

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, July 27, 1983.

The Senate met in the Senate Chambers, Public Buildings on Wednesday, July 27 1983, at 10.15 a.m.

PRESENT

His Honour Senator the Honourable Sir Arnott Cato, (President)

His Honour Senator J. C. W. Wickham, M.B.E., (Deputy President)

Senator the Hon. N. A. Barrow, (Minister of Information and Culture) (Leader of the Senate)

Senator the Hon. O'B. Trotman, (Minister of State in the Prime Minister's Office.)

Senator H. R. Linton

Senator Mrs. E. M. Lynch, G.C.M.

Senator the Hon. C. A. Griffith, (Minister of State, Prime Minister's Office)

Senator D. A. C. Simmons

Senator Miss J. Clarke

Senator St. C. E. Howell (Parliamentary Secretary to the Minister of Finance and Planning)

Senator Mrs. M. O. Reece

Senator E. E. Greaves

Senator W. W. Hall

Senator A. W. A. McClean

Senator Mrs. G. G. Reader, M.B.E.

Senator the Rev. Can. I. McK. Jones

Senator C. E. Jemmott, J.P., B.S.S.

Prayers were read by the Rev. Can. I. McK. Jones.

ABSENT

Senators J. E. D. Williams, C. D. Seale, L. A. Ward and Dr. W. E. Waldron-Ramsay.

CONGRATULATORY SPEECHES

SENATOR THE HON. N. A. BARROW: Mr. President, I am pleased this morning, before we move formally

to do the business of the day, to rise to congratulate you on your recent honour.

I believe that other honourable Senators would have noticed that in the Queen's Birthday Honours List you received a further honour, and even though we have rarely used this Chamber to say congratulations to you as your worth is recognized from time to time, or I should say more clearly recognized from time to time, I believe that we should not allow your latest honour to go without at least observing how very well deserving Your Honour is.

May I also say, Sir, that we are quite happy to say that every time an honour is conferred on you, even though it is on occasion of your distinguished person and your distinguished performance, there is no way that we can avoid sharing some of the honour, since you are the President of our Chamber.
10.25 a.m.

On behalf of the Senate, Sir, I wish to say how very pleased we are that Her Majesty has conferred a further honour on you, and I wish to offer heartiest congratulations.

SENATOR J. C. W. WICKHAM: Mr. President, in associating myself personally with the remarks made by the Leader of the Senate, I should like also to say that in addition to your distinguished leadership and direction of the work of this Senate, which has been informed by many years of experience in other Chambers, I would like to make mention of the humanity with which you have dealt with these affairs. So often in the sterile atmosphere of the Legislative Chamber the formalities get in the way of an expression of humanity and I would like, in recording my personal gratification of this new honour, to make a mention of the wealth of this humanity which all of us in this Senate have benefited from.

Thank you very much.

SENATOR E. E. GREAVES: Mr. President, I rise to associate myself with the remarks which have been made about the latest honour which has been conferred on yourself. Like Senator Wickham, I want to indicate that certainly from this side of the Chamber we have recognised that you possess the kind of qualities which have guided the discussions in this Chamber. These discussions sometimes can be very heated, but you have always been able through your approach to bring the discussions back on an even keel. We believe that you very well deserve the honour which has been conferred on you, particularly because of the role which you have played in the development of this country.

However, in offering my congratulations to you, I want to raise a related matter, which I am satisfied has some national importance — the question of honours and the whole importance of our national honours. I believe that this is a step in the right direction in that we ought to be able to have the wherewithal for conferring honours on those persons in our society who have made a contribution in their various fields in the development and general improvement of this society.

We are an independent country. It is true that we are independent within the Commonwealth and that the Queen is still the head of this particular state, but I would like to think, on the whole question of national honours, that we would have reached a point where we can move away from having to look to the mother country as it were for conferring national honours on our outstanding citizens. I think the time has come when we ought to be moving to build up the honours which we confer locally to a point where they can get the kind of recognition within the society for what they are, and that we do not have to depend on the conferring of honours from another country.

This is not at all being said to detract from the kind of honour which has been conferred on you, but, Sir, I am sure you would realise that we are in the process of building our nation, we are independent, we are supposed to steer our own ship, to set our own standards, and if we continue with this backward colonial kind of approach, then one must wonder where we are going. Therefore, in congratulating you on your achievement, I would like to appeal to the Government to indicate a time period within which we will cease to be receiving honours from Britain.

Thank you.

SENATOR Mrs. E. M. LYNCH: Mr. President, as a woman I really feel that no opportunity should pass on your receiving congratulations or approval of any kind without a contribution from us women. So often in the course of your work as an obstetrician, you came to the rescue of women at a time when perhaps their

fate was somewhat unhappy in performing their arduous task — an arduous task of course peculiar to women. We always knew that your brusque and efficient manner concealed a warm and generous heart, which greatly assisted us in our task.

I regard your career as noteworthy because I think it demonstrates how much these West Indian territories could gain by using our human resources to the full, through sharing them sensibly, and I trust the day will soon return when we will regard all these scattered islands as home and be able to choose the particular one in which we would like to serve.

I do not think it could have been an easy task at the time in the history of Barbados when you courageously, I think, set out to work here. The dominant note this morning, I think, should not be one of mere congratulation. Rather, it should be one of gratitude, that you first honoured Barbados by making this island the point from which you would launch into an ever-widening area of service.

While it is true that we should have a special regard for our own national honours, it is also true that we should not hesitate to note when people in our midst perform services that go somewhat beyond service to their own communities. I think that there are outstanding people who receive honours from countries other than their own because they are not merely members of their own community, but they have the breadth of vision to rise above the narrow confines and differences of race, or colour, or creed or nationality.

10.35 a.m.

I think it is in this way that we should look at the honour bestowed upon Sir Arnott Cato. We have seen his work in this Chamber and in it we observe a profound respect for democratic institutions. He guards the rights of this Chamber very jealously and would like to see our work extended rather than lessened.

His work in the Commonwealth Parliamentary Association shows very great dedication to the concept of the Commonwealth, as well as to our own national life.

It seems to me, then, that it should not be regarded as out of place in any way, or an insult to Barbados in any way, that honours are bestowed upon the great citizens of the Commonwealth, as distinct from being citizens of Barbados. Therefore, we are proud that he has moved from being Knight Bachelor to being Knight Commander.

Quite frankly, I do not think that these honours mean a great deal to Sir Arnott Cato. He is not that sort of person. He is a very private person, a very honest person, and I think he has his values right. I do not think

that the Knight Commander will make him feel any grander. He has already demonstrated the quality of his service, and the service he has rendered Barbados is really deserving of any honour that could be bestowed upon him. Therefore, we rejoice with him without setting any limitations or trying to be critical in any way.

It could not have been easy for Sir Arnott when he arrived in Barbados to understand the subtleties of the Barbadian community. Yet, his approach, the quality of his work, the success which he achieved, the dedication which he showed, won, first, approval, then admiration, and, finally, the affection of those who served so conscientiously under such distinction.

I for one benefit from his wise directions in this Chamber. He softly reminds me, from time to time, in words which are not always heard all around the Table, that perhaps I should remember the decorum necessary in this august Chamber. His guidance, his remonstrations and admonitions are so quietly and confidently given that we all respectfully respond to them without question.

His words are few, and well chosen, but perhaps we should cast our mind back to the days when, as a member of what was then the Legislative Council, he delivered in this Chamber some speeches which were outstanding for the depth of view which they showed, and the depth of knowledge and the thoroughness of his preparation. I certainly remember reading those speeches with very great enjoyment.

I mention this because I do not want you to feel that his words are always as brief or as restricted in their range as they have to be in his position in the Chair. Sometimes I wish that he were not in the Chair and that we could get the full benefit of all the wisdom he has gained over his many years of service to Barbados and to the Caribbean.

Therefore, it is with very great sincerity that I join the other speakers in congratulating Sir Arnott on the honour he has received. We are proud that he has served not only Barbados, not only St. Vincent, but the whole Caribbean and the Commonwealth itself, through the Commonwealth Parliamentary Association.

Thank you, Mr. President.

Applause.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, I have to crave your indulgence to just add one bit to the speeches so far, because I am really a little distressed at the note struck in Senator Greaves' speech,

since I think that that is really a matter which would be a little out of place on an occasion like this.

I would invite the Senator to put any such thing down as the subject matter of a Resolution, which he is at liberty to do at any time. Because if he does what he just did, what he does in fact is seek to take advantage of a formal congratulatory occasion to make a point that is not likely to be answered. I do not believe we want to get into acrimonious references on an occasion like this.

