

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, 2nd December, 1981.

The Senate met in the Senate Chamber, Public Buildings on Wednesday, 2nd December, 1981, at 2.30 p.m., today.

PRESENT

His Honour Senator the Honourable Sir ARNOTT CATO, M.B., Ch.B., LL.D., (President); His Honour Senator J. C. W. WICKHAM, M.B.E., (Deputy President); Senator the Hon. O'BRIEN TROTMAN, (Minister of State in the Prime Minister's Office); Senator H. R. LINTON, LL.B.; Senator Mrs. E. M. LYNCH, B.A., G.C.M.; Senator C. A. GRIFFITH, (Parliamentary Secretary, Prime Minister's Office); Senator J. E. D. WILLIAMS; Senator Miss J. CLARKE; Senator M. C. C. WARD; Senator StC. E. HOWELL; Senator Mrs. M. O. REECE; Senator E. E. GREAVES, B.A., Ed.M.; Senator W. W. HALL; Senator A. W. A. McCLEAN; Senator Mrs. G. G. READER, M.B.E.; Senator C. D. SEALE; Senator the Rev. Can. I. McK. JONES and Senator K. A. ROUSE.

Prayers were read by Rev. Dr. L. Crawford.

ABSENT

Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information, Communications and Culture) (Leader of the Senate); Senator C. I. E. DEANE; and Senator D. A. C. SIMMONS, LL.M.

PRESENTATION OF PAPERS

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to lay the following document:

The Customs Tariff (Amendment) (No. 2) Order, 1981.

INTRODUCTION OF BILLS

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to give notice of the following:

1. A Bill to repeal the Patents Act and make new provisions for the law relating to patents.
2. A Bill to provide for the protection of industrial designs and for related matters.
3. A Bill to reform and modernise copyright law and the law governing similar or related matters.
4. A Bill to revise and reform the law governing signs used as trade marks, service marks or collective marks in connection with the marketing of goods and services.

THE TREES (PRESERVATION) ACT, 1981

SENATOR C. A. GRIFFITH: Mr. President, it is my distinct honour, Sir, to move the Second Reading of this Bill. First, I would like to give for the benefit of the Hon. Senate a background to the requirement for the legislation.

For many years, Mr. President, conservationists and environmentalists in Barbados have been pushing to have some stringent measures to control the wanton destruction of trees. This concern in many cases springs from the indiscriminate action of developers of land and people who have little regard for protecting the natural beauty of our country.

The Barbados Labour Party administration in its very early years gave instructions to Government agencies to seek to take steps for the enforcement of existing legislation on the preservation of trees, or if such legislation proved inadequate, to devise a policy leading to additional legislation for this purpose.

Mr. President, the main legal provision which exists for the preservation of trees is in the Town and Country Planning Act. The procedure of making orders under that Act for this purpose are generally unwieldy and lead to the reasonable suggestion that Section 27 of the Act is far too inadequate to meet the need, especially as it requires the Chief Town Planner to plot and keep a map of all trees to which an order refers in his office and to serve owners and occupiers of land who may be affected by an order with notices.

It would seem an almost impossible task, Sir, to keep an up-to-date map showing all trees in Barbados which should be preserved, or to serve such persons affected by an order with a copy of the notice. It would lead to greater effectiveness, therefore, if the onus is placed on persons wishing to fell trees to seek approval from the competent authority. The Ministry of Housing and Lands therefore in consultation with other Government agencies and with the Parks and Beaches Commission, the Town and Country Planning Advisory Committee, the Barbados National Trust and the Caribbean Conservation Association has formulated the proposals for preservation of trees as embodied in this Bill. Comparable legislation of two countries, the Republic of Singapore and the United Kingdom, was also studied.

A significant provision in the Bill is at clause 12 where the Chief Town Planner may impose certain conditions relating to planting, maintenance or protection of trees in order to enhance the amenity of any vacant land on which a new road is being built, or on land adjoining a public road.

None of us in Barbados, whether we are resident or a visitor, can conceptualise this country being simply a concrete jungle denuded of foliage and the pleasant atmosphere of buildings nestling among trees of every description, yet if positive steps are not taken, Mr. President, such a situation could descend upon us in several areas because of the disregard of the natural environment which many rapacious developers are demonstrating. This legislation is very timely in this regard.

Mr. President, I beg to move that this Bill be now read a Second Time.

SENATOR W. W. HALL: Mr. President, quite frankly I feel that this is a good Bill in principle, but I am a bit worried about the methodology, because the old Act required the identity of a tree or groups of trees worthy of preservation. Now this new Act it seems to me, seeks to control every tree in the Island once it meets the definition of a tree as specified within the Act. In other words, if we were to go to Section 3, it says "this Act

applies to any tree the circumference of which is one metre or more at a point half a metre or more from the ground....."

I am worried, Sir, that even though Senator Griffith explained that the Town Planning Department would be the Government Department which would in basic terms look after the enactment of this Bill, it does seem to me that when you look at Subsection (3) of Section 4 where the Town Planner may on the receipt of an application under that Section cause such investigations to be made, including an inspection of any land as he considers necessary for the purposes of determining the application, that this would be adding strain on the staff of the Town Planning Department who I am not aware are idle.

I feel that this is a mammoth task, and in many cases it looks to me like an impossibility, because in section 4 you will find that this Act calls for no provision of experts to be called in, although I am aware that in the old Act the Town Planning Department may call for the advice of any expert.

For instance if you had a coastal erosion problem, a coastal engineer should be called in. I am sorry that Senator Linton is not here because it seems to me, Sir, that a department or a board like Parks and Beaches Commission could well act in a consultative role and indeed Senator Linton in his capacity might find that it is a shame and a disgrace that his expertise has not been utilised. Since he is not here, I will not really dwell on that too much.

In Section 9 as we go down the Bill, we will see that the Town Planner can serve on an owner of such land a notice requiring him within the time specified to plant or replant any tree of such size and species and at such place as is specified in the notice. Sir, I know that the Town Planner and perhaps his subordinates will have basic training and indeed information relative to the species of trees and things like that. Of course they may be very *au fait* with land space for architecture and things like that, but I wonder if there might now be a case where they have suddenly to be confronted with things which I think may be outside their job description anyhow, that is, knowing about the species of trees and things like that. I am saying that as far as I am concerned, I am worried about the fact that the Town Planning Department will be saddled with this extra work. If they have the staff, fair enough, but I am not aware of it and I would be very glad when Senator Griffith replies if he could assure me that this is true.

I am very happy to see, Sir, looking at Section 9 (c) where he can clear the land of weeds or overgrown grass. Sir, the reason why I am worried about this is that as we go around Barbados, one can see many spots of land in

residential areas that are completely overgrown with weeds and grass. Although I know that there are many departments that may well look into this matter and alleviate the problem, if for instance the land does not look good and is not pleasing to the eye, the Town Planning Office can step in. If however it poses a health hazard, then the Health Department can step in. The National Housing Corporation, if the land is required for purposes of housing development, may well do so, and if indeed for instance overhanging trees pose a threat as far as wires are concerned, the Fire Department can come in, not to mention the Sports Department when land is required for recreational facilities.

Heaven knows we have seen a lot of acquisitions in this Hon. Chamber in recent weeks, and it means that we can do these things. Now I know of one, piece of land, about 6 000 square feet, in Deal Gardens, amazingly enough three houses above that of the Minister of Housing. He passes it every day. He has passed it every day for the last eight years, and Sir, this land is overgrown with trees and shrubs and there is rubbish and all manner of things on it. What has happened is that refuse was thrown on the land because it was not kept tidy, and that meant that there is a vast decline as you get to the other end of the line, so that when rain falls it means that it is another hazard, because mosquitoes of enormous size are there for months and months during the rainy season and no amount of detergents or spraying gets rid of them. Indeed these mosquitoes are so immune to the spraying that is used nowadays that they lift their wings up as if they are getting deodorants. That is a fact. It is a health hazard to the children of the people that live in that area, Sir.

Once a year, Sir, when someone throws a lit cigarette butt in the tall grass or indeed when someone gets very careless in burning their refuse, the place becomes an inferno much to the disgust of the inhabitants, so that for eleven months of the year you have a situation whereby it is not even safe to walk the street. It is not even safe to drive because any vagrant can easily hide in this area and cause malicious damage. This is not a criticism of Government because this did not happen in 1976. It has happened for many years, but what is important is that within the last few years it has got progressively worse, and I feel that it is all well and good for the Ministers to get in the Lower House and say that the Public Health people do not work, but I do not subscribe to that view, Sir.

I feel that it is a matter of establishing ownership of land and to whom the authority has been given to look after this land so that the head of the department can clear it and then charge that money to the respective owners or people who are agents for the owners.

I feel, Sir, that since Deal Garden is a little far from Dover and Sargeants Village and Gall Hill, I think, Sir, that the Government could afford this land, also since it is only now a nuisance, so that the kids of that area can play on this land when it is cleared and properly drained. All those tourists and people who work in the tourist industry along the areas like Welcome Inn and the Banana Boat area could well utilise this area too, Sir.

I think that it is rather important, Sir, that we do this because even though I see that Senator Ward is watching, I think that he is quite *au fait* with the area. He knows exactly what the situation is and I am quite sure that he could agree that where there are areas that have been nothing else but a nuisance to the inhabitants, the Government could easily step in and rectify the situation by making the children live in happy and congenial surroundings.

I shall bring it up with the Minister of Housing at a later date, Sir. It is just that I mentioned it so that the Hon. Senators will know that when it comes to the caring of trees and over-grown grass that it is absolutely necessary that this part of the Act be enacted very speedily, if not sooner.

Sir, most of the Senators who have sprung from the proletariat like I have, would know that a matter of trees certainly is no small thing. Senator Griffith knows this coming from Fairfield, Sir, so does the Hon. Leader today. They know it, Sir, because we were all experts as boys on trees. I had to know, Sir, when the mangoes would ripen and indeed, Sir, (LAUGHTER) You laugh but you know, Sir, that your property, as a boy from the Ivy I would have known, Sir, when those trees on your property, you know, Sir,.....(LAUGHTER) I am very grateful that you did not seek to call the Police or anything like that or not I would not be in this Hon. Chamber today, Sir. What I mean, Sir, all of us as boys and girls too, Sir, knew when the mangoes would ripen and ackees and the tamarinds too.

As a matter of fact, Sir, when I was a boy I was totally diminished when I realised that the golden apple trees would lose their leaves, Sir. I did not know at that stage that they were deciduous in nature and it really diminished me to see all the leaves falling off as if it was winter as I have read of in far off lands.

I would say that to say this the kids of today are not particularly encouraged to look at trees and understand something about them because when I was a boy and I daresay when most of us were kids, we used to know the value of a clamacherry tree, not only, Sir, because it would make as good a bat as the English would know, but, Sir, we would know at Easter time

when kites were flying that the only way to make a kite, Sir, would be to stick it with clamacherry and I daresay, Sir, if you used it in moderation when they were riped they did not taste too badly either, Sir.

I say all of that, Sir, simply because I feel that we must not look at members as lightly as some people do. They walk around the place, they cut down left right and centre, you know, slap, bam, thank you, mam. They cut down fruit trees. They debush. A few years ago the whole island was debushed.

To tell you the truth, Sir, large quantities of valuable trees and bush — when one considers cercee and miraculous bush — Sir, you are a doctor of great repute in this country. You would know. It is true that doctors no longer prescribe bush tea for kids with a cold. I know this but I daresay that the antibiotics that are given for a common cold nowadays do seem to make the bodies immuned to it when something more dangerous happen in life and, Sir, you would know that bushes like cercee and miraculous that are very good for colds have been destroyed in a twinkling of an eye and, Sir, I feel that these things too should be preserved.

When one looks at the importance and the value of trees, their value in construction, housing, their value from the point of view of utility poles, the telephone and electricity poles, paper products, and furniture, we all know of the mahogany tree, we can well see, Sir, that the trees are very valuable.

As a matter of fact in Trinidad only three years ago some conundrum in the Government Department decided that when the Lady Young Road was being built that they should just move away all the hills, the trees and all, everything, Sir. Do you know what happened, Sir? The rains came and all of the soil that was held fast by these trees came tumbling down so that one only has to look at the Scotland District and one would see that one of the measures taken by Government or one of the measures that they should take coming from me, a layman, Sir, is the planting of trees. There is no doubt about that. Anyone who has any common-sense at all would know that the planting of trees would obviously prevent things like soil erosion and anyone who has done Geography at school, Sir, would know that trees attract rain.

I am glad to see that Senator Linton is here. I will comment on his Department later. Sir, I said that trees attract rain. It is obvious and I am hoping, Sir, that the mover of this Bill will give us some information about these areas.

Also, Sir, the severity of the fine. I wonder if they feel, Sir, that because you put \$1,000 on a man or give

him six months in jail that this is particularly going to be a big thing. It will be for some people but other people might easily find, Sir, that it might be best having a \$300,000 house or even a \$500,000 house to cut down the tree that seems to be annoying him and pay the fine.

Only yesterday, Sir, I was reading about a Baron in England who had a house of great historical interest and he was told by the Government of the day to restore it to its former beauty and keep it in good repair. He thought that would be too expensive and he dragged the whole thing down, Sir, and paid the fine. Thus you may find that people who can afford to do this might very well take similar action.

On my way down, to the Senate this evening I saw lots of trees by the wayside and indeed in Barclay's Terrace where I live, as if people are anticipating the passing of this Bill this evening and its enforcement thereafter. As if they are anticipating, Sir, they have cut down their trees, mango trees, fruit trees and all sorts of trees and what is more, Sir, I was amazed to see a Light and Power truck there cutting them down so, Sir, it looks to me as if the Town Planner will have a lot in his plate.

I cannot imagine that he can peruse all areas, that he can look to see every little tree, not "little tree", Sir, any tree as prescribed in this Act in St. Andrew, in St. George, in St. Thomas, in the backyard, in the cane fields, in the ravines. All of these trees come under this Act, Sir, and I cannot believe that the Town Planner has the staff to look after them. If he has the staff, well, Sir, I would say that I would agree with the methodology. If he has not, Sir, then, I would have to say that I do not really believe that this Act, even though it is good in principle, I do not really believe that we can really carry out the great measures that it calls for.

Sir, sometimes as we go to school and we learn and we hear about the great poets and the great writers like Senator Wickham, Sir, you tend to see, sometimes when you look at their works, how they are inspired and I have known trees to inspire writers and one that I recall, one that went:—

"I wish that I would never see,
A poem as lovely as a tree,
A tree whose hungry mouth is pressed,
Against the earth's sweet glowing breast,
A tree that looks at God each day,
And lifts its leafy arms to pray"

This is important, Sir:

"A tree that may in summer wear,
A nest of robins in her hair."

And, Sir, it ends, this is rather important:

"Poems are made by fools like me,
And, only God can make a tree."

Sir, that is important. Children in school should learn that because, Sir, they will understand that like Senator Griffith who has had the exposure in New York, who has seen Central Park, in the midst of New York, he knows, Sir, the value of parks and trees and open spaces. He knows, Sir, that where there are trees that you would find that most of the impurities in the air are taken up by trees leaving us with pure oxygen. He knows these things. He is an environmentalist, he has been to New York and he knows exactly what the situation is. He also knows, Sir, that unless we decide that we are going to look after the trees that are in Barbados we will find that we will be in a very sorry state of affairs.

Now, Sir, Senator Linton will laugh. I feel, Sir, that he should get up in here and say that it is a disgrace and burning shame that the Government has not recognised his talents as Chairman, or Deputy Chairman of the Parks and Beaches and have them in a consultative nature. I said that before when you were out, Sir, and I wanted to say this because I feel that wherever you have the expertise, you should get this and since this Act does not provide for it, all I am saying, Sir, is that it should be provided.

There should be some provision in it, whereby the experts could be called in in this area because I believe that the workers in the Town Planning office may not have the expertise to carry out this operation, in its full.

Sir, I feel that this Bill, even though the intention is good and even though it is necessary in this island to encourage people to preserve our trees, I do feel that some greater measures of enforcement should come along with it. Only a few weeks ago, Sir, the Hon. Minister said, in the Lower House that he would have to prosecute people who refused to clear their lands. I would not say mere words, Sir. I would not say that at all. I would merely like to say that it is virtually an impossibility for these things to happen with the limited human resources that we have. And, if Senator Griffith can rise, Sir, and assure me that there is no problem in that regard, then, I would not even say that I have spoken in vain. All I would say is that he has allayed my fears and perhaps, things are not as bad as they seem because you see, Sir, as I have said before, in this Hon. Chamber, I like the movers of Bills, Sir, to tell me exactly what is the situation. I want to know all these things. I want to know that there is enough staff in the Town Planner's office to cover it and enough expertise. I wish to know all of these things, Sir.

If he can assure me of these, then, I think there is no problem, but, if he cannot, then, Sir, I would say that the Government would still have a lot of homework to do and that they will still have to come to the people of Barbados for their help because I still feel that irregardless of the Laws that you pass in this Hon. Chamber and in the Other Place, you would still have to appeal to the good nature of the people in Barbados so that they will be motivated, Sir, to help the Government and all the workers who would be entrusted with this work to preserve all trees that are of value in this country.

Mr. PRESIDENT: Senator Wickham.

SENATOR J. C. W. WICKHAM: Mr. President, it would be impossible not to welcome the speech of Senator Hall and to say how much I share his sentiment as to the value of trees in education and in enjoyment of boyhood.

If I congratulate the Government, on this Bill, by saying, "better late than never", it is not because I am thankless or ungrateful for its mercies, but because I am well aware that when the first settlers landed in Barbados, they found it well wooded and covered with trees. That was many years ago, and we have arrived at a situation where the land is gradually becoming very bare, though not yet as bare as Haiti which was once called "the pearl of the Antilles" and which is now dust when it is dry and mud when it is wet. That is a distinct possibility if something is not seriously done with our vegetation.

Mr. President, the Bill provides not only for the preservation of trees, but also, very importantly, for their replacement, the replacement which our own carelessness has robbed us of. Previous debates in this Hon. Chamber have disclosed a very rapid and a very tragic decline in our standards, standards of behaviour and the standards of our morals. More and more people are becoming very apprehensive about what they see on the streets. The garbage on the tongues of people, garbage on the streets of the town.

Only last week and please do not feel that this is a digression, only last week, I heard of a story of a school boy on a bus on the way to school spitting outside the window at a passing school girl and because he was rebuked by an elderly gentleman in the bus, he went into his bag and pulled a knife. A policeman who was in the bus took this knife from him and the boy went on to school.

I do not feel that that is good enough, I feel the boy should have been dragged out of the bus, certainly taken to the nearest Police Station and something done

about it; his name taken, something done about it. But this is the kind of behaviour which is encircling us, and if you think that trees have nothing to do with that, let me remind you that if you live in an untidy place, in a sloppy place, and if you see dirt, garbage and mess around you for long enough, you will come to believe that that is how it should be, you would see nothing strange in it.

There must be any number of people who walk along Hastings Road every day and they see that distressing sight of the old pavilion, that red brick building, rotting; a haven for idlers and God knows what else, and yet it does not seem to arouse any disgust or any action, because we have got accustomed to seeing it.

The hard times which are upon us have very little to do with the economy. If it were only a question of money, I am sure that we could summon all the nerve and will to deal with it, but it is more than that. I think some virtue seems to have gone out of our lives, and it concerns me that as a people we seem unable to summon the will to deal with our shortcomings and the disease which is upon us.

I have already spoken about the decline and the decay which is a symbol of the general untidiness and neglect, and I fear that the rot has set in. When the hedge rows and fields are untidy, when the streets are littered and the gardens overgrown, when the trees are destroyed and not replaced, something is very wrong.

This piece of legislation may be much more important than we think. It may well represent the beginning of a national pulling-up of the socks, for there are few more expressive acts of faith and concern than the planting of a tree. When a man, or a nation, or a community plants a tree, they are saying something very important. What they are saying is that we believe in this place, we are planting something which we will not see ourselves but which our children and their children will see. It is a supreme act of faith when you plant a tree. When you do not plant a tree it means that you do not care what happens.

If it were possible for you, Mr. President, to ask for this Bill to be passed by acclamation, if ever a piece of legislation ought to be acclaimed, it is this one.

Mr. President, I want to bring to your attention and to the attention of this House a proposal on this very matter of trees from the Barbados National Trust, which as the mover of the proposition mentioned was one of the consulting organisations in the preparation of this legislation. The Trust has for some time been very concerned about the number of royal palms, to take one tree, which have disappeared. They are dying

in Belleville, they are dying along the pathway to Codrington College and they are dying in Newcastle. The Trust at its Annual General Meeting last week made a proposition that next year should be devoted to the replanting of those dead or dying trees which ever since 1650 were a mark of the Barbados landscape. They have thought of a very charming oriental designation for this project by calling 1982 the year of the royal palm, which is a most enchanting way of describing a project.

I would like to suggest, and in fact to plead with the Government through the mover of this motion, to urge the Government to support this proposal of the National Trust. We have with us the Deputy President of the Parks and Beaches, and it would seem to me that that kind of gesture would say a lot to the community, irrespective of how many trees you plant, it would say a lot to the community if 1982 could be preached far and wide, in the byways and highways and from the roof tops as the "Year of the Royal Palm".

I mentioned that in 1650 these trees were already here, and at the risk of boring this Senate I would wish to read an extract from the early description of the royal palm which might well serve to remind you of its beauty:

"Another kind of Palmetto there is, which as it hath an addition to the name, hath likewise an addition to the nature. For I believe there is not a more royal or magnificent tree growing on the earth for beauty and largeness not to be paralleled and excelled, so abundantly in those two properties and perfections all the rest, as if you had ever seen her you could not but have fallen in love with her."

That comes from Ligon's History of Barbados, 1657.

The Bill provides, Mr. President, for penalties for the unlawful destruction of trees. The word which is used to describe this Act is "killing" and it seems to me that the use of this very effective word, "killing", is designed to bring home the horror and the wantonness of the destruction and to remind us that when we destroy a tree we do in fact kill a living thing. Thank you, Mr. President.

SENATOR J.E. D. WILLIAMS: Mr. President, the cost of modernisation has indeed been very high. What we are talking about this evening is the conservation of our country's natural beauty and heritage.

There is the school of thought that this particular Bill has come a bit too late. I still believe that much can be salvaged through this Bill, but I would have to regard it as insensitivity on the part of the former administration when there was that move towards industrialisation and

modernisation for them not to be consciously aware that legislation like this was necessary at that point in time.

I find that Senator Hall can get up and indeed support the Bill, and I do agree almost in total with his sentiments. I agree in total with the sentiments of the very last speaker, but much could have been gained had legislation like this been brought long ago. What we are talking about, to put it in true perspective, is for us to imagine a place like Farley Hill without trees, Bath Beach without trees, Codrington College without trees.

If we can imagine this, we will be demonstrating unequivocally the depth of this Bill. I notice in the Bill that much emphasis has been placed on land owners who are seeking permission to build while at the same time not placing too heavy an emphasis on existing householders. I believe that it is not always the best thing to leave things up to moral suasion because certainly some people are more sensitive than others. A particular householder might be predisposed to planting a tree, and another existing householder might find it not that important, and I am saying that the Bill could have gone a bit further to take care of those individuals.

I did agree heartily with Senator Hall when he spoke about the insensitivity of land owners who leave their lots unattended and unclean and I hope that they do not hide behind this Bill believing that they do not have to cut down trees and clean the lot. Of course all of this is now subject to the particular Bill for permission, but there is no doubt that there are certain trees which pose imminent danger to householders, and I trust and hope that these individuals would not believe that they do not have to clean their lots.

About two Saturdays ago, I was visiting Mullins in St. Peter and to be quite honest, Mr. President, I thought I was in a forest. What you had was a development where a number of houses were already erected and the remainder of the lots were left unattended and you could not see any more than ten feet away. That sort of situation makes it very easy for people to have access into people's homes, because they have an escape route in the night, and I think that it is incumbent on Government to really look at this situation because it is really getting out of hand.

