
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 10th September, 1980.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 10th day of September, 1980, at 2.30 p.m. today.

PRESENT

His Honour Senator the REV. G. ANDREW HATCH, M.A., (Deputy President); Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information) (Leader of the Senate); Senator Sir M. E. COX; Senator H. F. G. ROCHEFORD, B.A.; Senator R. L. FIELD; Senator H. R. LINTON, LL.B.; Senator K. E. HINDS; Senator Miss O. A. LYNCH, B. A., Dip. Ed.; Senator C. I. E. DEANE; Senator K. R. HEWITT, B. Com., C.A.; Senator Mrs. E. M. LYNCH, B.A.; Senator Miss M. I. St.C. BLACKMAN; Senator J. C. W. WICKHAM; Senator J. A. CONNELL, LL.B.; and Senator R. E. BRATHWAITE.

ABSENT

His Honour Senator the Hon. Sir ARNOTT CATO; Senator the Hon. D. G. BLACKMAN; Senators O'B. TROTMAN, AARON TRUSS, J. D. S. MACKENZIE and D. H. G. HUNTE.

Prayers were taken by Fr. IVAN HAREWOOD.

PRESENTATION OF PAPERS

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

The Customs Tariff (Amendment) (No. 5) Order, 1980;

The Customs Tariff (Amendment) (No. 6) Order, 1980;

The Customs Tariff (Amendment) (No. 7) Order, 1980;

The Customs Tariff (Amendment) (No. 8) Order, 1980;

The Customs Tariff (Amendment) (No. 9) Order, 1980.

Report of the Registry Office and the Supreme Court Registry for the year 1979;

Annual Report of the National Sports Council for the year ended 31st March, 1979.

INTRODUCTION OF BILLS

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

A Resolution to approve the lease of land at Prescod Boulevard, Fontabelle, St. Michael to Homex Construction Limited;

A Resolution to approve the lease of land at Prescod Boulevard, Fontabelle, St. Michael, to the Nation Limited;

A Resolution to approve the lease of land at Prescod Boulevard, Fontabelle, St. Michael, to H. B. Niblock, Limited;

A Resolution to approve the compulsory acquisition of land at Cheapside, St. Michael, for road improvement;

A Resolution to amend Resolution No. 26/1979 for the acquisition of property at Cheapside, St. Michael;

A Resolution to approve the compulsory acquisition of land at Cheapside/Fontabelle, St. Michael, for road improvement;

A Bill to make new provisions enabling the High Court to assist in obtaining evidence required for the purpose of proceeding in other jurisdictions;

A Bill to amend the Perjury Act;

A Bill to amend the Judicial Sale of Land Act;

A Bill to amend the Court Process Act;

A Bill to provide for the establishment of the Barbados Water Authority.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, before proceeding with Order No. 1, I wish to merely ensure, Sir, that members did receive in the mail at the same time as the Papers for the Other Place were sent out a Resolution which has to be dealt with urgently, and which was dealt with in the Other Place yesterday, which concerns the raising by a loan of \$48 million TT dollars on the Trinidad and Tobago market, because I will be very careful, Sir, to ensure that adequate notice was given, that this went out very early so that it could be dealt with today, and the other Item in addition to the two already on the Order Paper.

I have no indication that members did not get it, so it is all right, I was just wishing to make sure.

THE MARRIED WOMEN (AMENDMENT) ACT, 1980

SENATOR THE HON. N. A. BARROW: The matter before us, Sir, concerns a Bill which, I am sure, many are relieved to see and which is really a matter of importance even though it is one which I believe will have general support.

The National Commission on the Status of Women which was set up by this Government, Sir, and which reported in May 1978, and the report of which was laid in Parliament in May 1978, made a number of recommendations which are generally finding their way into the law, some of them even ahead of the time one might normally have anticipated in view of the fact that the Attorney General's Chambers, as we know, is short-staffed and has been handling a great deal of legislation.

This measure, like the one which we dealt with before on the status of children, by which legislation abolished the odious distinction of legitimacy and

illegitimacy in our law, this matter is one coming out of the recommendations of the Commission. The Commission in its report, the section where they paid attention to certain disabilities in the law of Tort, made this recommendation that spouses should be able to bring actions against each other in the law of Tort, in full recognition of the fact that as the law now stands there are certain important disabilities. Let me not attempt to dwell at length on what the law of Tort is about.

But merely to state in a general way, though certain shorthand definitions are always inadequate, that the Law imputes certain duties to persons and when these duties are broken and damage results, the person who suffers the damage ought to be able to come to court and seek a remedy. It is not criminal to say nasty things about somebody else, not usually, but it may well be tortious because in so doing, one may do damage to the reputation of that other person, hence the tort of defamation.

It may not be penal, Sir, to drive a car without due regard to the safety of others, but when in doing so, we cause injury to someone, then, the conduct is certainly tortious. One can go on to deal with a number of the areas in which there are examples to bear out the kind of shorthand definition which I have sought to give.

It has been held for a long time, at Common Law, that the sanctity of marriage should preclude one party being able to bring an action in the court, against the other, if they were husband and wife. With the development of the modern Law of Insurance, this has proved to be burdensome. If, for example, a situation arose, where the husband were driving the car and the wife were injured in circumstances where had she not been his wife, she would have been able to bring an action and received compensation under the Law. By virtue of the fact that she cannot sue the husband, then, she is debarred from bringing such action and therefore, from receiving compensation. So, the very reason, in that respect, for which insurance affecting Third Party is taken out, that very reason is frustrated.

There are circumstances, Sir, in which the husband may say things which are defamatory about the wife, in which there ought to be a right of action. As the Law now stands, it is not possible for any such action to be brought. The position therefore, Sir, is that, given a form of Legislation in which either malicious, or trivial actions may be discouraged, everything ought to be done to ensure that spouses have the right to bring an action in Tort, one against the other. This is why Sir, Section

Three of this Bill, in inserting the new Section 37, you see Section 37, Sub-section Two, Sir:

"Where an action in Tort is brought by one of the parties to a marriage against the other, during the subsistence of the marriage, the court may stay the action if it appears:

- (a) that no substantial benefit would accrue to either party from the continuation of the proceedings;
- (b) that the question in issue could more conveniently be disposed on an application under Section 191 of the principal Act, 1979, or, give such directions as it thinks fit for the disposal and of acceptance of any action arising in the proceedings.

That Sir, is the protection which is sought whereby it is sought to guard against trivial, or malicious suits. You will also notice Sir, that the principal Act is to be amended by deleting the word "women" appearing in the long and short titles and substituting therefor, the word "persons" in keeping again with the reflection in the Law of the status of spouse, rather than, the status of husband, or wife.

Section Four of this Bill Sir, deals again with a matter of importance, in that it abolishes the liability which a husband might otherwise have had for his wife's tort. This again, Sir, is a matter within the Law which has been recognised more recently as being unsatisfactory. In this Bill, the opportunity is taken to ensure that such liabilities should not lie merely by reason of the fact that he is the husband. If, however, he is in his own right, a tortfeasor, then, it means that he can be sued jointly with the wife when the Law is changed, if they are joint tortfeasors. But, there is no reason why he should be liable for his wife's tort, merely by virtue of being the husband.

There is one aspect of the Legislation which seems to me, has not tackled one aspect of the problem and that is the problem relating to the loss of consortium, where, at Common Law, if the husband is deprived of the wife's consortium, that would give her an independent right of action, but if the wife were deprived of the husband's consortium, as in the 1952 case of *Samuel Fox and Best*, then, the court would hold — in that case Sir, the husband was rendered impotent — and the court held that the wife was not entitled to damages for the loss of consortium. The theory at Common Law being that the husband had a property interest in the wife and the wife had no such property interest in the husband. However, Sir, as the goodly judge said in that case, if anything were to be done about the right of

consortium, then, by statute, there should be action taken to remove this right from the husband rather than extend it to the wife. I am no authority on this matter and I cannot talk as to which way a decision should go, but it does seem that it is a little hard on the poor lady whose husband is rendered impotent, to say that she should not receive any compensation for the loss of consortium.

As the Law stands, this Bill does not, as far as it is Sir, I do not think that this Bill addresses itself at all, to the subject of consortium and let me reflect Sir, that in the Attorney General's Chambers, they probably need a little more time to think of which way they should come down, whether to extend the right of consortium, or to do away with it, at least for this purpose.

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

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

SENATOR J. A. CONNELL: It is interesting, Sir, that the Leader sought to provide an explanation by way of the Attorney General's Chamber. I thought that the explanation made was the predominately main composition of the Cabinet. Sir, this is a Bill which forms part of the whole fabric of legislation for making reality of the equality of women in Barbados before the eyes of the Law.

It is really not a partisan or controversial matter. I would however like to take the opportunity to bring again to the notice of the Government two other areas which are crying out for legislation and to ask of the Leader of the Senate whether the legislative preparations of the Government in this area are sufficiently far advanced that it would be pointless for a member of this side to introduce a Private Members' Bill so after he has heard me he can tell me whether he thinks there is any point in bringing Private Members' Legislation to make the point or whether their own legislative programme is sufficiently well advanced to incorporate the two points I am going to make.

