
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 1st October, 1980

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 1st October, 1980, at 10.15 a.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 R. L. FIELD; 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 Mrs. E. M. LYNCH, B.A.; Senator J. D. S. MACKENZIE; Senator Miss M. I. StC. BLACKMAN; Senator J. C. W. WICKHAM; 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 K. R. HEWITT and J. A. CONNELL.

EXCUSE FOR ABSENCE

An excuse was offered for the absence of Senator K. R. Hewitt. Senator Connell is on leave from his duties as a Senator.

PRESENTATION OF PAPERS

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

The Auditor's Report and Statement of Accounts of the Severance Fund for the year ended 31st December, 1979.

Report of the National Insurance Board on its operations under the Sugar Workers (Provident Fund) Act for the period January to December, 1979.

INTRODUCTION OF BILLS

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

A Bill to provide for the establishment of a Drug Service for Barbados.

A Bill to provide for the care and treatment of persons of unsound mind and for related matters.

Mr. PRESIDENT: Let it be recorded in the Minutes that these Bills have been read a First Time.

SENATOR THE HON. N. A. BARROW: Mr. President, it has been drawn to my attention that Orders Nos. 1 and 2 have been circulated very recently indeed, perhaps immediately before this Meeting in some cases and members could not possibly have had the opportunity to study these two items about which there is certainly no urgency. Under the circumstances, therefore, these two items which would have been dealt with by Senator Blackman today will be held over to the next meeting and we will therefore be inviting the Hon. Senate to proceed with Orders Nos. 3, 4 and 5.

TENANTRIES FREEHOLD PURCHASE ACT, 1980

The Third Order was called — To move the First Reading of a Bill to provide a right for tenants of lots in certain tenancies to purchase the freehold in those lots; to alter section 16 of the Constitution to assure the

constitutionality of that right; and to provide for matters related or incidental thereto.

SENATOR THE HON. N. A. BARROW: Mr. President, in moving the Second Reading of this important piece of legislation, let me Sir, remind Hon. Senators that in drawing to the attention of the Chamber the need for this Bill and Order No. 5 to be passed by the procedure relating to the amendment of the Constitution, I made a Statement in this Chamber seeking to clarify the constitutional issues but because of much that I have seen and heard since that statement, it becomes necessary for me at the outset of my remarks to seek to clarify a couple of points relating to the constitutional nature of these Bills.

In the first place, Sir, it does not seem to have been generally appreciated by those wishing to comment and indeed to even take positions on the legislation that a wise thing to do would be to follow the English Language in fairly literally meaning and therefore to recognise that if you use a term like the word "alter" which in this relationship I would regard as being something akin to using the word "animal", and then, there are words like amendment relating to the word alter, as there are words like dog or cat relating to the word animal.

I believe Sir, that if you follow things in this very literal sense, we would be able to get away from a lot of the kind of error which the Press has managed to get itself into, not on its own initiative, but on the initiative of politicians who did not seem to understand how English Language applies to the Law. That is, Sir, my very long winded way of saying, that there are several ways to alter a Constitution, but to the best of my knowledge and belief, only one way to amend a Constitution.

If you amend a Constitution, you alter it, but if you alter a Constitution, you do not necessarily amend it. If Sir, you amend a Constitution, you either strike out words, or add words. There must be some textual change, so that irrespective of what the matter is, the way to seek to apply the Constitution, the Constitution stands changed. If, however, you seek to put Legislation which has, insofar as, that Legislation is concerned and only insofar as that Legislation is concerned, an effect of modifying the impact of the Constitution, then, according to the technical language used by all Constitutions, that too is alteration.

But, I submit, Sir, it cannot in any sense, be regarded as an amendment because when you amend a Constitution you are changing the Constitution. It is not therefore possible, in my understanding, to pass a Law which says nowhere, that it will change any part of the Constitution and still talk about amending it. A modifying impact, Sir. What I am referring to is the fact, that if we follow Section 16, of the Constitution, there is no

way that one can prescribe the price, at which a man can sell his land and there is no way that one can give to a tenant, the right to purchase land which is the property of another.

Also, that the impact of the Legislation before us is to modify Section 16, insofar as that piece of Legislation is concerned. If, however, we were dealing with an amendment and the amendment was to permit people generally to go and tell a man you have to sell me the land, then it would be done by textual change because it would be Legislation of general applicability.

I hope Sir, that I have managed to clarify what so far, has not seemed to come out very clear and what has caused a lot of confusion. I hope Sir, that it becomes clear, that Legislation which has a limited effect and specific provision in the Constitution, in that it has a modifying, or limiting effect and because our Constitution provides one formula for the change, whether change of a modifying effect, or change by way of textual amendment, then in Section 49, it is laid down that such Legislation shall not become Law unless:

- (1) It is stated in the Act that it is an Act for that purpose; and
- (2) unless it is passed by a 2/3 majority of each House on final voting thereon.

I hope Sir, that that makes it a little clearer because on Friday last, the Hon. Attorney General, in the Other Place, did go to great lengths to point out that there was no textual change and the point just did not seem to communicate itself, that you cannot talk about an Amendment to the Constitution, where there is no textual change.

Indeed, Sir, I will draw attention when we are dealing with Order No 5 to the way in which we are not only, at that level, legislating in accordance with the provisions for altering, but though the change might not seem all that important, there has had to be textual change proposed in the Interpretation Act — let me not go into that now, let me come to that, at that point.

I think that it is important that we recognise Sir, that the Constitution makers had two things in mind. They had in mind Sir, and both of these are based on the premise that a Constitution is a serious document which should not be susceptible to easy changes. They had in mind Sir, in the first place, that things which are deemed to be of fundamental importance should not suddenly disappear from a Constitution, or be altered, in any way, unless a difficult formula were to be applied in order to achieve this and secondly Sir, they had in mind, that in the same way that the ordinary Legislation and the Common Law Jurisdiction, there is a doctrine of applying

repeal which satisfies, even though you are not specifically referring to a particular Law, that that becomes repealed, to the extent that it is in conflict with the Law passed later. They had in mind, therefore, that there should not be any accidental ways in which what we held sacred to us should be tampered with. It means Sir, that there can never be anything secretive about attempts to change the Constitution because adequate notice has to be given right there, up front, in the Bill, even if we are not talking about amending it, by merely passing a Law which has modifying effect.

The other point which I would like to make is that we must also, in looking at Constitutional matters, look at our own inbuilt protections which are reflected in the whole manner in which Parliament is made up, in that it is possible, in the Other Place for a Government to enjoy the majority of 2/3 of the Hon. Members, or more. Indeed, Sir, if one thinks back, one would remember a very modest statement, by the former Rt. Hon. Prime Minister, that he did not want all 24 seats, that he would be satisfied with 22, or 23. It is arithmetically possible. I might Sir, go on to mention that until the capture of the Constituency of St. Philip North in February 1976, I would have said, that it was arithmetically possible, but that the Labour Party could never win St. Philip North, in the same way, that the Democratic Labour Party would never win St. Joseph.

Perhaps it is not just arithmetically possible. The point, Sir, is that in the Senate, the Chamber that is much maligned, it is in the Senate that the great defence of the Constitution has been located by the Constitution makers, because what has been done is that the confidence has been reposed in this Chamber that by tempering the distribution not merely by having a straight one party — the other party basis, Government or Opposition representation, but by tempering it with a number of persons selected by the Governor-General in his discretion on a basis of their own independent worth to the community, it is there that some protection has been given to ensure that a Government cannot simply walk in, put this down and say whether you like it or not, we have the numbers and it will become law, where it is a matter affecting the Constitution.

I think, Sir, the public needs to be reminded that two-thirds of 21 is 14, but with you in the Chair we can only be assured of 11 votes on this side when it comes to any particular matter, and therefore unless the proposal is of such character that we can impress upon at least three members on the other side — like today, Sir, we will impress upon Senator Hunte, Senator Wickham and Senator Deane — I am sorry, Sir, I forgot Senator Hunte is not an independent Senator — unless we can impress upon at least three Senators, whether partisan or independent, there is no chance of a measure of this sort becoming law.

The position, therefore, Sir, is that the constitutionality of the matter is one which must be of particular concern to the Senate. Before moving off the point, therefore, let me refer to section 36 which I am aware attracted some attention in the Other Place. Section 36 is what constitutional lawyers refer to as a *pro tanto* provision. It reads, Sir: "To prevent uncertainty, section 16 of the Constitution is altered by this Act to any extent necessary to insure the constitutionality of this Act." That is language which is not strange to a constitutional lawyer. If we look indeed at section 1 of the Constitution, it reads: "This Constitution is the supreme law of Barbados and, subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void."

That is what you call the *pro tanto* rule. It says that laws passed in conflict with the Constitution are void to the extent of the conflict, and it says at section 36 that this law which is being passed in conformity with the Constitution shall prevail to the extent that there is any conflict, this particular law. All that you are saying, Sir, is that to the extent that X or Y is necessary this shall be the case. Why it should have given anybody a problem to understand is a bit beyond me, Sir, but I thought that in so far as it obviously caused a problem I should mention it and point to the fact that the principle enshrined in section 36 is the principle enshrined in the very Constitution itself in the supreme law clause, section 1 of the Constitution.

I believe, Sir, that in the statement to which I referred earlier I did go through and point out why we needed a two-thirds majority on this matter. Section 16 subsection (1) of the Constitution reads:

"No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by or under the authority of a written law and where provision applying to that acquisition or taking of possession is made by a written law —

- (a) prescribing the principles on which and the manner in which compensation therefor is to be determined and given; and
- (b) giving to any person claiming such compensation a right of access, either directly or by way of appeal, for the determination of his interest in or right over the property and the amount of compensation, to the High Court."

And it goes on and on.

Let me point out, Sir, that that is the section of the Constitution under which there is authority provided for the Government to acquire compulsorily for a public purpose land of any individual, and you will see that what runs through it is that wherever such acquisition takes place it must be not only for a public purpose, but that fair compensation must be paid, the compensation to be assessed by the Court. Why there is conflict, therefore, between this legislation and section 16 of the Constitution is very simple, Sir, because in the law the vendor has a right to sell, the owner of the freehold has a right to sell, he has a concomitant paralleled right to refuse to sell. We are talking here about legislation in which the tenant has a right to purchase. The conflict, Sir, must be obvious.

Secondly, Sir, we are dealing with the supreme Law which says that there must be fair compensation. We are talking about a formula which may be just and fair and equitable but applying the standards which the court applies in relation to the open market would have to be accepted in a court as fair compensation.

That is, Sir, where the constitutional difficulties lie and for that reason therefore the legislation can only become effective only in so far as it is passed in accordance with the provisions of section 49 of the Constitution. It is not every section of the Constitution that is entrenched, but section 49 clearly spells out what is entrenched and Chapter 3 in which section 16 falls is entrenched and therefore it says at section 49(2) "A Bill for an Act of Parliament that alters any of the following provisions shall not be passed in either House unless the final voting thereon in the House is supported by the votes of not less than two-thirds of the members of the House." And it goes on at section 49(5) to say "References to altering this Constitution or any particular provision thereof include references (1) to repealing it with or without re-enactment thereof or the making of different provisions in lieu thereof", which is what we refer to when we talk about amendment; "(2) to modifying it whether by omitting, amending or overriding any of its provisions or inserting additional provisions in it or otherwise"; so it is modification whether by overriding or by amendment. "(3) By suspending its operation for any period or terminating any such suspension." I trust, Sir, I have made it out quite clearly for this Honourable Senate the constitutional issues.

The question therefore that remains to be dealt with is why the legislation, because it has to be extremely important legislation that would invite members of either House of Parliament to agree to any overriding of any of the provisions of the Constitution, or else, Sir, it must be legislation where the benefit is immediately clear. In the absence of Senator Connell I

am reduced this morning to making reference myself to the manifesto of the Barbados Labour Party for the elections in 1976. The goodly Senator usually quotes from the manifesto for me and I am therefore usually spared having to do that myself. Page 8 of the manifesto says under the heading "Plantation Tenancies" — "The agricultural worker has traditionally lived on tenantry lands of the plantations without any hope of ever acquiring the land on which he lives. Social justice demands that every tenant of a plantation tenantry be given the opportunity to purchase the house spot on which he lives. A BLP Government will as an act of highest priority ensure that each tenant is given the opportunity of purchasing this house spot at a reasonable price. The purchase price will be calculated on a basis to ensure to the owners the same return as they are presently receiving on their investment. Based upon the above the cost of the spot will be an amount well within the ability of the tenant to pay."

In short, Sir, it is a manifesto pledge of the Government. It is a point on which we campaigned and in our view it is a point which had a kind of significance that one could not permit of its being postponed. Let me, Sir, refer to the fact that I gathered, I understood or I overheard a claim being made during the debate in the Other Place last Friday that this Bill also represents the policy of the Opposition Party and that it was in their manifesto in 1961. I believe, Sir, that this is one of the cases in which it would be a little brutal to suggest that people put things in manifestos not necessarily because they believe in them, but because they have a certain vote winning potential. I believe that the difficulties inherent in bringing in a programme of this sort were such that they indeed overwhelmed the previous Government. I do not think it is a matter of a lack of faith; I believe that it was a matter of the lack of the capacity to carry through a programme as far-reaching as this; but make no bones about it, Sir, when this is on the road and all the laws have been passed and people start to purchase their land, a number of problems will arise and I believe that we are the people who ought to say so, because we know it, but there is a difference between taking the view that you must be able to anticipate every problem and end up doing nothing, and taking the view that when the thing is operational we will be able to see more clearly the kinds of problems that will arise, and secondly that we must not underestimate the goodwill of Barbadians in themselves seeking a solution where certain difficulties impinge upon neighbours.

We recognise, Sir, that we will be waiting to the year 2080 if we were to wait for everything to be laid out on a platter. We recognise that now that we have the goodwill of the tenants and the goodwill of the owners of the land because that is extremely important that it should be done. I am unaware of a single landlord who

has any opposition whatever to this measure, and it is extremely important to us that in something so socially revolutionary that we can say that there has been a sense of national spirit and that both the employers and the employed, the landlord and the tenant, the owner and the dispossessed join hand in hand with the Government in order to make this a reality. I believe that that is a great credit to us all as Barbadians. It is in that spirit that we take the decision that the time has long past when there can be a further attempt to get all the problems that will confront the surveyors on the table now and try to deal with them. As far as we are concerned, the time is now if people are going to make the advance which this legislation envisages.

If we go back, Sir, into the history of the relationship between the landlord and tenants on the plantations, we are going to find, Sir, that this is an area which has been rather seriously misrepresented in our own history by persons not too well informed and incapable to deal with some of our aspects of history and sociology. I make no bones about this statement but I believe that it is time we look to doing the things which will make slavery a fact of the past that it should be instead of looking to the experiences of slavery and all of the scars that it has left on the society and trying to explain away everything in terms of the fact that there has been a slave society.

The plantation economy was at once the justification and the manifestation of the slave society and we can live with it in its original sense or we can recognise that the people who live in the tenancies today are descended from people who work on the plantations whether under the system of slavery or under the Located Labourers Act but that many people live on the plantation tenancies who do not work there any more and at the sametime a change has taken place where the plantations are owned in very few instances by the descendants of persons who would have had privileged positions within the slave society.

The people who are operating the plantations are those descended from the other side of the track. Either they are descended from the slaves themselves or from the white engendered labour or in many cases from both so that if we wish to take our minds back to the slave society and then come forward with some argument of purity whether sociological or whatever we will find ourselves seriously misunderstanding our society and it is because I believe the society has moved so far away from the peculiar tensions which are endemic in that situation that we can talk today again of legislation which has the backing of all segments of the society.

I believe, Sir, that there is a particular practical thing we have to look at. As you know, Sir, we are a Government that is committed to increasing and im-

proving the housing stock of this country. I come from rural Barbados although they tell me they cannot tell which is rural and which is urban but I believe, Sir, that I know a little bit more about rural Barbados than urban Barbados but there is an extremely important progressive progression which one has to look at.

A man or a woman lives in a house on the land, does not own the land but owns the house. This chattel house has introduced a new concept into the law of Fixtures in that as West Indians it now allows the West Indian chattel house as the tenant's fixture notwithstanding that, up front it would seem to satisfy all of the requirements that the law would normally impose saying that when you sell land what is affixed to the land is transferred to the land but the Judges in the West Indies have had to recognise that that house was not to be there for the improvement of the land but for the enjoyment by the tenant of this tenancy.

I know, Sir, that that is the way in which lawyers do what is called distinguishing because I think that if you push it too far and you want to enjoy your tenancy you may very well talk about improvement of the land. Therefore, it is recognised that the chattel house is determined by the Judges as a tenant's fixture.

The point I want to make is this that where a man or woman does not own that land, that chattel house remains a chattel, a wooden house. Sometimes it become a run-down wooden house but the minute that a man or woman becomes the owner of that land we begin to see a transformation. In many cases the structure changes gradually until it becomes an entire wall structure. In many cases it will stop for a long time at being part-wood and part-wall and in other cases you see the other thing happening that the wooden building is properly maintained, cleaned up and the environments are cleaned up and you have nice little gardens and so on.

I believe that had Senator Connell been here he would certainly have put in his two bits on this because of his serious concern for the environment and the fact that wherever this transfer of ownership takes place you see these beautiful gardens, these clean houses and you can see actual progress also in a physical and material way taking place. It means that an important aspect of the Government's housing policy even though this is not the initial device in this way is this piece of legislation. As I have said before, it gives the kind of security of tenure which has such implications for us that we really need to stop and think about how far reaching this legislation is.

The context, Sir, within which the legislation was conceived had to do with the fact that the plantation tenantry alone seemed to be at a stand still in a moving apparatus.

Who, when we think of it, must have a special place in our hearts because it is only yesterday, that we stopped being a one crop economy. It is their industry and their sacrifice which laid the base for whatever has been done more recently and we felt, that one way of showing gratitude of the community was to do something for these people.

At the sociological level, we also considered, that while a whole lot of things and changes are considered, the existence of plantation tenancies as a large number of persons dispossessed and seemingly, forever dispossessed, its continuation was not in the interest of overall advancement of the society, so there are good Sir, and deep reasons why this Legislation has come before us today.

I recognise Sir, that a great deal which needs to be said, I have not said, that is because I do not expect that I can say everything. I also recognise that there have been publications in the Press, some I think, four articles provided by the Ministry of Housing to put the whole matter in context and I have been told, by at least one Hon. Senator, how informative these articles were.

I believe that what I have said so far, deals with the reasons for the Bill and perhaps, I have not dealt with one point which deserves my attention at this stage and it is that I have not stressed, in dealing with the constitutionality of the whole affair, I have not stressed that those who are persuaded that Government could have compulsorily acquired the land should look again for two reasons, legal reason first. The purpose of the Compulsory Acquisition Act is not for Government to buy and sell land. The Government must acquire it for a public purpose. It is not meant to be a device whereby Government may take away yours and give to somebody else.

The second thing, Sir, is this, the way in which this matter is approached allows a whole lot of scope in dealing with the matter. We can talk about fixing a minimum price and fixing a pricing formula. Who is going to interfere with the relationship between landlord and tenant, where the landlord may feel that that particular tenant is deserving of even a better deal. I think Sir, that we must not legislate to prevent things which could be to the benefit of others, from taking place.

There is also this, that there are those who may not, at this time, wish to exercise an option to purchase. I can think of a whole number of circumstances of which this may be true. There is also Sir, the fact that plantations — well, this relates indeed particularly to the first point I made — plantations, in many instances, have a peculiar community sense which outsiders cannot get into and we believe Sir, that while it is necessary to fix the price, to ensure that there are not people who may

be persuaded by others, at some point in doing what is in the best interest of themselves and the society generally.

We believe, that apart from that, we should leave a framework which will allow problems to arise and be settled and which will allow people the scope to seek to work out a number of these problems themselves. That is why you do not find in the Bill Sir, a Provision for an Hon. Minister to intervene and tell a landlord, you have to sell that piece of land to that man and in order to sell it to him, you are going to bring in those services because you cannot talk about taking a man's land and imposing charges on him and then, telling him what to do. You cannot do that, there has to be a sense of fair play, on all sides.

The other problem which I suspect is going to pose some difficulty for us will be how you ultimately determine what is the legal size of a lot because we have to recognise, that in some of these instances, we are going to be dealing with house spots of 149 square meters, which I believe is about 1,500 square feet. In some cases, the Town Planning minimum is 2,400 square feet. In the Bay Estate, when it was cut up, it was cut up at 1,800 square feet and so on, but when communities have already been formed, communities formed before those standards were enforced, what are you going to tell people Sir, that they must forever remain without progress?

Let us just take for example, communities which have been formed of people in slightly different economic brackets. Is it not true Sir, that we can own a house, let us say on Bush Hall, Bank Hall coming down to the traffic lights and going on down through, White Park where some of the houses whether stone, or wooden are not too small and where there is not a lot of room between them in some instances and where, in many instances, they front on to the road, in a way that no modern planning standards could permit. What are we going to say, Sir, that those houses cannot be sold because they do not conform? You cannot say that, we have to recognise existing communities and where that has been the problem, nobody has ever seen any Town Planning Order interfere with the transfer of land.

What we need to do, therefore, is to emphasise how the Hon. Minister may be able to use the powers under the Act which we are going to deal with after this, the companion to this one, in order to ensure that the best, by way of services, come to those communities, and where possible, whether the landlords would be able to find a way of supplementing the amount of land which the tenant currently has, if the land is indeed small. I think that you have got to leave some of that for working out because in some instances, the plots may well be cheap and there may be little

room for the kinds of additions to the acreage to the area, which we would like to see.