I hope you will excuse my mentioning, Sir, that the Leader of Senator Greaves' Party in accepting appointment as a Privy Counsellor accepted a colonial honour. And, while all of us agree that Sir Garfield Sobers was most deserving of being honoured, we cannot forget that it was a colonial honour that was accepted on his behalf, and was accepted in what was the most spectacular staging of such acceptance — at the Garrison.

So I believe that there is no point, on an occasion like this, trying to score cheap political points, particularly when you are representing a party that is extremely vulnerable in this respect.

Mr. PRESIDENT: Honourable Senators, you see for yourselves how difficult saying a lot sometimes can be for persons in this Chamber, so I will try to leave that part of the morning's proceedings out of my discussion and merely say how very touched and moved I am by the extremely kind remarks that have been made. On a purely personal note, I thank Mrs. Lynch for her kind remembrances of days somewhat long gone by, when I had occasion to assist her in what she calls the purely feminine task.

I am very happy at the remarks that members have made. I do not know that I really deserve all the kind things that have been said. I do wish to say that I myself feel I am a Caribbean man even though the greater part of my life, and certainly all of my working life, has been spent in this country. I have tried in both my professional and public career to do my duty as I could see it in terms of the whole West Indian, Caribbean community, as well as to the Barbadian community and, as fortune brought it about, in various parts of the Commonwealth where I went to represent Barbados.

10.45 a.m.

I would like to think of this honour as something honouring the Senate as well as me personally. As you know, I have a great affection for this body, and I try to do everything possible to make the part that the Senate plays in the Constitution of Barbados more recognised and accepted as an integral part of our Constitution and a most important body.

If members get the opportunity to read a report which we made recently on the role of Upper Chambers

at one of the Commonwealth Parliamentary Association's study groups, members will see how not only I myself, but other figures in the Commonwealth regard the Upper Chamber.

I take this opportunity to say how very grateful I am to members for their assistance and co-operation over the years, and I look forward to their continuing support in keeping this body a useful, respected and dignified Chamber.

Thank you very much.

Applause.

PRESENTATION OF PAPERS

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

The Public Secondary Schools Boards of Management (Amendment) Order, 1983;

The Civil Establishment (Teachers) (Amendment) Order, 1983;

The Duties, Taxes and Other Payments (Exemption) (No. 6) Order, 1983;

The Duties, Taxes and Other Payments (Exemption) (No. 7) Order, 1983;

The Annual Report and Statement of Accounts of the Insurance Corporation of Barbados for the year ended 31st December, 1982.

QUESTIONS TO MINISTERS

SENATOR THE HON. N. A. BARROW: Mr. President, last week in Senator Greaves' absence we did intimate that the answer to a Question asked by him was ready. At this stage, the answer to the Question is on its way to us, and therefore we would wish to have this Item deferred.

Mr. PRESIDENT: If there is no objection, the Item — Questions to Ministers — will be deferred till later in the proceedings.

INTRODUCTION OF BILLS

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

A Bill to repatriate to Barbados the administration and control of the Codrington Estate Trust and to provide for related matters.

A Bill to amend the Dogs (Licensing and Control) Act, 1981.

A Resolution to approve the compulsory acquisition of a parcel of land at Bridge Gap and Highway 1, St. Michael.

A Resolution to approve the vesting in Grafton Headley of a parcel of land at Bagatelle, St. Thomas.

A Resolution to approve the Public Secondary Schools Boards of Management (Amendment) Order, 1983.

A Bill to amend the Land Tax Act, Cap. 78A.

A Bill to amend the Road Traffic Act, 1981—40.

A Bill to amend the Narcotic Drugs Act, Cap. 140A.

A Resolution to approve the compulsory acquisition of land at Bank Hall Cross Road, St. Michael.

A Resolution to approve the Civil Establishment (Teachers) (Amendment) Order.

A Bill to amend the Airport Service Charge Act, Cap. 59.

A Bill to amend the Accident and Occupational (Notification) Act, Cap. 338.

All the items on the Order Paper have been given notice of and have been read a first time, so it is only the Bills in this new set of notices which are for first reading.

Mr. PRESIDENT: Let it be recorded in the Minutes that the Bills as now given notice of have been read a first time.

SENATOR E. E. GREAVES: Mr. President, I just want, for my guidance, to seek some information from the Leader of the Senate as far as today is concerned, whether we are going to get through all of the business that we have on the Order Paper, including the ones of which first notice has been given today, or whether it would be required to come back another day? I just want to know, because I have to programme my attendance.

Mr. PRESIDENT: I think the Minister will probably say it at the time when he comes to *Public Business*, but I do not object if he wishes to answer now.

SENATOR THE HON. N. A. BARROW: Mr. President, as the Senator is probably aware, unless there is a problem with our timetable, we anticipate prorogation

of Parliament by the end of the week, and therefore last week Wednesday I had asked that Senators be good enough to come prepared to deal with such items as came up from the Other Place today.

The items which I mentioned specifically that we had expected were the Codrington Trust Bill and the Narcotics Bill. There were, however, a number of other items here — and some of them members would not have seen, because four were brought to the Other Place yesterday — and to avoid adjourning to Friday and complicating matters, the Opposition agreed to have the matters dealt with all yesterday. Consequently, we have a longer list than we had anticipated.

I should also point out that there are some of them that have been around for a bit, and therefore members would have had a chance to see them before. Then there are a couple of Resolutions which, obviously, are easy to deal with. The Resolution on the Secondary Schools Boards of Management, for example, is merely to bring Lodge School within the new scheme, and that was foreshadowed by last week's Resolution.

We will try, as long as Senators have no objection, to go right through the list today.

SENATOR E. E. GREAVES: I just want to inquire further, does this mean that we will get an opportunity also to deal with any matter under Private Members' Business that we might care to deal with today?

SENATOR THE HON. N. A. BARROW: I certainly have no objection, Mr. President.

Mr. PRESIDENT: Well, we are in for a long sitting. 10.55 a.m.

PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, the order of business which we wish to follow today is Order No. 2, which is the only thing on this list that will be dealt with by me; and then Nos. 5 and 7, both being dealt with by Senator Trotman; Nos. 3 and 6 being dealt with by Senator Griffith, and then Nos. 1 and 4. We are awaiting the file for Order No. 4, otherwise we could have just gone on as they were, but this will give me time, as the other files come in with these other items, to deal with them.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. N. A. BARROW: Sir, I believe at this point it would be appropriate for me to move the suspension of Standing Order 45 (2). We would need to do it at some point in the course of the day so we could as well do it now and get it out of the way.

Accordingly I move that Standing Order 45(2) be suspended for the remainder of the day.

Mr. PRESIDENT: I think that should be Standing Order 45(2) and (3).

SENATOR THE HON. N. A. BARROW: Mr. President, one or two of the Bills are not printed yet, so therefore it will have to be Standing Order 45(2) and (3), since (3) deals with the printing and circulation of Bills.

The question that Standing Order 45(2) and (3) be suspended was put to the Senate and agreed to.

LAW REFORM (MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 1983

Order No. 2 was called — To move the Second Reading of a Bill to amend the Law Reform (Miscellaneous Provisions) Act.

SENATOR THE HON. N. A. BARROW: Mr. President, the Bill before us is one only, apparently, of peculiar interest to lawyers, but which in fact has far greater significance than that, since I have never known that the record on a fatal accident has shown any distinction between persons in whatever station, whatever vocation or what have you.

The general principle in the Law of Damages is that the court seeks to give the injured party, not just an award — it really seeks to compensate him for the damage suffered by putting him back, as far as this is possible, in the same state he was in before the injury.

Clearly, Sir, if it is a matter of how much money is paid to the hospital or to a doctor, then that can be quantified in fairly precise money terms. But the difficulty in the Law of Damages is that one is seeking to compensate for so much which is in no way quantifiable in money terms. However, the courts do the best they can.

The reason this legislation is before us is that, from time to time, decisions are taken by the courts which tend to upset our certainty as to what the law really says, and indeed, to go further, can result in new law really being created.

The subject of today's legislation is something called damages for lost years. It used to be believed, until recently, that the proper provision in our fatal accidents legislation was that damages would not be paid for lost years. The reason is that the provision to pay damages for the loss of expectation of income is what you call a bread-winner's provision — a man has a family, is

supporting a family, and if an accident suddenly removes him, then the negligent party ought to try to ensure that the family does not suffer unduly. So there is a notion of support for the family.

