

THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 22nd April, 1981.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 22nd April, 1981, at 2.50 p.m.

PRESENT

His Honour Senator the Rev. G. ANDREW HATCH, M.A., (Deputy President); Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information) (Leader of the Senate); Senator O'BRIEN TROTMAN, (Parliamentary Secretary, Prime Minister's Office); Senator Sir MENCEA COX; Senator H. F. G. ROCHEFORD, B.A.; Senator K. E. HINDS; Senator C. I. E. DEANE; Senator Mrs. E. M. LYNCH, B.A.; Senator Miss M. I. StC. BLACKMAN; Senator J. C. W. WICKHAM; Senator N. W. BOXILL; Senator W. O. FRANKLIN, J.P., A.I.A.S.; Senator the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services); Senator R. E. BRATHWAITE, and Senator Miss O. A. LYNCH, B.A., Dip.Ed.

Prayers were read.

ABSENT

His Honour Senator the Hon. Sir ARNOTT CATO; Senators R. L. FIELD, A. TRUSS, H. R. LINTON, K. R. HEWITT and J. D. S. MacKENZIE.

PRESENTATION OF PAPERS

Mr. DEPUTY PRESIDENT: Senator Barrow.

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

Rules of the Supreme Court (Amendment) Rules, 1981.

Magistrates' Courts (Civil Procedure) (Amendment) Rules, 1981.

Magistrates' Courts (Criminal Procedure) (Amendment) Rules, 1981.

The Customs Tariff (Amendment) (No. 6) Order, 1981.

Mr. DEPUTY PRESIDENT: Let it be recorded that these Papers have been laid.

INTRODUCTION OF BILLS

Mr. DEPUTY PRESIDENT: Senator Barrow.

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

A Resolution to approve the compulsory acquisition of land at Cheapside, St. Michael for the purpose of improvement and for parking facilities for the new general post office.

Resolution to approve the compulsory acquisition of land at the junction of Fontabelle and Lakes Folly, St. Michael for the purpose of road improvement.

Resolution to approve the compulsory acquisition of land at Haggatt Hall, Chapel Gap and Mapp Hill St. Michael for the purpose of road improvement. Resolution to approve the compulsory acquisition of land at Indian Ground, Lands End, St. Michael to facilitate the exchange of that land for other land at Passage Road, St. Michael for housing and community purposes.

Sir, the following Bills:

A Bill to amend the Police Act, Cap. 167.

A Bill to amend the Constitution of Barbados. That is the Boundaries Commission bit Sir.

A Bill to amend the Sugar Workers' Provident Fund Act Cap. 271.

Mr. DEPUTY PRESIDENT: Let it be recorded that these Resolutions have been laid and these Bills have been read a first time.

PUBLIC BUSINESS

Mr. DEPUTY PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I am aware that for whatever reason probably because of the two Bank Holidays intervening that Honourable Members received their Order Papers late and some Honourable Members therefore have not had ample opportunity to study the Education Bill. I am particularly aware Sir that the files relating to that Bill reached me at various times today, first, well after 10.00 o'clock, then I think the second time was about 2.30 p.m. so that I am also in the same state of preparedness and therefore, we do not propose to take Order Number Four today.

The Orders One, Two, Three and Five all standing in the name of Senator the Hon. D. G. Blackman as he is not yet here and I think it is Number Two is the one Sir where we have to take it back through Committee and I therefore move that Order Number Two be the First Order of the day.

CHANGE OF NAME ACT, 1981

Order Number Two was called — To resume consideration of a Bill to provide for change of name.

Mr. DEPUTY PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I beg to move that Senator Sir Mencea Cox be Chairman of Committees for the day.

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, at this stage, I would wish to ask leave for the Committee to sit again.

The question was put to the Senate and agreed to.

Mr. DEPUTY PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR SIR MENCEA COX in the Chair.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, when the Committee was deliberating on this matter, deliberations had reached as far as Clause 10. We have just circulated two amendments, one for Clause 10

and one to Clause 11. I beg to move that paragraph (b) of subclause (1) of Clause 10 be deleted and the following be substituted:

(b) was married to her and the marriage was terminated

(i) by judgement of nullity within 280 days immediately preceding the birth of the child, or

(ii) by divorce where the *decree nisi* was granted 280 days immediately preceding the birth of the child.

The question that clause 10 as amended stand part was put to the Senate and agreed to.

Clause 11 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, in clause 11 I beg to move that clause 11 be amended by the deletion of the word "his" appearing in the third line, not in the first line as circulated in the document before us, the third line is where the word "his" occurs, and that the words "the individual's" be substituted.

I beg to move with that amendment that clause 11 stand part.

SENATOR N. W. BOXILL: Before you move on to this.....