The first one, Sir, has to do with matrimonial property. In the second half of the 20th Century people tend to be more alive to their legal rights than they were before, particularly with all of the discussion of Women's Rights. I think men are also more aware of their own rights as well and one of the vexing questions that crop up very often in the Courts in these days and in Lawyer's Chambers at the level of private settlements is the matter of matrimonial property.

When a woman has worked side by side with a man for several years and the two of them have accumulated property, it sometimes happens that the matter has to be resolved by a Court of Law or it comes up for private settlement between two Lawyers acting on behalf of the two parties.

The state of the law as perhaps you have heard *ad nauseam* in this Chamber already is somewhat confused. It can be argued that if you pick your way very carefully through the House of Lord's decisions that it is possible to arrive at certain guidelines to put it at the lowest. The two decisions are called Pettit versus Pettit and Gissing versus Gissing. Of one of these cases one legal commentator said that the decision is as ambiguous as the pronouncement of the Oracle at Delphi except for the fact that the Oracle at Delphi spoke with only one voice but there were five law lords which made the decision five times as ambiguous as the Delphic pronouncement. That gives some indication as to the difficulties that even some Lawyers experience in knowing what the law is at this stage.

The situation exist in England where an outstanding Lawyer, Lord Denning, takes one view of the law and all of the other Judges and perhaps 75% of the legal profession takes the other view. Now if the legal situation is that difficult for Lawyers one can only imagine how difficult it must be for simple men and women to discover what are their legal rights when there is any matrimonial disagreement and they want to know what property they are entitled to.

After one of these House of Lord's decisions the Law Commission of the United Kingdom put up certain recommendations to the Government which were accepted and implemented. As a result of that an Act was passed as long ago as 1970 which basically contains an 8 point change in the law. Briefly I will touch on them to make their import clear to enable members and indeed to ask whether it is the Government's intention to have legislation of this effect or it would be better to proceed independently.

The recommendation of the Law Commission provided that where a spouse paid the contribution in money or monies worth, when it was substantial in nature, where it affected an improvement in the property, and where the contribution was identifiable, then that spouse had proprietary interest in the property. It seems to me that legislation along those lines in Barbados would give considerable distance towards introducing not only equity but certainty in the law.

Now interestingly enough in the United Kingdom the requirement is that the spouse should make a financial contribution in actual monetary terms. I believe that looking at the sociology of Barbadian society we

could probably adopt that to suit our own social realities here. The woman in fact may not make a direct financial contribution. I say a woman but it may be a man. I know of a situation now in which a man has done yeoman service next to his wife and in the process of 20 years they have built a substantial business in the area of tourism which is now well worth millions. Not a lot, but more than \$1 million and you know, the wife has come around to the feeling that he has not made any substantial contributions to the amassing of this considerable wealth, so it must not be thought that it is only women who suffer in this respect. It is true that given the kind of patriotic nature of our society it is largely women who do but that situation is changing and changing rather fast so that you are going to have in the not too distant future several cases of men wishing to have the law to say that they are entitled to at least half or a considerable part or at least a part of the matrimonial property.

One of the recommendations that I would make is that we should consider any service by a spouse that tends to consolidate and improve matrimonial property as qualifying for quantification as a proprietary right if a dispute arises. We have some ways of helping domestically in Barbados and other parts of the Caribbean that are not exactly like those in the United Kingdom, and I am persuaded that our legislation should recognise it. The Law Commission in the United Kingdom recommended also that whatever the law is on this point the parties by mutual agreement can establish their own arrangements. I think that is desirable. The parties should be free to contract all the rights they are going to have or not to have in any marriage agreement, but I certainly think, Sir, that it is urgently necessary to have this form of legislation.

Barbados has changed in material terms considerably over the last forty years and the indications for the future are that the same type of change will be continuing at an increased pace. There will therefore be many more families of which the husband and wife and indeed the man and woman have contributed substantially towards the creation of some sort of matrimonial or joint property, and when a dispute comes, as disputes tend to come, it is a very traumatic experience for those parties and for lawyers and judges to seek to sort the matter out. I think that this piece of legislation will eliminate a great deal of bitterness and hardship in many cases.

I would not seek to rank legislation of this type in terms of priority. I would not wish to say that the one I am recommending is more urgent than the one we are now considering. Both are important, but I would like to see rather soon in this Parliamentary term this legislative change take place.

Another change which will not, I think, affect as wide a number of persons as the one I just recommended is this one, and this has to do with the area of desertion

and insanity in the law of matrimonial causes. Under our present statute, Cap. 221, the Matrimonial Causes Act, it is provided in Section 7 that a petition for divorce may be presented to the High Court by either the husband or wife on the ground *inter alia* that the respondent is incurably or of an unsound mind and has been continuously under care and treatment for the period of at least five years immediately preceding the presentation of the petition. This Section 7 is the one that sets out the grounds for divorce; it sets out adultery, desertion and cruelty, and as an additional ground it adds if either party is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition.

Now, Sir, the change that I am advocating is this: that unnecessary hardship can be experienced by married persons because of the absence of clarification of some of the terms employed in the language of the statute that I have just read. Take for example the term "continuously under care and treatment". What is the position when a woman is married to a man or a man married to a woman who has to go to the Mental Hospital for treatment, that spouse is in there for a period of time for a year, then is sent out for nine months, takes ill again and goes back in and that state of affairs continues indefinitely? The question arises is that person continuously under care and treatment? Now, Sir, I am aware of natural problems out there in the society involving this point where a spouse is, as we put in Barbadian parlance, in and out of the hospital.

Now in the United Kingdom where the problem has arisen, they found it necessary to pass an Act in 1958 called the Divorce, Insanity and Desertion Act which provided that any interruption for a period of 28 days or less may be disregarded. Now that is a small period, but it still alleviates a situation because there are circumstances when the person comes out for a short period of time and then had to be re-admitted, and if that period is just four weeks, then under this Statute it is disregarded and the entire period counts in the computation of the five years, but I can tell you that real hardship can result where this person is, as we say, in and out of hospital and the marriage has virtually broken down, and they cannot get a divorce because of the inability to get themselves within the four corners of the working of this section. It tends at that level, Sir, to add a new dimension to the words in the marriage ceremony "for better and for worse" because at that stage, Sir, the other spouse can really be suffering.

Another area of this same section of the law has to do with the question of desertion. Now under our law the desertion must be for a period of two years immediately preceding the presentation of the petition. Sir, I do not want to be unduly burdensome in this area of the law,

but I still have to make a certain minimum statement of it to be comprehensible at all. Now desertion in the law comprises of two aspects, the mental aspect and a state of affairs. There must be an *animus*, a will to desert, and the whole point is that if a person is suffering from a mental illness, that person cannot under the law perform an *animus deserendi* or the will to desert which is indispensable to the requirement for three years' desertion. It means therefore that if a husband left a wife or a wife left her husband without just cause for say, two years and at the end of that two years the person became mentally ill and had to be taken into the mental asylum, the period of desertion stops running because the mental incapacity rules out the *animus deserendi* or the will to desert and the other spouse is kept frozen in limbo for a longer period than would really be necessary otherwise under the law.

Again, in the United Kingdom, they introduced legislation in 1973 to alter that situation, and this legislation provided basically that if desertion actually began before mental illness ensued, then it will continue to run if the court is satisfied that had the person not been mentally ill they would continue the desertion.

Now, it can be argued that there are not many cases out there, there are not a great number of Barbadians who find themselves in this situation, but, Sir, if there are ten — and there could be that number — the suffering of ten is sufficiently significant in my opinion in a humane society as to cry aloud for a remedy, and when the remedy lies in simply drafting and bringing down here a piece of legislation to be read three times, I think we should concern ourselves with it. I know of at least one case which is affected by the five year rule, and that person is suffering, their circumstances in life could be altered significantly if that bit of law were amended, because there is a prospect of marriage and going overseas to set up a new life, and this business of being suspended in limbo and waiting to see what is going to happen is proving a bit of a hardship, more than a bit of hardship.

That basically, Sir, is the change that I think should be considered and I should be grateful if the Leader of the Senate would indicate whether he is going to bring it down or will have us draft it and bring it in here, because it is not now long before this particular Senate comes to an end, and if certain legislation is to be brought down, either the Government for the time brings it or the Opposition for the time will bring it, but I think we should get on with this legislation.

Finally, Sir, on a lighter point, the Senator was in his introduction to the Bill talking about spouses suing each other. This is a lighter point, but it still shows us something about Barbadian sociology. He said quite rightly that with the introduction of the law on insurance the whole thing has changed, because if the two spouses are

travelling in a motor vehicle and the husband or wife is driving and is negligent, and as a result of that negligence causes serious injury to the other spouse, then the only way of getting compensation from the insurance company is for the injured party to sue, and you know, this is done for example in the United Kingdom and elsewhere.