So, I believe Sir, that the kind of framework which this Bill provides, will allow of some upgrading, in some instances, of the house spots and I believe that it leaves scope for landlord and tenant to come together and work out a few things.

Mr. President, Sir, I have tried to explain what is behind this legislation and why it is that it deserves the support not only of the Chamber but indeed of every Barbadian, and why it is therefore that it is not only the tenants who seem to look forward to it and welcome it but also the owners of the land themselves. I believe, Sir, that if there was ever a case for legislating even though we do not like to believe that there should be any precedent set for telling a man exactly what to do with his possessions, if ever there was a case for legislating in conflict with section 16 of the Constitution, the section providing protection for private property, that this is it, and I believe that if ever something was being done in the right way, that this particular legislation is being done in the right way, because the four years that elapsed between this Party taking office as a Government and today a great deal of discussion with all concerned has been going on, a lot of it informally and I think more recently as the Bill came out more formally, and this is why we are in this happy position today to recommend to the Chamber legislation which we know enjoys the wide support that this does and which indeed can be said to remove the last vestiges of the slave society, in that a single Act of Parliament might have legally freed the slaves in 1834, there might have been an early ending to apprenticeship, all ordinary legislation succeeded and by way of legislation as oppressive as the Located Labourers Act and another companion to it, the Master and Servant Act, there have been ways in which people have been kept in subjection for quite a long time and their living patterns reflected it.

I believe, Sir, that a number of persons are not aware of what we are referring to when we talk about the Located Labourers Act, but that was the legislation that would make it an offence for a worker to go to a plantation next door and seek work on a day when the plantation with which he was located was not in a position to offer him work. I do not think we can think of many more pieces of legislation as damnable as that one, but of course throughout West Indian history there are examples and examples of legislation passed after emancipation to ensure that the black population was kept in as strict subjection as they had been under slavery, and what the plantation tenantry represents for as long as the tenant is given no right to purchase but is forever to remain a member of the dispossessed, what it represents is one of the most obnoxious aspects of our slave history.

This legislation will go a long way to remove that last vestige from this society. It will go a long way to making Barbadians proud that we can show the kinds of success in developing a more closely knit and cohesive society which could evidence things other than the fact that incomes in this country do not have the same wide spread disparity, there is not the same kind of disparity as there is in other countries. We are talking about the hardware, we are saying that people do not have the same gulfs in their earning capacity as say in Jamaica, that the span is not that wide and so on, but there is this other aspect which cannot be quantified in money terms but which is extremely important to the overall development, the human development of the society.

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

SENATOR C. I. E. DEANE: Mr. President, I think, first of all I should congratulate the Hon. Leader for describing so clearly the difference between alter and amend in the Constitution. I would like to congratulate him on that, but I also want to tell him this, that in spite of his expansiveness this morning in trying to impress me, he did not need to do that, I came here with my mind made up to give my wholehearted support to this Bill. It is one of the best Bills I have seen the Government put forward among a whole bevy of good Bills and to no Bill in here have I given more willing support than I intend to give to this one.

Now Sir, contrary to public opinion the so-called planter of Barbados is really a small farmer and he is not the hard-hearted, selfish beast as so many people represent him to be. I admit that there are exceptions, there are exceptions all over the place in every thing, but I do say that where the agricultural worker is concerned nobody has a better understanding of the hardships of this lot than the planter himself. I know, Sir, there has always been a lot of talk against what they call benevolence. Now as long as you have a tenantry on a plantation there will always be benevolence. Somebody is reported by the superintendent or somebody, Girlie Perch is sick this morning. As soon as you get through the morning work you go down to see how sick Girlie Perch is and if she needs anything. I cannot speak for everyone but I can certainly speak for myself and many others.

Moreover, Sir, I have had the advantage perhaps over most of the members of this Hon. Senate, because Mr. Jones of the Ministry — I see him over in the Gallery — very kindly visited the Sugar Producers' Association recently and he held forth at length on the meaning, all the implications of the Bill, he answered all the questions, and although I am not going to say what they

are, many pitfalls were also pointed out to Mr. Jones at our meeting.

Now I take it that this Bill refers to plantation tenancies only at the moment and also to house spots and the curtilage to these house spots. There is also the question of tenants who also rent agricultural land attached, but my understanding, Sir, is that this Bill does not apply to the agricultural land, it applies mainly to the house spot and the curtilage thereto.

Now Sir, the Leader mentioned the question of compulsory acquisition. As you know, Sir, compulsory acquisition to me is always an ugly phrase. On more than one occasion I have risen in this Honourable Senate to enquire if compulsory acquisition was being exercised mainly in order to establish a good title to the property and in most cases I have been answered in the affirmative. There are other cases that I suppose will have to eventually go to arbitration, but nevertheless that is my view at the moment.

Now, Sir, I am going to deal for a bit with your indulgence with the question of the agricultural worker. The Barbados Workers' Union has done wonders not only for the workers of Barbados but also for the agricultural workers of Barbados. It is my understanding, and I think this is perfectly correct, that the agricultural workers of Barbados are the highest paid agricultural workers in this territory. Moreover there is the question of a guaranteed five day week, this is out of crop, which agricultural workers enjoy. I do not think that operates in any other territory. But notwithstanding these things, the agricultural worker like the planter himself depends on the rainfall; that is the main thing. A good rainfall results in a good sugar crop; a good sugar crop results in increased wages to the workers and increased profit to the owner of the place, and all round it means what we call a good year; but notwithstanding all these things there is still also the price of sugar which as you know, Sir, goes up and down. Thank God it is up at the moment, but in the Seventies we ran into a spate not only of world prices, except 1975 which they were paying for one year anyhow, but also from poor crops and very poor rainfall over that period. This is generalising in a way, Sir.

Now, Sir, I would like to emphasise that we have tenants at Adams Castle that pay eight cents a week for a house spot. That is \$4.16 a year, and I think this Government has acted very fairly and honestly because the first understanding was that the landlord would be paid for the land not less than what benefit he was deriving out of the land at present, so you can imagine

if that price in our case had been restricted to \$4.16 earnings a year what we would have got for the land, and I congratulate the Government on the fairness, because this is an absolutely fair arrangement; there is no doubt about that.

That brings up the question of the exercising of the option. Now, Sir, this is ground on which we should tread cautiously. Do you think, Sir, that if I were a tenant paying eight cents a week for a house spot I would exercise any option to buy that land?

I certainly would not, Sir. Not only that; we have got old Girlie Perch, Edgar St. Hill and Ernest Wharton down the hill paying eight cents a week. We found them at Adams Castle when we went there. We would not even consider the idea, don't care what they did, of removing them. We couldn't. It would not be humane to do so. Wharton is over 80 years at the moment but he works every day and a great deal better than a lot of the young ones. Moreover Sir, those tenants on plantations you don't grow provisions and sell to, you know. Mr. President, when there are provisions on the plantation the workers never want provisions in one way or another. If you are selling the provisions at \$20 a hundred, you either sell to them at \$5 a hundred or every evening when they finish you say, boys, carry home the cut ones. I am talking about yams.

Now the Leader also mentioned the question that to the best of his knowledge there has not been a single landlord who has objected to this Bill. Well that is my experience too; there has not been a single landlord who has objected. Moreover the Leader also mentioned, and this has been mentioned by several of the landlords, not only being willing to have the tenants exercise the option, but in many cases they are willing to give some of these tenants the land. You take the same Ernest Wharton. If we give him the land we are not breaking the law. (A VOICE: Well give him.) That is precisely what we intend to do.

Now there is another thing with regard to this Bill. The Government cannot make legislation to cover all the points. That is impossible, and those people who have the right to exercise the option are those people who have been on the land for a minimum of five years; but I have got people like young Riley Knight, a tractor and lorry driver being on that land for two years. He is a young fellow, and do you tell me that I am not going to allow him to exercise an option if he wants to do so? Of course he can buy it, but he has to buy of course because he works for more than I anyhow. Now the Leader mentioned varying sizes. I agree with him.

I do not think that that would present any problem because the landlord is going to go down with a piece of paper to put this thing into operation. I say

that without any reservations and when he comes down there there is no question of the minimum size not being up to requisite but what he will do is to see that it is satisfactory to the tenant and in keeping with the legislation as far as possible.

There is one think I wish to ask and it is this. Suppose a tenant has an area that is not specified as the minimum size but that is all he really wants. What then? I would be glad if the Hon. Leader could answer that later on. I am not saying anything about the idea of handing over land gratis free to some of the tenants. I know there are many landlords in this Island that have already undertaken this.

Now, Sir, there is a correction or an alteration or an amendment, according to how you call it. In the First Schedule, page 23, I see, Mr. President, they have all the tenancies listed according to the plantations but the eleventh, Sergeants Village and the thirteenth Vauxhall there are Adam's Castle Tenancies and I would not like it to be left out. We know perfectly well that they are tenancies at Adam's Tenantry. Why are they not on the list but for some reason whoever went around with the preparation of this thing listed them as Sergeants Village and Vauxhall. Could I please have the Leader have that changed.

Now Sir, I would like to return to this as the legislation is there there is a great deal that enters into this set up but if you sell any agricultural land that is attached, that is a separate agreement as far as I know and one that the Government will not be financing but with regards to the price, is the price constrained to the same price per square foot or per square metre as to the house spots? I think, Sir, that is a question that everybody is not clear on. When Mr. Jones was along we had that question raised and my understanding at the time was that it had to be at the same price. It was a separate agreement and the Government was not financing that part of it. I would like that answered too, Mr. President.

Now the Leader also mentioned certain conflicts that might arise. Now as far as the landlord is concerned and I make bold to speak for everyone the only conflict will be started from his side. He has only been too glad to co-operate and considering how far the Government has been in the arrangement I think that he would be glad to co-operate.

Now, Sir, there is another thing. There are some tenancies in Barbados for which permission was sought and obtained from the Town Planner. The costs of surveying were paid and I wonder if when the Government does come in with their surveying, and so any repetition, what will be the position of those persons

where the tenancies have already been given permission for and also the surveying charges have been paid. There are two that come to mind that I know of. I have not had any representation from these people more than what we spoke of at our meeting when Mr. Jones was present.

Mr. President, there are other little technicalities and other questions that can be raised in this big document. However, I am not going to waste the time of the Senate. The Leader took a lot of time to do a very good job. I cannot do a job like him so I do not presume to take more time than is absolutely necessary but I would say, and this is a repetition, as I said the little technicalities do not matter. They can come out because everybody is going into this thing with goodwill and that is important but I do say and this is repetition, I do not think ever in this Honourable Senate have I risen to give strong support and appreciation to a Bill that has been brought before it and I should say for all of my colleagues in the Sugar Industry of which I know that there are all of the same opinion. I doubt whether you would find one dissenting voice.

May I congratulate the Leader for his, if I may call it diatribe. I thank you very much and my full support to this Bill.

SENATOR Mrs. E. LYNCH: Mr. President, I think it is fitting that I should rise to support this measure. I happen to live in one of these charming urban villages of which the Leader spoke and therefore have been able to witness for myself the way in which the people in that area have improved their housing.

It is almost beyond recognition how consistent tenancies also have been steadily improved especially since Government has paid such attention to the roads in the tenancies and what is still amazing is the way in which the people have improved their living conditions because of the prevailing credit facilities, their houses are well furnished and it is really an education to visit many of these tenancies.

I think we need to realise that we touch on matters which are deeper than the community seems to realise.

I was, myself, a little bit troubled as to whether justice was being done to the owners, but I noted that there were no letters of protest. I looked very carefully to see whether any protests were appearing in the Press, and I also find that this is confirmed by the statements of Senator Deane, who is interested in this measure and I do not see that there is provision for right of access, to the High Courts for matters connected with such purchases. That makes me feel that the rights of the owners had been covered.

Now, we are in this situation of having to modify the Constitution, if not the wording, the implication of it because we are trying to alter the existing shape of our society. We are really getting down to our roots and obviously, when the Constitution was written, this sort of thrust might not have been envisaged. Therefore, you would not have put a special Clause in the Constitution to say, when you are going to do something about having humble people own land, this is the procedure we take. It would not have had some of these changes envisaged at the time and I think that this is important for us to realise because as the community grows and changes, as we change our concept of what the community should be like, we will find, that we have to bring new insights and new understanding to some of our prevailing Laws.

One of the reasons I am glad to see this measure is because I have always been deeply concerned about the way we are going about our housing developments. We are uprooting people, we are uprooting all kinds of people and a lot of these people are being uprooted from various rural areas and they are going into various kinds of housing developments. Some are private Housing Developments where you never see anybody when you walk through there and then, you have the Government Housing Estates, where again, you have a conglomeration of people uprooted from their familiar neighbourhoods and brought to this place and where they may never create the kind of linkages with neighbouring villages, people who live on the Housing Estates in Silver Hill and Gall Hill do not know people in Water Street and Lodge Road and the surrounding villages and this concerns me. I think that this contributes to a kind of instability and I think that it is contributing to some of the crime among young adults, they are among people who do not know them.

Now, when you come up in a village and you go to attack someone's fruit trees, the attitude of the owner is somewhat indulgent. You know the lad, you know his mother, you know his grandmother and you take a rather different view of his incursions and something of this kindliness, this good neighbourly feeling is being dissipated. Now, this measure makes it possible to improve the neighbourhoods, to improve people's housing where they are. Already, there has been fairly heavy movement away from these tenancies. There are tenancies near us which have only one house or two houses now, which formerly were flourishing tenancies. So obviously, there is some exodus from some of the tenancies.

You are getting a break-up of the neighbourhood and I hope that this will be a step in the direction of paying special attention to the maintenance of your

existing neighbourhoods and the creation of mixed neighbourhoods, where people, humble folk are able to have the support of a people who are perhaps, more enlightened. They know where to come if they want a doctor called, or if they want some help in various matters and in that type of neighbourhood, in the neighbourhood where we live, we help each other and we do not worry very much if somebody's house is a little bigger, or that somebody's else's is of stone and somebody else's is wooden. There is this feeling of neighbourhood and I feel that if we let that breakdown, we are going to get a lot of trouble and we are not going to realise where the trouble is coming from, so that I look at this as an indication of a certain statement of our new concept of what we want our society to be like. We want people to have a stake in the community. If they are an independent community, we want people to have a national sense and I feel that the fact that they own a bit of the land, they have a stake in it, will make a difference.

I would like to move a little bit away from house spots to a wider area. I would like to comment on the social significance of the community's attitude to the cane fires. Just as we know that it is a good thing for people to take pride in owning a house spot, it may be that the persistent cane fires warn us about the way the community feels about agricultural land. Now, I know that sugar cane has got to be grown in fairly large units and I have already commented on this, that Government owns plantations, but I have seen no difference in the organisation of their plantations, from that of the type of plantation of which The Hon. Leader spoke so feelingly.

It seems to me, that just as they have found a way around the ownership of the individual plot of land, to the extent, that we are going to tinker a bit with the Constitution, that we should be considering ownership freehold. But, why can we not think in terms of group leasehold of agricultural land, so that no longer can people at political meetings say, "the people who own the canes let them cut them", which, the other way around, "why is it that the people who cut the canes never own them?" Surely, we can find some way. I know that you cannot say, we cut up land and give to people.

People talk about agrarian revolution, the sort of thing, but we cannot let our agrarian revolution interfere with our cane crop because we must realise, that it is the one crop which stands up in a hurricane when other people's bananas are down, their oranges are gone and so on, our cane crop raises its head magnificently to the sun, a few days after the hurricane and we get a better cane crop because we get more rain. So, I think that we have got to realise, that from a climatic point of view and from the point

of view of the nature of our soil, it looks as if, in the foreseeable future, we will be cultivating cane, but can we not try to find a way to say to the man who works in the field, that these are yours too, it is not a question of dividing them between those who own the canes and those who cut them. I think that this sort of development is something which we should be looking at.

I must admit that I feel that Government departed a little bit from its usual procedure. I had to do a lot of reading, before I could come in here and confidently stand up, to support the measure.

The very interesting articles which have appeared should in my estimation have appeared several weeks before so that people would have read them and would have been ready to understand the measure, because you know while it is true that the composition of the Senate is a sort of safeguard in the Constitution, I feel that the only safeguard in a Constitution is a vigorous and well informed public opinion, that is the only thing that prevents the Constitution from being destroyed. We have seen ever so many beautifully written Constitutions just torn up when it suited some particular group, therefore the defence of the Constitution is public opinion, and at any time that the Constitution is going to be touched in any way for however noble a purpose we should see that public opinion is well informed, and I thought it was a little careless not to bring those articles out well ahead of time. I do not know whether the Minister of Information is guilty, that is a reservation which I make because it is possible to find this way of getting around the Constitution for a good reason and at the same time running the risk of creating a precedent which might be used by any future Government for a purpose not quite so noble. We have to bear this sort of development in mind.

Secondly, I think that what I said may also impinge on the Bill which follows, but if I have spoken once I need not speak again. While we know that improvements are going to be made in these neighbourhoods in housing, this might be a good opportunity to introduce a building code. We have seen what happens when we have a disaster like a hurricane, earthquake and so on, and we have noted with concern the very considerable number of house fires in those chattel houses where elderly folk and children have been burnt, and I think we ought to be introducing even for the chattel house — it might make it a little more expensive to build — some measure such as that the kitchen of the house should be in stone, which usually means cement blocks, because I do know that landlords of private tenancies — at least one that I know of and I have no reason to doubt that others do it — are allowing their tenants to make their kitchens and bathrooms of stone, although the house is a wooden house. They just get permission

from the landlord to make their kitchens and bathrooms of stone. I know there is some technicality about not removing any of the dirt when removing a chattel house, but if they are cement blocks obviously you can knock your blocks down and use them again, and we should be thinking about the number of people who are being burnt and the number of chattel houses which are destroyed by fire, and seeing whether we cannot put something in the building code which helps to prevent this, since the people formerly in what people would call the olden days, when I was a child we used wood and coal. The kitchens were built away from the houses, you always stepped out of your house and went a few steps to get to the kitchen, and this meant that the house did not burn down as often. Now we are more modern and people are using gas and oil stoves inside a wooden house, and as soon as there is an accident there is a big blaze. So I think we ought to think about this and think about our building codes as they apply to the chattel houses.

I must say, therefore, that in giving my approval to this measure, having pointed out where I thought a little criticism was due, that the ultimate purpose of making some impact on the shape of our society, of making another step in the direction of social justice and in making a very definite move in the improving of housing on the whole, I think that this measure does deserve our support.

SENATOR SIR MENCEA COX: Mr. President, I deem it a great pleasure of mine having the opportunity to speak on this particular Bill, although I regard it as coming late.

I happen to have been born and reared in an agricultural community. Around us there was something like five plantations — Highland, Welchman Hall, Sturges, Bloomsbury and Spring Vale — and we were just in the centre, Carringtons Village and Chapmans Village, and I happen to have seen and known the plight of these agricultural workers. I have said on several occasions and I want to repeat now that they have been the economic and financial mainstay of this country for many years. I have seen them going to work when the moon shines, sometimes 3.00 and 4.00 o'clock in the morning, hoe and fork over their shoulders, working in rain, sun and every sort of thing to provide this island with a sugar crop which was the mainstay of this country.

In those days the treatment which was meted out to them was most inhuman. Although slavery was abolished in 1834 and a mild system allowed to continue up to 1838 when Queen Victoria took over, nevertheless we had what was called the Located Labourers Act and that remained on the Statute Book until 1937 or 1938 or thereabout when the first time it was ever brought to the House, if I remember correctly, Sir, was when

the late Dr. Cummins who had a seat in St. Thomas after trying and failing seven times, he brought with him an address asking the Government to send down legislation to repeal the Located Labourers Act. That was as good at the time as slavery in that if persons, as was mentioned by the Hon. Leader of the Senate, left one plantation to work on another for a day or any time they would be and could be prosecuted, and sometimes end up in gaol or fined. I remember well a Magistrate at Bissex Hill, which is called District F, called Bynoe. Apparently he used to delight himself with putting the maximum penalty on those people whenever the law was broken. However, Sir, after 1935 pressure was brought on the Government, then the Conservative Government as it was, and the Act was repealed, but it did not stop there, Sir.

Persons who rented land, if they ran afoul of the owners of the land or the spots were given what was known as seven days' notice, and as far as those who had crops were concerned, those crops were valued at whatever the valuers cared to value those crops at, and these people lost much of their rights and the finance that would come to them. As a matter of fact, Sir, as recently as 1952 or 1953 I had one of those experiences. There was a woman living in Licorish Village who rented a spot and used to work at the Belle, and apparently it was the Belle's land and she and the manager got into trouble, some dispute, I think it was a Mr. Branch and he gave her notice to quit. At that time she was paying six cents a week. Senator Deane referred to eight cents a week, but she was paying six cents a week, and this manager, after she did not move, immediately pushed the rent to \$3.00 a week.

Now, Sir, we have always been an advocate of rent control from the time I got a seat in the Other Place, and I pressed it for all its worth but got no results. On this particular occasion this woman got in touch with me and told me everything and gave me the notice she had received from Branch for this \$3 a week from six cents. I took it to Government level but some felt that I was misleading and it never happened, and immediately I pulled out this letter and passed it around. It satisfied some and I was told "well I will see Branch", and it died there. That was the position, but in 1955 Parliament led by the Labour Party passed a law giving some measure of security to these people. If I remember correctly, Sir, those agricultural workers who had canes were able to keep their crops thirteen months until they had reaped the canes. However those who rented houses were given something like three months' notice before you could move them.