Mr. CHAIRMAN: I think the Hon. Senator should address the Chair before he speaks.

SENATOR N. W. BOXILL: But I am addressing the Chair.

Mr. CHAIRMAN: Of course you are not.

SENATOR N. W. BOXILL: No, Mr. Chairman, any time I am on my feet I expect to be addressing the Chair. If you move out the word "his" from the third line and substitute the words "the individual's", it will read 'his surnames the individual's must also apply'? That would not make sense.

SENATOR THE HON. N. A. BARROW: It would read, Sir, "Where an individual who is the only acknowledge parent of the child applies for a change of the individual's surname. The individual must also apply for a change of the child's surname."

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

Clause 12 was called.

SENATOR THE HON. N. A. BARROW: I beg to move that Clause 12 stand part.

SENATOR H. F. G. ROCHEFORD: Mr. Chairman, I just want to ask one question on this. Subsection (2): "Where neither of the parents of the child is the guardian of the child, one guardian with the consent of the other guardian applies for the change of name..." Is this in the case where the parents are not alive, or are parents going to be ignored where a change of name is asked for by guardians? I am just a little concerned about that aspect of it.

SENATOR THE HON. N. A. BARROW: Sir, I have unfortunately to speak rather off the cuff on this one, but this suggests to me that the normal situation is that the parent would be the person to make the application, but that the law is merely making provision that where there is a guardianship in force, then the change of name may be applied for. I do not think that there is anything more in it than that. I do not see anything more in it than that, put it that way.

The question that clause 12 stand part was put to the Senate and agreed to.

Clauses 13 and 14 were called and passed.

Clauses 15 to 21 were called and passed.

Clauses 22 to 28 were called and passed.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I beg to move that the Senate do now resume and the Bill be reported as having passed the Committee with amendments to clauses 10 and 11.

The question was put to the Senate and agreed to, and Mr. DEPUTY PRESIDENT resumed the Chair, and the Bill was reported.

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

The question was put to the Senate and agreed to.

THE SHIPPING ACT, 1981

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, this legislation before the Hon. Senate grew out of a meeting of the Standing Committee of Ministers of Transportation of the Caribbean Community which was held in St. Lucia in 1979, at which it was agreed among other things that each member country of CARICOM, cognisant of the importance to economic

development of trade, and recognising also that transportation was an important aspect of trade, it was agreed that member countries should begin to look at legislation aimed at modernising the transportation systems within the region.

The Standing Committee of Ministers of transportation also felt that it was vital for such shipping legislation that existed within CARICOM to be harmonised as completely as possible, but in the absence of any model of legislation which could immediately be adopted by all of the CARICOM countries, it was felt desirable and in the interest of time for individual states to the extent that it was possible to proceed to implement their own legislation.

The legislation before us repeals the Merchant Shipping Act which is in effect a United Kingdom Act and seeks to empower the Government of Barbados to register two basic kinds of ships. One category is referred to as foreign trade ships and the other category is referred to as home trade ships. The Act defines a home trade ship as one which plies within the CARICOM area and if it does go beyond the CARICOM area, the port of departure must be a CARICOM port and its destination should not exceed 500 nautical miles. There are other conditions such as ownership, permanent ownership by Barbadian nationals or CARICOM nationals which would satisfy the condition of such a vessel being described as a home trade ship.

Foreign ships are other ships which are eligible for registration in Barbados.

This particular Act cannot be claimed to be an original document which grew out of the minds of the Barbados Government. It is based upon a number of international conventions that have gained wide acceptance within the shipping world and certain parts of it have been tailored to the particular needs of developing countries. This legislation therefore which I am presenting reads very much like shipping legislation in other parts of the developing world because such legislation owes its origin to a number of international conventions. What it seeks to do is to empower the Government of Barbados for the first time to begin to establish some control of shipping. It will require a lot more than this for Barbados to establish control such as a small country as we are is possible to exercise within this domain, but it enables the Government of Barbados to control to such an extent conditions of health and conditions of safety and working conditions of a limited time of persons on board a boat either as members of a crew or as passengers.

This Bill was laid in the Other Place some time last year and was passed with extensive amendments. There are a few more minor and inconsequential amendments which I will propose at the appropriate time, but it is in

itself self-explanatory and the provisions of the functioning of the procedures relating to registration, the administrative responsibility of registration which resides in the office of the Director of Maritime Affairs is all spelt out fairly clearly, and it is unnecessary for me to go into it. I think that it is an important beginning on the part of the Government consistent with what is happening regionally to attempt to establish some modicum of control in an area that many developing countries have no control over whatsoever and are the mercy of international monopolies.