The point I wanted to make, though, was that the morality of a husband not suing the wife or a wife not suing the husband has percolated in our society to such an extent that even where there is a boyfriend-girlfriend situation within my professional experience the party is reluctant to sue. I have known of a case where a girlfriend was very badly injured as a result of the obviously and flagrant negligence of the boyfriend, so badly injured that she lost her voice and the prospect was that she may well be without her voice for life, and yet her emotional feeling was such that when she was advised that she should sue she could not bring herself to do it, neither could the family. She said, "he is my boyfriend, how can I sue him?" It was pretty difficult to explain that this was the way the law requires it to be done, and I may add, Sir, that perhaps the most effective argument with her was, suppose in the future he changes his mind and you are still without your voice. But it does rather show that with all the drift towards materialism and acquisition of money in the society there is still a discernable residue of the old morality among Barbadians which is not as money conscious as some of the other manifestations we have seen, Sir.

Apart from the comments I have made, I have nothing further on this Bill, and I should be grateful if the Leader of the Senate would indicate whether he thinks it is at this point in time wise or desirable for legislation along the lines I indicated to be initiated, or is Government going to bring it down within the Session. Thank you, Sir.

SENATOR H. F. G. ROCHEFORD: Mr. Deputy President, I was very happy that Senator Connell indicated that he would up his speech on a lighter note, because the comments that I will now make would probably have seemed as *a propos* after his learned dissertation on the legal situation of married women, but I would like to say, and I am looking at section 2 of this Act that we are being caught up in all of the foolishness which starts in North America about desexing people and we want to change married women now to married persons, they are no longer married women, and this whole original act reeks of married women and we are changing the title to married persons, but all through it it talks about married women. Why not go through the whole Act and take out "married women"?

It seems to me, and I do not know if women really want to be deprived of their womanhood any more, I am not so sure about this, Sir, but it seems to me that this

is rather silly to me to have to change the title of an Act which all through talks about married women and you are going to change the title to married persons.

SENATOR H. R. LINTON: Mr. Deputy President, this is about the third or fourth opportunity with which this Senate has been presented with a Bill probably in the last six months relating to the rights of married women generally, and I hope I am not wrong in saying that on each of those occasions one Senator or the other has seized upon the opportunity to discuss the question of matrimonial property rights, particularly as they apply to women.

I have myself on more than one occasion spoken in this Senate on the whole question of matrimonial property rights, I have got up and spoken, given my views, and I have also spoken, I remember, in reply to some remarks made by Senator Connell.

Before I get on to that I want to say that I am very happy indeed to see that this Government is taking urgent steps to make sure that the rights of all women, and particularly so in respect of married women, are fully protected and fully legislated. This is very important because not so very long ago a married woman was of course regarded as a chattel.

Within the last 50 years, nobody paid them any attention, nobody bothered about bringing down Legislation here to protect their rights, to spell out their rights, or to see after them and now, all of a sudden, we want to rush Legislation here. I am glad to see that the present Attorney General, who can be regarded as the champion of the female cause in this island is making every effort and taking every opportunity of seeking to protect and set our women's rights and of course, Senator Don Blackman.

This particular Bill before us, seeks to give spouses the right to action in tort against each other and I can only say that I hope that the Bill is not misused by unscrupulous spouses or indeed, by unscrupulous lawyers and that, as Senator Connell suggested, it will be used perhaps, in instances where the Insurance would be the Body or the Institution which will be required to pay out. It therefore represents only a small part of what this Government has been doing for women and what it proposes to do for women in the future. But, we must not let the present euphoria of women cloud our judgement to such an extent, that we lose sight of some of the distinct advantages in the society which women and in particular, married women now enjoy. I am all for equating rights, for making sure that everything in this society is equally shared between male and female. But, where there are distinct advantages which are now en-

joyed by women, I want to see this situation rectified as well.

I was sorry that Senator Connell, in what Senator Rocheford described as a learned dissertation, probably, for want of a better description, but nonetheless, as a learned description, did not find it possible to comment on some of the disadvantages which men now suffer so far as, their legal rights are concerned, vis-a-vis, the woman. Take for example, the question of costs in a divorce suit in a matrimonial cause, in 99% of the cases, in this country, the man is asked to pay the costs of a matrimonial dispute and sometimes, the costs could be substantial.

Only yesterday, I held another matter for another lawyer where the costs indeed were very substantial and the man had to pay them. Men are asked to pay these costs. Now, you have the situation where, under the Common Law in Barbados, a man is still under a duty to support his wife even though she is responsible for the breakdown of the marriage. Again, I have handled a divorce case where the wife was at fault for the breakdown of the marriage and yet, the husband was asked to maintain her, he has to maintain the children, the bulk of the responsibility is on him.

If we are going to move towards the maxim that equality is equity, then, we must look at the whole structure of the matrimonial situation and see how we can rectify, recover the disadvantages which now attach to the men. We have to look at that complete spectrum. We have to take an overall view of the matter, rather than having a piecemeal look at the situation. This is the main reason Mr. Deputy President, I fear that if Senator Connell brings down a Private Members' Bill here, in the Senate, he will not have the resources at his disposals, he will not have the information, he will not have the data, and he will not have all of the equipment, the knowledge, the resources which are necessary in order to have a full comprehensive Bill. This is why it is so important that the Attorney General must look into the whole aspect of it all. Although I hope that we can have a proper Bill, before the end of the life of this present Parliament.

I do not understand the rush, or the hurry about it. I do not see why we need to have it next week, or even, next month. We have gone 15 years without it and the problems that have existed have been existing for 15 years. We can go another 15 days, or even another 15 weeks without it. There is absolutely no rush for it, because Mr. Deputy President, if you examine, study carefully the Law as it presently stands, I do not think, that in the majority of the cases, that it causes any hardships at all and I have featured in the Courts of Law, in this island, in several matrimonial causes which involved the distribution of matrimonial property and I think that in 99% of the cases, no hardship is caused, you get

justice, you get equity. But, it demands proper understanding of the Law.

There is no point coming here and being emotive about the whole matter simply because we think that we might get reported out there and the women may decide to support us, or that married women may decide to support us because we are shouting for them.

In England, where the problem has been concerning the courts and Parliament now, for well over 15 years, they do not have a proper piece of Legislation regarding the matter yet, despite the various Law Commissions which have looked into it. The matter has been concerning and occupying Lord Denning from the time I was a Law student in about 1968. Lord Denning made his mark in this area round about 1968 and the cases of *Pettit v. Pettit* and *Gissing v. Gissing* date 1970 and the matters have been occupying both the Court of Appeal and the House of Lords since 1968, or probably just before and the problem has not been solved yet. It is not as easy as all that. As a matter of fact, Mr. Deputy President, this is an area which can best be dealt with, by the judges of the courts, rather than by the Legislature. This is a matter where the cool, calm atmosphere in the Law Courts, where judges who are accustomed to dealing with these matters, who will be presented with arguments by lawyers who live in the community and deal with the clients can come to better decisions which would be Common Law decisions, than to have the Legislature in a cold, semi detached atmosphere looking into it. It demands a peculiar knowledge of the matrimonial set up.

What is the present position? The present position is extremely simple, Mr. Deputy President, as much as quite a lot of people would seem to have it appear to be a complicated set up. It is quite simple. If the names of both spouses appear on the Conveyance and I am here dealing with the distribution of matrimonial property on the breaking of marriage, if the names of both spouses appear on the Conveyance, there is no dispute, there is no problem there. The courts will, in 99 of the cases, hold that property is owned on a 50/50 basis on an equal basis, no problem if the name appears on the Conveyance.

The difficulty arises and this is about the fourth time that I am saying this in this Hon. Senate, the difficulty arises where the name of one of the spouses is not recited in the Conveyance. In the majority of the cases, it is the name of the female spouse which does not appear on the Conveyance. But, at the breakdown of the marriage, she, more often than not, quite rightly, expects to receive some part, some portion of the matrimonial property. What does the Law say? The Law says that in order for her to benefit in such a situation, that is, where her name does not appear on the title

deeds, on the Conveyance, that she must prove that she has made a substantial contribution to the acquisition of the matrimonial home, a contribution which must be referable to the acquisition of the matrimonial home and that inferior things done around the home will not count. So that, if she gets up on mornings and feeds the cat, gives the cat milk, she cannot put a price on that and decide that that is one of her contributions to the matrimonial home, or if she gets up on mornings and sweeps the yard. If you start taking those things into consideration, then, you will have to count everything that the man does.

The Law says that her contribution must be substantial and that it must be referable to the acquisition of the matrimonial home. Now, this is where the difficulty arises because in the majority of cases, the woman cannot prove the quantum of her contribution and therefore, whether or not it was substantial because you do not keep count every time you feed the cat, you do not say I fed the cat ten times this week.

It is very difficult for her to keep check of her contributions in that way and even where the wife can measure her contributions it is very often very difficult for her to prove that her contribution was referable to the contribution of the acquisition of the matrimonial home because when parties get married and they are running a home they do not do things about the house with a view of counting this towards any contribution to the purchase of the house at all. They regard this as the normal wear-and-tear of married life. The day to day get on in life. They do not do it in a manner of counting how much they contribute to the purchase of the Matrimonial home and that is where the difficulty arises.

How then when a wife who has never gone out to work and she does things around the house, how does she benefit? How does she have a share under the Matrimonial Law? That is the question before the law today. Now, the Courts are upholding that where a wife cannot prove that she has made either a substantial contribution that is referable to the matrimonial home or a contribution which although it is substantial is not referable to the matrimonial home, then she does not benefit.