In a recent case in Great Britain, the Court of Appeal over-ruled its decision in *Oliver v. Ashman*, a 1964 case, which has been thought until now to settle the law, that there would be no compensation for lost years. I believe that in *Oliver v. Ashman*, the victim was 20 months and the court held that there should be no sum awarded for lost years. Although the court overruled in the case of *Oliver v. Ashman*, there is a very interesting judgment, which was written by Judge Fraser, whom I am about to quote, when the matter went to the House of Lords and the House of Lords agreed that there should be compensation. He says:

"But it seems to me difficult to justify a law whereby the deceased's estate, which may pass to persons or institutions in no way dependent on him for support, can recover damages for loss of earnings or other income which he would probably have recovered during the 'lost years'. It is particularly difficult to justify the law in cases such as the present, in each of which the deceased was a young man with no established earning capacity or settled pattern of life. In such cases, it is hardly possible to make a reasonable estimate of his probable earnings during the 'lost years' and it is, I think quite impossible to take the further steps of making a reasonable estimate of the free balance that would have been available above the cost of maintaining himself throughout the 'lost years', and the amount of that free balance is the relevant figure for calculating damages."

In other words, as he interpreted it, the correct interpretation of the law is that there should be damages for lost years, but that this put the court to do what was virtually an impossible task.

11.05 a.m.

The purpose of assessing damages in such cases is so extremely uncertain that it could hardly be dignified with the name of calculation — it is little more than speculation, yet this is the process which the courts were obliged to carry out at present. In my opinion, the unhappy state into which this part of the laws of England has fallen can now only be corrected by legislation on lines similar to those which were enacted for Scotland for much the same reason. To put it crudely, if a boy was knocked down, whether he was two years or eighteen years and there is no earning record — nothing — the courts never had to worry about the problem before, because the interpretation of the law was that while you could get damages for pain and suffering, you could get

damages for a period of expectation of life and so on, there could be no award for the lost years. So everybody proceeded with that certainty.

However, in view of this House of Lords decision, in a recent judgment in Barbados, the case of *Erskine Taylor v. Edna Corbin* where a boy aged 16 was killed in a road accident, Mr. Justice Williams has interpreted our fatal accident legislation in precisely the same way using the House of Lords case as authority. So as far as we can be certain, the law in Barbados today is that there be damages for lost years. Not only, Sir, is that offensive to the principle that damages are for the purpose of compensation, but in hard practical terms it introduces a factor which would make insurance of motor vehicles even more expensive than it is today.

I believe, in fact I am informed, that it costs about \$2 000 to insure a \$30 000 motor car if you own two more vehicles insured by the same person, and if you qualify for the full 'no claim' bonus. God knows what it costs if that is the only vehicle, and if you do not qualify for a 'no claim' bonus. That is comprehensive insurance I am referring to, but since there have been changes in the law, the difference between comprehensive and other insurance, third party, is not really all that great, not as great as it used to be, because you are given greater protection in terms of third party risks.

There are two views to this legislation. If you do not believe that what Justice Williams says is the law, and you believe that what happened before is what the law really is, then to bring in legislation would be declaratory. If you believe that what Justice Williams says is now the law, then what is being done is that the legislation is being brought in to restore the law to what it used to be or used to be believed to be.

The Scottish legislation to which the Judge referred in the House of Lords, if I can find it quickly, Sir, is subsection (1) (3):

"The damages which the responsible person should be liable to pay to a relative of a deceased in this section shall, subject to the provisions of this Act, be such as will compensate the relative for any loss of support suffered by him since the date of the deceased death or likely to be suffered by him as a result of the act or omission in question, together with any reasonable expense incurred by him in connection with the deceased funeral."

In other words, where there has been no support, there can be no loss of support, and therefore that is strictly in keeping with the principle that damages must be compensatory.

I am not sure whether this has become law yet or whether it was just introduced, but there is an Administration of Justice Act, 1982 in Britain, in which Part 1 seeks to deal with the same point arising obviously out of this case. I should be able to find that fairly quickly too, Sir. I see one section which says:

"In an action under this Act where there falls to be assessed damages payable to a person who is a dependant by virtue of subsection (1) (3) (b) above in respect of the death of the person with whom the dependant was living as husband or wife should be taken into account together with any other matter that appears to the court to be relevant, the fact that the dependant has no enforceable right."

That is another part I am dealing with. I am trying to find the exact thing. Unfortunately, I have no brief, and I am picking my way through the legislation and through my memory of the law such as it is. I found the relevant part when I looked at this before.

What we have also done in this Act is that we have limited the right in the same way as is reflected in the Scottish legislation, and the same way as was expressed in our legislation, which is before the House today. If there is any debate and anyone is interested in the exact provision, I should be able to find it by then.

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

SENATOR D. A. C. SIMMONS: Mr. President, I just have a couple of observations to make on this Bill. The honourable Leader put the problem that is confronted by this Bill as one of lost years. It is neatly expressed, Sir, in Lord Denning's latest book, the one which was withdrawn from publication on libel. (But I have the unabridged copy which is now worth a fortune, I believe). At page 147 in the book, entitled "What next in the Law", Lord Denning dealt with a case called *Pickett v. British Rail Engineering Limited*. He gave the facts and the problem in this way, and I think this is the neatest way of expressing it:

"Mr. Pickett was a man of fifty-one, very fit, with a wife and two children. He worked for the railway, building railway coaches. It involved contact with asbestos dust. He became ill in 1974 at the age of fifty-one and died at the age of fifty-six. Whilst ill, he had started an action and got judgment.

11.15 a.m.

"The House of Lords held that in this action he should be awarded damages for his 'lost years', that is, for the years from age fifty-six to sixty-five — during which he would have continued working had he not been ill. The House disapproved of *Oliver v. Ashman*. That decision in *Pickett's* case was morally justified: because the widow and children

had no claim under the Fatal Accidents Act. So it was only right that the earnings he would have received during the 'lost years' should go to compensate them."

That was the problem, and the case which overruled *Oliver v. Ashman*. It was then followed by another House of Lords case called *Gamell v. Wilson*.

What has happened is that in England they passed the Administration of Justice Act in 1982 because the House of Lords judges, and a great body of judicial opinion, felt that there was nothing that could be done unless there was legislation to prevent judges from, as it were, creating law. The frustration was expressed by Lord Diplock in the *Gamell v. Wilson* case:

"I join with your Lordships in thinking that it is too late for anything short of legislation to bring the like sense and justice to the law relating to damages for death recoverable by the estate of the deceased."

What we have done here is to have taken the English amendment in the Administration of Justice Act and sought to make it apply to Barbados.

I agree with the principle, but I would have difficulty in supporting this Bill as it presently stands, because my copy of the Bill does not contain a commencement clause for this legislation. And there are a number of fatal accidents claims pending before the courts, filed on the expectation of judicial awards in harmony with the established principles of *Gamell v. Wilson*, *Pickett v. the British Railway Board* and those that followed.

I would have thought that the Attorney-General, or whoever is responsible for these things, would have included a clause in this Bill which would have saved pending litigation and pending suits. It is a view that I believe is also shared by Mr. Henry Forde and Mr. Maurice King. Certainly, I believe Mr. Maurice King may have raised the point in the other place.

I think it would be unfair for us to legislate on the basis of this Bill, as now drafted, without there being some clause to say that actions which are filed and pending at the date of the coming into effect of this legislation shall not be affected by this legislation. There should therefore be a commencement, let us say, October 1 or whatever. But I see none.

I know the matter has been drawn to the attention of the Attorney-General, more than a week now, Sir, and if nothing has been done up to today to deal with that problem, or no member of the parliamentary drafting team been sent down to discuss it with us so that we can hear what they say about it, I am not satisfied that it can go like this. And if it is passed in this form, it does affect pending litigation, therefore I must confess, Sir, that, I will have to vote against it.

It is not that I do not agree with the principle of it. I want the Press to get this correct. They always get me wrong. I am in favour of the legislation and the principle of the legislation, but why I cannot support it, as it presently stands, is that I think it would adversely affect pending litigation where, people are seeking, on behalf of estates, to have pending matters dealt with on the basis of the law as it has been understood certainly in the common law jurisdictions, and according to the cases culminating in *Gamell v. Wilson*.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, the point which Senator Simmons has just raised is an interesting point. The matter is that if one believes that the provision in the law, as previously interpreted, in keeping with *Oliver v. Ashman*, is the provision as it should be, and that what we are seeking to do is to restore that position in view of a more recent interpretation, surely one believes that claims which are likely to succeed, because they have been started since *Gamell v. Wilson*, since those claims have been started more recently, one, I think, is also entitled to take the view that awards which would now be given against the background of those interpretations would be awards not in keeping with the spirit of the legislation. And the thing to do would be to move as quickly as possible to ensure that the wider interests are protected by having the state of the legislation made absolutely clear. In other words, what I want to say is, if we decide, as a Legislative Chamber, that the principle of this Bill is correct, then we must decide, in my view, that as long as the principle is not applied, some degree of injustice is bound to follow, because awards are likely to be given and not in keeping with the law as it should be. That is an argument, in my view, for bringing this law into force as quickly as possible.

