the reply, but as I looked very hard down this area and got a signal, or two back from Senator Linton, that I should get up and reply, the reply was done from down there, so I think that Senator Hatch will agree that the people who are in day to day contact with this problem and who would have to work out the problem are Senator Linton and his cohorts the Parks and Beaches.

My reply, therefore, is to say that I am glad to see that they are cognising with the problem and working on it because I would hate to think, that a situation should have been allowed to arise akin to that which was caused by speed boats and other such forms of sport, surfers and so on, who carried out their activity near to innocent bathers with the result that, from time to time, people are either put in reasonable fear of their lives, or I believe on the odd occasion actually suffer damage and I know that that is one of the things which the Board of Tourism keeps a very sharp look out on and I think, that they have arrived at some sort of solution in that area. I have not heard any complaints recently and I would like to believe, that that means, that the problem has been resolved.

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.

Mr. CHAIRMAN: Senator Hinds.

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 10 inclusive were called and passed.

Clause 11 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Clause 11 stand part.

Mr. CHAIRMAN: The question is that Clause 11 stand part of the Bill, as many as are of that opinion please say aye, of a contrary opinion please say no..... Senator Hewitt.

SENATOR K. R. HEWITT: Clause 11(2) Sir, the wording there somehow has me a little baffled. I do not know if I am not seeing correctly, or if something should be amended. Where a person to whom a dog killed is known. Something seems to be left out there. That is the only point (ASIDE) Is it alright?

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I take Senator Hewitt's point, and I have been looking back at the original draft of the Bill to see how it was there expressed and I find the same form of words. The clause deals with the disposal of the carcass, and it reads:

"(1) Where any dog is killed under section 10, the carcass of that dog shall, subject to subsection (2), be disposed of in such manner as is reasonable in the circumstances.

(2) Where the person to whom a dog killed under section 10 is known, he shall, upon being requested to do so, immediately thereafter remove that carcass from the place where it is killed."

I would think that the words "is known to belong" should be inserted between the words "killed" and "under" in subsection (2). I get the impression from the Clerk that what we have before us is precisely what passed the Other Place, and I would therefore at this stage move that it be amended by inserting the word "belongs" between "section 10" and the comma in sub-section (1) in order for this subsection to make sense, and I accordingly so move.

Mr. CHAIRMAN: Will it be necessary to have an amendment or is this a verbal correction? Will it require going back to the Other Place?

SENATOR THE HON. N. A. BARROW: I believe, Sir, that this is a case for amendment, it is not a misspelling of the word, it is the omission of a word which indeed gives it sense. I believe that in a case like this it should be amended and have it go back to the Other Place for the insertion of the word. Senator Linton has a suggestion, Sir.

SENATOR H. R. LINTON: If I can come in here at this point, Mr. Chairman, there are two reasons why we need not send this back to the Other Place. Firstly, I believe — and the Deputy Clerk just confirmed my belief — that at the end of the year the Attorney General will bring down a correcting measure in respect of every Bill that passed through during the Session and we can take care of that then. Alternatively, I believe that this particular problem, although it does not relate to a grammatical error, can be solved under section 15, the powers given to the Minister responsible for Agriculture to make regulations, he can actually make regulations in such a way causing the owner of the dog to pay for the burial or to dispose of it himself. You can deal with it that way or you can leave it to the Attorney General, so there is in my view no need to send it back.

SENATOR THE HON. N. A. BARROW: I am prepared to accept that, Sir, I think that Senator Linton is guiding me very correctly for once.

The question that clause 11 stand part was put to the Senate and agreed to.

Clauses 12 to 16 inclusive were called and passed.

The Schedule was called.

SENATOR THE HON. N. A. BARROW: I beg to move that the Schedule be the Schedule to the Bill.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I move that the Senate do now resume and the Bill be reported.

The question was put to the Senate and agreed to and Mr. President resumed the Chair.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to report the Bill as passed the Committee without amendment and move that it be read a third time forthwith.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: I beg to move this Bill do now pass.

The question was put to the Senate and agreed to.

THE ACCIDENT (COMPENSATION REFORM) ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. President, the law of damages is an area, dull though it might be, has a certain attraction for practitioners of the law in that somebody somewhere along the line is going to be injured and therefore running down actions abound, and if you are now coming on and you cannot make the side working for the Insurance Company, at least there is the indigent client that will still provide a certain bit of sustenance for the young and struggling as well as for the old and established members of the profession.

Perhaps I should start in introducing this measure in a male dominated Chamber by referring, Sir, to the fact that in the Objects and Reasons it is set out that this Bill has among its Objects and Reasons the abolition of actions for loss of consortium because until this becomes the law of the land we still operate on the common law position that whereas a man is entitled to damages in respect of loss of consortium where his wife suffers injury, where the husband suffers injury, even to the point of total impotence, the wife is not entitled to damages for loss of consortium.

This particular Bill, Sir, is one which I think is very interesting. It is in my view an extremely important reform of the law relating to damages for personal injury and damages resulting from fatal accidents. After all except where statute intervenes and makes certain distinctions, the law in relation to fatal accidents has of necessity to be the same as the law in relation to injuries, because the first thing one has to establish is that there was a breach of the duty of care, out of that breach flowed an injury, so that unless the tortfeasor act was what caused the injury to the plaintiff, then the plaintiff cannot be found to have the right of redress; so it is the straight application of the law of negligence.

What we have sought to do in this Bill, Sir, is to enable a wider category of dependents of a person killed to recover damages for their pecuniary loss, and this is very important in a society where there can be so many families with a single breadwinner. If you look at the area now encompassed for those who may claim, it is a recognition that in Barbados we do not only have examples of the nuclear family, but certainly numerous examples of the extended family. If damages are not to be a capricious award nor yet a penalty on the wrongdoer, but indeed if damages are meant as tort lawyers

claim to be compensatory, then those who really suffer are those who ought to receive compensation. So if you are dependent on someone who would have had a right of action, then in the event of a fatal accident you have that right of action, and the law now recognises who those dependents usually are, and I think, Sir, that this is very significant, significant for those of us who have an interest in this area and who know of the many instances in which a man is cut off in his prime and those dependent on him are not dependents within the law, and therefore may be left without any redress whatever.

Mr. President, the Bill also creates a new action which entitles the family members of an injured person to recover damages from the person causing injury. That is extremely important and represents a great advance on the existing law. But again it is a recognition of what actually happens, what real damage is suffered when a man is injured or a woman is injured as the case may be. There is one thing, Sir, which a number of us would of course like to see and which is this kind of legislation we really cannot have, and it is some form of redress for those persons who are injured in the context of say hit and run accidents when you never discover who the offender is.

There was a case a few years ago in the area of Eagle Hall. A motorcyclist with a girl on the pillion coming down Eagle Hall, a motor car turns across the road I think into the Kew, nobody saw the impact, everybody heard something and came out after; there were no witnesses. This happened about 7 o'clock in the evening and the man stopped his car, got out, then he got back in and went on about his business. There were two people lying on the street, the rider had broken his neck and was dead, the lady was quite severely injured, and I think subsequently lost a leg, and it would seem to most reasonable people that he turned across the road and that even if the driver was in any way negligent that it was that act that was the principal cause of the accident, but that is how it would seem; to prove that is a completely different matter. There were no witnesses and there was no admission of liability, and the result was that they could not prove the case in court, the Judge held on the evidence before him that liability had simply not been established. They appealed, the Appeal Court could do no more, the lawyers were fighting it out of their pockets and knew that they had little chance of success, but they fought it all the same and in the end there was nothing for the family of the cyclist or for the injured woman. That is the sad fact of the law of damages under the system which we operate, that as long as you can establish liability, difficult though it may be for a court to compute the value to a person of an eye or an arm or leg where that is the loss, difficult though it may be for a court to compute the value of your own particular recreation or amenities when they talk about loss of amenities, whether you can

still garden, whether you can still play the saxophone, whether you can still play cricket, any number of examples, yet the court can achieve some degree of justice by making an award which generally seems acceptable in money terms to the injured party.

There is in this country and in other few existing ones where you will find that the situation is any different to anything called unclaimed insurance for this purpose with the result that when we cannot find a *tortfeasor*, the injured party is without compensation. That, Sir, is a matter which has always given me a fair amount of concern.

It is not as though one is seeking to reward people for being injured but one has to recognise that if the principle is that where you are injured by another there should be compensation paid by that other. It seems to me, Sir, that we are going to have to reach the point where we recognise that where we can find no one who is liable, there will have to be some machinery set up by the State in order to provide compensation in those circumstances where innocent people are innocently going about their business and suffer injury. That, Sir, to me is what remains an important and significant gap in our approach to the law of damages. If we put that point aside, you would find that what we have before us is indeed a more satisfactory Bill.

A number of old principles in the law of damages has been re-stated. Where, for example, a Court is computing damages and one has contributed to some scheme from which one now gets a benefit, for example, the National Insurance Scheme, contributory schemes of one sort or another, these are not to be taken into consideration to offset an award for damages and the principle, Sir, is maintained that where a lady may have her prospects improved because indeed there might have been a situation where she might have had her material condition bettered if her husband had been out of the way or an accident puts him out of the way, the Court is not to take that into consideration in determining the level of damages either.