Now the question I ask is this. How does the legislation provide for this? How does the legislation determine a system for (a) determining when a contribution is substantial and (b) when it is referable to the acquisition of the matrimonial home. How does the legislature deal with this? If the legislature can do it, why cannot the Courts do it too? It is not an easy question.

I believe most people who are asking for legislation envisage that Parliament will agree that where a

marriage has broken down regardless of the various contributions of the spouses, the property must be divided in equal shares. I think most people are looking for that but will that go down well with many people. They are even a lot of women who will not accept that because we have a lot of women in Barbados who are fairly independent who when they get married they have already purchased their homes and what not. Do they want to know that they have married a man who later turns out to be a lay-about, a good for nothing and he breaks down the marriage very often by committing adultery and then he goes to Court and claims half of the house? What good is the goose without the gander?

Exactly the point that they are raising over there is that we have to determine whether the legislation is going to apply to property acquired before marriage or property acquired after marriage or both sets of property because we have Lawyers going to Court now who are asking for a share in the property which was acquired before marriage and I have just done a case where that was the situation so do not tell me that that is property acquired after marriage because you have Lawyers now, and Senator Connell can confirm this, who are going to Court and demanding a share of the land that was acquired before marriage where the marriage subsequently has broken down.

There is no distinction being made in Barbados that is why it is imperative that we really study the law and really try to arrive at a situation that is fair, reasonable and just for all the parties. If a woman contributes to the acquisition of matrimonial property, let her benefit. I am not concerned with that particular principle. I am not trying to say that women should not benefit when they have lived with a man for 10 or more years and he has acquired a property and the marriage has broken down. I am not unduly worried about that. I do believe that women should benefit and in the course of the present economic situation where the woman is well off, the man should benefit too.

I am not disagreeing with the principle. All I am saying is that I do not see that there is an easy solution to the matter by means of legislation. That is not to say that we ought not to consider or even attempt to bring about legislation in an effort to deal with the matter but we do not want a Private Members' Bill on this matter. We want the Attorney General to get his legal draftsmen to examine the law clearly. We do not want the New Zealand Act copied, or the British Act copied, the Australian Act copied. We do not even want to copy the China Act. What we need are some good Lawyers who are fluent in Matrimonial Law, who understand the wording of the Matrimonial Law, who understand the two important

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I beg to move that Senator Wickham be appointed Chairman of Committees for the afternoon's Sitting.

The question that Senator Wickham be appointed Chairman of Committees for the afternoon's Sitting was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. Barrow, the Senate resolved itself into a Committee on the Bill, Senator John C. Wickham in the Chair.

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

Clause One was called and passed.

Clause Two was called.

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

Mr. CHAIRMAN: The question is that Clause Two do stand part of the Bill. All those in favour please say aye.....Senator Rocheford.

SENATOR H. F. G. ROCHEFORD: Mr. Chairman, I must come back to this again. I take the Hon. Leader of the Senate's point and what he thinks is the reason for the decision to change "women" to "persons" and the suggestion that perhaps, subsequent amendments to this Legislation may be the reason for this.

But, when I look at this Act, Mr. Chairman, married women should be capable of acquiring and holding property, legal proceedings against married women, effects of contracts by married women, property of a married woman, Will of a married woman, transfer of stocks and shares to a married woman, investments of married women, investments of a husband, remedies of married women. The whole Act will have to be abolished for me to say that you will no longer call them "married women", that you are going to call them "married persons". I cannot see how subsequent amendments to that Legislation will justify that amending this particular Legislation now and changing "married women" in the title to "married persons", when the rest of the Act says everything about married women. It seems to me absurd and I think that it is pandering to a foolish attitude which has been permeating in the society.

SENATOR H. R. LINTON: Mr. Chairman, although this matter may not cause too many alarms in the courts of Law, I rise to support Senator Rocheford. This whole thing shows a lack of proper, complete and thorough thought into Legislation of this nature, a lack indeed, of understanding the principles underlying Legislation

of this kind and if they are going to amend something which requires proper thought, you have to think it through.

If the Hon. Leader of the Senate is going to come in here and display all of this knowledge and says that he understands the Legislation, then, he must show that he has understood it thoroughly and I say that Senator Rocheford is right and I rise to support him, Mr. Chairman.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I heard Senator Linton earlier and I am not surprised at the position which he takes, but I am shocked that Senator Rocheford should be opposing, if I quote him correctly, this attempt to change married women into persons.

SENATOR H. F. G. ROCHEFORD: Mr. Chairman, I would like my wife to remain a married woman. Understand that, Sir.

Clauses Two to Five inclusive, were called and passed.

On the motion of SENATOR THE HON. N. A. BARROW, Mr. CHAIRMAN reported the passing of one Bill in Committee without amendment and Mr. DEPUTY PRESIDENT resumed the Chair and reported accordingly.

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

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

GENEVA CONVENTION ACT, 1980

The Second Order of the Day was called — To move the Second Reading of a Bill respecting the Geneva Conventions of 1949.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, the Bill before us is a way of repatriating the Geneva Conventions Act. This Act by virtue of reception is, as an Act of the United Kingdom Parliament, already a part of the laws of this country, Sir. As you are aware, Sir, the Geneva Convention 1949 deals with the treatment of prisoners of war and these Conventions are therefore a necessary part of our legislation. However while they remain part of the law mainly by virtue of reception, it is difficult for those who wish to ascertain precisely what the law is.

Repatriation of the law, therefore, by way of specific statutes of our own has the advantage of adding clarity and certainty for the individual whose need it is to know what the law is at this point.

There are no financial implications to our passing this legislation, Sir. But it does a bit of a cleaning up job and as you are aware, we do bring in legislation of this sort which is important in relation to adding greater certainty to the law.

I move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On motion of SENATOR THE HON. N. A. BARROW the Senate resolved itself into Committee to study the Bill, Senator J. WICKHAM in the Chair.

On the motion of K. HINDS the Bill was taken in Parts and the Clauses taken as read.

The question was put to the Senate and agreed to.

Clauses 1 to 12 which includes Parts I to III were called and passed.

Schedules 1 to 4 were called and passed.

On the motion of SENATOR THE HON. N. A. BARROW, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. DEPUTY PRESIDENT resumed the Chair and reported accordingly.

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

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

SUSPENSION OF SITTING

Mr. DEPUTY PRESIDENT: We shall suspend the Sitting for 20 minutes.

On resumption:

Mr. ACTING PRESIDENT: This Sitting is resumed.

RESOLUTION TO APPROVE THE BORROWING OF TRINIDAD AND TOBAGO \$48 MILLION

The Third Order of the Day was called — to move the passing of a Resolution to approve the borrowing of

the sum of T.T. \$48 million to be raised by the issue of securities and to be applied to the financing of projects approved in the Barbados Government Development Programme 1980/81 and other capital expenditure approved by Resolution of Parliament.

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I believe it is clear to hon. members that the sum of money involved here is equivalent to \$40 million BDS., the Trinidad dollar being worth some 84 cents BDS, and the Barbados dollar some T.T. \$1.20. This is one of the examples of Caribbean cooperation.

As you are aware, Sir, our development programme which is quite an ambitious programme has to be financed in large part by loan fund, and when one considers indeed the anticipated level of wage agreements with which we shall shortly have to deal, it may well be that we will be financing nearly all of the development programme by loan funds, and I think it is no secret, Sir, that the expected level of settlement whether by negotiation or otherwise will cost the revenue some \$50 million, so that the excess in current account which we would normally hope to apply to financing some part of the Development Programme will be in substantial degree removed, absorbed, utilised in the negotiation settlement.

I believe that those of us who have read this morning's papers would have seen the figures as to the current level of foreign reserves and as to the present debt levels, and therefore it is not my intention to deal in detail with any of those except to mention that all the indicators are that we are still able to support a loan programme of some significant size and therefore that this loan is not by any means to be feared in terms of our ability to sustain and to service it. The loan as I mentioned is an outstanding example of cooperation between Caribbean Governments, the Government of Trinidad and Tobago having agreed with the Government of Barbados that we may issue some T.T. \$48 million in debentures on the Trinidad market. That is where the liquid is at present and it is heartening to see that we are being given access to it rather than having to go further afield and borrow Euro dollars at the kinds of interest rates which presently apply in Europe. The proceeds of the issue will be applied to the financing of projects approved in the Barbados Government's Development Programme of 1980-81 and other capital expenditure approved by Resolution of Parliament. The loan is repayable at par in September 1990 and a sinking fund of 2% per annum is to be provided and managed by the Central Bank of Barbados.

The terms of the issue are as follows: price \$97.50 per \$100 the current yield 8.72%, the gross redemption yield 8.75%, and interest is 8.5% payable half yearly in March and September. We expect to be able, Sir, to go for the issue on or around the 25th September. I think it

was hoped earlier that we could have done it on the 8th or 15th September, but Parliament was in recess and therefore the necessary authority could not have been had in order to enable us to go to the Trinidad market; so our advice is that we must get into that market in the month of September, and this is why we have been asked this afternoon to try to deal with this matter instead of waiting for a week or two to deal with it. That is the urgency of the matter, Sir.