I mentioned before that some people consider this to be declaratory. In other words, there are some people who consider that the interpretation put on this matter is really not the correct interpretation, and therefore this legislation is necessary to make the law absolutely clear. I believe that is the view which informed the absence of any commencement clause. If you believe that it is declaratory, then you cannot argue for a commencement clause.

Similarly, in my view, if you believe that the new Interpretation Bill, even though it may be right as the law now stands, reflects the interpretation of the law which will do a great deal of damage and now that information has come to hand the situation in the law must be corrected, again, that would suggest that it had better be corrected in the shortest possible time.

I do not believe that the matters which are pending ought to take precedence over the wider national interest.

I honestly do not believe so, Sir.

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

On the motion of SENATOR THE HON. N. A. BARROW, Mr. PRESIDENT left the Chair and the Senate resolved itself into a Committee on the Bill, SENATOR J. C. W. WICKHAM in the Chair.

Clause 1 was called and passed.

Clause 2 was called.

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

SENATOR D. A. C. SIMMONS: Sir, I just want it recorded that I would like my dissent recorded on Clause 2 of the Bill.

The question that Clause 2 stand part was put to the Senate and agreed to, SENATOR D. A. C. SIMMONS dissenting.

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

On the separate motions of SENATOR THE HON. N. A. BARROW, the Bill was read a third time forthwith and passed.

CIVIL AVIATION ACT, 1983

Order No. 5 was called – To move the Second Reading of a Bill to make provision respecting the regulation and control of civil aviation in Barbados.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the law relating to civil aviation in Barbados at present takes its origin from the British legislation of 1949, and the regulations and various Orders which apply in Barbados find their substance in the Colonial Civil Aviation Application Act of 1949.

The new Bill is an enabling Bill. It seeks to give the Minister of Civil Aviation the power to make regulations covering the carrying out of the Chicago Convention, the regulating of air navigation in Barbados, the regulation and inspection of air space, the licensing of operators within Barbados' air space, the conditions under which passengers, mail and cargo may be carried by air, as well as the investigation of aircraft accidents.

The Bill takes into consideration the existing Colonial Air Navigations Order of 1961 and the Air Navigation (Licensing of Air Services) Regulations, 1959,

which established the Air Transport Licensing Authority. In effect, as I said, it controls civil aviation in Barbados.

In passing, just let me say that civil aviation is of course very important to Barbados, which is a tourist resort, and it is necessary to have our legislation updated. We have updated the physical accommodation at the airport, we are updating the law relating to the hotel industry, and we are now updating the law relating to civil aviation in order to have modern legislation in Barbados to control civil aviation as it affects a vital industry, tourism, in our country.

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

SENATOR D. A. C. SIMMONS: Sir, just a question for the Minister. I believe that in the Air Traffic Control Department at the airport there is some equipment, comparatively new and contemporary, which is operated on a radar system and helps in the landing of aircraft, positioning aircraft in Barbados' air space and so on. But I believe that the radar equipment is deficient in one respect, in that you can see the images on the screen of the aircraft as they come into the area that is covered by the radar, but the radar does not pick up and reproduce weather patterns within Barbados' air space, so you cannot see any weather on the screen.

I think this is a disadvantage to the Air Traffic Control officers, those working on the ground at the airport, and I wonder if it would not be possible for Government to instal a system that does what is currently being done and will at the same time give the additional benefit of having the weather reproduced on the screen. This is especially important at this time of the year.

I saw the thing in operation myself and it struck me as odd that there was no weather being shown on it, and the Air Traffic Control Officers also said to me that they understood that weather could be put on at no great cost. I wonder if the Government would give active consideration to having the system modified in such a way as to reproduce weather patterns on the screen.

SENATOR J. C. W. WICKHAM: Mr. President, I am certainly no expert on technology, but I believe that when the radar which is at present installed at the Caribbean Meteorological Institute was being discussed, the question of a specific radar, weather radar, came up. 11.35 a.m.

The provision for weather radar is a highly sophisticated piece of equipment. It was felt at that time — I speak under correction, but I am fairly sure I am right — that the information which was available at the Caribbean Meteorological Institute, so far as the weather was concerned, could be made easily available to the Air Traffic Control.

That is ten years ago, and it may be that since then there is even greater sophistication so it is possible that Senator Simmons' information that the weather could be put on pretty easily is now true. I do not think it was true ten years ago, but as you know, these things move very fast.

But even so, I should have thought that with the sophisticated communication between Husbands in St. James and the airport, there should be no great difficulty in getting such information as is required, even a screen showing the information at the airport. I am not sure, but that certainly is something which ought to be looked into.

Thank you.

SENATOR THE HON. O'B. TROTMAN: Mr. President, I have noted Senator Simmons' point and I will raise it with the appropriate Minister for him.

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

On motion of Senator the Hon. O'B. TROTMAN, Mr. President left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

SENATOR THE HON. C. A. GRIFFITH: Mr. Chairman, I would just like to move that since the Bill has so many sections, it be taken in Parts.

The question was put to the Senate and agreed to.

Parts I — VI inclusive were called and passed.

The Schedule was called and passed.

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

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

RESOLUTION TO ADJUST THE RATES OF SALARY AND ALLOWANCES ETC/RE CERTAIN POSTS ON THE PRIME MINISTER'S PERSONAL STAFF

Order No. 7 was called — To move the passing of a Resolution to adjust the rates of salary and allowances etc/re certain posts on the Prime Minister's personal staff.

SENATOR THE HON. O'B. TROTMAN: Mr. President, as the Addendum says, there is no proposal to have any salary increase for the persons who are now employed on the Prime Minister's personal staff. There

are three matters which have to be cleared up, and the Resolution seeks to do that.

First of all, there has been some difficulty for some time in recruiting suitable officers to serve the Prime Minister as Press Secretary because of salary gradings, and the Resolution seeks to give some opportunity to the Prime Minister to have alternative arrangements made in case an officer cannot be attracted to a particular grade.

In the second case, the Resolution seeks to restore the correct grade to the post of Executive Personal Secretary. When the post was first created in 1972, it was created at the same grade as Private Secretary, and I believe that its downward slide from that grade started when political appointees were not granted increases in salaries at the same time as public officers and the proper gradings were never taken back up. We are now seeking to have the post regraded, as it was intended originally.

The third thing which the Resolution seeks to do is to pay a gratuity to serving officers at the end of statutory service. The rate of gratuity is the standard rate of gratuity which is paid to public officers who are on contract to the Government.

I beg to move, Sir, that the Senate concur in the Resolution.

MR. PRESIDENT: It is proposed that the Senate concur in this Resolution.

There is a slight typographical error in the first line of the Addendum where "chance" should read "change".

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support this Resolution, I would like to suggest that it indicates to us the limited range of posts in the Public Service that are tied to the fortunes of particular Ministers and Prime Ministers. By that I mean that the tenure of office of most of the officers in the Civil Service bears no relationship to the pleasure of the Prime Minister or some Minister in Government.

In other words, as Government changes, essentially the various Ministers and Ministers of Finance and Planning essentially must go into office and work with the same set of Permanent Secretaries and so on as the previous Government. This effectively reduces to a situation, let us say, that in very real terms, when we believe that we have made a big effort in change of Government in the hope of getting better, we have really changed very little.

11.45 a.m.

Perhaps the time has come for us to consider whether or not Government should not bring with them high-level technocrats who can support them in their

plans and in executing the proposals in their manifesto, and whose tenure of office will not necessarily be longer than that of the particular Minister.

I think that the particular model we have is a model which has a large element of built-in frustration in it, especially in circumstances where because of historical circumstances, you may have people in high positions who are not the most desirable. And, perhaps, the time has come for Government in general to review the structure of the Civil Service.

I thank you.

The question that the Senate concur in the Resolution was put to the Senate and agreed to.

THE LIQUOR LICENCES (AMENDMENT) ACT, 1983

Order No. 3 was called – To move the Second Reading of a Bill to amend the Liquor Licences Act, Cap. 182.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, some time last year I had occasion to point out in a public statement that the Government was owed some \$40 million in uncollected revenue from various business establishments and so on in Barbados for Land Tax, Income Tax and so on. At the time, I pointed out that, on the basis of the annual Appropriation Bill, it represented an average of about one month's expenditure for Government. I know that statement caused a lot of consternation, but what has been happening since then is that the Government has been taking serious steps to enforce the collection of some of these monies that were outstanding for several years, because it seems as though people who run businesses were just using monies collected by them as the lawful agent of Government, to solve their cash flow problems.

