
THE SENATE DEBATES

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

THE SENATE

Wednesday, 20th May, 1981.

The Senate met in the Senate Chamber, Public Buildings, on Wednesday, 20th May, 1981, at 12.15 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 O'BRIEN TROTMAN, (Parliamentary Secretary, Prime Minister's Office); Senator Sir MENCEA COX; Senator AARON TRUSS; Senator K. E. HINDS; Senator C. I. E. DEANE; Senator K. R. HEWITT, B.Sc., 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 the Hon. D. G. BLACKMAN, (Minister of Labour and Community Services); Senator R. E. BRATHWAITE; Senator N. W. BOXILL and Senator W. O. FRANKLIN, A.I.A.S., J.P.

Prayers were taken by Rev. Lionel Crawford.

ABSENT

Senator the Hon. N. A. BARROW; Senator H. F. G. ROCHEFORD; Senator R. L. FIELD; Senator H. R. LINTON, and Senator Miss O. A. LYNCH.

ANNOUNCEMENTS BY HIS HONOUR

Mr. PRESIDENT: I share the distress that hon. members must feel at this business of starting late so many times, and I do not know where the blame is attached at the moment, but I promise hon. members that I am going to look very carefully into it. I am not happy about it.

PRESENTATION OF PAPERS

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I beg to lay the following documents:

1. The Barbados National Bank (Trust Division) Regulations, 1981.
2. The Merchandise Marks (Amendment) Regulations, 1981.
3. The Civil Establishment (General) (Amendment) (No. 2) Order, 1981.

INTRODUCTION OF BILLS

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I beg to give notice of the following:—

1. A Bill to amend the Companies Act, Cap. 308.
2. A Bill to amend the Property Transfer Tax Act, Cap. 84A.
3. A Bill to amend the Patents Act, Cap. 314.
4. A Bill to revise and consolidate the law relating to road traffic.
5. A Bill to revise and consolidate the law relating to factories and the safety, health and welfare of persons employed therein.
6. A Resolution to approve the Civil Establishment (General) (Amendment) (No. 2) Order 1981.

With the last mentioned one, Mr. President, I may at some later time in the proceedings seek the permission of the Senate to deal with this matter.

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

PUBLIC BUSINESS

The First Order was called — To move the First Reading of a Bill to make better provision for the care and protection of children.

Mr. PRESIDENT: Some of these Bills had appeared on a previous Order Paper and they were removed. I imagine the correct procedure now is to have them given first reading and for the Honourable Minister to request permission to suspend the Standing Order to deal with them further.

Let it be recorded in the Minutes that this Bill has been read a first time.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, these comments are relevant to Items 1, 2 and 3 and I would accordingly beg to move that we do now suspend Standing Order 45(2) in order for the Senate to deal with these three items.

Mr. PRESIDENT: The question is that Standing Order No. 45(2) be suspended in respect of Orders Nos. 1, 2 and 3 which have been taken as having been read a first time today and the suspension is so that the Minister may proceed with these items. Members will remember that they have all appeared on a previous Order Paper.

The question that Standing Order No. 45(2) be suspended in respect of Orders 1, 2 3 on the Order Paper was put to the Senate and agreed to.

Mr. PRESIDENT: Order No. 1, Senator Blackman.

SENATOR THE HON. D. BLACKMAN: Mr. President, it gives me great pleasure in this the month of May in this year which has been designated the Year of the Child in the year of our Lord, 1981, to propose a new Child Care Bill which embodies some serious re-thinking of the concept of child care in this country.

We all know that some 50 years ago a well-known Barbadian philanthropist started the first Children's Home and successive Governments have followed in their wake expanding the space as well as the number of residential institutions in this country.

This Government has had a long, hard look at the entire question of residential care as it applies to children who have had no biological parents or whose biological parents are incompetent and we have come to the conclusion that the traditional practice of residential care

provided for abandoned children in our Children's Homes is not in the best interest of our young people.

The mass home as represented by institutions such as the Newcastle Children's Home in St. John, Sterling in St. Philip or the Old Nightengale Home we consider is the kind of institution which in the last two decades of this century does not best serve the interest of our children.

The young inhabitants of these institutions are very often psychologically maimed as a result of the fluidity and instability of the situations within these institutions. Institutions are by their nature impersonal and warped and the personalized environment which produces psychologically healthy children is often missing in these mass residential homes. Moreover, many of the children, in addition to becoming emotional cripples as a result of their psychological deprivation, very often grow up with feelings of uselessness in the society.

They are often identified by their peers as being wards of the State and we all know the cruelty of which children are capable. Children in their young impressionable stages of life are fair victims for what the Greek Philosophers call nemesis. They imitate what they see going around them both good and bad and their nemetic activities lead them to hate the evil they see displayed by adults around them and very often they are extremely cruel to their peers who happen to be residents of these public institutions.

So we proceed on the assumption supported by a mass of sociological data that the most desirable ambience in which a child should be nurtured is within the family setting and proceeding from this assumption we have come irrevocably to the conclusion that mass institutional settings which represent the very antithesis of the family unit should not be the kind of environment in which deprived children are brought up.

There were experiments with group homes. Within the last couple of years the Government has established a number of small group homes at Nightengale.

The group home concept is a significant improvement of the concept of residential care because, in it, the maximum number of children living is eight and they live with house fathers and house mothers and so the atmosphere, the situation of a family is most closely simulated in the group home concept; but with the best will in the world, the group home concept fails because even although it is less impersonal than the mass residential home, the fact of the matter is that it still bears the features of an institution, in that the mothers and fathers are not people engaged in voluntary work, but are people paid to be mothers and fathers and at some time or other mothers and fathers take vacation

and they are replaced by substitute mothers and fathers. On occasion, they even go home to their own children and so to many of the young, sensitive inhabitants of the small group home, the whole business is a terrible charade if not a hoax perpetrated upon them, when they are asked to call people who are manifestly not their parents daddy and mummy and so they are not altogether free from the psychological disfigurement that accompanies institutional care.

This Bill incorporates a proposal to move sharply away from the concept of institutional care. This is not to say that institutional care will be abolished in its entirety in the foreseeable future, but we believe that with the establishment of a properly and well conducted foster care programme the demand for institutional care will be substantially reduced and many of us in this august Chamber will in our lifetime come to see the end of mass residential care with all of its pernicious features.

Foster care is not unknown in Barbados. What is being proposed here is nothing that I or the Government of Barbados would claim originality in thinking about. All of us who have lived in Barbados know of public spirited men and women who have taken in persons called waifs or vagrants — some of them are even called vagabonds — into their homes and looked after them bestowing the milk of human kindness upon these unfortunates. All of us know of these situations. But, such fostering has been random, *ad hoc* and very often has not operated in the best interest of the majority of children living in such fostering conditions.

The Government, therefore will for the first time establish a foster care programme which will be conducted on a professional and scientific basis. The rationale of the emphasis upon this Government sponsored programme, of course, will be, I repeat to de-emphasise institutional care particularly of the mass home variety. Persons who are interested in fostering children will have to satisfy the high standards laid down by the Child Care Department for ensuring that the children who are placed in these homes have proper homes to go to. We would not want to let loose upon innocent children alcoholics who are masquerading as parents and therefore, the professionals within the Child Care Department will have to be satisfied that the home that the would be foster children are entering is a home which meets the conventionally high standards of this society.

In certain circumstances, the Child Care Department may prosecute people for enticing children away from these homes. This Act, in addition to setting up a foster care programme invests the Child Care Board with certain powers that are absolutely essential to the effective execution of its responsibilities. Very often, there are children in care who may for some reason attract the

attention of parents who are incompetent and if some parents enter upon the premises of a Child Care institution and demand to have their child back, then the Child Care Board would have no option, but to hand the child over to the undeserving parent. Cases have come to the attention of the Ministry of Community Services where an eight year old girl was raped on numerous occasions by her step father and that the child was placed in care and the natural mother of the child was able to take the child from care and return it to this undesirable domestic environment because the Child Care Board had no authority to assume parental rights. This legislation here enables the Board to assume parental rights subject to an order of the High Court. The conferring of this right upon the Board does not mean that the members of the Board are now a group of little Hitlers, who can take it upon themselves to determine whether a person is a good parent or not and arbitrarily remove a child. The case of incompetent parenting has to be proved before the High Court and the assumption of parental rights by the Child Care Board follows the order by a High Court after investigating the problems in which the responsibility for the court to give paramountcy to the welfare of the child is provided for explicitly in the Bill before us.

Mr. President, that synoptically is what this Bill seeks to do. There are two companion measures in Items 2 and 3, one relating to adoption and one relating to the prevention of cruelty to children. Perhaps I will say more of the concept of this Bill and the concept of child care as a whole when I deal with these two other measures. It will suffice to point out that this Bill incorporates a fundamental divergence within the area of child care by the proposal for a new foster care programme established on a professional, scientific basis, together with the conference on the Board itself of powers of parental rights and other powers which will ensure the more effective protection of our children.

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

SENATOR Miss M. I. St.C. BLACKMAN: Mr. President, I welcome the legislation before us. It is something for which we have been waiting for a very long time. Since the 1960's when a social worker abroad studying was mandated to look at the foster care service with a view to introducing a scheme in Barbados, we have waited patiently, and sometimes very impatiently, because it is now 20 years. In the interim several Children's Homes have been opened, and for those of us who do not believe that institutions are the best places for bringing up small children, it has been a long time of frustration, because everytime a new Children's Home was opened we were sure that the

foster care scheme had been pushed back and delayed again.

Foster care provides a chance for those whose home and family life for any reason has been inadequate to experience an alternative family setting, a home where they can be kept in touch with the nitty gritty of life, with the realities of everyday existence. The question of balancing income and expenditure, the question of setting priorities and of making choices. All of these a child growing in a normal family home is exposed to every day.

Not less important is the question of accommodation and consideration for other people in the household. Also, the question of the relationship between the small family unit and the bigger society outside. Maybe some of us take this sort of knowledge for granted, but if we do then it only shows how fortunate we have been in our own early childhood experiences, that we do not recognise the handicaps which some children have because of the lack of an early and satisfactory family life experience.

Life in an institution, as I have said, is not regarded as a satisfactory means of preparing a child for life as an adult in our society. Very easily it can be impressed on the mind of a youngster who has grown up in an institution that there is a self-sufficiency about this institution, that it is contained within the four walls, the boundaries of the institution. They fail to realise the degree of inter-dependency between the institution and the bigger community. As an instance of this, I think those of us who have been in the Service for any length of time, most of us would recall the incident of the eleven year old from one of our Homes who was asked a question about eggs, where did eggs come from, and so far as he was concerned, he responded promptly, "from the storeroom". For him that was the source, the origin of the supplies which he used every day, and so it is this question of the relationship with the institution and the bigger society outside which we find so totally unrealistic, and we are only too happy to realise that our children can be removed from this setting.

But, Sir, the foster care scheme I think has benefits which go far beyond those which are directly experienced by the youngsters concerned. In Government's outreach to family, its tacitly conferring approval on home and family life, the scheme itself upsets society and places a greater value on homes and families. This is a demonstration of our faith in the homes and families in our society. In the forward thrust to provide services we have often tended to strengthen institutions. We have seemingly showed a preference for using institutions rather than using homes and families. That was an understandable policy as long as decisions

were often made by people who did not really belong to our society. They did not understand and fully appreciate all of the habits, the ways of life in our society, and so they developed institutions which they controlled, feeling then that where they had the responsibility for individuals they knew what was happening to those individuals.

So we have a situation in which when a child has a behaviour problem it is removed from home and family and put into an institution. Where an adult had a problem, maybe they need somewhere to live, the adult was also put into an institution. If the need of the person was perhaps again financial, because let us say the person may have had some physical disadvantage, an amputation or something of this sort, again they were accommodated in an institution, and our policy has been to spend quite large sums on maintaining residents inside the institutions, but up to now we have been and still are very parsimonious when it comes to helping families maintain themselves in their own family homes and in keeping the family together.

But the damage which we have done, perhaps unwittingly, has been to give the community the impression that an institution is a superior place for taking care of people's needs, and that these are not perhaps adequately met in homes and families. Intellectually we may have accepted the idea that the home is the most appropriate setting for accommodating individuals, but through our organisation and the way we have spent our money, we seem to have demonstrated something entirely different. The community, unfortunately, has often accepted this pattern which has been set by officialdom and has tended to lose confidence in its own ability to cope with matters relating to members of the families; and so we have a situation in which frequently we have mothers going to a police station to report that their children are out of order or are out of control and would they please have them put into an institution for them. Mr. President, I have seen this happen with a child four years old, the mother at the police station appealing for help.

It is perhaps a measure of how it has impressed itself on the community that institutions are so much better and so much more able to care infants than families so that we have given people in the community a sense of incompetence. The foster care scheme shows a reversal of this trend. We have now had official recognition of the value of home and family life in training and caring for our young people. No longer do we appear to reject the normal way of life in our society. I hope that soon alternatives will be found for dealing with the other cases of destitute people who are now put into institutions, that soon we will be able to find the way of

accommodating these people in our society without putting them into institutions, and then no longer will we appear to reject the normal way of life in our society.

The recent family life legislation itself accepting and in a way giving legitimacy to the ways of life in our society was a most important step. No longer do we have 76% of our children classified as illegitimate, and no longer do we have the majority of family groupings beyond the pale. Perhaps the greatest thing we have done for our society in ages is this demonstration of faith in our society, in its way of life and its way of coping with its own problems in accepting the mores, the norms which our society has developed.

The life style which we have evolved here is necessarily a pattern which has resulted from all of the inter-related influences in our society over a long period of time, and perhaps in accepting the situation, in recognising our culture as something which we regard as legitimate, we are perhaps in a very real way coming of age; perhaps in a very real way we are showing a degree of independence in accepting what is ours, in valuing it and recognising its worth, and not wishing to discard it in favour of a scheme which has been perhaps evolved somewhere else.

The foster care scheme in Barbados is new. The concept of foster care has been very long delayed in being introduced in Barbados, because as I said it was back in the 1960s, I think it was in 1961 when we asked an officer to look at this with reference to its introduction here. I wish them the best of luck. Inevitably there will be problems in introducing a new scheme, and with one which is as big as this there must be problems. We have no indication of exactly how this matter is to be handled. We have no doubt that the Minister will see that adequate regulations are made and that his staff is thoroughly trained.

In the meanwhile I wish to express hearty congratulations to Government for having got this far, and I really am very pleased to be able to support the Bill. Before I sit, Mr. President, there is just one other matter which really is concerning me, and this is with reference to something which we have heard mooted about often recently — the question of child care centres on the industrial estates.

Mr. President, I am very much in sympathy with the feeling that the employers and factory owners can assist the social development in the country by helping provide facilities for the children of workers, but Sir, when I think of the estates in Barbados and I recognise the amount of travelling that the average worker does to get to the estate, I shudder to think that an infant may be exposed to this daily when its mother goes to work and coming back. For any of us who have had the mis-

fortune or perhaps just the beneficial experience of recognising what happens in our society to travel through the bus terminus in the City at peak hours, I think that we would all think again about the question of asking mothers to take infants through that hodge podge. I would much rather hope that the child care centres could be located near to where mothers live, that the child would be able to be taken care of without being exposed to the hazards of the transport system such as we have it in the 1980s. With that word of caution, with that reservation, I would like heartily to commend Government on the direction which it is taking in the child care services in Barbados. Thank you, Mr. President.

SENATOR MRS. E. LYNCH: Mr. President, I would like to associate myself with the comments made by Senator Marjorie Blackman, a person very experienced in this field, and therefore most fitted to comment on it. We have all who have been interested in social work and especially in family case work had reason to look forward with anxiety and impatience to the package of legislation regarding home and family life and the care and protection of children which has now come before us.

Now in commenting on the foster care of children, I would like to point out the difficulty of getting people out of an institution when once they have entered it. Even if they are put there with the idea of being taken care of for a certain amount of time, with children it often happens that when they have become young persons it is difficult to get them out of the institution where they were cared and properly introduced into the society. Very often they have no home to which to go and therefore they have sometimes had to be kept on at the institution for a long time after they ought to have left. Where the foster care is used, a child is in a family home and often becomes adult and remains with the foster parent, becomes attached to the foster parent and remains there and moves from the foster parent as he or she would from what I call a normal home; so that I think that the foster caring makes it more possible for the child to make its way into the community as a young adult than it would do from an institution.

Senator Marjorie Blackman spoke about the evidence of faith in our society. Now, fostering is not new. As a matter of fact, I was fostered along with 12 others by my grandmother and I think that she did a very good job though it was unofficial so that fostering is already a part of our society. Perhaps it is less so today than it was previously.

Now, the faith of which Miss Blackman spoke we hope will be in evidence. That is, if this scheme is to succeed, there must be a sufficient number of persons in the society willing to come forward and assume this responsibility. It is this emphasis on the individual responsibility within the society which I think is of

special importance. We have grown accustomed to institutions and to perhaps legislation and Government officers and we need to challenge once more the individual within the society to accept some responsibility for what is taking place.

For example, I know from experience that it can be extremely difficult to get evidence of neglect or cruelty to a child even although the legislation is here. Somebody has to have the interest and the courage to champion the child and to provide the necessary information which would make it possible for the Child Care Board or the appropriate officer to take action and it is this, as I said, feeling of individual concern for what is taking place that is important.

I know from experience in school that sometimes parents or guardians have left children. These were not small children but they were certainly under the age of 16. These parents have left the Island and the children were at home without any real adult supervision because the very flimsy arrangements made for their supervision broke down as soon as the peer had left the Island.

It is very difficult as a teacher to know what to do in that sort of situation. We do our best and we try to keep an eye on the situation but obviously such a situation should not arise. There should be someone who would see to it that young people are left, as I said, in the care of no one if parents have to be out of the Island for some time.

I think that any legislation which we make has got to be supplemented by work of the kind which Miss Blackman herself is engaged upon, that is, the preparation for parenthood, the support, encouragement and education of those who assume the duties of being parents. We need to do something not only remedial but constructive. I hope to see her work greatly deepened and expanded because I believe in preparing people or educating people in the tasks of parenthood. It is often not seen as important or as difficult as it really is.

Very often parents do not realise that the success of children at school depends very, very heavily on the home situation. Some feel that it is not even necessary to know the people who teach their children and they do not see themselves as essential or as playing a very essential part in ensuring that their children have got their education so that we need not only to pass this legislation but to appeal to all concerned in the society to realise that there is an individual responsibility on the part of citizens for what happens to other people in the society.

Here we are dealing with children but it seems as though Government is committed to the concept of normalization in which the people who are handicapped

in various ways are assisted in the community itself. People with mental illnesses are brought to a certain point and then put in the society and assisted there. The mentally retarded are at school and those handicapped in various ways are in schools with other children where, I hope, they still receive special attention even though they happen to be in a school with other children.

The aged are being taken out of institutions and if they are able to take care of themselves to a certain extent, they are left in their own homes. Now, these people are all vulnerable and the whole concept of normalization can only be successful if the average citizen realises that we must be concerned about these vulnerable people in our society and supplement the work and the provision of Government and so, though we are here mainly concerned about children, their importance is the fact that these are the most important years, the damage done in very early childhood is undone with difficulty, if at all, and we are right, therefore, in placing considerable emphasis on provision for this group but we must remember that the whole concept, this is only a special expression of the concept about the care which we take of the vulnerable groups in our society, people who are handicapped in various ways, and my contribution really may be summed in saying that what Government does is not always enough.

There are always cases which you cannot legislate for exactly, situations for which it is difficult to make the most suitable provision and that this supplementary work can also be most effectively done just by people who are neighbourly, who are observant, who are concerned about others and who are prepared to give a little more time and effort to supplement what Government so courageously and hopefully has set out to do.

Mr. PRESIDENT: Senator MacKenzie.

SENATOR J. D. S. MACKENZIE: Mr. President, Sir this Bill that we have before us, I think everyone will agree, Sir, is a Bill that goes in the right direction. I do not think that there can be any doubt in any one's mind that the fostering of children is an infinitely better way to deal with the problems of abandoned children than the institutional residential type of care that we have been having in the past but the Bill, Sir, is an attempt to deal as I see it in the best possible manner with these children where you will not leave them scarred as is likely to happen if they go to institutional, residential houses. But the legislation, Sir does not recognise the cause at all of why we have such children in our society today.

The Government is always willing and ready for social reasons to spend vast sums of money to assist and to help where we have problems, but often, they tend to overlook the reason why the problems arise in the first place. I think, Sir that in today's concept, we have to

realise that, because of the economic pressures being brought to bear on everyone, the mother or the wife of the family is being forced to go out to work to supplement the income of the family and because the father and the mother tend to be away from home during the day, what happens is that the children tend not to have the kind of supervision that they should have because the parents, both the father and the mother, have not got the time to be able to give them as they used to in the past. I still think, Sir that the spending of the money in the way in which it is envisaged in this Bill is a logical, sensible approach to deal with the problem, but I still think that we require a little bit further examination to find out why we have or why society has these problems and have these types of children to send out to fostering. I think it is important that you try to deal with the cause of a problem rather than the effect.