We talk about the marketability of an individual's home and all of these factors are taken into consideration in determining the price of a house. An individual goes and buy land in a particular developing area and at that point in time each lot was clean. Some people buy land and go overseas or they may even buy it from over there. They never look back to see whether that land was kept clean or not. I know that there is provision in the Law for Government to go in and clean these lots and any

cost incurred can be debited to the Land Tax Bill of the people. I believe that it is about time Government implement that part of the respective Act.

Mr. President, I believe that this is an enlightened piece of legislation and my only regret is that it did not come sooner. I do support this Bill.

SENATOR Mrs. G. G. READER: Mr. President, in rising to support this Bill I will make note that none of the former speakers has said anything about trees which have been burnt in cane fires. I live on a piece of property which belongs to the Government of Barbados. Last year 22 trees plus my garden were completely levelled by cane fires. Two of the mahogany trees burnt were well over 100 years. We lost seven mahogany trees, a circassian bean, a cedar tree, an ylang ylang, two cassias, three breadfruit, two avocado pears, two guavas, a Pride of India and two coconut trees just by somebody setting fire to the field of canes above the house. The lawn burned, the garden burned, my rose trees burned, everything burned. The cherry tree luckily came back, but that was about the only thing that was saved.

Mr. President, the watercarts came from the surrounding plantations, the fire brigades were there — they put out the canes but they left the trees burning. I came home that evening and for three and a half hours I tries to put out the trees, but by that time the mahogany roots were burning. The trees have since died. These are the trees that I raised my children under.

There is something else, we have a strange breed of tree growing in Barbados now. It bears white plastic cups and it springs up overnight. If you have ever seen the Garrison Savannah or Queen's Park following a big meeting or something, you will realise that these trees come up overnight, spout these things, bear the cups drop them on the ground and then go away. They are also all around the bus stand. Two days ago while driving my van past a bus a plastic cup half-filled with sno-cone landed inside the van. It is not very pleasant and I think that something has got to be done about it.

Another point that I would like to raise, Mr. President, is that I travel around this island frequently. I did 25,000 miles in a van last year around Barbados. The amount of love vine that I see all over the trees and bushes and some of it on Government property really makes me very worried. What are we coming to? You see the pastures with the burnt trees standing there and the love vine growing up. Barbados is beginning to look dreadful. The roads are in a terrible condition. I do not think that anybody who has been along the roads in Barbados recently has ever known them in worse condition than they are today, and as far as visitors are concerned, somebody turned to me and said I thought Barbados was not a banana republic. That is the impression they are getting from our roads.

I think it is absolutely necessary for us to have trees. I think they are more important than swings and climbing frames. Children do not learn on climbing frames half as well and half as naturally as they learn to climb on trees. My children learnt to climb on trees from the time they were very tiny. They built tree houses, they did all sorts of things and they had a wonderful time, and it is hurting their hearts now to return to Barbados this year to see that all those trees that they played in are no longer there. We are trying to prevent people from cutting down trees, but the Act says killing trees. People that burn fires also kill trees and something has got to be done to protect the trees that are bordering our fields and our grass pieces. We have lost so many lately that it just hurts my heart.

This house that I live in was built somewhere between 1690 and 1700 and that will give you an idea of how old those trees are, and it seems to me a shame that the wanton destruction of cane for the fun of seeing it burn should destroy something that no one can replace. Thank you, Mr. President.

SENATOR K. A. ROUSE: Mr. President, it is rather unfortunate that the Hon. Senator who spoke before me made mention of a very important point that I did in fact think about some time ago which worried me. Mr. President, in recent years when one took a stroll or even as boys and girls went to and from school, all of us took pride in preserving trees, shrubs and other things that caused interest to us.

I very well can support Senator Wickham when he made reference to one particular tree, the royal palm. Sir, I remember as a boy going to school, all boys would run and hide a palm that was dried to take it home and hope to sell that palm to a basket-maker, who in turn made baskets, not only for himself but he made good market with that basket which was made from that palm tree. Today, Sir, that very palm is gone and is dying and that very basket became a tourist attraction and it was sold and it sold for a tidy sum when it is finished made and completely decorated.

The other tree that I am thinking about, Sir, and the other speaker spoke about it is the casuarina tree. That tree, I remember as a youngster going to school and at nights when we took a stroll along the beach that tree would whistle and make a tune as though it was saying that it was happy that the person who was walking under it was enjoying it as it stood there. That sound, that sweet music from that tree no longer looms over us, it is destroyed.

Sir, the words which I think brought about the destruction not only of that particular tree but of other trees that the Hon. Senator made mention of, I believe were the words — words can be spoken destructively,

they can be spoken constructively, they can destroy and they can build. Politicians set out to speak words which at times sound sweet to the ears of the people who are listening and Sir, as the Hon. Senator should have heard me say words are good and words are bad, spoken otherwise but I am referring to those words, Sir, when the day when one hopes that he would never see a caneblade in this country.

I believe, Sir, that from the day those words were used that cane fires became an idol to some of the people who listened when the person who spoke those words made mention of them. From that hour until only recently, cane fires seemed to be the thing of the day and those fires, as the Hon. Senator said, caused a lot of destruction of valuable trees.

I believe, Sir, that if the member who said those words was man enough to get up in a public place and say to the people of this country that those words were not meant for the destruction of the sugar industry or the trees and he was sorry that he had said those words, I believe the people of this country would in turn say to themselves that those words were badly used and that the person who spoke those words was sorry that he ever said those words. I believe that would stop the indiscriminate burning of the canes and the destruction of very good trees and we should start afresh in having our island beautiful with better trees and as Senator Wickham said, I would like to see, Sir, added to the "Trust's Year of the Royal Palm" that the casuarina would be one of these trees that the Trust consider to plant in that particular year, 1982, and I support this Resolution, Sir. Thank you.

SENATOR MRS. E. LYNCH: Mr. President, in supporting this measure, I do not intend to add to the poetic and literary part of the contribution. What I want to say is very practical.

First of all, I have serious doubts as to the ability of the authority concerned to enforce the Act. How will they know? How will the Town Planner know that a tree or trees have been cut down? I wonder whether there should not be a publication of a list of trees to be specially preserved. Not that you do not wish to preserve as many trees as possible but there are some trees which are becoming very scarce. Some which are specially valuable and I wonder whether such a list should not exist so that people should know to be specially careful about the preservation of certain trees.

The matter of clearing land and keeping it cleared can pose difficulties. There are many elderly persons especially, who find it difficult to get the labour for clearing their lands. This is not a once and for all effort. It has to be done constantly. Certainly it would have to be

done after each rainy season and probably more than once a year.

It is difficult to find labour for clearing the land and it is also difficult to get rid of the shrubbery when the tree has been cut and the bush has been cut. I believe there is a Sanitation Department or one of the departments that will send you a vehicle to clear it away if you asked but they do not seem to have a large number of vehicles and the bush is cut down and remains cut down and begins to spread again and very often it has not been removed.

It is very difficult to get the shrubs and so on removed so that if we want to keep the land looking tidy and have them cleared, it does seem that we would have to improve the service which will provide this sort of support. Is there anywhere we can say do you have two men to come and help us clear the land? Can we get a truck to remove the shrubbery now that we are finished and pay for this service? It may be that private enterprise can show some initiative in this direction but there is no use telling the people that they must clear their lands when very often they just cannot get it done.

The other problem is that many of the trees being cut down are fruit trees because fruit trees are becoming a nuisance.

Just as we have praedial larceny of crops there is a great deal of larceny of fruits. Mr. Hall referred to this in a very playful manner and we are not thinking of school children raiding your trees. I live very near to two schools and I am very indulgent to the children who come to steal golden apples. I would not use the word "steal" for children, but they come to claim their share of golden apples, ackees and plums and so on and unfortunately, as both my husband and I are teachers, the children in the district feel that they have a right to our fruit because we were their teachers, so, certainly, they can have our fruit.

But, there is also an attitude which I think springs, is communicated from a rather more senior group that they are entitled to other people's fruit. If you have a fruit tree and they feel that they have not got a fruit tree then they have a right and whereas, previously, young persons would move away, if they saw you coming or come and ask for the fruit, they now tell you boldly that they have come for your fruit, they have come to take these fruits and you say, "well, what are you doing there picking fruit?"

Elderly people are afraid now of the type of young persons who come to steal their fruit because they come to steal fruit and then, they get an idea of the lay of the land and then, they come to steal other things. Elderly people are so afraid of this kind of trespassing that they

are cutting down their fruit trees, rather than risking confrontation with a very mischievous and dangerous type of young person. Trespassing on people's land for the purpose of picking fruit and vegetables is now very common.

So that, when laws of this kind appear, the question we are going to ask is, "Who is going to protect the person who keeps the fruit trees and these other trees that we want to keep alive?" But, particularly fruit trees. I feel very strongly about the way in which we need to have these trees and yet still, we tend to cut them down, in order to prevent ourselves from being attacked.

There are also trees which are dangerous in time of hurricane. The trees may be very beautiful, but people do need to have some instruction because a tree like the casuarina is very difficult and is dangerous. It grows in great heights and is very expensive. In time of hurricane these types of trees are very expensive and we rather cut down trees which are very expensive. Therefore, while we are very happy to see this Bill I hope we will think more of the way we will remain effective.

While we are all very vocal about the changes in the society which we do not like to see and which we quarrel over, I hope that we will go a step further and know that protest is useless unless it is followed up by a programme of action. So, every time we make a lament of things in the street, we do have to put forward some very positive suggestions of how, as a people, we are going to come to grips with these problems.

We commend the National Trust for their "Year of the Royal Palm" and I hope we will not only think about not cutting down trees, but we will also have plans for planting trees, planting more trees. I hope that the last speaker will plant all those trees she mentioned. Perhaps, she will get the assistance of the Parks and Beaches and although she might not live to see these trees, somebody's grand children might once more have them to climb.

SENATOR H. R. LINTON: Mr. President, I am indeed happy to observe the wide acclaim which this particular piece of legislation have received, not only in this Hon. Chamber, but in the Other Place and the country, as a whole. I am, however, surprised that a Bill dealing with the preservation of trees should be so widely welcomed in Barbados.

I have no doubt, that as Senator Reader said, that from the time we are children, we learn to appreciate the significance and usefulness of trees. I, myself, not so long ago had the good fortune of building tree houses. I am not sure how many Honourable Senators could say that not so long ago, they were building tree houses. I would say that most Barbadians learn what trees can do for us.

In addition, to attracting rain and preventing soil erosion, trees play a very important role in our lives. This further awareness of usefulness of trees has been brought about in many ways.

We heard this afternoon that householders should not be led into thinking that because this piece of legislation provides that trees should not be wantonly destroyed that they can keep their surroundings in an untidy manner. If the large volume of work which is now available to landscapers generally and the people whose concern it is to preserve the beauty, is an indication we can largely say that householders in this country are aware of the usefulness of trees and are doing their best to ensure that their properties are adequately served with a number of trees.

Only this weekend, I was driving around the country and I was only too happy to observe, Mr. President, that a place like Ruby Park in St. Philip, persons who have recently moved up there from the Bridgetown and Christ Church areas, particularly the Bridgetown areas, persons who perhaps, in previous times were deprived of the opportunity and of the space for growing trees, are now making enquiries about what type of trees the soil will accommodate and they are making every effort to ensure that their surroundings are planted with trees. I, therefore, Sir, have no fear that in time to come, the developing areas in the country will be adequately planted with trees.

The Parks and Beaches Commission for the past three or four years have been operating what we refer to as a commercial section, a section where we take jobs from private individuals who not only want their surroundings cleaned, but who also want to be advised regarding the planting of trees, and who also of course want to purchase plants. We have not done much advertising in this regard, Sir, for the very good reason that even without advertising the Parks and Beaches Commission has been unable to meet the demand for its services in terms of cleaning and in terms of the planting of trees. This alone should be enough to demonstrate to this Hon. Chamber and to the community at large that citizens are aware not only of the valuable services being rendered by the Parks and Beaches Commission, but of course of the fact that they need to plant trees for one reason or the other.

I have no doubt, Sir, that private landscapers are doing equally as well. Only recently a private landscaper was fortunate enough to win the contract for the landscaping of Oistins, the Parks and Beaches Commission did not win that one. The Parks and Beaches Commission, however, won the contract for the landscaping of the Heywoods project. We are hoping that that project will

overcome its difficulties soon enough so that we can get in there and plant the few trees which of necessity had to be cut down to enable the developers to get ahead with their business. One satisfactory aspect of that project is that three times as many trees will be planted as have been cut down, and better trees at that. I think under the contract we not only have to put in the royal palm, the cabbage palm and the traveller's palm, seeing that there is fondness in this Chamber for the palm, but we are also mandated to put in the Barbadian mahogany and several other trees which are indigenous to this island.

The Heywoods Project is not the only project in which the Parks and Beaches Commission is involved. The Grantley Adams Airport is testimony to the good work which is being done by the Parks and Beaches Commission in terms of the planting of trees. I think that if an example is needed regarding the question of the preservation of trees, then one only has to look at the work which is being done around the island, particularly on the Government projects, and one would see enough evidence that this Government is aware of the necessity of landscaping the entire country, and where it constructs large buildings, to provide for the planting of an adequate number of trees.

But this legislation goes a bit further than the planting of trees. In fact, it is specifically concerned with the preservation of existing trees, and I am prompted to turn to that aspect of the legislation by a remark which Senator Hall made regarding the fact that nowhere in the Bill is provision made for the use of the Parks and Beaches Commission as a consultative body to the Town Planning Department.

Well, as in most matters, Sir, concerning the environment, this Bill in its first draft was sent to the Parks and Beaches Commission for the comments of that body, and it was suggested by the Commission that the authority for overseeing the destruction and its corollary, the replanting of trees, should in fact reside with the Parks and Beaches Commission. However, after further consultation with the Town Planning Department it became obvious that the administrative difficulties which would be encountered in passing information between two, three and sometimes four Departments would be almost insurmountable, and consequently we advised the Town Planning Department that it would be adequate if the Chief Town Planner was given permission to take advice from any body, any institution that is, that he thought fit to give this advice.

If my colleague, Senator Hall, would turn to Section 4 Subsection (3) of the Bill, he would notice therein stated that the Chief Town Planner may on receipt of an application under this section cause investigations to be made, including an inspection of any land, as he considers necessary for the purpose of determining

the application. So that Subsection (3) of Section 4 gives the Chief Town Planner a fairly wide discretion in instituting investigations relating to this whole question which we are discussing.

Now, it does not place an absolute duty upon the Chief Town Planner to consult the Parks and Beaches Commission, I would readily admit, but neither does it need to do that. In our past experience wherever the Chief Town Planner has been called upon to look into a matter which directly or even indirectly touches on or concerns the environment, the Chief Town Planner has never ever failed to consult the Parks and Beaches Commission. I have no reason to believe, Sir, that in the instance of the preservation of trees, a matter which falls well within the portfolio, the expertise and the competence of the Commission, that the Chief Town Planner will bypass, ignore or in any other way treat the Parks and Beaches Commission with such scant respect that he does not seek the advice of the experts who reside and work therein.

We therefore, Sir, have no difficulty in the matter. We are of the view that the Chief Town Planner at every step will consult the Parks and Beaches Commission. Further than that, Sir, I have news for Senator Hall. Quite a few people within this community were of the opinion that this Bill had already passed this Chamber and had in fact received the Governor General's assent, and I can safely say that citizens, nationals of this country, people who have trees have been seeking the advice of the Parks and Beaches Commission regarding the cutting down of those trees.

What in fact has been happening is that they have been telephoning Parks and Beaches Commission and seeking advice regarding (a) the size of the particular tree, (b) the usefulness of the tree, (c) the position of the tree, and whether in fact the Commission could assist them with their application to the Chief Town Planner regarding the killing of the tree. This is evidence enough, Sir, that the citizens of this country will in fact make use of the Parks and Beaches Commission in this regard, even before the matter reaches the Chief Town Planner.

At the moment again, Sir, we are having discussions.....

SENATOR W. W. HALL: Sir, on a point of elucidation. I would just like to point out that I merely lamented the fact that this Bill does not provide for the use of the Parks and Beaches Commission in a consultative status. I never said that it was ambiguous and that no one knows what is happening, I said I regretted the fact that the prestigious and well known and well thought of Statutory Board — the Government did not see it fit to ask them through this Act to give advice.

That is what I merely said, and it is misleading the House to say that I alluded to the fact that the Parks and Beaches Commission was not brought in at all, Sir.

Mr. PRESIDENT: I do not think there is any real conflict. I think that what you did indicate in the beginning, Senator Hall, was that you would like to be reassured that the Parks and Beaches Commission would be consulted, and you are now being told that they would be.

SENATOR H. R. LINTON: Thank you very much for elucidating the point. I need not dwell upon it any further. I would simply move on to state that this piece of legislation is part of a series of legislation touching and concerning the environment with which this Government has been concerned since 1976 and with which I expect they will continue to be concerned up to 1991. I do not believe that the Government can conclude its programme of environmental reform in terms of the beautification of the community and the cleaning of the environs except we do it over a period of fifteen years. I do think that up to 1991, Senator Hall, if he is here, will be witnessing the completion of a series of legislation touching upon and concerning the environment beginning of course with the Dogs Act which was passed by the last Government, which was debated in the last Session by the previous Government, but which never received the Governor-General's assent, a piece of legislation which was vital and which like the preservation of trees is essential if we must develop our society in a way that would benefit our children.

Then of course we had the Act relating to the protection of wild birds, another piece of legislation which the previous Government was asked to implement but which they stubbornly refused to bring before this Chamber. Then of course we took the bold initiative of seeking to deal with the cane fires, a matter alluded to by Senator Reader and Senator Rouse, a matter that we had hoped would cover the preservation of trees and in that limited way discussed by Senator Reader. That was not to be but we are still hopeful that the cane fire legislation will come to the assistance of this country in terms of the preservation not only of the canes but of course of the trees.

Someone also referred to this question of praedial larceny, I think it was Senator Williams, and the fact that trees afford cover and protection to those who would reap the crops which they did not plant during the night. I would simply like to refer to the question of the Act relating to praedial larceny and also the Petty Trespass Act which were two pieces of legislation designed specifically to cope with problems mentioned by Senator Williams. It may be that most of these pieces of legislation have not yet begun to bite, but there is time, and as

I said we have programmed legislation in this regard to take us up to 1991, but we still have time for this legislation to bite. We are hopeful it will bite and the fact that it has taken so long to bite may be reflective of its sister fact that legislation is not always the answer to ills in a society.

I think, Sir, as most Senators and most members of the society indeed obviously think, that this legislation must of necessity be coupled with a new programme of education not only in the schools but also on the radio and on television. Take the sno-cone cups for example. I do not think, Sir, that any kind of legislation will solve the problem of the sno-cone cups being deposited willy-nilly along the streets of this island. I do not agree with it; I think it is a beastly thing to do.....I think that people should be discouraged from throwing sno-cone cups through the windows on Broad Street and all about not simply because of the tourists, but it presents a health hazard to Barbadians as well.

I simply do not believe that any piece of legislation will suffice to remedy this defect in our moral standards and standards of cleanliness. Without a proper programme of education in the homes and on television, we will not remedy it, and no matter how high a fine is for littering, I do not think that penalty is going to remedy it. Yes, Sir, there must be a law. As there is a law for recidivists, so too there must be a law for people who refuse to accept education, but I think that the educational aspect of it is equally as important and I would like to see a programme started whether by the media or by some of the charitable organisations which educate people, not only about the preservation of trees but about the question of littering our country with sno-cone cups etc.

That leads me to the question of the size of the fine in this Bill. I do not think, Mr. President, that whether we stipulate a fine of \$1,000, \$4,000 or \$5,000 that it will make any difference at all. I do not think that in terms of modern penal policy or sentencing policy the size of the fine is that important. I think we have to look more towards education again, educating people and in seeking to rehabilitate people rather than seeking to fine them, because what is the point if you put \$5,000 on a man for cutting down a tree that he should not cut down and he only has five dollars? Then he serves five days in Glendairy and what does he do? I do not think that is going to help. In my experience I do not think that the stiffness of the fine is the be-all and end-all of the matter. Contrary to what Senator Williams said I think we have a stronger case here in this type of legislation for moral suasion personified in educational programmes, strips, slides, shows, video tapes and so on. We have a stronger case for moral suasion than

we have for Senator Hall's idea of stiffer fines, and in any event I notice in the Act.....

Mr. PRESIDENT: I do not think that that is what he said. He was saying I think just the opposite to what you said.

SENATOR H. R. LINTON: I am sorry if I misunderstood him. In that case I agree with him that stiff fines would not solve the situation. It is quite easy, and that means that I do not have to deal with the other point relating to that.

Now so far as specific areas are concerned, Sir, and the question of fruit trees being cut down, I simply wish to say that in a quite unofficial capacity the Parks and Beaches Commission has been monitoring the situation regarding the destruction not only of fruit trees but trees which are beneficial to Barbados in a monetary sense. We do not have any large volume of evidence that Barbadians indiscriminately destroy fruit trees. On the contrary we feel that Barbadians are lovers of fruit trees and that they do everything in their power to make sure that they are subject to healthy growth. I agree with Senator Lynch that we are having a slight reversal of that attitude today because of the question of praedial larceny and larceny by those who are commonly called, perhaps incorrectly, Rastas, but I do not see any need really for the total destruction of a tree simply because a child or a Rasta or a criminal for that matter picks the fruits. I do believe that there are other ways of handling that. In serious situations people have been cutting down their trees, but I do not agree with it. I do not support this wanton destruction of trees simply because people who do not own the fruit are taking the fruit. Barbados has been stuck with that problem from time immemorial. As a boy my neighbours used to complain for me every day for picking the dunks, the ackees and the golden apples and they had never bothered cutting down the trees. I agree that in my day they could complain to my parents and a flogging from my father would be enough. Maybe today that is not adequate, but, Sir, there are other ways of dealing with the matter which can be accepted rather than having the trees cut down.

Even if we have to cut the trees, there ought to be no harm in just trimming the tree so far as it poses an inducement to not only the owners of the fruit to come and pick the fruit. I do not think they should cut them down willy-nilly.

A point however that is being missed, I think it was totally missed in the Other Place, Sir, and is in danger of being missed in This Place and perhaps in the community at large is that the Act stipulates the size of the tree which cannot be cut down without the per-

mission of the Chief Town Planner. It says "This Act applies to any tree the circumference of which is one metre or more at a point half a metre or more from the ground". And one metre, I am advised, and I must state....

Mr. PRESIDENT: Order, order.

SENATOR W. HALL: Senator Linton, on a point of elucidation, he must not say that was missed in the Other Place and This Place, Sir, because I specifically read out that part which he is referring to, Sir. He is misleading the House and he is claiming kudos that he does not deserve.

SENATOR H. R. LINTON: I think Senator Hall just likes getting up, Sir, I am positive it was missed in the Other Place. I have read all the Reports. What I said was that it is in danger of being missed in This Place. I wish he would quote me correctly if he wants to quote me. He wants to be quoted in the newspaper, Sir, but he will not get into the newspaper on that point, Sir.

Mr. PRESIDENT: Let us not have anymore of this. What has happened in the Other Place, unless I have the record here, I am not going to allow any references. I do not know what was said in there. I do not think that the purposes of this House would need to pursue that.

SENATOR W. HALL: But, Sir, do you not think it is unfair for the Senator to.....

Mr. PRESIDENT: Are you making another speech?

SENATOR W. HALL: No, Sir, I am just asking for him to withdraw those remarks because he must know that making headlines in the newspaper is nothing new to me. It might be the first time for him but I am sick of them, Sir.

Mr. PRESIDENT: I do not myself like the idea of your saying that the Senator is seeking headlines.

SENATOR H. R. LINTON: I withdraw, Sir, unhesitatingly, Sir. The point I want to make specifically on Section 3, Sir, is that it will enable householders, particularly those in the countryside to cut down most useless trees without having to have recourse to the Chief Town Planner.