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

SENATOR J. WICKHAM: Mr. Deputy President, just one question. The Minister who introduced the Bill assured us that the Bill contains provisions which would be fairly common in developing countries and therefore it is likely that CARICOM countries will have the same kind of provisions in the same kind of Bill. My question is whether and how much consultation there has been between the CARICOM countries and how many of them have in fact legislated in this respect. We have recently had some concern expressed about inter-island shipping, and I just wondered whether the Minister would be able to tell us how many countries in CARICOM are on this path.

SENATOR N. W. BOXILL: Mr. Deputy President, as can be seen this is very voluminous, and as the Minister has said, this is almost a copy of somebody else's Bill; but what I got up to ask is this: It is all well and good to talk about moving on with the times. I have been a seaman for over twenty years and most of the ships I sailed on were controlled by the British Maritime Laws. I have had the misfortune of working on one ship that was flying a British flag at one stage and then it changed to a flag of convenience. What I am wondering is if in the Minister's haste we are not joining places like Panama, Liberia and those other countries just to say that we have ships registered here and then there are no laws to control the captains and the crews of those ships and most of the time seamen are being taken advantage of because there is no law which you can quote to say this is the law and therefore you cannot love me and if you love me you have to tell me you love me and all the rest of it.

I am a bit worried, not that I am antiquated or anything like that or that I think that you should not move forward but I am speaking as a seaman who spent 20 odd years at sea and knows what I am talking about. I am somewhat apprehensive when I see places like us going for this sort of business because, for the sake of convenience, people will come and register their ships here and for all you know they may even pick up a Barbadian crew but when they get out there and they ask what Laws are we

sailing on and if you tell them you are sailing under Barbadian Laws they will laugh at you.

I have seen it happen and you yourself, Mr. Deputy President, has seen quite recently a spate of strikes here in the Port because you cannot strike at sea, when people come into the Port and would not go back out. We have for example the "Googi Z" as a striking example of ships being registered under flags of Convenience.

I am all for making money for Barbados but I do not want to be associated with making money for Barbados at the expense of my fellowmen and therefore I would suggest to the Minister to tread this path very carefully because after a ship gets out to sea the sole authority of that ship is the Captain. When a ship is out to sea the crew cannot refuse to work. These are the things we must take into consideration.

No matter how bad the conditions are you cannot strike at sea because you will be charged as a mutineer and you are liable to be shot. The Captain has the right to shoot you so these are things I will like the Minister to take into consideration very, very carefully.

When we go into Committee on this Bill, there are a few questions which I will have to ask the Minister but I do not want to prolong the House on this too long. There are a few mistakes here that I have seen and I would like him to clarify them for me but in my finality I am again admonishing you, Sir, the Minister, to tread this path very, very carefully.

It is all well and good to say that we have our own Shipping Laws and so on but the thing is that we do not have ships and for years Barbadian seamen were working on British Ships. We were working on marine ships. Some of us have also worked on ship with Flags of Convenience and I remember when I was in the Lower Chamber a ship that had some Barbadians working on it under this Flag of Convenience and it had to go into the Bahamas because it was sinking and the crew had trouble enough to get back to Barbados and to get the money paid when they got back here because under this Flag of Convenience a lot of these ships are running away from established places like the United States, Great Britain, Holland, Denmark and these other people who are ship builders and they are coming to us and as the old saying goes, always beware of the Greeks when they bring you gifts because you do not think that they are going to stop their seamen from working on their ships to give the Barbadians a job because they love Barbadians. They are doing it for convenience. Therefore I am asking the Minister to tread this path very, very carefully.

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, as I indicated in my presentation of this Bill, the Bill owes a substantial proportion of its

provisions to International Conventions that have been ratified by the vast majority of countries in the World, International Conventions such as the International Convention of Load Lines, the International Telecommunications Convention of 1973 and Radio Regulations, 1969, the Convention and Facilitation of International Maritime Traffic, 1965 etc.

We recognise that with the best Bill in the World, that the existence of law means nothing to certain persons and that is why I can respect the note of caution sounded by Senator Boxill. Mr. Deputy President, we must pay due respect to his enormous practical experience within this field together with the fact that as I indicated earlier, it is an area in which few developing countries have had any experience and therefore we must tread cautiously.

I want to state categorically that this legislation does not provide for Flags of convenience and that the registration of ships in the last analysis is something that will be done by the appropriate Ministers and in such matters one would expect that Conventional consultation by the Minister will take place and in this consultation the national interest would be considered.

There is no legislation that is perfect but in our Governmental system of collective responsibility in the Cabinet and public accountability, we must assume that the Minister will act in a responsible fashion and any Minister of this Government, I can assure Senator Boxill, will never be the kind of person who will subscribe to the registration of ships that are using our Ports for the sake of convenience because it is something that is utterly repugnant to the policies of this Government.