As I said, the Government has taken some steps to change that situation. There has been some jawboning and threats to sell property. Indeed, one property was sold last week, and there are a few more we have our eyes on, and this is designed to indicate that the Government really means business in trying, wherever possible, to collect those outstanding amounts of money.

As one measure of enforcement, the Hotel Aids Act was amended so that hotels which were delinquent in paying over money due to Government were not allowed any more benefits under the Hotel Aids Act. This Bill is designed to put certain constraints on people in certain operations who have to apply for licences to sell liquor: wholesale licences, hotel licences, restaurant licences, members' club licences and proprietary club licences.

What in effect the amendment wants to do is to require that applicants for the licences I have just mentioned would have to present the Licensing Authority with a certificate from the Commissioner of Inland Revenue, the Commissioner of Land Tax and the Director of National Insurance stating that all payments of tax and National Insurance contributions in respect of the premises or business to which the licence relates have been discharged. This is particularly important.

What is instructive though, Mr. President, is that since these efforts have been made to collect, there has been an improvement but not a substantial improvement. People have been voluntarily coming forward now and paying the Land Tax. Before there was the whole hue and cry about the Government going on a witch hunt, but as it has turned out now, we are satisfied that people are convinced of the rightness of the action taken, because if we are to have tax reform in this country where we intend to spread the tax net to the benefit of the people in the country, then it means that the collection systems must be systems which are enforceable and enforced.

This Bill is only one enforcement mechanism. There are others coming in, and I believe that during the day we may hear of another measure which is designed to catch some other defaulters in the net. When I talk about defaulters, from the lists that I have seen of the defaulters, these range from organisations which are criminally negligent to those that are really in default because of a lack of internal, financial control.

When I talk about the lack of internal control, people should not be able to use this as an excuse for not paying taxes. I think that people who go into business must appreciate that good financial management practices are essential to its success. I believe that a prerequisite for doing the right thing as far as having proper internal controls are concerned, is for every business to have the advice of a good financial adviser. And not only have such input, but businesses, particularly proprietary businesses, have to decide that they will confide in the financial adviser. This is very important. I have had the experience before, as a financial consultant in North America, where people will only tell you certain things. You cannot act on part of the information.

In other jurisdictions in which I have had experience, I know that when people break the law as agents of the taxing authority, their businesses are closed down summarily if they do not pass on what is really a pay roll deduction and a liability to the taxing authority, in a duly constituted period. In Barbados, for some reason or other, people believe that because it is the Government and because you can have personal contact and so on, it is not important.

But it is particularly important. For instance, NIS contributions you find that workers have no control over these deductions, they are deducted at source. Hence, when employers deduct money from the pay of workers, they are in effect disenfranchising these workers if those deductions are not paid in. And that is a criminal act, and it needs to be looked at very seriously.

So the Government is taking very serious steps to enforce collection at every level, and, as I said before, this amendment to the Liquor Licence Act is only one of the seven steps we are taking to ensure collection from the delinquent people.

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

SENATOR E. E. GREAVES: Mr. President, I am in general agreement with the statements made relevant to the duties and responsibilities of persons who make deductions on behalf of the various tax collecting agencies in Barbados. I wish to address my remarks particularly to the section dealing with national insurance.

Senator Griffith indicated in his closing remarks that if money is deducted on behalf of a worker and not paid over to National Insurance, then that worker becomes disenfranchised. I think that is the word he used. I think, though, that there is provision in the law which covers the employees in those kinds of situations, that is, that if money is deducted and not paid over, the employee is still covered.

This is not to indicate that what such employers are doing is right. Certainly, from the position of the Barbados Workers' Union, we have had to be constantly making that point, and in this Chamber and the other Chamber I have had to be making that kind of appeal on many occasions. We believe that where employers are placed more or less in a position of trust, where they deduct money from an employees' wages, and then do not pay it over to the National Insurance or to the Income Tax Commissioner, or even to the Barbados Workers' Union — as we found in a number of instances where people have deducted money from workers' pay — either deliberately or otherwise, that that is bad. It is really bad.

We had a situation in the Ministry of Communications and Works some years ago where we were only able to trace, and we believe it is more, at least \$14 000 which that Ministry has had in deductions for the Barbados Workers' Union and have never paid over to the Barbados Workers' Union. That is just one instance.

The Government agencies are particularly liable in this respect. The Transport Board, as I understand it, has

been in the habit of deducting National Insurance from workers and has not paid over the sums to the National Insurance Department. I understand the Board now owes millions of dollars. The National Housing Corporation is in the same position.

Government agencies are culprits in this regard, in the private sector there are a lot of culprits also, and I am glad to see that we are having the kind of legislation which would impress upon employers that when they deduct money on behalf of the Government, they have to pay it over to the agencies on whose behalf they deduct the money.

I would hope that the lesson would also come home to them that money which they deduct on behalf of the Barbados Workers' Union also has to be paid over. We are not in any position to pass any legislation or anything to make it legally enforceable, but there is a moral responsibility, I submit, on the part of the employers to do what is right and what is just.

I just wonder, Sir, if we are not going to have a problem, particularly with regard to the section dealing with Land Tax. Let us assume that a person who is running the business is renting the property, and the person who owns the property does not pay Land Tax, or indeed, as happens in some instances, the ownership is in dispute but you have established relationship with a particular person — you are paying rent to that particular individual, but because of some legal problem, some family problem or some situation, the Land Tax is not being paid — would you, as the proprietor of the business, be deprived of getting your licence because the person who owns the property does not pay the Land Tax?

I believe that there ought to be some provision here for this, and I am not too sure that it is covered. I would certainly want to be enlightened by Senator Griffith, who has introduced this bit of legislation in this Chamber, on that aspect of it.

It seems to me that we would have to arm our collecting agency with the kind of personnel and equipment to deal with these matters swiftly. It is alright to pass legislation, but then the whole question of the enforcement of the legislation is something which is of paramount importance.

I wonder if, let us say, the Inland Revenue Department, is sufficiently equipped to deal with the problems and to service the requirements of the legislation as quickly as they ought to be serviced? Certainly, if there are delays in that department and a person, when he makes application for a licence, cannot get information or cannot get the certificate out of the Inland Revenue, then this would create a problem. So I would hope that there would be that kind of service existing there.

I would also hope that by now the Government has taken a look at the National Insurance Department. It is a very important department of Government, it collects millions of dollars when the year comes, it has to administer funds which are held on behalf of workers and, generally speaking, to provide for the general welfare and well-being of workers.

What we find is that the department does not seem to be able to handle the matters which come before it in an expeditious manner. And so I agree that when money is collected, it ought to be paid over. But I am also demanding, and I think the workers of this country are demanding, that when they are due monies from the National Insurance Department, the monies be paid out in a reasonable time. Certainly, at present such time cannot be called reasonable.

If a worker is injured and has to go on sick leave, or even maternity leave, sometimes for six, ten, eight weeks, they get very little money in that period of time. There are cases where workers have gone on sick leave and have returned to work before receiving money from the National Insurance Department. I think this is bad. People have gone on maternity leave for twelve weeks and have returned to work — and received just one payment from the National Insurance.

I believe, Sir, that in the same way that we are tightening a situation where employers are called upon to pay over money which is deducted on behalf of workers, or deducted on behalf of the Government, expeditiously, let us say then that the agencies of the Government, when they owe people money, ought to be able to process people's claims quickly and get the benefits out to the people who are making the claims.

There is a similar problem with Income Tax. I believe that, over and over again, people have pointed to the problems which are being experienced in getting Income Tax returns. There is a situation where, if you do not file your return by a particular date, you have to pay a penalty. I see no problem with that. But then, there is no reason why you should have to wait a year or two years before you get back your Income Tax return. I believe there has been an improvement in the returns coming out of the Income Tax Department, but certainly we would want to see a general improvement in that particular area.

So, Mr. President, with those few remarks, I would want to support this legislation. With regards the reservations which I have expressed about the actual implementation of it, I hope that the Minister would be in a position to give us some guidance in that particular regard. I also hope that the Government will try to equip the various departments with the personnel and the machinery to deal in an expeditious manner with the various problems which I have outlined.

Thank you.

Mr. PRESIDENT: Senator Reader.

SENATOR MRS. G. G. READER: Mr. President, I rise in support of this Bill, but I also agree with the statements made by the last speaker, Senator Greaves. Great hardship is caused to many workers in this country who go on sick leave or maternity leave, and who do not get any money out of the National Insurance for months. 12.05 p.m.