Most of the clamacherry trees do not reach one metre. Most of the wild trees you see growing about, woman tongue and things of that nature do not reach one metre in girth which I am advised is approximately 39 inches but then where the tree does not enjoy that girth, that circumference, then there is no need, of course, to refer to the Chief Town Planner. But the catch in that Section is, Sir, that the Chief Town Planner

would have to be sure that the tree was not more than a metre in circumference and knowing how clever Barbadians are, it would not be too difficult for them to circumvent that Section but I expect that here again, he will make maximum use of the Parks and Beaches Commission when he carried out his investigation regarding the killing of trees which border on one metre in girth.

The third point that may have escaped the community at large, if certainly not this Hon. Chamber, Sir, is the question of the cherry trees on Cherry Tree Hill. I do not know if Hon. Members are aware that those trees constitute private property and if tomorrow the owner decided that he wanted to lay Cherry Tree Hill bare, he could with impunity cut down the cherry trees down there and what is more, the mahogany trees which we also see down there because they are his property at the moment and there is nothing on the Statute Book in this island which now prevents him from cutting them down. Once this piece of legislation receives the Governor General's assent, Sir, that would make it virtually impossible for the owner of Cherry Tree Hill to destroy those trees.

I know a year or two ago pressure was being put on the Government to perhaps purchase this area of land at rather high prices and the preservation of the trees was being used as a sort of leverage to push the Government into this position. Now with this Act, we shall not have to worry about the preservation of the trees at Cherry Tree Hill because the owner, like anyone else, will have to make application to the Chief Town Planner for permission to destroy those trees and I have no doubt that the Chief Town Planner will consult the Parks and Beaches Commission regarding of the preservation of the trees at Cherry Tree Hill and not only at Cherry Tree Hill but all over the country where we have trees such as those which are enjoyed by locals and tourist alike, we will now be protecting this situation.

I hope however, Sir, that the usefulness of this Bill will manifest itself in a positive way in that it will give rise to Barbadians planting more and more trees. That is, Sir, I trust that the Chief Town Planner will very only infrequently have to resort to the Parks and Beaches Commission in the application of this Resolution, that people would become so aware of the value of trees that rather than seeking to cut them down, to destroy them, whether wantonly or not, they will instead embark upon a programme of planting more and more trees throughout the island.

This of course will have to work in conjunction and with the full collaboration with the heads at Graeme Hall distributing the fruit trees at \$1 each to people who wish to plant them. The Ministry of Agriculture will, Sir, I have no doubt, wish to place heart as it has been doing recently in other matters, in making sure that there is an

adequate supply of fruit trees readily available for distribution to all Barbadians at a nominal cost who wish to plant fruit trees and that, I trust, will be the real benefit of this piece of legislation in the same way I am told that the Dogs Act has given rise to a greater demand for dogs of quality rather than wild dogs. I think that was the positive benefit which we observed from the passing of the Dogs Act.

In winding up my speech on this I would say that the Government, here again, must be complimented on its bold initiative in introducing since 1976 a series of first, social legislation, to benefit the masses of this country, followed up, supported and buttressed now, Sir, by a series of Environmental Legislation again then calculated to benefit the masses of this country and looking at the notes of my colleague taken when I was absent I realised that Senator Hall supported the Bill in principle and I am not surprised that he knows when to support a good Government when he sees one.

SENATOR C. D. SEALE: Mr. President, Sir, like fellow Senators I heartily support this Bill, Sir. Now the Act, Sir, seeks to preserve trees and, Sir, I believe that this Act must be given the fullest publicity. Sir, I would like to suggest that the Government sees fit to erect signs throughout the length and breadth of this island stating the Act and stating that it is an offence to cut down trees.

Also, too, Sir, I would like to suggest that when we get our land tax bills in November, Sir, that we get a copy of the Act with it and even a reminder that you must clean and clear your premises or whatsoever you have, Sir, because this might act as an assistant to help to keep our environment clean.

I thank you, Sir.

Mr. PRESIDENT: Senator Jones.

SENATOR THE REV. CAN. I. McK. JONES: Mr. President, so much talk has gone on about trees that I do not think that I can add very much. But, there is one thing I would like to say. I do not quite agree with Senator Linton when he said that he interprets Section 3 of No. 4 to mean that the Town Planner will consult with the Parks and Beaches.

Now, I myself feel, Sir — I support Senator Hall in this — but I think that there should be something written in this that the Parks and Beaches, an organisation an agency like that with people who have expertise in environmental problems should be included somewhere inside here or somebody, some agency like that, because we know what human nature is. It is all right to talk

about — I have no doubt that the Town Planner will always consult with such and such a person, but the Town Planner may not be the same person every time and there may be some personality in the Parks and Beaches that the Town Planner may not want to have anything to do with. I feel that something like that should be written in, it should not be just left there hanging, that in some consultative capacity an organisation as expert as the Parks and Beaches should be written into this Bill that they will have to be consulted in a consultative capacity. I support him on that.

And, I also think, Sir, that education is extremely important and that people nowadays, are not made to understand what trees are there for. They do not even realise, many people do not even realise that the trees are a lot to do with the purity of the air that we breathe, and I think that these things should be stressed and in schools, there should be more emphasis on this kind of thing. I would also say that we need — it grieves me to see the number of trees that are being cut down, day by day, all over the place, and huge trees too and nothing seems to be done to the people who cut down these things.

I feel, Sir, that we even need, I think they call the people who study the science of trees, dendrologists or some name like that, I think we even need some of them in Barbados.

In one last point, Mr. President, Sir, I feel that there are certain parts of this Bill that are really unenforceable and I really do not see the point of having a law that you cannot really enforce and it would seem to me that there is somewhere, in this Bill that we should have more specific things written in where they can be implemented because I feel that many people can get away from some of the things inside here, some of the requirements in here.

So, I would suggest, Sir, that I am totally in favour of the Bill for the Preservation of Trees, but I think the Bill itself needs to be beefed up somewhat. Something more should be written into it to be sure that what is written in there can actually be implemented.

And, my last point, Sir, is that I feel that fines are important, regardless of whether some Hon. Senators think so or not, I feel that fines are very important, that people should be made to know that they can be fined if they are caught doing these things and that those also should be enforced.

Thank you, Mr. President.

Mr. PRESIDENT: I do not know what the Hon. Minister will say when he comes to reply but I was

wondering whether the point which seems to be worrying the last Hon. Senator, Senator Jones and also Senator Hall is usually provided for under Section 14 in the Regulations. We keep going over and over these things. Usually, things like that are dealt with in the Regulations. Any way, the Hon. Minister can answer that.

Senator Howell.

SENATOR StC. HOWELL: Mr. President, I, like all of the other Hon. Senators rise in support of this Bill. I thought that Senator Hall, seeing that we are people from very close, would have dealt with the destruction of trees from St. Lawrence Church, along the South Coast, right up to what we now call Atlantic Shores because the Act very aptly speaks of the killing of trees. I think there is a massacre of trees along the South Coast and seeing that Senator Hall, who is rather more descriptive than I am did not allude to it, I would just mention it.

But, I rise mainly, Sir, to the more serious point at least what I consider the more serious point of the Bill. The Bill is very important. It is more than the Government taking a step in the right direction. I think that it is a giant and mammoth stride. To my mind however, Mr. President, the Bill is far from perfect. I am of the view Mr. President, that there should be a second Schedule appended to this Bill. I think that Senator Lynch hinted at this. It should, to my mind, have included a list of trees specifically named in this Bill that special reference ought to have been made of.

Sir, I think in particular of the mahogany tree of Barbados which to me is no ordinary tree. When we look around this beautiful, Hon. Chamber we see all of the wonderful furniture and one visits from time to time some of the auctions and we see some of the very important masterpieces, by way of furniture, made from the mahogany tree being exported out of this country and going to the more prosperous and industrialised lands. I really think that the time has come Mr. President when this Government or some other Government will really have to think of introducing legislation to prevent the exportation of antiques, and in particular, furniture made from the mahogany tree.

Sir, I think that there is special need for the preservation of mahogany trees because furniture made from that tree, I think can be classified as some of the best in the world. When we take into consideration that today, we have a booming furniture industry, where large sections, large areas have seen the disappearance of these trees, and we add to that, Sir, the fact that we have a booming fishing industry and that the body of the mahogany trees are invariably used for the hull of these boats there is no surprise that the mahogany tree, in Barbados have been more fastly disappearing than many of the other trees. This is why, I am of the view that

some special Schedule could have been ascended to the Bill to specify the mahogany tree and perhaps, other trees that are as equally important.

As regards to the use of mahogany trees in the building of fishing crafts, I think that the time has come when we would have to look for alternatives, for the sort of substitute. For example, I know that in England regarding the type of hulls we have around here, there is a growing use of the fibre glass which can be made to withstand the sort of size or engine we have here in Barbados.

I really think that is a very good alternative that the Ministry of Fisheries could have a very serious look at and perhaps by so doing preserve the mahogany tree for the more not only lucrative but for the more beautifying to the eye, the making of furniture and so forth.

I think, Sir, turning away from the furniture and fishing industries, that the Minister responsible for housing when carrying out new constructions could give serious thought not only to the putting up of new buildings but also for the planting of trees. I do not believe Mr. President, that it is really necessary to have a large acreage of land in order to plant trees. Those of us who have travelled abroad and visited some of the housing areas would realise that sometimes in London there is no acreage at all, there is a pavement about six or seven feet wide and they have three foot slabs where one or two of them are removed and the tree is planted in the middle of the pavement with a little mesh, and as the trees grows after a while you remove it, and in due course that provides very beautiful shade. It is a nice scenery, and although you are living more or less in the city, you still have some trees around. One does not have to travel for miles going into the country to see this. I think we should adopt that attitude when we are building in future in Barbados.

Mr. President, I think that the subject, so far as I am concerned, has almost been exhausted, because all the Senators have spoken most ably on the Bill, but it was just those two points I wanted to make special mention. I think there is still room for a Second Schedule to be added to this Bill where a specific list of certain trees can be added to the Bill.

I beg to support the Bill, Mr. President.

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support the Bill I would like to express a contrary view in relation to certain suggested areas in which the Bill could be improved.

I do not believe it would be an improvement to append some special Schedule of particular trees which are especially worthy of protection, because as it stands now all trees are given protection at the highest level.

What such a Schedule will do is not to enhance the protection afforded to mahogany trees and the royal palm, but to diminish the protection afforded to tamarind trees and those that are excluded, so I would prefer to see the registration as it stands where all trees which are designated trees are fully protected under the Act. If from time to time the Town Planner is aware that certain trees are in danger of extinction, he, in his discretion, will say no matter what, we will try as hard as possible, if you have to move the tree put it somewhere else, but do not destroy it.

Again, I do not believe that it would be any improvement to indicate that the Parks and Beaches or any other body should have specific authority under the Act. I do agree that the Parks and Beaches should be consulted, and other authorities, but Government must develop systems and conventions relating to consultation which need not be enshrined in legislation. It is sufficient for one body to be the competent authority to give permission and to deny permission, and then that body in conjunction with other departments in Government will decide how we will go about arriving at decisions. Consultation could develop as a convention not only in respect of the cutting down of trees but in all areas where departments have to make decisions. We have, I believe, too much of an attitude in Government at the moment where people perceive that this is my preserve, this is my domain, do not enter it. The Lord gave me this authority; not you, do not ask me any questions, I am not giving you any information. We must move away from that and see Government as a cohesive unit with authority vested at particular points for convenience, but essentially the concern of Government should be the concern at some level of all departments which can make a contribution. Government should be in the business of actively cultivating cooperation rather than each person saying well I know about trees, therefore give me a piece of the action at the level of authority rather than at the level of voluntary assistance.

I thank you, Mr. President.

SENATOR C. A. GRIFFITH: Mr. President, there is no doubt in my mind that such a Bill as this one would evoke considerable input from the Hon. members present. Indeed, I am gratified to note that there is a certain interest, and I believe that the members who have made a contribution in effect are speaking for significant sectors of the community when they do speak in this Hon. Chamber.

When such a Bill as the Bill for the preservation of trees is laid in this Hon. Chamber, we find that people can go in different directions. Some can wax romantic as we have heard from my dear friend and Opposition Senator who used to be referred to when in his heyday as a fast bowler as poetry in motion, we heard him today as poetry in action. We can also find people moving into the

area of the commercial aspect of tree planting and we can talk about the environmental aspect. Because some of my colleagues on This Side have dealt with certain specific aspects, I daresay that there is not much more for me to do. However, I would like to allay the fears of particularly Senator Hall in certain areas that he raised, and I do not think it would take much effort.

First, if we look at the Act itself. Now, in my introductory remarks I said that the main legal provision which exists currently for the preservation of trees is the Town and Country Planning Act. Senator Hall was wondering about the Town and Country Planning body as the competent authority as it were, and the stated objective of the Bill is for the Bill, as it says, to lead to greater effectiveness if the onus is placed on people who are interested in cutting down trees that they should seek permission.

If we go to Section 4 of the Bill, it states plainly, "any person who desires to kill a tree must first make an application to the Chief Town Planner for a permit to do so." Now, that should set us thinking, Sir, because again when I first introduced this Bill I made the point that the concern springs from the indiscriminate action of land developers and people with little regard for protecting the natural beauty of the country.

These are the points I made when I introduced the Bill, so it means that there is a certain objective of the Bill. The major objective is that we are trying to relieve the pressure on the Town and Country Planning Office to keep a map of trees where you would have to go trying to track down indiscriminate destruction, and we are placing the onus on people who need to fell trees, whoever they are, to first seek permission.

Now, if we take that section, Section 4(1), and look at Section 4(3), where it says the Chief Town Planner may, on the receipt of an application under this section, cause such investigations to be made, including an inspection of any land, what in effect the Bill is saying, Sir, it is giving the Town and Country Planning Office broad discretionary powers so that when an applicant asks for permission to fell a tree and the Town and Country Planning Office does not have the expertise to make a decision, they can call on a number of bodies - indeed, the Parks and Beaches Commission has been mentioned, and we know the good work the Parks and Beaches Commission has done. They can call on the Ministry of Housing and Lands, they can call on the Barbados Conservation Association, and as Senator McClean quite rightly pointed out, there is no need to embody in the Bill a specific consultative body for the sake of doing so, that what you in effect need to do is to be able to make provision for a competent authority to refer to any body which can have significant input in these matters.

I am satisfied that the opportunity has been used for people to make their statements on a Bill which of course should have significant environmental consideration

in a country such as ours, and I daresay that in the effort to do so, a number of us who have expressed concern about the expertise and the ability of the Town and Country Planning Office in terms of staffing and in terms of understanding the nature of trees and so on, forgot that the object of the Bill places the onus on developers and other people who want to cut trees to first apply for permission to do so. So you must not visualise a situation where staff from the Town and Country Planning Office will walk around the country of Barbados looking to see which trees are cut down and which are not. We should not visualise it as such. What we should be looking at is that when there is a need for a tree to be cut that the person who needs to do that must in effect ask permission to do so. This is the impact of the Bill.

Now I agree with Senator Hall when he makes the point about the residential areas which are completely overrun by grass and so on, and there is considerable concern expressed to me and to a number of other people by persons who live particularly in the developed areas where there are absentee land owners who have invested monies in developing areas and where there is a considerable overrun of grass and so on which does create hazards both physically as well as health-wise, and I agree that there should be something done about this. I believe, Sir, that one of the reasons why this problem exists is because, as many of us may be aware, sometimes we live in developed areas and we do not know who owns the spot next door, and sometimes we who live in developed areas will not want to take the decision to clean the other person's spot. This is a fact of life.

I myself live and spent vacations in an area in Grazeette, Greenidge's Terrace, where I still have some very dear friends, and I believe Senator Hall does have some friends in that area. As a matter of fact, he had hoped to have constituents in that area a few months ago, and I am ashamed now that when I go into that area I find it almost impossible to drive a motor car through what I consider an avenue that at one time could accommodate two motor cars, and my friends in that area keep complaining to me about the need to have the area cleaned. You find in these areas as I said before, a number of spots that are owned by people who are faceless, and I believe that one of the jobs that Government must do is that if an expense is incurred in cleaning up these spots, and it may be very easy to find out who owns them, they should be made to pay the expense of cleaning in some form or fashion. I believe that something must be done about it because we have too many cases of people lurking behind these tall grasses and so on waiting to go into people's homes during the day, and when the Commissioner of Police talks nowadays about the daytime burglaries in these developed areas, I believe that the tall grass serves as a suitable hiding-place for people who want to commit these kinds of offences.

Now one of the problems in these areas to my mind is the fact that where you may have absentee landowners or land developers as you may want to call them, you find that the people who are in there in a care-taking capacity are not prepared to invest their own time and effort to solving these problems. We have a specific kind of vine around Barbados now particularly on the West Coast called cow itch which when it dries makes life miserable for most people. I have known of people on the west coast particularly in the Hometown area, who have had to incur personal expense in trying to clear cow itch off the lands of other people, and again we must take steps to look at a number of these things.

Mr. President, I do not know if I can stay too much longer on this except to make two points. We know of the statements about the importance of trees and so on in the environmental considerations. We all know that trees for instance, attract rain. As Senator Hall quite rightly said, they play a positive part in soil conservation, we have had it in Barbados as a programme since 1952, so we are in agreement with that. There is also a question of the commercial aspect which my dear friend, Senator Hall touched lightly, there is a question of the furniture manufacturing industry where we now have to import mahogany from countries as far as Honduras to make furniture to export, and I believe that if we were mindful of the instruction of the mahogany tree in the past that in the furniture industry we would have had a vertical integration programme where the raw material itself would be provided by the furniture manufacturers themselves at a local level.

We can also look at the question of the problem with the cherry tree. We know that the Barbados cherry is one of the greatest sources of vitamin "C" in the world, so there is a need for us to really try to push to have these trees preserved in Barbados and in effect have more trees planted. I will take the point under the advice of my dear friend, Senator Wickham and see if I can get the Government to designate 1982 as the year of the palm, but what this debate did today is to really bring home to us in this Chamber and indeed I daresay it had the same effect in the Other Place, the concern of Barbadians about what is happening with the environments in Barbados, and I believe it is a welcome sign.

So it gives me hope that even though there are certain expressions of cynicism as far as the passing of legislation is concerned, that what we may eventually get is an infectious situation where people can transmit their concern and interest as far as the environment is concerned so that all Barbadians can play their rightful part in what we consider a very beautiful country.

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

On motion of Senator C. A. Griffith, Mr. President left the Chair and the Senate resolved itself into Committee on the Bill, Senator J. C. Wickham in the Chair.

Clauses 1 to 14 inclusive were called and passed.

The Schedule was called and passed.

SENATOR C. A. GRIFFITH: Mr. Chairman, I beg to move that the Senate do now resume and the Bill be reported as having passed the Committee without amendment.

The question was put to the Senate and agreed to. Mr. PRESIDENT resumed the Chair and reported accordingly.

On separate motions of SENATOR C. GRIFFITH the Bill was read a Third Time forthwith and passed.

Mr. PRESIDENT: I am subject to the feeling of the House but it seems to me that the Bills that are on the Order Paper are very short, as a matter of fact, and I wonder whether Members would not feel better to get ahead with them and finish them than to break and come back. Go ahead? I get the impression that if we went ahead and finished the thing it would be so much better than to break and then come back. Let us go ahead.

COMPANIES (AMENDMENT) ACT, 1981

The Second Order of the Day was called — To move the Second Reading of a Bill to amend the Companies Act, Cap. 308.

SENATOR O'B. TROTMAN: Mr. President, Sir, the Companies Act, Cap. 308, provides in Section 195 on the preferential page which should be made on the winding up of a Company. The Section, Sir, sets out five sets of payments which take priority over other payments in the event of the winding up of a Company.

Sub-section 2 of that Section however says that all of the amounts due in the Sections as laid out rank equal among themselves and this has been causing some difficulty in the administration of the Act as far as the collection of monies going to the Government is concerned.

The purpose of the amending Bill this evening is to make it absolutely clear that monies owing to the Crown and monies owing in terms of National Insurance including Security Contributions take priority over all other charges to a company which is being wound up.

So that, no longer, Sir, will the paragraph affecting the Government be equal, as it is now in Section 195(1) where it says that:—

“all local government rates and all public taxes.” take precedents equal with wages and contributions even though in sub-section (d), National Insurance contributions are listed, the difficulty seems to be in administering it. As I said earlier, you are making the contribution owing to National Insurance equal to other payments, the administration of the Bill finds some difficulty in getting NIS dues and taxes owing to the Government.

I beg to move, Sir, that this Bill be now read a Second Time.

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. O'B. TROTMAN the Senate resolved itself into Committee on the Bill. Senator J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 inclusive were called and passed.

On the motion of Senator the Hon. O'B. TROTMAN the passing of the Bill in Committee without amendment was reported to the Senate and Mr. President resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. O'B. TROTMAN the Bill was read a Third Time and passed.

BANKRUPTCY (AMENDMENT) ACT, 1981

Order No. 3 was called — To move the Second Reading of a Bill to amend the Bankruptcy Act, Cap. 303.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the purpose of this amendment, Sir, is identically the same as the earlier Bill which was passed.

Section 34 of the Bankruptcy Act sets out in much the same style the methods under which the properties of a bankrupt should be distributed and in the same way, as under the other Act Sir, there seems to be some administrative difficulty in securing National Insurance funds and the Government taxes, the same thing happens under this Act. It is for that reason that the amendment is being made.

I beg to move that this Bill be now read a Second Time.

Mr. PRESIDENT: It is proposed that this Bill be now read a Second Time. Senator Howell.

SENATOR St. C. E. HOWELL: Mr. President, I rise in support of the amendment. The area in which the Government seeks this amendment is an area that obviously would give concern because there has been a tendency of late for companies - now that this country is recognised as a developing country - for companies large and small to be set up as a machinery which goes into operation, is actually placed into operation, but, for some reason, when things are not going well for companies, those of us who are called upon to give advice from time to time will observe that things appear to go wrong quite suddenly.

Apparently, although the Act as it stands makes provisions for priority payments when a liquidator is appointed to a company that is about to go into liquidation, you have to call in areas under the Bankruptcy Act, to go side and side. I have never been able, as a law student to understand why we always want relatively the same thing in different pieces of legislation, but, my understanding is that one deals with a number of people and the other deals with the individual. But, in particular, where the individual is concerned, there are people employed and there is this need to protect their interest, people who work and are entitled to wages. And, there is a second category, like piece work and so forth and these payments, in case of liquidation, they *pari passu*, as they call it.

What is clearly happening here, in Barbados is that when this unfortunate situation arises with companies going into liquidation, the Government does not apparently, seem to have the protection that the workers, good luck to them have. In so far as this, they are really astute and they can notice what is actually taking place, they can call in the union and if they do this in time, they can be protected by some sort of negotiation and the concept of *pari passu* means that they will get at least some part of their wages, as well as, their piece work, as well.

And, in other countries, the developing countries, as far as the Government is concerned, the concept of people or other interest ranking *pari passu* only takes place after all rates and taxes which are due to the Government has actually been taken out. The only thing, as far as my knowledge goes, which comes before that, is the actual payment and the cost of the actual winding-up proceedings. I think, it is fitting, in circumstances where funds have actually been deducted from the workers on behalf of the Government, where the company, although it is responsible for the activities of the company, the brains of the company, the alter ego of the company

receives these funds for the Government and suddenly, they disappear overnight and the Government is left high and dry. In the circumstances, I think it is only fitting that we, in this country as a developing country bring the Company Law Legislation and the Bankruptcy Act into line with other countries.

We can learn from their mistakes, so that when people are put in a position of trust, trustees, where they actually collect funds for the Government, they should not be allowed to pay just as they would like on their own interpretation of Section 195 of the Act as they understand it, or indeed just disappear overnight. Steps should be taken for the Government in those circumstances which would, in any event have finally to foot the bill, to take themselves out of the *pari passu* bracket and place themselves, rightly so, above all others and get the money which has been paid to the company, or the individual in the case of the bankruptcy legislation, and that that money be placed first and foremost where it rightly belongs, the collection of taxes and the insurance legislation.

For that I beg to support the amendment.