Well the other Party came along in 1965 and they strengthened it, giving a better security to house spot people. However, Sir, I would like to say on this occasion

how well I feel especially as far as the magnanimity of the owners of this land are concerned. There has never been an approach in my opinion so agreeable as this particular Bill is today. I am glad to see that the owners of the land are willing to realise and appreciate the contribution which these hard-pressed workers have made and their families who are not here today but have gone long years ago, have made in so far as the work was concerned. I have said on several occasions and I want to repeat that people look at agricultural workers as the last class of the community, but I think they are making a serious mistake. From my knowledge as far as the political side is concerned, these persons have made a larger contribution to the social, political and economic improvement of this country than anyone else, because, as I have said, when the franchise was £50 a year many artisans, clerks and people like that could not vote, but these agricultural workers, hard as conditions were, would always try to put aside some of their earnings. They used to get a bit of land at a peppercorn rent and they used to grow canes and raise animals, and they would put by that money and as soon as a bit of land was for sale or an estate was to be cut up like Welchman Hall, which I happened to know, these agricultural labourers would buy that land, and in those days if you had the smallest lot of land you were entitled to vote. In those days, Sir, 80 or 100 votes could put a member in Parliament, and it was these agricultural labourers, Sir, in particular who had the majority of those 80 votes. That is responsible for the social, economic and political transformation which many of us today enjoy, and so I am satisfied that the plantation owners realise the contribution they have made and are still making and are prepared to support and agree with the Government in this undertaking.

Now, Sir, I should just like to mention one aspect. I read in the newspaper on Saturday where the President of the Democratic Labour Party said that this was in their manifesto in 1961. I have a copy of their manifesto and it is correct. They did set it out in their manifesto, but that was about all that has ever been done for the fifteen years of their rule in this country. I also noticed that it was stated that there was difficulty in obtaining surveyors to survey these tenancies and so on. Now I want to say very frankly that that cannot go down with any intelligent person or any person who knows what was happening in those days and even now, because before you had these lands surveyed it would have been necessary to pass some sort of legislation, some Bill in Parliament to give you the authority to go ahead with surveying, and also setting out the purpose for which you intended it. I find it strange that after they took over the Government in 1961 some estates like Sandford, Cane Garden in St. Thomas, Frere Pilgrim in Christ Church, estates like Norwood in St. James, places like Bagatelle and so on during those years could be cut up

and sold, and yet not one single plantation could have been surveyed.

I do not know if I am to understand that they were not surveyed or whether, I think in some country, I do not remember if it is England or where, but I read where you used to throw a stone and as far as that stone went you would say that area belongs to X or Y as the case would be. I do not know if that is what the position is but I have every reason to feel that those areas belong, as I understand, to some of the Democratic Labour Party persons. Those spots were surveyed and lots were sold so to say that you could not get surveyors and therefore you could not proceed with the purchasing or rather, pass legislation to allow these people to own spots cannot, and I repeat cannot, go down with some of us who have been following the events for many years.

As far as this proposed legislation is concerned, I regard it as a supreme bit of legislation which I feel should have been on the Statute Books many years ago. I, myself, have not heard anyone from the public dissenting apart from the question of the amendment to the Constitution and as was properly explained by the Leader of the Senate, this is a measure that every thinking person in Barbados, whether he be an agricultural labourer, son or daughter or whatever the case may be, will be glad to know that at long last those groups of persons who bore the brunt and burden of the past and who have made such a contribution to the economic and social elements of life in this country, I am sure that they will all be glad that at long last these workers will have a similar measure of security as far as their homes are concerned as any other person in the community.

SENATOR R. L. FIELD: Mr. President, I, too, rise to support this Bill and to congratulate the Government for, first of all, honouring their Manifesto Promise and secondly, for the forward looking legislation which could only come from a Government with the interest of the people in this country at heart.

Like Senator Cox, I believe the legislation is a little late in coming because at this time, Mr. President, this legislation benefits the plantation owner in such a way that he is happy to release this land to the tenants occupying it at this time. I say so, Mr. President, because of the economic constraints at this time for the plantation owners and what concerns me mainly would be the actual benefit to the tenant coming in possession of this land.

We know that by owning the land which he lives on the tenant would develop and improve the site value from time to time but what concerns me, Mr. President, are the taxes in relation to this site value in the long run. At the present, taxes are being paid by the plantation

owners. Plantations are taxed by the amount of land they own and we all know that the land which these tenants occupy cannot produce anything beneficial to the plantation owners.

It is useful rab land that these tenants are sited on. It is of no benefit to the plantation owner and as Senator Deane mentioned, the small rent of 8 cents a week and in some cases a little more, presented no economic benefit to the plantation owner at the time and it is better for him to release it than to keep it and receive a mere amount of rent and to pay taxes to the Government far in excess of what he is receiving from the tenant and this brings me to thinking of the abolition of slavery mentioned by Senator Cox.

The abolition of slavery was not a humanitarian effort. It was primarily an economic consideration. It was cheaper to pay the slaves and free them than to feed them and that was the result of the abolition of slavery and today it is more beneficial for the plantation owners to get rid of that land to the tenant than to keep the land and pay taxes on it.

This, Mr. President, is an area of which I am very concerned. What in the long run will the owners get out of it? Their children and their children's children will in time develop it and improve it. You will get the Government tax, property tax going up on that property from time to time. Then what benefit would accrue really to these people?

It is true they will have security to know that you own land and you can go to the Bank and carry your little plot and pick up \$200.00 or \$300.00 from the Bank. There is profit there but what I am saying is that this legislation is coming at a bad time when it is going to be of more benefit to the plantation owners than to the tenants.

The Democratic Labour Party was in a position to do this 15 years ago as was enunciated in their Manifesto in 1961. All these years have passed and we have seen nothing done and we must appreciate the efforts made by this Government in power, the Barbados Labour Party Government, for the efforts made in bringing this legislation although I may say, it is late.

But, this is another area which I would like to speak on, Mr. President. It is the Bay Estate and it concerns me because it is situated in St. Michael South and I believe that it is my duty to come and say something, on behalf of the people living in the Bay Estate. Some years ago, when the Democratic Labour Party was in Government, notices were sent out, from the Housing Authority advising the tenants at the time, that they would be prepared to sell the land to these people.

A number of these tenants were able to improve their properties with the object of purchasing them. Some of them have built wall with wooden fronts and continued to develop the properties in the manner which they think suited them best, with a view of purchasing this land. They all were told, from time to time, that the problem existing was because they could not get enough surveyors to complete this job.

This is well over 10 years now, Mr. President that that area has not been surveyed. It is true that this Government was only in power four years, but I am giving some little note to this Government, that it is time that they carry out a complete survey and permit the people in the Bay Estate, to purchase the lots on which they are sited. A number of people have intimated to the Housing Authority, that they are prepared to purchase and get the benefits of this land and I only hope that this Government would not increase the price, and that the pricing would be considered in relation to 10 years ago, when these people had settled their objective, the purchasing of this land, on which they live. I am appealing to the Hon. Leader to convey, to those in authority, in respect of the people living in the Bay Estate.

Mr. President, another one struck me, as regards the plantations, the tenants who have a little land adjoining their lots, who plant and hope to reap what the ground produces, in order to feed themselves, or to distribute among their families. The area which I refer to is the Rastafarian element in this country. It is estimated that there are well over 2,000 in this country today and you cannot plant anything in your land and expect to reap it, unless they reap it first. I appeal to the Hon. Members in authority, in Government, to make an effort to eliminate the rastafarian sect from this country and I say so without fear, Mr. President. We all have been hiding behind the bushell and do not want to interfere with these people, we do not want to do this and that because of religion. We are bringing it in and saying, why do we not attack the Anglicans, the Roman Catholics, the Evangelists and all of these people, but I believe that that type of cult, of religion, what they like to call it, is a menace to the society of this country.

I stand firm, Mr. President, regardless of the people in the Government who support it, that it is time that an effort be made to eliminate them from the scene of the face of this country, forever and forever and do not encourage them any longer in this country. They are a menace to this country. I have witnessed and recently, a couple of nights ago, I was coming down Welches Road and stopped to buy some roast corn and right there were two rastafarians with knives that length, Mr. President, sharpened on both sides. They were sharpened on both sides because one fellow told the other one he said, you have to sharpen your knives on both sides that when you

put it in the stomach, you come up and you cut and they were practising the action right there as though they were soldiers training for a fight.

Mr. President, this is what we are encouraging in this country, I look around Broad Street and see them sited just between Norman House and Cave Shepherd a ridiculous state of affairs. You cannot pass there for the stench that you get, from those people and it is time that this Government makes an effort and a desperate one to eliminate them entirely, eradicate them from the face of this country and tell them, it is either jail or blows with the cat of nine tails for these people and that is what we have got to do.

Mr. PRESIDENT: Try not to go too far.

SENATOR R. L. FIELD: I will be going back to the Bill, Mr. President. I was talking about the Bay Estate, Mr. President. I believe that this Government has really done a wonderful job, in bringing this Bill and I again congratulate them for their fine effort. I know that there is no doubt, that this Bill will pass with full voting from this Honourable Senate.

SENATOR MISS MARJORIE I. St. C. BLACKMAN: Mr. President Sir, I want to thank the Hon. Leader of the Senate for having begun by telling us the reason why it was necessary, as Senator Hewitt said, to tinker with the Constitution. I had a lot of reservations about this matter of having to make changes with the Constitution and I was wondering, if it were not possible, to do it by compulsory acquisition. I thank him for clearing up my misconceptions, in this area.

In welcoming the piece of Legislation before us, Mr. President, I cannot express how pleased I am, to see that we are coming to grips with a social problem, which means so much to the people of this country. For all of the years, the agricultural labourer has borne the brunt of the development of this country, the economy of this country, by working from dawn until dusk, in the hot sun and his social conditions, very often showed that he has fallen out of the bottom of the bucket because the housing which he has enjoyed has been so much less satisfactory, than the housing of the rest of the population.

So often, it has not been possible, for this man, after having borne the brunt of the day's sun, to have the facilities of a proper shower and proper sanitary facilities in the home and we have often wondered why the young people in our community are turning and have turned from agriculture and Sir, I believe, that it is largely in this sort of area, that we need to seek to find answers for the problems. Why have we not provided the young people and the older person, with the sort of conditions which make it satisfactory for him to remain with the

type of employment that he was accustomed to and I think that today, we are dealing with part of the answer to that problem.

Another very important aspect was raised by Senator Lynch when she talked about moving away from the areas where people have grown up. We all know, as Barbadians, what it is to emigrate to another country. There is the challenge of making good in a foreign country, but when people just move from one district into another district, in which they are not known, they have not the support and the pressure. It works both ways. It is the support of people who go and expect good things of them, but there is also the pressure from people who perhaps, if they do not conform, people who knew their parents and their grandparents say, look at so and so. That is such and such a person. The youngsters who are recognised in their areas and who are known, there is a pressure on them to conform to what is expected from people belonging to the particular family.

So, Sir, these sorts of measures which will allow people to develop their housing and develop their living facilities, I am sure will certainly go a long way in helping agricultural workers feel very much more a part of this society. The fact is that the man owns something. I am not worried, as I think, Senator Deane feels, that some of these people would not be too worried about purchasing the land.

I would be very surprised, knowing the average Barbadian, if he did not jump at the opportunity to own land and proceed promptly to improve the housing that he is able to use for his daily purposes.

On the question of whether they will pay taxes for it, I have no doubt that we will soon see a situation in which we will be collecting taxes from these new land owners. We should be pleased that the man will now be in a position in which he has achieved something on which to pay taxes. I think that most of us in Barbados have sufficient pride in our situation to want to improve our surroundings so that we will in fact be taxpayers in the country.

Mr. President, I do not want to say very much more than that I am really pleased to see this legislation before us. I remember that on the first occasion that I was in Britain I think when I drove through the country and I realised there was an agricultural area, when I came back home and drove through the country what struck me was the difference in the housing of the agricultural labourer in Britain, because they also work on estates, and the workers in Barbados, and at that point I hoped that we would be able to do something to bring the housing of the agricultural worker in Barbados in line with the housing of the rest of the population so that he would

not appear to be falling out of the bottom of the bucket. I feel very sure that if we can allow this man to know that we in the society recognise the contribution he has made in this community that he would be in a position to make a much greater effort to get his children well within the bounds in society, and I feel that perhaps this is one of the ways that we can assure Senator Field that we will have fewer drop-outs from the young people in society if they are satisfied that the community is in fact accommodating them and that they are considered really worthwhile citizens and that we do appreciate their presence and their contributions to the society.

Thank you, Sir.

SENATOR J. C. W. WICKHAM: Mr. President, in announcing my support to the Bill I do not want to prolong the discussion nor to trace the historical importance of an Act which will in some ways disturb an ancient relationship between the plantation great house and the surroundings. That disturbance is the forerunner, I expect, of a really substantial cultural change which those of us who live long enough will be able to see. I am particularly grateful that I am taking part in a debate which is in fact a historical one.

There are three points, however, which I would like to make in connection with this Bill. One or two of them perhaps are light-hearted. The first is that in the Bill itself at page 3 in section 3 — Mr. President, you must not think that I am finicky about these things — but a piece of legislation which comes through two Houses of Parliament which can contain a sentence which says, "The purposes of this Act is" I really do feel we can do better than that. It is not being funny or fussy but it is careless, and that kind of syntactical carelessness it seems to me somehow or other tends to get into our behaviour and into the working of our bodies.

The second point I would like to make concerns the First Schedule. If you look at the First Schedule, page 23, you will see some names of plantations, some of which I never knew before. Now, in the past we have seen a rather mindless change of name, we see Jack-M'-Nanny Gap changed to Wavell Avenue and the latest perpetration of that was Penny Hole to Gemswick, and I really do think that we ought to try and preserve names like Drax Hall Woods and Jump and Pool Risk. I think they are charming names and something is lost when we carelessly change names in the hope of becoming modern.

Mr. PRESIDENT: You wouldn't object to changing Sodom in St. James?

SENATOR J. W. WICKHAM: Mr. President, all I say is that there must have been a reason why that name was given.

My third point, Mr. President, is probably a little more substantial, and it is in reference to paragraph 18 on page 14 of the Bill. Paragraph 18 provides for limitation of the right to sell, that is, the purchaser under this Bill can sell only after five years. It seems to me that that provision recognises the importance of retaining the ownership of the land and property in hands which are in all social purposes desirable. I regret that that same kind of thinking does not seem to pervade the thinking on alien land holding. It seems to me that here we have a recognition of the importance of retaining land in, shall we say, native hands, and I only hope that this is an indication, and I shall be very grateful for the Leader of the Senate's assurance that this indication which is contained in paragraph 18 points the way to a more substantial control of the exodus of Barbadian land into foreign hands.

Thank you, Mr. President.

SUSPENSION OF SITTING

Mr. PRESIDENT: The sitting will be suspended for 45 minutes.

On Resumption:

Mr. PRESIDENT: This sitting is resumed.

SENATOR D. H. G. HUNTE: Mr. President, just before the interval I sought to address this Chamber on this Bill which is before us today. I want at the outset, Mr. President, to make it abundantly clear that despite the misgivings which the Leader of the Senate had when he spoke lining me up with the independent Senator Deane and Senator Wickham and since then has got the vocal support of the two Senators that I as the third independent he sorted out whom he would like to vote with the Government intend to vote with them on this measure this afternoon. It is not, Mr. President, that I needed any conviction because I believe that in 1980 any right thinking person in this country would be sympathetic to a measure of this sort which is brought down by any Government in power, because it seeks, Mr. President, to put those agricultural labourers, those persons in our society who were the forerunners and who made this country what it is today in a better position and to rectify a situation which should have been rectified long ago, and despite the lateness of the measure, despite the Party that has introduced it, I think all Barbadians should feel proud to know that these plantation tenancies which when we visit them we find that they are without water, without light, people who have toiled on the land, Mr. President, and are just barely existing as it were, are at last being given an opportunity to pride themselves, and if we have any pride in ourselves, we would be glad to know that these people are being given an opportunity to remove themselves from darkness and bring themselves into light as it were.

The Leader of the Senate in his usual way, dressed very nattily today..... this revolutionary legislation has brought the whole Government benches out in full numbers and I can't help but noticing the way in which one or two of them are attired today; but I wonder if after that we should think of those who will be retired. It seems to me, Mr. President, that they have come out in their large numbers today to support what they consider and what I think we must accept as a revolutionary piece of legislation, because it changes the status of quite a few people in these plantation tenancies. This may be the last piece. You asked Senator Wickham and if he would not like that name changed, and it set me thinking a bit back, Mr. President, as to why you should quip whether he should wish to keep Sodom in St. James. There is a time for everything, Sir, and it seems that this legislation has come because we have not got too long before other things are put in train. If you were sitting on the side of the table that I sat on during the luncheon interval today, from the discussions which went on it is obvious that this piece of legislation is considered so important to the members of the Government side that if it were not passed, people like Senator Field would not have had an opportunity to plug for the Bay estate, and while he took a swipe at the Rastas, I am not going to swipe at them.

I think a member of his Party, the now Minister of Housing gave some credence to the Rasta movement when he received a delegation from them; I think he was Minister of Labour at the time, and he promised them land, but I do not know whether in this bit of legislation he will offer them the kind of things which they wanted. I agree with Senator Field on one aspect of the Rasta movement, and that is that they seem to have the idea that you must plant and they must reap. This seems to be the trend with some of them. There are others, Mr. President, who try to make themselves happy in the community and who play an important part in their own way; but I do not think that we should call for the complete extinction of that movement. I think it is necessary to have a study made to find out why is it that these young people have withdrawn themselves from the society and have decided to follow that path that they have followed. I do not personally believe that there are any Rastas; they don't know the meaning of rastafarianism, but they are just withdrawn from society because they felt that society owed them something and they have set up themselves, Mr. President, as a little group there, and I think it is necessary for us to try to establish why this group exists and what we can do to assist them. If we continue to talk about the extinction of this particular movement, then it means that every little group that comes up overnight in this country we will be talking about the extinction of that group. It is a problem which we have got to face and which we have got to look at.

This matter, Mr. President, did not fail the Leader of the Senate in his political overtones when he intro-

duced it. He ranged from the safe DLP seat in St. Philip North, he didn't think it would have gone to them but it will come back, and he went on to the seat in St. Joseph, Sir, that it was like the safe seat they have in St. Joseph, then he went to the manifesto of the Democratic Labour Party of 1961. It was said it was written in the manifesto, but he saw fit to refer to that, Mr. President, as a vote catching exercise.

SENATOR THE HON. N. A. BARROW: On a point of order, Mr. President, I think Senator Hunte has done me less than justice because I did specifically state that I was not choosing to go the path of accusing the party of putting it in as a vote catching exercise. I did say that I would not be so brutal as to suggest that. If he wishes to suggest it, Sir, that is another matter.

SENATOR D. H. G. HUNTE: No, Sir, but I know his parliamentary tone, Sir, and the thing you want to say is the thing you will say you don't want to say. My colleague who is in Zambia has a knack for reading the manifesto of the Barbados Labour Party, and on the question of vote catching, Mr. President, the Leader of the Senate is one of those people I believe who had responsibility for writing the 1976 document which saw the Barbados Labour Party come to power and so he would know whether any of the things that were written in that were vote catching. I regret he had to come down to that particular point because you write things in a manifesto in all seriousness, you have intentions of doing them, but sometimes you find that it is not possible. Now I am not making any apologies for the Democratic Labour Party not doing it, because I feel that the legislation is important, it has come now, if we had done it then, you would not have had this plank on which to go to the people maybe later this year or early next year or whenever it is that you propose to come.

There is only one aspect of it, Sir, and the Leader of the Senate alluded to it at the conclusion of his speech, the areas of land that we are going to define as the house spots for the people in those areas. I think we have got to tread very carefully because in these tenancies a lot of people have a house on a piece of land for which according to Senator Deane some people pay eight cents a week and things like that, but attached to that area of land is another piece which they plant up and they make a dollar out of this. Now we have got to be very careful in dealing with these people because I think that the people may have the idea that whatever land they are occupying now or using now might well be theirs for this \$300 or \$500 as the case may be. I understand that the house spots will be the ones that will be sold for not less than \$300 or not more than \$500 or whatever the figure is that the Prime Minister announced in the Budget Speech.

I think the Town Planning recent requirements are something like 2,400 square feet for a house spot. I am not sure if some thought has been given to this and what the area is likely to be set at in these tenancies; but it seems to me too, Mr. President, that the Government seems to have missed an opportunity. There is need in Barbados in my opinion for more housing developments created by the Government similar to the ones that you have in, say, the Pine, Sayes Court and areas like this where persons can get a house for rent, and I wondered if some consideration was not given by the Government to actually involving itself in purchasing some of this land in order that housing estates can be erected. We know that there is a scarcity of land in this country and this Senate has expressed its concern on many occasions about that and the fact that our land seems to be going to persons from outside the country; but I wondered seriously whether in the light of the declared intention of the Government to provide more housing accommodation in this country some consideration could not have been given to the acquisition of certain of these plantation tenancies in order that houses could be constructed on them for the benefit of some of the people.

Now the services will be dealt with in the next Bill, but if I may speak now I believe I would be saved the opportunity of speaking then. The provision of services in these areas is something which I do not know how fast the Government intends to do this, because if you raise the hopes of the people by the purchase of the spots, then they are going to be looking to the Government to deliver the goods as far as the providing of water and roads are concerned.