Now, Mr. Deputy President, Senator Wickham asked if we had consulted our Caribbean neighbours in the drafting of this legislation. The state of Trinidad and Tobago has a Shipping Bill which our draftsmen looked at. So does the Government of Jamaica. These two pieces of legislation were looked at together with a mass of International Law and this is the final product of it.

It would be foolish of the Government of Barbados to rush in where fools have feared to tread and develop a piece of legislation which approaches new ground where we are not absolutely sure of the consequences of such action and that is why we have been careful to tailor our legislation in such a way as to utilise effectively the experiences of other countries.

It is alright for people to suggest that we may be imitators, but it would be wise where there is little national experience for this Government to err on the side of caution.

Thank you Mr. Deputy President.

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

On the motion of SENATOR THE HON. D. G. BLACKMAN, the Senate went into Committee on the Bill, SENATOR SIR MENCEA COX in the Chair.

Mr. CHAIRMAN: Senator Hinds.

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

The question was put to the Senate and agreed to.

Clauses One to Five inclusive were called and passed.

Part I was called.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, with respect to Part I, there is a slight amendment. On page 24, section 27, there is a new Clause (f) which reads as follows:

“(f) In the case of a vessel previously registered under the Law of another country.

(1) evidence of permission to transfer registration, or evidence that no permission to transfer is required;

and

(2) the particulars of any mortgages, or liens recorded on the register of ships of the other country immediately before transfer which must be entered in the same order of priority as the mortgages, or liens were recorded in that other country.”

SENATOR N. W. BOXILL: Mr. Chairman, before we move on go back to page 12, 7(2), there are two things which I want to raise. It says here:

“No ship described in sub-section one will be registered otherwise than with the expressed written approval of the Minister and permission may either be given”

When we get to (b) you will notice that there is a point there in (b)

“The completion of the ship occurred not more than five years before the year in which the application for registration is made”

You have to take out that point between "me" and "given".

8(2) "No ship described in sub-section one may be registered otherwise than with the expressed written approval of the Minister and that permission may only be given if the completion of the ship occurs not more than 10 years before the year in which application for registration is made."

To me, it is slightly contradictory there.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I have been informed that the Clerk of the Honourable House had submitted to Honourable Members of the Senate not only a copy of the Bill as passed by the Honourable House, but also a list of amendments. If the Honourable Senator will consult that list of amendments, he will see that Section 7 (2) now reads as follows:

"No ship described in sub-section one may be registered otherwise than with the expressed approval of the Minister and that permission may only be given if the completion of the ship occurred not more than 20 years before the year in which application for registration is made and a valid certificate of class from a reputable institution is produced."

Section 8(2) is likewise amended and 20 substituted for 10. (ASIDE: What about the point? Take out that on the fourth line.) It is a typographical error.

SENATOR H. F. G. ROCHEFORD: Mr. Chairman, I just want to let the Honourable Minister know that the Bill that we have received have been re-printed without the amendments that have been passed in the Other Chamber because I have my copy that was sent to the Senate and it has not got those.

SENATOR THE HON. D. G. BLACKMAN: That is why I said the Bill and the amendments, not the Bill with the amendments, Sir.

Mr. Chairman, I beg to move that Part I as amended stands part. I am sorry, there is another amendment in Part I, Mr. Chairman. It is a slight amendment in Section 71 page 44 the words "annual fees" appearing in the revised Clause 71(1) which was formally Clause 71 is to be deleted. The words "as annual fees" is to be deleted from 71(1). It is on the third line, it is 71(1). If you look at the list of regulations, you will see.

Thank you, Mr. Chairman.

I beg to move that Part I as amended stands part.

The question was put to the Senate and agreed to.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I beg to move that Part II stand part.

SENATOR N. W. BOXILL: Mr. Chairman, on page 53, clause 83(2)(c)(ii), in the fifth line there is another printer's devil. It says here: ".... not lower than second mate and the other holding....." Take out one of the "ands", we have a bit too many. Then on page 64, section 93(3):

"If a ship is taken to sea or an attempt is made to take a ship to sea in contravention of this section both the owner and the master of the ship are guilty of an offence and liable on summary conviction to a fine of five hundred dollars."

What I want to know here is if each, or jointly.

SENATOR THE HON. D. G. BLACKMAN: Both jointly and severally. I beg to move that one of the "ands" in section 83(2)(c)(ii) be deleted and the Part II as amended stand part.

SENATOR N. W. BOXILL: Before you move that, Mr. Chairman, I want to make sure we get this thing good before we get ourselves into trouble. On page 80, section 112(5)(a):

" 'near relative' means the spouse, father, mother, grandfather, grandmother, child, grandchild, brother or sister of the seaman for whom an allotment note is made; and

(b) 'spouse' has the meaning ascribed thereto under section 2 of the Succession Act."