Now, one of the ways that I would suggest again, Sir, and we seem to have gone full circle in this, is that, I believe that it would be in the best interest of all concerned where a mother or a wife has to go out to work and they have to supplement the income of the family and they have to leave their children, I think it would be in the best interest of the community to look at the spending of the money in another way namely, that if the wife or the mother is going out to earn income to supplement the family income, then one of the expenses that should be allowed to her in being able to do this is to be able to pay someone to come into the home to look after the children in her absence and to look after the home in her absence. I have said it in the past and I will say it again that that sum of money that they spend as an expense in order to supplement the family income and to spend on someone else, if it were allowed as a tax deductible expense of the family and they were not taxed on the sum of money that they spend, two things would happen:—

- (1) You would find greater employment for people.
- (2) You would be able to pay better wages because they would have got a tax ease on it and they would have someone to look after the home and the children in their absence.

I think that that would in some measure go a long way to obviate the cause of why we have to have a Bill like this today.

I know that we will always have some children because of our society, who will be abandoned and there will always have to be a form of foster care for such children, but I believe that we could reduce the numbers and we in the long run could reduce the Government expenditure on that by allowing a tax deductible item to parents or to mothers who go out to supplement the

family income to employ someone at a reasonable rate to look after the children and the welfare of their children and their home in their absence. I believe, Sir, this is my opinion, that this would help in some way to counteract the cause. But, as far as the Bill is concerned, Sir, undoubtedly, it is a move in the right direction and I do not think that anyone can reasonably speak against the direction that the Bill proposes.

Mr. PRESIDENT: Senator Deane.

SENATOR C. I. E. DEANE: Mr. President, Sir, like the preceding speakers, I quite agree that no one can question the merits of this Bill, but I heard Senator Blackman on former occasions say that when legislation is brought down it cannot possibly deal with all the contingencies that may arise. I agree with him, Sir. But there is a question that I would like to ask. I see the functions of the Board. Do I understand, Mr. President that in the first place the Board is to establish and maintain centres for children in need of care and protection? That is a fundamental function and then, from these centres, they will then do the best to find foster homes for these children. That is how I understand it. There is another question. Suppose for some reason or another, the High Court deems it advisable to transfer the parental rights from the bad parents to the Board and then at some future time these parents reform, have these parents then got the right to apply to the High Court to have the parental rights returned to them? That is a question, Sir, I should like answered.

With regards to Senator MacKenzie's point, I could not agree with him more. If tax free assistance is given to somebody to come in, you would find far more foster homes in Barbados and far more cases, where it will not be necessary to have children taken to the Child Care Board. Like the others, Sir, I repeat that I support this Bill wholeheartedly and look forward to the day when all the contingencies, Sir, could not be allowed for or foreseen and be covered by legislation and Regulations to this Bill.

Thank you, Sir.

Mr. PRESIDENT: Senator Hatch.

SENATOR THE REV. G. A. HATCH: Sir, in the Honourable Minister's rundown of the history of child care in Barbados, it seems to me that he did not go far enough back because he started with the Nightengale Home. I do not know if the Honourable Minister is too young, but certainly in my memory, one was familiar to see children even in the almshouses of the island and, of course, as Senator Cox says, there was the John Beckles Home as well, so I think that there is an earlier stage even to that of the Nightengale Home and there has been a dis-

tinct progress from the almshouses to specific homes where children were nurtured apart from geriatric cases and others in almshouses on to the concept of group homes which superseded the Nightengale Home and then to foster care which this Bill addresses.

I believe the legislation also to be introduced today envisages adoption, which is obviously yet another stage of progress in the care of children. I think, therefore, that this legislation and the rest to come today does emphasise the point that it is the care and protection of children, as the Objects and Reasons give it, that is the primary concern.

I want to address one clause in the Bill, which is clause 5, where in clause 5 subsection (3) the Judge in determining whether the Board should have the care of a child, an abused or neglected child, as opposed to the parents, it is the interest of the child that the Judge is instructed to pay attention to other appropriate circumstances, but it simply emphasises the point that it is the interest of the child that is at the heart of the general concern of the society and of this piece of legislation.

Now, with this in mind I must say that the Minister left me in something of a quandary when he referred to the need to avoid the possibility of a Hitlerite Child Care Board, but at the same time he adduced a recent instance which was noted in the Press where a child of eight had been in his words "repeatedly raped by her step-father". It seems to me there is something of a conflict here between a Hitlerite Board and the apparently authenticated case of a child being brutalised.

On the other hand, clause 5 subsection (2) requires that far from being able to remove that eight year old child immediately, the Board has to go through the process of applying to the High Court to have the parental rights and duties in relation to the child vested in the care of the Board. So this seems to me a prime example where far from the Board exemplifying Hitlerite tendencies, it ought to have the immediate capacity to take care of the child. I should be the last person to diminish the rights of individuals, but it is clear that for the Board to go through the process of application to the High Court is a time consuming process. In the meantime, presumably, the eight year child could be repeatedly raped again.

It therefore seems to me, and I am informed that this is a concern of the Board as well, that the Bill ought to make provision in blatant cases of abuse of children for the Board to take more immediate action, and the parents who can be demonstrated to be improper parents of the child should have to prove why the Judge should return the care of the child to them. I wish to emphasise that this is in no way to in any way challenge the right of parents as the proper persons to have the care of

children, but there is something of a contradiction when the Minister on the one hand speaks about wishing to avoid a Hitlerite Board, and on the other hand instance an eight year old child suffering this gross indignity.

I do not believe there is the possibility of a Hitlerite Board, unless the Minister himself is lax in the exercise of his responsibility, because the Board as the Schedule indicates falls clearly within the competence of the Minister, and therefore he will certainly see to it that there are no Hitlerite tendencies exemplified by the Board. It would therefore seem to me much better to give the Board the privilege of removing the child who is clearly being brutalised from the care of unfit parents, and that it is the parents who have to apply to the court for the return of the child, rather than the other way around.

SENATOR W. O. FRANKLIN: Mr. President, the bit of legislation in my opinion is going in the right direction. There is only a word of caution here more than anything, and it is on section 10, which reads as follows:

"10. (1) The parent of a child may enter into an agreement with the Board

- (a) for the placing of the child into the care and protection of the Board,
- (b) for the supervision of the child by the Board, or
- (c) for the provision by the Board of services required to meet the special needs of the child."

Subsection (c) does not really concern me so much at the moment.

If you go back, Mr. President, to section 5(2), you will see that the Board already has the right to take into care children falling under the following categories:

- (a) the parents of the child are dead and he has no guardian, or
- (b) the parents of the child
 - (i) have abandoned him, or
 - (ii) suffer from a mental or physical disability, whether permanent or not, that renders them incapable or unfit to have the care of the child,
 - (iii) are of such habits or mode of life as to be unfit to have the care of the child, or

- (iv) have so consistently failed without reasonable cause to discharge their parental rights and duties as to make them unfit to have the care of the child.

Having gone through those four reasons, and seeing section 10, it appears to me that under this section the main reason why a parent, except in subsection (c) for special care of the child, might want to enter into this agreement might be because of financial needs, and I just want to put a word of caution here, that in the present situation where we should encourage wherever possible for parents to accept their responsibility, the Board has to be very careful in the determination of those parents who want to enter into an agreement, that it is just not a matter of shirking their parental responsibility, and therefore doing the exact opposite to what the Bill is seeking to do here.

This Bill is seeking to make sure that the children are well taken care of. As I say, it is purely a precautionary measure, and I hope that the Board sees this and exercises some precaution in any agreement under this section. Thank you.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, whenever this kind of social legislation is brought before one of the Chambers of Parliament, one can predict with Pavlovian certainty that there will be certain voices raised in respect of cost.

Mr. President, this kind of discussion was completely exhausted, and we now know in the Ministry of Community Services that institutional care is much more expensive than the kind of community based care that the foster care programme involves, and in fact, once as this legislation envisages, we de-emphasise institutional care you will find that far from increasing Government expenditure in the very short run, the successful implementation of the foster care programme will reduce Government expenditure, because it costs twenty five times more to keep a child in residential care than it would cost the Government to subsidise the maintenance of the child in a foster care situation.

I believe that those whose knee jerk reaction to social legislation is that it will increase over-all Government costs must do their homework before they come in here and talk foolishness. This in the long run will reduce Government costs on child care rather than increase it. It is precisely the same kind of analysis we made when we implemented the home help programme and the same reactionaries raised their voices in asking where will the money come from, and we were able to demonstrate that the home help programme in emptying certain almshouses or sections of the almshouse would save the Government money because it is ten times less expensive to maintain an old lady in her own community in the home help programme, the community based programme, than

providing the so-called institutional care is an almshouse; so that kind of surreptitious criticism must immediately be attacked and dismissed with all the contempt that it deserves.

In so far as the Bill before us is concerned, the authors of this Bill were not attempting to play God. It is impossible in a single piece of legislation, one as thin as this, to attempt to solve the multifarious social problems that exists in this society. This Bill, as I said at the very outset, is designed to improve and update the delivery of child care in Barbados and it serves no other purpose; but a close reading of the Bill would also have informed hon. Senators that the Child Care Board among other things gives parental advice to persons who we consider to be delinquent parents, and I personally have fought for money from UNICEF, the United Nations International Children's Fund to the tune of \$¼ million in order to set up a programme which is now about fourteen months old which deals with the problems of effective parenting in Barbados, and where persons who go to the Welfare Department or the Child Care Board in distress are referred and we have been training approximately 150 parents since this programme was instituted. So it is nonsense to suggest that absolutely nothing is being done to deal with the causative problems of child care in Barbados.

I can go on to mention many other things, but it would be a waste of time, and I do not believe germane to the piece of legislation before us in any real sense. In so far as Senator Hatch is concerned, when I talked about child care institutions, I meant institutions that were child care institutions simpliciter. The almshouse is not and never has been a child care institution. The almshouse historically has been a place where destitute people of all ages went, and it has never been a child care institution any more than the Barbados General Hospital was a child care institution because there was a children's ward there, and I think that when we are talking about child care and the problems of child care, the activity of the almshouse as it relates to children really is not of that much significance, because the almshouse has always been a mere receptacle for destitute persons rather than an institution where people were concerned with getting to grips with a particular problem.

Now Senator Hatch again distorts, I would hate to think that he did it deliberately, a statement that I made. I said in introducing this Bill that one of the things the Bill provides for is the conference of parental rights on the Child Care Board. I know as a fact that many people are concerned about how the Child Care Board uses its authority, and that is why I entered the caveat that the Child Care Board was estopped by this legislation from being a Hitlerite body which ruthlessly imposed its will upon parents who could not defend themselves against it by emphasising that the Board cannot on its own assume

parental rights, but must make its case before a judicial body, namely, the High Court. I take the point that there will be an effluxion of some time which might prove harmful to the child that is in an undesirable domestic environment, but this situation can be resolved if appropriate persons simply make a complaint to the police. The case that I alluded to in which this eight year old girl was in extremis was a case in which the matter was brought to the attention of the Commissioner of Police who acted under the Prevention of Cruelty to Children Act and the child was put in the care of the Child Care Board.

It is one thing, as I said in my introductory statement, for a child to be put in the care of a child care institution; it is another thing for the child to stay there. Under the old law there was absolutely nothing which could prevent that parent from walking in there and demanding the child. Once parental rights are bestowed upon the Child Care Board, an irresponsible parent can no longer do this, and this is the whole purpose of introducing the concept of parental rights as exercised by this statutory body. This is the reason for it; but in conferring parental rights on the Child Care Board a safeguard has to be included that the Child Care Board cannot arbitrarily assume parental functions, but must do so only as a consequence of a court order. In the interim if the child is still being abused, it is open to those who know of the abuse including any Senator in this room to call the police and let the police know what is happening. So there is no problem there at all.

As for Senator Franklin, it took me a considerable amount of time listening to his convoluted confusion to understand what he was trying to say at all.

If one looks at the legislation, and I do not even have to look at the legislation, but you will see that under Section 10 where he talks of an agreement being entered into between the Child Care Board and the parent, it refers exclusively to foster care and nothing else and has nothing whatsoever to do with Section 5 which deals with parental rights. It is a complete misreading of the Act.

Do not shake your head. Look at Section 10, Mr. President. Mr. President, invite the hon. Senator who does not seem to be able to read too well, to look at Section 10.

SENATOR W. FRANKLIN: Mr. President, if you look the reasoning seems to be beyond the Hon. Senator. If you look at Section 5, you will see that parental rights can be applied for in relation to children in the care of the Board so in other words the children are already in the care of the Board and they are in the care of the Board for specific reasons given below; the parents are dead; they have been abandoned; they suffer from

a mental or physical disability; habits are bad or they fail to discharge their parental rights and duties.

All I am saying, Mr. President, is that those sets of conditions are the conditions that are most likely to want the Board to take these children into their care because, in the Board's attention, these parents are not fit parents for any of those reasons. Therefore, under Section 10 where the parent may enter into an agreement, I am saying that it might be primarily due to financial restraints because they would not have suffered from any of those.

MR. PRESIDENT: You cannot make another second reading speech. You can just elucidate what you said.

SENATOR W. FRANKLIN: Thank you, Mr. President. Sir, I am saying that if the parents do not suffer from any of those disabilities and they want to enter into an agreement with the Board to foster any of the children, that one has to be careful. It is not just a way of running away from their parental responsibility. I do not see the big fuss that the Senator is getting into.

SENATOR THE HON. D. BLACKMAN: Mr. President, having listened to him, the confusion of the Senator has become compounded. The concept of foster care as proposed in this legislation, Mr. President, is to ensure that children without biological parents or with incompetent biological parents can have the advantage of being brought up in a family environment. To that extent Senator Franklin himself, Mr. President, public spirited person that I believe he is or represents himself to be, may appear before the Child Care Board and apply to be a foster parent.

If he so does, then the Board, if he is found to be suitable and if his home environment meets the high standard that the Board lays down, will accept him as a foster parent and then an agreement will be entered into between Senator Franklin and the Board. This has absolutely nothing to do with Section 5 where the Board assumes parental rights by an Order of the High Court which it makes in the event that it believes that a parent is incompetent for the reasons enumerated in the section.

It has absolutely nothing to do with it. The two things are completely different and when Senator Franklin has had the time to think about it, which he obviously had not done before he stood on his feet, he would then be able to see the irrelevance of his intervention and the confusion of his present thinking.

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

On motion of SENATOR THE HON. D. BLACKMAN, the Senate resolved itself into a Committee on the Bill, SENATOR THE REV. A. HATCH in the Chair.

On motion of SENATOR K. HINDS, the Bill was taken as read.

Clause 1 was called.

SENATOR THE HON. D. BLACKMAN: Mr. Chairman, there are a few minor amendments to this Bill which must be proposed and the first one is on page (ii) which deals with the Arrangement of Sections and I refer to No. 24 where you delete "repeal" and substitute "appeal".

I beg to move that page (ii) be amended as proposed.

Mr. Chairman, it has just been brought to my attention that the amendments which I had intended to propose were passed in the House and copies of the amendments have been circulated to Hon. Senators. In that case, I beg to move that Clause 1 stand part.

The question was put to the Senate and agreed to.

Clauses 2 – 11 inclusive were called and passed.

Clauses 12 to 25 inclusive were called and passed.

The Schedule was called and passed.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, Sir, I beg to move that the Senate be now resumed and the Bill be reported as having passed in Committee.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Senator Blackman.

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

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

SUSPENSION

Mr. PRESIDENT: I propose to suspend the Sitting at this stage until 3.00 o'clock.

On Resumption:

Mr. PRESIDENT: This Sitting is now resumed.

ADOPTION (AMENDMENT) ACT, 1981

Order Number Two was called – To move the Second reading of a Bill to amend the Adoption Act.

Mr. PRESIDENT: Senator Blackman.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, this legislation before us is part and parcel of the emphasis that the Ministry of Community Services through its executive agency, the Child Care Board to remove the emphasis which now currently is placed upon institutional care.

In discussing adoption, the Honourable Senate can now see a clearer picture of the options available to children who are for all practical purposes parentless. The first option is mass residential care, the second option is the mass group home, the third option is foster care and the fourth option is adoption. It is our belief that adoption offers the best possible situation for a child who does not live with its biological parents and it constitutes an improvement on foster care in that there is a legal bond between the parents and the adopted child and it is the next best situation to a child living with its natural parents who are operating in a competent fashion and therefore, the purpose of updating this Law is to eliminate the existing anomalies and to make it easier for the process of adoption to take place. By the same token, it provides the opportunity to let the Ministry bring some administrative tidiness into the delivery of child care services.

You will note, Mr. President, that this Bill before us provides for a transfer of the responsibility for adoptions from the Chief Welfare Officer to the Child Care Board. This was considered necessary because we believe that in the cause of efficiency, it is appropriate to have all questions of parenting handled by a single department or organisation. In 1978, the Government in its wisdom found it necessary to establish a department to deal with child care and these functions at that time were separated from the Welfare Department because of administrative bottle-necks and the existence of serious personality conflicts among the officers concerned. Moreover, the Government had had the benefit of examining the Howard Jones report and the Jones Report had envisaged a situation where all of the social services in Barbados would be merged under a single, central, administrative unit.

The Report envisaged the integration of the Welfare Department, the Community Development Division, the Probation Service, and indeed all other social services. I

believe that this proposal in this Report was made against the background of what obtained in Britain, and since that time the British have experienced serious problems in the implementation of social services because of over-centralisation, and I think that the case for decentralisation on administrative convenience and efficiency is an unassailable one.

The removal of adoption services from the Welfare Department to the Child Care Department, as this legislation will provide for, creates a tidy situation where a single department will be dealing with all questions of parenting.

When we talk about residential care, the cause of residential care is inept parenting or the absence of any parenting at all. The justification for group homes is the same thing, as indeed is the justification for foster care, as well as the need to update and modernise our adoption law.

In the past, under the present legislation, it was not possible for persons other than British or Commonwealth citizens to adopt a Barbadian child. The present Bill before us seeks to remove this anachronism. We know that there are many people in the United States and Canada who have in recent times been seeking to adopt Barbadian children, and they find it difficult because of this legislative hurdle. The new adoption legislation would eliminate this unfortunate situation.

By the same token, there are Barbadians resident in the United States of America who wanted to adopt Barbadian children. In some cases these persons wanted to adopt their own children but were prevented from doing so because of the legislation. Where the father of a child that was born out of wedlock wanted to adopt that child so that it might gain admission into the United States or Canada, that parent found a stumbling block in the existing law which provided that no person resident outside of Barbados could adopt a Barbadian child. Not only does this law abolish that particular difficulty, but it makes provision for facilitating this in the interest of the child.

The Child Care Board, which will be the agency responsible for dealing with questions of adoption, must be satisfied that the persons living abroad are suitable individuals and that the child to be adopted will be admitted into the country where the would-be adopting parents reside, together with the fact that there should be no prohibition on the part of the laws of that country on the adoption procedure. At the present time, in some cases, parents wanting to adopt children, or persons wanting to adopt children have, as it were, to undergo a period of probation which is six months in duration. This Bill seeks to reduce the period to not less than three months in the case of persons who are the natural parents

of the child they intend to adopt, or persons under whose care and protection the child had been living for a period of three years.

Under this Act a parent may give consent to the adoption of his or her child. The Act also makes provision for that parent to withdraw his or her consent at any time before the order for adoption is granted by the court.

Those are the major changes, Mr. President, in the new Bill before us which would make it easier for people to adopt children, and it is this Government's policy to promote and assist in every way possible persons who have a desire to adopt children that are either their own but who were born out of wedlock, or children that are not their own. I reiterate that it is in keeping with the new orientation in the area of child care where institutional care is de-emphasised and every effort is made to create conditions to ensure that every child without its biological parents can enjoy the benefits of as normal a family life as possible.

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

SENATOR N. W. BOXILL: Mr. President, I am somewhat in a quandary here on page 6, 18A(1). It says here: "Insertion of new section 18A in Cap. 212." Cap. 212 of the old Act says: "An adoption order or an interim order may be made in respect of an infant who has already been the subject of an adoption order under this Act."

"(2) In relation to an application for an adoption order in respect of an infant who has already been the subject of an adoption order under this Act, the adopter or adopters under the previous or last previous adoption order shall be deemed to be the parent or parents of the infant for all the purposes of this Act."

My problem, Sir, is this: since there are no more illegitimate children, and in my view there never ever were, but since legally there are no more illegitimate children, Section 18 A(1) says: "Where a minor has been adopted by one of his natural parents, who at the time of the adoption was not married to the other and both of the minor's natural parents subsequently marry, the parents may apply to the court to have the adoption order cancelled."

I am wondering if this is not a bit superfluous because if a man has a child from a woman and later on the two of them get married, the child has always been legal as far as I was concerned, and as far as the law is concerned recently, the child is legal; so I am wondering if it is necessary to have Section 18 A(1) here at all because if someone had a child from a woman and then later on

things start to go good and they decide to get married, the child automatically should carry the name of the parents; so I do not know if it is necessary to have this put in here that "the parents may apply to the court to have the adoption order cancelled." You see, although you are trying to do good to help people in some way, you are creating a problem for these people because to open court anyhow means you will have to have a lawyer, and no lawyer is going into court nowadays for anybody for nothing; so you are creating a problem for these people. I think this should be automatic. You should not need to have to apply to any court to have this adoption order cancelled. I would like to hear the Minister. If he is following me, he can look at the Laws of Barbados, Volume V, Cap. 212 and he will see what I am talking about. I do not see there is need for this part of the law here, and it can create some problems in the minds of some people who are not as versed in the law as some of us are. I would like to hear the hon. member on this.

Mr. PRESIDENT: I get the impression that there is some misunderstanding about there being two Bills that were circulated, one reading different from the other.