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. O'B. TROTMAN the Senate resolved itself into a Committee on the Bill. SENATOR J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 were called and agreed to.

On the motion of SENATOR THE HON. O'B. TROTMAN, Mr. CHAIRMAN left the Chair and Mr. PRESIDENT resumed the Chair, and the Bill was reported as having passed the Committee without amendment.

On the separate motions of SENATOR THE HON. O'B. TROTMAN, the Bill was read a Third Time forthwith and passed.

THE AGRICULTURAL AIDS (AMENDMENT) ACT, 1981

SENATOR THE HON. O'B. TROTMAN: Mr. President, in a general way the Central Bank sets the interest rates on loans and other transactions in this country. However, loans made under the Agricultural Aids Act are subjected to the loan limits as set down in that Act, in Cap. 252.

At present, Sir, the rate under that Act is eight per cent per annum. The bank administering the Act has made representation to the Government that it can no

longer continue at the low rate of interest based on the fact that the bank itself is now finding money more expensive to get. In order to make the programme of lending money for agricultural purposes feasible, the bank has therefore requested that the rate be raised. However, instead of merely raising the rate of interest by amending that Act, it is proposed to remove the loan limit from this Act altogether and vest the power of the interest rate in the Central Bank where other interest rates at present reside.

The bank administering that Act, Sir, has made fairly firm representations for a very large increase in the rate. The Government does not agree with that, and I believe it is for this reason we are having the amendment done this way, and the Central Bank could set a rate which could give the bank a fair spread without causing any real hardship on agricultural operators in this country.

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

SENATOR A. W. A. McCLEAN: Mr. President, in rising in support of the letter of this Bill as opposed to its spirit, I would like to point out that it is indeed necessary that the rates which are now chargeable to plantations and so on borrowing money under the Agricultural Aids Act, be increased having regard to the interest rates in the country. It is also desirable that the practice of coming to Parliament for an amendment when it is perceived that the rate is inappropriate should be discontinued and the Central Bank should be vested with the authority to fix the rate from time to time.

However, I do believe that the amendment here in terms of vesting this authority in the Central Bank was not intended in any way to modify the spirit of the Agricultural Aids Act, and indeed part of the introductory remarks by the Hon. Senator Trotman suggested that Government still believes that the rate charged to the plantations and so on should be somewhat below what the bank making these loans would like to charge at the moment. In other words, it seems as though Government is still holding to the view that there should be some subsidy to the sugar industry in relation to loans under this Act, and I do not think that this is essentially appropriate in the present circumstances of the Barbadian economy.

Any industry, and especially one which has been around for as long as the sugar industry, should be made to compete at an even level for finance and other resources alongside other industries, otherwise you will find that you get a continuing disruption in the allocation of our resources. So I think that the sugar industry should pay loans comparable to those paid in other in-

dustries for bank loans, so it is in that sense, therefore, that I believe that one should see this amendment as going beyond mere facilitating the changing of the rate towards the removal of a built in subsidy to sugar.

Again I do take Government's point that whatever the rate quoted by the bank that that rate could very well be too high for the sugar industry to bear. I think that Government should recognise that that rate is too high for any industry in Barbados to bear at this point in time. The point I am making is that interest rates in Barbados are too high today.

The Central Bank, presumably it was the Central Bank, made a fundamental error a few months ago when they increased interest rates in Barbados as part and parcel of the strategy of bringing about a recovery to the Barbadian economy as perceived by them. I am saying that high interest rates in Barbados do not have any beneficial effects whatever on the economy. High interest rates are stagflationary in the sense that they contribute towards an increase in prices and a reduction in output, and they do not contribute towards the enhancement of savings.

People do not save because interest rates are high. People save in accordance with their income and the type of commitments and the lifestyle they are trying to achieve, and it is only after you have saved that you address the question of interest rates as to whether you should re-invest your money but to just consult your own situation and find out if you have made a decision to save half a penny more because the Central Bank put up the rates in Barbados the other day, the answer invariably will be "no". That is a false notion that some people get from ancient text books.

Sir, I am saying that it is wrong for Barbados to have a high interest rate regime, so Government is particularly correct in thinking that the rates that the sugar industry can bear are not of the order that the Bank is requesting. What is necessary is not that the sugar industry should get rates lower than the manufacturing industry, lower than the people who can get money for mortgage and so on, but the interest rates in Barbados should be brought back down to a sensible level.

I know that pressures have been on Government, not now but for a long time to raise interest rates by the people from the IMF. Long ago I had an extended discussion with someone from the IMF wanting to know how it is that Barbados could survive with low interest rates, and I spent a lot of time trying to explain to that person the way in which our economy works and why low interest rates will enhance the prospects of the survival of our economy and high interest rates would damage it. I think at the end of it that particular chap saw the point I was making, but unfortunately he is just

one cog in the IMF wheel, and a small one, and maybe by now if he went and expressed those views to other people, they might feel he is losing the faith and shift him out and put somebody else. You may have a situation where for one reason or another IMF is of the view that interest rates should be high in countries such as ours, and it is a particular embarrassment to them when countries like ours have low interest rates and seem to be growing. It is an embarrassment to them because it is an example contrary to what they are preaching. So they do not mind if you put interest rates high and destroy a country once they are high and you are not there as an example to the world that low interest rates can co-exist with viable economic circumstances.

I know that the IMF has been pressuring not only Barbados but other countries in all sorts of areas. They have certain things they believe in: high interest rates, devaluation at every twist and turn; and I say here and now that both of those can do nothing but harm to the Barbadian economy. In supporting this Bill, I would like to suggest to Government that they should see it as an opportunity to bring interest rates in the sugar industry in line with the people elsewhere, but at a particular point in time the appropriate action is not to push up the loans to the sugar industry from 8 per cent to 15 per cent but to bring down some that are not 14 per cent and 15 per cent to 10 per cent and 12 per cent and maybe push the sugar industry from 8 per cent to 10 per cent. I thank you, Mr. President.

SENATOR C. D. SEALE: Mr. President, I am a bit disappointed that I am going to learn that interest rates to agriculture are being increased at this time. Sir, Senator McClean alluded to the fact that the sugar industry was on the same level as other industries. Sir, this is not so. The only industry in Barbados and perhaps the only companies in Barbados that by legislation must employ for five days each week and must have their workers registered is the sugar industry.

Sir, my father used to say to me that experience was the best knowledge one could gain. I have the experience of working on a sugar plantation and I also have the experience of owning a sugar plantation, and I can assure you I have been into many businesses and made profits in many, but it is virtually impossible, in fact it is impossible for any plantation in the country in the low or middle rainfall areas to make a profit growing sugar cane. Sir, this is sad because that means that 70 per cent at least of our plantations are making losses.

Sir, to raise interest rates to plantations at this time is merely making a book entry because the plantations do not have the money to pay even the interest far less the loan. I want to ask the Government if they would reconsider in the low and medium rainfall areas that the five day week be revoked. This would give the

plantations a chance to plan and to work within their budgets, because very shortly we are going to have to close down. This year we had a situation where the Barbados Shipping and Trading have closed River Plantation. The B.S. & T. can stand a lot of losses in this country, and if they have given up on the low rainfall, you can expect that there are other plantations in the area of River which are going to go over, and it is only a matter of time. If the Barbados National Bank were to write off the losses in the sugar industry as it should, the Bank would show such a massive loss that they would be amazed, because they are merely carrying them on the books.

The sugar producers themselves need a little improvement in this country. Everything is not all bad. The thing is that they have an archaic way of receiving canes at factories in which it becomes a cost to the plantations themselves. We have improvements each year in the tonnage that can be milled, we have it in the efficiency of the factory improvement, but we never improve the intake, so that we have plantations having to buy extra tractors and cane carts to be able to take their canes to the factory because the turn around at the factory is something like two to three hours and sometimes more, and I believe that the owners of the sugar factories should sit down and try to work out a better intake system.

The sugar industry in Barbados is our mainstay. We have seen where we missed \$43 million this year and we are upside down. We cannot do without it, but we have to get in there now and do something to assist it. We have planters in this country walking around and they look wealthy because they live in big houses, but being privy to certain information from the Bank I can tell you that they are nearer to bankruptcy than a lot of people. They are merely putting up a show. I think it is a bad thing and we have got to do something about it. The union has to take its share of blame because it shares in the profits, but it never shares in the losses. We are not going to hear this year anything about giving back any money to assist the plantations in their losses. We hear about \$10 million being paid out of the profits last year, but we do not hear about anything to help the sugar industry this year. Those are the points I wanted to make and I would hope that the Government, although they may not remove the said interest rate here, may give consideration to drastically reducing them to the plantations. I thank you.

SENATOR M. C. C. WARD: Mr. President, this matter that is before us at this time I can see the necessity for in that we cannot have a position where one segment of the banking system is limited in lending to one part of the economy and yet interest rates can be changed in other parts of the economy of Barbados. Therefore, to limit the Agricultural Development Bank

just to eight per cent when others are charging higher than that is a strange system indeed.

But what astonishes me, Mr. President, is something that is even further than this. Up to about four or five years ago, we were hearing that Barbados exceeded in its savings. I remember hearing figures of \$500 million was on Saving Accounts in Barbados, that various insurance companies and individuals have saved. I heard that the Bank could not find people to lend money to, that they were over subscribed in their savings and there was difficulty in where they were to lend their money and in this case what suddenly has come about is that we are finding that we have to bring money in from outside at 22 percent and this is what some banks are telling you today that they can lend you money but you will have to pay 20 percent and 22 percent interest.

I am inclined to believe and another expression being used to save money leaving Barbados — I presume money that has been brought in by commercial banks because certainly there would be no question of individuals taking their money out in large sums as it were. I am inclined personally to agree with Mr. McClean entirely that something has gone wrong in that we are following the pattern of the outside world in trying to prove that we too can raise interest rates excessively and I believe that this is what is happening in Barbados at the present time.

I believe that for whatever purpose it is being done, that what profits the small companies do seem to accumulate are going to be eroded by the interest charges that are currently existing and ultimately your income tax, your inland revenue is going to be reduced.

Senator Seale said that - he named the company, that would stand great losses. That is so. They are companies in Barbados that have been in existence for over 100 years and they can of course take a licking for a number of years with the vast resources of their estate and what have you but I wonder how many smaller companies that have not been in existence for so long can afford to take this type of interest rate and survive under it.

I am sure that they are those who can give answers to these questions so I am not projecting them as one who has all the answers but there is something wrong somewhere in this whole structure that, as I said, only a few years ago the banks were complaining that they had too much money to lend out now all of a sudden interest rates — and I am told by a bank manager that they are not in favour of an increase in the bank rates that are now being charged and they have no say in the matter. It comes from the Central Bank of Barbados.

I think it is wise for a person in my position to ask these questions in view of getting answers but not projecting my theories as the end of the matter. It certainly does cause many people to think about how long some companies will be able to continue in existence with the existing rates and also the fact that if they should go over slightly, if you have an overdraft of \$10 000 or whatever your agreement with the bank, \$40 000 and you should go over by \$3 000, the banks tells you now that interest rate is going to cost you 22 percent, the increase, not the \$40 000 or the \$10 000 but what is increased above what you arranged with them is going to be over 20 percent interest on it. Thank you, Mr. President.

SENATOR W. W. HALL: Sir, agriculture is very dear to me so any Bill on agriculture will tickle my fancy. I know there was a time, Sir, when the interest rate was six percent and then it was raised to eight percent and, Sir, I feel that the fact that the Hon. Minister mentioned that we represent certain sectorial interest here and from what I heard I am quite sure that Senator Seale spoke on behalf of the plantation owners. I am subject to correction but that is all well and good.

I would like to speak on behalf of the small farmer, the small man so to speak, as usual. Sir, it seems to me that the small farmers feel that they will be at the mercy of the Central Bank. They feel, Sir, that they will be unable to plan adequately if they do not know what interest rate they will be paying. I believe that they feel that this would be a disadvantage and as such there is great apprehension as far as this Bill is concerned.

The question that one would have to answer, Sir, is this—should the agriculturalists be agreeable with these interest rates or should they be saddled with whatever the Central Bank seem to charge? I think there are many small farmers in this country who are more than worried because when you go into agriculture, I would say that farming continues for a great period of time.

In other words you borrow money today and there is some length of time before you market your produce. In the interim, Sir, you may well find that adverse weather occasioned, I suppose more or less, by unseasonable weather because we grow our crops expecting sunshine or rain and I would say that poor crops, spoilage, theft and indeed marketing are some of the areas that affect small farmers.

I feel that there are rather disillusioned at this time, Sir, more particularly so when the Minister recently promised farmers a package of fiscal incentives. This is a fact, Sir, and so you find that with this particular Bill, I think most farmers consider this as a disincentive and to my mind you would hardly re-establish agriculture to its

prime and rightful place in the economy if you have the small farmer thinking in this way.

So I would say, Sir, that in the past year farmers, large and small, have lost money. I think this is a fact and I am really interested, Sir, in the financing point of view of the whole Bill, whereby you find that recently there has been a land tax and a levy imposed on farmers and you find that many of them, Sir, have been in agriculture or they have been producing produce for a long time. Some of them have been farming for generations and most of them have had to do this without any assistance at all from the Bank except at 15 percent or 17 percent and, Sir, you find that the Act which was just recently passed provided for a levy clearly on the understanding that the land must be in production. It states that the land must be in an agricultural position.

Now, the onus is placed on the land owner, Sir, to prove that he is producing, I think it was \$1,000 per hectare, and I consider that, Sir, to be all well and good for first of all, the large plantations and indeed the organised farmers.

You see, Sir, all they need to do being well organised is to find out from the factories the amount of tonnage and indeed, the amounts paid, so that they can submit the same to the relevant authorities. But, what do we have for the small man? The small man sells his produce to a supermarket or to hawkers (laughter) and I daresay, Sir he has no real records of what he has sold and it is a curious paradox, Sir, that while the rich and well organised farmers are able to submit the relevant information to the authorities and hence, become exempt from the levy, you find that the small farmer even though he might have been able to escape it because he comes within the limits, may find that because of not poor organisation mind you, Sir, but because of lack of training or motivation, he has been unable to bring the records up-to-date and so qualify for this levy. And, Sir, these are the things that bother me because the small man because of no fault of his own finds that he again is in the mark, that he again, must pay while those who can afford will find ways of being exempt from these taxes.

And, Sir, I realise that you mentioned the fact that we might go straight through, because you anticipate that there would be no problem with these Bills that are laid before the Hon. House, but, I am tempted to ask a few questions, Sir. I have decided to ask them and I wrote them when I came in here because I would like to ask Senator Linton these questions, because Senator Linton does not allow the relevant Hon. Minister to reply to anything and, as such, I am going to ask him the questions. If he cannot answer them, Sir, I hope that he will come back next Wednesday because time is on his hand. I do not need

the answers this evening, Sir, but I want to state them most decidedly to Senator Linton.

I would like to ask him, what provision is made for loans for the small farmer since the Crown took over the assets and liabilities, Sir, of the Agricultural Credit Bank? One question. And, while I am at it Sir, I would like him to answer, what is the total indebtedness of the sugar plantations — or may be, Senator Seale could answer this, Sir — to the Barbados National Bank? And, thirdly, Sir, since the commercial banks seem unwilling to get involved in lending the small farmers money I would like to know whether the Central Bank, once again, will enter the arena of financing the sugar industry? And, Senator McClean will tell you Sir, that he is sure it will do a lot of damage to our external position.

So, I ask these questions because I am interested in agriculture and, more particularly, interested in the small farmer. I am also interested, Sir, in agriculture again being resurrected and, indeed, going to that prime position in our economy that it has enjoyed over the past years.

Thank you.

Mr. PRESIDENT: I think that the proper person to address those questions to would be the Hon. Minister.

SENATOR W. W. HALL: I am very sorry, Sir. Sir, the questions are asked to the Hon. Minister, but with special reference, Sir, to Senator Linton, because I am sure that they would hardly reach the Hon. Minister.

Mr. PRESIDENT: Senator Griffith.

SENATOR C. A. GRIFFITH: Mr. President, Sir, I would like to make a very short contribution on this Bill and I hope that Hon. members will bear with me.

Mr. President, Sir, usually whenever there is talk about any matter on agriculture the ready reference is to the sugar industry simply because of the importance it has on the economic life in Barbados and I daresay other countries, special reference to the history of the sugar plantations. But, as we know, Sir, agriculture does refer to many other aspects of life where the growing of food cash crops are concerned and where the food is grown either for consumption or for the earning of foreign exchange.

We have noted, in the past that there have been considerable problems not only in the growing of agricultural produce in this country, but in the marketing. I daresay that people who do not have short memories will remember that at one point there was such great frustration of the administration of the Barbados Marketing Corporation, under the Democratic Labour

Party regime that farmers went and dumped their produce right in front the BMC. I am not saying, Sir, that the Democratic Labour Party was not interested in trying to develop agriculture in this country. But, what I am saying, Sir, is that there are considerable problems when one starts talking about agricultural developments in countries with limited land space, and in countries with considerable acreage, we have found that it is not very easy to plan an agricultural policy to, implement an agricultural policy which would, in effect, redound to the benefit of the country.

We have had examples, Sir, of countries like the Soviet Union, where there have been considerable Cabinet shifts, where people were penalised simply because their agricultural output fell short of the mark and, as we may know, Sir, from our geography, the Soviet Union has one of the greatest land mass in the world. In the United States of America, Sir, you find that there is considerable political give and take on the question of agriculture and, indeed, the United States Government has a policy, where it pays people in the farm belt not to grow food because of the surplus that it would generate. These questions should not be lost on us.

We should not forget that in a recent meeting of the Food and Agricultural Organisation in Rome, there has been talk about the starvation that will accrue in the world and has been accruing because of the inability to provide food to feed what is considered a fastly growing world community. So, we understand the problems of agriculture as much and, indeed, Sir, if we go back to Japanese economic history — we will find that one of the most developed countries, and one of the most powerful countries economically is the country of Japan which can be singled out, as a country which at the turn of this century did have a successful agricultural policy. I do not want to go into the whys and wherefores of that.

Now, what we must be concerned about, Sir, is what is happening with this Bill. And, it gives a certain discretion, indeed, implied in the Bill for the Central Bank to be able to make decisions on interest rates as they affect the agricultural community and I think it is important — one cannot believe Sir that this Bill will be brought to this Parliament by a Government in power which has a good record in its promotion in the agricultural interests in this country and would believe that the Bill would be brought against the interest of the small man.

Now, I know it is not politically wise to question who this small man is, but it is time we start asking questions about who this small man is that we find the Opposition keeps talking about. It is a good way to get political points when you talk about the small

man, but, I find I have difficulty everytime something comes up, as far as the economy of this country is concerned to hear the Opposition talking about the small man too. A small man — and many of us in here are considered small people — I do not know the criterion Sir, for determining when a person is a small person or not and I would like the Opposition to educate me on what constitutes a small man. I mean, it is a very glib definition and one which seeks to score cheap, political points and I wish that the chief Opposition spokesman here Senator Hall, who I know is a man of the soil and who have interest in people, I would like Senator Hall to describe one for me.

I know that Senator Hall is interested in people, but I want him to be able to identify the small man for me, because I want to be able to help the small man too, and I just cannot seem to come across the small man in the public as Senator Hall and his colleague keep referring to. I would wish, Sir, that we should desist from using such terminology which really does not seek to educate or help the situation in Barbados.

What I want to touch on briefly, Sir, like anybody else, is this question of the sugar industry particularly as it affects our country. We must not forget amidst all the talk that when Barbados grows the sugar cane and we produce sugar that Barbados does not consume all the sugar it produces. In order for our economic life in this country to be enhanced by what is considered a major contributor to the economic life in this country we must depend on external forces, we must depend on long drawn out negotiations with the EEC, where sometimes it is virtually impossible to realise a profit when the EEC countries as a body offer you nonsensical prices for the kind of sugar we are selling. It must not be forgotten, that every two years or so because of the Lome Convention or whatever you find that these ACP countries in which the Barbados Labour Party Government under the Ministry of Mr. Bernard St. John has played a significant part, even as Chairman of the ACP, or President, or whatever you find that we have to sit around a table with the ten countries that make up the EEC, and what makes it difficult for us is the fact that Great Britain, where we used to get a guaranteed price for sugar, has her problems in the EEC also. You must not forget that the EEC countries have their own internal problems, and with what we have been seeing recently with the fights on budget in the EEC, we cannot even be sure of how long the EEC can continue because of the protracted budgetary battles they are having among themselves on who should support or provide certain percentages in the budget. So even that source is questioned as far as our sugar production and sugar sales are concerned.

This must not be lost on us as political decision makers, it must not be lost on the people who are watch

dogs over the Government, the Opposition and private citizens, it must not be lost on the Barbados Workers' Union, it must not be lost on the leadership of the Barbados Workers' Union particularly.

Now, in the United States of America, which is also a market for Barbados' sugar, because of the simplistic economic decisions made by people in Washington who do not seem to understand what decision making is all about, we have to suffer. When President Reagan makes his deals with the sugar belt Senators about what he is going to give them in return for support of his budgetary policies, which do not make sense, we suffer. The Prime Minister made reference to it in his speech in Miami last night. It is a fact, we suffer, because when we now have to worry about the higher cost of Barbados' sugar in the United States because of deals that Reagan makes, it must impinge on what happens in Barbados, and it also makes nonsense of this trade talk and the Caribbean basin that Reagan keeps talking about. It is a slap in the face of the intelligence of Caribbean peoples when Reagan starts talking with one corner of his mouth about Caribbean basin trade and then takes the decision to restrict the importation of sugar into the United States of America.

It also is a slap in the face of all that is meaningful and sensible when under the GSP, which is the Generalised System of Preference in the United States of America where you can bring in a certain quota of a product from specific developing countries, if you violate the conditions of the GSP by over selling in one year that you are penalised in the following year. It has happened to Guyana with their sugar already.

So when we start talking about agriculture and agricultural development, and particularly those areas which have a significant impact on our economic life in Barbados, we must remember these things, that we cannot consume all the sugar we produce, so therefore we have to be very careful.

We also have to remember that when you start talking about growing food in a country like Barbados where land space is limited, that is a problem also. It is a problem of economics when you talk about growing food in limited land space, so we cannot just ignore these kinds of points when you are talking about a provision which is made to alleviate the kind of problem that the small farmers would have, or in fact anybody in the farming industry would have. I am gratified to note that within the last five months in Barbados, the Ministry of Agriculture has taken significant steps in keeping with the policy of the Barbados Labour Party Government to try to rationalise activity that is in the agricultural community to the point where we have people who understand the importance of agriculture to our development, and we have people who understand the

importance of marketing, where it never existed before, because it is no point talking about growing food and then not having an outlet for your produce; no point. We have seen that disastrous activity under the Democratic Labour Party regime.

We must be prepared, if we are going to encourage farmers to grow food in this country, to devise incentives for them. The incentives are not only fiscal, they must be logistical, incentives which must be able to guarantee a farmer that if there is food to be grown that he has a market for his produce, and this is what the Barbados Labour Party Government has done, so there must be no questions asked about a Bill which because it removes a nominal figure as far as a percentage is concerned, that you have any doubt about our intentions.

What we in effect said was that the Central Bank will have discretionary power to charge an interest rate, and I do not believe that if you can go on our record as providing incentives for agricultural development that the Government or the Prime Minister's Office will sit back and allow the Central Bank to take advantage of the small farmers by charging exorbitant interest rates. And I just want to touch on the interest rates for one brief minute before I sit, Mr. President.

My dear friend and learned colleague, the Senator for whom we all have a profound respect when it comes to questions on economic matters, touched on this interest rate. I know that it is a subject which affects him dearly, and so does it affect me, this whole question of interest rates and what is happening in Barbados with interest rates and so on. I believe, and I am not speaking subject to any privileged conversation with the Governor of the Central Bank, but I believe that what has happened in Barbados in addition to the theory that high interest rates will contribute to economic growth — I am not an economist — or control inflation, I believe that what is happening overseas in the international money markets as affected by the United States Government policy again — and we must not forget the impact U.S. Government policy has on developing countries — I believe that the high interest rates which are occasioned by U.S. Government policy must have an adverse effect on the interest rates charged by the Central Bank in this country, and I will tell you why.