As I indicated, when I was dealing with the other point with the Law of Liability, not withstanding the attitude of the Courts because it is extremely healthy in this area in that since Insurance Companies are paying the damages, the Courts have been more progressive in recognising that damages need not to be so stingy as they used to be in the past, I am talking about West Indian Courts, in the days before the celebrated judgment of *Wooding C. J. and Corneliac Vs. St. Louis* where he threw out of the window this notion that if an English Court gave £10,000, then the Trinidadian Court should give \$10,000 T.T. in damages to be equal in dollar terms in jurisdiction with what the English Court provided in

pound terms, threw that out of the window and follow what is now recognised as an intelligent way of approach by trying to work out some reasonable figure but you look at the social economic figures in the old jurisdiction and in comparable jurisdictions.

In closing let me say, Sir, that fundamentally, although it is a popular certain kind of action, this Bill does not alter the Law of Damages in that damages are still once and for all — you bring a single action but it has introduced within its body the formula which would make it easier for people who have a right of action when they are discovered, to be joined in the action — but damages are once and for all damages which are compensatory and there is some aversion to the Bill to the kind of things; the kind of laws for which one should seek compensation.

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

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into 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 12 inclusive were called and passed.

Clauses 13 to 15 inclusive were called and passed.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now resume and the Bill be reported.

The question was put to the Senate and agreed to 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.

CIVIL LIABILITY (CONTRIBUTION) ACT, 1980

Order No. 11 was called — To move the Second Reading of a Bill to make new provision respecting civil liability contribution.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, this Act is again a piece of Legislation which is essentially further reform of the Law of Tort. I believe that it is possible Sir, for me to introduce this at not as

great length, as in the last one, in that the present Law Sir, is contained in the joint Tort Feasor's Act which is based essentially on Section 6 of the English Married Women and Tort Feasor's Act, 1935.

The point Sir, and what justifies this Legislation is that where there is a regime for contribution proceedings, the arrangement works well, between Tort Feasors. But, if a person settles out of court because he thinks that there is a risk, that he may be found liable, unless the court is satisfied that he is indeed, a Tort Feasor, then no claim for contribution would lie, however honest, and reasonable the compromise may have been and even though it reduced, or extinguished the liability of the person from whom he claims contribution. In other words, persons are often liable jointly and severally, or jointly, or severally, it may then be found that they are. As long as we have the concept of joint liability, the position of one Tort Feasor must be protected in that the Law permits the Plaintiff to proceed for the purpose of recovering damages against any, or all, Sir. If the Plaintiff can proceed against any, or all, then common sense dictates that in many instances he may just go to where it is easiest to collect. The Law recognises that he has a perfect right to do so. How, therefore, are you going to say that they are all to contribute, if you do not have certain kinds of machinery.

As pointed out Sir, where two people, three people, or four people are found all to be Tort Feasors, there is no difficulty, but if one of the parties decides to settle and in so doing, he has extinguished the liability against others, he recognises that a liability may be established and he settles, but he settles without there having been a formal judgement against him, the important distinction Sir because if he has a judgement recorded against him, it is a different matter and if he goes ahead and settles, then, notwithstanding that he has extinguished the liability against the others, as the Law now stands, there is no machinery for him to recover any contribution and that Sir is the essence of this Bill. It relates Sir, to any action whether it is an action arising in contract, or in tort, or what have you.

The implication of this Legislation, therefore, is that each person bears his just and equitable share of his responsibility for the damage caused and that is what this Legislation really is about.

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

The question was put to the Senate and agreed to.

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

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

Clauses 1 to 4 inclusive were called and passed.

Clauses 5 to 10 inclusive were called and passed.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I move that the Senate do now resume and the Bill be reported.

The question was put to the Senate and agreed to, and Mr. President resumed the Chair.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to report that the Bill has passed Committee without amendment and move that it be read a third time forthwith.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: I beg to move this Bill do now pass.

The question was put to the Senate and agreed to.

SUSPENSION OF SITTING

Mr. PRESIDENT: The sitting will now be suspended for 20 minutes.

On Resumption:-

Mr. PRESIDENT: The sitting is resumed.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT MOUNT TABOR, ST. JOHN FOR THE CONSTRUCTION OF A PRIMARY SCHOOL

SENATOR O'BRIEN TROTMAN: Mr. President, some time in 1966 I remember hearing the leading spokesman of what was then known as the League of Democratic Youth say after the 1966 elections that on the basis of the election results St. Joseph was no longer part of Barbados, because St. Joseph apparently did not give assent to the view that the party then supported by that League should have got 24 seats in the Other Place. Now, we are not going to take that line when it comes to St. John, Sir, and I make that point to make the point that when people say that there is no real difference between the two Labour Parties in Barbados, we want to make the point that this is one of the differences, that whereas the leading spokesman of the League of Democratic Youth could say that St. Joseph was not part of Barbados, we are not going to say in the Senate this evening that St. John is not part of Barbados. We are going to erect a new school at Mount

Tabor, and the Resolution seeks the compulsory acquisition of land for the construction of a new school.

The Mount Tabor School is approximately 136 years old, and the present building itself is just over 100 years old. At present that school has a roll of 308 persons and it is hoped that with the new extensions it will be able to accommodate 420 pupils. It is further expected, Sir, that individual class rooms will be provided so that teachers will be better able to practise their skills in imparting knowledge to their children. The total cost of the school is approximately \$861,000. I have just one copy of this plan, Sir, I have made several attempts to get a better plan but the Ministry says that is the only thing they have at present and the other plans are not ready, but that had to be done in order to do the Land Acquisition Order.

In addition to the regular class rooms, Sir, we expect also to have special class rooms for arts and crafts, needlework and science, and it is expected that work will start on the new Mount Tabor School early next year, so that in addition to better schooling facilities for more children in Venture and College Savannah, construction workers in Barbados will also get jobs, and when they say that construction is not important because after the construction what will happen, we want to tell them that after the construction of the Mount Tabor School 120 more children of the constituency of St. John will be able to go to school at the Mount Tabor School. So that is the importance of construction, it is not only a matter of giving employment to masons and carpenters of a temporary measure but also to provide long term educational facilities for the children of St. John.

We are not going to say that the children of St. John are not entitled to better facilities, as they said St. Joseph was not part of Barbados, we believe that the children of St. John must be given all the modern methods of education so that they too can develop into good citizens of Barbados.

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

SENATOR D. H. G. HUNTE: Mr. President, the atmosphere in this Chamber all evening had been rather pleasant and cool, but naturally after the interval the Acting Minister would wish that we should warm up and therefore he would start to antagonise the only member of the Opposition who happens to be present in here this evening. I am glad that the Government decided to do something for the school at Mount Tabor, and I am very pleased that my colleague and good friend the Acting Minister has had the responsibility for introducing this, and I hope, Mr. President, that the press will do him justice in order that the constituents of St. John would

read that he is the one who introduced this measure in the Senate this evening, so that if as I heard some time ago it is his desire to thrust himself upon the people of St. John whenever the time comes, although he would suffer the same fate that Senator Linton, another good friend of mine, suffered, that at least they will know that not only St. Philip South but St. John is being well represented.

He makes comments about construction workers, but I did not follow what he was trying to say because I do not think any right thinking person in this country would say that the construction workers are not important. He is asking me to give way.

Mr. PRESIDENT: You are able to reply. Why do you want to interrupt him?

SENATOR THE HON. O'B. TROTMAN: He did not understand the point so before he says it wrong I want to make it straight. The point is that I have been reading a transcript of the speeches which their chief spokesman on employment makes at night when they hold these get togethers on Sundays in threes and fours, and he has been saying, Sir, that the Government makes a big show about construction, we talk about the construction of the Central Bank building, we are constructing and putting up this building, we are talking about buildings, buildings, buildings. He has asked the question on the platform, when the buildings are finished, what, to suggest that it is not important because the construction period is limited and therefore the people will become unemployed again and it does not matter what happens after. I am making the point that after the school is finished 100 more children will go to school in St. John, in Venture and even College Savannah where I think Senator Linton managed to get six out of the 300 votes.

SENATOR D. H. G. HUNTE: And where you would not get one. Mr. President, I could not understand what he was saying just now, but the point is that everybody knows that construction is important. Now I have not read those notes that Senator Trotman had access to, so I cannot accept that what he is saying is necessarily correct, but I think that any right-thinking person in this country would come to the conclusion that construction plays an important part as far as employment of persons is concerned, and we all know that when a school or any building for that matter is finished, it is done because there is a purpose in mind and that is, in the case of this school, the provision of better facilities for the children of our country, and that is what is important.

The parish of St. John, Mr. President, is a parish which has been represented at very high level for some time, and it is one of those places that gets the necessary attention. All the Ministers, everybody would seek to do

something in St. John, as you find is being done in St. Thomas. The Prime Minister does not have necessarily to ask his Ministers to do things; they set out to do that for him because they realise the responsibility which he has, and in the same way that we found things being done in St. John, you get similar things in St. Thomas being done; but the Acting Minister seems to have some special dispensation for Venture and every time he opens his mouth he talks about Venture, Venture, Venture. I would only like to indicate to him, Sir, that I still remember the road to Venture, he will recall when we used to traverse them together, and if he needs any introductions, I can assist him. I cannot guarantee I will beg for any votes for him, but certainly I can introduce him.