I read in the paper that the Minister of Communications and Works during his address in the Other Place appealed to Barbadians not to expect that "Rome was built in a day." He said his Ministry was over-committed at the moment and that this new development which is taking place is going to place an extra burden upon the officers in his Ministry.

I can understand it, Mr. President, but I would also expect that along with this measure which we are passing that as soon as these lots become available that some kind of measure could be taken by the Ministry of Communications and Works to give these people the opportunity to start retrieving the facilities they have been denied for so very long.

The question, Mr. President, of persons owning land in Barbados is one which is very dear to all Barbadians and I think it gives a person a sense of pride when you can take your own plot for your own land and you can use it in anyway you want to, in the form of security or something like that and my greatest concern and my wish

is that these persons who have lived all the years on plantation land will now be able to enjoy the kind of living they deserve.

Other Senators spoke earlier about the way in which the Barbadians change up their homes in which they live and it is such a joy when you drive through the country side to see that they start sometimes from the back and then come forward and eventually they finish it up into what can only be a very pleasant and pleasing home and I would hope that this opportunity which is being given to these plantation occupants will be taken and that the great co-operation between the plantation owners will be given.

Senator Deane has assured us that there has been no dissenting views among the landlords in this country, that they are in agreement with it and once they are in agreement with it, Mr. President, I do not see any great reason why the success of this scheme should not be insured. Regrettably, Sir, it has fallen to this Party to do it, but as a Barbadian, as one who is interested in the advancement of the people of this country, then all I can say is "Better late than never."

SENATOR R. BRATHWAITE: Mr. President, I am very happy this afternoon to stand here to support this Bill. I would say that it makes my task quite easy because I noticed that in the First Schedule that you have here in the Bill, that in the parish of St. Lucy where I tried to get water, light and roads for more plantations there and I would like to ask the Leader, because I do not see Pickering on this Schedule and that really was a plantation that was bought by the last regime and I am wondering if he is not going to ensure that the people of Pickering have this same privilege.

Mr. PRESIDENT: I think you would find that in the substance of the main Bill that provision is made for the Minister to add names to the Schedule.

SENATOR R. BRATHWAITE: Thank you, Mr. President, I am very glad for this and I read in the newspapers of the member of the Democratic Labour Party saying that they had this plan in the Manifesto from 1961. I remember they had quite a lot of Bills on their Manifesto for 1961 but as Senator Hunte said that the Leader of the Opposition might have used that opportunity for the sake of vote catching and I believe it really was for vote catching.

SENATOR D. HUNTE: On a point of order. Senator Brathwaite is saying that I said that the Leader of the Opposition said it is for vote catching. I said nothing of the sort. I was referring to the statement made by the Leader of the Senate this afternoon and Senator Brathwaite should get his facts straight. I did not say that

it was used for vote catching. It was Senator Barrow who alluded to that in his opening speech.

SENATOR R. BRATHWAITE: I am sorry if I misunderstood Senator Hunte. They also had in the last Manifesto that they would have three year Elections. Such sayings never were touched on whatsoever.

I remember that a leading member of the Democratic Labour Party although they had said that this was in the Manifesto of the Democratic Labour Party, using the same statement as Senator Deane used this morning, telling the people in the parish of St. Lucy not to consent because they have a landing scheme down there in Clinketts in which it was alleged that you could buy the lots of land and that M.P. of that day told the folks not to purchase that land because their tax bill would become more than what they would have to pay in rent so the M.P. bluffed the people off completely.

I am very happy to know that we have a Government who will persevere and try to make the poor people in this country happy and who would have the dignity of having ownership and I am very happy about this Bill.

When you think, Mr. President, as a member of the National Housing Corporation Board, it makes me feel very happy because I know that in the past when you were recommended for a loan and I can tell you for the working class man for many of those on the plantations in my district and they got a loan the people became owners and quite a few of them started to build wall buildings and I am sure that with the introduction of this Bill we would soon have Barbados looking like Bermuda. I am sure that we will not have so many wooden houses because as you know that today when you buy wood from the stores they already have in ants and I am sure that the ceiling price in the National Housing Corporation with the past Government it was \$5,000 and this has gone up to \$11,000. I am sure when we lend the working class man \$11,000 and he spends that money to improve his housing lot because he is owning a spot I am sure that when he works he pays that back and he can buy himself a very nice bungalow and I am very happy for that.

I would not agree with Senator Field here at all when he said that only plantation owners would benefit. We do not have all plantation owners as generous as Senator Deane. The old time plantation owners are very happy indeed. The old plantation owners, the last lot that came about since 1961 they are not happy. I deal with them from day-to-day. They are saying that they bought their plantation at a time when the plantation owners did not make a lot of money out of the land. They said they bought it at a dear price, how can they give it away at that price.

One lady went so far as to tell me that all that the Prime Minister in this country is doing is taking away the rich people's land and giving it to the poor people. She was bold enough as to tell me that. I would like Senator Field to know that this Bill was in no way for the benefit of the plantation owners in this country. I disagree with that. It is for the benefit of the small man who work so hard to make the plantations what there are today and I am happy to know that I can take part in it.

There is someone who inquired about the shortage of Surveyors in this country. From 1961 there have a lot of plantations, too numerous to call their names, where you can find a large amount of Surveyors but now when you come to find Surveyors to deal with the plight of the poor working classes, you are hearing this talk about a shortage of Surveyors.

But, as soon as you come to have to find surveyors to deal with the poor working class of this country, it is a shortage of surveyors and I disagree with that, Mr. President. I would like to support the Bill and I am very, very happy to know that we have a Government which is taking care and thinking of the working class people of this country.

A next question which I would like to ask the Hon. Leader of the Honourable Senate, is about the size of these lots. As Senator Hunte said before, some people in the districts work a little piece of land beside them. I do not seriously get into that at all because I believe that they are happy about the Bill and they have reason. You could not believe that a man renting an acre, or two acres of land, which some of them do rent, you would not expect to have it at this kind of price. I believe that everybody out there is aware of the size, they are aware, that it is only surrounding the house spots.

But, what I am worried about is that I know, that in a day like this, where the Town Planning is serious about the lots and the size and you have to be six feet from your neighbour, I am wondering whether the size would not be a little more room, than the size of the spots before. I realise, that in a place like the Bay Land because you cannot do better now, you have more people who are confined to the spots, 1,500 square feet, 2,000 square feet, 3,000 square feet, very small, but I am wondering if you can make a clear cut on this Bill where you would say that it would not be less than 5,000 square feet because I would tell you that most of our people back in the North, I would like you to know this, that most of them intend to build wall on their lots and I am sure that if you give them 2,000 or 3,000 square feet lots, it will become too small for approval of the Town and Country Planning.

I hope that the folks will get moving on it that we will see things going on and that we will soon see surveyors and I give you the assurance that pipe tracks and everything are cutting in some of the districts already and I feel very happy about that and I can surely tell you that. It eases my task because as I look around and I see hardship of the poor people at nights when they are going into their home, they cannot get the road, they have to bring water and so on and I think that this Bill will be a means of bringing back — because I believe it was someone who said that it was in the Democratic Labour Party Manifesto in 1961 — I believe that when the Democratic Labour Party went into Government in 1961, that they meant well. But, as soon as they got in there and they noticed the sweets, I would say that they forgot thinking about the people and started to think about themselves.

I would like everybody to know this, Mr. President, I would be working very, very hard today, I do not have much to contribute, but my little bit, I do not think of myself, I always do not think what I can do for myself, but what I can to help someone in a more humble circumstance than I am and I am appealing, that all of us here would try to be helpers and do not try at times to stop the progress of this country, but let us all try to join hands together to make this place a better place for us to live.

I thank you, Mr. President. (APPLAUSE).

SENATOR AARON TRUSS: Mr. President, I rise in support of this Bill, The Tenancies Freehold Purchase Act 1980 and perhaps, in the words of Senator Hunte, I could best describe it and I quote Sir, he said "a revolutionary piece of Legislation".

I shall attempt to send Senator Hunte an Application Form, very shortly, for the Barbados Labour Party, I would send him two, as a matter of fact, Sir, for his colleague in Zambia who no longer is in St. Philip South.

But Sir, as has been pointed out, by the Hon. Minister introducing the Bill, this was a pledge which the Barbados Labour Party made in its Manifesto of 1976 and upon assuming the office of power on September 2nd of that year, the Government immediately began to work towards the Bill which we are discussing today. It shows, that from the very outset, how serious the Government was, how serious the Administration was towards bringing this Bill, not necessarily before, or on the eve of an Election, as one Hon. Senator pointed out, but because it was a matter of urgent and progressive piece of social Legislation.

I too believe, that the Government should be congratulated because like I said, from September 2nd or 3rd, 1976, the Committee was established and charged

with the responsibility of trying to work out what would be necessary to bring this piece of Legislation towards the Honourable House of Assembly and the Honourable Senate to become Law and an effort to give the small man, on the plantation tenantry, an opportunity to purchase the land on which he and his ancestors before him, had lived for so long.

It became, immediately thereafter, the responsibility of the Ministry of Housing and the Environment and the entire programme was brought under the housing policy. This Bill, as I understand it, represents just one aspect of the entire housing policy that is right now under consideration. The Ministry of Housing has hired a Sociologist who has been taking some data information from the different tenancies and based on that information, the Bill was designed around the information which was supplied.

As one reads the Bill, Mr. President, one begins to see the amount of thought which has gone into this piece of Legislation. The original lines of scope were broadened to encompass other things which were mentioned and this particular piece of Legislation. The Tenancies Freehold Purchase Act, is just one aspect of the overall recommendation.

But, Sir, the greatest challenge in the Barbadian context, in housing, is to provide the houses for the Barbadians to improve their lot, as far as, shelter is concerned and this point has to be taken because after the survey which was taken, by the Ministry of Housing, it was indicated very forcibly, very strongly that the people who owned land, the people who owned their own house were the people who had a better standard of shelter, than the person who rented. So, it seemed, in the Barbadian context, that what was necessary, was for Government to create a situation where people would own the piece of land or the house which they lived in. This in turn, would mean, that the people who owned this piece of land and house would spend more of their income towards increasing their standard of shelter and therefore, over a period of time, you will find that the standard of shelter and the standard of housing, in Barbados would be increased over a period of years.

But, this is a first and most important step which I recognise in this piece of Legislation. There was a question of which came first, Mr. President, the horse, or the cart. Now, in the 1970 Census, it indicated that 75% of the housing in Barbados was constructed of timber and this proportion has been marginally adjusted over the last 10 years. So, we can assume that out of the approximate 70% dwelling units, that over 20 years, a large percentage of those units are in a bad state of disrepair because these houses have a life span of 20 or 30 years. So, it is important now, that something be done in an effort to upgrade the standard of shelter

at this stage to avoid the problems 10, 15 and 20 years from now because if no attention is paid towards the present housing stock, then, I see that you will have a problem like I said in 10 or 15 years, Sir.

Now, it has been estimated that as many as 603 tenancies are presently in existence in Barbados and of that amount, there are over 6,200 dwelling units which we are considering. So, when we talk about a piece of Legislation that is touching the lives of people who are presently representing 10% of the housing stock which we have in Barbados, based on the 1970 estimate, this brings home even more forcibly, that, on the basis of size alone, this piece of Legislation has to be considered, irrespective and regardless of the other areas which are important.

The lots, as I understand, would range around 3,000 square feet in size which is quite a nice size, but I am sure that there are areas which would not be able to accommodate a lot of 3,000 square feet in size. So, this is where the Town and Country Planning Department would have to look at accepting lots which will be defined in small areas.

The tenancies upgrading programme, Sir, constitutes like I said only one aspect of the overall policy and one aspect of this Bill that is right now receiving attention. It is important that these people be given an opportunity to purchase the spot of land on which they have lived. The Tenancies Freehold Purchase Act, Sir, deals with the title question and basically confines itself to this. We understand that according to the Bill the objectives of the Tenancies Freehold Purchase Act is to establish a legal right of tenants on plantation tenancies to purchase the freehold of the lots, to place a legal obligation on the landlords to sell those lots, to provide a method whereby such purchases may be made, to prescribe the principles for compensation in respect of the sale of such lots and to provide a right of access to the High Court for matters connected with such purchases.

I have said, Sir, that as you read the Bill you begin to understand the amount of thought that the Government did in relation to this Bill. The Leader in introducing the Bill did an extremely good job, I think, in presenting it, and also I was very pleased for his enlightenment of the difference between amendments and other alterations to the Constitution, because I myself was not aware of the legal differences. I will take his word for it, definitely, because I have tremendous confidence in the Leader who introduced the Bill.

Sir, the question comes up about who would be qualified to purchase these tenantry lots and how you can go about expediting this as quickly as possible, and I understand that the qualified tenant may opt

to purchase the lot on which he or she lives, provided of course that person has been living on the lot for five consecutive years or for five out of seven years, and once the purchase of that lot is done again the Government has taken all things that are possible to take into consideration at this particular point in time to avoid speculation. The Government has said you cannot sell the piece of land in less than five years after you purchase it, or if you meet with certain hardships then you can appeal to a Magistrate who in turn will give you permission to sell, but even then you cannot sell back to the original owner, you must give National Housing Corporation an opportunity to buy that piece of land from yourself rather than have that piece of land go back into the hands of the landlord, so that that piece of land can then be used by the National Housing Corporation in their land bank who in turn can turn it over to someone else who would be desirous of purchasing a lot. There, you see, that even down to the point of that specific the Government has designed around it so that speculation and profiteering should be avoided.

Now, the price, Sir, shall be determined by the Government and by the Act as one dollar per square metre which I understand is the price that is basically looked at, with a total cost of any lot not being less than \$300 except by private treaty. In seeking to effect a quicker, smoother and cheaper method of conveyancing than currently exists, Mr. President, again the Act provides for the operation of a Statutory conveyance which incidentally is applicable only to plantation tenancies, and plantation tenancies in this instance are in the Schedule. This provides the new owner of the piece of tenantry land with a marketable title and excludes his lot from any encumbrance that may be on the remainder of the plantation. So even that has been taken care of, and what I find very important and very significant is that in the case of people who cannot afford to purchase even at \$300 a lot the piece of land, as has been pointed out to us by Senator Deane, the Government is prepared to lend that person money through the National Housing Corporation, the Barbados National Bank, money to purchase the land and then hold the land as security against the loan in itself.

That, Sir, is also in my way of thinking a revolutionary piece of legislation which when it comes into play will have a tremendous effect on commercial banks in this country. The funds will be provided by Parliament or through the National Housing Corporation by a vote, or through the Barbados National Bank by a vote, but perhaps an important point which emerges out of this Act is the fact that you can now sell a piece of land without having any infrastructural work done to it. This is contrary to the way in which the sale of land has been done over the last two years, because normally under present conditions someone, an entrepreneur, a

developer or what have you, would have to put in the basic infrastructural amenities such as water, light, roads, and perhaps even natural gas and things of this nature. Now, to get away from the tenantry owners having to spend so much money on a piece of land the Government is committing itself to a long phased programme of developing these amenities in the tenancies, and I think that the Government should also be congratulated for taking that bold initiative, that bold step, because if a tenantry now — in fact, Sir, that sort of infringes on the Bill which we will deal with next, so I had better leave that for the next Bill. The two Bills are very closely related and it is very difficult sometimes to discuss one without trespassing on the other.

Mr. PRESIDENT: The hon. member will have noted that I have allowed a little latitude so far in the debate on the companion Bill, which will probably save a lot of time and argument afterwards, so within reason you can make your point.

SENATOR A. TRUSS: Thank you, Mr. President. The point I was making is that the development of the area is broken down into two areas, the person owning the plantation tenantry can by special application decide to put in the infrastructural works, or the Government after it has been called upon by the people living in the tenancies, after they have signed a petition of some sort and approached the Government, could put in these infrastructural works providing that the tenantry lacks any one of the essential amenities such as water, proper roads, electricity and so on. If a tenantry lacks any one of these things, then the Government will move into the area and put down the infrastructural amenities in the tenancies free of charge.

If on the other hand the landlord would like to implement the same sort of infrastructure, he has to go through a different procedure entirely, by first applying to the Minister through a scheme of programme planning, the Minister then can decide whether or not it is in the best interest of all concerned and give his okay. This also will be done in an effort to avoid people who live in the tenancies from being difficult, because when someone has to work and get the signatures of perhaps four or five dozen people, it can be a bit sticky, whereas Government can come in and establish some basic criteria.

Sir, it is a very progressive piece of social legislation, Mr. President, and it is brought in my opinion by a very progressive social party. The Barbados Labour Party is well known, I think regionally and internationally more so than locally, for the stand which it has taken in its views towards human rights, social legislation and other things of this nature, and if I may for one brief second quote from an article which appeared in the International Herald Tribune on the 19th August, Sir, there was a U.S. Senior Government Official being interviewed in the Caribbean, and

with reference to Barbados he talked of a very high calibre Civil Service, an ability to prevent the so called brain drain that has afflicted Barbados' neighbours, a tough Government willing to make unpopular decisions and a high component of foreign investment.

This is the way in which people see us, Sir, and I think the Government has done a tremendous job on the local scene and on the international scene in putting Barbados on the map as a very progressive little country. And to quote even further "This 166 square mile Island as it has been said is what may be called an island of stability in a sea of chaos." That is how we are viewed in the eyes of people internationally. Barbados, says the Jamaican economist, with an expression of mixed envy and disgust, is the goody two shoes of the Caribbean, the kid in the class who brushes his teeth, the one whose shoes are always shining. It says also, Sir, that Barbadian people are a self-assured people, proud of their accomplishments, conservative in their politics and concerned about correctness in their dealings with others. It is that attitude of correctness that again I will compliment the Government because in a piece of legislation which, as has been mentioned by the Leader of the Senate in the Other Place Mr. Barrow said that he had it in the manifesto of the Democratic Labour Party in 1961, I think that point should not have been made at all. I think that rather than to say that it was his idea, if I were in his place I would keep my mouth shut and be embarrassed by the fact that after putting it in my manifesto and not doing anything for fifteen years, I would not like to remind the public about it. Be that as it may, I suppose he has his own reasons for agreeing with the Government and that was his. He wanted to agree with us so much that he had to find a reason and that was his reason.

Sir, that sums up quite briefly my contribution on the Tenancies Freehold Purchase Act, 1980, and in closing I should like to again compliment the Government, members of the Cabinet and all those people in the Ministry of Housing who helped, I am sure, in four short years to put such a progressive piece of revolutionary legislation, to quote Senator Hunte, before the House and this Honourable Chamber.

MR. PRESIDENT: I think Senator Hunte seems very anxious for you to make the document from which you quoted, a document of the House or at least to look at it. While he is looking at it, Senator Linton.

SENATOR H. R. LINTON: Mr. President, Senator Hunte told me I had better practice so I am practising. Mr. President, this Bill needs no political justification whatsoever. Consequently I am going to surprise Senator Hunte by restricting myself this afternoon to the social, educational, intellectual and economic aspects of the Bill. I am not going to mention a word about the political aspect ex-

cept in so far as it relates to Sandford, Ruby and Mapps which have been apparently deliberately omitted from this Bill, Mr. President, but I have not come to that yet.

As I said in my opening, this Bill actually needs no political justification. It has been referred to perhaps rightly, perhaps partly erroneously as a social piece of legislation. I say perhaps erroneously so because in my view it goes further than being a social piece of legislation. If one interprets a social piece of legislation as legislation which is intended to and does in fact benefit the society directly maybe without impinging on its political or financial resources, or as a piece of legislation that is directly intended to benefit the society, then one can so refer to this Bill. But if one really looks at this Bill in its entirety and sees the manner in which it is being implemented, if one looks at its scope, if one looks at the very objects and reasons of the Bill, one will see that it not only encompasses a social aspect, but it also encompasses an educational aspect, an intellectual aspect, an economic aspect and several other aspects which will be of immeasurable benefit to the society, and it is probably for that reason that the previous administration found it difficult to implement a Bill such as this even though we may have thought about it for them during 1961 and they may have incorporated the idea in their manifesto. It is because it regarded the resources to have it implemented which they did not find among their achievements, so that is why I said it goes further than being a social piece of legislation.

I think, Mr. President, that already this Bill is being misunderstood by certain persons. I know that the general understanding is that this Bill is intended to free the plantation tenancies from the yoke to which they have been hitherto tied, but if one takes a careful look at the Bill, one will see that it goes further than that. It will therefore be necessary for this Government to maintain the public relations exercise which I see has been started even though, if I may say so with great respect to the Ministry, in rather jargon language, rather strained language in the Advocate newspaper. I do not think the average plantation tenant reading what has been coming out in the newspaper will understand a thing about the scope of this Act at all. That is not to say that I do not congratulate the officers concerned for doing the wonderful research which they have done, and that is not to say I do not congratulate them for presenting the Government with the background material which was necessary for the formulation, enactment and implementation of this Bill. I have read those articles in the newspaper, and although I have understood a lot of what is meant in those articles, I don't see the average person for whom those articles may be primarily intended really understanding some of that technical jargon placed there. I think they should have handed those scripts to a politician and let him rephrase them so that the

ordinary people for whom they were intended could understand them. I do not think that we as a Government ought to allow the Ministry or the technical officers of the Ministry to write things like that which are intended for certain people who may not have had perhaps the benefit of a secondary education and who would have to depend on their children in many cases to explain the import of these articles. I hope the Ministry can take that criticism in the spirit in which it is intended and try to rectify it in future. (Asides) Well it could have been handed to the Leader of the Senate too.