When people in Barbados who have external accounts — and I am talking about the commercial people — people who have external accounts with their suppliers overseas, when they have to maintain an account at an interest rate, say of 22 per cent or 20 per cent or whatever the prevailing rate is in the country from which they get their supplies, and they see an opportunity where they can borrow money, at a lower interest rate to pay off those accounts they will do it.

What would the effect be on our economy? It would constitute a drain on the foreign reserves. Any person who has an overseas account where he paying interest rates of 20 per cent, 22 per cent or even 18 per cent and he can borrow money at 10 per cent or 12 per cent to pay off that overseas account will do it. It makes good business sense, and I believe that that is the kind of impact that high interest rates will have on an economy like Barbados. I do not know if my learned friend will agree with that, but that is my own personal belief, and I believe that this kind of activity will force the Central Bank of Barbados to take the kind of steps they have taken.

Mr. President, I have no more to say on this Bill, but I should like to say I have to support it because it is a step in the right direction.

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, there are a couple of small points raised specifically in agriculture to which I want to reply. One was the inference that somehow after the passing of the Bill this evening the small man would not seem to know exactly what the rate of interest would be. I think that is how I understood the Senator in the corner, but as I understand it, Sir, interest rates are not national secrets. When the rate is set by the Central Bank, it will be announced by the Governor of the Central Bank, I am sure, in his usual week-end T.V. style, it will be in the papers, it will be in the Official Gazette, and even the small man will see it. So I do not think that the Senator should worry too much about the small man not being able to programme his business because he does not know what interest rate he will be paying. That is a matter of public knowledge.

The second question raised was what facilities were being provided for the small man. As I understand it, the Act which is being amended seeks to help particularly people in agriculture. It is nothing to do specifically with any plantations or anything to do with any sugar, and I think that Section 2 or Section 3 of the Act makes it quite clear that the Act has to do with making loans for the purpose of carrying on the general cultivation and management of agricultural enterprises, to assist people in the purchase of stock and manure and other necessities, and even in paying taxes. It is not restricted at all here to the sugar industry. That is as the law says, Mr. President, so that I do not think we need to go into that anymore.

He then asked me an impossible question as to what the outstanding loan at the National Bank was. Since we were not getting into the National Bank debt or for that matter into the sugar plantations', I did not expect to be asked suddenly to produce the ledger on the plantations' loans at the National Bank, and even though I think I see National Bank representatives around, they might not even know that. However, if the Senator would refer

himself to the Central Bank Report for October he would notice the level of loans which the commercial banks are making to agriculture, and apart from sugar cane, livestock and food crops, the column which is headed "Other" must include the Senator's small man, and even in that area the commercial banks are still making significant loans to agriculture according to the Central Bank Report.

The question that the Bill be read a Second Time was put to the Senate and agreed to.

On motion of Senator the Hon. O'Brien Trotman, Mr. President left the Chair and the Senate resolved itself into Committee on the Bill, Senator J. C. W. Wickham in the Chair.

Clauses 1, 2 and 3 were called and passed.

On the motion of Senator the Hon. O'B. Trotman, Mr. President resumed the Chair and the Bill was reported as having passed the Committee without amendment.

On motion of Senator the Hon. O'B. Trotman, the Bill was read a Third Time forthwith and passed.

THE VACCINATION (REPEAL) ACT, 1981

The Fourth Order of the day was called — to move the second reading of a Bill to repeal the Vaccination Act.

SENATOR C. A. GRIFFITH: Mr. President, this Bill for consideration is the repeal of the Vaccination Act, Cap. 57. At a meeting in Geneva in May, 1980 the World Health Assembly adopted a Resolution declaring that small pox had been eradicated from the world, because there had been no recurrence of the disease anywhere in the world for more than two years. The World Health Assembly also recommended that vaccination be discontinued except in cases of persons at risk, for example, those people who have to work in laboratories where cultures of the small pox vaccine were retained for research purposes. There are two countries in the world where there is still a requirement for small pox vaccination, and the countries are very far away from Barbados, a country called Chad in Africa and the Democratic Republic of Campuchea which used to be known as Cambodia.

It is our belief, Sir, that in those two countries the requirement will soon be removed. The World Health Organisation of which Barbados is a member, Sir, has also made recommendations regarding policy for the whole eradication area. Among these is a scheme for maintaining enough freeze-drive Vaccines along with stocks of needles

to vaccinate 200 million people just in case there is an outbreak anywhere in the world.

The Ministry of Health in Barbados has agreed to these decisions and we have concluded that a Certificate of Immunisation against the disease should no longer be required in respect of children in schools. Now, this does not mean in schools that certain other vaccinations are not required by Law in Barbados. We must not construe that because we have intentions of repealing this Act, that school children must not be immunised against other communicable diseases. People must not be misled in this regard.

The Health Services Act Regulations still continue to require the vaccination of children against certain communicable diseases before they can enter our primary school system. For instance, Sir, measles, whooping cough, mumps, polio etc. Because we are a Member of the World Health Organisation, Sir, and because Smallpox has been eradicated, as it were in the world, we find it necessary to repeal the Act as it is written in the Barbados Statute Book.

We must not forget, Sir, that Barbados has a very fine public record in the Statute Book dating back to the past 50 years and our fine public record as far as Health is concerned has in effect saved us, spared us from any major outbreaks of contagious diseases in the last 50 years, I dare say, but we cannot lose our vigilance in this regard.

We have talked in the past about the importance of trees in our environment and the contribution to health and so on and I believe that Hon. Senators may note that it is the job of each and every Barbadian to make sure that there is a safe environment, that it is required for us to live in a safe environment so that we ourselves can contribute to the fight against possible outbreaks of diseases which can, in effect, destroy a small country like Barbados overnight.

We must not forget that even in the most modern societies that dirt, filth, and garbage can still cause epidemics. We note, for instance, that if the garbage is not picked up for a number of days what can happen in a country like Barbados and we know that overnight we can be devastated by these things.

We know that Cholera, for instance, is still endemic to many countries so we cannot lose our vigilance as far as our health standards are concerned.

Mr. President, Sir, I beg to move that this Bill be now read a Second Time.

Mr. PRESIDENT: It is proposed that this Bill be read a Second Time.

SENATOR C. D. SEALE: Sir, just a few small points. The health of a nation is most important, Sir, and I would like to appeal to the Government to ensure that their Health Inspectors are a lot more vigilant, Sir. I say this because if we had vigilant Health Inspectors in retail areas, Sir, the Fairchild Street and the Cheapside Markets would not be allowed to remain open, Sir.

It is indeed a sad commentary that a Government which has done so much for small business in this country could permit small businessmen to trade in such dirty and dilapidated conditions. Any visit to the Cheapside Market would immediately reveal, Sir, the ceiling falling in and the place overrun with dirt and as the Senator said, filth, garbage, Sir, we do not have to go too far to the Fairchild Street Market and we see a similar thing, Sir.

Sir, a few years ago the Pest Control Companies in Barbados were permitted to use a rat poison that killed the rats. Now, Sir, they have to use a rat poison that feed rats. It is no understatement to say that there are more rats in Roebuck Street than there are people in Barbados, Sir. There is nothing we can do. We spend thousands of dollars with the Pest Control places but we only hear how it is going to attack this part of the system and that part of the system but the rat is still present.

I had only about two weeks ago to live with rat dung facing me day in and day out, Sir, and I believe, Sir, if you check the records of this country in the last three or four years, there are a lot more cases of leptospirosis than there ever was and I am going to appeal to the Ministry of Health to use a little common-sense, Sir, and bring back the lethal rat poison. I am also going to appeal to the Ministry of Health, in fact, the officers in the Ministry, to do their job and close down the two markets until Government cleans them, Sir, because you have a situation whereby \$10 million, at least, is being spent on the Post Office in the area there where small business is going to flourish and you have a dirty place.

We also see another situation, Sir. We see the building here, the Trafalgar Hotel, I think it was, in which we three quarters knocked it down. We go down to Cheapside and we see another three quarters knocked down. We only need the area for garbage for things to collect. Could not Government I believe which owns both sites, Sir, clear the sites, Sir, and completely clean up the area. I thank you.

SENATOR MRS. G. READER: Mr. President I would like to support this Bill. I want to say to Members of the Senate that it is indeed a historic occasion when we can repeal the Vaccination Act. Over the years smallpox has been the scourge of mankind and of small children in particular.

I would like to appeal to Barbadians today to see that their children are immunised against the other diseases, such as diphtheria, whooping cough and polio. And I would also take this opportunity to say that we have killed one plague. We have got rid of it. But, there is still another plague in our midst and this is neglect of small children. There are too many children in this Island today who have no parental love and no parental support. It is heart-rending to see the cases that come before the Child Care Board, to know what is being done and the horrible, horrible things that are being done to small children.

For many years, I have worked with and among Barbadians, I, myself, am a Barbadian. I am proud to be a Barbadian. But, when I see the neglect of children causing the problems of adolescence that we are having today and it is nothing but parental neglect that is causing it. If those children knew who they were and were proud of who they were, they could never behave in the way they do today. I have a nasty feeling that these people have been given too much too quickly and they do not appreciate it.

I have always found that with small children, they have to work for what they want to appreciate it and if everything is handed to people, they become guinea and they do not want anything that you give them. If we want to stop vandalism we must stop handing out, doling out all sorts of buildings and things for them to destroy. Look at Clapham and what has been done there by Tony Carter and a group of friends of his who have got together and done a magnificent job in welding a community spirit together. I have seen it happen in place after place in this island, where you get a centre of caring and interested people. They will get together and draw the whole community. You will have a community project and then, Government can step in and help them. Then, Government can give them the tools and let them finish the job. But do not give everybody everything. Let them work for it themselves, a bit.

Mr. PRESIDENT: I think that the Hon. Senator could enlarge on this in another context, but, perhaps, we could get a little bit more back to the debate.

SENATOR MRS. G. G. READER: I thank you, Mr. President. I would like really to say that it gives me great

pleasure having worked in the Public Health in Barbados for 30 years to feel that we have been able to repeal the Vaccination Act without endangering the health of the whole community which would have been probable if this had been done 25 years ago.

Thank you, Sir.

Mr. PRESIDENT: Senator Griffith.

SENATOR C. A. GRIFFITH: Mr. President, as I note a detection of interest in people to complete the agenda for the day, I would now move that you leave the Chair and the Senate resolve itself.....

Mr. PRESIDENT: No, no. Just a minute. If you are not replying, I would put the question on the Second Reading.

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

On the motion of Senator C. A. GRIFFITH, the Senate resolved itself into Committee on the Bill. Senator the Hon. J. C. W. Wickham in the Chair.

Clauses 1 to 2 inclusive were called and passed.

On the motion of Senator C. A. GRIFFITH, the passing of the Bill in Committee was reported to the Senate and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the motion of SENATOR C. A. GRIFFITH the Bill was read a third time and passed.

Mr. PRESIDENT: Senator Trotman.

ADJOURNMENT

SENATOR O'B. TROTMAN: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, December 16, 1981 at 2.30 p.m.

The question was put to the Senate and agreed to; and Mr. PRESIDENT adjourned the Senate accordingly at 6.28 p.m.

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 - 86

THE SENATE

Wednesday, December 16, 1981.

The Senate met in the Senate Chamber, Public Buildings on Wednesday December, 16 1981, at 2.40 p.m.

PRESENT

His Honour Senator the Honourable Sir ARNOTT CATO, M.B., Ch.B., LL.D., (President); His Honour Senator J. C. W. WICKHAM, M.B.E., (Deputy President); Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information, Communications and Culture) (Leader of the Senate); Senator the Hon. O'BRIEN TROTMAN, (Minister of State in the Prime Minister's Office); Senator H. R. LINTON, LL.B.; Senator C. I. E. DEANE; Senator Mrs. E. M. LYNCH, B.A., G.C.M.; Senator C. A. GRIFFITH, (Parliamentary Secretary, Prime Minister's Office); Senator J. E. D. WILLIAMS; Senator D. A. C. SIMMONS, LL.M.; Senator Miss J. CLARKE; Senator M. C. C. WARD; Senator StC. E. HOWELL; Senator Mrs. M. O. REECE; Senator E. E. GREAVES, B.A., Ed.M.; Senator W. W. HALL; Senator A. W. A. McCLEAN; Senator Mrs. G. G. READER, M.B.E.; Senator C. D. SEALE; Senator the Rev. Can. I. McK. JONES and Senator K. A. ROUSE.

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

ANNOUNCEMENTS BY HIS HONOUR

Mr. PRESIDENT: Members may have noticed from time to time in the report of debates of this Chamber in the *Official Gazettes* errors of one sort or another when it is too late to make any meaningful corrections.

I would like Members to know that now that the Printery has got an excellent schedule, members who make speeches and would like to see them before they

go into print would be happy to know that they will be available, I am so informed, for inspection within two or three days of the making of the speeches. Members may contact the Clerk here and have a look at the speeches. The idea, of course, is for correcting errors and not re-writing speeches.

PRESENTATION OF PAPERS

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

1. The Annual Report and Financial Statements of the Barbados Agricultural Development Corporation for the year ended June, 1980.
2. Report on the General Election, 1981.
3. The Customs Tariff (Amendment) (No. 10) Order 1981.
4. The Annual Report of the Commissioner of Police for the year 1980.
5. The National Insurance and Social Security (Collection of Contributions) (Amendment) Regulations, 1981.
6. The National Insurance and Social Security (Collection of Contributions) (Amendment) (No. 2) Regulations, 1981.
7. The Severance Fund Contribution (Amendment) Regulations, 1981.

INTRODUCTION OF BILLS

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

1. A Bill to amend the International Business Companies (Exemption from Income Tax) Act.

2. A Bill to amend the Export Promotion Corporation Act.
3. A Bill to amend the Stamp Duty Act.
4. A Bill to amend the National Insurance and Social Security Act.
5. A Resolution to approve the Sugar Industry (Rehabilitation, Price Stabilisation and Labour Welfare) Order, 1981.

May I say, Sir, that it is important that these measures be enacted fairly quickly and since we are really a little more than a week away from Christmas, I intend later, Sir, to move the Suspension of the Sitting rather than the Adjournment so that if it would suit Members we can come back at 4.30 p.m. on Friday and get rid of these measures and also to have our Christmas Dinner.

Sir, if Friday is not going to be a suitable time, I would welcome in the course of dealing with the other Items an indication as to what alternative time would be suitable although I can think of no other alternative better than Friday unless it is tomorrow, Sir.

Mr. PRESIDENT: I will let Members think the matter over and take the feeling of the House later on in the proceedings.

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

PUBLIC BUSINESS

COPYRIGHT ACT, 1981

The First Order of the Day was called — To move the Second Reading of a Bill to reform and modernise copyright law and the law governing similar or related matters.

SENATOR THE HON. N. A. BARROW: Mr. President, Sir, within the ordinary run of things, people are more *au fait* with dealing with property in one or two forms, either with real property or personal property.

And, therefore, when legislation relating to copyright industrial designs, trademarks, patents, falls to be considered, there are some who take a position that really, it has very little to do with them. But, indeed Sir nothing could be more wrong than to assume that legislation of this sort which is legislation relating to intellectual property, does not really touch and concern all of us. Sir, if we look back on the developments in music and the arts in this country, over the past 20, 30 years, I believe that we should recognise how important

it is for copyright legislation to be up to date and relevant.

I am sure that many of us have heard the complaints which have been made, from time to time, that persons who have written songs, for example, have had their works either plagiarized or stolen. There is the story of a Barbadian writer, who knew that a work of his had won a prize in a BBC contest because he happened to be listening at the right time and he heard of the work which had won the prize. It had been picked up and sent as an entry in the contest, though not on his behalf.

In short Sir, it is extremely important that we take steps to give protection to those who produce property for us which does not have as readily known an exchange rate in the market place, as a piece of land, or perhaps, shares. All of the legislation relating to industrial property, in Barbados was found to be in need of urgent modernisation and, accordingly, in September 1978 Cabinet decided to set up a Committee to ensure that new proposals be submitted for modernisation of the intellectual property legislation. Technical assistance was obtained from WIPO, the World Intellectual Property Organisation, which is a specialised agency of the UN with headquarters in Geneva to advise on the whole question of intellectual property system in Barbados, as follows:—

To examine institutions dealing with intellectual property and the upgrading of these institutions.

To advise on the administration of intellectual property and the kind of administration to be established to deal with intellectual property.

To advise and suggest proposals for laws dealing with trade marks, service marks, industrial designs, patents and copyrights.

To assist in co-ordinating local and regional intellectual property organisations to advise the necessary training for local staff.

To examine the cost and benefits of establishing an intellectual property system.

Two WIPO experts carried out a survey and, as a result, it was recommended that Barbados should first enact suitable laws before any other steps could be taken to provide the protection needed for owners of intellectual property. Draft model laws were submitted to WIPO. There was a series of meetings in which the views and comments of interested organisations were fully taken into consideration and, also, the decision among CARICOM countries that there should be co-ordination of the laws relating to intellectual property.

All of these took place and were fully reflected in the legislation which we are considering this afternoon. So, the four Bills before us are the Bills which come under this general heading and the one which I shall explicitly introduce Sir is the Copyright Bill which provides for the protection, regardless of quality of the proprietary interest in the regional works of a literary, artistic, or scientific character. And, the proprietary interests, otherwise derived from this are related to literary, artistic or scientific works, so that the laws will accord with the obligations which this country has under certain international conventions the Berne Convention for the protection of literary and artistic works, as revised by the Paris Act of July 24, 1971; the convention for the producers of phonograms, against unauthorised duplication of their phonograms of October 29, 1971 and the Rome Convention 1961 for the protection of performers, producers and phonograms and broadcasting organisations.

Sir, it was decided in 1980 that this country should become a member of the Paris Convention for the protection of the industrial property of March 20, 1883, as revised, the Berne Convention for the protection of literary and artistic works revised in Paris on July 24, 1971; the convention for the protection of producers of phonograms against authorised duplication of their phonograms of October 29, 1971 and the the Rome Convention of 1961 for the protection of performers, producers phonograms and broadcasting organisations. This membership Sir is to take place after the necessary legislation which is what we are considering here has been enacted.

A common feature of these Bills, Sir, is the removal of the administration of intellectual property from the — do not let me push that too hard Sir because as a temporary measure, the administration of the Bills will still remain with the Registrar of the Supreme Court. But, it is intended that a proper structure, another and more adequate structure under a directorate be established for this purpose. What is happening, as a temporary measure is that the Hon. Minister enjoys the power to appoint the Registrar to carry out the functions of the Director because we need, indeed, Sir, to carry out a study of costings and so on before the appropriate machinery can be set in place.

As regards the present situation with copyright legislation, it has been described as not only archaic but anomalous. There are two copyright statutes currently in operation, the 1905 Act is very limited in scope applying as it does only to paintings, drawings and photographs. The other Act, the United Kingdom Act of 1911 which is more far reaching extends to every original, literary, dramatic, musical and artistic work and that is, as far as, they extend.

The fact is, Sir, that since the turn of the century, intellectual property has tended to be as complex as the technology to which it relates, and so not only the works mentioned in the Act of 1905 and the U. K. Act of 1911 are in need of protection, but scientific work, performances, broadcasts, translations, compilations and audio-visual works, all of which are dealt with in Part 1 of this Bill.

Then, Sir, there is that category of works described as neighbouring works, because they are seen as being virtually copyright; rights in respect of broadcasts, performances on phonograms, producers' rights and broadcasters' rights, all of which are provided for in Part 11 of the Bill.

Part 111 of the Bill is the enforcement provisions, both criminal sanctions and civil remedies being provided.

The two schedules to the Bill deal with rules relating to translation licences and reproduction licences.

The Bills in the package, Sir, give legal effect in Barbados to the Paris Convention for the protection of industrial property in respect of patents, trade marks and industrial designs. The Berne Convention in respect of copyright is for the protection of literary and artistic works, and for the protection of producers of phonograms against unauthorised duplication of their phonograms, while the Rome Convention is for the protection of performers, producers of phonograms and broadcasting organisations.

I believe, Sir, that while the legislation in each case would seem to be fairly bulky, it is not legislation which is difficult to understand as long as we recognise that there is need for this aspect of property to be adequately protected within our laws. It has been found, Sir, that a fundamental problem with the protection of intellectual property is that before the turn of the 20th century the common law afforded the only protection to creators of original work. There was no Statute or written legislation in existence to guarantee legal protection of intellectual property, and under the common law it was difficult to prove proprietary claim because of the absence of registration provisions.

The other point which I believe we ought to stress is that we see reference being made all along to this or that Convention. Since we are dealing with property which is different for example from real property in that you can move it here, there and everywhere; and since it is property which has a general universal appeal, unless there is agreement among nations that the rights of such property must be protected, it is virtually impossible for there to be any meaningful protection of rights and intellectual property.

You will therefore see, Sir, that the legislation will provide for recourse to settlement before the local courts, but it also depends very heavily on the operation and the subscription to important Conventions on the subject.

I do not believe, Sir, I need to say anything more but that this package — and if one thinks of the musicians we will be thinking more of the copyright legislation, and I think it is the musicians who have made perhaps more noise than anybody else. — I am told, Sir, that is their job in terms of suffering because of the lack of adequate copyright legislation. I am aware that they are not the only persons who have suffered, but the fact is that in so far as we can legislate to prevent people from losing their rights and property, then we have an obligation particularly, in my view, to those who are the creators of intellectual property, to ensure that the state of our legislation is such that they too enjoy what rights and property they have, especially since those rights and property have had to be created by their own imagination, their own hard work and, Sir, their own dedication to their particular field of interest.

I move that this Bill be read a second time.

SENATOR W. W. HALL: Mr. President, I hope that Hon. Senators are not in the unfortunate position that I am in today, having not received the Order Paper at all, but I must say that the comprehensive way in which the Hon. Leader has explained the Act has saved me quite a bit of time trying to delve into it all. It is not customary, Sir. I have complained on many occasions that if a comprehensive review is given then Hon. Senators would be more enlightened about the business before us, and I must congratulate the Hon. Leader for giving us a rather comprehensive review.

Sir, one does not have to go too far to see that for many years Barbadians have not only been exploited but perhaps through ignorance, perhaps through not having the machinery set up to bring them the emoluments that they deserve when they have done great works and written great songs. I specifically speak about music, since West Indians can be regarded as a musical people — we find that in Barbados in particular we have not been able to see our artists getting the type of emoluments that they should have from things like songs.

We go further afield. Since we are all West Indians, I think that you will agree that some of our best West Indians songs have come back to us sometimes a decade after as hits. One only has to remember "Matilda", "Mary Ann", "Juanita" and "Sweetheart from Venezuela," to mention a few, songs that have been sung all over the world and have been raved about, but written by people like you and I. I can only compliment the Gov-

ernment for getting this Bill through and ensuring that our artistes are no longer left in the gutter, but can indeed get some emoluments from their hard labour.

So often we see that people come to this country and return and take away our songs, and three or four months after you hear them on the airwaves of Germany and France as No. 1 hits and things like that.

And whereas the people who have copied them or the people who have stolen them, the pirates' pockets are full, you find that the real genius of the Barbadian or West Indian has not in any way been recognised, neither has his pocket shown any semblance of the type of emoluments they should derive from his brilliance.

I would therefore like to say that having not gone into it in full detail, and since I like to prepare my material, I can only say that I would thank the Hon. Leader of the House for enlightening us on this Bill to such a degree that I do not believe it would cause any trouble. I would just like to say that the artistes in Barbados in particular will welcome this legislation and if for instance the Governments of the neighbouring islands have not done it as yet, I would only think that this would be a fore-runner for all artists in the West Indies wherever they are. So I have no difficulty, Sir, in supporting this legislation, because I do feel that many Barbadians who are very talented people but who are not able at all to show anything monetary-wise for their labours will now I am quite sure because of this protection be in a position where they can concentrate on their talents.