The accusation or the statement which he attributed to the leading spokesman for the League of Democratic Youth in 1966 I do not recall offhand; I would have to do some research, but I hope that after this school is finished, after all the other amenities which the Barbados Labour Party is providing in St. John that when the results of the election are declared be it in December this year or next year, that they will not say that St. John is not part of Barbados because that is one seat that they certainly would not win.

SENATOR H. R. LINTON: Mr. President, I of course have an undying interest in the parish of St. John. It was I who put St. John on the map, Mr. President, and I will continue to do so. It was not Senator Hunte; they have only recently begun to travel to St. John after they realised that I had made certain inroads there. I hope they continue to travel to St. John. At Mount Tabor in particular where we are going to place the school, I did particularly well. I did not do so well in College Savannah, but I did not do as badly as to get six votes out of 300. Probably I did worse if you think about it mathematically.

SENATOR THE HON. O'B. TROTMAN: I was incorrect, Sir. It was exactly eleven.

SENATOR H. R. LINTON: It was eleven out of 1,400. Be that as it may, I would like to see a school placed up there in College Savannah because the goodly people of College Savannah have now seen the light and I am sure if I had to return there I would get 1,100 out of 1,400, and I see no reason why they should not all get schools up there. Nevertheless I am happy for the people of Mount Tabor. I am also extremely happy for the people of Cherry Grove and Edgecliff where I did extremely well. I would like to see them too get a secondary school. I was always flabbergasted in travelling throughout St. John to find that nowhere except Lodge School of course was there a school and then the people from town, St. Lucy and St. Philip used to go there, not the people from St. John. I was always flabbergasted to

find that there has never been any thought of building a secondary school in the ax parish of St. John. I do not know, Sir, if it was a deliberate attempt to keep the young people up there in a state of ignorance, but whatever it is I think this should be corrected. It is no good saying we have West St. Joseph because there were no buses until we came to power going to West St. Joseph. I can take the credit now for the fact that buses go from College Savannah to West St. Joseph to take the children to school. I made sure that that came about.

I would like to see a secondary school in St. John, if not in this five-year session in the life of the Barbados Labour Party, then certainly in the next five-year session beginning in 1981 whether it is Senator Trotman or whoever is representing St. John. So far as the goodly people of Mount Tabor are concerned, I will go back there, Mr. President, whether it be December this year or any time in the early part of next year, and I will be telling them that all the cries I made on the political platform in 1966 for a school at Mount Tabor have not fallen on deaf ears, and as a matter of fact, that in November of 1980 the Barbados Labour Party Government acquired some land to provide them with a school, even though it may not be finished by the time we get another five-year session.

SENATOR O'B. TROTMAN: I rise only to say that if Senator Linton had paid attention to this briefings, he would know it is our intention to have secondary school education available to all the children in Barbados by 1982, so we do not have to quarrel too much about a secondary school in St. John. That is programmed, that is being taken care of. Everybody in Barbados will get secondary education by 1982 and the Dems can't stop that.

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LANDS AT HUSBANDS AND OXNARDS ST. JAMES FOR THE PROVISION OF RECREATIONAL FACILITIES

The Second Order of the Day was called — To move the passing of a Resolution to approve the compulsory acquisition of land at Husbands and Oxnards, St. James, for the provision of recreation facilities.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, Sir, part of the conditions under which the East Caribbean Housing Limited was allowed to develop Husbands Estate was that an open space should be kept reserved for recreational facilities. That Company has now gone out of business, Sir, and the Company has offered the land in question to the Government for the purpose of providing recreational facilities to the people of Husbands.

The purpose of the Resolution is to avoid confusion of titles and in fact the Government is only buying the land at the great cost of \$1 as a formality to ensure that we do not have title quarrels in the future. It is hoped that within the next three months the levelling of the field will begin and the drainage problems which existed around the area will be given attention so that the people in St. James South can soon look forward to their recreational facilities at Husbands, Sir.

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

SENATOR C. DEANE: Mr. President, Sir, when the last Resolution was being put I wanted to inquire whether when one of these Resolutions for compulsory acquisitions comes up, whether the Minister putting it forward could say whether negotiations are going amicably or otherwise because you know, Sir, compulsory acquisition is still a bad word with a lot of people in Barbados and I was wondering if whenever one of these Resolutions, as I said, for compulsory acquisitions are being brought, if the Minister could say if negotiations are going amicably or otherwise.

I take it that in most cases it is in order to establish firm title like the Minister just said in the case of the land at Husbands, but I wonder if in each case it cannot be said that negotiations are going on amicably or otherwise. Thank you, Sir.

SENATOR H. ROCHEFORD: Mr. President, my concern about the establishment of recreational facilities generally is that in many cases past where recreational facilities have been provided, people who seem to have been given the job of providing these recreational facilities either have not known what sort of recreational facilities should have been required or do not consult with the people who have to use these facilities and in many cases the facilities that have been provided never serve the purpose adequately for which they were provided.

Take for instance the Stadium. The Stadium is used for football at the moment and you can barely get in a football field in it. It is not adequate for football. It is built for just athletics and cycling and even for that the whole question of security was not adequately considered when they were building the Stadium.

I would like to think that if recreational facilities are going to be provided that some consultation be made with the people who know something about recreational activities that are going to take place in these areas and that proper facilities are provided for people in those areas and not just *ad hoc* facilities which at the moment are never satisfactory for the purpose for which they were intended.

We had the Community Centres all over the place and none of them have been able to provide adequately for which they have been provided for and I would hope in this case that better planning has been done.

SENATOR K. HINDS: Mr. President, to continue a bit on what Senator Rocheford said, I have been a bit disappointed too with the approach to the recreational facilities. For instance, in Grazettes there was a hard court done just on the eve of the last election. I do not know if it was done as an Election gimmick but it was done, the fact that Grazettes was provided with some hard court facility which to my mind was not completed and I believe that it has some effect on the attitude of the youngsters in the area towards the hard court. It is now a broken-down looking thing. It is in a very bad state of disrepair.

Since 1976 the hard court was constructed at Deacons Road and when you pass there, you will notice that in itself is not completed. There is a lot of bush and vine covering the fence around it and to my mind, Mr. President, this helps to cause the youngsters not to treat these facilities in the way they ought to.

I, like Senator Rocheford, Sir would like to beg, that in future, when these facilities are provided, that the caretaking aspect be looked into and that you are careful, as to who you put to manage these things because in some cases, where there is someone to look after these things, their attitudes to the people who use these courts are not the best and this in itself, I believe helps to encourage vandalism.

But, Mr. President, I too, am not quite satisfied with the way in which these facilities have been looked after, after they have been constructed.

Mr. PRESIDENT: Senator Blackman.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I feel constrained to reply to a few of the statements which have been made here this evening.

Firstly, community centres. The vast majority of the community centres, 15 community centres were built in the 1950's and the community centres were organised then, as places, where persons within the community could practice self-reliance, they could organise their own recreation, they could use the community centres as meeting places and so perform all of those activities, which would ensure social cohesion.

During the intervening period in the 1960's, the concept of the community centre was ignored and community centres generally fell into a state of disrepair. The uses for which they were initially established were perverted. I have talked in this Honourable Chamber, Mr. President, on numerous occasions, about the way in which these centres were abused and one of the reasons why the community centres never fulfilled the purposes

of social development for which they were initially conceived is that the kind of persons who were placed in charge of the buildings were so-called community aids, essentially performed the functions as watchmen. They did not see it as their responsibility to assist in the development of the communities in which the centres were located.

When Senator Rocheford declared, that the community centres have not been put to proper use, he was referring to a bygone era, he certainly was not describing the reality of the present because the community centres throughout Barbados have been refurbished and are now hives of social activity and I would like to bring to the attention of Senator Rocheford, some of the things, which are taking place within the community centres. In eight of the 15 community centres, there are now Skills Training Projects and by the end of the year, Mr. President, there will be Skills Training Projects in 10 of the community centres. I think that it is absolutely necessary for persons to get their facts straight, before they stand on the Floor of the Hon. Chamber and talk about the recent, inglorious past, as if it were the present. So.....

SENATOR H. F. G. ROCHEFORD: Mr. President, I am sure that the present inability of the Hon. Minister to be in full control of his health patterns has prevented him from understanding what I said. I have never said and I do not think that any of the Hon. Senators can say, that I indicated that the community centres are not being used adequately today. What I said, was that when community centres were planned, no consultation was taken with people who were going to use them and so, they were not properly constructed to take into account what was being done.

I know because I was involved to a very large extent, in community activities in those days, those days when the dear Senator was sojourning away from the shores of Barbados. I know that we had Old Scholars' Associations that wanted to put on dramatic performances and certainly, those community centres were not adequate for those purposes.