What I was wondering, Sir, if it would not be a good idea to put in also "next of kin" because sometimes a fellow goes to sea and he prefers to send back the allotment to the next of kin instead of the wife or the mother for certain reasons, so I was wondering if "next of kin"...(ASIDES). No, that never happened to me.

Then on page 83, Rights of Seaman in respect of Wages, section 115:

"A seaman's right to wages and provisions begins at

- (a) the time at which he commences work, and
- (b) the time specified in the agreement for his commencement of work or presence on board, whichever is the earlier time."

I thought it should be "or from the time that he signs on".

SENATOR THE HON. D. G. BLACKMAN: "Or" is in the list of amendments that we have.

SENATOR N. W. BOXILL: I am sorry, I did not read the amendments.

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

Parts III to VIII inclusive were called and passed.

The First Schedule was called.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I beg to move that the First Schedule stand part.

The question was put to the Senate and agreed to.

The Second Schedule was called.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, there is a small amendment. If you go to the bottom of page 281, the last mentioned enactment, the Carriage of Goods by Sea Act, and under the rubric extent of amendments, the information relating to that enactment is deleted.

I beg to move that the Second Schedule as amended stand part.

SENATOR H. F. G. ROCHEFORD: Mr. Chairman, I am not quite sure what is the amendment the Minister proposed.

SENATOR THE HON. D. G. BLACKMAN: The deletion of the inclusion in the list of the Carriage of Goods by Sea Act, 1980 and the relevant amendment.

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

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

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, I have to report that the Bill has passed the Committee with the following amendments. There was a new subsection added to Clause 27 which would be Clause 27(f) reading as follows:-

"(f) In case of a vessel previously registered under the law of another country -

- (1) evidence of permission to transfer registration or evidence that no permission to transfer is required, and
- (2) the particulars of any mortgages or liens recorded on the register of ships of the other country immediately before transfer which must be entered in the same order of priority as the mortgages or liens were recorded in that other country."

The second amendment would involve the deletion of the words "as annual fees" appearing in revised Clause 71(1). The third amendment would be in subsection 2(c)(2) of Section 83 where in the fifth line the word "and" is deleted, and the final amendment is the deletion in the Second Schedule of the last enactment which is "The Carriage of Goods by Sea Act, 1980" and the consequential amendment contained thereunder.

I beg to move that this Bill as amended be read a third time forthwith.

The question was put to the Senate and agreed to.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I beg to move that the Bill as amended do now pass.

The question was put to the Senate and agreed to.

THE LINER CONFERENCES ACT, 1981

The Third Order of the Day was called -- to move the second reading of a Bill to make provision respecting the giving of effect to the United Nations Convention on a Code of Conduct for Liner Conferences.

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, the 27th Session of the United Nations General Assembly mandated the United Nations Conference on Trade and Development to meet and consider the drafting of a convention which would regulate the activities of Liner Conferences. The impetus for this Resolution came from the Group of 77 which is the representative organisation within the United Nations of developing countries that were concerned at the fact that developmental efforts were often retarded by the arbitrary actions of international shipping monopolies and cartels. These cartels are described as conferences and so a draft convention in 1974 was adopted by UNCTAD which is the United Nations Conference on Trade and Development with a view to regulating the conduct of shipping cartels.

This Bill before us seeks to incorporate this convention into the Laws of Barbados. The convention among other things seeks to establish machinery for

consultation with respect to freight. As you know, freight constitutes a very significant input into the price of commodities that consumers in Barbados have to pay when they go to the shops, and for a long time freight rates have been fixed without any known criterion behind a shroud of secrecy by faceless shipping magnates and monopolists.

The Liner Conference Convention has only recently become operative. It has only recently found its way into Public International Law, in view of the fact that the Convention does require 24 signatories who will control 25% of the World's Cargo tonnage for it to become operative.

The Convention was one of the issues of which the Standing Committee of the Caricom Ministers on Transportation addressed themselves. They were justifiably concerned about the fact that most of the trade that affects this region, most of the seaborne trade is controlled by American, Canadian and British Ships. There are very few Caribbean Shipping Lines involved in any trade except the Jamaican Maritime Shipping Company and another Guyanese Shipping Line called Gibunt that ships bauxite outside of the region and apart from that we are at the mercies of huge International cartels.

Therefore, now that we are seeking to ratify this Convention, it puts the Government of Barbados in a position. It gives us a little leverage, not a considerable amount but a little leverage to require consultation with those big shipping powers that ply their trade within our waters.

I know Senator Boxill may rise again and sound a note of warning indicating that the ratification of these Conventions is not a big thing and it does not mean that we in Barbados have automatically developed the kind of muscle effectively to influence trade within the area but it is an important step and it is absolutely necessary for Barbados to join hands with other developing countries and through a unification of effort with a large number of countries, together we will be able to make the giants listen.