SENATOR N. W. BOXILL: I really do not know because to tell the truth this is not the original Bill which I had. My original Bill I could not find. I thought I had it in my briefcase, but I had some notes made on my original Bill to ask, but this one I have is one I have just received since I came into the Chamber.

Mr. PRESIDENT: I think the Minister would be in a position to explain what the position is.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, the relationship between a parent or parents and an adopted child is a relationship that comes into existence by the operation of law and can be terminated by the operation of law. The purpose of this provision in the new Bill as I see it is to end the relationship artificially created by law between the adopted parents and the child once marriage has been solemnised between the two parents. The legal consequences for the child are different in such circumstances than if the relationship between the child and the parents is one that is based upon a court order for adoption. A relationship based upon a court order for adoption can be terminated by a court order and parental rights for all practical purposes cease to exist. This provision would seem to me to have the effect of protecting the child in ensuring that its relationships to its natural parents are not revocable merely upon the application of the Child Care Board or any other agency to terminate it.

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

On motion of Senator the Hon. D. G. BLACKMAN, the Senate resolved itself into Committee on the Bill, Senator the Rev. A. HATCH in the Chair.

SENATOR K. HINDS: Mr. Chairman, I beg to move that the Bill be taken as read and that Clauses 1 and 2 be taken seriatim and the remainder be taken in two sections of ten.

The question was put to the Senate and agreed to.

Clauses 1 and 2 were called and passed.

Clauses 3 to 12 were called.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I beg to move that Clauses 3 to 12 stand part.

SENATOR N. W. BOXILL: Mr. Chairman, I was not completely satisfied with the reply I got from the Minister. It did not say much at all if anything. The point which I raised was and which I continue to raise is why must this obligation be placed on one of the parents. Let us assume it is the father or it can be the mother that had the legal adoption of the child.

This might have happened because the man had this child and went away or *vice versa* the woman having had the child left and went away leaving the child with the man's parents and decided to adopt the child. They came back and things were going good now so they got married. Why should we ask these people to go to open Court to spend money that they cannot afford to spend unless we are looking for jobs for Lawyers because you have to carry a Lawyer to have this matter clarified when I think it should happen automatically. The moment these people got married this should automatically have resolved the issue.

Let us assume that there were two married people who had this child and all of this nonsense about children being born out of wedlock, illegitimacy and that kind of nonsense, and the people have separated so one person had the custody of the child by Law but then they decided to go back. What is the position? They decided to make up. They had not been divorced, they were only separated but they decided to make up. What would be the position so I want to know why.

If we are trying to help people as I believe this Bill is trying to do, why should we have an imposition placed on these people that they should go through the Court to have a simple matter like this that can be resolved between the two people simplified. This is the point which I have made and according to what I have seen here, 18(1) (a) is a new Clause. Why must this be imposed on these people?

I am supporting the Bill as you can see but at the same time we are dealing with Law and I do not want to see a lot of amendments coming up because we sat down in here like dumb driven cattle and passed legislation which we did not examine thoroughly, and I am therefore asking the Minister, if he does not know, and it is quite likely he does not know, to find out the reason why this should be because I do not want to hear next week when we come back in here that we have to amend an amendment to this Bill. It will be an Act then when it comes back and I do not want to hear that we have to make another amendment to it.

I am asking here if he can really convince me. Now Senator Deane was trying to explain to me that after they have gone back together they can separate again. I am saying that after they have gone back together that is a new matter. If they separate again, that is something completely new in relation to what had taken place before. This is now a new thing starting all over again and therefore you cannot take what the Hon. Senator was trying to tell me in the context of comparison to what I was trying to raise here.

I am not trying to be difficult or anything like this but I do not wish to look like a village idiot when I come in here and pass legislation and then somebody else outside asks me what have I gone in there and done. I just want to know that I can argue the reason why we are passing so-and-so. I do not want to agree with it just because the rest say "yes". If somebody says "yes" that is a matter for them but I just want to analyse it thoroughly and I think I am on good ground there and I would like him to clarify it a little bit more. I am willing to listen and hear what he has to say.

SENATOR C. DEANE: Mr. Chairman, Sir, this is how I see this. Let us take the sequence of things. The child is in the first place born out of wedlock and one of the parents gets an Adoption Order and then they get married and according to Senator Boxill they are going good but suppose they start to go bad and fight for the child again. Does the Adoption Order stand or does it not and would it not be better to get the whole business cleared by the parents while they are going good and have the Adoption Order removed. That is how I see it, Sir.

SENATOR THE HON. D. BLACKMAN: Mr. Chairman, I believe that Senator Deane tried to answer the question. What I did say before and apparently not very clearly to Senator Boxill is that there is a distinction between a relationship in fact and a relationship that gives rise to legal consequences. The status of a person at any given time in relation to society, and in relation to other persons determines the legal obligations of that person.

If one wants to argue with the naive realism of Senator Boxill, then one might well wonder why there is an immigration procedure since, if a man is living and working in the country and he is granted permanent residence, his activities or his person do not materially change. That is the *de facto* situation. That his status changes and in it there are practical consequences for a change of legal status is the *de jure* situation.

In so far as an adopted child is concerned, there are ways in which the relationship may be terminated and responsibility completely severed by an operation of precisely the same procedure which gave rise to the adoption.

In the case where a child is living with its natural parents, the same legal status *vis-a-vis* the parent does not exist and the consequences for the child are different.

In a foster situation you will see that the child has even less protection because the legal status between the child and the foster parents is even weaker based upon a mere Agreement between the parent and the Child Care Board but above and beyond this, as Senator Deane correctly pointed out, just as people move back together they can move apart again and then the question as to custody arises all over again.

I take his point which I believe is the only valid point that he has made and it is that if there is a presumption that natural parents by virtue of their marriage are going to live permanently together, it may be that an improvement on this legislation could be that the marriage itself could abolish the status of adoption between parent and child but I believe it is absurd to suggest that there is no difference and there are no practical consequences that flow from the relationship between the parent of an adopted child and the child or a natural parent.

There is this difference and it has practical consequences so if he is going to make the point that the Law as proposed should have read that marriage *per se* should bring an end to the adoption relationship, that is a different point altogether. But it is not valid to imply that the two situations are not different. He has to be guilty of naive unrealism to believe that something is the same thing because it looks like the same thing.

SENATOR N. W. BOXILL: Mr. Chairman, I hate to carry on on this because it looks like there is a vendetta, but if the Honourable Member is dull of apprehension, it is not my fault. He has said exactly in his last statement what I was trying to point out. Because of his attitude, because it comes from this Side of the Honourable Chamber, he does not want to accept what I am saying, but he realises the point and in on offhanded sort of way

he is now trying to say that if in my naive way and all of it, but my naive way does not prevent one from understanding unless one is completely totally dumb and all the other words. I am not going to use dull of apprehension.

The point which I am making is exactly the same point which the Honourable Member started to talk about. A point of Law is something different from a point of fact and he should have known that. I am assuming that he knows it, but I am not sure that he does, but the point which I made is the same point which he finished off his statement with and I pointed out earlier. I am not trying to be tendentious in any way about the thing, but we are here dealing with legislation concerning children and I am not going to sit down here like some dumb driven cattle and, because the majority say it is yes, I am going to say it is yes.

The point I have made is why make this imposition on the parents. He is talking about one way. He started to ramble, as though the adopter was not the sire of the child. Well, I am talking about the adopter being the sire or the mother of the child; as the thing here sets out quite plainly and the two people get married, why should this imposition be made on these parents that one of the parents must go back to the court to have the adoption cancelled? What I am saying here is that it should have been automatically cancelled. We are dealing with poor people because rich people these things do not happen with. At least when rich people get children, if they do not accept them so, they will support them, but they do not let people know. But, we are dealing with a Common Law situation. I particularly pointed out that when the woman went away or the man went away or started looking in opposite directions and then, eventually, they decided to look in the same direction and started seeing each other, and marriage comes along. Why should we make this here now that the person has to go back to the court? And you cannot open a High Court without your carrying along a lawyer! It is going to cost money. What I am saying is this should have been an automatic thing. If the Honourable Member does not understand what is meant by automatic, I mean immediately when they get married this should completely go through the eddoes. They should not have to worry about this. This should be there, you get married, the child is automatically your child. Here it is one of the parents whether it be the mother or the father has to go back to the court. Let us assume it is the mother. So, she has to spend all of her time down at the court getting a court order when she could be home cooking the same child's father food.

So you see, the point I am trying to draw to the Introducer of the Bill's attention, is to have this as an automatic thing that as soon as people get married, the child becomes theirs again. You do not have to go back to court to say that that child that I have adopted is

really my child so therefore, we do not have to adopt it any more. Do not get up telling me about naive and that kind of thing because I am the worst person in here for anybody to try crossing swords with because I can be very sarcastic and I can be so sarcastic you will have to ask me to withdraw one way or the other, so do not come with any freshness with me, Sir.

Mr. CHAIRMAN: Senator MacKenzie.

SENATOR J. D. S. MACKENZIE: Mr. Chairman, as I see it, the Law that is written here is quite in order because I think that if the Honourable Senator who last spoke would realise it, a civil ceremony of marriage of two people cannot overthrow the legality of a High Court order which has appointed the custody of the child to one of the parents and the Law here says that the parents may apply.

Now, if we just step back a moment, if two people have a child and one of them applies to the High Court for the adoption of that child and it is granted to them with the permission of the other partner, because you will recall that they may be consulted, or should be consulted, that makes that particular person the legal guardian of that child. Now, if they come back together and get married, the civil ceremony cannot overthrow the legality of the court order that gave the custody of the child to one of the two parents involved. The parents may, if they wish, apply to the court to have the adoption order cancelled. But, if they do that and they should then break up again, the court has to decide which one shall have custody of the child after the liquidation of the marriage. You cannot assume that both of the parents, or at least the one that has custody, will want to have the order of the court rescinded. So, it is written here that they may apply if the two people agree and the one that has custody agrees that the other one should share responsibility and the adoption order be overruled, then they can go to court. But, it is possible that where two people have a child and one has custody by a High Court order, they may not wish to give up their right to that child to the partner who they subsequently marry. It would be between the man and woman to decide, first of all the one that had custody whether he or she would want to give up that custody or that adoption right and then apply to the court. So, the Law, as I see it is quite reasonable and quite straightforward, Sir, and I hope that what I have said has made some contribution to the argument.

SENATOR N. W. BOXILL: Mr. Chairman, I am not going to let him get away with this. I am sorry if I am holding up the thing for the rest of the night. What Senator MacKenzie is trying to tell me, what I must understand from what he is saying is that if two people get married and have a child, one of the married

parents can say, well I am going and adopt this child. From what he has said, I am led to understand this. (ASIDES). From what Senator MacKenzie is saying this is tantamount to saying two people get married, have an offspring and one of the parents of the offspring decided, I am going and adopt this child. (ASIDE: You cannot do that.) They cannot, they should not. From what you said, this is exactly what I interpret you to mean. There is nothing further or more.....

Mr. CHAIRMAN: Senator Boxill, would you just give way to Senator MacKenzie, please.

SENATOR BOXILL: Sorry.

SENATOR J. D. S. MACKENZIE: Thank you, Sir. If two people are married, Sir, and they have a child and then the marriage is dissolved, then you have to go to the court so that one of them would be appointed the guardian of the particular child. But, that is a different situation from what is written here in this Bill.

This Bill is dealing with where there are two people who are not married, and they have an offspring. When that child was born one of the two of them applied to the court for adoption of that child with the consent of the other. Subsequently, they get married, it is at that point that the two of them can discuss whether or not they would like to apply to the court for the adoption order to be cancelled, but, that is the option of the partner that had the child adopted. But, the point I am making here is that a civil ceremony of getting married cannot nullify or overthrow a High Court order concerning adoption of a child. So, the two are not the same and I hope that explains it.

Mr. CHAIRMAN: Senator Boxill.

SENATOR BOXILL: No, Sir, it is not the same. The point I am making is that people get married and they live together for forty years after they got married, the marriage breaks down. You are telling me then that it is right for the partner who had the adoption of the child in the early stages says, well this is my child, I am going to carry it away, when that man has been supporting it for 40 years. You are looking for somebody to get their hand cut off or what, or their neck. You have to be realistic when you are passing legislation and therefore, I am saying that this should be a matter that the child automatically becomes the child of the parents and then..... as a matter of fact, after 40 years, he is not a child anymore unless he is a moron like some people around the place, he would be a man I hope. But, I just brought in that as an analogy. It was a bit far, but let us assume that they were married for fifteen years, you mean then that after fifteen years because they got married after the child was adopted a year, the child is sixteen.

Do you mean to tell me that after this man had been supporting this child for all this time, and the marriage happens to be dissolved, you will tell me that one parent will say it is his child and he is taking it with him? You are creating a situation that all this legislation that is being passed is causing more problems than helping. This is why I am saying that automatically the child should become the child of the parents and not the child of a parent, that one can decide to move away with the child saying it is his.

I am trying to prevent what I can foresee, because I can see a lot of things further than a lot of people, and if we pass this as it is legally, the adopter of this child is going to claim it is his child; he will not be anything to do with who sired it or who produced it, and therefore I am asking the introducer of the Bill to have a second look at this, not because I have raised it; I have not raised it to be obstreperous or to stop legislation. I raised it because I do not want to pass legislation and the next two weeks to be coming back in here...(ASIDE). The hon. member says I am wasting time. I would be wasting time because I know he does not understand what I am saying, but it is not my fault, he must quarrel with the other people. If God made all of us he could only give some of us a certain amount of brain, all of us do not have the same amount of brain to comprehend what we are saying or what other people are saying, so he cannot blame me for that.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, there is nothing to reply, to and I usually treat personal abuse with the contempt of silence that it deserves.

The question that clauses 3 to 12 inclusive stand part of the Bill was put to the Senate and agreed to.

Clauses 13 to 22 were called and passed.

SENATOR THE HON. D. G. BLACKMAN: Mr. Chairman, I beg to move that the Senate do now resume and the Bill be reported.

The question was put to the Senate and agreed to, and Mr. CHAIRMAN left the Chair and the Senate resumed, Mr. PRESIDENT in the Chair.

On the separate motions of SENATOR THE HON. D. G. BLACKMAN, the Bill was read a third time forthwith and passed.

THE PREVENTION OF CRUELTY TO CHILDREN (AMENDMENT) ACT, 1981

SENATOR THE HON. D. G. BLACKMAN: Mr. President, this is yet another important piece of legislation designed to protect the rights of the child.

Child abuse and cruelty to children can have unfortunate effects of deforming and warping the personalities of children, and long after individuals cease to be children one can see the marks of their inferiority complexes and their hate of other people manifested. Even in this Chamber we find individuals whose psychological problems perhaps can be traced back to an unfortunate history of childhood.

Mr. PRESIDENT: I am not sure how to take that. I think perhaps it would not be nice to say things like that about members.

SENATOR THE HON. D. G. BLACKMAN: Mr. President, one gets the impression that even in this Senate the existence of child abuse in Barbados has had its unfortunate manifestations. I hope that that formulation is acceptable to you, Mr. President.

It is the purpose of this legislation to move a step forward in producing mentally and psychologically healthy adults within this society. We know that in this society where there is a pervasiveness of self hatred among people because of their class origin, because of their height, because of their colour or other perceived defects, we know that these particular problems create pathologies in individuals, Mr. President, that as the years go on cause antagonism and hatred to fester within them and they become a menace to society. That is why this legislation which seeks to amend the Prevention of Cruelty to Children Act is of such importance to ensure that those of us who want to live decent and peaceful lives are protected from the pathological in our midst.

Within recent times one of the phenomena of child abuse within this society has been the existence of children living unattended. Small children are left at home to discharge responsibilities which create great emotional and other stress because of their limited capacity to undertake the burdens of responsibilities that their parents thrust upon them. Within the Psychiatric Hospital, their statistics reveal that within recent times there is an increase in the number of emotionally disturbed children, and one of the causes of emotionally disturbed children is the fact that working parents leaving the home tend to impose great responsibility upon these children which they cannot bear. That is why this legislation seeks to deal with problems relating to the unattended child.

Any person having the care, custody or control of a child under 12 years of age, who leaves the child unattended for an unreasonable period of time without making reasonable provision for the supervision and safety of the child, is guilty of an offence and liable on summary conviction to a fine of \$1,000 or one year's imprisonment or both. When one looks at the number of fires that have taken place within recent times arising from the presence

of unattended children within the home, one can understand the importance of that particular provision.

Under the Prevention of Cruelty to Children Act, Mr. President, provision was made for children who are mistreated to be looked after by the Local Government Commissioner. The office of Local Government Commissioner is now a thing of the past, and therefore, Mr. President, since the responsibility for child care in its entirety will now be that of the Child Care Board, this Act seeks to make the appropriate provision for the Child Care Board through its legal authority in cases arising from problems provided for under this Act.

Also under this Act that is now being amended, the practice has been to regard the gaol, the magistrates' court and the police station as a place of safety. Now the definition of a place of safety will be a child care centre. We believe that that is part and parcel of the humanistic thrust to ensure that our children get the proper care.

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

On motion of Senator the Hon. D. G. BLACKMAN, the Senate resolved itself into Committee on the Bill, Senator the Rev. A. HATCH in the Chair.

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

Clauses 1 to 8 inclusive were called and passed.

The Schedule was called and passed.

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

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

THE CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) (NO. 2) ORDER, 1981

SENATOR O'B. TROTMAN: Mr. President, I beg leave of the Senate to deal with Item No. 11, a Resolution to approve the Civil Establishment (General) (Amendment) (No. 2) Order, 1981, which I believe was circulated today to hon. members. There is some urgency involved in it and we would be very grateful if hon. members could indulge us this evening.

Mr. PRESIDENT: Is it the pleasure of the Senate that this Resolution be dealt with today?

If there is no objection, Senator Trotman may proceed.

SENATOR O'B. TROTMAN: Mr. President, during the debate on the revision of salaries to public officers last year, the Rt. Hon. Prime Minister in the Other Place did make mention of the fact that there were various categories of workers in the Public Service whose posts were in need of some examination with a view to having them reclassified. One such group, Sir, was the Air Traffic Control Officers and other technical officers at the Civil Aviation Department, and Government some time had decided that that group would be regraded. It was not a matter of waiting until somebody wrote from some institution asking for the reclassification. I believe that you will find according to the record that the Prime Minister's promise for reclassification for the Air Traffic Controllers came prior to any request from any organisation for reclassification, so Government in fact recognised this early.

I believe, Sir, that the advocate for their cause is as good an advocate or better than any organisation whether it be a Q.C. on the Bench or be acting as Deputy Prime Minister, and that case was long put to the Government and the Government has accepted it.

The Resolution before us this afternoon does not entirely meet the requests which the workers have put in for reclassification but it is believed that the proposals are reasonable and that they will become accepted.

The Resolution, Sir, seeks to be back-dated to April 1, 1981. It upgrades the Post of Airport Manager, Sir, to Group "C" in the salary group which puts the Airport Manager in the same category of such workers as the Chief Engineer of what was the Waterworks Department and the Hospital Director.

The other Technical staff affected, Sir, the Technical Director is now graded "D" which puts him in the same salary group as the Chief Surveyor, the Commissioner of Valuations, the Senior Medical Officer of Health and the Chief Magistrate.

The Technical Officers who were formerly with the Chief Executive Officers are now upgraded to salary Group "G" and that, Sir, puts them with the Technical Officer in the same salary grouping as Technical Officers, as the Chief Audio-Visual Aids Officer, Senior Town Planners, Senior Systems Analysts and Senior Surveyors. The upgrading, Sir, goes down to the category of Cadet throughout the entire Air Traffic Control System with all of the grades being somehow upgraded one way or the other and even, Sir, with the General Services posts, the post of Telephone Operators, provision is being made for the supervisor of the Operators and the Personnel Section has been strengthened with upgradings

of the Senior Executive Officer and the existing Executive Officers to the Grades of Senior Personnel Officer and Personnel Officer, Sir.

I beg to move that the Senate concur in this Resolution.

SENATOR N. BOXILL: Mr. President, this is unfair to us on this side. I have said it before and I will repeat it again and I will say it slowly. We on this side have no intention of trying to stop or to be obstreperous, phlegmatic, stubborn, contentious, all the words that go with this to stop legislation from passing in this Chamber. But it is not fair to us, Mr. President, and I heard you earlier made a remark which I was going to take up. Since you took it up I did not bother to repeat what you had said, Sir. It is not fair to the two of us on this side. There are 19 of us in here against two of us and it is not fair that somebody should bring something like this and thrust it down our throats.

Mr. PRESIDENT: Just a minute, Senator Boxill. When the Minister asked for leave to deal with this Resolution I put it to the Senate. That was the time when you should have made the objection which you are making now. I asked the Senate's pleasure to deal with this Resolution and there was no objection and I said there being no objection approval would be given. It does not seem to me that this is the time that you should be making that objection.

SENATOR N. BOXILL: Mr. President, the reason why I did not get up just now is because I am not a puppet on a string so that everytime something comes in here I have to jump up playing that I am opposing it. As I said before we are going to vote for this Resolution because I do not wish airplanes to be coming in here without somebody guiding them in. I do not wish a catastrophe in my country.

The point I am making is, that the reason why I did not get up just now as with former things which I have objected to, they were still carried against me. So I did not waste your time and the time of the Senate in objecting. I did not want that to be recorded.