Be that as it may, Mr. President, I will congratulate the Ministry for having the foresight to start the public relations exercise. I hope the Government Information Service, I see it is doing a lot of educational programmes now under its present head, will take this Act and will have it properly explained to the public so that the people for whom it is intended can understand the full import of this Act.

We, in St. Philip, intend to seize every possible opportunity to explain the import of the Act to the goodly people of St. Philip, including those who were left out in the First Schedule, including those of Sandford, Ruby and Mapps. We are going to explain this Bill to them. We are going to start that on the 11th October when we hope Senator Blackman will be up there as well, Mr. President, but this sort of programme is necessary.

It is very important, Mr. President, that we as a Government do not allow any other party or its cohorts to go on any political platform and misinterpret or misrepresent the import of this Act. I am not going to accuse the members of any other political party in this country *en masse* of being wicked or spiteful but I know that if we are not careful and we do not harness our own resources in terms of our public relations and try to explain the reasons for this Act and the manner in which it will be implemented to the public at large, at least the satellites of some other parties in this country will go on the platforms and make people believe that this is the worse piece of legislation in the world, so we have to be very careful.

I am imploring the Leader of the Senate here in public to make sure that we, as a Government, will make absolutely certain that an educational exercise will follow the enactment of this legislation and that that exercise will be an on-going process to coincide with the implementation of the legislation.

I do not have to pat the Government on its back for a piece of legislation such as this. As I said it needs no political justification at all and I am not going to get up like some of my colleagues and say that I congratulate the Government. This is a piece of legislation

that if I were the Leader of the Senate I would have brought it in here on the Second Reading and say, "Mr. President, this is the Bill" and it would have spoken for itself. It did not need 1½ minutes of introductory remarks far less 1½ hours. The Bill speaks for itself and the only reason I am on my feet is that I am warming up to come to Sandford, Ruby and Mapps.

Mr. President, I want the Ministry of Housing and Lands to tell me why are Sandford, Ruby and Mapps, the people most affected by the Act, do not feature in the First Schedule and it is not good enough, with great respect, Mr. President, to tell me that by Section 28 that the Minister may by Order amend the First, Third and Fourth Schedules. To me that is not good enough for the people of Sandford, Ruby or Mapps in St. Philip, Mr. President. I want the Ministry of Housing and Lands to tell me why are not Sandford, Ruby and Mapps in this First Schedule now and I am serving notice on the Ministry of Housing and Lands now. My friends in the other place may have missed it, but I am serving notice on the Ministry of Housing and Lands not to wait for any written notice from me or my colleague in the Other Place. When they return to the Ministry this afternoon, start drafting the Order for Sandford, Ruby and Mapps now. If they have paper and pencils there with them, Mr. President, let them start drafting the Order now.

I will not tolerate any administrative bureaucracy when it comes to the people of Sandford, Ruby and Mapps. As far as Sandford is concerned, that is one of the first estates that was sold out in this Island. I was away from this Island for 10 years and had to come back and fight for the settlement payment. Do I now have to fight for the right to buy the land too? I say not, Mr. President, and I am serving notice on the Ministry now. I am going to bombard them with letters, on political platforms and in every nook and cranny in this Island I am going to be castigating the Civil Servants. I am not going to deal with the Minister. I am going to deal with the Civil Servants if I do not get an Order published by Monday of next week, to bring Ruby, Sandford and Mapps on this First Schedule. I am serving notice on them, Mr. President. It is a glaring omission and I want the people to know that I am with them and that in the same manner that everybody else on the plantation tenancies are going to have the opportunity to purchase their plot of land, they too will have that opportunity.

The people of Sandford do not know if they are coming or going. Senator Deane talked about paying 8 cents for a plot of land. They do not have to pay anything because they do not have anybody to pay. The people do not know who own the land. The people in Ruby have been waiting now for years to purchase the little spot of land that they are now on and now they tell me that they have to wait until the Minister

makes an order. Wait until the Minister makes an Order? How come a lot of tenancies from St. Thomas have got in here then? All sort of tenancies — Hampond in St. Thomas. I have never heard about it yet. There are a lot of tenancies from St. George. Even St. John has a lot of tenancies here coming under it here and in St. Philip you do not even have.....

Mr. PRESIDENT: Order, order.

SENATOR H. R. LINTON: Charnocks come under Christ Church? I do not even see Charnocks here. A lot of tenancies in the country area have been missed out but some places like Hampond and those fancy names I see here in this First Schedule.

I do not know, Mr. President, which Officer from the Ministry of Housing went around, but he certainly did not come up St. Philip. He did not come anywhere near Sandford. I am inviting him now to come up to Sandford and start preparing the Order now or by Monday next week or they will be hearing from me further. That is the only area that I want to politicise in this Bill.

If I may just turn to the Bill, itself. I am just going to highlight the following areas so that in this way they will be brought to the attention of the Leader of the Senate and I hope he will bring my comments to the notice of the Minister of Housing and Lands and the Attorney General so that if they agree with me that difficulties may be created, that they will take steps at an early stage in time to forestall any difficulties because I know Barbadians well. I know a lot of people are going to make it their business to obstruct the proper implementation of this Bill, at least until after some time next year. They are going to go out of their way to make sure that the Government is hamstrung in its efforts to implement this Bill.

In case there are any difficulties, I want to draw to the attention of the Leader of the Senate and the other members of the Senate certain difficulties which I see may be encountered at any rate if certain people affected take their complaints to a lawyer who probably can understand logic.

Let me draw your attention to this, for example. The "Definition" in Section 2 of "plantation tenantry", Mr. President. I should really start from the beginning if you are to understand it properly. "Objects and Reasons" of the Bill. "This Bill would —

- (a) establish a legal right of tenants on plantation tenancies to purchase the freehold of the lots they have occupied for a specified period."

If you look at the "Objects and Reasons" it restricts itself to plantation tenancies and one would gain no help by reading Sections (b) to (g) of the "Objects and Reasons" because they make mention of no other tenancies at all. The only tenantry that is mentioned in the "Objects and Reasons" is the plantation tenantry but if we turn now to Section 2 of the Act in the "Definition Section" we see there "Plantation tenantry" and we have to follow this carefully, if you want to understand. We see "plantation tenantry" means a tenantry specified in the First Schedule but exclusive of any land thereof that adjoins the foreshore" so the object of the Bill is to make provision to establish a legal right of tenants on plantation tenancies, "plantation tenantry" being a tenantry specified in the First Schedule that is why I quarrelled that Sandford and those were left out, so we have a definition for "plantation tenantry", that is in the First Schedule.

But, then, it goes on, "tenantry means a plantation tenantry". So, therefore, a plantation tenantry is not only in the first Schedule, as it were, a plantation tenantry, by Section 2 it is also a tenantry because tenantry means a plantation tenantry. So you have two meanings to tenantry. It is either of those listed in the First Schedule, or a simple tenantry. But, tenantry, which is also a plantation tenantry is also an area of land, that is sub-divided before, or after the commencement of this Act into lots for letting exercise for chattel buildings to be used for dwelling houses whether the land is vested in the Crown, in a Statutory Board, or in any other person, but does not include land adjoining. So, in other words, tenantry means a plantation tenantry and it also means an area of land which is sub-divided, *et cetera, et cetera*, so that things which are equal to the same thing are also equal to one another. What that therefore means, Mr. President, is that a plantation tenantry is not only in the First Schedule, but, it is also a tenantry and it is also an area of land which is divided before, or after the commencement of this Act and what this does, therefore, is to classify every tenantry as a plantation tenantry, or what it does Sir, is to reduce every plantation tenantry to a simple tenantry because it says, a tenantry is a plantation tenantry.

There is a serious difficulty with that definition. Now, the difficulty with that definition is compounded by the fact, that nowhere in the Definition Section do we see the term, other tenantry defined. There is no definition of the term "tenantry" in the definition Section. But, when we look at Section Four of the Bill, we see "notwithstanding any other Law, or any other term, or condition of any lease contract to licence relating to tenancy is a term or condition of every tenancy within a plantation tenantry or other tenantry."

Now, what is "an other tenantry?" It is not defined in the Act. What that Section is saying is that, it was the

intention of the draftsman, that Section 2(b) should be the definition of "an other tenantry" and that would serve to distinguish between the two separate and distinct tenancies, that is, a plantation tenantry and any other tenantry.

It is my submission, Mr. President, so far as this definition is concerned, no distinction has been made between a plantation tenantry and any other tenantry. Confusion has crept in because a plantation tenantry in Section 2 is referred to, as a tenantry specified in the First Schedule and they turn around and define tenantry as being a plantation tenantry. I know that we are going to get that old fellow named "argument" now, on the conjunction whether it should be "and", or "or". I considered that too, Mr. President and in my view, that does not alter my argument one iota. There is confusion here.

I can see this being thrashed out in a Court of Law and the Hon. Leader of the Senate should not only address his own legal mind to it, but to have it referred to the Attorney General's Chambers, for a proper clarification. We can come with an Amendment later, if we need, but there is a serious difficulty because this Act only states by implication, from Section 4, that there are two separate and distinct tenancies. This is why I have no doubt that Senator Deane may have erroneously suggested that, or enquired whether this Act was restricted for the moment to plantation tenancies only. In my view, if a very restricted and narrow interpretation is placed on the definition section, it can be argued that the Bill is in fact, restricted to plantation tenancies. But, then, one would have to go on and say, the Definition Section turns all tenancies into plantation tenancies. Now, we can only be saved from that difficulty by proper application of Section 3(2) of the Act, that is:

"This Act shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of its purposes."

But, then, that is going to lead on to the question, what are its purposes? Is it to be restricted to plantation tenancies, or is it to be applied to all tenancies?

That confusion is even further compounded, because it says here because of the definition given to the word "Lot" in the definition Section includes:

"Such part of a lot of land as constitutes the house spot within the meaning of the Security of Tenure of Small Holdings Act."

Now, that Act defines "house spot" as "any parcel of land comprising a contract of tenancy made whether or not the contract of tenancy expressly so provides

in contemplation of the land being used solely as a site for a chattel building," *et cetera, et cetera*. Now, if one looks at the Tenancies Control and Development Act, Cap. 239, one sees another definition for the purposes of that Act. It defines a tenantry, as an area of land where you have, speaking from memory, five, or more chattel dwelling houses. But, the presence of that alternative definition of a tenantry in our Laws, to my mind makes it absolutely necessary, that we should have a clear definition of plantation tenancies and a clear definition of other tenancies because the word "tenancies" here is not limited to the number of houses on the area of land, as it is in the Tenancies Control and Development Act, at all.

The Tenancies Control and Development Act gives us a precise definition on a tenantry. This Act does not and in my view, Mr. President, except we get a very liberal application of Section 3(2), we are going to run into difficulties, but in order for a tenant to have Section 3(2) invoke, that section pre-supposes that he would have to go to court. Now, we would not want people to be spending money to go to court to have their rights ascertained, if we can avoid it. In this far reaching piece of Legislation, we can look at Section 3. But Section 3 itself is also confusing, 3(1) because it says "the purposes of this Act is to establish by Law, the right for tenants of lots in tenancies." So, you see, the Act focuses on the word "tenantry" even though it speaks in the Objects and Reasons of plantation tenancies and to avoid all this confusion, I think that we can have initial ruling by the Hon. Attorney General. I think that I have made that point, Mr. President, and I will move on a bit.

Now, I want to turn my attention, Mr. President, to the question of a landlord being out of the Island. The Act provides, Section 6 of the Act provides that:

"A landlord who does not reside in Barbados shall before 1st December, 1980, appoint an Attorney-at-Law within Barbados."

I want to make a small point on the word "Attorney" because I have had representations made to me on this and that does not — I think that the Hon. Leader will agree with me — mean an Attorney-at-Law. What it means, in my view, is that the landlord can grant a Power of Attorney, to anyone in the Island, to act on his behalf because people have been asking me why do they have to go to the expense of hiring an Attorney-at-Law to do this. I think that if the Hon. Leader can make it clear and let people know, that it refers to the grant of Power of Attorney to anyone to do it.

That is not the point I am mainly concerned with. It provides that the landlord shall appoint an attorney but it does not make any provision directly or indirectly for

the landlord to give notice to the tenants of the attorney who is so appointed. I know that under another section the tenant can go to the Registrar, and indeed on page 28, Tenant's Notice to the Registrar of the Supreme Court of his intention to purchase the Freehold of his lot, "TAKE NOTICE THAT: (a) () The landlord has not appointed an attorney in accordance with the above-mentioned law," or, "The landlord has refused to sell the lot," or "The landlord cannot be found." Now, there is nothing there which suggests that the tenant can go and say Take notice that I, the tenant, have not had notice from the landlord of his appointment of an attorney, because even though he is telling you that he has not appointed one the landlord may in fact appoint an attorney without telling the tenant.

I do not want these points dismissed lightly because these points do in fact concern persons who are entering into legal arrangements, and they will of necessity have to pay lawyers to have this interpreted for them, because if a tenant files one of these documents with the Registrar and then the landlord comes into Barbados and says Oh no, you have signed a document stating that I have not appointed an attorney in accordance with the above-mentioned law but I have, here is the letter of appointment, or the power of appointment, then what is the tenant to do? There is nothing in this Act at all about notice to the tenant vis-a-vis whether or not the landlord has appointed an attorney, and I feel there should be some provision where the landlord is required to appoint an attorney that he serves notice in writing within a certain time of making his appointment on each tenant that so-and-so has been appointed attorney, or at least he sends notice to the Registrar of this island. I do not see any duty — I may be wrong, but I have read the Act two or three times and I do not see any duty — placed upon the absentee landlord to serve notice on the Registrar of the appointment of an attorney. That may cause us some little difficulty.

SENATOR C. I. E. DEANE: Mr. President, if the Senator will give way for a moment. I don't think there will be any confusion with the word "attorney" because most plantations have got their attorneys and the tenants all refer to them as attorneys or guardians. I don't think that will present any difficulty.

SENATOR H. R. LINTON: Thank you, Senator Deane. I hope it wouldn't because I would hate to have the poor people as they are and who will benefit from this Act having to pay an attorney-at-law to have this matter rectified.

Now, I just want to turn my attention, Mr. President, to section 19 of the Act, Purchase Assistance. It says:

"19. (1) With the approval of the Minister responsible for Finance, the Minister may establish a loan scheme to enable qualified tenants to borrow money to purchase the freehold of their lots in accordance with Part I or to enable persons who have purchased the freehold of their lots to borrow money to make improvements thereto."

Subsection (2) of that section goes on to state:

"(2) A loan scheme established under this section shall be administered by the Barbados National Bank on behalf of the National Housing Corporation as the Minister may direct."

I want to take time out here to issue a warning to the Barbados National Bank that this legislation must work, it has got to work, and I do not accept that this Government, certainly I as a Senator of this Government, will tolerate any pettifogging bureaucracy, if I may borrow a term that was recently used. I do not want any junior members of any bank having the plantation tenants sitting down in front of them first waiting for appointments, then sitting down in front of them for a day or two while they explain to them the intricacies of providing security for a loan to purchase \$300 of land. I want to issue warning on the Barbados National Bank, from the President right down that I as a Senator of this Government will certainly not tolerate their bureaucratic tendencies out there. They must get down to it.

I know that Senator Deane is a Director of this bank and I know he will do his best to make sure that word gets to the bottom of the bank. I am quite familiar with the bank, I am not accusing them of anything in the past, but I want to issue warning that this legislation must work and if they think that apart from the security provided by the Act itself whereby the Act says that a note from the Registration Office to be charged will serve to pass all the rights of the land to the National Housing Corporation, apart from that security I would hate to hear the National Bank sitting down poor people from St. Philip, St. Lucy and St. Thomas in front of junior officers and spelling out to them how much security they need in order to get \$300 from the Barbados National Bank. I want to serve notice that this legislation must work and we will not be tolerating that type of attitude from our Barbados National Bank. I serve it in advance and I know why I say that.

SENATOR C. I. E. DEANE: Sir, I declare an interest, yes, but I am happy to say that Senator Linton's warning is justified.

SENATOR H. R. LINTON: Thank you, Senator Deane, I hope the Leader of the Senate will join with me in this clarion call for that kind of action. In the same vein, Mr. President, I am happy to be able to refer to

section 33 of this Act. It states: "Notwithstanding anything therein contained the Town and Country Planning Act has application to this Act only where it is so expressed by this Act." I would like that printed in big bold type and sent to every member of the Town Planning Department so that they too will know that this Government will not accept any bureaucratic pettifogging in relation to the implementation of this Act.

I expect that the Permanent Secretary in the Ministry of Housing, I know him, I have had dealings with him, I know that he is going to instruct his officers not to allow this bureaucracy to delay the proper implementation of this Act. I don't know personally any member of the Town Planning Department, although I do have a few friends up there, but I know what can go on up there, and I want to serve warning on them now that I as a Senator and a member of this Government will not tolerate any bureaucracy getting into the way of the proper implementation of this Act, and that is why I myself am going to cut out section 33 and every time I have any difficulty with the Town and Country Planning relation with this Act I am going to photocopy it and post it to them and let them see what business we really mean.

I just want to close by having a look at the Schedules. Someone raised the question of the area of land — I think it was my friend and colleague, Senator Brathwaite — and I think perhaps Senator Hunte probably raised it as well. I think that one can glean the intention of the Government regarding the average size of the lot when one looks at the Second Schedule where it states that the price shall be one dollar for every square metre of land but in no case shall that price be less than 300 dollars. If one works out that arithmetically, and I am told that one square metre is about 10.79 square feet or thereabout, that would reduce the land to 10 cents per square foot, and if one works it out arithmetically one would arrive at the figure of an average lot of 3,200 square feet, which is in fact a reasonable lot of land where you can build a nice wall house. We in Barbados have tendencies to build some big, elaborate houses, and with the prices of things nowadays we cannot afford to build these big, elaborate houses, even though the Leader of the Senate may disagree with me on that point, but I think that 3,500 square feet may in fact prove adequate.

That brings me, Mr. President, to this other point and it ties up and it will be my final point, directly with my opening point regarding the definition of plantation tenancies, because here is where the real distinction comes, Mr. President, in respect of plantation tenancies it is based on the purchase price payable for a lot in a plantation tenancy specified in the First Schedule shall be determined on the basis of one dollar for every square meter of land, but in no case shall that price be less than \$300; so you have a price fixed for it, if it is specified in

the Schedule. Sandford is not, Ruby is not, Mapps is not, so that the price paid by those tenants will be calculated differently. Here is how it is calculated. The principle for the determination of purchase price of lots within other tenancies will be the open market price of the lot assuming its existing use to be the siting of chattel houses. That is the way you calculate the price of land in other tenancies.

Now I see nowhere in this Act where the Minister is given power to declare any tenancy to be a plantation tenancy. Section 24 says the Minister may by order amend the First, Third and Fourth Schedules. I do not know if that goes far enough to give him power to declare Sandford, Ruby and Mapps a plantation tenancy. I would like the Leader to give me his views on this. I want Sandford, Mapps and Ruby, some of the oldest plantations in this Island even though they have subsequently been sold declared plantation tenancies so that the people who live there know the exact price per square meter they have to pay. I don't want any open market business for those people. Those poor people up there can't pay on any open market, agricultural land now being sold at \$15,000 per acre.

SENATOR THE HON. N. A. BARROW: Mr. President, on a point of elucidation if Senator Linton would give way for a moment, he does not think that the First Schedule goes far enough. The First Schedule to which the Minister has power to add deals solely, entirely and only with plantation tenancies.

SENATOR H. R. LINTON: Thank you. I am concerned you see. I will give way any time if you want to get up again because I am concerned about Sandford, Ruby and Mapps; and there is a little tenancy in Gemswick which I can't bring under any plantation but which will come under other tenancies too. However, I do hope that the market price as determined will not be that paid for agricultural land outside. I hope in fact that the price being paid for plantation tenancies would be interpreted and regarded as a reflection of the market price for similar and other tenancies, and therefore that all persons in all tenancies, particularly the landlords will see fit to calculate their selling price on the basis of Part I in the Second Schedule, that is, one dollar per square meter.

I want to say, moving off the Act for a minute, Mr. President, I want to congratulate the owners of these tenancies who have so apparently willingly cooperated and I must give a few words of special congratulations to Senator Deane who has promised in here on the floor of the Senate to give the tenants of Adams Castle their land; not the tractor driver.....

Mr. PRESIDENT: He did not say all.

SENATOR H. R. LINTON: I am sorry. Not all; not Mr. Knight. I want to congratulate all of them. So often in the past four years some irresponsible members of this society and their satellites have gone on political platforms and accused this Government of being friends of the landed gentry and vice versa. Now, Mr. President, if this is a reflection of what can be gained from being friends of the landed gentry, I propose to invite the Barbados Labour Party to maintain and give succour to that friendship. I think it is a magnanimous act on their part in these days of intransigence and confrontation to have so willingly succumbed in this matter, giving in and allowing the tenants to purchase their land. Of course they are probably facing up to reality. They know that the force of public opinion would have worked against them anyway. Be that as it may, I think it was a magnanimous gesture on their part and I think they ought to be congratulated for avoiding conflict, confrontation and this modern concept of intransigence that we are now witnessing. I don't think one ought to speak on this Bill without making mention of the fact that they have cooperated fully and if this is what is to be gained from being their friends, then I say let the friendship roll on.