The agreement provides for a single issue of T.T. \$48 million but the issue will be remitted in two tranches. The initial draw down will be for 50% of the proceeds; the balance can be re-invested in Trinidad until the projected date for that draw down which, Sir, as you know will help us to manage the funds better than if you have to bring them in one time before we are ready to apply them. The management arrangements are as follows: representatives of the Central Bank have negotiated and will manage the loan in Barbados; the Central Bank of Trinidad and Tobago will act as fiscal agent; the National Commercial Bank of Trinidad and Tobago Limited will act as leading underwriter for the issue; the National Commercial Bank Trust Company Trinidad and Tobago Limited will perform the function of Registrar; the Central Bank of Barbados will authenticate the bond certificates with facsimile signatures of the Governor or General Manager and the Accountant; the right to receive principal and interest on these debentures will be transferrable in multiples of T.T. \$100 face value by instrument in writing in any usual or common form free of charge and stamp duty; the principal and interest on the debentures payable to the persons or corporation not ordinarily resident in Trinidad will be subject to no taxes, levies or duties of the Government of Trinidad and Tobago, and investments in this issue will not be liable to death duties levied by the Government of Trinidad and Tobago. Omitting the transfer fees and taking the remaining expenses to be about £5,000, the total charges would be about T.T. \$981,500 or \$824,460 BDS. There is, Sir, a fee of three quarters of one percent nominal value payable to the manager and broker on the issue, a flat fee of one quarter of 1% payable to the registrar as acceptance fee, an annual registration fee of T.T. \$15,000 payable to the registrar and \$10 for each transfer executed. The registrar will be reimbursed for expenses of printing telexes, telephones, professional fees with the cost of necessary travelling incurred.

This, Sir, is a way of tapping the Caribbean money market in order to implement the development programme by which we hope to bring benefits to the people of this country.

Mr. Deputy President, I beg to move that the Senate concur in this Resolution.

SENATOR J. A. CONNELL: May it please you, Sir, there are two possible approaches to the discussion on a Resolution of this nature, one which I may describe as the adversary approach in which one brings under sharp review the Government's record in relation to development, and a more national approach to it in which one seeks to provoke discussion in the general interest of all concerned. I am minded at this hour, Sir, and having regard to the fact that the debate on the Estimates has not taken place a very long time ago, to opt for the more national approach to the discussion of this Resolution. I pass over the fact almost without comment, Sir, that the realities of Government have come home and that the necessity of borrowing is now fully understood. I shall not dwell on that, Sir.

The Resolution in its operative part says: "*Be It Resolved* therefore that Parliament approves the borrowing of the said sum of T.T. \$48 million, to be raised by the issue of securities and to be applied to the financing of projects approved in the Barbados Government Development Programme 1980/81 and other capital expenditure approved by resolution of Parliament." For me, Sir, the operative word in that part of the Resolution is the word "development" and I wish to address a few words to you, Sir, on development of Barbados in the context of the last two decades of this century and of the international situation that exists and as it builds up around us.

It is perhaps useful at the outset to look at the word "development" a little more closely. Today economists and environmentalists and sociologists and those who deal with the social sciences are increasingly pointing to a distinction between development and growth, and very often when we employ the term "development" the context of its use indicates that we really mean growth. The difference is that development involves the balancing of the human and physical resources. If this approach to the subject does not recommend itself to Hon. Senators, I should be grateful for an advance indication, after which I will entirely change the tone of debate.

Sir, the difference is that development involves the balancing of resources, human and physical, or God-made resources, in a way to ensure the continued co-existence of both. In that sort of context, growth involves an intensification of activity in relation to the human and the physical resources. Without this balancing and in a way, therefore, this could lead to the extinction of the one or the other or of both. I think that at this part of Barbados' development we need to bear this distinction in mind.

You, Sir, wearing another hat, have spoken in this Hon. Chamber of the negative aspects of growth of Barbadian life in particular and on the life of the people in the Caribbean in general. Particularly, I believe, if my

memory serves me, you have focussed on the question of tourism, whither tourist development. Other hon. Senators have also dealt with this question, I think it is one that we need to look at. What is the optimum number of tourists that we wish to see coming to Barbados in the near future? How many of them can we absorb and still maintain not only our identity but the integrity of Barbadian life as we used to know it? That is an important question.

I intend to touch briefly on this question of agriculture. I am persuaded that this administration, as indeed its predecessor, has not done as much for agriculture as they might have done. I shall attempt to dilate on this in a short while. Part of this has to do with the history of Barbados and historical attitudes that have developed *vis-a-vis* agriculture. Agriculture has come to mean in our society predominantly sugar agriculture, and there has been a tendency on the part, I think, of both administrations to leave it to the sugar producers and God to produce the sun and rain and to hope for the best. I think that if we are to keep the goals of true development in sight, namely this balancing of the human and the physical resources, that we need to re-appraise our whole attitude to agriculture on a national basis. I wish briefly to look at that very shortly.

So that development is concerned with the quality of life of Barbadians, the physical, intellectual and spiritual quality of life of Barbadians, and I think this is the sort of point in time, in the opening stages of the decade of the eighties, for us to have a serious re-appraisal of the situation. I go further, because as I analyse the international situation, Sir, as I see the mounting unemployment in Europe, in Britain and North America, as I witness the rising inflation in these places and as I contemplate the very immediate likelihood of them being imported into Barbados, as a Barbadian I am concerned. Where are we headed for? So much so, Sir, that I think that the stage has been reached where we need to sit down and reason together.

I believe that in Barbados in 1980 we could be heading for a formal crisis. I am persuaded that it may turn out within the next year that many of these trends may come together at the time we are warming for a general election, and I am concerned that with the international situation being what it is, and with the tendency for economic manifestations in what we call the outside world to be felt here within six months to a year afterwards, sometimes sooner, that the worst aspects of the international situation could arrive on our shores at the time that Barbados is poised to enter into a general election, and I am somewhat concerned as to how the partisan polarisation that elections tend to engender may or may not exacerbate the problems that we inherit because we are predominantly an importing economy. I believe these are serious matters that intelligent, civilised

people ought to foresee and anticipate. You cannot at the same time claim to be among the most literate persons in the world and still behave from day to day as though these problems do not exist. I think they are matters that we have got to advert to, and I feel that we should sit down and discuss this together. They ought to be issues that are agreed on both sides to be above the heat and sweat and dust and vituperation of partisan politics.

There ought to be agreements to differ. This is my mature view because in the final analysis, this is where we all live, this is where our children and our grand children will live and there is no point in saying, I would like to see the thing crashed so that when the vehicle is repaired that I can be the driver. The vehicle might crash beyond repair and that is a consideration that we must bear in mind.

I do not think Sir, that I would be out of place to say that we have demonstrated a willingness and indeed, I may say and a lacity to sit down and if not to bargain, discuss together, to reason together as a Shakespearean nearby has correctly amended. We have shown a willingness to sit down and reason together, on matters like the re-allocation of Parliamentary Constituencies.

I notice that the perceptive journalist Gladstone Holder has made the point that, these are not his words, but that it cannot be ignored that there are matters more proper to the continued existence of the politicians themselves and that in matters relating to their immediate concern, they can sit down and reason together.

I am saying from that, that if that precedent is established, at that level, that we ought to be able to do it on fundamental and national issues as well. I think that the time is ripe to do it. It is indicated by the objective conditions economically already manifesting in Barbados and in the International world.

My own view is that the economic and social situation in the international world and that already looming in Barbados, and other parts of the Caribbean itself, is that what is indicated is that some sort of joint parliamentary body comprising the two Political Parties probably, or most feasibly, of persons, who have had ministerial experience, to sit down and really discuss these issues and come up with a number of principles, a number of priorities, a number of areas which they are agreed about. The precedent for it is there, one has seen it done in British Politics in the 1939 to 1945 period. There was formation between the Labour Party and the Conservative Party, under Churchill.

There are times, in the history of a people, when the national considerations so preponderate that you feel

that you have to put what I describe as national issues above the partisan points. Within that context, Sir, I wish to make a number of observations, still in the context of development and person's growth. I think Sir, that we need to look at the situation, so far as, the known urban centres of Barbados are concerned. Barbados is caught with the form of growth which entails that strong magnetic pull of the city and urban area on the West of the country. You tend to get over-development of the metropolitan area to the prejudice of the outlying areas. That needs to be looked at.

Both Administrations have done a number of things which go towards the development of the rural area, but what I am certain of is that it had not gone on at a pace which is satisfactory. The pace at which we are seeking to meet the problem does not match the magnitude and the seriousness of the problem. We need to look at this whole business of decentralisation more, we need to look at the pressures which are being put on the city of Bridgetown, the traffic pressures, you cannot get into the city of Bridgetown on mornings and having got in, around midday, you cannot get back out. The sewerage installations have rather tended to emphasise the problem, but the problem was always there.

Then, there are questions of employment of rural people, people living in the rural areas. I think that Government needs to construct more of its Government offices deep into the country. Of course, when they do it, as they did in the case of the Agricultural Department building which is established in Christ Church, they must put more planning into it. I think that the unfortunate situation which exists in that department should never occur again. Those two hundred or so workers, are literally suffering. The place is built for air conditioning by solar energy, but my understanding is that the solar energy is not going to be installed now for another eighteen months. The windows are constructed on that assumption, so persons are literally living in very, very sweaty conditions.