Mr. PRESIDENT: Senator Boxill you are entirely mistaken. You have perhaps not been long enough in this Senate to realise the position of the President or other Presiding Officer if I am not here. It remains the same that the interest of the minority is protected and if the Presiding Officer is satisfied, I or the Deputy President or whoever it may be, that there is a sufficient reason not to allow a measure to be taken, he would not allow it to be taken.

I would not have allowed it and my deputy would not have allowed it but I put the question to the pleasure of the Senate and that was the time you would have said anything. You made no objection and I had unanimous approval to allow this matter to be taken after the introduction of the Resolution suggested that it was a matter of urgency. You made no objection and I am not having any objection now.

SENATOR N. BOXILL: With all due respect to you, Sir, if I may be new up here you must remember also that I had 10 years down below and if there is anybody who would know the Rules of both Chambers, I would know them, Sir, and better than a lot of people up here.

The point that I was making as I have said before, Sir, is that I am not objecting in any case. If I had raised any objections I would still have agreed to deal with this matter because, as I said before, I do not wish aircrafts to be coming here without anybody guiding them in. I made my point explicitly clear, I thought, but the point which I was making, Sir, that to bring something before us when we cannot relate to what the salaries were before or the Grades to which these people have gone up to, is just asking me to be a rubber stamp.

Mr. PRESIDENT: Why did you not object at the time when it was requested?

SENATOR N. BOXILL: Mr. President, I said the reason why I did not object was because I had seen that I have objected to the Maintenance Bill being thrust on us the way it was thrust down our throats and those other members got up in the Chamber and agreed with me, yet they still agreed that we should carry on with the Bill. So, as I pointed out to you, Sir, I did not want to waste the time of the Senate and my time by being obstreperous and objecting because I can object, even though I have great faith in you and the Deputy President of the Senate. I did not want to appear that I am the "most man" and that therefore I am going to object because I can object.

Mr. PRESIDENT: All right. Raise it on a Substantive Motion at some other time but let us continue with this.

SENATOR N. BOXILL: Right. I am continuing, Sir, but you are the person who stopped me. The point which I am making, Sir, you have a series of promotions taking place here. There are none of us in this Chamber who, at the moment, I can say have related this substitution "C" for the word "D" appearing in the column headed "Code No." opposite the office of the Airport Manager. (ASIDES). This is foreign to a lot of us. Anything is foreign to you and

therefore I am saying, Sir, that while we are going to agree at this stage we are going to vote "yes". We are not going to disagree with it but I am sounding a warning now that I did not object when you raised it and I gave the reasons why I did not object but I do not think it is fair to the two of us for an hon. member to come around in the late evening and thrust something in your hand after you have had your fill and then expect you to do justice to it. It is not that we are going to object.

Mr. PRESIDENT: You have already had my opinion on that one. Proceed with the merits of this one, if you wish.

SENATOR N. W. BOXILL: Item 10, substitute the word D for the word H appearing in the column headed code number opposite the office of Airport Manager. I would like the Introducer of this Bill, when I sit down to get up and explain to me what these people were getting, what they asked for and what they are getting now because he said when he got up that they were not getting what they asked for. I am wondering, Sir, if now that we sit down in here and pass this legislation if this will assuage the situation that is going on up at the airport. (ASIDE).

Mr. PRESIDENT: I take it that you would like to know whether this is satisfactory to the people.

SENATOR N. W. BOXILL: Yes, Sir.

Mr. PRESIDENT: That is a very simple way of putting it.

SENATOR N. W. BOXILL: But, that is the way I put it.

Mr. PRESIDENT: Alright.

SENATOR N. W. BOXILL: After Item 10, add 10(a), Senior Personnel Officer Z9-1 and then 1 and 1 OB Personnel Officer Z15 to 10 1. Item 11 substitute the word D for the word E appearing in the column headed Code Number opposite the office Technical Director. What I want to know is if these new rates have met with the approval of the officers up at the airport and if we are going to have them going back to work happily or if in the next week or so we have to come back in here and make fresh arrangements raising the grades of these people because, not having a chance to look at the grades in the Index, we cannot say if they are going up or if they are coming down. You are asking us to agree to something that we really do not know anything about. At least, I do not know anything about it. I hear one Honourable gentleman say that he knows about it, but I have my doubts about that.

I would like the Honourable Member who introduced this Bill to answer the questions I asked, what these people have gone up to and what they will be getting now.

Mr. PRESIDENT: Senator Franklin.

SENATOR W. O. FRANKLIN: Mr. President, I must admit that I am quite saddened by having to continue this debate on this very important matter and I would appreciate if the mover of the motion notes the fact that we were just handed these and appreciates the fact that because he stated the urgency of the matter that we have reluctantly agreed to go ahead with it, if he were more factual just for my information and just let us know what were the proposals; how these proposals meet with the proposals of the people; if need be, the major grievances, and why he is changing a Personnel Officer instead of Senior Executive Officer *et cetera*? Because it seems to me, had I been given the opportunity this is one of the things I realise having spent a long time in the service, I realise the tremendous spin-off that a reclassification in a particular section of the Service can have and I am certain that I would be in a position to make a worthwhile contribution to it.

I really, Mr. President, Sir must ask you to beseech the people on the Other Side to let us have a bit more time to study this legislation so that we can make a meaningful contribution to it.

Mr. PRESIDENT: Senator Hatch.

SENATOR THE REV. G. A. HATCH: Sir, because of the increase of air connections to neighbouring islands, it is becoming increasingly common that people go to neighbouring islands, do their business in a day and return the same night. It is also practice that people go to a neighbouring island, come back the following evening and have two full days for their business, or pleasure, or whatever. There is need therefore for a long stay section of the parking facilities for automobiles at the airport. It is a relatively simple feature which should attach to any considerable airport that such a car park for longer stay persons and their cars is provided.

I ask the Honourable Minister, therefore, to bring it to the attention of the powers that be, the correct authority, that there is the need felt within the community for a long stay car park at the Grantley Adams International airport.

Mr. PRESIDENT: Senator Trotman.

SENATOR O'BRIEN TROTMAN: Mr. President, Sir, as I understand it, the question of reclassification of

posts is not a matter of how much increase in pay an officer gets. In fact, Sir, there is absolutely no reason to believe that the reclassification of posts does not at some time involve the downgrading of posts. It is not necessarily a matter of giving people more money. Therefore, we do not have the same hard facts to deal with in matters of reclassification as we have in questions of salaries revisions. There is no hard fact as to what the movement of the index of retail prices was, there is no hard fact as to how well off we are or are doing or as to how well off we are or are not doing. It is to a very large extent, Sir, a matter of opinion as to how the one person values the service performed by a particular office vis-a-vis other offices. Therefore, Sir, the question of classification and reclassification is a delicate matter which is usually a long dragged out business while opinions are being matched wherever possible.

In my opening brief remarks, I said that several posts, in fact, most of the posts at Civil Aviation Department, were considered in need of some further reclassification. I went through the classification group, Sir, which is found in the Civil Establishment Order, 1980 and they are also set out, Sir, at cover Appendix B of the Schedules of Personal Emoluments for 1981-82. It is against a background, Sir, of the salary groups and how posts are graded in those groups that the present dispute, or if one wants to call it a disagreement, that the dispute has arisen, I said, Sir, I do not want to go into that very much because the movements are set out in the Schedule to the Resolution, Sir.

I said earlier, Sir, that the Airport Manager — Item 9 for the Honourable Senator's benefit on the Schedule is Airport Manager — Sir, used to be graded in the group called "E" in the salary groups. The group in which groups of persons like the Port Manager, the Deputy Chief Agricultural Officer, the Deputy Chief Technical Officer, the Deputy Chief Education Officer, a Medical Officer of Health, a Senior Consultant at the Hospital, that category of worker was classified with the Airport Manager. It is now considered that an acceptable grouping would be the group "C". I went through that, Sir, and I said, Sir, that the group "C" would include the Chief Engineer, I remember saying of the Waterworks Department, the Hospital Director and the Deputy Director of Public Prosecutions. I believe, Sir, that I went through most of that in the opening comments. The question of Personnel Officer has some merit in the point.

The post was originally Executive Officer which was a post involving the general management of the airport, but it has now become a specialised matter with the airport expanding at the rate it has and there is need for greater personnel expertise at the airport, and no longer can the duties of personnel be assigned to a person who is merely trained in how to keep basic Government accounts or how to manage the cleaners and sweeping division. It is

recognised that personnel is a specialty and the upgrading and change of name have to do with the recognition of the change of duties at the airport, Sir.

The question that the Senate approve of this Resolution was put to the Senate and agreed to.

Mr. PRESIDENT: The Minister would like to recommit the Item Presentation of Papers. I believe he has got a late Paper.

PRESENTATION OF PAPERS

SENATOR THE HON. D. G. BLACKMAN: Mr. President, I would like to seek your permission to lay the following document:

The Evidence (Proceedings in Other Jurisdictions) Rules, 1981.

Mr. PRESIDENT: The Bills of which notice has been given and which appear on a Supplementary Order Paper are hoped to be dealt with on Friday. I propose to suspend this sitting until 12.00 noon on Friday, the 22nd.

SUSPENSION OF SITTING

Mr. PRESIDENT: The sitting will be suspended until 12.00 noon on Friday, 22nd.

On Resumption —

Mr. PRESIDENT: This Sitting is now resumed. Can we go back to the item "Laying of Documents" because I believe there is a document that Senator Trotman would like to lay.

PRESENTATION OF PAPERS

SENATOR O'B. TROTMAN: Mr. President, I am commanded to lay the Annual Report of the Central Bank of Barbados for the year 1980.

ROAD TRAFFIC ACT, 1981

The Sixth Order was called — To move the Second Reading of a Bill to revise and consolidate the law relating to road traffic.

SENATOR O'B. TROTMAN: Mr. President, Sir, the Bill before us seeks to update the Road Traffic Bill as well as incorporate the provisions of the Motor Vehicles Insurance Act in one bit of legislation.

To point to some of the features of the new legislation, Sir, in Section 10 of the Bill, Subsection 5, provision is made for the issuing of a new kind of licence

plate in Barbados. At present, Sir, all vehicles are really registered with the numbers and the letters indicating the parish in which the vehicle is normally kept.

Section 10(5) provides for a new system of registration and as from implementation of this Bill taxis in Barbados will be lettered "Z". The self-driven or hired cars will be lettered "H". Minibuses will get their own letter "B". Motor omnibuses will become "BM" and Tour Coaches which are defined in the definition of the Bill will become "BT".

The reason for the new plates is to make it easy for persons using public service vehicles to identify whether a vehicle is a vehicle so registered for that purpose so that if one wants to use a taxi one would know that one has to use a vehicle lettered "Z", etc.

It will also assist the Police in identifying vehicles and it would be easier for them to know whether a vehicle is being used for the purpose it is registered or not. For example, Sir, there are some vehicles which are being used in Barbados as minibuses whose owners have not licensed them as minibuses and in fact for which no minibus licences have been issued in accordance with the Licence fee for minibuses.

The same thing happens as far as taxis are concerned and it is hoped that the new arrangement will somehow reduce the problems by identifying taxis, minibuses, buses and hired cars.

Section 11(2)(c) creates a new numbering as well. At present Consuls and Diplomats have licence plates prefixed "FC" or "CD". There are however, Sir, in Barbados persons who are not diplomats but who are representatives of International Organisations, FAO, the European Common Market and various other organisations who enjoy the same facility in other areas as diplomats and it is considered that they should be given numbers which would easily make them identifiable. They will now become like "M" numbers.

Section 13(2) provides for provisional licences. The law at present gives an excuse to persons using vehicles on streets without a licence plate, an excuse that he was on the way to have a particular licence at Rates and Taxes Division. That will no longer be possible since provisional plates can now be issued so that if Mr. A buys a car from Mr. Z he can go and get a provisional number which he can use for 30 days when he is getting his proper registration organised and therefore there will be no excuse to have an unregistered vehicle on the street at anytime at all.

Going hand in hand with that, Sir, there is a proposal to restrict the use of what are commonly

known as garage numbers. At present garages are allowed to use special licences for vehicles under their care. It has been noticed, Sir, that vehicles have been bearing garage numbers for, in fact, months and those vehicles can be seen on the streets at night. The new proposal is that garages will have the use of garage numbers only during business hours when, in fact, the vehicle can be under the control of the garage and therefore this will reduce some of the abuse of garage numbers such as exist at present.

Section 15 of the Act, Sir, deals with the matter which perhaps affects all of us because normally in the month of June all of us hurry to the Rates and Taxes Division to get our cars licensed because at present all licences expire on the 31st May and therefore it is necessary to have them renewed in the month of June.

This will no longer be so and the renewal of the licence will be on the date of the anniversary of the date on which the vehicle was first registered and it is hoped, Sir, that after a few years with the removal of vehicles from the streets because they are old, the importation of new vehicles and the resale of second hand vehicles that there will no longer be a rush at the Rates and Taxes Division on the 1st of June to have licences paid because one can then pay licences technically all through the year. This would reduce the workload at Rates and Taxes and hopefully produce a more efficient system of licensing.

At present, Sir, if the original owner of a vehicle sells that vehicle to a second person, the second person is allowed to retain the licensing of the vehicle with a mere transfer tax of twenty-four cents payable to the Rates and Taxes Division. The new Act, under Section 18 allows the original owner of the vehicle to retain the licence and therefore places an obligation on the new owner to have his vehicle licensed so that Mr. A who sells the car has his original number, if there is any difference in taxes, he pays it and keeps his original number. It is not considered to be a Budgetary matter, Sir, but one of assisting the Licensing Authority in keeping their records proper.

As I said earlier, Sir Part IV of the Act entirely replaces the Motor Vehicle Insurance Act. Section 69 of the Act reduces the age of persons to whom licences may be issued in Barbados. At present, persons under the age of 17 may not hold licences and persons under the age of 21 may not drive heavy duty vehicles. Under Section 69(1) provision is made for person of 18 years to drive public service vehicles, motor tractors, heavy goods vehicles and indeed, motor omnibuses and the right is given to persons of 16 years or older to drive the other kinds of vehicles.

One very new thing in the Bill, Sir is the question of demerit points which are provided for in Section 79 of the Bill. In subsection (1) it says Sir:

"Where a person has been convicted under this Act or the regulations of an offence set out in column 2 of the Sixth Schedule, the Commissioner shall record in respect of that person the number of demerit points set out opposite that offence in column 3 of that Schedule."

Schedule 6 gives the system of demerit points.

For not reporting an accident involving an injury one is given 7 demerit points.

For not stopping after an accident, 7 points.

Driving without due care, 4 points.

Driving without reasonable consideration, 4 points.

Dangerous driving, 4 points.

Exceeding speed limit by 50 or more kilometres per hour, 7 points.

Exceeding speed limit by 40 or more kilometres, 6 points.

Failing to obey a stop sign, 6 points.

Failing to obey a light signal, 6 points.

Failing to comply with the lawful direction of a member of the Police Force, 4 points.

Overtaking improperly, 4 points.

Not making appropriate signal when stopping, turning or slowing down, 2 points.

Exceeding the speed limit by 20 or more kilometres, 2 points.

Negligent interrupting free passage of traffic, 2 points.

Causing unnecessary obstruction, 2 points.

Parking on restricted places, 2 points.

The aim there, Sir is to make persons driving vehicles more conscious of the value of their licences because Section 79 continues to say in subsection (7) where a total number of 14 or more, but less than 18 demerit points has accumulated in the record of a person the Licensing Authority may require that person to appear before him for an interview and to furnish such information, evidence or material to show cause why his driving licence shall not be suspended. Sections 8, 9, 10, 11, 12, 14 provide varying penalties for varying numbers of demerit points appearing on one's licence and one can in fact lose one's licence, as I see it for a period of six months if one records a number of 14 demerit points in any one year.

Section 114 Sir of the Act places some obligation on the owners of vehicles to make sure that persons

driving those vehicles are not forced into using vehicles in violation of the Law since the owners themselves will be held jointly responsible for offences, unless as pointed out in subsection 1 (b), the offence was committed without the consent of the owner. That is probably necessary, Sir because some drivers of vehicles have argued that they could not possibly have known that a vehicle for example had faulty brakes until they needed their brakes urgently and then the brakes were not functioning properly and that seeks to put some onus on the owner of the vehicle for not ensuring that the vehicle is properly serviced, *et cetera*. It also makes provision Sir for persons not being able to say, it is not my fault if the car was used as a taxi because I was not driving it. The fact that the car is your car and licensed as a private car, it is your responsibility to some extent to make sure that it is not used as a taxi or other public service vehicle.

Section 121 of the Bill, Sir introduces the system of parking tickets and gives some authority to Traffic Wardens for whom we provided two weeks ago, the authority to issue parking tickets in certain instances.

It is hoped, Sir, that this will relieve some of the work from the courts instead of having the courts tied up with persons who might wish to plead guilty of parking offences.

The Bill makes provision as well, Sir, for the Minister to amend the speed limits, provided that he has given adequate notice in the Official Gazette. The intention is that the Minister might wish in his discretion to amend the speed limits, for example, Sir, in areas around industrial parks, where pedestrian traffic is heavy, and which would not be under the slow speed limit of the City but where it might be necessary for the safety of workers to have lower speed limits, and provided, Sir, that notice is given for one month in the Official Gazette by three publications, the Minister is so empowered to amend the speed limits in the country. I know that there is a general proposal to lift the general speed limits anyhow throughout the country in order to accommodate the modern type of vehicle we have. (ASIDE). It is not a funny point, because it is destructive to a \$40,000 car to have it driven around Barbados at 10 miles an hour.

The Bill, Sir, also provides a new offence in law known as causing the death of another person by the driving of a motor vehicle on a road recklessly or at a speed or in a manner dangerous to the public. The penalty for that offence is ten year imprisonment on conviction. The reason for that, I understand, is that the courts have been having difficulty in getting convictions where persons are charged with manslaughter in the event of persons dying through their faulty driving on the roads,

and it is considered that the new offence will allow the courts to punish offenders more easily.

Throughout the Bill, Sir, if you have the one that is amended, you will find that there is a new term called the Licensing Authority. At present motor vehicles are serviced by the Police Department, who do testing of vehicles, who do the licensing of persons who wish licences and driving tests. The Rates and Taxes Division collects the road tax, M.C.W. provides inspections, and it is proposed that one licensing authority to take over the responsibility of those three departments would thereby make it easier for those persons who have to use motor vehicles.

There are several amendments which were made in the House which are not in the Bill circulated and to which I will have to turn attention in Committee, but mainly it has to do with replacing the term "Licensing Authority" for "Commissioner of Police" or for "Chief Technical Director" or for "Collector of Taxes".

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

SENATOR J. D. S. MACKENZIE: Mr. President, this Bill which would revise and consolidate the law relating to road traffic in my opinion is a case of what I call rushed legislation, and legislation prepared without consultation amongst various sectors of the community that it obviously would affect.

Basically the Bill has some very good changes over the past laws relating to road traffic, but it also has some very bad points to it as well. On the good side, Sir, I think it is in the interest of everyone, and I welcome to see, that the Sixth Schedule which enumerates the demerit points that people would obtain if they committed various violations, I think this is a good thing, because I am sure we will all agree that far too many infractions and carelessness is going on at the present time and that we would like to see people drive with greater caution and thought for other users of the road. This really and truly is only relevant if it is properly policed. If there are no police there to see when these things happen, then having the Schedule in the law is of little effect, and I feel that one of the ways in which it would help to increase the way in which people use the highways would be for us to have a greater presence of the Police Force on the roads. I feel that right now there is a gross lack of it, and it is a rare sight to see a policeman along the road.

With regard, Sir, to the things that concern me most, let me go back to this limited trade licence. Limited trade licences are issued to garages or people who repair cars for the purpose of taking those cars on to the highway for testing or for — and they list here in a

Schedule on page 20, section 8(1), all the various reasons that people would want to use red numbers, or trade plates as we call them — but, Sir, one of the uses of these trade plates is stated in 8(1)(e), and it says here: “.....if the vehicle is being tested or taken for trial for the benefit of a prospective purchaser.” Now, there are I think nine garages that are the dealers for the various new vehicles and new cars which they sell. In the past — and I am going back now let us say 20 years — in the past these trade plates primarily were used to facilitate the demonstration of new vehicles to prospective purchasers.

In this legislation they have introduced two things that would make life very difficult for this to be done. First of all, Sir, on page 19, section 7(4) says:

“No persons shall use a limited trade number plate or permit a limited trade number plate to be used on a vehicle unless such number plate is submitted to the Licensing Authority and stamped in a manner approved by it.....”

and this is the part that worries us,

“.....and such a number plate shall only be used between 0600 hours and 1800 hours on any day.”

If we ask the question, Sir, why, first of all I do not know why the limitation on the hours of use was introduced here, because in the everyday business of garages if a person wishes to buy or purchase a new car, very often they request the salesman to bring the car around to their home that their wife and family may see it, and go for a drive in it and try it.

That means that the salesman has to take the car out when he leaves work at 4.30 p.m. to meet the people at home either at 5 o'clock and sometimes at 6 o'clock so from the time that he demonstrates the car to the prospective purchaser at his home for his wife to see it, he cannot get back either to his own home or to the garage before it is 6 o'clock in the evening. So I see no reason why this stipulation from 6 o'clock in the morning to 6 o'clock in the evening is a necessary stipulation. I cannot see the rationale or the reason for imposing that condition upon people who sell new cars.