There are many who have never concentrated on music in the past. It was only a side-line simply because they could never make money from it, but now that they have got protection, I believe that some of them will concentrate on it very seriously and perhaps we may see many beautiful songs like "Beautiful Barbados", and people like Sach Moore who for many years have written great songs for Barbados will concentrate more diligently now on the art of making music. So I have no difficulty in supporting this Bill.

SENATOR J. C. W. WICKHAM: Mr. President, I have no difficulty in supporting this Bill, but there are a number of points which I would like to draw to your attention. They appear minor but they may not be as we go down the years. One of these is purely editorial, I think. In Clause 8 under "Transfer of Rights" which reads "Subject to subsection (2), the rights vested in an author by this Act in respect of a work is transferable by the author." I hear on the Other Side of the table that "are" is preferable.

Mr. PRESIDENT: I think that can be treated as a typographical error.

SENATOR J. C. W. WICKHAM: Section 19 which refers to "Duration: anonymous authors" says "the author's rights in the work exist for the fifty calendar years immediately following the year in which the work was first published; but, if during that period, the identity of the author of the work is revealed or his identity is no longer in doubt, the rights exist, for such period specified under Section 15, as the circumstances require." If we look at Section 15, we do not see any period specified. It probably is in Section 17. I think it would be useful to draw that to the attention of whoever is responsible.

I have a note for Section 41, but I think that is a little light-hearted one which says that "a rebroadcast occurs when one broadcaster broadcasts any part of the broadcast of another broadcaster." It amused me when I was reading it.

In Section 53 subsection (2) it says "Section 3 of the National Emblems and National Anthem (Regulation) Act is repealed and the following substituted:

"Notwithstanding the provision of any Act to the contrary, the copyright in the words and music of the National Anthem and in the design of the National Anthem is vested in the Crown in perpetuity."

I should think that they meant emblem or flag but certainly not design of the National Anthem.

Mr. PRESIDENT: I would wish to consult on whether this word could not be changed as an obvious error without the necessity of an amendment going back to the Other Place. It would not seem to be as grave as anything, but I would wish to consult on that.

Mr. President, my final comment refers to the First Schedule, Clause 2 which deals with Translation Licences — "Any citizen or permanent resident of Barbados must apply to the Minister for a licence to make a translation of a work into English and to publish the translation in a printed or analogous form of reproduction in Barbados."

My interest in this particular Clause comes from my interest in *Bim Magazine* where we propose to offer for the Barbadian public some translations from the two other languages of the Caribbean and some of that translation obviously has to be done in Barbados by the experts in the other two languages.

It seems to me that it is not clear why English should be the only language for which a licence must be applied and perhaps the Leader of the Senate may be able to clarify that point in his reply.

With those comments, Sir, I wish to support the Bill.

SENATOR D. A. C. SIMMONS: Mr. President, Sir, this particular piece of legislation as distinct from the accompaniments to the package gratifies me because as some honourable Senators may know, about 1977/78 I moved a Resolution in the Other Place which had the support of the whole House asking Government to set up the necessary body to investigate and make recommendations for new copyright legislation and in particular, to protect the interest of musicians and artistes who perform cultural pursuits.

Even though it may have taken three or four years since that Resolution to have the legislation in this form today, I think that those who have intellectual properties to protect — anybody covered by this Bill will be able now to breathe a sigh of relief.

It is a very important part of the cultural heritage of a nation that the proponents of cultural and intellectual matters should not have, as Senator Hall said, their genius plagiarised by pirates or the fruits of their labour held up to economic exploitations by others whose only interest, obviously, would be in the accumulation of revenue.

This piece of legislation seeks to modernise the Law of Copyright. Indeed there was some doubt in the private legal profession as to whether there was any Copyright law which was relevant to Barbados prior to this. Of course, it would appear that the English Act of 1911 was probably the governing statute then but in the state of legal uncertainty, performers in particular and to a lesser extent the operators of recording businesses, people like West Indies Records Limited were taken for a ride by people from other countries. Foreigners performed the music which was created in Barbados and in some cases was indigenous to Barbados, and the local performers or operators were unable to have any legal redress to the piracy that was being carried on outside of Barbados.

In particular, certainly up to the time I moved the Resolution three years ago or whenever it was, the greatest offenders appeared to be groups in Miami and a group in Jamaica.

I do not believe that WIRL was able successfully, if my information was correct to sue Mr. Byron Lee who was alleged to have pirated a lot of Barbadians nor were they certainly able to sue the pirates in Miami. Now with accession to the International Convention by Barbados and indeed all of the Caribbean territories as is provided for in this legislation, those procedural hurdles should be easily surmounted.

Even though I recognise that the basic intent of the Act and the spirit of this legislation is to protect the original creator of the particular work that should be protected, I must level a stricture against the recording

companies in Barbados and in particular West Indies Records Limited with whom I have had some difference of opinion over the years.

Even if we forgive them prior to today for the fact that, as it appeared to me, there were not sufficiently vigilant in the protection of the interest of the Barbadian recording artistes, I sincerely trust that when this legislation takes effect, the same or similar criticisms could not be levelled against them because there will now be no excuse. There was a lot, and there is a lot of mistrust and suspicion on the part of recording artistes in Barbados about the operation of the recording studios and the end product.

If I put it bluntly, from meetings I had with members of the musicians' union an organisation called MEGOB, the artistes almost to a man were of a firm suspicion and conviction that they were not being fairly treated by the recording companies, especially in the area of accounting to the artistes. The artistes felt that full disclosures were not being made to them in terms of royalties to which they were properly entitled.

The contracts between the artistes and the recording companies are so loose, as to admit of — you know, I have to be very careful in the choice of language Sir — to admit of areas which might prompt suspicions. I put it like that Sir. I think that the recording companies, in future must try, as far as possible, to level with the recording artists and to make full disclosure, so that the imbalance of trust which currently exist can be rectified in the future.

Now, the Government, in 1977 and 1978 found itself hamstrung because it seemed then that at a Caribbean level, the CARICOM Secretariat was cognizant of the problems affecting intellectual property in the whole Caribbean area and I believe that there was a gentleman called Mr. Denis DeFrietas, who was an expert in intellectual property, in particular, copyright who was commissioned by the Trinidad Government to update the legislation in Trinidad. I am not in a position to say whether he has finished or not but, I know that Barbados suffered because we should have got Mr. DeFrietas before he went to Trinidad, however, there was some administrative difficulty that precluded his coming to Barbados and he ended up in Trinidad. Trinidad, of course, by reason of the vast number of records which are produced there exhibited a great urgency in securing the services of Mr. DeFrietas.

The Bill, as far as I have been able to ascertain is a pretty standard document that is susceptible to emulation by other Caribbean territories and I trust that the other territories in the Caribbean will, as they have done in respect of other aspects of legislation, use the Barbados

Bill, as a model. I am particularly pleased to see the level of fines that can be imposed on those who will seek to breach the terms of this legislation. What I am not too clear about, in the section dealing with sanctions, or the part rather of the Bill dealing with sanctions is whether, in Clause 47, where in addition to the imposition of a criminal sanction, whether paragraph (b) does envisage that the Courts, apart from seizing copies, recordings, duplications or materials, also has an additional function, because it says:-

“all copies,”

et cetera, or

“all implements or devices used in the commission of the offence be seized and disposed of as the Court may direct having regard to the persons whose rights were infringed and the extent of that infringement.”

I do not really follow the generality of the last three lines and what is aimed at there.

Under the Customs Act, the Court has power, if a customs offence is committed to seize the particular goods or whatever and restore them to the rightful owner, or they can make you pay, in addition to the fine, two or three times the value of the goods that have been seized. But, I am not quite sure what the Court may direct with regard to persons whose rights were infringed and the extent of what that infringement means.

It seems also that in Section 47 Clause (a); all amounts, in addition to the punishment imposed by a court the Court may order:-

“all amounts arising out of the offence and received by the accused be accounted for by him and paid by the persons entitled under this Act to those amounts;”

If what is intended there is that, in addition to imposing a fine, let us say of \$6,000, the Court can then order certain sums to be paid to the person whose copyright has been infringed, by way of compensation then, of course, it raises an interesting juridical point where we have a Court purporting to exercise a criminal jurisdiction and, at the same time, exercising a civil compensatory function. But, it is not an exceptional position. It does apply, to a limited extent in offences against the person, where the Court can order compensation, if you have been beaten by somebody, in addition to the fine, the Court can order compensation, but, it is interesting that instead of.....

As I understand it what is being done and I would want the assurance of the Hon. Minister on this, is that the Court is entitled to recover, by way of fine money

for the Treasury and general revenue. But, at the same time, it can make an order restoring to the person whose copyright has been infringed as it were damages, by way of compensation.

That would be very fair in my submission, if that is what Section 47 means, that would be a very fair posture to adopt because after all, the person who would have suffered most and who would be in need of greatest compensation is the person whose copyright has been infringed and, it is but fair that he should recover whatever can be accounted for.

Sir with those few general comments I wish to lend my support to this Bill, and, as I said at the beginning, I am grateful that something that I fought for for three or four years has now come into fruition.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President Sir I will start with the points raised. I think Sir we should start at the beginning and thank the honourable members who have spoken, led by Senator Hall, followed by Senator Wickham and finally, we had Senator Simmons for the support which they have given to this legislation. I never had any doubt Sir that it was legislation that would meet with the unanimous support of the Honourable Senate and, I am encourage to find such expressions of support.

Senator Wickham has drawn attention to Section 8 to the use of the word "is" where, evidently, the word "are" should be used and I intend, at Committee stage, to move the amendment because Sir there is at Section 53, a more substantial point which Senator Wickham has also drawn attention to and which will justify amendment. In fact, it requires amendment. The point Sir is where he drew attention to the phrase "the design of the National Anthem" which should probably have been "the design of National Emblems."

Therefore we will be considering amendment at that stage.

I have sent for confirmation on two other points raised by Senator Wickham. The first seems quite correct, the suggestion that in Section 19 the reference should have been to Section 17 and not to Section 15. That, Sir, is how I understand it and therefore it is my intention if we are informed early enough by the lawyer who did the work on the Bill..... Mr. Lewis Hunte is the member of the Attorney General's Chambers who has been responsible for quite an outstanding job in that he has been the lawyer almost entirely and solely associated with this work. He is the person in fact on whose reply I am waiting in respect of that other point.

I have also sent for confirmation on one final point. Senator Wickham asked about translation into English, why that specific reference. It did seem to me, Sir, as though that was to give effect to Article 3, paragraph 5, subparagraph (2) of the Berne Convention for the protection of literary and artistic works at page 52, because at page 52 it says that a licence to reproduce and publish a translation of a work shall not be granted where the translation is not in a language in general use in the country in which the licence is applied for. Therefore, I think the English is there specified because the lawyer considered that it would have been tidier to specify what language the translation could be granted for at all. I am waiting on confirmation on that point too, but that seems to me to be the logical explanation.

In relation to Senator Simmons' point on 47(b), the Senator is in a better position than I am to comment on legislation which allows persons who have suffered property damage to be compensated by the courts, and I believe that this is the principle being followed here.

I do not think, Sir, there is anything else for me to deal with at this stage.

Mr. PRESIDENT: Before I put the second Reading I had said when mention was made of these errors that I would have to be advised on them. I am afraid that amendments will be necessary and it will have to go back to the Other Place, because apparently the errors are not simply printing errors, they appeared in the original document and therefore will have to be corrected. That is a great pity because that will result in some delay.

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

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

The question was put to the Senate and agreed to. Mr. PRESIDENT left the Chair and the Senate went into Committee, Senator J. C. W. WICKHAM in the Chair.

SENATOR C. A. GRIFFITH: Mr. Chairman, in view of the fact that this Bill is somewhat cumbersome in terms of the number of Parts, I beg to move that in Committee the Bill be taken as follows: Sections 1 to 4 seriatim and the remainder of the Bill be read in Parts.

The question was put to the Senate and agreed to.

Clauses 1 to 4 inclusive were called and agreed to.

Part I was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, it has been pointed out that in Part I there is a grammatical error at Section 8. Accordingly I move that the word "is" in line 2 of Section 8, subsection (1) be deleted and replaced by the word "are".

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, the provision for the duration of author's rights is to be found in clause 17 where economic rights exist for the life of the author and for the 50 calendar years immediately following the years of his death. There is no such provision in section 15. In Section 19 where it was sought to make provision in relation to anonymous works or works published under a pseudonym, there is a reference to Section 15 which is clearly meant to be a reference to the section dealing with the duration of the author's rights.

As I understand it, Sir, what Section 19 wishes to say is that whereas the duration of the author's rights shall be the rest of his life plus the 50 calendar years, if we don't know who wrote it, then the rights can only vest for the 50 calendar years, but as of the moment that it is discovered who wrote it, then that person should be put in the same position as the author who had declared that he had been the author of his own work. Consequently it would seem to me that you were quite right in suggesting to this Honourable Senate that the reference should have been a reference to Section 17 and not to Section 15.

Sir, the sense of that will be that where the author is not known, then the rights exist for 50 calendar years immediately following the years in which the work was first published, but if the author becomes known, then just like any other known author will enjoy rights for the duration of his life and for 50 calendar years thereafter.

Accordingly I move that Section 19 be amended by the deletion of the numerals "15" in the last line and the substitution of "17" therefor.

The question that Section 19 be amended was put to the Senate and agreed to.

SENATOR D. A. C. SIMMONS: Mr. Chairman, the Hon. Leader pre-empted me and went to clause 19. I have some comments to make on clauses 10 and 11 still in the same Part. I am sorry that they have come post rather than prior to Clause 19. Now these two sections are headed "Author's Rights" and we have the marginal note to clause 10 referring to "economic rights" and clause 11 mentioning "moral rights".

It is a pity that the Parliamentary draughtsman is not here, but my comments are as follows. A reading

of Section 10 does not seem anywhere to show that what are intended to be economic rights are in fact economic rights. If we read it, it says "Subject to sections 24 to 29, the author of an original literary, artistic or scientific work has the exclusive right....." but it does not say "Exclusive economic right" to do or authorise another person to do, any of the following acts in relation to the entire or any portion of his original work."

It does not then go on to say for such fee as he may charge to ground that exclusive right to do these things in something economic.

It just says he has the exclusive right to authorise people to do various things or for him to do it, but there is nothing here to connect these rights and ground them in anything that is economic or financial, so that if I authorise Senator Hall to play a tune that I have composed, there is no economic right in that. It is my right to authorise him to reproduce the work. So I find that in the drafting perhaps one can be misled by the marginal note when compared with the substance of the clause.

Now then we are told in clause 11 that the author has in respect of his work the exclusive right (a) to claim authorship of his work; (b) subject to Section 25, to demand that his authorship be indicated in connection with any of the acts mentioned in Section 10, and (c) — this is the one that also bothers me, he has the exclusive right to object to and to have relief from any distortion, mutilation or other modification of or any derogatory act committed in relation to his work, if the distortion, mutilation, modification or derogatory act is likely to have an adverse effect on his character or reputation.

Perhaps I may be looking at it too closely through the eyes of a lawyer, but surely all that is being granted here is the right of the author, for example, by injunction to restrain somebody from mutilating his work, and I think that the section stops short because he can only, it would appear, seek to protect an infringement that is likely to have an adverse effect on his character or reputation which may well be provided for in the Law of Defamation or Slander of Title or Slander of Goods.

I wonder since this Bill has to go back if the Government would not entertain a further amendment by adding after the word "reputation" three words "or financial position", so that (c) of Section 11 would read: "The author has, in respect of his work the exclusive right to object to and to have relief from any distortion, mutilation or other modification of or any derogatory act committed in relation to his work, if the distortion, mutilation, modification or derogatory act is likely to have an adverse effect on his character, reputation or his financial position."

It seems to me that what is really threatened and what is the mischief of this Act is protecting not only the intellectual property but the financial loss that could ensue from plagiarism of your intellectual property which again has its consequence in the author's pocket. As I say, I am a little bit in the dark in so far as the Parliamentary Counsel is not here because I could have had a discussion with him.

If you are aiming to protect the person's financial position, why do you not include the words "or financial position" after reputation. It is one thing to sue to have your character protected but the damages for some derogatory act to your character, the measure of damages, may not be the same thing as the financial lost that is occasioned to you by the pirating of the particular work.

I know that this will have taken the Minister by surprise and I would not expect him to make a decision as to whether these words could be included but certainly they would seem to me to have a place if you are talking about economic rights. They should have a place somewhere in Section 10 or 11 because nowhere in the body of the sections do we see any reference to acts being done to affect the financial position of the author.

I just throw out that, Sir, by way of comment and if it is worthy of inclusion, I would be grateful.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I do not think I can agree with the observations of Senator Simmons in relation to Sections 10 and 11. It is true that Section 10 does not make explicit reference to authorising the person on the basis of some consideration but quite clearly it should be perceived as definitely implied that the person could attach some conditionality to the permission which he would grant. This is reinforced by the fact that the Section, in terms of the marginal indications, is identified as a Section relating to economic rights so that I do not think that you need to insert the words, "for consideration if the person so desires" for the Section to give force to that mode of operation.

In relation to Section 11, I think the essential point here is to enable the author of some work or someone who possesses intellectual property to restrain someone else from modifying it in some way that the author himself considers will reflect badly on him. It is not on the same level, let us say, as the Law of Defamation where you will have to establish quite clearly before the Courts that you have been defamed.

I think this gives the author much greater privilege in saying that I do not want this done because I believe that I will suffer. The question of establishing whether the Act is truly defamatory or not, I believe,

would not be as severe under this provision because this is a right and the person has to object to certain things being done on their property on the basis of what they perceived would happen to them. I would think that adding the words "damaged to your financial position" in this Section would completely detract from the intent of the Section.

Any reference to financial position should be in Section 10 and I do not believe that there is need for explicit reference there. Again this Section is not the Section which really deals with preventing people from pirating and such. Other aspects of the Act deal with that. This probably deals with the situation where you might have given someone permission to reproduce — and if you are going to reproduce something you might make minor variations — and then the person could come along and say, "yes, I gave you permission to stage my play but not to you know, modify it in this detail, so desist."

I see nothing particularly wrong with Sections 10 and 11 as they stand and I would hope that perhaps Senator Simmons could see my point.

SENATOR THE HON N. A. BARROW: Mr. Chairman, there are two points really, Sir. I am hastening to make the two points before Senator Linton, who has now joined us, decides to make them in Latin.

The first is that I believe where a man has the exclusive right to do or to authorise another person to do, any of the following acts in relation to the entire or any portion of the original work, that this has to be a specific permission which he gives. It is enough for him to determine what the details of that permission should be and I believe that we do not necessarily need any further provision to recognise that it is an economic right of property that he is exercising.

The other point, Sir, my way of looking at it, indeed, would not be like Senator Simmons to put economic rights there but indeed why put moral rights because it seems to me that there is no particular distinction between these two kinds of rights but again, it is a marginal note. I do not think that any of us in here would wish to argue or worry too much about it.

The point about Section 11 is one that has puzzled me a little because I do not accept Senator McClean's interpretation because this has to be an objective test applied. It cannot be enough that a person feels that he is likely to have his character adversely affected. In all such matters the test has to be objective but I do perceive of situations where, although the test may be the same test as applied in the Law of Defamation, the circumstances may fall short of a situation which is admitted as defamatory.

In other words there can be some adverse effect on the character or reputation without having to go to the trouble of establishing the kind of defences.

What am I saying? What I am saying is that there are ways in which your reputation and character would be effective and because of the kinds of defences available in the Law of Defamation, you can still come out in the same way you went in, but here, I believe, we are talking about the right of the owner of these rights to receive redress notwithstanding that the distortion, for example, which resulted in some damage to the person's character which was done in circumstances which might have afforded the other person a defence in the Law of Defamation.

I am looking at this thing and seeing difficulty with it and the only conclusion that I have been able to come to is that if it is to be something different from the ordinary provisions of the Law of Defamation, then the intention here must be to say that a situation where one of malice might result in defamatory action, for example, in the person getting no redress, one of malice would not necessarily result in failure of the person to receive redress in this case, but, because the defence of privilege, for example, might not avail or something of the sort. That is what I suspect that this provision is all about.

What takes me in that direction Sir, is the situation that if there has been a confidential communication between two people, both with a right — one to communicate and the other to receive it, that arising out of that, damage to the person's character occurs. In the straight situation of defamation there is a good defence, usually, but, in a situation like this, I think that the intention is to say that the owner of these rights should not be deprived of some redress merely by a plea of privilege, qualified or what have you. (Aside) This Sir is what I am questioning, the moral right because it seems to me to be legal rights. It seems to me to be widening the legal rights which practitioners in this field, the owners of these rights enjoy. That is what it seems to me to be Sir.

In fairness to the draftsman though I would say Sir that while I discovered that one of the problems we face this afternoon is one in Section 19, it is something that arose because of the renumbering of a section which was not noticed but was carried through and it is possible in this case that we might be dealing with a marginal note in which a section was recast and the marginal note was not altered. But, what I have seen there Sir does look to me more like legal rights than moral rights.

Mr. Chairman, I beg to move that Part 1 as amended stand part.

The question that Part 1 as amended at Clauses 8 and 19 stand part was put to the Senate and agreed to.

Part 2 was called.

SENATOR THE HON. N. A. BARROW: I beg to move Sir that Part 2 stand part.

Mr. CHAIRMAN: It is proposed that Part 2 stand part.

SENATOR D. A. C. SIMMONS: Sir, just by way of information. I have never been an expert on the English Language at all but, I was just wondering if the Hon. Leader or yourself who is an expert in the entomological things could tell me. In Section 30, clause 2 :—

“A performer is any actor, singer, musician, dancer or any individual, who acts, sings, delivers, declaims, plays in or otherwise performs a literary or artistic work and includes an identifiable group or variety performing together.”

I do not know what is a, “variety performing together”, Sir.

Mr. CHAIRMAN: Senator Jones.

SENATOR THE REV. CAN. I. McK. JONES: Unless it means performs a literary or artistic work includes an identifiable group or variety of identifiable groups performing together or, persons. I mean, an identifiable group or a variety of identifiable groups or persons performing together. I do not know if that is what it means, but that is the only.....

Mr. CHAIRMAN: One is familiar with the term, “a variety act”, in which it is a unit of performance, “a variety act” and what this is saying is that that variety is a performer. It is simply, just as a performer is a unit of performance or a group is a unit of performance, so, a variety, if you take my meaning of, “a variety act” is a unit of performance.

You might say, a quartet: (ASIDE: Variety act?) No, variety act is what they perform. But, a unit would be a variety, just as you might say a quartet.

SENATOR THE REV. CAN. I. McK. JONES: But Mr. Chairman as it stands, it has an identifiable group or variety. Variety, is intended to be a noun and it is a noun. If you said, “a variety act”, well then, variety would not be a noun. He means what he says here, I think. I do not see anything wrong with it.

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

Part 3 was called.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, at Section 53 of Part 3, you find, as you yourself pointed out Sir, that Sub-section 2 says :-

"Notwithstanding the provision of any Act to the contrary, the copyright in the words and music of the National Anthem and in the design of the" It says, "National Anthem", again Sir.

Sir I move that the word "Anthem" in the penultimate line be deleted and the word, "Emblems" be substituted, therefor. So that, it would be, "the design of the National Emblem is vested in the Crown in perpetuity."

Mr. CHAIRMAN: It has been moved that Clause 53 of Part 3, Sub-section 2 of that Clause, the section in inverted commas with substitution of the part which is repealed, that the words in the penultimate line, "National Anthem", be replaced by, "National Emblems."

The question was put to the Senate and agreed to.

Mr. CHAIRMAN: Clause 53 of Part 3 is, therefore, amended as I have indicated.

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

The question was put to the Senate and agreed to.

The First Schedule was called.

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

The question was put to the Senate and agreed to.

The Second Schedule was called.

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

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

Mr. PRESIDENT resumed the Chair.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to report the Bill as passed the Committee with amendments, the amendments being, Sir, in section 8, the substitution of the word "are" for "is" in the penultimate line; section 19, the substitution of the figure "17" for "15" in the last line, section 53, the substitution of the word "Emblems" for "Anthem" in the penultimate line of subsection (2).