There is a restaurant in theory there, but nobody runs it. So that, if you want something to eat, you must get a lift to Oistin, or to somewhere near. It is really hard on persons working there. The architect who actually did the building apparently is hooked on the colour white and glass as a material, so workers complain that there is excessive glare from the present colour white and that the glass lets in no air at all, so that the situation is really uncomfortable.

Now, while I am saying that Government must build more buildings in the rural areas, it must really consider human beings who have to live in these buildings.

On the question of the development as distinct from growth of our urban areas, I think that Government should pay more attention to well placed Governmental Capital Projects in the rural area. It should of course also look at all of the possibilities for creating employment in the rural areas so that persons would not have to come into the City of Bridgetown.

The question of education I think sooner or later we have to come to grips with decentralising secondary education and slowing down and eventually discouraging or providing attractive alternatives to central schools in St. Michael that make it necessary for everybody to travel into Bridgetown. All of this, Sir, is what I conceive as development as a cultural distinction to growth. I see it as an activity of an economic and social nature which improves the quality of human life for the great majority of persons in the community.

There are questions, Sir, like energy which I would like to direct our attention to. These are among the important issues of the day, the question of alternative sources of energy. I know that the Government is thinking about this. It is mentioned in the Development Plan but I do think that we need to quicken the pace at which we are proceeding in this direction. Only today I believe in the Advocate there was a letter from Iris Bannochie talking about the importance of wind power. We need to look at that.

At the last general meeting of the Caribbean Conservation Association I got from a fellow member some brochures on generating power by windmills and there are actually in existence gadgets of fairly attractive prices with a fairly wide range of possibilities and we have to get into this act in advance before the price of that escalates to the point at which it is not within the purchasing power of a majority of persons here.

If we are admitting that we are getting to a situation in which we must inevitably move to alternative sources of energy, let us get into the act now. Let us not wait as we are inclined to do for a crisis situation in which everybody has to do it because the other sources of energy are not available. I think too, Sir, that there ought to be a well thought-out programme of public education in this area. Barbadians need to be introduced to thinking in terms of (a) the conservation of energy and (b) alternative sources of energy in advance.

We get very conservative and slow to change traditional habits and if therefore the leaders of the country, the leaders in the widest sense in the term, Government, political, religious, social and otherwise, see the need way down the road for alternative sources of energy, I believe we should begin educating particularly the younger generation of Barbadians to think in this way.

On the question of Agriculture, Sir, that I promised to dilate upon earlier in my speech, I think that we really have to sit down and to take Agriculture much more seriously than we are. We have to look at the very Ministry of Agriculture. That was not structured in its original construction to be the vehicle of a policy of agricultural diversification in an Independent Barbados. It had its origin in the colonial situation. It is characterised by a certain dichotomy of staffing arrangements in which there are civil servants and technical officers. There is a certain rigidity there that the staff complains about. In this rigidity a lot of initiative becomes stifled and there is much frustration as a result among farmers outside. I think you need to look at these things and come up with administrative machinery that work efficiently and is relevant to the needs of Barbados agriculturally in the last two decades of this century and the opening decades of the succeeding ones.

I think too, Sir, that we need to look at this question of land reform. The Government has brought down in the Other Place a set of legislation dealing with the Tenancies. I am not in the mood for making partisan points and I will not dwell on the electoral aspects of it and the timing of it. Be that as it may. I have my feet sufficiently on the ground to know that, given the extreme shortage of Surveyors in the country and the procedures that they are bound by to know that it is going to be difficult to get those Title Deeds in the hands of a number of persons who are the beneficiaries of this legislation. It is not going to be something that can be done between 1980 to 1981 and now so that for a long time still the transfer of agricultural tenancies to those persons who live on them will remain a good intention in the minds of Governments.

An additional point that I would like to make on this is that although one is glad that the tenants will be the beneficiaries of this legislation, one knows that no provision is being made for the tenants to have any additional piece of land on which to carry out any agricultural activity apart from the house plot that he will get by way of this statute. I think it is an indication of the lack of emphasis that we place on the development of the small farmer.

I wish to re-emphasise that I cannot make any party political point of this because the record is there. The previous administration did not regard it as a matter of sufficiently high priority within a span of 15 years of Government to have got it implemented either so what I am saying is that from a national standpoint we need to advert to these pressing necessities and to get some real change in the agricultural policy of this statute. It is still too heavily weighed in favour of sugar agriculture and, Sir, you may note in passing that the McGregoire Report in Agriculture has indeed made the situation even worse so far as the emphasis on sugar agriculture is concerned.

I will explain what I mean less I arouse the ire of certain sugar agricultural labourers but what I mean is this. The trend of reasoning and emphasis that run through the McGregoire Report is the availability of foreign exchange. McGregoire comes to sugar in Barbados through the gates of the international currency situation and he is taken up, almost obsessed, with this question of Barbados having enough foreign exchange to pay for the things it needs.

This is most important and he sees sugar as providing this foreign exchange, so he tends to emphasise in this report the importance of sugar to the economy of Barbados because of its possibilities for foreign exchange. I have no quarrel with that. What I am saying is that that is going in the direction of growth as distinct from development. Whenever you emphasise one aspect of the economy to the prejudice of the quality of life to a great majority of persons, you are going in the direction not of the development but of growth, and to reduce the imbalance in favour of development so far as agriculture is concerned, we need to provide incentives for the small farmer to make him or her viable to ensure their continued existence. This is what development is about; you balance the physical resource namely the land and the things that spring from the land with the human beings who live on or near the land in such a way as to ensure the continued existence of both. I am submitting that in agriculture this means giving much more assistance to the small farmer than both political parties have done over the last sixteen or so years. Just briefly this involves among other things grappling with the problem of land reform. Mind you, I do not want anybody to say that I am saying cut up large estates and give them to persons. I am not saying that, and there is a tendency where persons cannot debate properly to misrepresent what a person says to deal with it as misrepresented.

History has shown in the case of many economies in the developing world that it was incorrect to break up large plantations and just distribute them willy-nilly, but that does not mean however that you cannot break up some of them, and let smaller persons have a chance to own and run them or keep them whole and still allow small persons to have a chance to run them. There are many variations on the theme that can be worked out and I am suggesting the variation that is suitable to the history and sociology of Barbados. In the ultimate analysis that is the only one that will work. No McGregor, no Farney, no FAO specialist brilliant though he or she may be, can come down to Barbados and work out any ground plan that will suit this country better than the local people who are born, bred and brought up here. We have in this country and among Barbadians living abroad persons who know the problem and are

capable of working out a solution. Sir, I do not wish to continue ad nauseam on this subject.

Finally, I wish to touch on the question of taxation in the context of development. I know that with Senator Hewitt in the Chamber what I am doing is trespassing on forbidden territory, but I am rash like that at times. I think that we have in recent years been shifting the emphasis in taxation very much in the direction of indirect taxation. There are some who say that for elections we are going to have the abolition of income tax or a diminution of the incidence of taxation to such an extent that the package will be irresistibly attractive. I see that Mr. Basil Forbes has already fired one shot across the bows of income taxation. I myself looked in vain for some indication from him as to how we are going to pay the large bill of social services that we have in Barbados. On the other hand, there is another school of thought which says that the present administration had accumulated so great a surplus from the Consumption Tax that it is able now to dispense with direct taxation. The sources are so respectable that I listen to them with great interest, and we need to look at that. But the point I wish to make is that again you are getting in the area of growth as distinct from development. If prices become so high that people cannot really build a house or acquire those necessities of life without which the whole quality of life is poorer than with them, then we are not developing, and I am concerned about this manifestation. This whole mix of the build up of tourism and rising prices is reaching a point at which persons who are otherwise very tolerant and optimistic are asking themselves how much more can we take. Now part of this will be attributable to Government policy. Another part is just the result of international politics and the general thrust of the society. It is at that sort of point that I feel we should be able to discuss and decide on certain broad parameters the rules of the game. Even in boxing there are these very rules and we really need to have some idea of common areas: if you win the Government what general lines you will keep within: what are your expectations for Barbados 50 years from now.

I think that we are at the sort of cross road where some sort of dialogue across parties on these pulsating issues is called for, because we are moulding, shaping and developing a new Barbados in which a lot of persons are beginning to ask themselves if they have a place, can they survive at the rates at which things are going.

Sir, these are some of the thoughts that occurred to me and are provoked by the word "development" I see in the operative part of this Resolution, and that so far is my contribution on the point, subject to my having to leap to my feet and take issue with any person who may seek to misrepresent anything that I have said. Thank you, Sir.

SENATOR C. I. E. DEANE: Mr. Acting President, all I should like to say is this: in principle I agree with everything that Senator Connell has said.