The next thing is that on page 22, section 9(1) we see here that “the Licensing Authority shall, upon the issue of a limited trade licence, supply to the person to whom is issued a limited trade licence book, in this section referred to as “the book”, in a form approved by the Commissioner.” It goes on to say “the holder of a limited trade licence shall, on every occasion before he uses the licence, make an entry in duplicate in the book setting forth (a) the purpose for which the licence is

being used.” In other words, if it is during the day the purpose may be for testing the vehicle or for going to Highways and Transport to pass it or to go and have it weighed, and they will state it. If it is being used during the day also it may be for demonstration purposes to a prospective customer, but where the salesman has to go that afternoon, the second thing it says that “the proposed route of the vehicle in respect of which the licence is being used” has to be stated in this book.

So if I were coming to give a demonstration to the Hon. Senator who introduced the Bill, to him and his family one afternoon at 5.30, I would have to write before I left my garage the route that he wants to go when he drives this car. He may want to take the vehicle to see how it performs in a hill, but yet I have to fill it out before I even talk to him that afternoon, and then I have to carry that with me, so that if I am stopped I will tell somebody what the route is going to be. So with this legislation, Sir, no one really consulted anybody in the garage business about this at all, and to me it does not really make any sense, and it is really a serious problem.

Again the Introducer of the legislation spoke about an abuse of red numbers. Sir the red number can no more be abused than the number plate that is on my car on your car or his car, because the red number pays a licence fee for the garage on a car or a vehicle for a whole year on the highway, and if it is used periodically or it is used in the evening or it is used by someone who is a small operator who may have only one trade plate on a particular car until he can sell it, that is not an abuse of the number. The Government is not losing any revenue as a result of this no more than they are losing revenue for the licence he pays on his own personal car because both the red number trade plate and the personal car pay the licence for a year; so I do not see how we get to talk about abuse of a red number, and the restrictions in this Bill are really I think, what I call, vexatious and very difficult and will cause a great deal of problems particularly to the major garages.

They talk about issuing a book. When it comes to the garages they have to issue hundreds of books, not a book, because garages, Sir, have on an average about six red numbers or six red plates. Two of them usually are used in the shop for road testing of vehicles, and each time a mechanic goes out now, they are going to have to write up in the book the route they propose to take to road test this vehicle, which is a difficult thing. Even for the testing of the vehicles, Sir, I can understand the book being a necessity where you want to keep track of who had the car or the vehicle. That is necessary in case somebody reported that an infraction of law had occurred and they want to know who the guilty party is, but it should not be applied across the board to people who are selling

cars, and I cannot understand for the life of me this magical 6 o'clock in the morning and 6 o'clock in the evening. It does not make sense. When I go out to the Hon. Introducer of the Bill to show my new car in the afternoon, I cannot get back to the garage when it is open because I have gone at half past five and it closes at half past four, and so I have to go to my home with the car and the next day I have to drive it out, and the chances are one hundred to one that I will be picked up after the demonstration after six o'clock. So that is a hazard that we will have to face, and the legislation does not make sense in respect of that.

They have also on page 36, Section 20(1) — Exemption from tax of motor vehicles used for agricultural purposes and the use on the road of such vehicles. "All motor vehicles used exclusively for the purposes of agriculture are exempt from taxation under this Act, but a vehicle so exempt shall not be used on any road except for the purpose of crossing from one part of a property to another part of such property or from one property to another property." Here, Sir, they are obviously referring to what we know as track laying type vehicles; they are not referring here to motor vehicles in general; they are referring to one particular type of vehicle, and the other thing that this suggests is that similar type tractors that are not used in agriculture such as track laying type vehicles used in industry, bulldozers and those types of tractors we will have to assume will have to pay a licence now although they will not be running on the road. I am thinking of equipment like what R. N. Construction or C. O. Williams or the Ministry of Communications and Works and those people use: caterpillar tractors or international tractors with bulldozer blades and are the track laying type that are not allowed to run on the road. These things are not used for agriculture exclusively; they are used to clear sites, they are used in building and they are used for industrial development, but by this exemption it implies that they will pay tax although they are not going on the road and that the only one that will get off is the motor vehicle used exclusively for the purposes of agriculture.

The definition that they have in here of "land tractor" is an attempt to try to define a track-laying type vehicle, and it is a poor excuse for any form of definition and defies a clear understanding or definition of what it is they are trying to talk about.

I think that many areas in this Bill are badly written and it is a clear case of trying to rush legislation, it is a clear case of not consulting people who are involved. This is written by somebody on high and as the saying is, they want it to come down willy-nilly.

There is one other thing I would like to ask a question on and it has to do with page 87, at the bottom. The introducer of the Bill, Sir, spoke and I read it:

"Subject to this section and to section 62 any person who is 16 years of age or older, and not disqualified by virtue of this Act, may obtain a driving licence to drive a light goods vehicle, land tractor or a heavy motor cycle."

Sir, it always has been in the past that when you reach age 17 then you can get a Driver's Permit for a private motor car and for these other things. I see no rationale to allow a 16 year old to obtain a Driver's Permit for a light goods vehicle which by definition weighs 3½ tons and he is denied the right to get a private motor car driver's licence. I do not see the rationale for it. I can understand of those three things mentioned in here, the light goods vehicle as the odd one out.

I can understand a young lad obtaining a motor cycle licence but not a heavy one but a light motor cycle licence. I can understand him driving a land tractor because it is not on the road. It is on his father's land so he can drive it. He will be with his father and he can drive the tractor and he can plough the fields if he is so gifted and he would do no harm to anyone but to put him to drive a light goods vehicle at age 16 defies the rationale.

Sir, I am very concerned about the errors that are in this Bill and the difficulties that would be imposed upon people in the car trade by virtue, particularly Sir, of what they have written about trade plates. It is extremely restricted. It is difficult for us to administer and it is something that we would like to see redone or rediscussed or something done about it but to pass it this way, Sir, I really and truly could not agree to the legislation in its present form.

With regards, Sir, to insurances, I realise that they have tried to broaden the base of insurance not only now to cover Third Party damage to persons but they are making it mandatory to cover Third Party damage to persons as well as properties to a limit of \$10,000.

I have no quarrel with that but I would merely point out that a lot of people now carry full Third Party Fire and Theft Insurance which is damage to both property and persons and a lot of people who cannot afford to run a car merely carry the level of Insurance that the preceding Act used to call for which is Third Party Insurance only. This will force them to take a large liability now of Insurance and consequently it is going to increase the Insurance premiums for those people.

If that is what is desirable, I will not in anyway go against it. I merely point out that by doing this, broadening the base of the Insurance coverage, it will cost the individual more to carry such Insurance than it cost him now because there is a relationship between the contingent liability to be covered and the premium paid to do it.

Sir, I would like to think that the hon. member who introduced this Bill will be prepared to have this Bill referred to a Select Committee to look at this particular problem of the trade plates. It will cause serious problems for us, Sir, and I would like to think that it can be corrected before it is passed in this form and cause the problems that I envisage and see.

I think that it should be dealt with where we get an input of what is practical and what is reasonable in relation to this. As it stands, Sir, I really and truly, although it has many good points to it and although it is a sensible thing to have and to consolidate the law relating to road traffic, I cannot really and truly with what I think are irrational things in there, I cannot give the Bill my support, Sir.

SENATOR N. BOXILL: Mr. President, I came in late so I did not hear what the introducer of this Bill had to say. I am going to make some points here that although there might seem to be a bit of a criticism, I do not want the introducer to think that I am really trying to put him into a tail-spin as I usually do.

Now, nowhere in this Bill, Sir, have I seen where the Licensing Authority has been set up by a Chairman, a Deputy Chairman and the amount of members who are going to be on this Licensing Authority but I should have started off, Sir, by saying that I am happy today, extremely happy, to hear Senator MacKenzie in a plea asking that this Bill be sent back because it was done in a hurry. I am happy because when I said about two sittings ago that hasty legislation is bad legislation and that I had no intentions of trying to stop the Government from passing its legislation but do not bring things hasty to us, let us get a chance to look at them because we are Barbadians too and we are going to support it as long as we know that it is going to be beneficial to the community but when you rush something down suddenly as you are doing now, it means that you have no respect for me and my colleague here. You have no respect for the Senate when you do something like this.

This is why I had to criticise them the other day on this same matter. Not that I want to be obstreperous or be flippant in my attitude and stop legislation but I am a legislator and I do not wish when time has passed and I have decided to retire from public life and I come back and read something and wonder who village idiot passed this and then realise that I was one of the village idiots that passed it.

The point in this legislation and as Senator MacKenzie has said, too much legislation is coming to this Chamber and the Chamber below from people who are in the Drafting Office who think what it should be and not what we want it to be. Now, with this here,

Sir, in the haste with which it has come to us, Sir, as I pointed out, nowhere in this Bill have I seen who is the Licensing Authority and strange enough, Sir, when I made my comments when I was reading this thing, because there is such a conflict here, at one time you have the Commissioner of Police, another time the Licensing Authority and the next time the Chief Technical Director.

Now, I started to wonder who is going to be the boss. We would run into something like what happened the other day when President Reagan got shot because everybody wanted to be the boss and if we have something and we do not know who is going to be the boss, this will cause more confusion.

Under definition of vehicles I notice here in the Bill that they have a tricycle.

Mr. PRESIDENT: Just a moment. I am just trying to help the hon. member. I wonder if he has been provided with a copy of the amendments that have been made to the Bill in the Other Place when he mentioned about the Licensing Authority and the Commissioner of Police. Some of these things were changed. I just wondered if he is aware of that. Go ahead.

SENATOR N. BOXILL: Thank you, Sir. Yes. Apparently you did not hear what I said quite clearly. I said that if the amendments did not come out, when I was going through the Bill — I made all the amendments already but even the amendments ought to be amended and I will point them out when we go into Committee that we have to make more amendments to the amendments but this is because you think you have people who think they really know more about everything than people who really know.

A fellow goes and does a little Law, gets a little degree and he thinks that he is an authority on every subject, but he cannot fry an egg. We are getting back to the Bill, Sir. I notice in the Bill that they have a tricycle as a vehicle. A tricycle is a toy, but they have it down here as a vehicle. Do you mean to tell me that I am going to drive down to the House on a tricycle? I have never seen a tricycle with a licence. It is a toy and therefore, it should be taken out. (ASIDES) Yes, I have seen a snow cone cart, but I have never seen a tricycle as big as a snow cone cart, but no snow cone cart is a tricycle. Do not try to be facetious.

Then I have here, Sir.....why not have one Licensing Authority? Now when I say Licensing Authority, since we have done away with Local Government and since they have done away with the parishes, we should have had one Licensing Authority, where people would come, but you would have sub offices in the various places, you will have sub offices in the other parishes. You shall have one Licen-

sing Authority here and all the licences now should be carrying, instead of M and X and so forth and so forth, we can do a different thing. This is what I feel. You do not need to have somebody now running up to Christ Church to get their car licensed because they are living in Christ Church. You should be able to come to wherever is closer to you and more convenient to you and you can have your licence, but you do not need to have your licence now with X, M, P, O and all that kind of thing. All of that could really go through the eddoes and you can have it in your own way set up by the computer, a certain amount of numbers will be in a given area now because there are no more parishes. This, I think would help a lot in facilitating people and facilitating the Government.

The next point that I have here Sir is that nothing in this Bill has mentioned anything about road crossings. I have said here the other day we were dealing with some matter on this Floor and I mentioned that we should have road crossings and it should not be a facility any more, it should be a right because right now road crossings in this country are facilities and somebody can get killed. I am not saying that if it is a right that somebody would not get killed because I have always warned people that it is better to be wrong and alive than to be right and dead. If people know that they can get charged when they see people about to cross a road crossing and they deliberately drive across the road crossing to create a situation that might be unfavourable to the pedestrian, there is no reason why that person should not get charged.

There is another thing in this Bill, I believe you are going to say that this is going to be in the Regulations, but I feel it should have been in the Bill. Nobody should be allowed to park on a highway within 10 miles of the city or say, 15 miles of the city. Many times people are trying to come down on Highway 6, this is the Collymore Rock Road, you find vehicles parked, when they are not parked in front of where Senator Cox lives, they park down by the Seventh Day Adventist Church or lower down and the road is blocked. I feel that people who deliberately park their cars on the road during the hours of say seven and ten in the morning, we should have a tow away truck to come and tow them off the road. They have to pay to get back their cars plus they get charged for parking on the highway during that time between seven and ten and between three and seven on highways. There are enough byways that people can go and park off, but something has happened with us nowadays, this is the reason why we have been getting a lot of Thalidomide babies. It was not that the pill was so bad, nature realises that people do not want to walk any more and there was not any need for feet. This is true, people will park on a busy highway in the morning when people are trying to get to and from work when they are so many off shoot roads that they can park in that they will not be blocking up the highways, yet still, people will park on the highways and they could not care less and I feel that this should have been also one of the measures in this Bill.

The next thing which I would like to raise here is on page 69 they start to talk about insurance, but I was wondering if this was really a highway Act or if this was an insurance Act because in going through this Bill, Sir, I find that there are more benefits here to the insurance company than there are to the general driving public and I was wondering if the insurance companies did not write this Bill for them. When I come back, I will deal with 69.

Another thing which I notice in the Bill, Sir that they have omitted and most likely they will say that they will put it in the Regulations, but I find that it should be in the Bill, Sir, no more than two persons should be allowed in a car when a person is learning to drive, the driver and the person who is teaching that person to drive. I believe when I was Minister, I had made that in the Regulations. I have not seen it being carried out any more. When you are learning to drive and you have someone else in the car with you, you want to show how pretty you can drive and you normally go and do something stupid and at my age, I am not able to get a new hand, or a new foot because the way these people are driving on the highway, they are bound to take your hand, or your foot off. That should also have been in the Bill.

The next thing I found was wrong with the Bill is that permission to learn to drive should be taken out of the hands of the Police. The Police should be only involved in driving when an accident has taken place. But, when somebody is going for a licence for the first time and a police gets into the car with them though he sits in the back generally, the presence of the police there can cause a psychological effect and sometimes the person can really drive, but feeling that somebody is watching that person, they are going to get nervous and can create problems, whereas if you do not have a police, the Licensing Authority should have inspectors for this, take it out of the Police hands altogether because to tell the truth when one gets a licence, one has not got a licence because one can drive, one gets a licence to finish learning to drive.

Now, Sir, I was mentioning on page 69, this is dealing with the insurance. Page 69 (2). It says:

"Nothing in this section requires an insurer to pay any amount in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any amount paid by an insurer in or towards the discharge of any liability of a person covered by the policy by virtue only of this section is recoverable by the insurer from the person."

I would like the Honourable Introducer when he gets up to explain that a bit more fully to me because that is a bit technical.

Then, on page 72(4).

In Section 38(1), "reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this section in respect of emergency treatment required as a result of bodily injury; but subsection (2) of that section is not to be construed as having effect as respect liability to make a payment under this section."

That is another one that I am not too *au fait* with, that is why I was wondering if the insurance company had written this Bill.

Then, on page 75 (5) Sir, it says:

"An amount payable under section 53 is recoverable in civil proceedings as a debt due from the person who was using the vehicle to the medical practitioner or to the Crown where the amount is payable to the hospital."

The question I would like to ask, Sir is this, what about the insurance company with whom the accused is insured, what is the position with them; are they absolved from liability?

Then, we go further down, Sir, on page 85, this is punishment. Page 85, 66(1):

"Subject to subsection (2), the Licensing Authority shall not issue a driver's licence or a learner's permit to any person unless it is satisfied that his vision, hearing, physical and mental fitness are adequate for him to hold a driving licence and in no case shall the".....Commission... "Licensing Authority"

Well, when I said Commission, I meant Licensing Authority, I did not say Commissioner

"issue a licence to a person who has been convicted of an offence involving the use of a motor vehicle in the conveyance of stolen goods."

Are you telling me that if a man was convicted say ten years ago for using a vehicle for stolen goods, then that man cannot hold a licence again? Is this what this means? Because if this is so I know there are some people who should not be in public life, much less to hold a licence, so I think this is giving someone two sets of punishment. I feel after a man has paid his debt to society there should be a time after the man starts to go straight, because they say nothing, that this should stop the man from getting a driver's licence if the man decides that the wayward way in which he was going was not the right way and he starts to go the straight and narrow path.

Then on page 86, section 67(2), it goes on to say:

"Any person who, in or in connection with an application for a driving licence or a learner's permit, makes a statement that to his knowledge is false is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months or both."

Now, the query I have here is, you are going to charge a man \$1,000 for making a false application for a driver's licence. He has not got the licence, he has not made the application, but here in the other Bill we plan to deal with later today, when somebody completely contravenes something where a man can get hurt he is only charged \$500 and sometimes \$50. What sort of business could this be? Generally somebody who would do an act like this would be like some people, and you would expect to charge a man \$1,000 for falsifying a driver's permit? After all, we have to be realistic. It is true we are passing law, but we are not passing law to kill people.

Then you go on to page 101, Part VII *Driving and other Offences and General Conditions relating to the use of roads. It says here at section 84(1):

"A person who drives a motor vehicle of a class or description specified in the regulations at a speed greater than the speed specified in the regulations or in an order made under subsection (4) as being the maximum speed for a vehicle of that class or description on the road on which it is being driven, is guilty of an offence and is liable on summary conviction to a fine of \$1000 or to imprisonment for a term of 12 months or both."

Well, let us assume that the speed limit goes up to 40 miles an hour, so a fellow drives at 45, are you going to charge him \$1,000 for driving at 45 miles an hour? Do you realise you would be charging more than the car cost? Because some of the travelling palings they have on the road for cars could not cost \$1,000. We have to be realistic when we are passing laws and providing fines for these people. I am not one who is going to encourage people to get on the roads and break the laws and then get off Scot free, but at the same time we have to be more realistic. Do you realise what this could do to the community? When you charge a man \$1,000 for exceeding the speed limit, this time the car might be going at its maximum and puttering like somebody who has run a mile and a half, but ready to stop at any moment and the fellow is trying to get home before it stops in the road, but he happens to be doing 42 miles an hour when the speed limit is 40 and you will charge him \$1,000 for this? Even when he sells the car he still cannot make the thousand dollars, do you realise this? I believe this needs to be looked at. (ASIDE). Yes, we know that the

Magistrate could reprimand and discharge, but the Magistrate could also charge \$1,000 and give him 12 months in prison too, and this is what I am trying to avoid at this stage. Most likely when this happens to somebody, do you know to whom they will be running to beg to help them with some money?

Another thing here, on page 102, section 85(1), it says here:

"Any person who drives, attempts to drive, or is in charge of a motor vehicle on a road while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle is guilty of an offence and is liable on summary conviction:

- (a) to a fine of \$1 000 or to imprisonment for a term of 12 months....."

I can support that.

"..... or both in the case of a first conviction;"

That is the one I am slightly worried about.

- (b) to a fine of \$2,500 or to imprisonment for a term of 2 years or both in the case of a second or subsequent conviction."

The point I am raising is, nowhere in this section is it stated that this man who has been accused of being drunk has been taken before a doctor and has been proven to be drunk, and I think this is a part that should not have been omitted. I have known where a man was charged for driving drunk, here in this same Barbados, and this part came up that somebody took him to a doctor but when they got there there was no doctor and the fellow took him all around to the other doctor, and by the time they got to the other doctor the man was sober again. So I am saying that in your haste I think you have omitted to put in that the man should be taken before a doctor to be proven drunk, because the man might kill somebody for all you know, and depending on who he is, then he goes and he says that he was not drunk, he is an epileptic or something like this. I feel that it should be put in here that the man should be taken before a medical practitioner to be certified that he is drunk, or he should take a breathyliser test. (The hon. introducer of this Bill does not seem to be listening to me. I want him to listen, because these are points I went through this Bill on).

Now on page 131, section 120 says:

"Sections 84 and 89 do not apply to a motor vehicle while it is being used

- (a) by a member of the Fire Service for the purpose of proceeding to a fire in answer to a fire alarm;
 - (b) by a member of the Police Force in the execution of his duty; or
 - (c) as an ambulance,
- and the urgency of the situation requires a non-compliance with those sections."

The question I want to ask here is, what about the Defence Force? Do they have the right to drive on the streets as they like unmolested? You have specified here who may do this particular thing without being intercepted or molested, but you have not mentioned anything here about the Defence Force. What is the position of the Defence Force under this question which I have asked? (SENATOR THE HON. N. A. BARROW: Do you want them included?) I want to know what you are doing about them.

Now, you have here on page 134, sub-Section (9):

"Any person who, in contravention of sub-section (8), removes a notice from a vehicle is guilty of an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for a term of 1 month.

(10) The fixed penalty referred to in this section is one of the following:

- (a) \$25;
- (b) $\frac{1}{2}$ the maximum fine to which a person not previously convicted is liable on summary conviction of that offence, whichever is less; or
- (c) such fine as the Minister prescribes, not exceeding $\frac{1}{2}$ the maximum amount of the fine to which a person not previously convicted is liable on summary conviction of that offence."

This has me here in a bit of a quandary. It starts off with \$25. Are you telling me that for parking in a no parking area the fine is \$25? Am I to believe this? Because if this be the case, then you will have to think again.