I move, Sir, that the Bill as amended be read a third time forthwith.

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

Mr. PRESIDENT: This Bill as amended has now been passed. The Clerk will take the usual steps to send a message to the Other Place.

THE PATENTS ACT, 1981

SENATOR THE HON. N. A. BARROW: Sir, the present law relating to patents is administered by the Registrar of the Supreme Court whose office has neither the staff, the space nor the layout to deal with the subject matter. The Registrar is required to submit all applications for grants of patent to examiners for examination.

The section of the Act dealing with examinations, Section 6, is very vague and very general. An examiner is a highly trained and highly qualified individual who is an expert in the international classification of patents. Cap. 314 provides for an appeal to the Attorney General against a decision of the Registrar based on the advice of an examiner, and provision is made for the grant of a patent by the Governor General.

Sir, this as you know is the second in the group of four Bills, all dealing with intellectual property. I have made general remarks dealing with all four Bills already and therefore I am merely restricting myself to a brief introduction of the other Bills. This Bill which we have before us, Sir, in Part I sets out in a general way the law as it relates to patents for inventions, including the qualification for patentability and the disqualifications, applications for patents and the various claims that may be made in respect of the invention for which the application is made, various examinations to which applications are subject, various procedures on examinations leading up to and including the grant,

duration and renewal of patents. Patents will no longer be granted by the Governor General.

Part II of the law deals with contractual interest. It sets up the law and the procedure respecting the grant of licences, including the ancillary matters such as the payment of royalties and Part III deals with non-contractual interest, in some jurisdictions referred to as involuntary contracts. Part IV deals generally with remedies for infringement and other miscellaneous matters.

When this Bill is passed, Sir, the Laws of Barbados will accord its obligations under the Paris Convention for protection of industrial property dated March 20, 1883 as revised from time to time and called the Paris Convention and the Patent Corporation Treaty done at Washington on June 19, 1970. The overall aim is to ensure that the patent laws of this country should not discourage the use of new technology in Barbados.

Again, Sir, although the legislation does cover a number of pages, in this case over 80, we are dealing with an area of property which Honourable Senators know and understand and which I am sure there is no lack of consensus that this needs to be properly protected by modern up to date law.

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

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

SENATOR C. A. GRIFFITH: Mr. Chairman, in view of the fact that this Bill is a very cumbersome Bill with many clauses, I beg to move that we take Clauses 1 to 4 consecutively and the remainder of the Bill in part.

The question was put to the Senate and agreed to.

Clauses 1 to 4 inclusive were called and passed.

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

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

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

THE INDUSTRIAL DESIGNS ACT, 1981

The Third Order of the day was called — to move the Second Reading of a Bill to provide for the protection of industrial designs and for related matters.

SENATOR THE HON. N. A. BARROW: Mr. President, whereas there has been some legislation covering the area passed by the two Bills we have just dealt with, there was absolutely no legislation in the area of industrial design and modern technology has certainly imposed upon us the realisation that there is a distinction between industrial design and copyright on the one hand and industrial design and patents on the other hand, and therefore that there is an area in between which needs to be protected.

Clause 3 is the clause explaining the purpose of the Bill. Clause 4 explains the nature of an industrial design: "Any composition of lines or colours; or any three dimensional form whether or not associated with lines or colours that gives a special appearance to the product of industry or handicraft and serves as a pattern for a product of industry or handicraft."

Care must be taken to distinguish it from copyright, and indeed, Sir, so thin is the dividing line that a design might well be a work of art in which copyright also exists. Apart from that, Sir, industrial design has to be treated in much the same way as patents because that is where it is generally recognised that there is similarity. And therefore, Sir, this Bill is based on the device of patents except that no opposition is required previous to registration of a design whereas such is the case with patents.

I believe, Sir, that by focussing on that area which is of distinction between this and the two Bills we have dealt with previously that it should not now be necessary for me to go ahead and say much more except that the Laws of Barbados will when this is passed accord with its obligations under the Paris Convention for the protection of industrial property.

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

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

The question was put to the Senate and agreed to.

On motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into Committee to study the Bill Senator J. C. W. WICKHAM, in the Chair.

SENATOR C. A. GRIFFITH: Mr. Chairman, in view of the substantial number of Sections to this Bill,

I beg to move that we take it in groups as follows, Sections 1 to 4 as the first group, Sections 5 to 15 as the second group; Sections 16 to 28 as the third group; Sections 29 to 39 as the fourth group; and Sections 40 to 51 as the final group.

The question was put to the Senate and agreed to.

Clauses 1 to 51 inclusive were called and passed.

On motion of Senator the Hon. N. A. BARROW, Mr. PRESIDENT resumed the Chair and the Bill was reported as having been passed without amendment.

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to report the Bill as passed in Committee 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: Mr. President, I beg to move that the Bill be now passed.

The question was put to the Senate and agreed to.

TRADE MARKS ACT, 1981

The Fourth Order was called — To move the Second Reading of a Bill to revise and reform the law governing signs used as trade marks, service marks or collective marks in connection with the marketing of goods and services.

SENATOR THE HON. N. A. BARROW: The existing Trade Marks Act was passed in 1949. It came into operation on May 25, 1950. Now, Sir, after due exhaustive analysis and examination the realisation is that although it is a comparatively recent statute, as legislation goes, in the space of 32 years it has become anachronistic.

The Registrar of the Supreme Court has provision for the legislation of registration of marks in Parts A and B of the Register with an automatic registration for the United Kingdom marks. That, Sir, is an interesting point because while the United Kingdom marks were registrable there was no reciprocal arrangement in the United Kingdom for marks from Barbados.

The proposed Bill abolishes the concept of Part A and Part B registration, and provides for one form of registration only. Two new marks, one of which is known as a Collective Mark and the other as a Service Mark has been introduced and it is explained in Clause 4:—

“A Trade Mark is a visible sign used or to be used, upon, with or in relation to any goods for the purpose

of distinguishing, in the course of trade or business, the goods of one person from those of another.”

“A Service Mark is a visible sign used or to be used in connection with or in relation to any services for the purpose of distinguishing, in the course of business, the services provided by one person from those provided by another.”

“A Collective Mark is a visible sign used or to be used, in the course of trade or business, by a group of business enterprises for the common benefit under an Agreement in writing that provides for the specific conditions governing the use of the sign.”

Clause 5 contains the rights of the owners of the marks. Some marks are unregistrable for various reasons and these reasons are set forth in Clauses 8 and 9. Procedures relating to application, registration and renewals are to be found in Clauses 10 to 27 while Clauses 28 and 29 relate to transfer of rights in respect of marks. Clauses 30 to 35 deal with contractual interest and Clauses 38 to 47 with remedies and other matters of a miscellaneous nature while the rest of the Bill deal generally with unfair competition in trade.

Sir, when this Bill is passed, the Laws of Barbados will be in accord with its obligations under the Lease Agreement concerning International Classification of goods and services for the purposes of Registration of Marks dated June 15, 1957 as revised from time to time and called the Lease Agreement; and the Paris Convention for the protection of Industrial Property, dated March, 1883.

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

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into a Committee on the Bill, Senator the Hon. J. C. W. WICKHAM in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee. Senator Griffith.

SENATOR C. A. GRIFFITH: Mr. Chairman, again, in view of the fact that this Bill has some 59 Clauses, I beg to move that they be divided into sub-groups, as follows: Clauses 1 through 4 as the first group, Clauses 5 through 16 as the second group, Clauses 17 through 29 as the third group, Clauses 30 through 40 — is the fourth group and Clauses 41 through 59 is the final group.

The question was put to the Senate and agreed to.

Clauses 1 to 4 inclusive were called and passed.

Clauses 5 to 16 inclusive were called and passed.

Clauses 17 to 29 inclusive were called and passed.

Clauses 30 to 40 inclusive were called and passed.

Clauses 41 to 59 inclusive were called and passed.

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

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

Mr. PRESIDENT: I had promised earlier on, to test the feeling of the Honourable House on the question of whether they would like to come back on Friday, or come back next week.

The point is whether the honourable members will agree to return at a date earlier than the normal Sitting, on Wednesday, in which case, an Order Paper would be printed, or whether, they would be prepared to do the items of which notice have been given and which were for the most part circulated to honourable members, on my orders, earlier on, except for the two, the extra ones that were done in the Other Place, yesterday.

Senator McClean has a point, if we want a formal Order Paper, we will adjourn to a particular date and prepare an Order Paper for that date.

I do not think there is too much difficulty about it. The Bills were read a first time today, and the Resolution was given notice of, and the Minister indicated that he would like to proceed with them as a matter of urgency, so I think that members are apprised of what the business is. (Aside).

Standing Order 45(2), if it is agreed, merely allows measures that have just been given first reading to be proceeded with in all their stages. That is not the point really, the point is that if members agree that they know what the business is and are willing to come back and finish on Friday and they indicate it, I do not think they would be breaking any particular rule. In any case, if the Senate gives a consensus nobody can argue with it. If members are not willing to do that and would prefer a formal Order Paper to be prepared and come back next week, I would wish to be informed; that is why I am testing the feelings.

The matters which we would propose to discuss on Friday are the matters of which notice was given today. The Minister may very well have asked to proceed with them today and be given permission under 45(2) if that was suspended. I think I get the general feeling that hon. members would not be averse to coming back on Friday and dealing with the matters notice of which was given today. If 45(2) is required to be suspended in respect of any particular one, that can be done...in which case you may move a formal suspension of the sitting until Friday, at 1100?.... 1130, all right, make it 11.30.

SUSPENSION OF SITTING

SENATOR THE HON. N. A. BARROW: Mr. President, I move that this sitting be now suspended until Friday, 18th December at 11.30 in the morning.

The question was put to the Senate and agreed to, and Mr. PRESIDENT suspended the sitting accordingly. 5.05 p.m.

ON RESUMPTION

Mr. PRESIDENT: This sitting is resumed. On Wednesday, honourable members indicated, informally, their willingness to proceed with the items of which notice was given at the last Sitting and I will ask the Hon. Minister formally to move the suspension of Standing Order 45(2), so that we can proceed with the business. Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President Sir, I beg to move the suspension of Standing Order 45(2) of the Standing Orders for the rest of the day.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Call the first Order.

STAMP DUTY (AMENDMENT) ACT, 1981

Order No. 5 was called -- To move the Second Reading of a Bill to amend the Stamp Duty Act.

Mr. PRESIDENT: Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President Sir, the amendment to the Stamp Duty Act before the Honourable Senate, in fact, seeks to amend the Schedule to the Stamp Duty Act, Cap. 91.

Now, the Bills of Exchange Act, Cap. 304 Sir describes a Bill of Exchange as:—

"an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to

pay on demand or at a fixed or determinable future time a sum certain in money to or to the order of a specified person or to bearer."

It is the opinion Sir, of the technocrats in the department concerned that a promissory note can be so described as well. And, therefore, it is considered that since these notes can be used, in the same way, as a Bill of Exchange that they should be subjected to the same Stamp Duty as a Bill of Exchange. It means Sir that an amendment would have to be made to that part of the Schedule of the Stamp Duty Act, to re-define Bills of Exchange and make provision for promissory notes.

It is also proposed, at the same time Sir, to exempt from the payment of Stamp Duty, cheques drawn by the National Insurance Board and payable to National Insurance pensioners as a measure of granting some small relief to those persons and also to exempt from payment of Stamp Duty, loan contracts and the registration of debentures by small businessmen who use the Central Bank's Credit Guarantee Scheme.

I beg to move Sir 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. O'B. TROTMAN the Senate resolved itself into a Committee on the Bill, Senator the Hon. J. C. W. WICKHAM in the Chair.

Clauses 1 to 13 inclusive were called and passed.

On the motion of Senator the Hon. O'B. TROTMAN, the passing of the Bill in Committee was reported to the Senate and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. O'B. TROTMAN, the Bill was read a third time and passed.

EXPORT PROMOTION CORPORATION (AMENDMENT) ACT, 1981

Order No. 6 was called — To move the Second Reading of a Bill to amend the Export Promotion Corporation Act.

Mr. PRESIDENT: Senator Griffith.

SENATOR C. A. GRIFFITH: Mr. President Sir, the Export Promotion Corporation is currently involved in activity and has been for some time I should say, where it seeks to promote locally-made products overseas. Of course, none of us can deny the importance of Barbadian manufactured goods being sold overseas, simply

because of the significant contribution that these export earnings can make to the economy, especially when we are faced, in some areas of the economy with considerable expenditure of imported goods.

Now, we are aware Sir of the good job the Corporation has been doing and for some time now, the Corporation has been stretching tentacles further afield than the immediate CARICOM region and, for this reason, the Government is interested in having the Corporation identified, as, The Barbados Export Promotion Corporation. We are recommending Sir that Section 3 of the Act be amended to change the name of the Export Promotion Corporation to the Barbados Export Promotion Corporation. And, that the size of the Board be increased from nine to eleven people. It is anticipated that the additional membership on the Board be made up of the Comptroller of Customs and a representative of the Industrial Development Corporation.

The Bill also seeks to make it a requirement that instead of three people being necessary to form a quorum, since the membership of the Board will now be 11, that the size of the quorum be increased to 5.

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

The question was put to the Senate and agreed to.

SENATOR C. A. GRIFFITH: Mr. President, I beg to move that the Senate resolve itself into Committee on this Bill.

The question was put to the Senate and agreed to. Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 5 inclusive were called and agreed to.

SENATOR C. A. GRIFFITH: Mr. Chairman, I beg to move that you report the passing of one Bill in Committee to the President.

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

SENATOR C. A. GRIFFITH: Mr. President, I beg to report the passing of one Bill in Committee and propose that the Bill be read a third time forthwith.

The question was put to the Senate and agreed to.

SENATOR C. A. GRIFFITH: Mr. President, I beg to move that this Bill do now pass.

The question was put to the Senate and agreed to.

THE INTERNATIONAL BUSINESS COMPANIES (AMENDMENT) ACT, 1981

SENATOR THE HON. O'B. TROTMAN: Sir, before making a formal motion, could I just draw to members' attention that in section 2, the new section 3A, line 2, in some Bills might have "and", the conjunction, "international business company". It should be "an". Mine is correct and I am not too sure that other members' copies have been corrected, but that is the correct version which should be before the Senate.

Mr. PRESIDENT: That can be treated as a typographical error, it need not be an amendment to go back.

SENATOR THE HON. O'B. TROTMAN: Mr. President, Section 3 of the International Business Companies (Exemption from Income Tax) Act, Cap. 77 sets out the basis on which income tax is paid by international business companies, and what exemptions are made under the Income Tax Act for international business companies.

It is proposed to amend that Act to allow business companies operating in Barbados to use offshore banking services without prejudice to their status as international business companies.

The new section, 3B, makes provision for the waiver of income tax to persons qualified for exemptions if they are persons working for international business companies whose skills are not available in Barbados and who the companies had to bring to Barbados in order to keep the business of the companies going.

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

The question was put to the Senate and agreed to.

SENATOR the HON. O'B. TROTMAN: Mr. President, I beg to move that the Senate resolve itself into Committee on this Bill.

The question was put to the Senate and agreed to. Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 were called and passed.

On motion of Senator the Hon. O'B. TROTMAN, the Senate was resumed and the Bill was reported as having passed the Committee without amendment, Mr. PRESIDENT in the Chair.

On motion of Senator the Hon. O'B. TROTMAN, the Bill was read a third time forthwith and passed.

THE SUGAR INDUSTRY (REHABILITATION, PRICE STABILISATION AND LABOUR WELFARE) ORDER, 1981

The Eighth Order of the Day was called — to move the passing of a Resolution to approve the Sugar Industry (Rehabilitation, Price Stabilisation and Labour Welfare) Order, 1981.

SENATOR THE HON. N. A. BARROW: Mr. President, the Sugar Industry, (Rehabilitation, Price Stabilisation and Labour Welfare) Act Cap. 270 provides inter alia for the raising of a levy on all sugar and fancy molasses manufactured in Barbados each year.

This is for payment of a levy to the Sugar Production and Export Control Board, the allocation of the levy into the Sugar Industry Capital Rehabilitation Board, the Sugar Industry Price Stabilisation Reserve Board and the Crown.

It is customary around this time each year for us to come to Parliament with the rate of levy, because the rates of levy on the proportion of allocation are fixed by Order of the Minister with the approval of Parliament. In 1978 the levy on all sugar and fancy molasses was fixed at \$40 per metric ton, in 1979 at \$39.36 per metric ton, in 1980 at \$34.69 per metric ton and per 1097.65 litres for fancy molasses.

Sir, Cabinet has since then decided that the Capital Rehabilitation Reserve Fund Levy, Price Stabilisation Reserve Fund Levy and the Labour Welfare Fund Levy should be abolished. The Sugar Export Levy Act appropriately amended, suggests that a cess of 1.2 per cent should be imposed on the ex-factory proceeds of sugar, molasses or bagasse and that legislation to give effect to that proposal should be prepared. The new legislation is not yet ready for introduction, and we are therefore taking the usual steps to raise the usual levy, but the point about this year's levy is that it should equate to the amount which would be realised from the Research and Development Levy of 1.2 per cent on ex-factory proceeds, plus the amount required for the Sugar Workers' Provident Fund.

Sir, according to the records of the Sugar Production and Export Control Board, the total amount of sugar produced in the crop year 1981 was 94,065.186 metric tonnes, broken down as follows: 85,488.851 tonnes of sugar and 8,576.335 tonnes of fancy molasses. The amount required for the Sugar Workers Provident Fund has been calculated at \$1,769,467 and the rate of levy of \$18.84 for that purpose is therefore recommended. The ex-factory proceeds on sugar and fancy molasses has been computed at \$87,986,474.06 and when the sum of \$1,769,467 is deducted, the total is reduced to \$86,217,007.06. Sir, 1.2 per cent of this

amount is \$1,034,604. The appropriate levy to equate this to \$1,034,604 is \$11.01 per tonne, and this is the rate of levy therefore appropriate to the Sugar Industry Price Stabilisation Reserve Fund.

The proposal here Sir, reflected in the Order is that the levy on all sugar manufactured in Barbados during 1981 should be at the rate of \$29.87 per metric tonne of sugar and per 1097.65 litres of fancy molasses. Of this, Sir, one cent will go into the Sugar Industry Capital Rehabilitation Reserve Board, \$11.01 to the Sugar Industry Price Stabilisation Reserve Board and the Minister for the benefit of the Labour Welfare Fund one cent and \$18.04 to the Minister for the benefit of the Sugar Workers Provident Fund. This, Sir, should bring in a total amount of \$2,805,707.36 to be distributed as follows: Sugar Industry Capital Rehabilitation Reserve Fund \$939.31, Sugar Industry Price Stabilisation Reserve Fund \$1,034,176.03, Labour Welfare Fund \$939.31 and the Sugar Workers Provident Fund \$1,769,652.71.

Mr. President, regulations are also being made to transfer the amount paid into the Price Stabilisation Reserve Fund to the Barbados National Bank for research and development in the sugar industry, so that it is that part of the new approach to the organisation and redevelopment in the industry that will be implemented at this stage.

I beg to move that the Resolution be approved.

The question was put to the Senate and agreed to.

NATIONAL INSURANCE AND SOCIAL SECURITY ACT

SENATOR THE HON. N. A. BARROW; Mr. President, we are all aware by now, Sir, of the proposals concerning National Insurance in relation to the payment, for example, for unemployment benefits and, of course, it has been one of the main subjects on a political platform to talk about what benefits ought to be given within the Social Security Scheme. Had it not been for the spirit of Christmas one might refer to certain internal contradictions and positions taken from time to time, but, what we are seeking to do, Sir, by this piece of legislation, is to ensure that the legislation which regulates the National Insurance Scheme is so amended as to permit the functioning of that Scheme within the overall concept of a Social Security System.

In other words, Sir, there is need to provide within the Scheme the authority for the payment of unemployment benefits as well as non-contributory old age pensions. There must be authority relating to the collection of contributions for the Unemployment Insurance. Only then, Sir, can the necessary legislation

give effect to regulations which adjust rates of contributions for unemployment benefits and only then will the Government be able to pay into the National Insurance Scheme the money which would have been paid out by the National Insurance Scheme as non-contributory old age pensions.

Indeed, Sir, what we are looking at is the fact that a lot of work went into the preparation of the original Scheme but it was never envisaged that it was to stop at the very limited kind of National Insurance Scheme which exist now but the legal framework has to be adjusted to allow the Scheme to receive contributions from Government for the purpose of paying old age pensioners who were on a non-contributory basis and also for the Scheme to be able to pay out that money as well as for any new purposes which are from time to time to be added to the National Insurance Scheme.

At present we are concerned with these two, Unemployment Benefits and also with the payment of monies for Non-Contributory Pensions. I meant to say that Unemployment Benefits is handled by way of regulations made under the Act; the payment of non-contributory pensions, however, has to be handled by way of direct amendment to the Act.

I believe in outlining it, I have been giving the impression that changes in the Scheme and changes in the legislation are the same thing and in so far as I did that, I would wish to make the point that Unemployment Benefits for example, only require changes in the regulations not in the main Act; whereas payment of Non-contributory Pensions requires not only changes within the Scheme but changes within the main Act. The way I was explaining it at first, I am sure I must have confused Honourable Senators.

The Act at present does not envisage paying benefits other than those for which there has been contributions. Consequently, Government's order to pay into the fund monies which would then be paid out by the Scheme as Non-contributory Pensions means that the Act must be amended.

The business, Sir, of paying pensions by cheque is well established. All of the NIS pensions are payable by cheque now and there has been a pilot scheme run in the parish of St. Michael in relation to old age pensions being paid by cheques so that we are now in the position to know for a fact that a lot of the things which people fear when they come to talk about paying elderly persons by cheque are really not substantially founded. There is therefore no reason to continue a system in which they are two authorities paying Old Age Pensions, one paying Contributory Pensions and the other one paying Non-contributory Pensions so it should lead into greater efficiency

but at the same time it should not prejudice of the old age pensioners in any way.

The other point I should mention is that when we are bringing them together like this, if it should be financially possible, it would mean that we are looking down the road to the day when we recognise that the few persons who may be outside of the ambit of the Contributory Pension Scheme are hardly themselves to blame for this fact and therefore the community recognises generally the need to provide for them just as for any others of the aged.

In other words, to put it as I feel, Sir, I know that there is a lot of feeling that I am paying for my pension, I am contributing as I work and therefore I must get a bigger pension than somebody who is not contributing but I believe, Sir, there must be a certain minimum-set pension for everybody and we must recognise that in economies such as ours and societies such as ours, unemployment is a fact of life and that we manage to do very, very well to keep it down to a certain level.

But, we are not likely Sir, ever to have a society in which everybody is working and, therefore, we have to recognise that it is the responsibility of the State to provide for the aged, whether they are in a position to contribute or not and the best way to remove any stigma is to do it within the context of a single Act.

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

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

SENATOR A. W. A. McCLEAN: Thank you Mr. President. I am not so sure that I fully understand the explanations given by the Hon. Senator Barrow, in terms of the full significance of the proposed amendments. He told us that the implementation of unemployment benefits could be done under the existing regulations and, indeed an amendment to the Statute for the Old Age Non-Contributory part of the proposal. But, it seems as though the Bill before us is seeking to amend the Act to make reference to unemployment benefits. This is Section 4.

Also, it seems as though the amendment leaves it fairly open, as to the way in which the non-contributory pensions will ultimately be financed. Apparently, it just simply makes provision for the Scheme to receive monies from the Government, in relation to the Non-Contributory Pension part and, it states further that this should operate in accordance with the regulations. And, I am wondering if there is anything in the Act, as it now stands that would suggest that the Government would necessarily have to make payments, whether

it would confine the regulations being written in such a way that Government would necessarily have to make payments to the Scheme to the Non-Contributory part, or whether the regulations have sufficient flexibility to suggest that those payments can be made out of the available resources within the Scheme without any special contribution from Government?

Thank you Mr. President.