Now, I am very happy to note and I agree with the Hon. Senator, that there is a completely different approach to community development today. I am not denying that and I would like him to be sure that I am not, in any way criticising the Ministry of Community Development for the fact, that they are making use of the community centres in the way for which they were not designed because in those days, they were not designed for Skills Training Programme but they are being used for that now and I am happy to know, that they are being used and used adequately for the benefit of the community. So, I would like him to get his facts very clear.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, if there is any confusion, it is in the mind of the Honourable Senator who just sat down. The vast majority of the community centres were built before I ever set foot out of Barbados and one of the architects of developing community centres is now seated in this Honourable Chamber and he can speak for himself. I happen to know, that he was largely responsible for the building of the Community centre at the Pine and he communicated extensively with the people in the site in the Pine about siting the community centre there. Senator Sir Mencea Cox can rise and give testimony to this, if he so desires. It simply is not true, Mr. President, that community centres were built in a blind, ad hoc manner, throughout the country.

Mr. President, if the Hon. Senator who claimed to be involved in social activity during those days and I agree he was involved in social and political activity during those days, although the passage of time has somewhat dulled his memory, the fact of the matter is that handicraft classes and training courses were taking place within these community centres, from the very moment that they were established. This is nothing new. Training in these community centres is nothing new. Those persons who were responsible for establishing community centres throughout this country recognise that, at some time, in the future, they would be used as training centres.

We are refurbishing these centres, we are putting in expensive equipment, with a view to ensuring, that community based training programmes can be, as effective as, possible. During the last two years, Mr. President, 835 persons were awarded certificates in a wide range of courses involving handicraft, cake icing, needlecraft and the like and community centres in Rockfield, St. Lucy, Speightstown, St. Peter, Parkinson, the Pine, Sargeants Village, Gall Hill, St. John, *et cetera, et cetera*, these centres have now become hives of activity and no longer serve as places of rendezvous for the love struck. I think, that if the Honourable Senator had not withdrawn from social activity, he would be aware of what is taking place within these community centres.

There are some people who always like to refer to the distant past with pride, and well they might, but when they do this they must at the same time demonstrate the same respect for what is going on in the present.

On the matter of recreational facilities, it is nonsense and totally inaccurate, Mr. President, for anyone to stand in here and assert that there is no consultation with people in the communities where sporting and other facilities are established. Indeed, during the last year the

Ministry of Community Services established Parish Councils which operate in every parish in this country. These Parish Councils involve representatives of the Community Development Division, representatives of the National Sports Council and members of communities, and these Parish Councils have as their immediate responsibility the task of ensuring that all of those persons who are not organised within institutions can have an opportunity to organise themselves outside of institutions and develop sporting arrangements in an orderly manner.

This was deemed necessary because the National Sports Council inherited a situation where the efforts of Coaches and such people were primarily directed at young people within schools. This was so because the vast majority of the Coaches were ordinary technicians with no community skills or organisational ability. Consequently, a lot of deserving youth outside the institutions found that their views were never sought on the development of sporting activities and recreational facilities.

The Parish Councils which are nearly a year old are important vehicles in ensuring that the organisational expertise of the Community Development Division is married to the technical skills of the National Sports Council, so that Coaches and those responsible for organising sport can now move beyond the confines of an institutional framework into every nook and cranny, into every neglected village, and organise sporting and recreational activities there by seeking the opinions of people who live in these areas.

I think it is absolutely necessary for people to check their facts before they descant upon issues of which they know nothing. Mr. President, the budget that the National Sports Council is favoured with is not vast, it is not a limitless reservoir of money, in fact we recognise that it is pitifully small when we look at the amount of work that has to be done in all these areas, and as a consequence it is necessary through the machinery set up for consultation with people in our various localities to establish a scale of priorities in which the most deserving areas will be given recreational facilities first.

There is nobody within the Ministry responsible for community services that will claim that we can do everything that needs to be done in the area of recreation in Barbados, but we do not manufacture money, we have to accept what the Ministry of Finance in its wisdom bestows upon us and we work to the best of our ability with these limited financial resources, so limited financial resources then constitute a serious problem.

Senator Hinds referred to the fact that a hard court facility which had been established at Grazettes was now in a terrible state of disrepair and covered with mud. The

Ministry is seized of this particular problem, but again it was not until very recently that we could use any money at all for the repair and maintenance of facilities. This is a development of two or three months that we can now allocate resources to the maintenance of facilities, and every effort will be made having regard to our scale of priorities to deal with the problem of Grazettes.

We recognise very plainly, Mr. President, that it is necessary to have these facilities properly supervised. That there is no proper supervision is again due entirely to the fact that we do not have any money to pay the people. If sport occupied a higher place in the Government hierarchical scheme, then we would be able to do all these things, but where people have to be housed, where the health needs of people have to be looked after, and they are justifiably given priority, then as our economy continues to grow, as we get wealthier we will in time get adequate resources to deal with all of these problems.

I am glad that certain points have been raised, because it is necessary to state the position with respect to sport and recreational facilities in Barbados today. I have in previous Estimates debates, Mr. President, referred to these areas and I have seen some of the same members who spoke in such righteous indignation sit and listen and one becomes cynical enough to believe that very often Senators indulge in clap-trap and speak for the sake of speaking by repeating things that have been gone over before which if they were interested in would have impelled them to come to the Ministry to seek explanations and therefore avoid the necessity of giving the Reporter unnecessary work.

I have heard the same kind of repetition, I have heard the same kind of points raised in other areas relating to social policy even although clear ministerial statements have been made on this question from time to time, and I myself, Mr. President, must register the strongest disapproval of this unconstructive approach to dealing with these issues.

SENATOR K. HEWITT: Mr. President, actually I wanted to make a point going a little before the actual construction of recreational facilities. It has been my impression that one of the necessary things Town and Country Planning has to be satisfied with in any large development was the provision for an adequate green area, and in looking at some of the more recent developments especially in the area close to me, somehow I seem to look in vain for the particular green areas. I think in particular of an area like Rock Dundo Park which must be housing quite a few hundred people, and bordering that up to Clermont, further down in the Black Rock area, etc., and if you take a circumference perhaps of Green Hill, Spooners Hill, Bank Hall, Eagle Hall, Black Rock and St. Stephens, one would find very limited green areas, and there are a few schools in the area with some

adjoining land, but it is difficult to regard such as fit and proper places for any meaningful sporting activity.

In the Rock Dundo Park area, there is a small patch next to the Anglican Church. That is no larger than could accommodate a netball field, and so it seems that more pressure, for lack of a better word, should be put on developers in any large and meaningful development to ensure that the necessary space is made available for sporting activities. Now the lack of such tends to put some great hardship on a place, let us say, like Combermere School. Now obviously the schools are part of the community and necessarily the grounds of the school could not be regarded as restricted only and specifically for the members of the school. However, it is obvious that the members should have that priority. It is also obvious that the grounds of schools are not geared to accommodate the entire community, and because of lack of recreational facilities in that broad area that I mentioned, we get a lot of traffic forging on the Combermere School, and that goes hand in hand with quite a bit of vandalism, and the whole thing is very uncontrolled.

The point I am really making is that one would naturally support this type of resolution which is seeing the need to have these green areas so to speak in large and growing communities and one would hope too that in the particular area mentioned some attention could be given to developing a few of the play areas, so to speak, in that particular area, because if you think in terms of Waterfords and right down to Bank Hall and so forth, there is little in the form of green areas and there is a lot of pressure put on Combermere School and obviously the school is not geared to accommodate that type of pressure.

SENATOR D. H. G. HUNTE: Mr. President, there is no quarrel over the Resolution because it is very necessary that we should have these facilities provided but one of the bones of contention, and I am sure that Senator Hinds is not in his seat at the moment, seems to be whether consultation is actually carried out with persons in the community when it comes to the question of siting some of these facilities.

Now the Town and Country Planning Department, Mr. President, in processing applications make sure as far as I know that an area of land is left open in a development for the purpose of providing recreational facilities in the area. Now problems arise when you get developments like Ealing Park and things of this sort because the people then who have homes in Ealing Park have got to band themselves together, and I think it is in Development Section 3 of Ealing Park that they embarked on a fund-raising activity earlier this year in an effort to provide a playground for the children of that area. I am in Section 1 and I know that there is an area

of land that has been set aside by the development for the provision of some kind of playing facility. Naturally, Mr. President, a facility in that area would have to be a different type of facility because of the small nature of the land; it is not suitable for cricket and football and that kind of thing, so it would have to be developed more or less like a children's play area, and I believe that is what it is intended for.

One of the things that has always bothered me and on which I made a recommendation when I had responsibility for this area of Government activity was that when the National Housing Corporation provides a housing development that they should not only leave an open space, but they should actually construct a playing field and if possible provide some kind of pavilion. If that is not possible, let us say a playing field should be provided and then hand over to the appropriate Ministry, the Ministry of Sport, the Ministry of Community Services in this place, for that Ministry to look after it, but I cannot for the life of me see how you can get a Government Department like National Housing constructing the houses in a particular and then just leaving the area there and the Ministry of Sport has got to try and convince, and this is where I support the Minister, the Ministry of Finance that it is very necessary to provide funds for the development of that piece of land.