In conclusion, Mr. President, I want to say this now because I do not propose to speak on the Bill that follows, but they are tied up and in truth and in fact I cannot see why they could not be part and parcel of the same Bill. I have studied them both and I am more than convinced that they could have been brought in as one Bill so that we could discuss them together, because whereas one makes provision for the purchase and the freehold interest in these tenancies, the other makes provision for the development of the tenancies themselves. And although I would not go too far less I incur the wrath of you, Mr. President, I want to say this, I want to issue one final warning to the Barbados Light and Power Company that they must make sure that the poor people in this country get lights. It is not good enough to go up to Queen's Park once or twice a year to ask for a rise in rates, and then when you ask them for a pole in Six Cross Roads, St. Philip, the heart of St. Philip, they tell you the people refuse to contribute. Do you imagine that, Mr. President? Six Cross Roads, St. Philip, a landmark in this Island, four houses on the road leading to Four Square, less than ten yards from the heart of Six Cross Roads facing the petrol station for eight years have not had lights, and now I have contacted the Barbados Light and Power Company, they tell me the people refuse to help with the poles, and twice a year they go up to Queens Park for a rise in rates. I want to serve warning that nothing shall act as an impediment to the implementation of this

Act, not if I have any say in it. If it requires me to set up a political platform in front the doors of the Light and Power Company, in front the home of Mr. McConney, in front the home of every senior employee, I propose to do it. Nothing shall be an impediment to the implementation of this Act. We must get lights in Six Cross Roads, St. Philip, in Gemswick and in Foul Bay. Thank you, Mr. President.

SENATOR THE REV. A. HATCH: Sir, I seek information, but in the system of parliamentary procedure I have to make my point before I have the information. It relates to pages 2 and 3 of the Bill, the definition of plantation tenantry which means a tenantry specified in the First Schedule but exclusive of any land thereof that adjoins the foreshore. Then on the top of page 3 the first paragraph again "does not include land adjoining the foreshore". One takes it for granted that these two exclusions would not be required unless there were tenancies that adjoin the foreshore. Now if there are tenancies that adjoin the foreshore and chattel houses thereon, the information I need is why these are excluded from the privilege of buying their lands. It is well known that in this Chamber there is more than a passing interest in the question of beach front property, beach land, bay front property, foreshore, by whatever name it is known. Every one of the independent Senators has gone on record supporting a programme of the acquisition of windows to the sea; there are members both of the Opposition and of the independent Senators' side who have been involved in this programme for more than three years and in more recent times there is one of the Government Senators, the one who spoke last, who has been extremely concerned about this matter. Therefore the question I am asking is not unrelated because there are, and one has to use loaded words, whether one says humble people as one Senator said, or poor people or chattel house dwellers, there are properties particularly along the West Coast going all the way up to Speightstown and even beyond into St. Lucy where part of what makes Barbados Barbados is the fact that we neither have hotel development, tourist development cheek and jowl, nor do we have middle and upper class housing cheek and jowl along the coast, but we also have the homes of many poor, humble, chattel house dwellers.

Now, if the intention of this Act is to develop them and make them in the priority sense of that word, it seems to me that we need an explanation. Therefore I am asking the Leader of the Senate "why" and if he does not have the information as I do not expect him to be informed on every aspect of this Bill, then I would like him

to have the information supplied in writing, why the Interpretation of this Bill of plantation tenancies in two instances excludes the land that adjoins the foreshore?

SENATOR THE HON. D. G. BLACKMAN: Mr. President, this is a historical piece of legislation because it moves one step closer to complete the extirpation of the relics of slavery from Barbados. It is necessary, and I am not of a mind this evening, Mr. President, to go into the historical background of this particular Bill. It will suffice to say that this is an important piece of work involving a fairly substantial redistribution of land in Barbados.

In some other parts of the world where people make a living by describing themselves as "revolutionaries", this legislation would have been trumpeted from the housetops and published in the streets of Askelon, both for the circumcised and the uncircumcised to hear and rejoice.

It is consistent with the Barbadian way of doing things that such an important piece of redistribution of land was done calmly and with the consent of all of those persons who are involved. Much has been said about this legislation which I would not repeat but I would just like to indicate my concern about some aspects of it.

While this is an important step forward, I would have hoped that those persons now living on plantation lands in tenancies and who had been living there for generations, might have obtained their land free and I believe that it is not too late for plantation owners to follow the trail blaze by Senator Deane in offering gifts of land to all those persons and their families who have a period of long existence extending over generations of residence on this land.

I do not want to go into the question of the doctrine of reparations as I believe the doctrine of reparations does have some application to people living on plantations whose ancestors worked on plantations for many years as slaves. There is a clear case of compensation in cash or in kind that is due to those persons. I do not want to argue the point here now, Mr. President but I will merely seek to reflect upon the difficulty — I am sorry that Senator Linton slipped out — raised by Senator Linton which I, too, had in reading the Bill, page 2 in the Definition, Section 2, which I believe is easily resolved by deleting the conjunctive "and" and substituting the disjunctive "or" and that solves all of Senator Linton's problems, all of the legal problems that he raised. There were some other logical problems which he raised which I would not go into. I would have pointed them out to him, were he in the Chamber but I will take the opportunity to do so at tea.

Section 22(1) states "the right of a qualified tenant to purchase the freehold of a lot may not be exercised

by him when the Chief Town Planner certifies on the application of the landlord of the tenancy or the Minister that the lot is unsuitable for purchase because of its location in relation to other lots or for any other reason."

I hate to be parochial in these discussions that have national significance but I feel that it is necessary to talk about a particular difficulty which the people who live in the Belle Tenantry will be confronted with if that provision is applied seriously. It has been said during the course of this debate, Mr. President, that ownership of this land would give the owners the opportunity which they are straining at the least to exercise, to improve their properties.

The residents of the Belle Tenantry find themselves in the unfortunate position of living in the Water Zone, the heart of the Water Zone in Barbados where building is not permitted. There are nearly 1,000 residents involved in this situation, the vast majority of whose antecedents have been living in this area for many decades. It is simply not feasible from the standpoint of the cohesion of the community to disrupt it and disperse these people into various areas of Barbados.

I believe comments have been made here today, Mr. President, about the adverse social consequences of the random building of houses and the unplanned allocation of the building of these houses.

We have serious problems confronting the Ministry of Community Services, as a result of the development of housing areas which are the reservoirs for a hodge podge of persons from different backgrounds, having slightly different values and are inclined to have different tastes. This can create very serious problems and in many areas, the increase in crime has been directly related to having an inappropriate mix of people bundled together in a housing area.

The solution cannot be therefore, to uproot some 1,000 souls from Belle Tenantry and disperse them throughout Barbados, without serious social consequences. I would therefore want to be assured that this community will survive this particular bit of Legislation. I know, as a fact, that there are many people who are living in that area, who have, from time immemorial, been digging pits and they have dug these pits down to the level of water. They have been discharging their waste in this water for many decades now and I do not believe that the pollution of the drinking water of Barbados has increased, as a result of this.

It seems to me, the pollution of our water, in Barbados, is more a product of unplanned industrialisation, than the traditional use of these kinds of pits, by individuals living in those areas. It seems to me, therefore, that while it is important to protect the purity of our drink-

ing water, we should not go to extreme lengths to interfere with the way of life of a second community, by uprooting them, once this particular Legislation comes into operation.

Mr. President, I would want to receive the assurance that some other solution to the problems which would confront the residents of Belle Tenantry would be worked out. People of Belle Tenantry are entitled, like the people in any other tenantry, to improve their houses and indeed, many of these persons have been living on that land for such a long period that they effect house improvements of a permanent nature. I am quite sure that many of them are not aware of the fact, that they are in violation of the Law.

I am quite sure that many of them are blistfully unaware of the fact that they live in a water zone. They have been doing this for many years and nobody has suffered, but at some time or other, in an excess of zeal, some person from the Water Authority, may decide to interfere with the way of life of the people in that area and I think that Government should approach any such problems with the greatest degree of circumspection. That then, is the one particular parochial issue which I wanted to address myself to, otherwise, there is not much to say about this Bill except that I support it completely.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, if I am to reverse the order of things and deal with the last point first, I am sure Sir, that you will agree with me, that the Hon. Senator who just spoke was not looking to me for the assurance. I wonder Sir, if that speech had anything to do with the coming Elections. I thought that he was going to make some points about Britton's Hill, but apparently Sir, that rumour about Britton's Hill is not true. Some people had better start getting scared all over again, Sir. The Hon. Senator has a capacity for making people scared, by merely saying that he is going to run for a particular area and I do not know who this was intended for, this afternoon.

I am sure Sir, that on a more serious level, that the Hon. Minister of Housing shares with Senator Blackman, the need to examine thoroughly whether alternatives can be found to problems such as this which the Belle Tenantry poses, other than, by simply applying the rule and saying that it is in the water zone and it has to be moved. As a matter of fact, on the basis of the more recent studies of our water resources, there have been proposals relating to one, or two areas being classified differently because as the knowledge becomes greater, we are more precisely able to state whether

this, or that area really poses a threat to the water supply as was thought. If I can hold out any hope to Senator Blackman, it has to be, that maybe, when the Health Authorities and the Water Authorities look at it, they will find a way around the problem at Belle Tenantry.

Mr. President, let me at the outset, say a word of thanks to Senator Truss, who in a very good speech dealt with most of the ground which I was meaning to deal with in introducing the companion Bill to this and it will enable me to take a position fairly similar, not quite identical, but fairly similar, to the one which Senator Linton suggested that I might have taken in introducing this one, which is to say, this is the Bill, Hon. Senators.

Senator Truss, in his treatment of this, went to great lengths to put the second Bill in context and Senator Linton, indeed, referred to the fact that he thought that they could have come down as a single Bill. The files on the subject reveal Sir, that the approach of the Ministry of Housing was that there should be a single Bill encompassing both matters and that it was thought better to do it this way, on the advice of the Attorney General's Chambers. So that, the way it has come down, is not the reflection on anybody, but the lawyers. So, if Senator Linton does not agree with them, it is his professional colleagues he is disagreeing with. They might be right, they might be wrong, but the important thing Sir, is that we have got two simple, straightforward and understandable pieces of Legislation before us and I think that it merely is a quibble, whether we take one Bill, or two.

I wish Sir, in my reply also, to take Senator Hatch's point as to why the land adjoining should be excluded.

I am in a position to answer the question. It is a fact that there are very few plantations that are affected by that provision in the law. Indeed the plantations which would have been affected had the definition been altered to one of lands between, had the restriction been made in relation to lands lying between the foreshore and the highway the plantations that would have been affected then would have included Bath in St. John where the highway runs along Coach Hill and through Sargeant Street on its way out past Sealy Hall out to Palmers Corner and so on, and I think there is a fair amount of land between there and the foreshore, but it was difficult to state in the legislation precisely what the limitations should be. But as Senator Hatch no doubt would appreciate, we cannot talk about the use of the seashore for the general good of Barbadians, talk therefore about removing the old gas works and so on along Bay Street so we can have a good open window to the sea, talk about the Fitts Village area and a window to the sea, and indeed Senator Hatch's project a little further down the

coast, if at the same time in this legislation it is not reflected that we must as far as possible control whatever development is to take place on the foreshore, and this, Sir, is why the foreshore is explicitly excluded from the provisions of the legislation.

Senator Blackman dealt briefly, Sir, with Senator Linton's point, a serious point, the burden of which was that proper distinction had not been made between the plantation tenantry and other tenancies, and I took the trouble to canvass the point with officials of the Ministry of Housing who are presently here to ensure that my understanding was right, and what emerges is that in the definition section where you see plantation tenantry, as Dr. Blackman points out, had it been "or" instead of "and" the difficulty would have disappeared, because in section 3 the purpose of the Act — and I should mention, Sir, for Senator Wickham's benefit that it was amended in the Other Place, so that it has not come to us as "the purposes is" but rather "the purpose is" — the purpose of the Act is there related to tenancies and not just to plantation tenancies.

If we take the purpose of the Act, therefore, as relating to tenancies I think we understand better the definition section, and it is nothing new for lawyers to have to read "and" as a disjunctive word, so the fact that "and" appears instead of "or" really ought not to pose too big a problem. At any rate, I think Senator Linton would be the first to apply the basic rules of statutory interpretation, that the law should not be so interpreted as to make nonsense of it.

SENATOR H. R. LINTON: This point is more serious than he is making it. That "and" where there should in fact be "or" gives the thing a totally different meaning and that will have an effect throughout the Act. If you want an example where the word "and" cannot be substituted for "or", as Senator Lynch has drawn to my attention, the familiar term of "husband and wife" is not to be read as "husband or wife".

SENATOR THE HON. N. A. BARROW: Mr. President, I must take strong objection to the last term, as Senator Gilmore Rocheford would I am sure agree, in recent trend of legislation it has been. Husbands and wives are both persons.

It is not, Sir, as though I am taking the Senator's point lightly, I started by saying it is a serious point. What I am saying is that again this is not the officials who on my understanding used the language "or", but if these lawyers insist on complicating things when talking about the disjunctive "and" and conjunctive "and", then when they see a disjunctive "and" they ought to recognise it. We all agree that it would have been wiser to have had "or" but if "and" appears, and from the whole casting of the Act, and from the content in the Second

Schedule it is quite clear what is meant, I think, Sir, that we ought to use our own judgment and recognise what the intention is and therefore proceed in accordance with the intention. I think that is how the court will have to proceed anyway.

There is another point which was raised by Senator Linton in relation to sections 7 and 8 which relate to notification to the Registrar that an attorney has not been appointed, and so on and so on. Senator Linton says that there should be in the Bill some responsibility placed on the plantation owner to notify the tenants. Let us deal, Sir, in practical terms with this point. If the plantation owner does not notify the tenants as to who his agent is, because his attorney is his agent really, how does he then get his rent collected? At any rate, since this is in for the purpose of facilitating the purchase by the tenant, the fact that the Registrar can follow a clearly laid down procedure and that he is indemnified in relation to anything he does without malice, in this respect it means that you have provided adequate machinery, in my view, for ensuring what it is you want to ensure. For other and wider purposes it might be better that you have some provision of notice, but I do not see that the Bill suffers any because a provision for notice to the tenant is absent. If we had a provision for notice to the tenant we would most certainly have had to go on and prescribe the form which that notice would take and so on.

Those, Sir, are the points relating specifically to Senator Linton's argument, outside of the other point which is most dear to his heart. Until now, Sir, I did not even know they had places called Sandford, Ruby, Mapps and River. I believe that Senator Linton will accept the assurance that nobody meant any harm to the people of St. Philip South, or the people of St. Philip North, or the people of any part of Barbados in drawing up that Schedule.

Since we recognise that man is fallible, there is a provision in section 28 which says "The Minister may by order etc. etc." We recognise, Sir, that it is not at this stage possible especially since we take the view, as I said in my second reading speech, that we cannot wait for all the problems to surface then to get the measure initiated or we would never get it off the ground. Therefore we have to come out with a sufficiently flexible form that we can pick up the omissions and ensure that justice is done by all.

There is, Sir, a point made by the Senator to which I have to take exception and I take exception to it and at the same time take the point made by Senator Enid Lynch when she spoke. Senator Lynch was pointing a very serious finger, I am dealing with a very serious set of blows to the business of public relations, and it just happens that I agree with her, and therefore as a person who has to take the responsibility, it makes the load

that much easier to carry, but she is absolutely right. I have had a little difficulty getting this point across in a different context, but I hope I have got it across that it is not good enough to wait until legislation is before Parliament then to start talking about giving publicity to it. We have to understand, Mr. President, that we have evolved a public service in which the sharing of information is not the order of the day. I am not dealing, Sir, with people; I am dealing with something that is institutionalised and in a public service which is based on the British tradition, even sharing information as between senior members of the public service is something that is not done easily, and not done readily, and those of us who see public relations as an important part of the developmental process, those of us who see communications as a part of policy and not just something which you do when you find you have to say something to people, have a job to try and turn around that attitude. We deal sometimes with people who are trained to be communicators, but are trained in societies where it is enough to come before Parliament at this time with legislation and only a week or so before or indeed preferably in their view a week or two after to bring some sort of explanatory material to the public.

We have to understand, therefore, the context in which we are operating. Now, Sir, when we are dealing with the business of information generally we have to recognise that we started debating this morning at 10 o'clock, I believe that by 10.15 prayers were being said, certainly before 10.30 I was on my feet introducing this measure and it was 2.15 before we saw any representative of the state owned broadcast corporation which must have the largest responsibility for informing the public, because it is public funds that keep it going, walk into this place. So we mustn't just look at the public service and talk about their attitude to sharing information, their attitude to communication. We have to understand that we accept very sloppy and low standards in the whole area of communications in this country. The sort of thing that I am talking about is something that would not be tolerated by any private employer, and that if the Government exerted any pressure to get anything done about that sort of attitude, we would hear all sorts of cries about victimisation. But over and over in this Chamber I have had to advert to the failure of the state-owned corporation to treat the business of Parliament with the seriousness with which it deserves to be treated. I shall not regardless of what accusations are made, ever stop making demands that we get treated as though we are a House of Parliament.

The point which Senator Linton made and which run beyond Senator Lynch's point had to do with welcoming the fact that the Ministry of Housing had seen fit to break with tradition as far as I am concerned and to put out publications to enlighten the public on these matters, but because the Senator found it a little difficult

to read and perhaps because we also expect that one publication must be aimed at an entire community and do not quite stop and give credit where credit is due and recognise that while the publication may be effectively aimed at one section of the community it is the job of other people to refine it or simplify it, whichever word you want to use, and then put out other publications geared perhaps to the community at large, we then make comments which I think were a little bit unfortunate. I believe, Sir, that the Ministry of Housing must be congratulated in that they have gone to great trouble to put out the kinds of publications which have meaning and make sense, Sir. They might have put out more simple information and succeeded in communicating nothing because a number of the more difficult concepts it might have proved impossible to communicate in general terms.

I wish, Mr. President, at this point to take note of a theme that was running through a number of the comments made earlier. A comment was made that it has taken too long for this legislation to reach, and in one way or another this comment continued to be made. When I have referred to the fact that the Opposition claimed that it was in their 1961 manifesto and I did not dispute that claim, I think Senator Hunte misunderstood me. I think he expected me to make the kind of comment he later accused me of making, but I was making a totally different point. I was making the point and I made it indeed I thought that the difference is a difference of approach and a difference of capacity, and I can make it in another way. For policies like these ever to see the light of day, it requires that peculiar blend of an energetic Minister and an energetic public service. I believe that in talking we must not forget no matter what comments some of us want to make about bureaucracy, it is not always that we talk about bureaucracy as though it is something bad. We must not forget that without an energetic and competent public service this Bill would not be before us today, and I think we have to give credit where credit is due. If, Sir, I were to take that point a little further, it would be quite possible for me to argue that public service has been there for a long time, and there is no evidence that that public service has overnight become energetic and competent, and therefore why it did not get here before must have something to do with the other component which is an energetic and competent Minister. But that is a totally different point, Sir.

I think, Sir, that Senator Hunte's point that we may be missing an opportunity to set up housing estates where some of these plantation tenancies are is a point that runs counter to the point made by Senator Lynch, and that is the point with which I have a great deal of sympathy, for Senator Lynch was making the point about the social effects of uprooting people, and though we recognise that there has to be some increase in the big housing estates.

In the 1976 Manifesto the same kind of problem raised by Senator Lynch was indeed adverted to in that that Manifesto makes a strong call for a community based approach in planning housing developments because we recognise and you will notice, Sir, that the trend has been that wherever there are housing estates being developed now, whether there are Day Care Centres, Community Centres or what have you, and whether it is a Sporting Complex or not, and in many instances far more than one, community oriented in along with the housing area, because when you move people out of their natural surroundings in terms of where they have grown up, if they are adults and where they are growing up, if they are children, the transplanted of them where there are not historical connections, what was once perhaps open ground suddenly becomes an area of mortar and concrete, it is necessary that things be done which can introduce some kind of cohesion into the communities which we are trying to form.

I prefer, Sir, to err with Senator Lynch on this point than to err with Senator Hunte because I believe it is extremely important that this legislation seeks to recognise the existence of certain communities and to preserve them and I believe, Sir, that that is far more important than whether it be 15 sq. ft., 300 sq. ft. or 100,000 sq. ft. Obviously I would like to see, Sir, that where the lot is small that something be done to bring it up to a more satisfactory size but I do not think that we should sell our country short and continue to believe that you can move people here, there and everywhere without necessarily paying a social cost for it. That, Sir, is the context in which I see Senator Blackman's point about Belle Tenantry.

I have inadvertently answered one of Senator Deane's questions. He referred to the Adam's Castle Tenancies and Section 28 is the Section which will satisfy that, Sir.

I should point out, Sir, that we are not, not placing a minimum size. What we have said is that a number of the lots are as small as 149 sq. metres. We are not saying that a lot may not be more or a lot may not be less. We are not specifying a size but what we have done is to place a minimum cost except, of course, where there is a private treaty which is the point Senator Deane has himself stated quite clearly.

As regards agricultural land, Senator Deane raised the point. Again, Sir, I am aware that where a man rents a house spot and also rents some agricultural land, there are some plantation owners who would like the arrangement to continue and would like to sell him both the house spot and the agricultural land and the answer to that is that the agricultural land may be sold to him by private treaty but so far in our planning, there is nothing to suggest that the price applying to the house spot

must be applied to the agricultural land, though I suspect, Sir, that if you work it out, you might find that the price is not all bad considering that agricultural land is always much cheaper.

Senator Lynch also referred in the course of her speech to the fact that there is no difference between the way Government organises its plantations and the traditional organisation of plantations and I would like to give her a partial reply to that point which is that if we take the Spring Hall development into consideration, that statement is not entirely correct. If she would be satisfied with that answer, I would not go on, Sir, to deal with the rest of the question, mainly because I cannot.