On page 137, section 124 (1) (e):

"the number, position, kind of lights and reflectors to be carried on all vehicles together with the times during which they are to be used or exhibited, and the conditions regarding their use;"

The point I am raising here is that nowhere in this Bill is there mention of people driving on full beam. I think the time has come when people should get some sort of penalty for driving on full beam at night. It is a different thing when you are out in the country, but I am talking about within the town area. People will have their lights dazzling your eyes, you will put on your bright lights and put them back off in order to ask them to dim their lights and they just would not dim their lights, and sometimes it is the mercy of God that you do not kill a pedestrian who is walking in dark clothes that you did not see. Since he is travelling along areas which are lit, there is no reason why one should be driving on full beam. When I say areas that are lit, I mean within Christ Church, St. Michael and certain part of St. Thomas and St. George. I do not see any reason why people should be driving in these areas with bright lights at night. There is no reason for that, but the reason why they want to drive with bright lights is because they want to speed and have no regard for the other persons using the road, and therefore I feel it should be an offence. It should be written in here that people who drive their cars within a certain area of the City with bright lights, say ten miles or so of the City, should be prosecuted for it. It happens in other countries, and I do not hear people talking about interference. You will only stop this when one of us gets into a very serious accident and then you will have to mourn over the grave and say how sorry you are.

Mr. President, I would prefer if this is included, but most likely you cannot include it now, but I guess when you are making the reservations you will have to include that no one should be allowed to use his high beam within a certain limit from the City. Although I know you are in a hurry for this Bill because the end of the month is coming up soon, today is the 22nd, and we know you would like to get it, I would suggest that you send this back to Committee so that we can get these things beaten out and come back here some day next week if it suits you, because there are a few amendments that you have to put in. Some of the amendments that you made may have to be amended again anyhow. I am not trying to hold you up; I do not want you to think so because we are going to vote for it. A lot of these things that I have mentioned may sound trivial to you but I know what I am talking about. I have driven all over the world and I know what it is, and as Senator MacKenzie has said, and I agree with him, I think we should send this to a Committee and come back maybe tomorrow, well not tomorrow because tomorrow is Saturday, but come back Monday since we have to give the staff a chance, and finish it without rushing through this thing as we are doing, because I am sure that when we are finished it will have to come back for amendments to it.

SUSPENSION OF SITTING

Mr. PRESIDENT: I propose to suspend the sitting at this stage until 2.30 p.m.

This sitting is suspended for one hour.

On resumption:

Mr. PRESIDENT: This sitting is resumed.

SENATOR K. HEWITT: Mr. President, I will be very brief and raise four pretty small points with regard to this Bill. I must confess that I have not had the time to do justice to the Bill by reading it fully, but there are as I said, four minor points that I would like to touch on.

First of all there is a reference generally speaking to parking areas, and I find that right now we have a particular problem in Bridgetown with regard to parking and this problem is somewhat compounded by the fact that in my opinion there are certain areas which are now restricted to parking which in fact should not be so, because in the case of one street that I am thinking of right now, the street is wide enough certainly to carry four cars abreast and presently one side is permitted for parking and the other is restricted. Now the point that bothers me here apart from the fact that it is restricted, is that since parking on the other side does not create a traffic problem, in fact there is de facto parking on the other side and de facto parking with the nod if you want to put it like that of the Police Force. Now I think that is bad in practice. When I say that, I feel that if the other side can permit parking without causing a problem, then any parking sign should be removed because I think it is bad form where you have a parking sign but yet there is a sort of tacit approval for parking. I think it creates the wrong attitude to the whole legal situation. So what I am saying is that especially now where the place is being more and more congested, I think that there is some scope or some reason where the restricted areas should probably be looked at again to see whether some of the restrictions could be removed especially in those areas where in actual fact parking is permitted tacitly even although the restriction signs are there.

The second point is a general point with regard to speed limits. I do not think the introducer of the legislation could have been serious really when he suggested that the rationale for increasing the speed limit had to do with the size or the power of cars in Barbados. I really think he reacted probably instinctively and not really after thought. To me, and I think it is pretty obvious but I will say it, there should be varied speed limits according to the particular area. I do not think we should have, let us say, a speed limit for the City of X and a speed limit for outside the City of Y. I think it goes without saying that the speed limit of any particular area should be according to the size of the roads, the nature of the stretches as distinct from winding places and so forth, and I do not think at all that the power or the size of a car should form part of the decision as to what the speed limit of a particular area should be if it is that we have

cars which are too big or too powerful, well I think we will have to do something with these big cars. (Asides) There is an example.

Seriously I think that obviously there are some roads which can carry a speed limit of 40 to 45 miles an hour easily without dangerous driving, and there are others obviously where 30 miles an hour is definitely too fast. So I think that when the Minister charged with the responsibility comes to determine what the speed limit should be, it should be a situation of the speed limit and the nature of the particular roads, so that throughout the whole community we obviously should be having varying maximum speed limits.

The third point related just briefly to part of Schedule 6. Bearing in mind the relevance of this point system where if you get more than a certain amount of points you may lose your licence, etc., I feel, Sir, that the points attributed to not stopping after an accident are pretty low.

As a matter of fact, I feel that that should be mandatory to the extent that if someone were involved in an accident and did not stop that that in itself should be good enough reason for suspension of a licence and the other point that struck me here was the question of exceeding the speed limit by 50 kilometers or more and when I mentioned that going approx. 30 miles in excess of the speed limit seems excessive, it was pointed out to me that it is not so peculiar or unrealistic that it happens so often. I think that those two things should carry heavier points myself. Anybody driving over 30 miles in excess of the speed limit should be more heavily penalised point-wise and similarly, not stopping after an accident should bear a larger point penalty than that.

The final thing that caught my eye in my brief review was the point here in Section 15 and perhaps the explanation to the query I would raise might be in some other part of the Act and if so, I would be quite thankful if it is pointed out. Section 15 says that the owner of a vehicle shall, on the day of the anniversary of the date on which that vehicle was first registered, pay tax to the Licensing Authority, etc.

My query was with regard to a vehicle which was sold to a second person. The example I am thinking of, let us assume that a new vehicle was purchased September 1. My understanding is that the owner would register the vehicle every anniversary which is September 1. Now, if that vehicle was sold, let us say, January 1 of a particular year, my query is, would the new purchaser in the initial instance license it from January to September or would he license it from January to January because if he does not license from January to September, then, as I see it, the stipulation in Section 15 would not be

adhered to in that Section 15 is saying that the anniversary of the date on which the vehicle was registered, not the anniversary of the date that the owner registered it and it would seem to me that the anniversary of the date when it was first registered is the initial registration.

Now, my query is, where a vehicle is sold to a second person whether the new purchaser will register the vehicle from the date of purchase of the previous anniversary date or if that is not so, then it would seem to me that there is something wrong in this Section 15. Thank you.

SENATOR MISS M. BLACKMAN: Mr. President, Sir, I will confess that my chief concern is related to speed limits. The hon. member in introducing the Bill made reference to certain cars being used to the detriment of the car because of the speed limits here or because they were forced to travel at such low speeds but, Sir, it has been said that the chief health hazard of the children in this country is traffic and I think that we must be conscious of the need to protect people on the road, pedestrians on the road from traffic and I am very concerned that we may be thinking of raising speed limits in relation to the power of cars rather than in relation to the size of our roads and the population of this country. I think that, Sir, really should be our order of thinking.

I was a bit concerned in reading the Act and I must confess that I have not been through it very thoroughly to notice that in Section 120 where there are exemptions for the Fire Service or the Police Force or for an Ambulance that there is no provision for Doctors but probably this has been taken up and there is possibly some good reason why a Doctor is no longer included in that sort of emergency situation.

The other thing that concerned me, Sir, was that I noticed that the fine for exceeding the speed limit could be up to \$1,000 but, Sir, the fine, in Section 90, subsection 3 for not stopping after an accident is only \$250 and it seems to me that this is another matter that merits consideration because I think that anyhow what happens with this whole Act, a lot of it is going to depend on the policing and the actual on the road traffic control.

Right now it certainly is inadequate for those of us who drive and know what the motorcyclists do with us and the cyclists do with us and other motor cars as well and I think that we need to be very concerned about the inadequacy of traffic control in the country as a whole and I would have hoped, Sir, that somehow these matters could be taken into consideration before we finally pass this Bill. Thank you, Sir.

SENATOR THE REV. A. HATCH: Sir, I find myself deeply indebted to Senator Boxill. I think as a matter of fact that the Senate is deeply indebted to him if not the English Language for the new term "travelling paling". I had wanted to speak on this subject but I did not know how to describe the travelling palings because it seems to me in a new Traffic Act that this is one of the serious omissions of the Bill that no provision is made by this Bill for the exclusion or rather for the circumscribing of palings to people's backyards but rather no attempt is made to keep them off the road.

Now, I am very well aware and sensitive to the point that immediately one will be charged with having no heart for the poor because it is normally poor people who cannot afford road worthy cars that are driving travelling palings and it is obvious that they tend to be people from building sites and very often the travelling palings are overloaded with artisans and craftsmen going home from working sites and one is not unsympathetic to the needs of the poor but it is obvious and the fact that the Senator has alluded to this indicates the fact that such transport is a danger to people on the road and more especially a danger to poor people who are not driving in cars or buses but might happen to be pedestrians on the road and I think it is a serious lack in this Bill that provision is not made for what at least in one other country is known as the MOTE, the Minister of Transport Examination.

I stand subject to correction but I think that any car in Britain which is more than three years old has to have a Certificate of road-worthiness.

That there are approved garages, it does not mean that the Ministry of Communications and Works or any other certifying authority has to be established, but approved garages are allowed to grant certificates of road worthiness to cars and travelling palings which are more than three years old. I find that people in Britain do not even object to taking their cars for the M.O.T. test as it is usually known because it encompasses the garage overseeing such things as the depth on the tyre which is a self preservation mechanism and apart from the preservation of other people's lives and property, it deals with such things as shock absorbers and one only has to drive daily in Barbados to pass cars that are clearly not road worthy by the way that the front end of the car is jumping up and down which affects the breaking and the steering. I do not want to go into the details of this in the company of Senator MacKenzie who I am sure can wax eloquent and would be glad to sell a new car to the people who are driving travelling palings. It is clear that shock absorbers, suspension, braking, steering, the depth of the thread, lights are factors which require to be in good condition that cars where these are not adequate ought not to be on the road and I feel there-

fore that it is to my mind an astonishment that a new Traffic Act should be brought down and does not address this problem.

Now, the facility with which Senator Trotman could inform me that it is three years not two is clear that he is appraised of the issue about which I am speaking, therefore, I would like to know whether there was some conscious decision not to include it within this Bill because certainly to me and to very many people who have asked why in the situation in Barbados, where more than in Britain we have so many travelling palings, it has not been dealt with in this legislation.

I find myself too having to agree with Senator Boxill on what seems to me one of the other key problems in traffic in Barbados and this is the parking of cars on the highways particularly during the peak periods. Well, not 20 miles from town, but at least, it would seem to me necessary that on our highways and certainly as one gets nearer to the urban area, an impossible situation is created day after day because one thoughtless person parks on the road and the traffic backs up for half a mile and more than that. I really think that this is such a simple thing that really it astonishes me that it has not been dealt with before now.

Unless I should seem to be heartless to the poor, who usually are the ones who have the travelling palings, the last point that I would like to address is the fact that I suppose everybody in here, I have never seen Senator Hinds driving, but I suppose everybody else in here drives their own car and legislation for a very long time has been created by people who drive, it is not usually created by people who are pedestrians, I am referring to the absence of adequate sidewalks or pavements in the country. I see the issue was raised in the Other Place, but in a rather superficial reading of the report, it seems to have been raised in the vein of blaming people for not walking on the sidewalks. I would like to I would withdraw that, if I am wrong, but I think that is what I understood the comments to be but I would like to make another point and that is that this matter of the provision of sidewalks should have a higher priority for the country. I am very well aware that in every new highway or street that is being developed provision for sidewalks is made. I am also well aware that the Governments for some time have removed or drawn back their walls or fences and created sidewalks next to Government properties and some public spirited individuals and associations have also done the same. But, having conceded that I nevertheless do ask the question whether the provision of sidewalks on the existing roadways receives a sufficient priority in the mind of the Government and of the country.

If for example, you take the road I travel daily, Eagle Hall, Bank Hall, Bush Hall, and so on it is

sometimes extremely hurtful, apart from the wet days when people get splashed, to see how people have to scamper to get out of the road. I do not believe that it is impossible that provision could be made for sidewalks along the Eagle Hall, Bank Hall, Bush Hall, chain stretch and this would go for other roads. It is a question of whether it is a priority for the country or not and I am saying, Sir, that if it is not, it ought to be.

Mr. PRESIDENT: Senator Cox.

SENATOR SIR MENCEA COX: Mr. President, just a few words I would like to say in support of the point made about hitting and stopping. If I remember correctly, many years ago, if one struck anyone and drove along and left the person there that person had to pay £50 if he were convicted. This \$250 is just a few dollars more now than what it was at that time and I am like others who feel that this punishment is not as severe as it should be. I support that move.

I do not agree as is said that the speed limit should be increased. As a matter of fact, in my driving for many years, I have to come to the conclusion that very few people today operate these vehicles within the limit of the Law. Some people drive now, 50, 60, 80 all sorts of speed, although the speed limit is 30 and even in Bridgetown, Bay Street, judging from what I have seen people drive 50, 60 and all that sort of thing. If the speed limit now is increased, what are they going to do, try to get the car at 120 miles and that sort of thing? I do not agree with the suggestion about increasing the speed limit. I do not agree that because a car is a big car that it should not be driven within the speed limit of 30 miles per hour. I feel that the 30 miles per hour should remain and that those who violate the Law so often, who pass out without tooting their horn or anything of the sort, I feel that the punishment should be severe enough as to prevent them from carrying on like they are carrying on today. With the exception of a few persons, or a few drivers today, there is absolutely no respect for the Law, as far as I can see, Sir.

Parking is also something which needs serious penalties being placed on people. Many years ago, if a car stalled somewhere in the middle of the road or so, the occupant would try and get someone to help if he could not push it one side. Today, if it stops in the middle of the road, it remains there, around a corner, two feet from the corner, or whatever it is, it remains there, you can pass and see them. Some weeks ago, I was coming down Government Hill and in Carrington's Village, when you pass the lights, there was a pick-up across the road, no attendant and one could hardly pass. You had to go right down in the gutter in order to be able to pass.

That is the type of thing that is going on today, and that is why we have so many accidents on the road, that is why so many people are being killed, loss of life as a result of the indifferent driving of some people who do not care anything whatsoever about the law or who are not prepared to carry out the law as it is laid down, because one cannot tell me that when one goes for a licence that he has not got to go through this process. When he has to stop, when he has to put out his hand at a certain point, and so on, all that one who goes for a licence is carried through, but when he is on the road after getting the licence it is something different altogether. Sometimes they pass you on the left side, sometimes on the right side, any side at all, and at all sorts of speeds, and I am sure that when these accidents take place which cause the lives of people, and also so many cars broken up and bent up, and that sort of thing, I am sure it is speed and nothing but speed that causes these things to happen. I agree with those who feel that these penalties are not good enough.

Now, Sir, sometime ago there was legislation which compelled and demanded lorry owners or drivers to have reflecting lights indicating the width of the vehicle. I do not know if that law or regulation has been repealed or abandoned, but what I do know is that I see none of that today. That used to be a guide for oncoming vehicles and other persons who would know, seeing the lights, the width of the vehicle and would be able to adjust their vehicle or themselves to avoid any danger, but nowadays that does not happen. I do not know if it has been removed, but when I held that portfolio I had regulations made to the effect that they should carry reflectors on both sides showing the width. I do not see any of that today.

I would like to say that I agree with the point made by Senator MacKenzie as far as the number plates. To close off at 6 o'clock, very often 6 o'clock is high light, you can see very well and things of that sort and I see the difficulty one might encounter in trying to sell vehicles, and I hope that the Government will take his point and try its best to meet the point raised by him and dealers like him.

It is said that some sort of racket goes on with persons now with these plates at night, but my point is that if that happens, then the Police Department should take the matter seriously and try to grapple with the situation and bring the offenders before the court, rather than to prevent the well established garages from carrying out their contracts from time to time. Rather than prevent them from doing that, they should look for those persons and try and arrest and prosecute them, so to speak.

As far as the Bill is concerned, I am in agreement with the Bill, but I do hope that as suggested that two or

three of these penalties which are not severe enough, I do hope that amendments could be made to make them as severe as we feel they should be.

SENATOR W. O. FRANKLIN: Mr. President, my main concern with this Bill is one that goes beyond this really. In this particular Bill at quite a few places, and I will just make mention of a few — section 10(5), section 16(2), section 18(2) — make references to parishes and parish boundaries, and I remember sometime that a bit of legislation was passed, and I have had it checked, and the legislation is the Electoral (Miscellaneous Provisions) Act, 1980-67 and it reads as follows:

“1. This Act may be cited as the Electoral (Miscellaneous Provisions) Act, 1980.

2.(1) The enactment specified in the first column of the Schedule are amended as specified in the second column.

(2) The Parish Boundaries Act is repealed Cap. 109.”

When I go back to Chapter 109 as referred to, that reads as follows:

“This Act may be cited as the Parish Boundaries Act. The bounds, limits and lines of the several parishes as ascertained and fixed by the Map of the Island of Barbados from the Admiralty Survey of Staff Commander J. Parsons, R. N. assisted by Navigating Lieutenants H. R. Harris, G. Stanley and J. T. Hoskyn, R.N. (1869 and 1873), shall be deemed and taken for the true and real bounds of the parishes for all purposes whatsoever.”

I, more out of explanation than anything else, would like either the Leader of the House or the presenter of this Bill to explain to me if this particular section only has relevance as far as the Electoral Commission is concerned, since I do not see in my limited way of interpreting any qualifications and limitation on the repeal of the parish boundaries, and since I do not know of any other document within the laws of Barbados that designates and outlines the parish boundaries, and you are now repealing Chapter 109, I am really beginning to wonder what is the true position with all these references in the Bill to the parishes. I really am worried about it, and I would like if there is a legal explanation to it, to have it from either the Leader or the presenter of the Bill, but that has been concerning me for quite a little while and I would really be happy for the reason behind it.

As far as the Bill is concerned, there are two things I would have loved to have seen in this Bill. Nowhere in the Bill is it an offence for people to throw articles out

of moving vehicles, and it is becoming very annoying when one is driving the streets, particularly behind buses, to see sno-cone cups, nut shells and all this sort of thing coming out of the buses. It could be very dangerous, because you could be overtaking at the particular time. It is not only dangerous but it is very unsightly, and it is a practice that I think we should definitely legislate for. If you go into those buses any time, particularly within a mile from town, and you are driving behind a bus, I am certain that no fewer than ten sno-cone cups will come out of that bus, particularly if it is a school bus.

This is not only contributing to the filthy state that our roads are in at the moment, but it is a very dangerous practice, and if we are to encourage our travelling public to develop proper habits, if it means that we must legislate to make them offences, I would like to see that included in any Act.

Secondly, I have not seen as well anything in the Act that prevents trucks from drawing trailers. It is not a very common practice in Barbados, but in St. Philip sometimes you see trucks driving at high speeds loaded with canes with trailers attached to them with canes as well, and it is a very dangerous situation for any of us who has the experience of passing any of these trucks at any time with trailers behind, and at the very high speeds they are travelling at.

I welcome the provision about the annual registration, but we are removing the problem from the electoral office and bringing greater convenience to the travelling public, but I venture to say that we are now going to pose a problem to the police which they would have to look at and see how they are going to get around it. Under the old system at a particular time of the year when you would have given people enough grace period, the police usually made a few traffic checks for the offenders in the particular section, and it was quite easy for them because of the colour of the licence or badges, but in this particular one for argument sake, if it is white in one year and a person's anniversary is in February, unless you have a very vigilant police force he could be driving all down to December without their noticing it very easily. It is not insurmountable, but they must take it into consideration and mount some administrative way of making the checks that were done before quite easily.

SENATOR A. TRUSS: Mr. President, with reference to the few comments made about speed limits, I do believe that the practice which was mentioned by Senator Hewitt is also a very bad one because at present the speed limit in the city is 20 miles per hour and outside of the city limits it is 30 miles per hour, but the police understanding that the law is outmoded, allows people to travel at greater speeds than that. This is why I believe, that despite the fact that I am not particularly concerned myself because I do not drive fast, the speed limit has to

be adjusted to reflect what is happening in the country, but whatever that adjustment is or whenever that comes about, the police must enforce it. If in fact 30 miles per hour outside the city is not in some areas adequate and 40 miles an hour would do, then do so; but certainly enforce the law. If it is 30 miles an hour, then make sure that people stick to it. If it is 40 miles an hour, then ensure that they stick to it as well.

I thought perhaps this Bill would have dealt with that, but there are one or two points which I would like to make, but actually Senators Hatch and Boxill dealt with the inspection of cars. I thought also when you resell a car it is important that the car be in a state of road worthiness. In most countries in North America, Europe and many developing countries, there is a system where the onus is on the individual who is selling the car to make sure that the car is road worthy and a certificate must be got from the M.C.W. department or whichever department is responsible for issuing such a certificate before the car is actually sold, and this would upgrade the car stock. So it gets back to the point which Senator Hatch made about every three years having it upgraded. It is all part of the same programme. So if you sell a car that is in excess of three years, you would thereby have to have the car inspected, brought up to a state of road worthiness before you can actually sell it and then the person must maintain it, and if he or she sells it, then they would have to go through the same process.

The minibuses also give me room for concern because they seem to stop at will. I am sure all of us travelling behind a minibus anywhere over the country have on several occasions been forced to slam on the brakes because the minibus in front of us sees a fare and slams on his brakes to pick up that fare. I think this whole situation has to be regularised and the time has come for the Government to take a serious look at the minibus problem. I think the minibus operators are certainly doing a good job in assisting people to get home because they cover areas where the Government transport is not able to go, but still you must have some sort of regulation that would force these minibuses to conform to certain laws.

