

THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 - 81

THE SENATE

Wednesday, 11th March, 1981

The Senate met in the Senate Chamber, Public Buildings, on Wednesday the 11th March 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 the Rev. G. ANDREW HATCH, M.A., (Deputy President); Senator the Hon. N. A. BARROW, B.A., LL.B., (Minister of Information) (Leader of the Senate); Senator O'BRIEN TROTMAN, (Parliamentary Secretary, Prime Minister's Office); Senator Sir MENCEA COX; Senator H. F. G. ROCHEFORD, B.A.; Senator R. L. FIELD; Senator AARON TRUSS; Senator H. R. LINTON, LL.B.; Senator K. E. HINDS; Senator C. I. E. DEANE; Senator K. R. HEWITT, B.Com., C.A.; Senator Mrs. E. M. LYNCH, B.A.; Senator J. D. S. MacKENZIE; Senator Miss M. I. St.C. BLACKMAN; Senator J. C. W. WICKHAM; Senator N. W. BOXILL; Senator W. O. FRANKLIN, J.P., A.I.A.S.; Senator the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services) and Senator R. E. BRATHWAITE.

Prayers were read by Rev. Dr. Lionel Crawford.

ABSENT

Senator Miss O. A. LYNCH.

ANNOUNCEMENTS

Mr. PRESIDENT: Hon. Senators, I think you would be interested in a letter which I received from Mr. Keith Penner, M.P., who as you know, was Leader of the recent Canadian Parliamentary Delegation to Barbados. The letter is as follows:—

Dear Mr. President,

It is no understatement to say that, in spite of slightly warmer weather in Ottawa than when we left, it was still somewhat of a shock to return after a truly wonderful week in Barbados as guests of your Parliament. It was a uniquely interesting and rewarding visit for all of us and on behalf of all of my colleagues and our wives, I want to convey our warmest thanks to you, as our joint hosts, and to all of your colleagues in the Senate of Barbados, for the time that you were able to spend with us and for all your many kindnesses during our visit.

The program that you and your colleagues worked out for our visit was, in a word, perfect, and we would all be pleased if you would pass along on our behalf to all of those who had a hand in working it out, our sincere thanks for all of their very successful efforts. We would appreciate it very much also if you would convey our thanks to the excellent parliamentary staff who looked after us so very well. We appreciate very much everything they did to make our visit so pleasant and rewarding.

I will be looking forward to seeing you very soon in Ottawa during the Commonwealth Speakers Conference and perhaps we could discuss then the question of the timing of the return visit of your parliamentarians to Canada. In the meantime, my warmest personal regards.

It is very nice to get a letter of that sort which I am sure members appreciate and I thought I would read it to you.

PRESENTATION OF PAPERS

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

The Estimates and Schedules of Personal Emoluments for the year 1981-82.

The Motor Vehicle and Road Traffic (Amendment) Regulations, 1981.

QUESTIONS TO MINISTERS

SENATOR THE REV. A. HATCH: Mr. President, I should like to ask for the response to the question standing in my name.

SENATOR THE HON. N. A. BARROW: Mr. President, the reply is as follows:—

"Property transactions involving persons who are not citizens or permanent residents of Barbados are monitored and controlled by Exchange Control regulations and the Property Transfer Tax Act, and the Government is satisfied that adequate steps are taken to ensure that land is available to present and future Barbadians.

2. Retrieval of the appropriate records for the 10 years in the form asked would involve the perusal of 70,000 title deeds, a task for which staff is not now available.

3. The Ministry of Housing, Lands and the Environment is seeking through its recently created Housing Planning Unit to establish a data base which will in future facilitate the retrieval of information such as is now requested. On the basis of that data the Government will administer its policy on the matter as the situation demands."

INTRODUCTION OF BILLS

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

- (1) Resolution to approve the compulsory acquisition of land at Orange Hill, St. James, for the provision of recreational facilities.
- (2) Resolution to approve of the lease of land at Prescod Boulevard, Fontabelle, St. Michael to Bookers Agencies (B'dos) Limited.
- (3) Resolution to approve the compulsory acquisition of land at Beachmont, Bathsheba, St. Joseph, for the establishment of a Community Centre.
- (4) Bill to amend the Off-Shore Banking Act.
- (5) Bill to amend the Larceny Act.
- (6) Bill to amend the Unclaimed and Undistributed Moneys Act.
- (7) Bill to provide for Change of Name.
- (8) Bill to provide for appeals in criminal cases to the Court of Appeal and to Her Majesty in Council.