Now when you are building houses in a development, there is a lot of mould available, you have tractors involved, and I cannot see for the life of me why we cannot get the same tractors that are being used to at least level that piece of land and leave it in a condition that the children can play on it. I appreciate that we may not have the money in the development at the outset for a pavilion, but that will come. Pavilions have been coming and I compliment the Government for carrying on the work which was set out. I make no bones about it. If the Minister looks at the files in the office he will see that recommendations were made. When I had that responsibility I went through this country agitating with people in certain areas and decided on a programme of activity that we would like to see where hardcourts would be constructed, where playing fields would be built for people and where you would get pavilions. At Chapel in St. Philip the area of land on which the pavilion has been put was negotiated between Manning, Wilkinson and Challenor and there were letters exchanged before the deal went through that it could have been done. The Parliament representative for the area spoke to me about it, Mr. President, but there were problems. He would like it levelled; a contract, I think, was awarded to C. O. Williams, but one of the basic problems is that in the cricket season you cannot go on it because the cricketers want to play right through, and at the end of the cricket season, you find that the footballers are telling you that

you didn't develop it when the cricket season was on and they want to play football on it. There had to be some kind of compromise and Mr. Simmons spoke to me about it and we agreed that efforts would be made to have it sorted out. Well the result is history what happened in 1976.

Before all the efforts could be completed everybody knows what actually happened but that playing field at St. Philip was the one where Manning Wilkinson and Challenor readily agreed to sell three acres of land and Tom Wilkinson after he actually signed the letter indicated that we could take possession of it until things were completed.

I passed the Princess Royal Avenue and I see there that there is a hard court which was provided there, the same area that was there for that facility and I want to say something about the Pine and the Pinelands Community Centre. In 1971/72 when I first went up to the Pine as Parliamentary Secretary, they had a situation developing up there where people from Princess Royal Avenue could not enter the Community Centre up there. The people who lived around the Community Centre called Regent Hill, they believed that it belonged to them and no way would they allow anybody else to use the Community Centre. I suggested to the people up there that they should change the name from Regent Hill Youth Group to the Pinelands. We tried to set up a Community.

There is a gentleman who works at the Tyre Remoulding place. I think he is Mr. Prescod. He was appointed as a member of the Steering Community up there with another chap called Newton who has a little garage. We did some extensions and renovations to the Community Centre and we tried Mr. President, to get, them to work together as a group in the Pine to try and bring their community together, but like all other things there were problems when you go to the people working in these areas.

As I said, we were able to bridge the problems and instead of Regent Hill, we had a different kind of organisation set up over there. That area with the support which it has got from the new administration could be considered a classic example of people coming together and working in the interest of a community and from a community where fear existed in the hearts of certain people I think that the Pinelands has been closely knitted together and as far as I am concerned I am aware that everything seems to be functioning fairly smoothly up there.

Senator Hinds raised the question of Grazettes and whether the facility, because it was constructed in

1976, whether the facility was an election gimmick. Anything that is done in an Election year, Mr. President, will be considered by many people as Election gimmicks.

We had a few weeks ago the Tenantry Bill which was passed in this country. Certain Tenantries were omitted because the Leader told us that they could not wait to include all. If it is December, 1980, that will be considered an Election gimmick. Whatever happens next year whether it is April or whenever it will be, again it will be an Election gimmick but I do not like this talk about Election gimmicks and I do not think that when we are seriously discussing matters in this Chamber that we should refer to these things as Election gimmicks.

The Minister made a point that sports is not given high priority in the ratings of the present administration and I would venture to say that in the Democratic Labour Party Administration, sport was not given a high rating either. If sport was given a high rating, Mr. President, many of the needs of the people in this country as far as sporting and recreational facilities are concerned would have been provided long ago but when you draw up your plans and you submit your requests to the Ministry of Finance, it is in the Ministry of Finance where you get the problems. You may be ready to go but you send to the Ministry of Finance sometimes to get a requisition to encourage expenditure signed and it is weeks before these things are done so in looking at the recreational needs we must consider in what priority area and in what light the Government sees these sporting needs of the country and how well the sport could assist in the development of the young people of this country.

That hard court that was constructed at Grazettes was constructed again after consultation with the United Social and Cultural Group which had its base in the Grazettes Community Centre, a very active group. I believe they celebrated an anniversary not too very long ago.

I did not just decide that I would put a hard court there. Consultants were engaged who were suppose to carry out tests and to advise on the suitability of the area and if I knew that this debate was going to reach this level, I would have brought with me, Mr. President, the plans that were produced by the Consultants and the plans which we followed after that professional advice was given in order for the construction of the courts.

I was heartened when the Minister indicated that it was only about two or three months ago that he could use some money for the maintenance of facilities because also in 1976, a facility was constructed at St. Christopher in Christ Church, a hard court. Before it was finished,

Mr. President, there were many requests from people including the now Deputy Prime Minister who were calling to know when it would be ready and that facility provided an outlet for the young men in that area.

Mr. Crichlow went up and started to do courses in Lawn Tennis and it was one of the areas in that part of the constituency which was used and over-used as far as I was concerned by the people because there was a natural ability with people up there to play tennis. The girls played netball and the facility was greatly used.

The wiring, Mr. President, which we had around these hard courts, the residents of the area who from time to time had to go there, if they wanted to get into the hard courts, instead of using one of the two gates provided, they preferred to go to the bottom and raise the fence or cut them to get inside and they have fallen into a bad state of disrepair.

Most of the hard courts, I think, in October, 1976, we had some heavy rains, some lightning and thunder and the lights went out and I do not think that they have burned since then at St. Christopher but I am glad since the Minister has indicated that he has money to provide these facilities, I would be glad if he would do something about it because the people in that area have to go down to Silver Sands Hotel in order to play a game of Tennis and in some instances, I do not know, I would not wish to say that it is because of the colour of the people, but I know that on one occasion the rain came down one morning down there at the Silver Sands Hotel. They went to the Bar to order a cup of tea and they were told that the instructions were that they should not be served at that Hotel. (ASIDES) Yes, I am told that.

The matter was taken up privately with the Minister of Tourism by the people in the area and I believe they got an amicable settlement, but this is one of the problems that we are faced with.

Now, there is one example, Mr. President, which you do not find anybody criticising, Folkestone in St. James. The hard courts there were also completed around the same time in 1976 but Folkestone is an entirely different area and when we sought, Mr. President, to get caretakers to be provided for these facilities, the Ministry of Finance could only see fit to provide caretaking for Folkestone in St. James but they could not see fit to provide money for caretakers in the other areas and this is the Gospel. If you go to Folkestone in St. James, you will find that the facility there is in good condition.

I do not know if it is because of the tourist development in the area or what, but the funds were provided for one caretaker and that caretaker was at Folkestone, St. James. But, when you come to St. Christopher and

Grazettes, we were told that we did not have any money for that particular exercise.

Senator Hinds alluded to Deacon's Road, but what did he say and you see, when you are dealing with these people Mr. President these Honourable Senators, you have got to watch the words carefully. He talked about Grazettes first and then, he said since 1976. Now, the "since 1976," if you do not listen carefully and you do not know what is going on, it would give people the impression, that it was the Democratic Labour Party that constructed it. Well, we would not take credit for Deacon's Road, the Deacon's Road facility was constructed since the Barbados Labour Party came to power, grant you that. He said that it was overrun with bush, the fence and things like this and that this turns off the young people in the area I cannot understand, Mr. President, something seems to be radically wrong in our society, that all of our young people are going to sit back and expect the Government to do things for them.

A playing field was developed at Lowthers in Christ Church between 1975 and 1976 and in order to get that playing field fixed, the young people of the area were mobilised and every Saturday and Sunday morning, I would personally go up in the area and we would get rakes from the Sports Department and they would rake all the stone up. I will go further and say this, that one Saturday morning, we were working on the playing field and Mr. David Seale from Hopefield Plantation passed by, he stopped and chatted with me and he indicated that since the young people were interested in working on their own, that he would provide a cart that we would use to pull it around the field, in order that the stones could be loaded up on that. We took him up on the offer, Mr. President, and the young people in that area cleared the playing field of all the stone. If somebody does something, I say so, there is no reason for me to get up and say not. (APPLAUSE). But, you see, Mr. President, one of the problems now, with that same playing field up there is that a request was made recently, by the members of the area to have it rolled and before somebody would go and look and see what type of roller was necessary, they went up with a light roller. When they got up there with the light roller, then they told the boys, we would have to come back with the heavy roller. They have not got back yet. (ASIDES: Frank Walcott). Since we cannot get Frank Walcott, Sir, I believe that we can use the Hon. Leader of the Senate, because he is just as heavy and I would recommend that, Sir.

The point which I am trying to make, Sir, is that at some point in time, we have got to make our young people understand that on the question of providing these amenities for them, they have got to come out and help themselves. It is not possible for any Government to do all the things which the young people, or indeed, the

people in this country want. If we could get some kind of self help going. I cannot see why Senator Hinds cannot mobilise the young people in Deacon's Road and let them take the bush off the fence and things of the sort. I do not see that this is necessary, that we should call on the government, or say that because this bush is there, that it is acting as a deterrent to the young people to use the playing field. These facilities cost a lot of money and the people must be made to understand that they belong to them and when we have to pay for them, it is money which has got to come out of our pockets and therefore, what is necessary is for the representatives, or people in the area to mobilise the young people, in order to get these things done in the particular area.