For a Convention such as this to be subscribed to by a Shipping power such as the United States of America is an indication that the collective will of the developing countries can have an effect on bigger powers to grant concessions which will have concrete effect on improving the living conditions of our people in this country.

We hear much talk about the importance of earning foreign exchange. We hear much talk today, Mr. Deputy President, about the necessity to reduce the cost-of-living.

This is an important though small step in the fight to reduce the cost-of-living because if we can ensure that vital cost inputs which inflate prices in this country can be reduced or eliminated, Mr. Deputy President, then we would have rendered sterling service to the consumers of this country and that is why I believe this is an important piece of legislation and I invite Senators to support it.

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

SENATOR N. BOXILL: Mr. Deputy President, I am not going to be long on this because, to be truthful, I have not read all of it. All I think this is doing is clogging up our Law Books. Anyhow the hon. member in introducing the Bill said how important it would be for the emerging states to present a case to the big states like the United States, Great Britain and so on.

The hon. member is too intelligent to expect me to believe this sort of thing because for years at the United Nations the African States were calling on the UN to do something about the atrocities that are being committed in South Africa and every time you look, who vote against the legislation, the United States, Britain and France. That is what they do. It is all right to form this little thing and play.

The only thing I think we can get together and have some say in is when the four fast bowlers that we have when they go and play cricket. It is only when we go to play that these other big powers notice us. They do not listen to us and then when they get among themselves, as he has rightly said about these cartels, these are big conglomerates that operate behind the scenes and do you think that they are going to notice people in Barbados, Jamaica, the West Indies as a whole? Do you think that these people are going to look down on West Indians? There are no maybe's about this.

It is true that we belong to the United Nations too but how much punch do we have at the United Nations. The African States that are big and powerful, like Nigeria, which produces some of the best oil in the World but yet, whenever a Resolution comes up to curtail the activities of South Africa the same big powers that the hon. member was telling me that we can go up to and they are going to listen to us, sure they will listen. They will listen because they are not deaf but to operate is a different thing.

Naturally we will vote for this because we do not want to be the odd man out but do not let us fool ourselves that this is going to help us in Barbados get things any cheaper.

Just let me say this to the Hon. Minister and he knows that as well as I do. In yesterday's paper I saw that President Reagan has decided to send back grain to Russia. You know that they have never sent a pint of corn down to the West Indies. They do not have anything for us. Whenever the showdown comes we are good to be the allies of gunfire but when it comes to us that is a different story. We say what we have to say but when it comes to them, it is a different story altogether.

I would like to tell the Hon. Minister that I will support the Bill but do not let us fool ourselves that this is going to cause us in Barbados to get anything cheaper. As a matter of fact they will look out to send us even more expensive goods. I bought a car in Canada that was made in Japan and when I look at my car and look at what I see here at the price they are asking, it is a known fact that everybody seems to think that West Indians because we are coloured people, with all due respect to you, they feel that they can dump all sorts of garbage upon us and we have to take it as the saying goes or lump it and since we have to like it and we do not want to lump it, we have to accept these things but do not let us fool ourselves that we would get anything down here any cheaper than what we are supposed to get.

As I said earlier I have worked with these people and I know them. I have not always worked in the lower offices with these people. I have worked in some responsible position with them and I know how they operate. They operate for their own benefit, not for people like you or me, Sir, in the West Indies so I just got up to say this to the Minister that while we are going to vote for it and have it on the Statute Book I think that they are clogging up our Law Books that will not operate in our favour and will not operate period.

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, let me say that I believe that we have just heard a statement and explanation as to why the Democratic Labour Party had no foreign policy. If Senator Boxill's view are the views of his Party and I would have to think that he has had the audacity to stand in this Honourable Chamber and not express the views of his Party having regard to the terrible fate that befell two of his erstwhile colleagues a short time ago, then, it is plain why there was no foreign policy since he is saying that since the powers the United States of America, Britain and so forth are so big and powerful all we can do is lie down and prostrate ourselves helplessly and fatalistically before them. Perhaps, that is why when orders came through from up North that Cuban planes were not to be given facilities for refuelling in Barbados to fight the War of Liberation in Africa about which the Honourable Senator is shedding crocodile tears that is perhaps why the orders were complied with with ignominious alacrity on the part of the previous administration.

I do not want to involve myself upon that helpless period in Barbadian foreign policy, but I would just like to point out to the Honourable Senator that if the people in Africa considered themselves as weak as Senator Boxill their apologist and defender is attempting to portray then there would never be an independent state in Africa today. The people in Kenya called for their independence against superior odds. The people in Zambia, Ghana, all of these African countries fought against odds that are on the face of it superior.