- (9) Bill to provide for the establishment of an Administrative Appeal Tribunal for Barbados and for related matters.

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

PUBLIC BUSINESS

SHIPPING ACT, 1980

The First Order was called — To move the Second Reading of a Bill respecting ships, crews and safety at sea and for matters consequential, related or incidental thereto.

Mr. PRESIDENT: The Minister in charge of that Bill is not at present in the Chamber. Perhaps you will call the Second Order standing in the name of Senator Barrow.

BRIBERY AND CORRUPTION ACT, 1980

The Second Order was called — To move the Second Reading of a Bill to provide for the effectual prevention of corruption in Barbados and related matters.

SENATOR THE HON. N. A. BARROW: Mr. President, Sir, at the appropriate time I propose to request the suspension of Standing Order 48(1) which suggests that when a Bill has had its Second Reading it should proceed direct to Committee because in this case, Sir, what we are proposing is that the Second Reading debate on this Bill may go on but that we should leave the Committee stage to be dealt with after the Select Committee on the Integrity Legislation has reported in view of the fact that in this Bill there is a great deal of reference to that other legislation of which I just referred so that while we are in a position to debate the principle of the Bill, we are not, Sir, I believe, advised to take the Bill through its remaining stages this afternoon.

I trust, Sir, that that approach will meet with the approval of Hon. Senators.

Mr. PRESIDENT: You have, of course, to be sure that the question on the Second Reading is approved.

SENATOR THE HON. N. A. BARROW: That is true, Sir. It is perfectly true. It is for that reason that I am about to state now, Sir, that I do not believe that there will be any problem in having approval at Second Reading. The reason being that I do not believe that there is any member of the Chamber who will vote against the principle of Bribery and Corruption legislation and it is for that reason, Sir, that this afternoon I will be rather short indeed in my introduction.

This Bill is always viewed as something as a companion to the Integrity Bill but indeed, it really stands on its own in that with or without the Integrity Bill it is necessary for there to be legislation for the more effectual prevention of corruption in public life.

Sir, there is at present at Cap. 144 of our Laws the Prevention of Corruption Act and this is based largely on the English Public Bodies Corrupt Practices Act of 1889 and the Prevention of Corruption Acts of 1906 and 1916. It has been in operation since 1929 and has never been amended.

The Attorney General's Chambers therefore took into account modern Commonwealth Development and therefore you will see a scheme in which the following offences exist.

- (a) It is an offence for any person corruptly to receive or give any gift or other advantage as an inducement to influence the conduct of any member, officer or servant of any public body.
- (b) It is an offence for any gift or any consideration to be corruptly offered to or received by an agent as an inducement to influences of misconduct in relation to his principal affairs.
- (c) It is an offence deliberately to provide an agent with misleading documents or for an agent to declare or to receive his principles by like means.

These provisions, Sir, in this Bill are wider than the provisions of the existing Prevention of Corruption Act and will apply to Members of Parliament, Judicial Officers, Public Officials and will also cater to intermediaries and to situations where considerations are made to Third Parties.

The Bill also seeks to provide for special powers of investigation to be made available to the Police for the purpose of inspecting the financial records of suspected persons or organisations before the institution of criminal proceedings in cases where there are reasonable grounds for believing that an offence under the Act may have been committed. This power is circumscribed by the requirement that the Director of Public Prosecutions must first make an application to the Judge in Chambers for an order authorising an investigation and inspection.

Power is also conferred on a Judge to grant an order to inspect and search the premises of a suspect's spouse on separate application being made on that behalf by the Director of Public Prosecutions.

It will be an offence for an official corruptly to use for his own advantage and that of another person any information coming within his knowledge or hands by virtue of his official position. Similarly, it will be an offence for any other person corruptly to use for his own advantage any such information passed to him directly or indirectly which he has received from an official or another person.