I know of a woman, who I know personally, whose baby was born in the first week of August and she received her maternity benefit at the end of February the following year. This is ridiculous. I was ill in September and in December I received my National Insurance payment. Luckily, neither of us was in a position where this could cause grievous bodily harm, but can you imagine what it would do to a person who has no back up financial resources? I would like it drawn to the attention of the powers that be that this matter needs serious consideration.

Thank you, Mr. President.

SENATOR A. W. A. McCLEAN: Mr. President, rising to support this Bill, I would like to express my agreement with all the observations so far by previous speakers and point out that essentially what is required in relation to the problem indicated, say, at the N.I.S., is a question of improving the processing facilities. I think you need computers for this particular purpose.

I think the time has come when departments such as the Inland Revenue Department and National Insurance Department should have their independent computer facilities, and the Central Data Processing Unit could be reserved for research and developmental work, for giving advice to departments as to how to improve their systems and so on. On a continuing basis, these departments with high volume activity of a kind of quantitative nature, where they are calculating figures and so on, they need their own facilities right in the work place there, so that they can go immediately and check out details.

I thank you very much.

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

On the motion of Senator the Hon. C. A. GRIFFITH, Mr. PRESIDENT left the Chair, and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clause 1 was called and passed.

Clause 2 was called.

SENATOR THE HON. C. A. GRIFFITH: Mr. Chairman, I beg to move that Clause 2 stand part.

SENATOR E. E. GREAVES: Mr. Chairman, I had raised a question relative to the Land Tax and the payment of the Land Tax, and I am wondering if Senator Griffith would want to respond to that now.

SENATOR THE HON. C. A. GRIFFITH: For my benefit, I would just like the Senator to repeat the question, Sir.

SENATOR E. E. GREAVES: I had raised the point that I had seen no particular difficulty with the section relating to the Commissioner of Inland Revenue and the Director of National Insurance, but I posited a situation where if a person was running a business but the property was rented property and he was in no position to determine whether there was a dispute over the ownership of the property — you know how it is in some areas, the kind of arrangement which people sometimes make over disputed property, nobody is paying the taxes but somebody is collecting rent — what would be the situation with such a person who makes application for a liquor licence if the person to whom they are paying the rent could not produce a certificate from the Land Tax Commissioner to show that that tax has been paid. What would be the position of that person relative to the application for a licence?

SENATOR THE HON. C. A. GRIFFITH: I am not in a position to answer that specifically, because it is a situation which may have to be treated on an individual basis. For instance, what happens in many cases is that people find loopholes in the law and try to get around the law. In many cases, there is the question of absentee landlords who are not really even aware of what is happening with their property and they have somebody taking care of the property for them in a very careless way. So it is very difficult for me to give an assurance that we can deal with that problem on a broad basis. I believe that may have to be dealt with individually. I believe that is the best solution to that problem.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I think the answer is straightforward, to tell the truth, because there is nothing in the law that debars the Commissioner of Valuations from giving a certificate to any other party, and if you are renting premises, you need to know that the tax has been paid on those premises for you to get a new licence, and you apply to the commissioner and you get a certificate.

If it were an Income Tax matter, that would be a different matter, but the only Income Tax to affect him would be the taxes he has to pay.

Aside.

SENATOR THE HON. N. A. BARROW: The whole point is that if you are dealing with a question of whether the Land Tax is not paid, whether that in itself should debar you from getting a liquor licence, you are going really to the principle of the Bill, you are not dealing with relief for the person concerned. The point is that what Government is saying is that tax delinquency in this country at present is so bad that we have to use what leverage we have to ensure that we start collecting the taxes, and this is one of the devices being used.

12.15 p.m.

SENATOR CAN. I. McK. JONES: Mr. Chairman, I still do not follow what the Leader of the Senate has just said, because it seems to me, from what Senator Greaves said, that it is quite possible for a person to be renting a property, he does not know if the land tax has been paid on this property — he might not even know the rightful owners of the place, he might be renting it from some agent and do not even know who is the owner — that is possible — and then he goes to get this Liquor Licence and is asked to present three documents, is unable to present one, that is the one with the Land Tax, so the Commissioner of Inland Revenue says he cannot get the Liquor Licence.

This is what I understand from what is written here. In other words, you have got to present three things to get the licence, and if you do not have them, you cannot get it. I do not see how you can get around that.

SENATOR THE HON. N. A. BARROW: Mr. Deputy President, I now understand fully what the problem is, but it is easy for anybody to present a Land Tax Certificate, because if he discovers that the tax is not paid, he can pay it. What the Government is doing is to make sure it collects its tax. He can pay it.

The second point you have to understand is that the tenant can then deal with his landlord in terms of setting the payment of the tax off against the rent, because he would have created a legitimate debt. These things can be set off, so he can pay it. Government will get its money and the landlord would have to refund him, either directly paying him back or setting it off.

SENATOR THE HON. C. A. GRIFFITH: I just simply want to add that the object of the Bill is to collect taxes. We are not interested in who pays the tax as long as the taxes are paid. That is the object of the Bill.

The question that Clause 2 stand part of the Bill was put to the Senate and agreed to.

On the motion of Senator the Hon. C. A. GRIFFITH, the Senate was resumed and the Bill reported

as having passed the Committee without amendment, Mr. President in the Chair.

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

VESTING IN WILLIAM A. YARDE OF A PARCEL OF LAND AT FLAGSTAFF, ST. MICHAEL

Order No. 6 was called — To move the passing of a Resolution to approve the vesting in William A. Yarde of a parcel of land at Flagstaff, St. Michael.

SENATOR THE HON. C. A. GRIFFITH: This is a very simple Resolution, Sir. It is a very small piece of land that the Government wants to sell to Mr. William Yarde, about 42 sq. metres at Flagstaff Road, valued at \$900.

Sometime in April last year this matter was approved by the relevant authorities, the Town and Country Planning, before it was submitted to Cabinet, but there was the whole question of trying to determine the original ownership of the entire area.

There was some debate back and forth within the Attorney General's Chambers as to whether or not the land was properly vested in the Crown, and whether or not it should have been compulsorily acquired before being sold. That matter has now been resolved, although it took some time.

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

The question was put to the Senate and agreed to.

FINAL APPROPRIATION (1982-83) ACT 1983

Order No. 1 was called — To move the Second Reading of a Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the island for the Financial Year ended 31st March, 1983.

SENATOR St. C. E. HOWELL: Mr. President, the original Appropriation Bill for the year 31st March last year was approved in the House of Assembly on March 26 last year for a sum of \$408 216 556 to provide for goods and services for the service of the island.

During the Financial Year 1982-83, it was necessary to supplement the original grant in the sum of \$61 421 525, as illustrated in the Schedule, to provide for further goods and services which were unforeseen at the time of the appropriation of the original Appropriation Bill.

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

SENATOR A. W. A. McCLEAN: Mr. President, I think that this is the appropriate occasion for us to express our concern that this Chamber does not get the opportunity to debate Resolutions relating to supplementary provisions in regard to the Estimates.

We know that more than \$61 million has been granted in supplementary provisions. Apart from the fact that that is a considerable sum of money, I do believe that some of it would have been involved in matters which have policy dimensions, which might not have been evident at the time when the original Estimates would have been before this Chamber.
12.25 p.m.

I think it is indeed highly unfortunate that this practice has developed in Barbados, and I would once again like to lend my voice to those who have been calling over the years for a reversal of this practice and a return to what used to occur in earlier Estimates.

I thank you.

Mr. PRESIDENT: Before I put the question on the Second Reading, I merely wish to remind members that this is a point on which I myself feel very strongly. I have even suggested, quite apart from representations made by me to the Constitution Commission, that honourable members can try to force the hand of Government by asking a question as to when, or if, Government proposes to implement, or try to implement, the recommendation of the Constitution Commission in regard to these supplementary estimates. However, the position remains the same.

Do you wish to say something, Senator Barrow?

SENATOR THE HON. N. A. BARROW: Yes, Sir, because I thought that since you referred to the amendments to the Constitution, and that is really where the matter is, we should also remember that no amendment to the Constitution is possible under Section 49 of the Constitution of Barbados unless on an amendment in the terms that we are talking about, there is a majority of two-thirds of the membership of each House on the vote for amendment. And since we are talking about a constitutional amendment, we may as well recall the fact that the indication has already been given by the official Opposition that they have no intention of agreeing to any amendment to the Constitution.