He did say, among other things, and it is because of this that I rise at all, that he would agitate his neighbour by trespassing or something like that on agriculture, but I can assure him that he does not agitate me at all. But I shall say this, that the Government is taking a very serious view of agriculture on the whole not only for sugar but for everything. We know about the development of Springhall, the urban system, whatever they call it, and they have integrated the ideas produced by the McGregor Report into the general setup in Barbados at the moment, and we see every reason why the integration of the McGregor Report in respect of sugar — remember, Mr. President, we had reached a stage this year where it was very difficult to have even the canes reaped in the old fashion, mechanisation was essential — but what does bother me is that when mechanisation has taken place to a large extent and the boom in construction or something like that goes down again, what do we then do about the social problem of those people who have, shall I say, gravitated towards construction and those things, what are we going to do with those people? I am looking down the road now.

Many of our cane cutters have gone over to the construction industry and as a matter of fact, the last crop was seriously drawn out, prolonged by the absence of workers, and that I think is the main issue in the McGregor Report. It is no use growing the canes if you cannot reap them, and what is more, you have to reap them within a certain time. Do you know, Sir, that at Carrington Factory where the overall recovery is 8.51 tons of canes to the ton of sugar, which is a very good recovery, but the last week it was 13 tons of canes to a ton of sugar due to the fact that the canes had remained in the ground too long, there was a heavy deterioration in the juice and the reason for that was because they could not be cut in time due to the lack of sufficient mechanisation and the lack of the old manual workers.

I reiterate, Sir, as far as the McGregor Report is concerned, it is not out to see after sugar alone, if the economy of the island could seriously be ruined if anything went wrong in the sugar industry. This year we made 135,000 tons, but everybody's guess is, as you can see by the very poor recoveries during the last weeks, do you know that up to the middle of July Porters Factory was still reaping canes from far afield, from Guinea and Thicket in St. John? That is not good for the industry, you are bound to lose money that way if it goes on. But I want to assure Senator Connell that I agree entirely with his overall view of development.

There is nothing at all I can say, except that I do resent the fact that he thought that his remarks would infuriate me. They have not done so. Thank you, Sir.

SENATOR R. E. BRATHWAITE: Mr. President, I really cannot agree with Senator Deane to agree with all that Senator Connell has said, because Senator Connell would like to reason; come let us all reason together. You know the Bible said that. I would like to know from 1961 to 1974 where Senator Connell was, if he was interested in having people to reason together, because I would like to let you know that if the folks had really reasoned with people they would not try to change the Constitution in 1974 or 1975, they would not walk around and buy all the worst plantations we have in Barbados, the ones the sugar producers could not make money with. If they had come and reasoned somebody would have given them advice not to spend money on such plantations, it was just a waste of time.

Senator Connell spoke about the small peasants and the small piece of land they are living on, and I am very, very happy to know that a fair amount of land in St. Lucy, the estates in St. Lucy have plantation tenancies. I agree with a few of the things Senator Connell said, but when you think of a plantation in those days, in 1914, they were fortunate enough at that time to reap canes at about \$40 per ton and they turned around and paid those same workers at the rate of 10 cents per hundred holes of cane, which would have been two or three tons in that day, so when a man cut three tons of cane he got about 3 cents per ton for that. I agree it was ridiculous in that day to know that people could treat the small man in that way, but now look and see the mistake of Senator Connell and his colleagues.

Now I agree that the owners of that estate in that day, 1914, and those same people had the estate where things were not as favourable, they would be the people to hold strain on, but now from 1961 to 1975 and you check the plantations that have been sold in Barbados, more than three parts of them have been sold to parliamentarians. This would just show you directly that this was not anything that the last regime would agree with, as Senator Connell said, because there is no man who had an estate who would be happy, who would be satisfied that after he bought land at \$1,000 an acre that he would cut up a piece and give each peasant for the sake of \$500 for a law, this would be something out of place completely, and I do not agree that Senator Connell would agree on an issue like this, and he wants you now to reason. He is now trying to put it in a little different light, a little different from what I heard on the political platform, the chaps telling the folks not to accept the little piece of land because they have to pay land tax. That is so

ridiculous, trying to fool the poor people who for all these years have been living on the plantation, paying rent and as soon as there is something the folks give them notice, send them off and things like that, and now that we have a Government that is reasoning and thinking about the small man in this country, you hear Senator Connell, but I want to give Senator Connell a little advice. If he really wants somebody to reason with, come over this side. I am sure we will reason with him over here.

Mr. President, I am very happy to know that some of this \$48 million will be spent in the parish from which I come, St. Lucy, and I am very happy to stand behind such a Resolution like this. I would like to let Senator Connell realise that everybody seems to be happy and satisfied. I know that these things are shocking Senator Connell, I realise they would shock him, but I would appeal to him to try to bear with these things because they have been going on for quite a long time and I do not think any change is coming along. Mr. Chairman, I thank you very much.

SENATOR R. L. FIELD: Mr. President, first of all I would like to compliment the Government on the step taken by issuing the securities to the borrowing of T.T. \$48 million. At this time, and I refer to some of the remarks made by Senator Connell, of high inflation and things like that which are affecting our economy as a result of inflation in other territories, I believe that it was recently said that Barbados despite this has been keeping its head above water, and very many compliments have been paid to Barbados in issues, publications and the like throughout this world as regards the position that we hold today in the undeveloped and together even with the developing countries of this world.

Senator Connell made reference to development and growth. As he wisely said, development is simply concerned with the quality of life of people in Barbados, and he made reference to the tourism industry, but for Senator Connell's enlightenment I must say that the growth in tourism is as a result of the development that the tourism plant in this country. Without the development of the tourism plant there would be no growth in tourism.

Tourism certainly was responsible for some of the great quality of life in Barbados today. That is as a result of growth. We look forward to Tourism continuing to contribute to the growth of this country and to add further to the quality of life of the people in this country. Growth is reflected around because the benefits of Tourism are seen throughout this country, in every area from the taxi driver, hotelier, hotel maids, the bell boys and merchants in Bridgetown benefit as a

result of the tourism dollar spending in Barbados. I see this development continuing.

Senator Connell's fears as to what would be the optimum amount of visitors coming to this island, I would like to let Senator Connell know that this Government is closely monitoring the situation and when the time comes, we will make a public statement on this, but there is no doubt that the situation is well monitored by our Government.

Once again, Mr. Deputy President, there is not very much I have to say on this Bill because it speaks for itself. It is for the development of projects in this country which will again add to the growth and the quality of life and I wish the Government success in raising the \$48 million.

Thank you, Mr. Deputy President.

MR. DEPUTY PRESIDENT: Senator Hewitt.

SENATOR K. HEWITT: Mr. Deputy President, Sir, I find it very interesting to hear Senator Connell distinguish between development and growth, in that recently, in doing a little reading, I happened upon; the author was making the distinction between what he referred to as quantitative and qualitative growth. In this aspect, I believe that his meaning of qualitative growth to some extent, paralleled what Senator Connell was thinking in terms of development. Be that as it may, I do not think that we could over emphasise the point that, in seeking economic growth, we must obviously ensure that the quality, or that the nature of that growth is such that it improves the quality of life. These generalisations are quite easy to make and whereas, it may be not too difficult to measure the quantitative aspect of growth, obviously, it is extremely difficult to measure qualitative growth, or what people watching the economy may call, to measure social welfare. So that, where the two exist together, it very often happens that because of the relative ease in measuring the quantitative growth, that more emphasis tends to be focussed on that, in terms of figures, graphs, *et cetera*, whereas, the qualitative type of growth would be more or less, a subjective type assessment.

Before I make a few points specifically on the Resolution, perhaps, I could advert to a comment by Senator Connell, in which he indicated that in referring to income tax, he may be trespassing on my domain. Obviously, it indicates that Senator Connell was not here, when Senator the Hon. Don Blackman took over that domain. On the last time that we had a tete-a-tete, vis-a-vis direct and indirect taxation and I think that at least, we agreed on one point, which was that there has to be a balance between the two, the only differences would arise, as to where that balance should best be. I

think that we definitely agreed that there has to be a balance between direct and indirect taxation and personally, I think that, in the context of our history, that we could at all be contemplating at this time, the abolition of direct taxation, I personally cannot conceive it. I would be surprised, if, in fact, the present Government would be thinking along those lines.

Mr. Deputy President, Sir, very often, the raising of debt, or the increasing of debt tends to raise some fears in the hearts of the community in that we tend to wonder what would be involved in repaying that debt. Some people would tend to focus mainly on the potential increase in taxes to be raised to repay that debt and to that extent, may not pay enough attention to the use made of that debt. I, myself, am not too perturbed by the borrowing of \$48 million in itself. I feel that provided the debt, and this is external debt that we are talking about, that provided that funds are wisely used and channelled in developmental projects, projects which will increase the sale of our product, projects which would in time increase production, hence increase exports, hence increase foreign exchange earnings, to the extent that such earnings would more than be able to service the debt, both interest and principal. To that extent, that the money is thus used, there is no problem.

Obviously, the opposite is true to the extent that the money is not put to good use and channelled into developmental type projects, to that extent, we may be creating a burden for future generations. However to the extent that it is well used, we are in fact, bequeathing future generations with an increased stock of productive resources and to that extent, they would be prepared, capable of servicing the debt. However, although borrowing of these funds in itself, does not perturb me, I however feel, that there must be some point at which it is unwise for a country to borrow externally.