Among the offences and penalties, provision has been made for a person to be disqualified from being elected to the House of Assembly, or appointed to any office in the Government, or of any Statutory Board, Commission or other Agency of Government, and to be incapable of being registered as the elector or voting in the election of members of Parliament.

In these circumstances, however, provision is further made for a person so disqualified after the expiration of five years from the date of making the order to apply to the Court by which the order was made to remove the disqualification.

Sir, this legislation is based on recommendations of the Royal Commission on Standards of Conduct in Public Life. As I said in my first sentence, nobody in this Chamber, I am sure, would have any objection to there being legislation against corruption in public life. I believe, Sir, that the arguments in respect of this legislation will be regarded by Hon. Senators as being rather stronger than the arguments in respect of related legislation, and what this is really is the reform of the criminal law in relation to bribery and corruption where persons are in public life.

I think, Sir, it is legislation which can be easily supported, and as I intimated before one or two Senators arrived, when we have had our second reading debate, it is my intention to ask the Chamber to suspend Standing Order 48(1) in order to permit the postponement of the Committee stage and further consideration of the Bill for the time being.

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

The question was put to the Senate and agreed to.

SUSPENSION OF STANDING ORDER

SENATOR THE HON. N. A. BARROW: Mr. President, I move that Standing Order 48(1) be suspended and that no further consideration of this Bill be given for the time being.

The question was put to the Senate and agreed to.

BILL RESPECTING SHIPS, CREWS AND SAFETY AT SEA

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I regret to inform the Hon. Senate that due to the fact that the pertinent file had disappeared for some time, I am in no position to proceed with this measure, but I shall be able to do so at the next sitting of the Senate.

PRIVATE MEMBERS' BUSINESS

SENATOR W. O. FRANKLIN: Mr. President, I beg to give notice of the following motion:

"WHEREAS the sugar industry of Barbados received substantial revenues arising from the sale of 1980 sugar produce in this country;

AND WHEREAS this level of sugar production would not have been achieved without the contribution of the small cane growers;

AND WHEREAS it is fair and reasonable to distribute this additional revenue among various sectors, that is, producers and workers;

AND WHEREAS agreement has been reached on the amount of money to be distributed to the workers;

AND WHEREAS the cane growers are in the dark as to the amount of additional money which they will receive and the method which will be used in calculating such;

BE IT RESOLVED that this Hon. Chamber urges the Government, in the absence of any effective Small Cane Growers' Organisation, to ensure that the small cane growers receive their fair share of the excess revenue accruing to the sugar industry in 1980."

Mr. PRESIDENT: I direct the Clerk to have this motion placed on the Order Paper for the next meeting of the Senate.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, before I formally move the adjournment of this sitting, I would like to make Hon. Senators aware of the fact that the Estimates will be debated in the Other Place next week, starting Monday, and that we propose to schedule the sitting for consideration of the Appropriation Bill and Estimates in this Chamber on Wednesday, the 25th March, starting at 11.00 a.m. We will then, Sir, work on successive days to ensure that we get through in time, if we do not get through in a single sitting.

As you notice, Sir, there are a number of Items of which we gave notice this afternoon. Accordingly, I move that the Senate do now adjourn to this day week at 2.30 in the afternoon.

Mr. PRESIDENT: There seems to be a problem about the question of adjourning until next week because the Other Place would be in session and the staff would be engaged.

SENATOR THE HON. N. A. BARROW: That is the point. Having just said there will be sitting next week on the Estimates and then promptly propose to adjourn until next week, with your permission, I should like to withdraw that motion. I think we will need to adjourn to two weeks' time.

Sir, I beg to move that the Senate do now adjourn until Wednesday 25th March, 1981, at 11 a.m.

Mr. PRESIDENT: My understanding for the benefit of hon. members is that such matters as remain on the Order Paper will have to be dealt with after the Estimates.

The question that the Senate do now adjourn until Wednesday, 25th March, 1981, at 11 a.m., was put to the Senate and agreed to and Mr. President adjourned the Senate accordingly.
3.13 p.m.