Consequently, since they hold ten seats out of the twenty-seven in the Other Place, any prospect of a constitutional amendment for this purpose must, at least for the time being, appear rather dim. But Government has

already said that it is prepared to have the necessary amendments done.

SENATOR E. E. GREAVES: Mr. President, I am by no means responding to the comment which has been made by Senator Barrow, but if my memory serves me correctly, I think you did indicate on a previous occasion that the Final Appropriation Bill provides honourable members with an opportunity to raise matters which they do not get an opportunity to raise during the time these matters are passed in the Lower House.

Mr. PRESIDENT: You said I said so?

SENATOR E. E. GREAVES: I seem to have gotten that impression on a previous occasion.

Mr. PRESIDENT: To put the matter straight, I think what I have repeatedly said is that the situation being what it is, it is a waste of time for members to spend a long time debating this kind of Bill. What we need to do is to try to change the situation so that we would not be just looking at something where money has been spent heaven knows how long ago.

SENATOR E. E. GREAVES: I understand that, Sir, so that this does not preclude our making short comments on maybe certain aspects.

Mr. PRESIDENT: I would hate to think you are going to start a debate now on money that has been spent long before.

SENATOR E. E. GREAVES: Just on a policy matter relating to the Central Bank, on page 4, under Ministry of Finance and Planning.

Mr. PRESIDENT: You want to make a point? Just make your point.

SENATOR E. E. GREAVES: I believe that the Ministry of Finance and Planning has some responsibility for the Central Bank and that the policy statements and policy positions relating to the Central Bank, at least emanating from the Central Bank, do, to a large extent, reflect the feelings and the policies of the Government in a number of areas. Indeed, as I understand it, the Central Bank acts, at least to some extent, as the adviser to the Minister of Finance on financial matters.

The Central Bank is also charged with the responsibility of managing certain financial matters in which the Government has more than a passing interest. In this regard, I would want to express my extreme disappointment at the complete mismanagement on the part of the Central Government of the Caribbean Multilateral Clearing Facility, as a result of which the Barbados economy has been placed in a very difficult position. And

we have a situation where the Governor of the Central Bank would be, for example, expressing a point of view that the increases which were negotiated by the Barbados Workers' Union over the last year or so contributed to a large extent to the economic difficulties which were experienced by some companies in Barbados, and, following on that, contributing to the economic difficulties which we are confronted with in this country.

I want, Sir, to indicate very clearly that this is not the situation, and could never be the situation, and the Governor of the Central Bank, or the Central Bank, since I do not want to personalise in making such statements, through its representative ought to be in a position to state very clearly and to identify any particular area where wages negotiated on behalf of workers have caused the demise of any particular operation. Certainly, Sir, the 73 workers who were dismissed from the Barbados Marketing Corporation, or whose services were terminated, did not have their services terminated as a result of any wage increase negotiated by the Barbados Workers' Union. There is no business — private or public — in Barbados which could truthfully, when its books are exposed with the amounts which have been negotiated by the Barbados Workers' Union, demonstrate to anybody that any amount negotiated by the Barbados Workers' Union has been responsible for their economic peril.

Let us look at the most reasonable position which has been taken by the Barbados Workers' Union in the national interest over the last couple of years with respect to negotiations. We have had a situation where we have had to contain our requests with the Government, we have had to contain workers, we have had to moderate our increases and our requests. In the hotel industry, we have had to do the same thing — all in the national interest. But now we have a situation where when we have become reasonable, when we have put the national interest first, we get accusations being levelled at the union about negotiating increases out of line and big increases and that sort of thing. We think that it is grossly unfair.

I certainly would not want to see the day come when we would just go ahead and, with all the kinds of requests which are made, behave, for example, like the National Union of Public Workers when Senator Trotman was General Secretary and ask for an increase of 100 per cent and that kind of nonsense. We are not that irresponsible.

But when you take a responsible position, then you get a person, who is supposed to know better, coming and laying blame at the doorsteps of the Barbados Workers' Union, when his organisation is responsible to a large extent, by its incompetence, for mismanaging the Caribbean Multi-lateral Clearing Facility! And we get these comments coming at a time, now that the economy

is still posing problems, and they are constructing a super-structure, a palace for the Central Bank, which will deprive the national revenue of some \$6 million a year! 12.35 p.m.

There is nobody who can tell me that, because the money might be coming out of the Central Bank, this has nothing to do with the national revenue. Because if you look into the Estimates of Revenue, you will see that the Central Bank contributes, I believe somewhere in the region of \$6 million a year out of its profits, which goes into the national revenue. This money, presumably, will now be taken out to finance that particular operation.

We are saying that at a time when we ought to be diverting more of our resources into housing and into areas of more national importance, this kind of luxury cannot be tolerated.

Sir, I can wax warm on this and I might make some statements which you might ask me to withdraw. All I am saying is that I am very disappointed that the Governor of the Central Bank could find it possible, in spite of all that he has done, to now come and try to place the blame for our economic perils at the doorstep of the union. We challenge him to produce any evidence to show where any action on the part of the Barbados Workers' Union has led to the demise of any business in Barbados. We categorically deny that.

Thank you.

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

On the separate motions of Senator St. C. E. HOWELL, the Bill was read a third time and passed.

REVENUE (MISCELLANEOUS AMENDMENTS) ACT, 1983

Order No. 4 was called — To move the Second Reading of a Bill to amend certain enactments relating to revenue.

Mr. PRESIDENT: Senator Howell.

SENATOR St. C. HOWELL: Thank you, Mr. President. Mr. President, as my friend, Senator Griffith, said on an earlier Bill, I suppose this Bill which is now before the Senate can be considered as a sister Bill to the legislation introduced to amend the Licensing Laws, insofar as they both seek to do the same thing.

Government, of course, having found itself from time to time being unable to get the monies which are owed to it, is now introducing various amendments in order to facilitate the collection of such revenue. The

legislation which is now before the Senate seeks to amend the Restaurant Sales Tax Act, the Income Tax Act and the National Insurance Act.

Sir, the law as it stands has sort of not been clear insofar as, for example, companies are concerned. We have had the experience of people refusing to pay their Land Tax for as long as ten years, and although Land Tax is not specifically mentioned here, it is the researches into that area which have brought a lot of what is now before this Chamber to light.

We had a new system introduced in 1977 whereby all arrears from 1971-72 were wiped out to the order of about \$1½ million. But there are still people who persist in not paying this type of revenue.

This sort of thing is then, unfortunately, by companies into the area of Income Tax, into the area of National Insurance and, in the case of hotels, into the Restaurant and Sales Tax. The result is, as has been said earlier, you get a rather obnoxious situation where the workers are taxed at source and monies collected on their behalf are not paid over to Government. The Law imposes a duty on employers to make these deductions. It is done, but Government never receives these monies.

In relation to National Insurance, it is important to point out that since 1981 a scheme had been put into operation which enabled workers who had made contributions to qualify for certain unemployment benefits, once they have made the stipulated contributions. I think it came into operation from July, 1982, and they qualify for, I think, 40 per cent of their net wages. This poses a problem to the Government, Sir, inasmuch as we get these very bad practices, as Senator Greaves, who is obviously the expert in this area, said. The money is deducted, yes, but Government never receives it. But Government has a responsibility that as long as it can be ascertained that these payments have been made, the worker does not suffer.

In relation to companies, the practice has grown up over the years of putting in a receiver. The opinion at the Bar seems to be mixed about this. The practice has certainly grown up that once the receiver has been put in, eventually Government will get its money. No one knows exactly when, but Government will get its money. Nothing was ever done about it. The trouble is, of course, that if the company goes into winding up proceedings, a number of very nasty things can happen.

What this piece of legislation is seeking to do is that in relation to the Restaurant and Sales Tax, Income Tax and National Insurance is to really put Government in a better position, that once there is an action against a person — and by person here this could also include a company — Government should not be subrogated to

payment after other persons, such as secured creditors. When monies are owed to the Government, Government is entitled to get its money first, as is the practice in most other countries. Government will now get its funds, whether or not a receiver has been appointed.
12.45 p.m.

I would like to take this opportunity, now that I am speaking on revenue, to allay certain fears. Quite recently a lot has been said about people being persecuted, about receiving demands for taxes while they have been paid, and so forth. That is the sort of thing that makes news.

What has been happening, in fact, is that people are coming forward and voluntarily making enquiries, and if they have to pay, they are paying. At times they are told that they have qualified as a pensioner, or that they have paid already. But this is the sort of thing which does not make the news.

I would like to reiterate Government's position, as I understand it, as far as this is concerned. No Government of this country, and certainly not the present Administration, is concerned with depriving people of their property. All Government is doing is asking people to perform their moral duty. You are bound to pay taxes and therefore you should pay the taxes.