At the end of my reply, Sir, or I should say, I am nearly at the end of my reply but I have not dealt specifically with a point because one of Senator Wickham's points he was making during the course of his speech was that he looked at this as hopefully foreshadowing some restriction in the ownership of land to the locals. I believe, Sir, that while the Senator knows that my heart is with him on that point, we are still at the stage where no formal decision has been taken by the Government to restrict non Barbadians to the sole ownership which is a decision that I, myself, would like to see taken.

What I believe, Sir, is my final point, and as I glance at my notes there may be another, is the point made by Senator Field who although supporting the legislation adverted to the fact that at the present, the tenant does not pay tax, and raised a question as to what benefit would accrue to those people who became the owners and therefore would then have to pay the instance of land tax.

There are, of course, a number of ways in which that question can be answered. I do not believe, Sir, that there is any Barbadian that is unaware that when you own land, you pay tax on it. I do not believe that there is any Barbadian who is unaware of the fact that if you own a small lot on which you live that the tax is not very high, but what we are dealing with, Sir, is the national objective and the overall benefits to the country which accrue from the spread of ownership.

What we are dealing with, Sir, is the kind of situation which I think I spent a little time dealing with in showing what happens in a progressive scale in villages where people become owners of their land so that I think it is in that, Sir, that we will find the answer as to what benefit accrues. It is, one may suggest, Sir, the same benefit that accrues to any of us around the table when we manage to own our own home, and I do not think there is anybody who would gainsay the benefit of that.

As to the Rastas, Sir, I quite understand how Senator Field got that point because if you are talking about a tenant whether in freehold or leasehold he is the man whose crops suffer. He is the man who plants the crops when other people reap them. Government is not by any means unmindful of the difficulties which are being posed by thieves. Whether they call themselves Rastas or whether they are like the man who attack Mr. Kirton up in St. Philip with a knife and nearly disembowelled him, we are dealing with thieves there, we are not really dealing with Rastas.

I cannot Sir, subscribe to the view that all of those people who claim to be members of the rastafarian cult are thieves, vagabonds and hooligans.

I cannot deny that when I passed by Broad Street and turned into the alley which Senator Field referred that there was a smell of something, but I believe Sir, that anybody who lived in Jamaica a little bit like me, would recognise what the smell was. As a matter of fact, the smell down that street was so thick, you could almost cut it with a knife and that, of course, is a point which the Law Enforcement officers will need to look at because I believe Sir, that looking at the use of drugs within a cult, is a question quite separate, from looking at all members of a cult and blaming them for criminal activities.

I cannot disagree that something needs to be done, about those people who go and reap people's crops and who threaten people. One case which has come to my knowledge, a man was told, you will point your gun at me, but I will not just point my knife at you. There, we are dealing obviously, with the criminal element, but I believe Sir, that a number of people masquerade as rastas and the difficulty will be why some youth stray from the norm they always use straying from the norm. But, particularly, what is there within the rastafarian cult which provides shelter, if indeed, it does for these criminal elements?

I believe Sir, that the questions which have been raised in the course of the debate, I have made some attempt to answer and I hope that I have satisfied Hon. Members with my answers. I cannot however, explain to Senator Hunte why I am nattily dressed. Let me say, Sir, that until he spoke, I thought that nobody was going to notice it. Sir, Senator Hunte whom I wish through you, to thank for the compliment, also having attired all of us, sought to retire us, perhaps because he is so prematurely retired from Christ Church East. But, I wish to assure him Sir, that there was no thought of retirement, at this stage, and indeed, Sir, it would be remiss of a Government which is the sponsor, the promoter and the executor of Legislation of the order of the Tenancies Freehold Bill, to think of retiring.

Mr. PRESIDENT: When I put the question for the Second Reading, the Clerk will take votes of Hon. Members individually, as for a Division. The same procedure will be adopted when the motion is put for the passing of the Bill later on.

The question is that this Bill be now read a second time.

The following Hon. Senators voted aye:

SENATOR THE HON. N. A. BARROW, SENATOR D. G. BLACKMAN, SENATOR O'BRIEN TROTMAN, SENATOR SIR MENCEA COX, SENATOR K. HINDS, SENATOR MISS A. LYNCH, SENATOR R. FIELD, SENATOR H. F. G. ROCHEFORD, SENATOR H. R. LINTON, SENATOR THE REV. A. HATCH, SENATOR J. C. W. WICKHAM, SENATOR MRS. ENID LYNCH, SENATOR C. DEANE, and SENATOR D. H. G. HUNTE.

THE DEPUTY CLERK: Mr. President, 18 Hon. Senators voted aye. No Hon. Senator voted, No.

Mr. PRESIDENT: The ayes have it.

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, Clauses one, two and three and the remainder be taken in parts.

The question was put to the Senate and agreed to.

Clause One was called and passed.

Clause Two was called.

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

Mr. CHAIRMAN: Senator Deane.

SENATOR C. DEANE: Mr. Chairman, I did, this morning, ask whether those plantations which already had permission from the Town Planners — I really do not expect an answer now, Sir, — but I think that the Hon. Leader should look into this question.

Thank you, Sir.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I am sorry, I do not know how I missed that

point because it was one of the points of which I made careful note. The fact is, Sir, that a number of details are still being worked out, but, as the companion Bill envisages Government bearing development costs, it is almost certain, that where such expenses have been incurred, that there will be a refund because the whole scheme says that the landlord must not benefit by expenditure incurred by someone else, whether it is Government, or whether it is a tenant who has built roads and what not to get into his place, but it does not, in any way, suggest that a landlord, who has made expenditure should have no way of recouping.

The question that Clause 2 stand part, was put to the Senate and agreed to.

Clause 3 was called and passed.

Parts 1 and 2 inclusive were called and passed.

Part 3 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that Part 3 stand part.

Mr. CHAIRMAN: The question is that Senator Linton.

SENATOR H. R. LINTON: Mr. Chairman, I just want to make one point on this Part which escaped, I noticed because it was raised by Senator Deane and was also asked of me and I wanted to get into the Record and probably some publicity.

Section 25 coming in Part 3, that, "where no payment, or only a nominal payment is required by a landlord from a tenant as a purchase price for a freehold in a lot, the tenant is for all purposes of Law, a purchaser of that freehold for valuable consideration in money, or in money's worth."

I just want the landlords to know that they can give it away because several of them have asked me, they are not sure whether or not, they can give it away. I wanted to make that point, but it slipped me.

Thank you, Sir.

The question that Part 3 stand part, was put to the Senate and agreed to.

The First Schedule was called.

SENATOR THE HON. N. A. BARROW: I move, Sir, that the First Schedule stand part.

SENATOR C. I. E. DEANE: May I ask, Sir, I didn't quite understand, this Sargeants Village and Vauxhall

go down as an amendment or will it be changed by the Minister in due course? You see, Sir, I would not like anybody to say we know where you have these tenancies but they are not listed. I would like them to be listed.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, section 28 reads:

"The Minister may,

(a)

(b) by order, amend the First, Third and Fourth Schedules."

The point is, Sir, that as I had to state in the case of Sandford, Ruby and Mapps, that not every one that should be in has made it to the First Schedule. We appreciate, Sir, that if we had waited for another couple of months we might be able on the basis of more accurate information to make sure we have a First Schedule which starts out by being as full as possible, and so on, but as Senator Hunte would say, Sir, it would not be prudent to wait and keep waiting and then you spin out into six months, a year, two years and three years.

As everybody, including Senator Hunte, has said, the matter is long overdue; therefore, we needed to come down with the Bill, especially as the Bill would have had to have this section in it anyhow, because otherwise we would have locked ourselves into a situation in which we said that these are the only ones that deserve to go into that Schedule.

The question that the First Schedule stand part of the Bill was put to the Senate and agreed to.

The Second Schedule was called.

SENATOR THE HON. N. A. BARROW: I move, Sir, that the Second Schedule stand part of the Bill.

The question was put to the Senate and agreed to.

The Third Schedule was called.

SENATOR THE HON. N. A. BARROW: I move, Sir, that the Third Schedule stand part.

The question was put to the Senate and agreed to.

The Fourth Schedule was called.

SENATOR THE HON. N. A. BARROW: I move, Sir, that the Fourth Schedule stand part.

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 and reported accordingly.

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: Mr. President, I beg to move that this Bill do now pass.

The question was put to the Senate and agreed to, the Senate dividing as follows:

AYES: SENATOR THE HON. N. A. BARROW, SENATOR THE HON. D. G. BLACKMAN, SENATOR O'BRIEN TROTMAN, SENATOR SIR MENCEA COX, SENATOR K. E. HINDS, SENATOR R. E. BRATHWAITE, SENATOR A. TRUSS, SENATOR MISS ADEL LYNCH, SENATOR R. L. FIELD, SENATOR H. F. G. ROCHEFORD, SENATOR H. R. LINTON, SENATOR THE REV. A. HATCH, SENATOR J. C. W. WICKHAM, SENATOR MRS. ENID LYNCH, SENATOR D. S. MacKENZIE, SENATOR MISS M. I. BLACKMAN, SENATOR C. I. E. DEANE and SENATOR D. H. G. HUNTE — 18.

Mr. PRESIDENT: The AYES have it, this Bill has now been passed.

THE TENANTRIES DEVELOPMENT ACT, 1980

SENATOR THE HON. N. A. BARROW: Mr. President, I shall be brief for two reasons mainly, Sir. One is that members have already had a day of debate, and two, I am sure that if I should push them any further I may jeopardise the majority which we need for passing the next Item. Secondly, Sir, the subject matter of this Bill is so intertwined with the subject matter of the one we have just dealt with that it would be pedantic at the very least to indulge in an oratory of speeches in this matter.

The Bill, Sir, as I said a little while ago, has in fact been put in context by Senator Truss in the course of his comments, and one other Senator made reference to the point that the impact of the legislation which we have just passed would be indeed that there can be sale of the tenantry lots without the necessary development having taken place, which development is regarded as a prerequisite for the sale of lots. We therefore have to

have a mechanism by which the services can be delivered so that those who live on the lots in the tenancies would be no worse off and would enjoy indeed the same facilities as other Barbadians enjoy.

This, Sir, is the purpose of this Bill. I move that it be read a second time.

SENATOR THE REV. A. HATCH: I was grateful for the explanation of the Leader of the business in the Senate to the question about the foreshore. I see on page 2 of the definition that "tenantry" does not include land adjoining the foreshore. I am not satisfied with the explanation that the Minister gave, I do not believe it is analogous to say that because you are seriously considering the opening up of the Gas Company site and the Fitts Village site, and hopefully I heard the Minister also say the Paynes Bay Window was going to be opened up, I do not see that it is analogous to say that therefore the chattel house tenants on Bath's foreshore should make room presumably for development, presumably for tourist development. I do not concede that the importance of tourism, albeit acknowledged, necessitates or warrants the removal of chattel houses or other dwellings from the foreshore around the island.

SENATOR THE HON. N. A. BARROW: Mr. President, Senator Hatch when he spoke not only sought to put words in my mouth, but ideas in my mind. I have not given consideration at all to the idea that the chattel house dwellers must be removed to make way for hotel development, nor have I sought to give any impression that those who are in possession of houses at Bath are to be regarded as what you would call poor chattel house dwellers.

I think, Sir, you will find a different kind of chattel house dweller on the beach at Bath, but we have to deal with the thing globally and what we are talking about, Sir, is not moving people to make room for hotel development, but we are talking about controlling the development of what little beach land there is left to control. Really this is what we are talking about.

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

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

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

The question was put to the Senate and agreed to.

Clause 1 was called and passed.

Clause 2 was called.

SENATOR H. F. G. ROCHEFORD: Mr. Chairman, just one comment I should like to make which has been giving me great concern for a long time in connection with all sorts of other things, and now that we have it mentioned here in this Act, I draw it to attention. A "designation order" "means an order published in the Official Gazette".

Mr. Chairman, the last Official Gazette that I saw was dated some time in July that came out in July or August or something like that. Why do we have these things to be published in the Official Gazette when the Official Gazette comes out at all sorts of fancy times? I think it is high time that some action be taken to ensure that the Official Gazette is published on the day on which it says it is supposed to be published, because otherwise it makes nonsense of legislation which says that a thing must be published in the Official Gazette on a particular day when that Official Gazette is not seen by the public for months after. It makes nonsense of the legislation.

SENATOR THE HON. N. A. BARROW: Sir, I wonder whether Senator Rocheford remembers that the Official Gazette emerges printed from the same source as Parliamentary Papers which I am sure he got punctually this morning.

SENATOR H. F. G. ROCHEFORD: I have also made comment, Mr. Chairman, in this Chamber before about the whole question of Parliamentary debates, and the time has come when Parliament must see about having its own printing establishment to take care of printing for Parliament, because I think it does make nonsense of the whole thing. If you look at the last Official Gazette you will see that the Debates of the House from 1978 are now being published. This is a joke.

The question that Clause 2 stand part was put to the Senate and agreed to.

Part I was called.

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

SENATOR D. S. MACKENZIE: Mr. Chairman, I should just like to ask for an explanation on this really. It is not clear to me. On page 8 under Improvement Schemes it says here "After the coming into operation of a designation order the Minister may prepare an improvement scheme for that tenantry, which may make provision for such specific arrangements for the relocation of tenants as may be necessary.

An improvement scheme must....." and it lists (a), (b), (c) and (d) specify

- (i) how the costs will affect the rents payable by the tenants;
- (ii) the price payable by tenants if they purchase the freehold."

That one gives me a little concern, Sir, because if it happens to be a plantation tenantry that is being developed, we have already set in the other Bill the price that the tenant may pay, so I do not see how the price payable by the tenants if they purchase a freehold can be affected after the development. It is already covered if it is a plantation tenantry; if it is any other tenantry then it is the market value, and then this subclause (ii) would make sense and would have a bearing on it.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I am afraid that Senator MacKenzie has just bowled one which I know he can get the answer to in a few minutes because the officials from the Ministry of Housing are here, and I would suggest that at the end of this he has a word with the Permanent Secretary and Mr. Jones over there who will clarify the matter. When I read it I had no difficulty with it for the reason that if you set up a scheme in which some people may purchase and some opt not to purchase and then development takes place so that everybody benefits from the development, you have indeed embarked on expenditure particularly where the landlord does the expenditure. You have embarked on expenditure where it would not be equitable to expect that the price should not reflect the expenditure incurred, and therefore I took this to be what was reflected in that section. But in all fairness, since I have not checked it with the officials, I believe that it would be wise if at the end of the debate Senator MacKenzie could raise the point and they would say whether my understanding is correct or not. But that is as I saw it and I just thought that once the expenditure had been incurred that you could not very well expect the landlord who might have done this to bear that cost and not have it picked up in the price. Again we have to remember the stipulation that he must not benefit by anybody else's expenditure. I think it is only fair therefore that nobody else should benefit from his expenditure.

SENATOR H. F. G. ROCHEFORD: I just want to go back to Clause 5(4), and I assume that in subparagraph (a) "who have purchased and freehold" should obviously be "who have purchased a freehold". It seems to me there is a mistake there.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, again as we always have to do, we have to appeal to Senator Rocheford to let the Attorney General

pick that up in his clearing up at the end of the year. I do not disagree with him and Senator Wickham that the level of competence reflected by that sort of thing is embarrassing, but there is not much we can do especially where the Bill would have to have a two-thirds majority if we sent it back. Sir, let me take this opportunity to say that I have just checked the point which Senator MacKenzie raised and what I said is indeed the case.

I have just taken the point which Senator MacKenzie raised and what I said was indeed because what is happening here is that tenants in this context are not freehold tenants but leasehold tenants so it is for those people who want to go and buy after, not the people who are buying initially.

Once you have bought a spot, that is alright, but if you exercise the option not to purchase and then wait for the landlord to do his thing and then say that you want to buy, then clearly the landlord will have to be compensated for his expenditure.

SENATOR D. MACKENZIE: Sir, the explanation only is partially correct as I see it in so much as there are two types of tenancies. One is a plantation tenancy while the other is what you call other tenancies. Other tenancies are sold at what is considered to be market prices so if the Government takes over a tenancy by any Designated Order and upgrades it by putting in essential services then if they acquire all of the land in the tenancy, then they have the right to increase the price to the tenant but if it is a plantation tenancy the price has been set in the preceding Bill at \$1 per sq. metre and if the Development Order has taken place and a person does not buy it, a tenant who qualifies to purchase it who had lived on that spot for five out of seven years or for five consecutive years, then even if he buys it after the development has taken place in that plantation tenancy, he pays not the up-graded rate but he pays what the preceding Act says he will pay for his land unless they change the value in the preceding Act. Is that not correct?

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I believe that I see Senator MacKenzie's problem here. Do not let us get too bogged down on the fact that the price is set. The price is set for the spot as is. However; the fact is that plantation owners have not been developing the tenancies for the simple reason that they could not even raise the rent.

What tenancy roads are there are tenancy roads which have been set up at public expense, therefore, you can set the price now regardless of whether the roads are there or not and if after those roads are put in then those people who elect to come in after, though it is not envisaged that they will pay the full cost, the point is that there is an improvement cost which would then have to

be shared and it can only be shared in one way, by being reflected in the price.

The question that Part I stand part was put to the Senate and agreed to.

Part II 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 motion of Senator the Hon. N. A. BARROW, the Bill was read a third time and passed.

TENANCIES FREEHOLD PURCHASE ACT, 1980

The Fifth Order of the Day was called — To move the First Reading of a Bill to amend the Constitution of Barbados so as to enable membership of the Commonwealth to be more easily ascertained, and to provide for the continued operation of the law of Barbados in relation to certain Commonwealth countries.

SENATOR THE HON. N. A. BARROW: Mr. President, Sir, this is a matter which also requires passage by an affirmative vote of two thirds of the members of the Chamber for it to become Law. There is a peculiar problem which might not loom large but it is there particularly for the practitioners in External Affairs but more particularly it is there when the question of Commonwealth citizenship arises.

In this particular case, the definition of the Commonwealth is contained in the Interpretation Act. The membership of the Commonwealth has changed since the passing of that Act yet the Act has never been amended. In Chapter II of the Constitution, Sir, we find that at Section 8 it says:-

(1) Every person who under this Constitution or any Act of Parliament is a citizen of Barbados or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen."

It goes on at subsection 3:-

"Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, Malaysia, Nigeria, Cyprus, Sierra Leone, Tanzania, Jamaica, Trinidad and Tobago, Uganda, Kenya, Malawi, Malta, Zambia, The Gambia, Singapore,

Guyana, Botswana, Lesotho and Southern Rhodesia."

In short, Sir, we have defined in the Constitution the Commonwealth in relation to specific countries and this would have been all well and good if they never became new members in the Commonwealth. Therefore, in order for the Law to be updated it would need to amend, if we are to continue to define the Commonwealth to specific countries, we would need to amend the Constitution to add to that List of countries, and we would also need to amend the Interpretation Act in order to do something with the definition that appears in that Act.

However, Sir, what is proposed here is that a simple procedure be used and that after this amendment we can remain up-to-date without having to come back to Parliament and amend and amend.

The procedure, which is being suggested by this Bill, is that the Hon. Minister of External Affairs, must certify whether a specified country is, or is not, a member of the Commonwealth, in case of any proceeding before the Court. The same Hon. Minister may by order, amend the Schedule of Commonwealth countries, by adding, or deleting the names of countries, either which become, or cease to be Commonwealth countries.

I think that Hon. Members will agree that it is important that we have a simple way, an easy way of establishing who are the members of this club, of which we are supposed to be a member. The Bill, before us, Sir, lists in the Second Schedule, two Amendments, one is an Amendment to the Constitution where the sub-section 3 which I just read it is proposed that we delete that and that we have, in its place:

"This Section applies to the countries specified, or certified as Commonwealth countries, in, or under an Act of Parliament relating to members of the Commonwealth"

and this is the Act of Parliament within the members of the Commonwealth, which we are talking about.

The further suggested Amendment, is Section 43 of the Interpretation Act where it says:

"Commonwealth means the Island, the United Kingdom, Associated States and Colonies", *et cetera*, *et cetera*, and replace that by:

(a) "Commonwealth means the countries specified, or certified as Commonwealth countries, in or under an Act of Parliament relating to members of the Commonwealth."

and

(b) "Commonwealth country means a country that is an independent sovereign member of the Commonwealth".

Mr. President, I think that it ought to be clear that particularly, since in the Section of the Constitution dealing with citizenship, there is reference to the Commonwealth, for example, Section 3, Sub-Section (2):

"Any person who is a commonwealth citizen, otherwise than, by virtue of being a Citizen of Barbados and who" *et cetera*, *et cetera*,

"shall be entitled upon making application be registered as a Citizen of Barbados."

With a Constitution which includes that Sub-Section, it is absolutely important that we know exactly what we mean by "Commonwealth" and our Laws, therefore, be brought up-to-date, on the point.

I propose that this Bill be read a second time.

Mr. PRESIDENT: The question is that this Bill be now read a second time.

The following Hon. Senators voted aye:

SENATOR THE HON. N. A. BARROW, SENATOR O'BRIEN TROTMAN, SENATOR SIR MENCEA COX, SENATOR K. HINDS, SENATOR R. BRATHWAITE, SENATOR A. TRUSS, SENATOR MISS A. LYNCH, SENATOR R. L. FIELD, SENATOR H. F. G. ROCHEFORD, SENATOR H. R. LINTON, SENATOR THE REV. A. HATCH, SENATOR J. W. WICKHAM, SENATOR MRS. ENID LYNCH, SENATOR D. S. MACKENZIE, SENATOR MISS M. BLACKMAN, SENATOR C. DEANE, SENATOR D. H. G. HUNTE.