But, Mr. Deputy President, there are certain imponderable affairs of men, imponderable to deal with questions of right and wrong and when a cause is right, then there is the definity on your side and that is something that we should never forget.

SENATOR N. W. BOXILL: Sir, if the Honourable Member would give way on a point of order. Is he saying that the South African way is right? Is he telling us in this Honourable Chamber that the South African way is right?

SENATOR THE HON. D. G. BLACKMAN: No, what I am saying is that the Democratic Labour Party Regime on orders from the United States of America failed ignominiously to assist an African country in Southern Africa that had liberated itself from Portuguese imperialism. That is what I am saying.

I am charging that your Party whose views presumably you express and that is so concerned about apartheid in Southern Africa failed at a crucial moment to assist their brothers in Angola in a crucial war of liberation. That is what I am saying.

Mr. Deputy President, I do not want to be involved anymore in this irrelevance, I believe that the historical facts are there. If he is not aware of them because he was out of Barbados at the time, let him go and avail himself of the record, but I cannot dwell on it any longer. The fact of the matter is this, the recent history, the post World War II history is replete with examples of united action where people are fighting a just cause against a stronger foe, they have been victorious. The Vietnamese would never have achieved their victory if they simply said the United States is stronger and we cannot fight. You yourself would not be free if your antecedents said, we are confronted by slave holders, we are outgunned and therefore we cannot fight, you yourself would still be grovelling in slavery today.

Mr. Deputy President, I think we have said enough of this and I do not think it is necessary to go any further to make my point. I beg to move that the Senate do now resolve itself into a Committee.

The question was put to the Senate and agreed to, and the Senate went into Committee on the Bill, Senator Sir MENCEA COX in the Chair.

Mr. CHAIRMAN: Senator Hinds.

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

The question was put to the Senate and agreed to.

Clauses One to Four inclusive were called and passed.

The Schedule was called and passed.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I beg to move that the Senate be now resumed and that the Bill be reported as having passed Committee without amendment.

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President. I beg to move that the Bill do now pass.

The question was put to the Senate and agreed to.

BILL TO REPEAL THE DOGS ACT AND MAKE NEW PROVISIONS FOR THE CONTROL OF DOGS

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, this Bill repeals the Dogs Act, Cap. 177A. This comes as a result of the fact that the existing legislation is shot through with anomalies. It is difficult to apply as it now is, and therefore it is felt necessary to have a completely new Act.

The first Dogs Act came into existence in 1975 and was not proclaimed until 1st December, 1978 largely because of the fact that it took some time to draft appropriate regulations as well as to construct a dog pound. The effective enforcement of this Act would serve to rid the public of an increasing nuisance of stray dogs disturbing the peace at night, foraging in garbage, littering the neighbourhood and defecating in public places, causing terrible odours and generally destroying the environment, not to mention the tendency of some of these canines, the more ferocious ones, to destroy human

flesh as well as that of animals. In recent times there have been numerous complaints about sheep, goats and other livestock that were mutilated by hungry stray dogs, so effective legislation is absolutely necessary.

I do not think that it is necessary for me to tire the Senate with the procedures that are involved, many people know the principles, many people know what difficulties existed with enforcement. This Bill also will enable us to increase the revenue from this source. We believe that if people keep dogs which disturb others that they must pay for the pleasure of doing so.

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

SENATOR W. O. FRANKLIN: Mr. Deputy President, there are only two small things about the Bill that I would like to get the Minister's feeling on. I think one has to be very careful that we do not necessarily interfere with the privacy of people if it is not absolutely necessary. Section 9(1) reads that a police officer or authorised person may enter premises and request any person whom he reasonably believes to be the owner of a dog of the age of six months or over, to be a keeper or operator of a kennel, to be keeping on his premises five or more dogs of the age of six months or more, to produce for his inspection within 48 hours any licence required under section 3 or 6 as the case may be.

I have noticed that there seems to be creeping in, quite unnecessarily in my opinion, in some of the legislation interruption of the privacy of individuals in their own households. In this particular section it is not a case where the dogs are on the road and causing problems or anything, it is just he figures that the dogs are being kept there and he can enter the person's household disrupting their privacy only on the reasonable belief that there are dogs existing there. (SENATOR THE HON. N. A. BARROW: Reasonable belief is what is important). Yes, I agree, but we have to be careful that certain people carry the reasonable belief within the bounds of reasonableness. That is just an observation.

The other observation, Mr. Deputy President, is section 12(2) where I think it makes it a bit difficult for the person. It reads: "Where a dog defecates on a beach or in a public place, the owner of that dog shall forthwith remove the faeces and dispose of it to the satisfaction of the Medical Officer of Health." Now, how is he to know what will be the satisfaction of the Medical Officer of Health? (ASIDES). Seriously, I agree that we do not want this type of thing to be happening, but we want the legislation to be reasonable. Thank you.