Now I did not know where that point is and I am a bit curious. I would assume that the experts whose advice the powers that be would rely on and that such experts probably do have a rule of thumb which would indicate for argument sake that a foreign debt of x percent of our Gross Domestic Product or our foreign debt or such and such a multiple of our foreign reserves, such a percentage or multiple, would be the ceiling beyond which it might not be wise to go in terms of increasing the debt.

Now I do not know, as I said, where that point is and I was sort of hoping that the Leader would give us the assurance that we are well within that limit, whatever it is. We did advert to it but a little too general and too much in passing. I do not know if he has the information which would say that the experts feel that perhaps 5% or X percent of the Gross Domestic Product is quite outside the realms of difficulties of such and such.

I did not read today's newspaper so if it is in there I did not see it. However, having said that, I would just like to refer to two comments in the 1979 Report of the Central Bank and one in particular. I do not want to take these out of context, but one in particular would give food for thought and in my opinion is particularly relevant to the role of external sources and in discussing the National Debt and the Foreign Debt in particular the Report did say that amortisation payments on foreign borrowings made from 1973 to 1977 assumed significant proportions in 1977. It is just this type of information used which will cause me to raise an eyebrow. It said "assumed significant proportions in 1977". I do not know if this suggestion there was that perhaps we are reaching that point beyond which we should not do much more foreign borrowings. I do not know and perhaps it is not so in that the same Central Bank is the same Central Bank who is managing the debt.

I do not wish to take it out of context and to that extent I must indicate that in the same Report looking at certain graphs you would also see that the real Gross Domestic Product also rose significantly during the same period, so it may be that the foreign debt more or less was keeping pace with growth but because of the choice of words "assumed significant proportion," is the thing that attracted my attention rather than the actual amounts themselves.

In summarising that point, Sir, perhaps if the Leader would indicate, provided he has the inclination, what are the perimeters or guidelines used to suggest at what point the external debt should be cut off or should not be exceeded. I should be very happy to get that one from him.

Finally, in the Resolution and in keeping with the particular Act, in the External Loan Act is the requirement to set up a Sinking Fund and I notice that the choice here is to set up a Sinking Fund of 2% per annum but I really do not know the particular logic or the arithmetic for the 2%. I know it is customary to do this. Historically it has been done but right now in this particular loan I am not too sure of the significance of the Sinking Fund *per se* and secondly, what is the significance of setting up a Sinking Fund at the rate of 2% for a 10 year loan. Again I do not know if the Leader has that information to explain why we have a 2% Sinking Fund.

SENATOR THE HON. N. A. BARROW: Mr. President, I was indeed just beginning to enjoy this debate. Indeed I think I was enjoying it from the time I sat down because when Senator Connell got up and talked about reasoning together it reminded me of a speech which I heard about 16 years ago in the Other Place, of a speech made by the Late John Wesley Corbin, nothing disparaging in my comments of the Late John Wesley Corbin or Senator Connell or anybody else. I just remembered it and in a speech quite early he said that

peaceful, picketing means "come let us sit down and reason together." I hope that Senator Connell is not about to picket the Government. I think he said that Moses said these words to somebody "let us sit down and reason together." I cannot remember the whole situation.

Of course it is Senator Hewitt who has just borne a couple of barrels just when I was relaxing. One of them I can deal with fairly quickly, Sir, because I can say that I do not have the exact figures in relation to what the limit is considered as dangerous. My own understanding is that when the Debt Service Ratio is reaching 5% that is thought of as a significant point. Not necessarily that it is too high because as I understand it the position in most developing countries is that the Debt Service Ratio is above that. I am speaking here on a point on which I have not done recent research on and therefore I can be a little wild but I am dealing with the point as I understand it.

The position with this is that our Debt Service Ratio for Foreign Debt is well below 5% and as you know even though you are not in the hands of the IMF while you are a member, the IMF does monitor the situation and you are quite well aware when you are moving with full approval and when you are not moving with full approval and this loan has met with their approval and as you know, Sir, as was stated in the Other Place, we are currently negotiating a new loan which is significant in that it falls within the category where there is a move where economies are being managed well and obviously showing performance strength that they will be able to meet their commitments where we will be able to get monies from certain sources without stringent conditions and as you know, Sir, when we talk about the World Bank you are talking about IMF. You are not talking about anything different.

It is like somebody who once said in relation to an individual who shall be nameless, if there are two ambitious men, they are he. So when we talk about the World Bank and we deal with the IMF, we are talking about different institutions in a sense, but they are the same thing.

On the other point, Sir, raised by Senator Hewitt, again I am aware that for loans which are for a period as I understand it, of ten years or less, there is no requirement for a Sinking Fund. It may be that it is when the loan is for a period of less than ten years and this might just fall bang within the ten year period, but I do not think the Sinking Fund here is a matter of great significance. This is when you have some of the longer loans such as the thirty and fifty year loans when the Sinking Fund becomes a matter of real significance. I believe, Sir, that is what Senator Hewitt must have been getting at, I am not sure, but anyhow I think one can look back quickly at the law and see which is the precise statement,

but really I did not get the impression that in this particular case the Sinking Fund was a matter of particular significance.

In relation to Senator Connell's larger point, really I do not mind whether we talk about qualitative or quantitative growth or whether we are talking about development as opposed to growth as long as the definitions are there and we understand what we are talking about. I believe that Senator Connell was assured and I believe this was partly responsible for the approach which he took in this debate and indeed for the fact that this item went through the Other Place without debate. I think that if he is not assured he can well be assured that the present attitude within Government is that it would be pointless to place all the emphasis on hardware and not to look to the quality of the things we are doing, and this is why hand in hand with an active and vigorous development programme we are looking to people who have been the backbone of this country in more ways than one, and if Senator Blackman were here of course he would have been able to talk about the flexibility in the approach which his new programme shows in dealing with the care for the aged. Any of us of course can deal with the point about the development of the rural integration project where people who have a historical link with that piece of land are being treated by us as though they have acquired the right to that land, which is I think an important part in the national heritage, so that when we talk about the plantation tenantry scheme we are not talking just about giving a man a piece of land or making him pay \$300 for the piece of land he has lived on or something; we are talking about recognising fixture of tenure in a way that has far greater meaning than if you are just renting something from somebody. In the same way we have the application of the World Bank funds for the renewal and replacement of school plant, you cannot talk about bringing tourist dollars and then we cannot see where our young children are going to benefit by improved educational opportunities and things of this sort.

One can go on and talk about this at great length, but an important part of development strategy has to do not just with the tourist industry, not just with the building of communications links such as the Spring Garden Road, not just with the development of Oistins, the redevelopment of Speightstown, the development of urban communities within St. George which is being pioneered by the Church with the project at the Glebe, but it has to do with health, with the National Health Scheme. In other words, if you look at the main projects in the overall projects of the Government, I think one will see what the overall development strategy is, now the social complements the economic, how in this way we hope to develop the entire personality of the country, how we put a human face on the hard business of facts and figures and do not just stick to the business of so many more dollars a year in GDP, so many more pounds of

chicken consumed, so many more yards of cloth sold. The whole human input in the development planning, when we look at that, then we understand what the real development strategy of this Government is.

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

Mr. DEPUTY PRESIDENT: With the agreement of the Leader of Government Business in the Senate and subject to the approval of the President, it is proposed that at the next sitting of the Senate the Resolution of Senator Wickham relating to a debate on the report of the Constitutional Review Commission will be debated. So we draw this to your attention to provide you with the opportunity to consult the Report of the Constitutional Review Commission.

THE ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. Acting President, I beg to move that this Senate do now adjourn *sine die*.

I am sorry; if I may take that back a bit. The big item which I was not aware had already come down to the Other Place and therefore is going to be debated there next week is the Plantation Tenancies legislation and that makes a difference to our timetabling.

I therefore wish to move that we adjourn to this day week, Wednesday 17th September, 1980, at 2.30 in the afternoon.

Mr. ACTING PRESIDENT: There is no indication that the Tenancies Bill will be discussed in the Senate next week.

SENATOR THE HON. N. A. BARROW: No, Mr. Acting President.

SENATOR J. A. CONNELL: With your indulgence, I wish to make this short point on the adjournment, Sir. I have to attend a parliamentary conference overseas which will entail my absence probably for about a month, and I therefore would like to apply for leave from the Senate until the 12th October of this year.

Sir, on that point too it is somewhat regrettable that I shall not be here when Senator Wickham moves his Resolution. A matter like that, Sir, could well be spread over a number of Senate meetings. There is no reason why it has to be concluded on the same day that it is initiated, because if on the analogy of the Other Place various Senators will speak and the matter will be adjourned, it can be continued and perchance I may have an opportunity to participate in the debate on my return. Thank you very much.

Mr. ACTING PRESIDENT: Thank you for that information. I am sure that Senator Wickham would want to review his request on the potential agreement made out for its introduction at the next Sitting.

SENATOR J. A. CONNELL: No, Sir, I am not suggesting that it be not done then. What I am suggesting is that it may not be concluded then. It can

be started then and adjourned from meeting to meeting to allow other Senators to make their input.

The question that the Senate do not adjourn until Wednesday, 17th September, 1980, at 2.30 p.m., was put to the Senate and agreed to and Mr. Acting President adjourned the Senate accordingly.
6.50 p.m.