The Hon. Minister referred to Estimates Debates and said that from time to time, he has made points and then, you find Honourable Members getting up and repeating the same points. Mr. President, I would just like to say this, we had Estimates Debates in this Honourable Chamber in March, 1977, 1978, 1979 and 1980 and to this day, not one of them has been published. It is alright when you get up in here and you hear something, but you have not had the benefit of one of these debates that you could look back and see what somebody has said. But, what you find, is that the Debates in the Other Place for 1980 are coming out and you cannot get a copy of an Estimates Debate, which took place in this Honourable Chamber and this is since 1976. I do not understand why there is this type of discrimination of this Honourable Chamber. People need to be able to look up these debates and refresh their mind on what goes and if you can get debates from the other Honourable Chamber coming out in 1980, debates which took place in 1980 being published, then, why is it that we cannot get one of the Estimates Debates, which is the most important debate which takes place in this Honourable Chamber during the course of the year. We have not seen the like of one of these debates yet and it seems as though, we are going to come to the end of the Session, Mr. President, and we are not going to see any of them.

But, the point which I want to make is this, you get up in here and you make your points in the Estimates Debate. It is not always that all of us are here to hear and everything which is said and if we miss it, then, we would expect, that we would be able to read it and the fact that we have not been able to read it then, could be the result of our asking questions, or repeating things which have been referred to by the Honourable Ministers themselves already.

But, I would like the Town and Country Planning Department to go a little further Mr. President, not only would I like to see an area of land earmarked for development, but I think that it should be compulsory

for the developers to leave that area of land in a levelled state. Normally, when you find that area of land, sometimes it is a bit of land which has a gully on it, there is some kind of cliff, or something. It is not level. In other words, the people of the area have to beg people to come and dump loads of rubbish and things like this, in order to build it up. I would like to see that the Town and Country Planning should have the power to call the developers to make sure that when they finish the development, the same way that the roads are finished and things like that, that the area which is earmarked as a playing field, or as a playing area in the development, that that is level, to such an extent that the residents of the area could then move in and do what is necessary, planting grass, or developing it, in the way that they would like it for their children.

Mr. President, the country needs more recreational facilities, of that, I think that we are all agreed, but as the Honourable Minister said, I do not mean the one who introduced it, the Honourable Minister who spoke during the debate, as he said, what is necessary is that you must get the priorities right and if you have to house the people and you have to look after the health of the people, naturally, these come first and then sport is relegated to a lower position. I believe however, that if the representatives, if as leaders of the community, we can mobilise the young people in the area and set the example, by assisting the young people, by going forward and doing it, there is no point telling them to do something that you cannot do, or that you are not prepared to do. If you are not prepared to take up a rake and help them rake up the stone, then, you should not go and tell young people to do it. You should set an example and if we set the example in the community then, I believe that we can have a lot more sporting and recreational facilities provided with the assistance of the people who live in various areas. (APPLAUSE).

SENATOR THE REV. A. HATCH: Sir, I wish to suggest that we have too limited a concept of recreational facilities. I think that when the two words recreational facilities are mentioned, that the public mind in Barbados turns to playing fields even though, in the course of this debate, community centres have been mentioned. But, I think that if recreational facilities are confined primarily to playing fields, we are limiting the concept and restricting it too severely and we will always continue to have the conflict which has been mentioned on both Sides of the Honourable Senate tonight, that we will be told that money is not available, that housing and health will take priority over sport.

On the other hand, if we widen the concept and we see that recreational facilities ensure the health of a community, then, it will be possible just to say, well, this is a matter of fun and games and sport therefore, does not take the same precedence as health. So, I think

that part of our trouble is that we have our concept wrong. We have our concept too limited, that by recreational facilities, by and large, that we mean playing fields.

I remember a cynical fellow student when I studied in England laughing about the great British sporting public, which meant between 70 and 100 thousand people on a Saturday afternoon watching 22 fellows kick a ball around a football field. Interestingly enough Senator Denis Hunte referred to this when he said the competition — and I think he was speaking about Chapel — where when the 22 cricketers are finished the 22 footballers wanted their game, and one is left to ask what happens to the balance of the community. Now, if we can find a recreation facility to a playing field and it means that at any one time only 22 people are going to recreate themselves and the others have a lower quality of recreation just by the possibility of watching them, then I think the community is limiting itself altogether too much. I therefore wish, without riding my particular current hobby horse, to suggest along the line developed by Senator Hewitt that we have to see the protection of the environment as an extension of this idea of the emotional, mental and psychological health of a community, using health in its widest sense, and certainly within this picture the open spaces for which Senator Hewitt called, and Senator Hunte endorsed his call, are terribly important to the health of a society. It is not only psychological and emotional, it is even physical that there should be places for open air and so on.

I want to push the argument one step further, because I believe it is the responsibility of leaders to look into the future and to guide a community in the direction in which it should go. I think therefore we have a responsibility to ask why 400,000 tourists were scheduled to come to Barbados in 1980. There is no doubt about it, the primary objective for 400,000 tourists coming to Barbados is the sea and the sea front, and in this connection I wish to compliment the Government on the retention of the Fitts Village window to the sea, but to point out that if you are paying attention to the direction in which I am leading you, that this Resolution is concerned with the Husbands and Oxnards area, but if recreational facilities for the Husbands and Oxnards area are to be extended beyond playing fields, beyond the open spaces, and down to that for which 400,000 visitors come, that is, to the beach, then the Fitts Village window does not provide swimming. It is a beautiful window and we are extremely grateful for that, but we still want to know where people are to bathe.

SENATOR THE HON. N. A. BARROW: Mr. President, I rise to provide the answer to the last question; the Paynes Bay window.

SENATOR O'B. TROTMAN: Mr. President, Senator Hunte complained bitterly when somebody on this side

suggested that the playing fields and hard courts, few though they be, provided during his administration were election gimmicks. He also suggested that the facilities now being provided were a sort of carry-on project from their administration. First thing, Sir, according to my reckoning, during 14 years of the last administration they provided no hard courts. For the first 14 years they provided no hard courts.

SENATOR D. H. G. HUNTE: On a point of order, Mr. President. You know, Senator Blackman called on certain members to get their facts straight, and Senator Trotman has an inherent interest in St. John and he should not get up here and say that in the first 14 years no hard courts were provided. If he wants to represent people he should have the facts. St. John had a hard court, and he should know that. Not only that, there were hard courts at the Harbour provided.

SENATOR O'B. TROTMAN: Mr. President I knew he would walk into it, because in his earlier address he said that when the Prime Minister is representing a constituency like St. John they will get everything, so I was not counting St. John in this operation. St. John was getting everything when they were represented by the Prime Minister, we are not counting that. When Barbados was now affected and they were losing the election in 1976 they provided Carrington Village with a Ready-Mix hard court immediately, ready done work. Grazettes, of which Senator Hinds is complaining, and Silver Sands, the one that is not taken care of. This was done in 1976 but he says it was not an election gimmick.

The second point he is trying to make, Sir, is that the facilities now being provided were left over by them and we are only filling in. Well, they must keep out of the business and let us fill in, because they obviously could not get it done. In 15 years they could not manage any more than two pavilions. The Ministry of Sports so far has provided pavilions outside of election year. There is no election this year, leave out that, and we have provided playing fields at Dover, Christ Church; Farmers, Shorey Village, Chapel, Sion Hill and Warleigh. No election is on, we do not play it that way.

SENATOR D. H. G. HUNTE: Mr. President, on a point of order. When I indicated that they were carrying on from where we left off I did not have the things at my finger tips but he has just called them out and convinced me of it more. Plans were made, Mr. President, I do not believe in the kind of slipshod planning that went on, I was not in the Government for 14 years, I had nearly five years of it — four years and 11 months, or something like that — and I can tell anybody the work that was done and the plans that were made. Warleigh was one where a playing field was planned for, and he is going on to convince me. I am only saying that the plans

were made and they carried on, and when we take over the Government, whenever it is, there will be plans made by them which we will have to carry on.

One of the problems with Senator Trotman, and I am not going to let him get away with it this afternoon, is that whenever he speaks in this Chamber and somebody has to get up to speak, even if it is in criticism, he tends to think that it is something personal and tries to take it out on somebody. He is not prepared — and I have spoken to the Leader of the Senate already, I have spoken to Senator Blackman already about his attitude, and if it does not change between the limited time that we have left, he will have to change his attitude when he is dealing with people in this Chamber. Because when you try to put something in its correct perspective then he thinks that he can get up in here and run down anybody, and if this is the run-up to the day, well then you and I will be at it from now on.

SENATOR O'B. TROTMAN: It would not be in Venture, Sir.

Mr. PRESIDENT: Let us do try and keep to the point and get on with it.

SENATOR O'B. TROTMAN: But, Mr. President, he got up again and convinced me that his organisation must stay out of power so that we could carry out the plans. They had Warleigh, they have everything and could not get anything done in 15 years.

Mr. PRESIDENT: All right, all right, let us get on.