SENATOR O'BRIEN TROTMAN: Mr. Deputy President, Senator Franklin wants the legislation to be

reasonable, therefore first of all we have to assume that the Police Officer is a reasonable man. I do not believe that we will have 800 policemen walking around Barbados knocking up Senator Wickham at 2 o'clock in the morning to see if he has a dog or not, but I believe that the section has been put in the Act to make sure that if a reasonable police officer has need to enquire about a dog, then he has the authority to enquire in the household about the dog. All it does is give the police officer the authority to make an enquiry. If the officer has not that authority, I do not know how else a police officer investigating an offence involving a dog would be able to carry out his duties, so that has to be reasonable.

Two years ago when the Dogs Act came up the interpretation of entering premises came up and we were assured that that did not mean going into somebody's house and under their beds to find the dog, but Senator Franklin was not with us then, so he missed that lesson.

As far as section 12 is concerned, Sir, this is known in other places. The Ministry of Health will say what conditions you have to comply with. If need be, Mr. Deputy President, Senator Franklin will have to walk with a stack of paper bags, if necessary, and remove the filth.

SENATOR N. W. BOXILL: Mr. Deputy President, on page 16, section 20, "a person who (a) steals a dog, and (b) has in his possession or on his premises a stolen dog, knowing it to have been stolen, or (c) without reasonable excuse kills, maims or wounds a dog, is guilty of an offence and is liable on summary conviction to a fine of \$2,500." Do you realise that a dog is valued more than a diamond ring? I see people here steal rings, go into people's places, break and enter and steal rings and get six months. I agree with the last part, without reasonable excuse, kills, maims or wounds a dog, but if a fellow steals a dog, if he steals a pot hound, you will let a Magistrate put on \$2,500 for stealing a dog? (SENATOR Miss O. A. LYNCH: You should learn to steal something valuable). Somebody here said I should learn to steal something valuable. Suppose the dog follows me home.

SENATOR K. HINDS: Mr. Deputy President, I am a bit sorry that the two hon. members opposite were not in here when we first had this legislation otherwise Senator Boxill would understand that this fine which seems so big to him really represents the maximum fine. It does not mean that every time you go to court the magistrate will fine you this amount. This represents the maximum fine.

SENATOR N. W. BOXILL: I hate, Mr. Deputy President,.....

SENATOR O'B. TROTMAN: On a point of order, the hon. member spoke already.

SENATOR N. W. BOXILL: We are in Committee in case you don't know that.

Mr. DEPUTY PRESIDENT: Senator Trotman has also spoken before as well.

SENATOR THE HON. D. G. BLACKMAN: Mr. Deputy President, I do not believe there is anything for me to reply to. The replies have come from this side, and so I beg to move that the Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. D. G. BLACKMAN, Mr. Deputy President left the Chair and the Senate went into Committee on the Bill, Senator the Rev. A. HATCH in the Chair.

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

Parts I and II were called and passed.

Part III was called.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I beg to move that Part III stand part.

SENATOR MISS A. LYNCH: Mr. Chairman, in Clause 12(2) much attention has been drawn to the matter of defecation in public places, but I would like to say that that this is as much a nuisance on private properties where other neighbours indiscriminately bring their dogs to do their dirty business and where other harmless neighbours are almost defenceless in that a person like me may not have a dog but would have to do the cleaning up of the dogs of other neighbours who feel that I would take some pleasure in that, therefore I would like to think that this also applies to private premises.

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

Part IV was called and passed.

Part V was called.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I beg to move that Part V stand part.

SENATOR H. F. G. ROCHEFORD: Mr. Chairman, we do not at present in Barbados as far as I know have seeing eye dogs. I wonder if any thought has been given to the fact of blind people who may have their seeing

eye dogs which have to be accompanying them wherever they may go. I do not know if any thought has been given to that aspect of the legislation.

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

On the motion of Senator the Hon. D. G. BLACKMAN, Mr. Deputy President resumed the Chair and the Bill was reported as having passed the Committee without amendment.

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

THE ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, among the items of which I gave notice

today was a Bill to amend the Constitution, and as I rise on the Adjournment, I would just wish to take the opportunity to urge on members that since we will need an agreement of at least two-thirds of the members of the Senate in order for this measure to become law, that when we meet next week we would like to see all hon. members in their places and see them early. I am sure that this is a matter on which we will have the most not only of hon. members on this side and independent Senators, but also the votes of the two Opposition Senators.

Without more ado, I beg to move that this Senate be now adjourned until this day week, Wednesday, 29th April, 1981, at 2.30 p.m.

The question was put to the Senate and agreed to, and Mr. Deputy President adjourned the Senate accordingly. 4.40 p.m.