I believe, Sir, that an Act should come which would force minibuses or perhaps give the police the power to confiscate and hold a minibus if they broke the law, for instance, if they are travelling in areas outside the areas in which they are supposed to travel, because licences are issued and a minibus is supposed to travel on a particular route, and many times I pass Bush Hall and I would see a minibus that is marked "Jackson" in Bush Hall, and things like that; so clearly that individual is breaking the law. So the whole minibus situation must be regularised.

As far as parking is concerned, the time has also come in my view where we must get rid of the pressure on the courts and have traffic wardens or traffic policemen who hand out parking tickets. It is accepted practice again in many developing countries. If you park at the side of the road and you are illegally parked, the warden or policeman comes around and slaps on a \$5 ticket. There are two standard parking fees, \$5 or \$10 depending on the area, and then you go into a commercial bank or a special headquarters set up by Government, you pay your fine and that is the end of that. You do not have to go to court and waste the whole morning to pay a \$10 fine. If you illegally park, you recognise that you have been illegally parked, why is it then you must waste so much time, so much productivity of the country is wasted by people lining up to pay a \$5 fine for parking? I think the whole system should also reflect the fact that we are moving into the Eighties and we must deal more productively with our time.

On parking facilities, Senator Hatch may not particularly agree with me because he likes windows to the sea, but in Bridgetown Independence car park, Carlisle car park, there is perhaps time to think of a five, six or seven storey car park that would facilitate Bridgetown. It can be built by Government, maintained by Government and certainly by the amount of money they would charge, it could certainly pay for itself over a period of eight to ten years. If on the other hand people like Senator Hatch who are afraid of perhaps becoming too industrialised in the city, then there is another view you can look at. You can consider the view that no cars travelling into the city will go beyond a certain point on the outskirts of the city, and then you have minibuses that operate from town to a ring that covers the circle of the city and back and forth during the course of the day every fifteen minutes, every half an hour or what have you. (*Asides*) Not 20 miles, certainly not 20 miles. Within a half mile of the city limits, I believe special parking facilities can be established so that when you are coming in from the north, south, east or west into Bridgetown, it is merely a situation where — I think it is done in West Germany and one or two other European countries — you park on the outskirts and you have a regular fifteen minute transit by minibuses bringing you into the city and back out to your car facilities. So you would have your windows to the sea. These are things that the Government has got to look at. We are moving into the Eighties and things are beginning to expand very rapidly, and you must make sure that we move along with the times.

As far as drunken driving is concerned, I do not think the law goes far enough. In most countries that I know of, to even have a bottle of liquor in the car that you are driving is an offence. It seems to me you see posters of tourists in mokes advertising a hotel with

a beer in the hand. It is illegal in most countries, and I am very concerned about this because tourists come down here — it is true we need tourism — but I do not think that we should allow ourselves to fall into a situation where we sell our soul for a dollar. Tourists must conform to certain rules and regulations. It is bad enough that they do not have to take a driver's test, and I understand the rationale for it, but I am not talking about that. Certainly your tourists must be made to conform and to understand that though they are on vacation they cannot drive around in a moke drinking a beer or with a bottle of rum and having a good time. It is dangerous for the people of Barbados as well as for themselves.

The practice of litter which was mentioned by Senator Franklin, I believe that will be covered in the Ministry of Health Bill, the anti-litter campaign, that if you are littering the streets, whether you be in a car, on a lorry, at the side of the street or walking, it does not really matter. I believe that the Ministry of Health covers that, and this is why there is no real reason for the Bill to go into litter, because that is already covered by the Ministry of Health.

On the other two areas of heavy equipment, Sir, I believe Senator Franklin touched on heavy equipment, and I would like to make a few comments on that. With the sort of construction activity and the industrialisation that have been going on over the last three years.

Tractors and trailers and containerised cargo are the accepted practice of today and I believe that something should have been done in this Bill and if not, I hope that perhaps the introducer of the Bill can inform us if there is anything in the making.

I believe that when these large trailers, tractors and containerised cargo pass you on the streets in the afternoon or during the day, it is dangerous. When you have industry moving heavy equipment from one site to the next it is dangerous and the hours for doing this should not be between 6:00 a.m. and say, 7:00 p.m. or 8:00 p.m., it should be between 8:00 p.m. and 6:00 a.m. the next morning when everyone is sleeping. That is the time when there is very little traffic on the streets and that is the time when you can move your large equipment from one site to the next. If you have to pay overtime, it is a small price to pay for the safety of Barbadians and I would like to see some measure, some thought going into this problem which I see developing rather rapidly of large containers travelling during the course of working hours.

In addition, Sir, while I am on the large tractors and so on, the IDC must work along also with the concept, as well as MCW and Town Planning as far as industrial sectors are concerned. In many large countries

it is also an accepted practice for the Government or industrial estates to be established close or nearby the wharf so that ex-bond facilities can be given.

You have a situation where you have an industry and as the containerised cargo comes in on the big ships they are off-loaded right there for the industry because a lot of the stuff now, the structural systems, BRC, there are large Companies that re-export to St. Lucia, St. Vincent, Dominica, Montserrat, even Trinidad and Tobago from Barbados so you have a lot of heavy equipment and a lot of raw material, mainly in steel, arriving at the Harbour. It has to be off-loaded, loaded on to large trucks, then be carried all the way to St. Thomas, and from the city of Bridgetown all the way to Newton. After it is fabricated, it is then loaded back on to trucks to take it back down to the Harbour to load it up on boats to reshipe to other countries.

This is a waste of time and it also endangers the travelling public as well and perhaps if large industries, steel fabricated industries in particular, are confined to an area at the Port, reclaimed land or some sort, where it can be fabricated there and re-exported and in an ex-bond situation where you bring in your steel, you only pay duty for what you draw out for the manufacturing process and if it is for export then you get back your duty. It is as simple as that. You avoid this carting of heavy equipment across the country, to have it fabricated and then carry it all the way back across.

Those were the few points, Sir, which I thought needed some attention paid to them.

SENATOR O'BRIEN TROTMAN: Mr. President, Sir, Senator MacKenzie in his presentation complained that there was not enough consultation and indeed suggested, Sir, that we were handling legislation that was dealt with in a hurry. In checking the briefs I discovered that the Bill before the Senate this afternoon began to take shape sometime as far back as 1974. It looks like November, 1974.

There is evidence, Sir, that the Automobile Association, the Bar Association, the Chamber of Commerce, the Chief Town Planner, the Collector of Taxes, the Commissioner of Police, the Permanent Secretary, Ministry of Agriculture, the Permanent Secretary, Ministry of Home Affairs, Trade and Tourism, the Road Safety Society and the Town Planning Society were all consulted at some point or another.

I got the impression that the Garage Group as it is also known was really a branch of the Chamber of Commerce but now I understand differently so that there was some consultation in the matter. It is not a matter of somebody having a bad headache and bringing a Road Traffic Bill.

Senator MacKenzie raised, Sir, what is in my opinion, the one difficulty presented in the Bill, that is, the question of restricting garage licences from 6.00 a.m. to 6.00 p.m. My understanding is, Sir, that the question of garage licences have been creating severe problems and the restriction was an effort to counter the problems created.

Since I have spoken to Senator MacKenzie I am satisfied that he has some point and I assure him that I will raise with the Minister responsible for Communications and Works the questions which he has raised and drawn to my attention and we will see how best we can accommodate the garages.

Section 69 (1) and (2) provides for the lowering of age limits for the driving of vehicles and one seems to get the impression after hearing the two Senators, at least Senator MacKenzie, would seem to suggest that a 16 year old may drive a light vehicle but he cannot drive a car. The truth of the matter is, Sir, that Section 62 which comes before 89 provides the Minister with authority for making an order for the issuing of various permits for persons of varying ages. What the 69 (1) and (2) seem to do in my opinion are to restrict the power of the Minister in making those regulations.

Sir, it says: subject to section 62, the general section which gives general authority to the Minister, he is constrained by the fact that he cannot by law give an order which provides an under 18 person with a public service vehicle licence or a motor tractor licence, etc.

I am not going to get into the question of governing clauses again, Sir. We went through that last week, notwithstanding and subject to, and I do not want to go back into that again but the Section really governs the question of ages in Section 62 which gives the Minister authority to give an Order and not Section 69(1) and (2) which only restricts him in issuing of the Order.

Senator Boxill was very flamboyant, Sir, in asking for a Chairman for the Licensing Authority, but as I understand it, Sir, if there is going to be a central licensing agency, then the Head of that Department will most likely be named by the Minister as the Licensing Authority and I do not think that the Head of Department would want a Chairman. But, departments do not have Chairmen, Sir. The Authority would be the Head of the Department when he is so prescribed. In the same way now as the Authority would be the Commissioner for some purposes and the Chief Technical Director for some purposes even though it is under the Act. For purposes of administering the Bill, the Commissioner will be named as the Authority for some sections of the Act and the Chief Technical Director will be named as the Authority for other sections of the Act until a central licensing agency is established. It has to be that way, Sir

because there is no central department at present, therefore, we have to use those which are in existence until we get one which is in the future unless the....

SENATOR N. W. BOXILL: I thank the Honourable Member for giving way, Mr. President. As I said already, I did not want to put him in any tail spin with this thing. If we are saying about Commission, it is a Licensing Authority that is being set up, you cannot tell me that the Commissioner and when you do not even know which Commissioner because there is Commission, Commissioner, Chief Technical Director and so forth that we mention here therefore, if you are setting up this as a new body, you are asking us to support, Sir therefore you cannot tell me that the Commissioner meaning the Commissioner of Police, it could be the Chief Technical Director too because he is involved in it somewhat, therefore, I do not think that the Honourable Member's explanation is quite lucid enough.

SENATOR O'BRIEN TROTMAN: He has to understand, Sir. The point I am trying to make for his benefit is that the Licensing Authority as mentioned in the Act is not a Body of persons, it is a person and the person will be prescribed from time to time. The Authority at present for some purposes will be the Commissioner of Police for other purposes, it will be the Chief Technical Director for the time being. We are talking in the future of the Licensing Department which will have a Head of department, who will then be designated the Licensing Authority, but in the interim, there has to be a Licensing Authority. If that were not so, Sir, what would happen is that when we pass the Bill, there would be no authority to operate the Bill. (ASIDES).

I am not prepared to take up a second point that he spoke at length on and other Honourable Senators seem to go along with that we should have no parking on highways although Senator Hatch made it clear that he was not getting into anything of asking people who live in Bathsheba to get a boat and go ten miles out to sea and park their car 20 miles from Bridgetown and go back to Bridgetown because if I understood Senator Boxill properly, he is saying that there should be no parking on the highways 20 miles from Bridgetown. The only highway in Barbados that goes 20 miles from Bridgetown is the one that goes into Josey Hill. So, either, Sir, we will have all the cars in Barbados parked at Josey Hill, or other persons would have to go out to sea and park their cars and ferry back to Bridgetown, but I am not prepared to get into that.

Then, he got into the question, Sir, of the insurance section of the Act, which in fact is a straight copy of the Motor Vehicle Insurance Act, which I understand he was the chief architect in piloting three amendments to that Act including the sections he asked me to explain. Now, earlier Sir, he said that he wants

to be careful in passing legislation because 20 years after he did not want any person to say, "Now, what kind of foolish idiot passed this legislation?" Then, he comes in here and says to me what is legislation which I passed in 1967, 1971 when I was Minister of Communications and Works? I am not prepared to draw any conclusion, Sir.

SENATOR N. W. BOXILL: Mr. President, Sir, I thank the hon. member.....

Mr. PRESIDENT: Just a minute, if you keep giving way like this, we are going to be here all night.

SENATOR N. W. BOXILL: It is a point of elucidation, Sir.

Mr. PRESIDENT: Very well.

SENATOR N. W. BOXILL: It is not a point of order, Sir, a point of elucidation.

Mr. PRESIDENT: Do not make another Second Reading speech.

SENATOR N. W. BOXILL: I am not going to make a speech. What I wanted to say to the hon. member and which I thought he should take in the context in which I said it. According to the Bible, God said he would not drown the world again. He is Almighty. You mean that God made a mistake and I am not allowed to make one mistake? That is my point of elucidation, Sir.

SENATOR O'BRIEN TROTMAN: Another question, Sir, that took a lot of attention was a question of what I consider a minor comment by myself a question of safe and expensive cars. It was unfortunate, Sir, that my comment was interpreted to mean that there was going to be a great increase in the speed limit in Barbados and that we are going to have speed cars all over Barbados killing people and running over school children. In fact, my understanding is that in various areas there will be more reduction in speeds than increases. In some places, there will be increases, but I believe that the large amendments that will come will be reductions. I think I said in my opening remarks, Sir, that special attention is being paid to industrial parks, built up areas and school areas. So that, I was a bit put back, Sir, when that was overblown and taken as a big, major point in the Act.

The other points raised by hon. members really Sir, are points which I promise them I will raise with the Honourable Minister because they are things which really should be in Regulations and not in the main Act as we are dealing with it this afternoon. The question of missiles from vehicles, the question of

trucks and trailers, questions of industrial vehicles moving during the day, large equipment. All those are considered Regulation matters and not matters of the Bill as we are dealing with it at this time.

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

Mr. PRESIDENT: The question is that the Bill be now read a second time. As many as are of that opinion please say aye, to the contrary, say no.

SENATOR N. W. BOXILL: No.

Mr. PRESIDENT: Do you wish your dissent recorded, or do you wish a division? (ASIDE) I have taken the ayes and noes on the question, if you wish a division, you can have a division, or record your dissent.

SENATOR N. W. BOXILL: A division.

Mr. PRESIDENT: You wish a division. Divide the House. The following Honourable Senators voted AYE:

Senator the Hon. N. A. BARROW, Senator O'BRIEN TROTMAN, Senator Sir MENCEA COX, Senator K. E. HINDS, Senator R. E. BRATHWAITE, Senator A. TRUSS, Senator H. R. LINTON, Senator J. C. W. WICKHAM, Senator K. R. HEWITT. (9 Ayes).

The following Honourable Senators voted NO:

Senator N. W. BOXILL and Senator W. O. FRANKLIN. (2 Noes.)

The following Honourable Senators abstained:

Senator the Rev. G. A. HATCH, Senator Mrs. E. M. LYNCH, Senator J. D. S. MACKENZIE and Senator Miss M. I. St.C. BLACKMAN (4 Abstentions).

Mr. PRESIDENT: The Ayes have it.

SENATOR O'BRIEN TROTMAN: Mr. President, I beg to move that the Senate do now resolve itself into a Committee on this Bill.

SENATOR J. D. S. MACKENZIE: May I rise, Sir, on a point of knowing what is the correct procedure here? A motion has been made to refer it to Select Committee.

Mr. PRESIDENT: Who made a motion to refer it to Select Committee?

SENATOR J. D. S. MACKENZIE: I am sorry, no motion has been made. I was told that the time you make that motion was immediately and at the same time that the motion is made that the Senate resolve itself into Committee, and at that point in time you make the motion concerning whether it should be sent to Select Committee or not. Then there would be two motions before the House and it will go either to Select Committee or it will go.....

Mr. PRESIDENT: Who said that?

SENATOR J. D. S. MACKENZIE: He is not here now, Sir, but that is what Mr. Brancker told me to do and that is when it should be done.

Mr. PRESIDENT: My understanding of the rule is that after the question for the second reading has been put the Bill should be referred to a full Committee of the House unless a motion has been made that it be referred to a Select Committee. (ASIDE). Who made the motion?

SENATOR N. W. BOXILL: I did, Sir.

Mr. PRESIDENT: You did, when?

SENATOR N. W. BOXILL: When I was speaking.

Mr. PRESIDENT: How could you have made a motion when you were speaking? Standing Order 48, Committal of a Bill: "When a Bill has been read a second time it shall stand committed to a Committee of the whole Senate unless the Senate, on motion made, commits it to a Select Committee. Such motion shall not require notice and must be made immediately after the Bill has been read a second time, and the question thereon shall be put without amendment or debate."

I have already put the question of referral to the full Committee of the Senate, and that has been put to the House and passed.

SENATOR J. D. S. MACKENZIE: All I can say, Sir, is that I was told that the two motions would go together after the second reading. At that point in time the motion would be made that it go to the Committee of the Senate, and at that time a counter proposal would be made and then a decision would be made which way it would go. If I have been misled, Sir,.....

Mr. PRESIDENT: You have it the other way round. Unless the Senate on motion made commits it to a Select Committee. As soon as the second reading was adopted a motion should be made that the matter be referred to a Select Committee, which would avoid it going to a full Committee of the House if that was carried.

Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR THE REV. A. HATCH in the Chair.

SENATOR K. E. HINDS: Mr. Chairman, I beg to move that this Bill be taken as read, that clauses 1 to 4 be taken seriatim and the remainder be taken in Parts.

The question was put to the Senate and agreed to.

Clauses 1 and 2 were called and passed.

Clause 3 was called.

SENATOR O'B. TROTMAN: Mr. Chairman, I beg to move that clause 3 stand part of the Bill.

SENATOR N. W. BOXILL: I have not got up on clause 3 to speak, but what I would like to say is that I did not oppose Senator Hinds when he suggested the way the Bill should be taken. The only thing I am asking, Sir, is that you do not rush it, because if we are taking it in Parts, give us some time to look through the Parts, because there are some points which I want to raise. I agree it should be taken in Parts, because I want to leave anyhow, but please give us some time that I can raise the points I have not had answered. Just now when we had a little hiatus here I did not press the point with the President because he is one for whom I have great respect, and technically he was right. It is a technical point, I do not want to question it, but I do not want to create any situation in the Senate that is unfavourable to any of us in here, Sir, and therefore I am asking you that when these clauses are put that we be given a chance to run through them before you ask that we vote on them. Thank you.

The question that clause 3 stand part of the Bill was put to the Senate and agreed to.

Clause 4 was called.

SENATOR O'B. TROTMAN: Mr. Chairman, I beg to move that clause 4 stand part of the Bill.

SENATOR J. D. S. MACKENZIE: Mr. Chairman, may I ask whether the Bill we are doing is one that has been amended already, or are we going to move the amendments? Most of us have the unamended one and had to amend it, I believe. What Bill is being done?

Mr. CHAIRMAN: The Bill was amended in the Other Place and therefore it is an amended Bill that is before us. I think there is some problem in that there seems to be two lists of amendments.

We stand corrected. The amendments are in a paper which has five pages. There is one set of amendments. Apparently it has been circulated. Have you got five pages, Senator Boxill?

SENATOR N. W. BOXILL: I have five pages, but my amendments do not make sense.

Mr. CHAIRMAN: We are dealing with Clause 4.

The question that Clause 4 stand part, was put to the Senate and agreed to.

Part II was called.

SENATOR O'BRIEN TROTMAN: Mr. Chairman, I beg to move that Part II stand part.

SENATOR N. W. BOXILL: Mr. Chairman, the point I was raising is Part II, section 8(1)(d). My amendment to section 8(1)(d) is to delete "the Chief Technical Officer" in lines 2 and 3. When I delete that, it reads: "driven to or from any place for its inspection by or registration by the Licensing Authority." It does not make sense, so something is wrong. Either I have the wrong Bill, the wrong amendment or something like this, and I guess other members have the same thing.

SENATOR O'BRIEN TROTMAN: "By" is part of the amendment. "By" is cut out.

SENATOR W. O. FRANKLIN: Section 10(5) on page 26 reads: "The parish mentioned in column 1...." Mr. Chairman, I would like to be informed by the Mover of the motion or the Leader of the House for my own enlightenment what Laws of Barbados I should refer to to give me the boundary of the parishes of Barbados at this particular time.

SENATOR O'BRIEN TROTMAN: Mr. Chairman, I believe that the Senator is making the error that some people think that because for electoral purposes parish boundaries no longer exist that there is no such thing as parish boundaries in Barbados, but if he would check he would find in one week that we passed the repeal of the Parish Boundaries Bill, then the next week we were here making political constituency boundaries which themselves refer to parish boundaries: so there is no abolition of the parish of St. Michael. It has not gone anywhere. It is that there is no longer the parish of St. Michael as far as the representation of the people is concerned.

SENATOR W. O. FRANKLIN: Mr. Chairman, I am more confused. I am not trying to be difficult. I just want for my own personal explanation to know whether or not parishes exist in Barbados legally as at this date, and if they still do, I would be very glad if the Leader of the House could give me the Act of Barbados that established these parishes.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I believe there is a misunderstanding here in the sense that people think that we have to have legislation to clearly establish everything. Obviously if for certain purposes parish boundaries have to be defined, then you find legislation which defines those parish boundaries, for example, when the parish boundaries were of specific

importance to administration within this country, the vestry system. The Vestries jurisdiction could not be clearly marked out unless there was some legislation dealing with the physical limits of the jurisdiction of the vestries. As far as parish boundaries are concerned, no jurisdictional disputes arise as a result of this Act because while you have offices situated all over the Island collecting taxes, they are part of one department, and in fact I believe that this as a separate department is going to disappear at some time in the near future. I believe it is going to be merged with the general department dealing with Inland Revenue, because that is what they are all about; but there is no need to determine the physical limits of the jurisdiction of any particular administration or organisation defined in terms of parishes, therefore the significance of parish boundaries in that sense does not exist, and I believe that the reason in doing the constituency boundaries attention had to be paid to the Parish Boundaries Act and its repeal therefore was decided on, had to do with the fact that up until then boundaries even, notwithstanding St. Michael and Christ Church, for political administrative purposes were determined in relation to the Parish Boundaries Act which is no longer the case.