SENATOR O'B. TROTMAN: I want to continue the record, Sir, because they had a lot of plans. People do not want plans, do you not see that people are voting out people with plans? They vote for people who are delivering goods. Nobody wants plans, you cannot live in plans, you cannot play on plans, but since we were in office, Sir, as I said earlier, they managed the three election hard courts in Carrington Village, Grazettes and Silver Sands. Without an election being on we have managed Wildey, Clapham, Princess Royal, two at Murphys, Deacons, Lamings, Dover, Pleasant Hall, Parkinson and Folkestone. (SENATOR D. H. G. HUNTE: Folkestone?)

They tell me so. And he calls for more playing fields. In a few weeks there will be a playing field at Diamond Corner and there will be one at Boscobelle without elections.

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

RESOLUTION TO COMPULSORILY ACQUIRE LAND AT BANK HALL, ST. MICHAEL

Item No. 3 was called — to move the passing of a Resolution to approve the compulsory acquisition of land at Bank Hall, St. Michael for housing development.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, the Government is about to acquire 1.92 acres of land in Bank Hall which is presently the property of Yellow Transport Limited. The land will be used to house wooden houses because tests show that it is unsuitable for building stone. To answer Senator Deane in the early, the present owners are asking something like six times what the Commissioner of Valuations think the land is worth, so we do have a disagreement, but negotiations are going on.

The tests show that the soil is between nine and twelve feet deep so that if we try to do that you would have to build underground houses first before we came above the surface. The land is going to be used in the first place to resite people from Church Village because of the Church Village re-development project. As I understand it, Sir, the Central Bank and the Church Village Development projects are going fairly well. The Sanitation Department should be moving some time; they should have moved today. The Central Bank is doing the piling for the building and we need to get Church Village clear. It is therefore necessary to have some place to resite the people and they will be the first set of people to move into Bank Hall. It is not only a matter of providing facilities in Bridgetown, it is also an opportunity being taken to provide the people of Church Village with better housing facilities than they enjoyed in the immediate past.

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

SENATOR D. H. G. HUNTE: Just one question. I have not seen the plan yet, it has not reached me yet, but carrying on from there, and I make the point, the independent Senator Hewitt spoke this evening, this is land the Government is buying in Bank Hall, and Senator Hewitt in his contribution complained, not me, I am just asking a simple question, that in the area of Bank Hall which is very thickly populated, apart from the Empire Playing field and the Combermere playing field, there are no recreational facilities within the area. All I want to ask is whether Government is considering providing in this proposed development any open area in order that the people can get for recreation.

The whole area of Bank Hall, Mr. President, create problems. I have not seen it, but I just want to ask the

simple question, what facilities if any have the Government got in mind for carrying these people up there.

SENATOR H. F. G. ROCHEFORD: Mr. President, I know this area as you can appreciate very well, and I remember some years ago when I had the honour of being associated with the Washington High School on which this land bounds, I was trying to impress upon the then principal of the High School that we should have got this area to be used as a playing field for the school because the school in those days had a large number of children and we did not have anywhere for them to play. I was very happy to hear on this occasion they have really made tests because we always knew that that specific area was not very well suited for any heavy construction work. We are satisfied that they are taking the right decision when they talk about it being a site for wooden houses and not for any expensive attempts to construct wall.

I am also very pleased to see that the people from Church Village are going to be resited in an area where they are still within their familiar surroundings, because when we do transplant people and move them away from the area in which they have grown up and things like that, they tend to have in some instances traumatic experiences, and it is good to know that there is an area available so near to the circumstances in which they existed before to which they are going to be moved. I look forward to seeing the development take place properly, and like Senator Hunte I would hope that there is some provision made. I know that we have been in that area, especially the Bush Hall area agitating for some time for an area for a playing field or for the creation of facilities if I may go back to that one, and it is not only now that people in that area are talking about recreational facilities.

The Bush Hall area is a very heavily populated area, the Bank Hall area is very heavily populated, and certainly the Empire playing field which is privately owned does not provide adequate outlet for the recreational energies of the population in that area. Mr. President, I would like to assure the Senate that after having spent some 35 years of my life working with young people and in community work, that I am not abandoned yet, nor retired from thinking about the interests of youth in this country.

SENATOR THE HON. N. A. BARROW: Mr. President, just in relation to one point made by Senator Hunte. I rise with trepidation to deal with any point made by Senator Hunte, but I want to assure him it is just to give a very peaceful reply. The last time I interjected I think I got slapped down very hard and I am very much afraid of the fellow.

The point is very much a point made by Senator Rocheford that we have here to weigh two factors; one is the need for facilities and the second is that we cannot continue a policy on a national scale in which people are just uprooted. Where you move a small community you are going to have as far as possible to keep it together, and this is why I believe the Ministry – the Minister is no longer here, he has had to leave; in fact I am very glad he did come out because he was not at all well – is considering representations which have been made to it by the representative for the constituency for St. Michael North East concerning a specific property in the Bank Hall area which seems to have grounds adequate for recreational purposes, something more than the small space involved here. (*Asides*) I do not want to call the name, but I think that is it. I am not sure how far discussions have gone or negotiations but the representative has been pushing very hard for it for a couple of years now and I know the Ministry is considering it.

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

ADMINISTRATIVE JUSTICE ACT, 1980

The Seventh Order of the Day was called – To move the Second Reading of a Bill to provide for the improvement of administrative justice in Barbados and for related matters.

SENATOR THE HON. N. A. BARROW: Mr. President, Sir, we are now back into the area of some very serious law reform and this one has to do with administrative justice, the next one with Commissions of Enquiry and then the Third Item to come this afternoon is a very direct and straightforward one.

Sir, in relation to this, just let me outline very briefly what is involved because there are two aspects of what Lawyers know as judicial review. One is judicial review of legislation where, with no Constitution, it says that this shall be the supreme law and any enactment in conflict therein is void to the extent of the inconsistency when, therefore, you deal with judicial review under a Constitution, we very often have to refer to whether or not the Courts have the power to declare a specific piece of legislation to be void because it is *ultra vires* the Constitution or rather void to the extent that it is a *pro tanto* rule, that it is *ultra vires*.

Now, we are dealing here with a different matter. We are dealing with decisions at administrative level which would affect persons and result in some injustice and what therefore would be their remedies and it is very clear from the Constitution that there is judicial review of administrative action and I referred last time when I was speaking on a similar matter to some Guyanese cases in

which the law had been pushed along a certain line and I would not refer to them in any detail except to say that the Constitution does protect from the review process, decisions, for example, of its Services Commissions.

It would appear, therefore, that where in the Schedule to this Bill relating to, I think, Clause 13 or 13(2) "where there is a requirement imposed for reasons to be given for a decision, this Section applies to any decision that is required by law (including any enactment) or by contract to be made in accordance with the principles of natural justice or in a fair manner with the exception of any decision, for which by express provision of any enactment reasons are not to be required and any such decision as is specified in the First Schedule" and the First Schedule says that it exempts "the Services Commissions and the Defence Board."

The point, Sir, is that the Courts, if they follow a recent decision, I am referring to the English decision of *Anisminic V. Foreign Compensation Commission* and the line of three or four Guyanese cases, the most important to me being *Evelyn V. Chichester*, then the position taken by the Court is that even though you cannot require them to give the reasons for the decision, they have no jurisdiction to ignore the principles of natural justice and therefore to proceed unfairly against people so that this legislation which now establishes a unified and efficient procedure for seeking judicial review by administrative acts of decisions, seeks to strengthen the principles of natural justice as they apply in this area would appear to be leaving outside of its purview this narrow area but I am referring to it specifically because I believe that people who come under these Commissions should still recognise that the trends of decisions in the Courts, notwithstanding what would appear on the face of it to be an exclusive Clause within the Constitution, I believe it is Section 117 of the Barbados Constitution, even though that Clause might exist they still have recourse to the Courts where flagrant injustice has been done and where they have been denied a fair hearing.

It is legislation, Sir, which tends to set things out quite clearly. It sets out rather than just amend the rules of the Court or leave things still hazy. The procedure here has been to bring in comprehensive legislation so that the citizen can know not only that he has recourse to the Courts but how he should proceed with the remedies available to him. I believe, Sir, that it is fairly straightforward legislation but, for all of that, it is extremely important legislation.

I move that it be now read a second time.

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into Committee on the Bill Senator Rev. A. Hatch in the Chair.

SENATOR K. HINDS: Mr. Deputy President, I beg to move that the Bill be taken as read. After Clauses 1 and 2 the remainder of the Bill be taken in Parts.

The question was put to the Senate and agreed to.

Clauses 1 and 2 were called and passed.

Parts I, II and III inclusive were called and passed.

The First Schedule was called and passed.

The Second Schedule was 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.

COMMISSIONS OF ENQUIRY ACT, 1980

Order No. 8 was called — To move the Second Reading of a Bill respecting enquiries to advise and to investigate.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, here again, is another example of Legislation which is a matter of general improvement, in order to provide more in line the kinds of things which Commissions of Enquiry Legislation would be required to provide for. Now, before I proceed on this, in Section 24(1) paragraph (a) there exists a small error, in that the Bill reads :

“The Governor-General may direct

- (a) what remuneration, if any, is payable to the Commissioners, the secretary, and to other persons appointed by the commission under Section 23;”

If you look, Sir, at Section 23, it states,

“Notice of allegation or finding of misconduct.”