The DEPUTY CLERK: Mr. President, 17 Hon. Senators voted aye. There are no noes.

Mr. PRESIDENT: The ayes have it. This Bill has now been passed.

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 7 inclusive were called and passed.

The First and Second Schedules were called and passed.

On the motion of SENATOR THE HON. N. A. BARROW, the Senate was resumed and the passing of the Bill was reported.

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

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

Mr. PRESIDENT: The question is that this Bill do now pass.

The following Hon. Senators voted aye:

SENATOR THE HON. N. A. BARROW, SENATOR O'BRIEN TROTMAN, SENATOR SIR MENCEA COX, SENATOR K. HINDS, SENATOR R. BRATHWAITE, SENATOR A. TRUSS, SENATOR MISS A. LYNCH, SENATOR R. FIELD, SENATOR H. F. G. ROCHEFORD, SENATOR H. R. LINTON, SENATOR THE REV. A. HATCH, SENATOR J. W. WICKHAM, SENATOR MRS E. LYNCH, SENATOR D. S. MACKENZIE, SENATOR C. DEANE, SENATOR D. H. G. HUNTE.

The DEPUTY CLERK: Mr. President, 17 Hon. Senators voted aye, no Hon. Senators voted no.

Mr. PRESIDENT: The ayes have it. This Bill has now been passed.

PRIVATE MEMBERS' BUSINESS

RESOLUTION RE REPORT OF THE CONSTITUTION REVIEW COMMITTEE

SENATOR J. C. W. WICKHAM: Mr. President, we have had today an examination of the Constitution in relation to another Bill, so perhaps this particular Resolution is timely.

The main and primary purpose of this Resolution which stands in my name is really to initiate and to stimulate what I believe ought to be a very necessary debate on a matter which is by its very nature of very serious concern to the public and which cannot be ever far from the public mind.

Now the Report of the Constitution Review Commission was prepared in response to an Instrument issued by the Governor General on the 30th December, 1977, and it authorised the Commissioners to examine, study and enquire into the Constitution and other related laws and matters, and after due examination and study to report in writing making such recommendations and providing for such considerations, amendments, reforms and changes in the Constitution and related laws and administrative procedures as are in the opinion of the Commissioners necessary and desirable for promoting peace, order and good Government for Barbados.

The attention of the Commissioners was directed to six particulars. First of all there was the maintenance of democratic institutions, then there was the ensuring of a system of free periodic elections for representative Government, there was the encouragement of a wider participation by the citizens of the democratic processes of Government, there was, fourthly, the strengthening and maintaining of the independence of the Judiciary, fifthly a safeguarding of the fundamental and basic human rights principles and freedoms of the individual and the ensuring that there is no discrimination in the national life of the country on the grounds of race, sex, colour or creed. Number six was the prevention of corruption in the public life of the country and the safeguarding of public funds. The Commissioners were also asked to examine and study the necessity for a system of honours and to make consequent recommendations to the Governor General.

I need hardly stress, Mr. President, in a parliamentary body that a Constitution is really much much more than a law. Its purpose must necessarily go beyond the maintenance of law and order or the promotion of peace or a reward for public service. In my view any Constitution must lay down the ground rules of national behaviour, but it also must go further than that, it must somehow or other contrive to articulate the aspirations of people, it must try to celebrate and interpret the national character, otherwise it must always remain a dead letter.

Mr. President, those of us who have looked at the emergence of Caribbean countries into the area of independence must have noticed that in each case on the occasion of that independence those countries relied on national competitions for determining their National Anthem, that is, all of them gave publicity to the need for a National Anthem as a symbol of independence, which in my view says something very fundamental about the nature of the societies in the Caribbean. You see, on the occasion of such an important thing as independence the newly independent countries could not rely on an existing song which articulated their national character. There was nothing in the public spirit out there which anybody could say yes on a national occasion, that is a song which springs to the mind. There was no land of hope and glory, there was no Marseillaise, there was no Polonaise, national songs in every sense of that word, so we had to rely on an artificial means of providing that symbol. No doubt in time that symbol will accrete to itself all the meanings of spontaneity and national feeling, but they remain artificial and in many ways a written Constitution has that element of artificiality. On the occasion of independence somebody has to work out a written code of behaviour and that written code of course can never cover every aspect of national behaviour. It cannot allow for the flexible interpretation of a national character which can take care of

itself in the unfolding of time as if no Constitution were written.

We have to rely on words on paper to say in fact what is essential beyond the power of words to say. What I am saying, Mr. President, therefore is that it would be a mistake and it would be self-defeating if we were to rely on the letter of a constitutional document as if it were a sacred and a rigid text. Another set of principles designed to speak for the unique collection of people at a certain time and in a certain place, and it is as well to remind ourselves, as the legal consultant to the Review Commission did, that no provisions of the Constitution are in for ever, because Mr. President, if there is one thing certain about our human condition it is that it cannot last. Conditions change and are changing our past and in almost another 20 years' time, in the year 2000, we shall see the collapse of many Governments.

What this Resolution which I am introducing seeks to do therefore is to invite an examination of the system which takes account of this liability to change and where it provides the guidelines for future generations of Barbadians to make the best of the world to which they will succeed.

It is to be assumed, Mr. President, that the ultimate objective of any system of democratic Government is the welfare of the people. Therefore although the terms of reference of the Commissioners make no mention of the promotion of the welfare of the people in those precise terms, we must assume that this very desirable state is expected to flow from such institutional provisions as multi-party democracy, free periodic elections, why the participation by the citizens of Barbados in the democratic process of Government, the independence of the Judiciary, the establishment of human basic rights, the abolition of discrimination and the prevention of corruption. These are the particulars to which the attention of the Commissioners was directed.

Mr. President, I propose in this introduction to make reference to some of the points on which the Commission spoke to illustrate my contention in that the report is in no sense a definitive document, but it can in fact, form the basis of rational amendment to the Constitution. Take first the question of the fundamental rights and freedoms. Three of the Commission's recommendations seem to me to merit attention. The first of them relates to the supremacy of the Supreme Court, and in this connection it will be useful and tidy to quote from the text of the Report itself, and this is at paragraph 14 of the Report.

"The Commission noted the apparent reluctance of the Courts in other West Indian countries to use the powers conferred by Constitutions very similar to that of

Barbados, for the protection of fundamental rights and freedoms. Further, the Commission was perturbed by decisions of the Privy Council which applied theories of English Constitutional Law to the circumstances of West Indian written Constitutions."

Paragraph 15 said:—

"The Commission considers that the Supreme Court of Barbados must be the final bulwark of the freedom of the Barbadian people, and considers that the Supreme court must be vested with the power and authority so to act. It is in an attempt to make this position abundantly clear that the proposed amendment to Section 11, set out below is made. It is hoped that with this amendment no Judge will hold that the arm of the law is not long enough or strong enough to protect the fundamental rights and freedoms of all Barbadians particularly against infringements caused by Government."

The second point relates to the provisions or lack of relating to protection from the deprivation of poverty. Here the Commission referred to Section 16 of the Constitution which we have dealt with earlier and in which the Leader of the Senate introduced an amendment to the Tenancies Act. I shall not worry to go into that because we have already dealt with that. But paragraph 17 of the Report refers to the enforcement of protective provisions, and it says:

"According to section 24, relating to the enforcement of the protective provisions, under the proviso to subsection (2) the High Court cannot exercise its enforcement and supervisory powers under that section if it is satisfied that adequate means of redress are, or have been, available to the person aggrieved under any other law. This exposes a glaring loophole in the protection of fundamental rights for it forces the High Court to deny the citizen his constitutional remedy where some other means of redress are or have been available to him."

In respect of these two matters, that is, the supremacy of the Supreme Court and the protection from deprivation of poverty the Commission made two recommendations: (1) an amendment to Section 11 by the insertion of words to establish the Court's supremacy by the deletion of the proviso which prevented the Court from exercising its powers if means of redress were available to the person concerned under any other law and the repealing of the provision for the saving of existing law.

Mr. President, the comments of the Commissioners on the subject of State action criteria are only vaguely comprehensible to me. I have some sense of what is meant, but in the present context of very learned legal luminaries who are much more able to shed light on

these dark places, I am very hopeful that in the debate which will ensue that that light will in fact be shed, and since we have the Chairman of the Commission here, I look forward very much as I am sure the Senate does to his explanation and to his taking us through the provisions of that particular recommendation.

Mr. President, the Commissioners spent some considerable time in examining the question of the form of Government which Barbados should enjoy. Should Barbadians continue to regard the British sovereign as the Executive Authority or would a republican form of government be more realistic and more acceptable? Mr. President, in spite of the ideological argument in support of a republican form of government, it is my own view that the various descriptions we hear are really no more than labels, and labels to my mind have never provided any adequate insight into meaning. Labels must always remain labels, and certainly in this particular case I have not been led to believe that anywhere in the world the lot or prospect of the ordinary man has been significantly improved by a change in the label. The Commissioners appeared to hold a similar view. They were not convinced that a change into a republican form of Government would be of any significance in Barbados. Certainly for my part I cannot detect any clamorous public expression or desire to follow the example of the two neighbours who have chosen the path of republicanism. Mr. President, I cannot help feeling that in this matter there is considerable merit in the suggestion that we would be wise rather to bear those ills we know than to fly to others we know not of.

The next subject to which I would wish to draw attention on this occasion is that dealing with Parliament. The Commission reports it had received mixed representation about the character of the Legislature, the point in question being whether there should be a unicameral or bicameral Parliament. This argument it seems to me has begun to grow a little tiresome, the same old points adduced without any added urgency, the same old clichés mouthed about the sacredness of elections, but I should like to make two points: the first is that it is extremely unlikely given the nature and partisanship of the electoral process and the consequent polarisation which that process breeds, it is extremely unlikely in those circumstances that a single house however large would provide adequate accommodation for the expression of the wide range of opinion which is desirable in a democracy.

My second point is that it strikes me as naive in the extreme to argue that the effectiveness of a body or even an individual resides solely in the power of either of them to reject or prevent. This seems to me to be tantamount to saying that the only effective parent or guardian or teacher is the one who succeeds in resisting the will of the child. Surely the expression of a contrary

view among civilised people is a valuable contribution to and an assurance of prudent and beneficial measures.

Mr. President, in the Report the Commission referred to the fact that it was represented to them that this Chamber served little purpose — this Chamber meaning the Senate — except in some cases, that of making Parliamentarians of some persons who have lost their bid to become such by way of the popular vote. My view is that that kind of thinking is necessarily the product of minds which make use of such phrases as “the machinery of Government”, because the conception of Government is after all an Organisation of groups of people for their own welfare. The conception of Government as a machinery betrays, in my view, a lack of appreciation of the worth or importance of human beings. A machine connotes mindlessness and inhumanity, not intelligence and sympathy.

I think therefore, Mr. President, that the Commission's recommendation for the retention of the Senate is a wise one. The recommendation about the distribution of the Senate seeks to provide for possibly five Opposition members and the reduction of the independent membership to four does not seem to me to disturb the balance in the composition of the Senate.

Mr. President, the Commission's recommendation on the question of the composition of the House of Assembly is as follows:—

“Having regard (and this is paragraph 67 of the Report) to the growth in population, the abolition of any form of local government which places more work and responsibility on Members of Parliament and the possibility of more nearly equalising the number of voters in each constituency; and further, having regard to the fact that the number of seats in the House of Assembly was fixed at 24 in 1843 when the population of Barbados was approximately 122,000 and today the population stands at over 250,000, the Commission recommends that the membership should be increased under Section 41 from 24 to 30”.

This argument here, however, seems to me to be that there is some sort of hallowed route between members of the population and the number of representatives. I do not accept this. First of all the representation in 1843 might well have been excessive. In fact, in 1639 there were 22 seats but there is also the fact that the political representative is more the representative of the citizens' views and interest than of the citizen himself so that given the device of the political Manifesto the notion of representation of so many thousand persons is actually a distortion of reality. Indeed the membership

of the Legislative Assembly could hardly be called representation, certainly not in any sense in which we now understand the term.

Less than 50 years after the settlement the Assembly already consisted of 22 persons, two chosen from each parish by freeholders holding 10 acres or more.

In 1698, according to Dr. Eric Williams there were over 2,000 white males to 42,000 slaves so that in those years the Barbados Assembly could hardly be said to be representative, for those 22 Assembly men would not have regarded themselves as representing the slaves, merely owning them. It is a mistake therefore to base any argument or a comparison between totally dissimilar societies and modes of thought.

The question of the composition of the House of Assembly seems to me, Mr. President, to be relative to that of local Government. The Commission dealt with them separately since the local government arrangement was not a matter for inclusion in the Constitution, but they can bear treatment in the same breadth, so to speak, especially since the main argument offered for the increase in the number of seats in the House of Assembly was that the abolition of any form of local government placed more work and responsibility on members of Parliament.

Mr. President, in presenting its case for decentralisation, the Commission argued as follows:—

“A large percentage of the population lives out of Bridgetown and yet the major public services are concentrated in the City. The growing number of commercial houses and new industrial enterprises moving away from Bridgetown make it feasible to establish regional centres for the conduct of the people's business in strategic areas to avoid a constant and often unnecessary influx of persons and their transport vehicles into Bridgetown.

This rapid expansion of public services has greatly increased the number of Government transactions and consequently resulted in waste and delays. The decentralisation of Government activities would relieve members of Parliament from involvement in many purely local issues, free senior officials in central departments from onerous and detailed tasks and increase the speed and effectiveness of administration at all levels provided that adequate administrative guidelines and reporting systems are established”.

Although the Commission recognises that the abolition of local government in Barbados has had some unfortunate results, it does not recommend its revival. The Commission however, was of the opinion that wider par-

ticipation in the democratic processes of government could be achieved by a system of regional centres, eight of them were mentioned which could cater to the requirements of agriculture, health, education and other social welfare services and by the development of a system of community councils which would be concerned with the dissemination of information on national or local issues and the advancement of views about Governmental activity and inactivity in areas that affect them.

These are expedients, in my view, interested as they are do not meet the case because neither of them answers to the need for the people to exercise meaningful authority and to assume responsibility for decisions affecting certain well defined areas of civic life.

The first device of the Regional Centres simply extends the area of the bureaucratic presence of essential Government and the second offers little more than scope for the establishment of discussion groups.

Mr. President, with all due respect for the opinion of the Commission, I must submit that its members seem to have missed the point which is not the efficiency of control but the involvement of the citizen and the delegation of responsibility to him.

Let me try to put my point in as simple and homely a way as I possibly can because I think it is an important one. When I was a small boy in my parents house the domestic responsibilities were divided up among the children of the family. Among these was the keeping of a little kitchen garden. The land was there and we were given seeds and told to get on with it. We were given some directions on the responsibilities of producing from that land and that is how or lunch money was raised. The decisions were ours so that our involvement was a meaningful one. If we did not plant, if we did not sow, then if we did not earn revenue then we could not spend. That is what I said is a homely example of meaningful participation.

If I regard my parents as the central government there was the representation of advice and consultation but certainly the responsibility was very rarely theirs.

Mr. President, a chapter by chapter examination of the Commission's Report would not be a profitable expenditure of time and I certainly do not propose to be more wasteful than I can help. Many of the Commission's recommendations concerning the extension of the life of Parliament, the powers of the executive, the functions of the Director of Public Prosecutions, the Judicature and the Public Service are of a housekeeping nature. Not so, however, the question of an (Ombudsman) which was dealt with as a matter, not for inclusion in the Constitution, but to be provided for otherwise.

The Commission's discussions on this question discloses no marked enthusiasm for the establishment of an office which originated in Sweden more than 150 years ago.

"In fact, members of the Senate may regard the tone of paragraph 7 on page 56 of the Report which reads: "There is also an office of ombudsman in Trinidad and Tobago and in Guyana" to be as eloquent as so factual and objective a statement can possibly be.

The Commissioners draw attention to the various means of securing redress which are available to the ordinary citizen — the Law Courts, administrative tribunals for national insurance matters, national assistance claims, severance payments, income tax appeals, decisions of the Chief Town Planner and there are also the offices of the Head of the Civil Service and of the three Services Commissions.

However, the Commission makes an interesting and significant observation in this matter:

It is acknowledged that over the past few years more and more decisions which seriously affect and restrict individual freedoms have been relegated to the discretion of Ministers. Also, there has been a rapid extension of all powers of government to interfere with, and intervene in, all aspects of the day-to-day life of the individual citizen, without any corresponding and sufficient checks and balances to prevent abuse of these powers. The exercise of those powers is very often cloaked in secrecy and no information is given or can be demanded about decisions which vitally affect the average citizen.

The Commission's recommendations are not detailed, confined as they are to (a) the extension of the Legal Aid System which would go a long way towards meeting the need for an ombudsman and (b) the advice that the creation of an office of Ombudsman should not be included or enshrined in the Constitution and that such an office *could* be created by local Act of Parliament.

Not a very positive or enthusiastic recommendation, I should think.

Perhaps the alternatives for the creation of the office of Ombudsman ought to have been given more positive utterance than simply that they merited serious consideration. One of these was the setting up of a Complaints Section of one or two officers in each Ministry or large Government Departments; the setting up of an overall administrative tribunal which would attend not only to those matters with which the existing tribunals deal but also to all other complaints; the creation of a watchdog Citizens' Committee endowed with authority to report to the Cabinet or to Parliament;

the Committee being an independent body working in the interest of the private individual and submitting its findings and recommendations to the Heads of Departments and the Ministers concerned; and the improvement and extension of the Legal Aid Service.

Mr. President, my last point concerns the question of Barbados national honours about which there has been much comment in the press and otherwise. At the beginning of this introduction I referred to the articulation of the unspoken aspirations of Barbadians and the celebration of the national character as important functions of a Constitution. Attractive though I find the challenge, Mr. President, this is not the place nor the occasion to undertake an analysis of the Barbadian character nor to assess the effect of centuries of British influence on the personality and imagination of a community which regards potatoes and apples of whatever country of origin as English.

Mr. President, I think it is a mistake to regard such manifestations of the Barbadian spirit and such expression of its culture as knighthoods and companionships of honour as *wrong*. They can be neither wrong nor right in any moral sense. They are simply so. And the citizen who does not believe they are wholesome or to whom they are not palatable is free to say so and to express his distaste for the idea they represent by rejection.

I have no doubt whatever that there will come a time fairly soon when all civic honours will lose their meaning. I am seeing too much evidence of the rapid climb of money and material goods to the top of the scale of values to delude myself that my own or any set of desirable moral qualities is entitled to permanent acceptance.

And if, Mr. President, this conviction is thought to be excessively cynical, may I invite the attention of the Senate to the increasing number of spheres of action in which the enforcement of legislation seems to be the only means of ensuring that people behave in civilised manner. It is a comment on the pattern of these changing values that for example, penalties need to be established so as to ensure that children are cared for and garbage not dumped.

My simple observation on the recommendation of the Commission in respect of Barbados national honours is that they represent an accurate interpretation of the Barbadian personality. In any event, under any system of official honours there will always be people who will not catch the judges' eyes and people who need no honours to be recognised by their fellows.

The Report of the Commission to review the Constitution and to consider a system of national honours

and a national Table of Precedence is an interesting and instructive document, made more so by the memoranda prepared by Professor Ralph Carnegie, the Consultant to the Commission. To be sure, there are some infelicities of language, but these, in my view, do not impair the worth of a genuine attempt at rationalising a code for the guidance of our national affairs.

Mr. President, I crave the patience of the Senate for one final point. It concerns the importance or value of the Senate as a component of our parliamentary system and the criticism that, as a body, we serve little purpose.

The Report which we have just been looking at was published over a year ago. For reasons no doubt of expediency or owing to the press of other business, it has not received the formal parliamentary attention such a document deserves. It must therefore be a matter for the record and of some significance that it is in this useless chamber that the Report of the Commission is receiving its first parliamentary examination and debate.

Mr. PRESIDENT: Senator MacKenzie.

SENATOR D. S. MACKENZIE: Mr. President, I believe Sir, that it is true to say that in Private Members Business, that it is necessary for the Resolution to have a seconder and I rise to second Senator Wickham's Resolution.

I do not think that all of us really are prepared, at this moment in time, to deal with it, but that it would become active and I would like to reserve the right to speak later on.

Mr. PRESIDENT: That is quite in order. The Resolution has been properly seconded and therefore, it is now before the Honourable Senate for discussion and debate.

Senator MacKenzie, who has seconded it, can reserve the right to speak at a later period in the debate.

As he has pointed out, we have had a bit of a tiring day and I am not sure if Hon. Members are willing to proceed with this debate, at the moment.

It is possible for the Hon. Leader to move, that further consideration of the debate be postponed until another Meeting.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that further consideration of this Debate be postponed.

The question that further consideration of the Debate be postponed was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. President, Sir, in moving the Adjournment, just let me say Sir, that while those of us who accept the honour of being Hon. Senators have to expect, from time to time, that we will not be able just to come in on afternoons on Wednesday and meet, I am extremely pleased at the fact, that almost everybody — I knew that Senator Hewitt had an engagement and could not be here today — and everybody else in fact, except Senator Connell who is absent from the country, not only turned out, but turned out in splendour and performed particularly well, on a day as important, as this.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: I wish at this stage, Sir, to move the adjournment of this Hon. Senate for two weeks. I am moving, Sir, that we adjourn to Wednesday, October 15, at 2.30 in the afternoon.

The question was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the Senate accordingly. 5.37 p.m.