SENATOR W. O. FRANKLIN: This is a matter for my personal information. Would this establish the parish boundaries for St. Philip according to the Act we are now dealing with? Would it be the same as the electoral boundaries or what?

SENATOR THE HON. N. A. BARROW: If I may answer that, I believe there is something called usage and custom. I believe that the ancient usages and customs of the parishioners of St. Philip are enough to persuade them as to the existence of Brereton in the parish of St. Philip within the context within which we are speaking now.

SENATOR D. S. MacKENZIE: Mr. Chairman, I think that during the debate on this Bill there has been clearly indicated by comments made by various Senators on this Bill that the Bill has a great deal of things wrong with it which needed to be changed. The opportunity to have it go to Select Committee was mistimed by me. There are two things that are particularly difficult in this Bill for the garage people to live with and it concerns the trade plates.

While I have had the assurance by the Leader of the House that the Bill will be looked at and so on by the Government as soon as is practical and so in consequence, Sir, I would just like to deal with it in the manner of proposing two small amendments that would satisfy the position until it is dealt with expeditiously as he has promised it will be dealt with in a more detailed manner.

The first amendment that I would like to move, Sir, is on Page 19. The amendment does not require any writing. It merely requires deletion. Page 19, Section 7, subsection 4, I would ask that the following amendment be made: that the words after "by it" which read "and such a number plate shall only be used between 6:00 hours and 18:00 hours on any day" be deleted. In other words, the full stop will come after "a manner approved by it." Remove the time problem from the garage people which is going to bring us into problems. That would be satisfactory. We could live with the Bill in all of its other forms.

There is a further amendment, Sir, on page 22, Section 9(2)(b). I would ask that 9(2)(b) which reads "the proposed route of the vehicle in respect of which the licence is being used" that that (b) be deleted because, as I told you, we would have to be psychic to know where the person to whom we are going to give this demonstration the route that they would want to go and to write it down before we got there so with the deletion of those two things which in no way interferes with the principles of the Bill, that would allow us to operate and I would ask that we move those two amendments and we could live with the Bill until the whole matter could be taken up in greater depth for a revision.

I would further ask that we in the garage business that it be referred to us so that I ask and move those two deletions as amendments.

Mr. CHAIRMAN: Senator MacKenzie you will have to put those in writing to the Clerk of the Senate, please, according to Section 50, subsection 2 of the Standing Orders.

SENATOR MISS M. BLACKMAN: I was just going to second Senator MacKenzie's proposal for the amendments, Sir.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, we are dealing here with a matter which some of us have been particularly concerned about, the fact that the Road Traffic legislation in this country was in need of overhauling for a very, very long time.

The history as recorded in the file will indicate, Sir, the first draft of the revised Motor Vehicles and Road Traffic Bill was submitted by the Assistant Legal Draftsman on the 20th May, 1960. You do not even have to be 21 now to retain the age of majority so this Bill is over-ripe.

All sorts of people have been consulted on this Bill including the Chamber of Commerce, the Auto-

mobile Association, the Road Safety Association. Every conceivable manner of persons seems to have been consulted in the course of this. Eventually the Bill has seen the light of day in the form in which it has reached us today. If we are serious legislators, are we now going to say that something that is obviously complex, is susceptible of easy amendment by way of chopping and changing things which have been deliberately put there to meet certain specified circumstances, Sir, I cannot believe that Senator MacKenzie who, I am sure, is a member of the Chamber of Commerce, is going to look at us and talk about consultation when the machinery of the Chamber of Commerce is what has obviously been broken down in this because the Chamber has a right to have consulted its garage people properly and then the points which he is making would have been fully canvassed so it is either that they were fully canvassed and do not appear reflected here in this Bill because weighed against all else, they were not considered points that should prevail or the Chamber fell down, did not consult properly within its membership and therefore what we have now is a Bill which could have been more satisfactory had the Chamber done its job.

Well, I wish to appeal to Senators. We are getting near the beginning of June. We need this legislation in order that a start may be made towards a proper administration of this area of the Law in Barbados. We cannot, I submit, Sir, stand up here this evening and by chopping out one or two things, remove perhaps the very things in this Bill which will assist the Police in certain parts of their duty because there have been complaints of abuse of these same licence plates.

I am sure that the framers of the Bill did not intend to put any undue restrictions on garages but I am pretty sure that they want to end the practice whereby people have been getting hold of these licence plates and using them for criminal purposes. It is a completely different matter and the society still has to be protected just as the climate for trade has to be created for the garages and other people in business, the society has to be protected against irresponsible activities of its more anti-social elements.

It seems to me, Sir, that Senator MacKenzie must be prepared in these circumstances to accept the undertakings given by Senator Trotman, that we will raise the points which he raised since they seem to be serious points. He has represented that these will hamper trade and what I am sure the Ministry of Communications and Works are concerned with is what formula will assist in the points raised by the Police without unnecessarily hampering trade but we are not going to go all over-board this evening and just cut out things which are not favourable perhaps at first glance to trade

interests and just sell the interest of the Police out when the Police have a legitimate business to be represented here if we are going to look at them to maintain law and order. We cannot do it that way, Sir. I am afraid that in this case, Sir, Senator MacKenzie will just have to accept our assurance but on this side we cannot accept the amendment, Sir.

SENATOR D. MACKENZIE: Sir, I regret that I will have to differ in my opinion considerably with some of the things that Senator Barrow had to say.

First of all, if the Chamber of Commerce had been consulted, that I cannot answer if they had or had not, in spite of the fact that I am a member but nevertheless I can accurately say that the people involved in the car business concerning things like this have not been consulted and it is not a matter of the Chamber of Commerce not doing its work or not that enters into this discussion. What in actual fact is that the Hon. Senator believes that there is something crucial in the basis that we have to write out or that the points that I have asked and have written out that they be deleted as amendments, he believes that this is crucial to the Police carrying out their duties.

I beg to differ completely in that view. It is nothing to do with the Police carrying out their duties, as they should carry them out. I would just give a little history here to illustrate my point. When you are issued with a set of trade plates by the Licensing Authority, one of the trade plates on the front and as called for in this Act too, carries on it a disc from the Parochial Treasurer showing the registration number and that it is licensed. Those are kept in the custody of each and every garage. The front plate carrying that disc of authority is affixed on to the car when it goes out on to the road. If the Police in the middle of the night finds a pair of number plates that have been fraudulently made up or that do not bear the Parochial Treasurer's disc they can report that man, they can carry him straight to jail because he has broken the Law, they can do as they like with him. But, as far as the garages are concerned if this has come from them, they will be responsible for it legally as well. But, there is no rationale or any way is it undermining the Police or their duties to ask for these two things to be done.

In the past, we never had the hours of restriction of time. This is a serious restriction of time for the garage business. It does not in any way make any sense to me. The only thing that I have been told this afternoon is that the Police feel that there are people who put red numbers on motor cars at night and drive around and therefore if all the garages had to have theirs off the road, they could be conspicuous and pick them up. I can take my number plate off my car at night if I

want and put on Senator Barrow's number plate make up one just like his and put on my car, I can go around as he too and the only way the Police is going to check is that they have to stop me and they have to check with the Parochial Treasurer too to find out if a Ford Cortina bears that number or whether it is fraudulent. So, this is hampering trade and interfering with us unnecessarily in a heavy handed manner with no serious objective to it whatsoever.

All I am asking is we realise that this Bill is full of things that are wrong and bad and all I am asking is amend the Bill, send it to the House next Tuesday with the — and I am not asking to rewrite anything, delete two sections and let it be reconsidered again at their earliest convenience and if they feel that it should be imposed, well then, reimpose it. That is all I am asking for and I do not see that that is an unreasonable request and there is time. It is a deletion of two things that is all, we are not writing any words into it and that will get us through the difficult part that we find ourselves in at this moment in time.

I do not know when an election will come, how long the election will take, I do not know who is going to be returned, I do not know anything else about that. They are hopeful they will be returned, but I do not know if that Party will be and I do not know if the other Party will get in and even if this legislation will be looked at again. So, I must appeal to fellow Honourable Senators to give me their support at this point in time. I feel that it is not a Party issue, it is nothing that is going against the Party. The easiest and the best way for it to be coped with is to move the amendments, accept the amendments, send it to the Other Honourable House next Tuesday and they accept it, it is the deletion of two things and there is nothing that they cannot accept in that.

I must appeal to Honourable Senators for their support in relation to the amendments that I have asked to be moved that is the deletion of the words:

“and such a number plate shall only be used between six hours and 1800 hours on any day”

and that the section 9 (2) (b) be deleted. It does not cause a problem and I feel Sir that it is only reasonable that they can accommodate us in this. I am not asking, I am not undermining the Police or anything. All I am trying to do is to be able to operate, so that we can operate in this point in time with the deletion and let us have new amendments and these will not be the only amendments that should come out later on. A whole host of them should come out because Honourable Senators have only had a good glimpse at this now and today has proved the point.

Mr. CHAIRMAN: Senator MacKenzie, will you hand your Resolution to the Clerk, please?

Mr. Clerk, would you read the amendments for us, please.

Mr. CLERK: "That the following words proposed to be left out be left out of the Question; 'Clause 7 subclause (4), line five all the words after "it" '.

Mr. CHAIRMAN: Are there two amendments, Mr. Clerk?

Mr. CLERK: One.

Mr. CHAIRMAN: There is one. The question is that in Clause 7(4) the clause finishes with a full stop after "it" in line five and that the words following "it" be omitted. As many as are of that opinion please say aye, of a contrary opinion say no. The noes have it. The amendment is accordingly defeated.

SENATOR J. D. S. MacKENZIE: Sir, I ask for a division.

Mr. CHAIRMAN: Mr. Clerk, a division please.

The question that in Clause 7(4) the Clause finishes with a full stop after "it" in line five and that the words following "it" be omitted was put to the Senate and resolved in the negative, the Senate dividing as follows:

NOES: Senator the Hon. N. A. Barrow, Senator O'Brien Trotman, Senator Sir Mencea Cox, Senator K. E. Hinds, Senator R. E. Brathwaite, Senator A. Truss, Senator H. R. Linton - 7.

AYES: Senator J. C. W. Wickham, Senator J. D. S. MacKenzie, Senator Miss M. I. StC. Blackman, Senator W. O. Franklin - 4.

ABSTENTIONS: Senator K. R. Hewitt, Senator Mrs. E. M. Lynch - 2.

Mr. CHAIRMAN: The amendment has been lost. The other amendment, Mr. Clerk.

Mr. CLERK: That the following subclause be left out of the question, subclause (b) in Clause 9(2).

The question that Subclause 2(b) of Clause 9 be omitted was put to the Senate and resolved in the negative, the Senate dividing as follows:

Noes: Senator the Hon. N. A. BARROW, Senator O'BRIEN TROTMAN, Senator Sir MENCEA COX,

Senators K. E. HINDS, R. E. BRATHWAITE, A. TRUSS and H. R. LINTON - 7.

Ayes: Senators J. C. W. WICKHAM, J. D. S. MACKENZIE, W. O. FRANKLIN and Senator Miss M. I. StC. BLACKMAN - 4.

Abstentions: Senator K. R. HEWITT and Senator Mrs. ENID LYNCH - 2.

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

Parts III, IV, V and VI were called and passed.

Part VII was called.

SENATOR O'BRIEN TROTMAN: Mr. Chairman, I beg to move that Part VII stand part of the Bill.

SENATOR Miss M. I. StC. BLACKMAN: Mr. Chairman, page 110, Clause 90, Subsection (3):

"Any person who contravenes or fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for a term of 3 months or both."

This is a clause about which I have already expressed some concern, Sir, because I feel that this \$250 is disproportionate *vis-a-vis* the other fines of \$1,000 for speeding, etc.

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

Part VIII was called.

SENATOR O'BRIEN TROTMAN: Mr. Chairman, I beg to move that Part VIII stand part of the Bill.

SENATOR Miss M. I. StC. BLACKMAN: I think there is a small amendment needed on page 112, Clause 93(1)(a), whether it does not need the word "to" to be put in, between "86" and "be".

Mr. CHAIRMAN: I think, Senator Blackman, we could take that as a verbal amendment but it is accurate because at the top of page 113 "allow such charge to be preferred" is a repetition of the same word. I think we should regard that as a verbal amendment.

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

Part IX was called and passed.

The First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules were called and passed.

SENATOR O'BRIEN TROTMAN: Mr. Chairman, I beg to move that the Senate do now resume and the Bill be reported.

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

SENATOR O'B. TROTMAN: Mr. President, I beg to report that the Bill has passed the Committee without amendment, and move that it be read a third time forthwith.

Mr. PRESIDENT: It is understood that those amendments made in the Other Place are incorporated in the Bill before us.

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

On motion of SENATOR O'B. TROTMAN, the Bill was passed.

THE COMPANIES (AMENDMENT) ACT, 1981

The eighth order of the day was called — to move the second reading of a Bill to amend the Companies Act.

SENATOR THE HON. N. A. BARROW: Mr. President, this is the first of three Bills giving legal effect to budgetary proposals. This is to do with an amendment to the Companies Bill, the next one to do with Property Transfer Tax and the third one to do with Patents.

Sir, I propose in dealing with these three Bills to invoke Standing Order No. 59, since they are money Bills and they are very short money Bills, and this will allow us to proceed without going into Committee. The aim and I presume the effect of each of these pieces of legislation is to raise revenue, and the Bills are very short. Indeed I need say nothing more, I believe, than that it represents revenue measures reflected already in the 1981 Budget.

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

The question was put to the Senate and agreed to.

SENATOR THE HON. N. A. BARROW: Mr. President, contrary to what I said just now, I do have to propose that we go into Committee because as you have pointed out to me, the Bills as money Bills have to be so endorsed by the Speaker and these although they are obviously money Bills have not come so

endorsed; consequently we cannot avail ourselves of Standing Order No. 59.

I beg to move that the Senate resolve itself into Committee on this Bill.

The question was put to the Senate and agreed to, and Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR THE REV. A. HATCH in the Chair.

On motion of SENATOR K. HINDS the Bill was taken as read.

Clauses 1, 2 and 3 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 PROPERTY TRANSFER (AMENDMENT) ACT, 1981

The ninth order of the day was called — to move the second reading of a Bill to amend the Property Transfer Act, 1981.

SENATOR THE HON. N. A. BARROW: Mr. President, similarly this is a revenue measure. I should perhaps point out one difference in this Bill, which is that the words previously in the Act were "national of Barbados", but as you are aware, Sir, the most recent Immigration legislation has quite clearly defined category of "permanent resident" and we have always had of course a clearly defined category of citizen, and therefore it is now proposed that the references where there were obligations imposed on a national of Barbados, those obligations are now to be imposed on citizens and permanent residents. In other words, there is a sense of benefits belonging to the citizens of a country and also a recognition that there are persons who have lived and made their home here for a long time and who however may not for good reason have opted for citizenship even though they are the kinds of persons who would normally be admitted to citizenship by any country.

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

SENATOR W. FRANKLIN: Mr. President, this particular Bill does not really solve the problem to me since increases particularly to the vendor up to ½% is no

big thing at that particular time but what is worrying me at this particular time is that we are now in the period where land taxes should be going out on properties in Barbados and it is noted that since the last evaluation on properties because of inflation fanned particularly by the Consumption Tax on a lot of materials in the building industry, that properties have gone up in most cases by over 100%.

I am appealing that when the rates are being fixed that some consideration be taken that the base has gone up so much otherwise we are going to impose severe hardships on a lot of people whose taxes, I know, will jump in most cases for the modest three bedroom house from \$180 to between \$400 and \$500 a year and at this time I think I would like to invite the Leader of the Motion that if the rates are going to be fixed that some consideration should be given to this fact.

SENATOR THE REV. A. HATCH: When I asked a question some time ago about seeking information on the quantum of property passing out of the control of Barbadian citizens, I was given an answer which really did not tell me much other than that it was not possible to say.

I was further told that the Central Bank was monitoring because they would have to approve of funds being brought into the Island and that this was one method and that therefore there was no need for concern at this stage. Now, I cannot see how there could be no need for concern if they could not, in fact, state how much land had gone out of control of nationals and into the control of foreigners.

I was also told at the time, Sir, that the Land Transfer Tax was one means of monitoring this. I want to say now what I said then that the gradual escalation of the Land Transfer Tax is absolutely no deterrent to non-nationals buying land in Barbados and I think that if the Government thinks so, they are fooling themselves and I am very glad that the Leader of Government Business in the Senate said that this was a tax-raising mechanism and he did not adduce the argument which was adduced in the Other Place that the gradual escalation of the Land Transfer Tax will be a deterrent.

I want to say again, Sir, that is absolutely no deterrent. In terms of the raising of taxes, I have no objection to it but it is no deterrent to the question of land passing out of the control of nationals at a rate and in amounts that nobody seems to know the answer to.

SENATOR THE HON. N. A. BARROW: Mr. President, I shall take the last point first. One has to recognise, Sir, that if one sees a certain volume of trade reflected by tax collection, that this does not necessarily mean that the items which are being traded are items

which would normally be the items you would put in the column that you would wish to permit being traded to foreigners and this is why, perhaps, control by the Central Bank still remains the best mechanism in this area. That is a brief answer to the point.

The second point, Sir, is that I will still have to stand up here and say that in terms of a statistical base for giving a meaningful answer to Senator Hatch's question and his concern is legitimate, I have never questioned that and I never will. In terms of giving a meaningful answer, the statistical base is adequate and it still is.

The other question, Sir, is the point raised by Senator Franklin. Maybe he has a sufficient statistical base to adduce that the prices of properties are rising because of the Consumption Tax on building materials. Maybe, Sir, he will tell us, Sir, what is the Consumption Tax on cement and I believe that if we try to break down building costs we are going to find that if we take labour on the one hand and cement on the other, we are going to be accounting for a significant portion of the building cost and I have a statistical base for that, Sir, because I am always dabbling and I would like to know what is the Consumption Tax on labour and what is the Consumption Tax on cement.

In other words, Sir, if Senator Franklin as a former Commissioner of Evaluation, having himself been associated with evaluations which were not altogether popular, wants to sound a warning to the present Commissioner of Evaluation, I can understand that. Sound the warning but do not, Sir, inflict on me the argument from the political platform that every woe in this country is due to Consumption Tax.

The first Consumption Tax imposed in this country — I think Senator Franklin wishes to interrupt, Sir. I do not mind.

Mr. PRESIDENT: If you want to give way.

SENATOR W. FRANKLIN: Mr. President, I must interrupt here because he is not completely quoting me right, Sir. I said due to inflation assisted by Consumption Tax. I am not blaming everything on Consumption Tax so it is not right to give that impression.

SENATOR THE HON. N. A. BARROW: Sir, the original wording was a little different but anyhow, do not let us get too much on to that.

I will still, however, like to inform the Senator that the previous Prime Minister and Minister of Finance on a single evening brought down and introduced into the Parliament of this country something called Consumption Tax and that was before September 2, 1976.

The Democratic Labour Party really should not be running around and telling everybody that Consumption Tax this and Consumption Tax that. What was done under this administration was a rationalisation of the Consumption Tax which had been imposed 13 years ago. We have been riding with it for a very long time, Sir. The Consumption Tax plus the Sales Tax that apparently used to be collected but did not reach the Treasury but they used to fall on the shoulders of the poor man, though.

I cannot understand the point about Consumption Tax, because the records are there. Where food items and essential items are concerned, there was a reduction, not an increase in tax. Nobody is denying that the tax gathering methods are more efficient. Nobody is denying that the tax measures have been yielding revenue but why continue when you represent a Party that introduced Consumption Tax into this country and introduced a Sales Tax which was even put on drugs, why continue to tell people about Consumption Tax.

I believe, Sir, that the Senator wishes to say that he does not wish the Commissioner of Valuation to fall into the trap that he fell into when he was Commissioner of Valuation and arrive at evaluations that are not entirely popular, I believe that the Commissioner of Valuation would welcome that I would wish to assure Senator Franklin that I will pass on his advice but I do not know that the speech on that particular point can be supported.

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 Committee on the Bill, SENATOR THE REV. A. HATCH in the Chair.

On the motion of SENATOR K. E. HINDS, the Bill was taken as read.

Clauses One to Four inclusive were called and passed.

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

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Senator Barrow.

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

The question was put to the Senate and agreed to.

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

The question was put to the Senate and agreed to.

Order Number 10 was called — To move the Second Reading of a Bill to amend the Patents Act.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Sir, this Bill which at another time I have seen referred to as the Patents Bill it is properly called the Patents (Amendment) Bill. Again, Sir, it is to give effect to Budgetary Proposals. The bite of this is in the Schedule, so really the amendment consists in the repeal and replacement of the Second Schedule.

I beg to move 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 REV. G. A. HATCH in the Chair.

On the motion of SENATOR K. E. HINDS, the Bill was taken as read.

Clauses One to Three inclusive were called and passed.

The Schedule was called and passed.

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

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Senator Barrow.

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

The question was put to the Senate and agreed to.

Mr. PRESIDENT: Senator Barrow.

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

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, 27th May, 1981 at 2.30 in the afternoon.

The question was put to the Senate and agreed to and Mr. PRESIDENT accordingly adjourned the Sitting at 4.58 p.m.