Hardly a place for an appointment, Sir, but under Section 22,

“Professional and other assistance.”

says:

“A commission may with the consent of the Minister of Finance in respect of any expenditure appoint counsel and other professional, technical and clerical personnel to assist in the performance of its duties,”

et cetera. At the appropriate time, therefore, Sir, I shall have to move the amendment. There is, with us, a note, where the Hon. Attorney-General has drawn to our attention, the need for an amendment and asked us to have the amendment done, by the substitution of the words 22, for 23 in Section 24, sub-section (1) (a).

Mr. PRESIDENT: It was passed in the Honourable House as 23.

SENATOR THE HON. N. A. BARROW: This was detected apparently, only after it was passed, in the Other Place.

This Bill is something of a companion to the one which we have just done Sir. It is designed to replace the Commissions of Enquiry Act with Provisions which will provide thorough procedure and better safeguards, for witnesses and other persons whose reputation may be injured by allegations made before special Commissions of Enquiry. As the Law now stands, if, as indeed occurred before the Commission of Enquiry, a witness should choose maliciously to implicate anyone in this country, by making a false accusation, as to any role he perceived that person to have played, such as statements relating to interference by people of high office, the person about whom that statement is made has no automatic remedy. If you recall, Sir, this part of the Law is not changed, that words which are spoken before such Commissions enjoy the same privileges, as words spoken in a court of law in that, they may only be used, the proceedings against the speaker, where there are the subject of prosecution for perjury. So, it is a basic rule of law which is maintained, but, in this Act, one of the things which will happen here is that, there is some safeguard in that there is a provision of law relating to those who may suffer some assault on their reputation, by those who are prepared to use people's reputations lightly. The commissions have the powers of a court to summon witnesses, *et cetera*, under the existing legislation, but, it is not every commissioner who needs these drastic powers and therefore within this context, while the Governor-General may, by Clause Six grant such powers to an Advisory Commission, if the Commission reports that it is needed, that those powers are needed, you will find, that it is the investigatory commissions which are given those powers.

Under Clause 10, there is a great protective Clause:

"An investigatory commission shall accord to any person, group or organisation that satisfies the commission"

of having:

"sufficient interest in the subject-matter.... opportunity to give evidence and examine and cross-examine witnesses either personally or by representative."

Such a commission will also summons persons to attend, to give evidence and to produce documents under their control.

There is also, I have already referred to the matter relating to perjury. There is an absence of criminal penalties, in this Legislation, what a commission may do, for example, in instances of rowdy behaviour is to refer the matter to the High Court, which may involve its contempt power. The rest of it, Sir, I think is fairly straightforward and free comment is preserved. But, of course, a line always has to be drawn between free expression and opinion and doing things which are contemptuous in the proceedings of a commission, but this is the Law as it is now.

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

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

SENATOR H. F. G. ROCHEFORD: Mr. President, on the issue of the mistake in Clause 24, it is obviously a mistake, but, why should we consider other than errors are mistakes in Legislation, which has come before us, as either mistakes of typing errors and leave it to the good offices of the Hon. Attorney General to correct and we must go through the process of passing an amendment to this and send it back to the other Place?

Mr. PRESIDENT: The point has occurred to me. I gather that it passed the House in this form, but as the hon. member just said, so have a number of other things which we have regarded as typographical errors. It does seem a very big manoeuvre for an obvious numbering fault like this to have to go through the process of amending and sending back to the House, but I expect the Minister to have his own explanation. He may have had consultation with the Attorney General on the subject.

SENATOR THE HON. N. A. BARROW: I believe, Sir, that there is a distinction between the ordinary typographical error, which is the usual thing which we run up against, and indeed the kind of error which

existed in one of these measures this evening and where I was persuaded by the power of Senator Linton's reasoning, largely because regulations were going to have to be made anyhow, and that it could be captured in those regulations. This was a matter of a missing word, and it was my view that it should have been sent back on that one, but in this case it is not just a typographical error without more, we are dealing with a power, and as I believe Senator Linton would agree, that where you are expressing in any law a power that it is necessary that it be expressed accurately. I believe that this is why the Attorney General has had it drawn to our attention, because this can have an effect in that the question may arise before he comes down with his cleaning up process, under what authority was x or y done I believe it is the importance of the particular section that relates to his having adverted to it on this occasion. It does not seem to me in this case to be just typographical without more.

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

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

The question was put to the Senate and agreed to, and Mr. President left the Chair and the Senate went into Committee on the Bill, Senator the Rev. A. Hatch in the Chair.

SENATOR K. E. HINDS: Mr. Chairman, I beg to move that this Bill be taken as read and that Clauses 1 and 2 be taken and the remainder be taken in parts.

The question was put to the Senate and agreed to.

Clauses 1 and 2, and Parts I and II were called and passed.

Part III was called.

SENATOR THE HON. N. A. BARROW: I beg to move that clause 24(1) paragraph (a) be amended by the substitution in line 4 of the word "22" for the word "23".

The question that Part III as amended stand part was put to the Senate and agreed to.

The Schedule was called.

SENATOR THE HON. N. A. BARROW: I move that the Schedule be the Schedule to the Bill.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: I move the Senate do now resume and the Bill be reported as having passed as amended.

The question was put to the Senate and agreed to.

Mr. PRESIDENT resumed the Chair.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to report the Bill has passed the Committee with one amendment to clause 24(1)(a), and move that the Bill as amended be read a third time forthwith.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: I move that this Bill do now pass.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: The Clerk will take the usual steps to have the appropriate message sent to the Other Place to have their concurrence in the amendment.

THE SOLICITOR GENERAL (STATUTORY FUNCTIONS) ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. President, we have now come to a Bill which is consequential upon the abolition of the post of Crown Solicitor. I am sorry, Sir, what I should have said was the integration of that Department into the Ministry of the Attorney General. The posts of Crown Solicitor and Deputy Crown Solicitor have been abolished as a result of that move, but there are certain Statutory functions which are performed by the Crown Solicitor, and what this Bill seeks to do is to provide for the continuation of those Statutory functions by vesting them in the Solicitor General and giving him the power to delegate all or any of those functions to another legal officer in the Public Service, not being a person holding an office lower than that of Deputy Solicitor General. In other words, Sir, the Crown Solicitor who will now be one of the Deputy Solicitors General, at least the person who was designated Crown Solicitor. The equivalent of it is now Deputy Solicitor General, and therefore the person who does the same kind of work but within the new supervisory arrangement will be the person carrying out these functions, so that it is a change which is merely imposed by the fact that if you integrate the Crown Solicitor's Department with the Ministry of the Attorney General, which is a logical step as long as you have fusion, so that there are all Attorneys-at-law and no longer barristers and solicitors.

As soon as you do that, it means that the Statutory powers would now have to be located somewhere, and this Bill before us merely says these powers which were

vested in the Crown Solicitor shall now be vested in the Solicitor General, but he shall have power to delegate only to a very senior Officer in the Public Service.

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

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into Committee on the Bill, Senator Reverend A. Hatch in the Chair.

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

Clauses 1 to 4 inclusive were called and passed.

On motion of Senator the Hon. N. A. Barrow, the Senate reported the passing of one Bill in Committee without amendment, and Mr. President resumed the Chair and reported accordingly.

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

THE ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, in moving the motion for the Adjournment, I wish to note that we have worked without a break for the last few weeks even when the Other Place has been off on vacation for at least one Tuesday. We have managed to clear the desk so that in fact we are not even able to give notice of first readings of any legislation today. This would suggest that today being the 5th the earliest we can possibly meet again barring emergency would be on the 19th November, and as it seems unlikely to be more than two measures, the Ombudsman Bill and the Electoral Reform Bill, it seems therefore to be reasonable that we should expect to meet again on 26th November, and that we should instruct the Clerk that as soon as any items passed the Other Place that they should be duly noticed to Senators so that if they have been in currency for long enough and we require to deal with them on 26th November, we will be able to do so without anyone having to complain that there has been insufficient time for preparation.

If those sentiments are agreeable, I would like to express once more the expectation that those who need to have a week or two to look after other matters should be able to get it over the next two weeks.

Accordingly I beg to move that the Senate do now adjourn *sine die*.

SENATOR THE HON. D. H. G. HUNTE: Mr. President, there is only one matter that I can think of that we may not get notice of in time for the 26th, and that is the sugar levy which we do every year. It must be done by 30th November, and whenever we come it is always in a hurry; so if we get that late, I think we will agree to do it on the 26th.

SENATOR THE HON. N. A. BARROW: I think, Sir, that what Senator Hunte has just said is more or less what we expect anyhow, so that the point is once it comes out of the Other Place, what we would wish the Clerk to do is to send it out to members with a note

saying that on the 26th you will be expected to consider it.

Mr. PRESIDENT: Just before I put the question, and just to reinforce what the Leader of the House has said, I would again instruct the Clerk to make sure that any notices of business be sent by hand particularly in view of the present circumstances.

The question that the Senate do now adjourn *sine die* was put to the Senate and agreed to, and Mr. President adjourned the Senate accordingly.
7.14 p.m.