Mr. PRESIDENT: Senator Ward.

SENATOR M. C. C. WARD: Mr. President, I am sure that we will all welcome this progressive piece of Government administration at this time because those of us who have had to deal with the poor people of this country will know of the suspicions, over the years which have cropped up, as to why some people are getting one level of pension and another person is getting another one. This bringing of the two departments together will undoubtedly give greater administration to the old people of this country, and also, obviously Mr. President, I would think that it was always anticipated that this day would come. It was just a matter that the old age pensioners who were non-contributory were so many at the time, when National Insurance started that they could not be merged. But, as time passed on, that number obviously had to decrease and, at some point in time, they would have to be synchronised and, I think that this is a very appropriate time.

I would like to ask the Hon. Minister when winding up to tell me if there are any qualifications which are going to continue or whether this qualification for old age pension because you have a piece of land or you have a house will continue. I believe the time has come when that should be discontinued. I think a time will come in Barbados, when everybody would be contributing. It is just a matter that at the time, some of them because of their age bracket still find themselves where they are getting what was always referred to, as old age pension, and I welcome this.

I believe that Senator McClean would understand that when it leaves the matter open as to what Government will contribute, it will differ from one year to the other and eventually, it will be discontinued entirely when all pensions that are paid will be contributory. There is such a time that will occur, but, until then, Government would contribute to those old age pensioners in Barbados who found themselves because of their age bracket, because there were old age pensioners still alive, who did not contribute to National Insurance. So, as the Hon. Minister has rightly said, we have a responsibility to all of our old people. And I certainly agree that this time has come. I have no doubt that in due course, National Insurance will be increased because we do have a responsibility.

I know that some old people in every society in the world have hardly contributed anything because they are of a character of such that they have no intention of contributing, others are disabled and unable to contribute but, we have to be big enough to absorb everybody. The working society has to absorb all persons, regardless of their infirmities or what have you.

I believe the Hon. Minister made something about social benefits — he referred to unemployment allowance. I think it will require a certain public relations programme to get this across to the society because there are people in Barbados who do not intend to work. They have no intention of working, whatsoever, and, therefore, obviously, they will not be paying National Insurance, so, their name will not be in the books, as workers. There are others who work, but we know that they are a law unto themselves. A certain group that exists, in this country have no intention of contributing to Income Tax, National Insurance or anything else and they of course, I believe, under the Law, can be forced to pay National Insurance, as self-employed people, but the Government will eventually get around to that.

But, I think the country would want to know that people who will not work do not use this as what is referred to overseas, as "the Dole." I think it has been abused in other countries. I have no doubt, at all that the Government has done a tremendous amount of research into this to make sure that we are protected from all the ills that occur in other countries.

I have known people to come to Barbados on holiday, based on the unemployed allowances that they were getting in Canada and the United States of America. As a matter of fact, some people used to live outside of the city and have their cheques posted to them at holiday resorts. I do not think that we will reach that in Barbados. But, the point is that these are the things which, a working man objects very strongly to contributing something to people that have no intention of contributing anything to the society. I do not know the details of this, but, I can assume that Government has done a tremendous amount of research to ensure that this does not occur.

Mr. President, I have great pleasure in supporting this Bill.

Mr. PRESIDENT: Senator Simmons.

SENATOR D. A. C. SIMMONS: Mr. President, I think I understand the point made by Senator McClean and, also, the introductory statements by Senator Barrow.

As I understand it, you have to read this legislation in conjunction with the parent Act, Cap. 37 and in

section 15, the Government is not there provided for as a contributor. It says:

"For the purpose of providing the funds required for paying the benefits payable under this Act and for making any other payments which under this Act are to be made out of National Insurance Fund, weekly contributions shall, subject to this Act, be payable as from the appointed day, by insured persons and by employers."

It does not specifically categorise the Government as a contributor to the Fund and, to that extent, it would be necessary, if the Government is itself going to contribute to amend 15, as is provided for in clause 3 of this Bill and, similarly, unemployment benefit, Sir, the whole set of benefits which an insured person may be entitled to is set out at Clause 21.

(a) sickness benefit, (b) maternity, (c) invalidity, (d) funeral grant (e) old age contributory grant or pension, plus survivor's benefit, and all we are doing here is adding after (f), (g) to provide for unemployment benefit, to expand the category by one to provide for what had been proposed in the Budget of this year, Sir.

My question to the Leader of the Senate is that as a temporary measure it may be all well and good to make these specific amendments for the time being, but for a long time now I think Honourable Senators have been aware that the Government has been talking of a National Pension Plan. When I was in the Other Place I questioned specifically the position of the Transport Board Workers, many of whom had worked for over 30 years and when they retired from the Transport Board were only receiving the then pension, I think it was \$28, under the National Insurance Contributory Fund, and it seemed to me that the Transport Board workers may well have had a case for asking for enhanced pensions. The answer that I was given in the Other Place at the time when I raised it was that all of that is going to be dealt with in the National Pension Plan.

The National Pension Plan, I believe, Sir, was part of the Manifesto of 1976, five years, and a lot of water has gone under the bridge since then. I think it is incumbent on Government, perhaps as part of the public relations exercise that Senator Ward has urged, to let the country know from time to time what is the progress being made on the National Pension Plan, and even give the country some indication of a projected date for the implementation of this scheme. I think the country is entitled to know if from time to time shelter or refuge is being taken when questions are asked in a statement that is being dealt with under the National Pension Plan.

I think it is about time, Sir, that some outline be given to the country in pursuance of the Government's

own policy of open government, to inform the country as to what is being done and what is being envisaged. Even if it is still in the planning stages I think it is sufficiently important, because some of us will reach the pensionable age, some of us may not, but the society has a responsibility, and certainly this Government, if it professes to be a Government whose philosophy is based on principles of democratic socialism, must have a responsibility in the light of that philosophical stance to provide for all its citizens as much as it is economically able to do. So even though these amendments are welcome, and each one of us I am sure is going to support the Bill, I think we need to have some information about Government's long term planning in terms of a National Pension Plan, Sir.

The point made about the regulations is that the parent Act does provide that certain areas under the Act can be dealt with by regulations, so there is no problem with the Act.

SENATOR W. W. HALL: Sir, I am glad that the Honourable Government Senators have urged for a better public relations programme with reference to the National Pension Plan. I think that this is desirable because all people of this country will be very interested in the Pension Plan, because most companies do not particularly have pension plans and everyone who works will obviously be very interested in this area.

Sir, insurable earnings are what contributions and benefits are calculated on. What is before us here is not an increase in the rate, it is merely an increase in the insurable earnings. It is true, Sir, that this came about in July when the Prime Minister was making sweeping increases in this and other areas. In fact it came amidst the encircling gloom. This does not necessarily mean though that to pay higher insurance premiums, as it were, would be a bad thing, because what has happened is that the people in the higher bracket will now have to pay more.

Previously those paying \$230 a week or \$1,000 a year, that was considered the maximum. What I believe has happened now is this, that anyone with a base figure of, say, \$2,000 a year, who retires will find that they will get better benefits, because since the insurable earnings as of today are now \$1,000, and that person retires, it would mean that they would get 40 per cent of three years average pay, which would be a mere \$400. Since the insurable earnings have gone to \$2,200, or even say let us use \$2,000 as the same base figure, it means that that very worker would now get \$800, which would be equivalent to 40 per cent of that base figure. So that even though the people in the higher bracket may say that they now have to pay more, I think commensurately they must understand that their benefits will obviously increase, even maternity benefits and sickness benefits. In the case of a lady in the bracket of \$2,200 going on

maternity leave she will obviously receive larger benefits now.

The problem, however, is that there are many people in the streets who do not really understand it, and that is why it is very important — it is imperative that this public relations programme that Senator Ward and Senator Simmons talked about should be instituted, because the average man in the street must clearly understand what is happening. If for instance a man is getting \$240 a week, he seems to think that he has now got to pay more. What perhaps he might not understand is this, that the benefits accruing will be much greater. I think, Sir, the Government has to let the people know that even though they are paying more that the benefits and even their pensions will be increased.

I think this is very important, Sir, and perhaps because the Government even though they have not done a good P.R. job in this respect, it has forced people to criticise, perhaps unnecessarily, because they are doing it in ignorance, and perhaps I feel that the powers that be might well try and see if they can put that in order.

You see, Sir, if a man at 65 retires after 1982, he will still have the benefit of one year's insurable earnings of \$2,000 and over two years of \$1,000; but from 1962, 1963 and 1964 people will not be able to enjoy the benefit of having insurable earnings of \$2,000, and hence getting 40 per cent of the maximum figure. I believe in that respect we will probably find that it has been enunciated in many places, even at the negotiating table where the ones who are richer should pay more. I think even Senator Seale will agree that we have to understand that we have to pay more at our bracket. (ASIDES)

Senator Simmons has said at his level. I shall not even attempt to pretend that I am at that level, Sir, but I am saying that there is some sympathy for the man at the level of \$240 and \$250 a week, but he must clearly understand that he will benefit from it in the long run. After all, Sir, those of us who have taken insurance policies of \$10,000, \$20,000 or even \$50,000 ten years ago will clearly understand when they mature that \$50,000 in 1994 will not be the same thing as when we took out the policies in 1962. So it is with National Insurance, and I believe that in these days of great inflationary trends you will probably find that workers would be better advised to understand this problem, and hence the Government as a consequence must make sure that the public relations aspect of this increase is well enunciated.

Senator Ward intimated that Government must look very, I think he said, seriously at the question of employment benefits. This is true. I think he said something about Canada, but it is fact that in Canada you cannot work, and by accumulation of benefits get 95

per cent of your salary. That is an undeniable fact, and so you see people could easily not work and pay no tax and live better than, I would not say Senator Seale this time, but at least the Hon. Leader of this House. Most of you have studied in England, with apologies to Senator Griffith, he has only visited, and you know well.....

Mr. PRESIDENT: Address the Chair.

SENATOR W. W. HALL: I am very sorry. Those of us who have been to England or have lived in England will well understand the problems the country has with the people who are on the dole. Sir, many times the youths of that country go for long extended spells of unemployment, so much so that some of them have never even worked, even those with University degrees would not work. They would not work at all when it is cold, they refuse to work even in summer. We must never ever let our youngsters feel that that is the course they must follow, because if you do not know where you are going, any road will lead you there.

I am therefore asking the Government when they come to this unemployment benefit to come good, because if they do not, we will have a lot to say about it. We will have more time to say a lot about that. We are at the stage now where they can test the market, where they can look and see what is going on, as Senator Ward said in other countries, developed countries, not underdeveloped countries. Do not allow us to run away with the idea that when a man is unemployed he should just sit back and look for a job and he can easily get benefits.

I agree with Senator Ward that Government must look at it very seriously and very carefully too, so that there would be no parasites in this community. People must not live off the earnings of others just like that. We must make sure that there are built-in systems which would definitely alleviate this problem.

With those few remarks, I would like to say that it is not for us on This Side at this time to criticise the increases in National Insurance. As I have said, I believe that in the long run we will all be better off because inflation would look after that; but since it came in July — I am nothing to do with when it was announced — one may get the impression that it is a hurried imposition on the people. I do not subscribe to that view. I believe that it is something that was inevitable, and indeed I would go further and say that there will be further increases. I am not saying next year, two years from now or even a decade from now.

One has to look at inflation, and if you are telling me that \$800 in 1990 would be a good pension for a man who retires at \$5,000 a month, that is ludicrous. Therefore I am saying that companies who have now integrated their pension plans with the national system will find that when the National Insurance goes up, the contribution to the pension plan in the company goes

down. That is a fact too, Sir. So I believe that these things should be told to workers so that they will be able to understand that any imposition in 1980 or 1981 will clearly be a benefit in years to come.

I notice with pleasure, Sir, that Senator Trotman who as you know has spent many years at the negotiating table and would clearly understand — and I am quite sure would have advised the Government on this particular scheme — is writing. But, Sir, he knows as well as I do that a public relations programme would easily solve the matter because it would identify the problems as we see them today, and the people of this country would understand that the increases now, need not be an onerous burden that is apparent to some people around the \$250 to \$300 bracket.

As for those who are now in the \$2,200 bracket, they too must understand that they have to pay more contributions commensurate with their earnings, and perhaps if it had gone even a bit further, for instance, like Income Tax, you would see that we would have some very red faces in this Honourable Chamber this afternoon. Since it has stopped at the \$2, 200, I do not believe that it is an imposition on people in the higher bracket, and all I am urging, Sir, is that the people in the lower bracket which has also been increased — I am not talking about people who are getting \$100 a week, it does not touch them at all — but what I am saying is that the people getting around \$250 and \$300 who now feel that they are in a bad position must be told in no uncertain fashion that later on they will be glad when they have received the sick benefits and indeed pension benefits that the National Insurance was increased. Thank you very much.

SENATOR MRS. G. READER: Mr. President, I hope that when this new Scheme comes in and old age pensions are paid by the National Insurance Board, that they will be a bit quicker in paying the pensions than they are in paying the Sickness Benefits because people are now waiting four and five months to get a cheque when they have been ill.

I know of a case where a young lady left work to have a baby. The baby is now five months old and she has not yet received one cent from National Insurance. I personally was ill early in September, as you all know. I was not present in the Senate and I have not yet received my National Insurance cheque.

We can afford to do these things. The old age people cannot do it. They cannot afford to allow a week to go by when they do not get their cheque and I want to ask them to make very sure that there will be no delaying in payment to these people because they cannot afford to live for a whole week without any money. Thank you, Mr. President.

SENATOR THE HON. N. A. BARROW: Mr. President, let me say that there is a little something happening to me between yesterday and today. I do not know how I can explain it except to assure the Senate that I have not yet entered fully into the spirit of Christmas and that is not the explanation.

However yesterday after we had groped in here for a solution to a particular point on Wednesday, Sir, Senator McClean and I were talking going down the stairs and it suddenly struck me that the point which was eluding us was steering us in the face. It is that we were dealing with a matter of protection which the law was giving for intellectual property, not after somebody's reputation had been damaged but where it was likely to be damaged and something therefore could not otherwise be handled except by expressed provision and so today Sir, I am without the clarity with which I like to believe I am accustomed to exhibiting otherwise I could not have misled Senator McClean as I did.

The point I wanted to make, in fact, is a very simple point. I complicated it unnecessarily. Whereas the Scheme permits for paying out benefits so long as those benefits have been the basis of a contribution, it does not envisage the payment of benefits where those benefits have not been the basis of a contribution. That is one point.

The second point is that therefore under the Scheme one might receive monies which could go towards Unemployment Benefits but the Scheme, however, can only pay for such benefits as are specifically provided and Unemployment Benefits therefore have to be specifically provided.

I wanted to make a distinction between being able to collect for Unemployment Benefits as the Scheme now stands and having to amend the law to pay out those benefits but I somehow expressed it in a way that could confuse the Senate. I am sorry about that, Sir.

The other point, of course, I think I managed to get across is that the Scheme does not admit payment by Government as Senator Simmons correctly pointed out. Section 16 makes it employers and employees, so the Scheme does not admit payment by Government. Therefore to receive monies from Government the law has to be amended so I think at that level, Sir, we ought to be clear now and I am thankful to both Senator McClean and Senator Simmons who have assisted in leading the Senate on this point where I was so adroitly misled.

Now there are a couple of other points. One is the point made by Senator Simmons in relation to the National Pension Plan. I wish I were in a position, Sir, to say how far work has got on that. My own suspicion is that work is not sufficiently advanced and that is why there is this silence on the business of the National Pension Plan.

The very agency, as far as I am aware, doing the work on the National Pension Plan is the NIS itself and the NIS has had to start planning for increased benefits in some areas and new areas of benefits and I think that they probably do not have the manpower resources to do these and also press ahead with the planning for the National Pension Plan at the same speed.

The other point about it is, Sir, that we cannot take a chance that the State of New York might take. If we do not have the actuarial studies projecting sufficiently far ahead, I believe it is something like 50 years, and keeping your whole pension plan under review, what can happen is that we can raise benefits beyond levels that are prudent and in this way we might see the demise of the Scheme if we are not careful.

Thus every step that is taken in relation to benefits is a step that has to be taken with one eye on what we would consider as sociably desirable and the other eye on what is prudent even if we regard the actuaries sometimes as being a little conservative. Even if we are of that view, we still have to be guided by them because that is their expertise.

That point, Sir, about actuaries is the point that I find particularly relevant, since Senator Hall covered a lot of ground, Sir. He made the point that this thing was done in July amidst the encircling gloom. There was an aside to the effect that it was announced in April and the Senator said that he did not mind that, it was done in July and when he gave that response to the aside I decided that the Senator certainly did not wish to get entangled in facts or detail.

It was announced in April but it has only now been done so I do not quite know the significance of July. Sir, the significance of July is when something is deemed to have come into operation. What is the point if the decision is taken in April and the legislation is going through in December. Surely, Sir, we either look at the decision taken and we comment on this decision and say is this a wise decision or not or we come when the legislation is going through Parliament and say we had a chance to rethink the position. What is your position because all of us look at these matters as matters with which we must necessarily be flexible if we are not to be accused of selling the public short.

Sir, Senator Hall went to great lengths to make a point which I believe is a point worthy of attention and it is this, Sir, that persons are not being asked to pay contributions, to pay an increased rate saved for the fact that they are being assured increased benefits.

There are two situations. One is where a payment is at the level of I think six and a half per cent and you add a quarter per cent and then you have to show what the employee is going to get for that quarter per cent.

At the other level, it is where the limit was \$230 a week or \$1,000 per month and, you now talk about a limit of \$506 a week or \$2,200 a month. What is happening is that we are saying, as Senator Hall himself made the point that inflation is a fact of life, and therefore, if at one point, it was good enough to ensure earnings up to \$1,000 and, therefore, to pay benefits based on this level of insurance, we cannot say that this is forever going to be the case, and, from time to time, the upper limit has to be moved. So, the limit has been moved, from \$1,000 where it was for a very long time. I had it here, Sir. I cannot remember the exact time when the last limit was set. It was at \$100 a week for a long time. Then, about five years ago, it went to \$230. That is what it is, Sir. And, from \$230, it has now gone up to \$506.

So, we are looking at the situation in which we are recognising the need to ensure salaries at a higher level. So, if today, there are some persons who can look forward to a National Insurance pension, before the contribution was raised of \$600 or \$700 a month, there are persons who will not be able to look forward to a commensurately enhanced National Insurance pension. And, as Senator Hall said, we are talking about other benefits within the Scheme which relate also to this insurance limit.

The point, Sir, made by Senator Ward and elaborated on by Senator Hall, I do not think I need to take it any further and that is, that in administering an unemployment scheme, we do have to be careful to ensure that it is what we say it is and that it does not degenerate into a Dole. That point, Sir, I believe is a point which is shared generally, not only in this Honourable Chamber, but, it meets with general approval outside of this Honourable Chamber.

I am unaware, Sir, that the Means Test still operates for the purpose of Old Age Pensions. I am unaware that it still operates. We, first of all, dealt with this situation where because one spouse had an income or property that that acted to stop the other spouse from getting a pension and, as far as I know, we have now gone and abolished the Means Test completely, in keeping with the basic tenet that it is the function of the State to make provision for its citizens at advanced age.

I cannot, — my final point, Sir, — say, like Senator Ward that we will expect that the day will come when all pensions will be contributory. That, Sir, is a hope, not an expectation, because, let us face it, there are people who cannot find work and it is not their fault. There are some who would not work. But, there are people who cannot find work and it is not their fault and the State must look after them, just as the State must look after the disabled when they reach a certain age. We look after the disabled, of course, from much younger.

Senator Reader raised the point, Sir, that the delays which are currently being experienced in the payment of Sickness Benefits, would not be duplicated, when the Old Age Pensions fall to be paid from NIS, instead of, as they are, currently paid. All that I can say, Sir, is that while I too have heard about delays in the sickness benefits, although I did not get the impressions that they were as long indeed as Senator Reader has said — Senator Trotman has obviously heard them, too, Sir, because he is talking about three months. I never knew that they were anything like three months or even five months as Senator Reader has informed us.

While one might be sympathetic and talk about there being reasonable delay, I do not think that any of us in here, Sir, would consider a delay of three and five months from paying people benefits to which they are entitled, can be called a reasonable delay. But, I would say that there is no reason to expect that there would be delays in paying the cheques for pension, because I gather that the National Insurance pension cheques do go out on time, pretty promptly. They go out on time.

So, the point I am making, Sir, is that with the National Insurance pension cheques, there is already in place, a system which seems to deliver on time, and, therefore, I do not expect that there should be a problem, when the same authority sends out cheques merely because they do not happen to be on a contributory basis.

Mr. President, I believe I have responded to all the points raised. And, just let me say once more that in the new year — in fact, let me say, Sir, that in the new year I would expect to be able to deal with these matters a little more with the skill that I think one is accustomed to coming from This Side.

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

On the motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into a Committee on the Bill, Senator the Hon. J. C. W. WICKHAM in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is now in Committee.

Clause One was called and passed.

Clause Two was called.

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

Mr. CHAIRMAN: It is proposed that Clause Two stand part of this Bill. Senator McClean.

SENATOR A. W. A. McCLEAN: Yes, Mr. Chairman, I am wondering why it was necessary to insert the words, "non-contributory old age pension". I am not aware that the term, "Social Security" is so restrictive, as not to encompass the notion of Non-contributory Pensions to old people. But, perhaps, we could have some enlightenment on the legal necessity or otherwise for the inclusion of those particular words.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, this is not a point that had struck me before, but I would have thought that where the whole scheme of an Act envisages paying benefits on the basis of either employers or employees contributing, that it would be necessary if one is going to change the character of the legislation in order to make it clear that pensions to which there is no contribution paid on the part of the recipient of the pension may now legally be paid under the Act. I would have thought that it would be necessary, in fact if it was not necessary that it would certainly lend to clarity if it were spelt out in the way in which it is here, Sir. It is one of these things that the lawyers talk about, for the removal of doubt.

SENATOR THE REV. I. McK. JONES: Mr. Chairman, I was just going to make the same kind of remark, that I do not see anybody getting a grant or a pension if they have not been contributing. I do not understand why it is so. They say here: "The Act referred to is amended by inserting in the fourth line after the words 'grant or pension' the words 'non-contributory old age pension'." I would use the same argument that Senator Barrow used, I would take it that the mere fact that they have grant or pension would imply in my mind that these are people who have been contributing something, so if you are going to now bring in a non-contributory old age pension it would seem to me that you would have to amend the law to bring that in.

Thank you, Mr. Chairman.

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

Clauses 3 to 7 inclusive were called and agreed to.

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

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

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

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

THE ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, we have worked all year, some of us all year since July, since the elections, some of us all year in the calendar sense, expertly guided as usual, Sir, by you as Presiding Officer, and I wish to take this opportunity while personally extending the Season's Greetings to all members of the Chamber, I wish, Sir, on behalf of the Chamber to extend to you all of the best greetings that one may extend for Christmas and for the coming year, and particularly, Sir, that includes increased prosperity.

In so doing, Sir, I wish to move that the Senate do now adjourn *sine die*.

SENATOR W. W. HALL: Sir, we on This Side would like to join the Hon. Leader in wishing you personally, and indeed all Honourable Senators, all the best over the festive season and of course increased prosperity in 1982. I pray, Sir, that we will return in 1982 with renewed vigour but at the same time doing the people's business with the decorum that is befitting this Hon. Chamber. Thank you.

Mr. PRESIDENT: Honourable members, I would like to thank those members who have spoken, I am sure the others have reciprocated the sentiments they have expressed, and I too would like to wish all honourable members the compliments of the season. I hope that they will enjoy a happy and peaceful Christmas and a New Year of great prosperity. I hope that they will come back refreshed and continue to do the people's business in this Chamber with their accustomed propriety, and if I may say so, dignity.

I would like to thank all hon. members for their support and consideration throughout the year; the new members since the last election and the older members who were here in the earlier part of the year. I believe that provision is made outside for us to celebrate the Christmas that is coming in the usual more relaxed manner, so I will not keep you any longer.

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