Those persons with small pieces of land who go in are given every encouragement to sit down and state their case. The Rate Relief Board sits at least once a fortnight, and to date they have examined some 1 145 cases, and the process is going on. There is no intention of Government to take land from anybody. The cases are looked at in a most favourable manner.

But Government must be firm and insist that big businesses, on which the law imposes a duty to deduct taxes and to pay it over to Government, do in fact just that, that it is not fair to the ordinary man in the street who has to pay his tax, and who has no say in the matter, then to discover that someone deducts his tax and does not pay it over.

Government is the largest employer in this country. We are a developing country and we need the money to provide more work for the workers, to give a little assistance to those people who are sending their children to secondary school for the first time, to provide assistance for the old people in their homes, and we cannot be too nice about this. The people who are refusing to pay their taxes for up to ten years, when they are well in a position to pay, the people who deduct tax at the source and will not hand it over to the Government, the people who deduct the National Insurance from the workers and will not hand it over to the Government, legislation will be introduced where

necessary to ensure that they comply with the law. This does not demonstrate hardness on the part of the Government, but we are only making it easy to do what ought to have been done long ago.

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

SENATOR A. W. A. McCLEAN: Mr. President, I rise to support this Bill and its objectives, that is, the attempt to achieve increased efficiency in Government's collection of revenue, but I wish to point out that there are other aspects to the question of collection of revenue by Government. We also have to identify non tax sources of revenue and to ensure that the operations which deal with non tax sources of revenue are operating efficiently. We also have to do all that is within our power to stimulate the economy so that we have a maximum tax base from which to extract revenue.

I do believe that there is much room for improvement in those two areas mentioned, as there is in the area of collection of revenue. I would just like to take this occasion to mention one or two by way of example.

The first one relates to a non tax source of revenue, and that is the Central Bank. The Central Bank of Barbados is a major non tax source of revenue, because almost by virtue of its nature, a Central Bank is a highly profitable organisation. We know that large portions of the profits of the Central Bank are paid into the Consolidated Fund from year to year. Part of it is held in reserve, most of it goes into the Consolidated Fund, and therefore although the Central Bank is not primarily a profit making enterprise, its objective is otherwise and it has to fix its policies with other things in mind other than making profit, we still have to concern ourselves with the implications of measures pursued by the Central Bank in terms of implications for profit, to the extent that those measures do not have any special policy significance which is of benefit to this country.

There are two instances in this area which bear some type of mention. One is the decision to expend — the last quotation we have heard is, I think, \$60 million — in providing a building for the Central Bank. That figure sounds exorbitant by any kind of calculus in Barbados of today. When you think that a university cannot even get a quarter of a million dollars to buy a computer, you cannot even get a couple of hundred thousand dollars to build an office to put lecturers in, and lecturers have to double up and have to vacate the office so that the other one can discharge his responsibility to the students and so on, when you think of all the needs around this country, I think that is a misplaced priority.

We have heard in other places that the money is not coming out of the Consolidated Fund, we do not have to pay for it — the Central Bank will pay for it — the Central Bank will pay for it out of profits and so on. But remember those profits, to the extent that they are now eaten up by such cost, will not be available to be placed in the Consolidated Fund, and Government will therefore either have to reduce its expenditure or supplement that loss from other sources of revenue, or borrowing. It cannot be regarded as the most desirable state of affairs.

Then there is the question of the management of the Central Bank's portfolio of assets. The big investments earn interest. During the last year, we have seen the phenomenon where the Central Bank has been holding \$130 million in a type of claim which is not particularly realisable. We have heard the words "bad debt" mentioned in relation to it. Even if it were realisable, the interest associated therewith is not of an order that can be earned on other investments by the Central Bank.

For the past two years the portfolio policy of the Central Bank has left a considerable amount to be desired, and Barbados will suffer the consequences of those errors. These are matters which should be addressed by the appropriate authorities.

On the question of ensuring, fostering the tax base and so on, it suggests that Government must do all in its power to prevent this economy from stagnating. We know the problems we have had in terms of external influences on our economy, but we have recently heard that some public officials are persuaded that part of the reason why unemployment has attained the level of over 14 per cent in Barbados is because of high wage settlements.

I do not know to what extent that is expressive of a consensus among Government officials, or even by the Cabinet or whatever, but what I would want to say is that in my view that is a false and misleading view, and if anything, the level of employment in Barbados may have been adversely affected by wage restraint.

All of the areas where we have had to cut back have come about largely because of demand side considerations; the tourists did not come, Trinidad imposed licences and restrictions on our products, and other matters affecting our exports. On the local side, businesses have also been affected by the fact that local people did not have the money to spend, and part of the reason why they did not have the money to spend is that the vast majority are workers and had their incomes eroded because the money incomes were not keeping pace with increases in prices and so on.

I think there is no evidence, either of an analytical or synthetic nature, to support any view that the absence of wage restraint has contributed to increased unemployment in Barbados. I would hope that if this is an opinion held by Cabinet and those responsible for the macro economic policy in Barbados, somewhere along the line they will look at the matter again and disabuse themselves of this type of error.

12.55 p.m.

Apart from that, I find the Bill essentially supportable. It moves in an appropriate direction, but it must be complemented by appropriate action in all other spheres to be truly effective. I thank you.

SENATOR H. R. LINTON: Mr. President, I rise to make one point in relation to this piece of legislation. I ought to say at the outset that I do support this piece of legislation and any legislation which seeks to give Government greater efficiency in terms of the collection of revenue.

We know only too well that any Government can impose taxes on its people, only to find that the purpose is defeated because there is no proper system for the collection of the taxes thus imposed. The 5 per cent Government Sales Tax that was imposed by the former Administration, the Democratic Labour Party, is a good case in point. It was left to the honesty and the integrity of the persons collecting that tax to determine and to declare how much they collected, and to pay it in, so nobody knew actually how much was collected, and the Commissioner of Inland Revenue had to be satisfied with what he got. When, for the purpose of the Estimates and the Budget, it was calculated that that source of taxation would yield a certain amount of money at the end of the year, it came nowhere near what had been anticipated and expected. So it is very important that we have an effective system for collecting revenue.

The real point I want to make in support of this Bill is this, that in seeking to enforce collection of revenue, or seeking to improve our efficiency in the collection of revenue, I would urge the Government to adopt, what I would call for want of a better word, a sociological approach to the entire problem, or perhaps a humane approach.

I would like to suggest, for example, that we increase the complement of the various collecting departments concerned by bringing in mature, sensible and intelligent people who can develop an easy rapport with producers, manufacturers, industrialists and what have you, who will go around in the first instance to find out what is the problem, if there is a problem, and why this revenue, if it is being collected, is not being paid into the appropriate department.

I would like to suggest that kind of approach, rather than having a civil servant, very often some hifaluting civil servant, sitting in a chair in some office and phoning and saying, "If you do not pay, we have the legislation now to enforce payment."

I had a situation recently, for example, Mr. President, where action was brought against one of my clients for non-payment of National Insurance and nobody really went around. They just took him to court and got judgment. Having got judgment, he came to me, and I checked with them and offered them certain terms of payment. And they bluntly refused — without anyone being willing to hear why he could not do better.

He had a real problem. It was either a question of severing his people and probably closing down his business or paying them but not paying in to Government the National Insurance which, in fact, should have been deducted from the wages.

When we talk about people withholding National Insurance and withholding Income Tax, having deducted them from the wages, technically and theoretically that is true, but in fact, it is not true. What happens is the employer does not, in the first place, have the National Insurance. Sometimes he has only the mere salary or wage less those deductions. Therefore, it is a book entry that he has there in terms of National Insurance and Income Tax.

I know that the law says that the full salary is inclusive of Income Tax and National Insurance, but some of these small people can only keep going if they work out the salary minus those things, so in the first place, the National Insurance and the Income Tax work out as a book entry. What they hope, Mr. President, is that as time goes by, as things pick up, as recession eases off, they would pay off some of the arrears while keeping the current payments up-to-date.

If you have personnel who can go into these small firms or industries or what have you and find out what the problems are, they can make suitable arrangements to have the money either paid in or collected. There is no harm in that. This is what I determine to be the sociological approach.

I know that once we pass legislation, it is left to the civil servants. They do not have to worry about being elected. They do not have to worry about any public relations. They do not have to worry about being politicians. Their job is to collect. Their attitude is to collect it.

I just want to issue a warning to them that if they collect it in a rather inhumane fashion, and a fashion

that is devoid of what I describe as the sociological approach, then the Government would have to come down hard on them. They are under a moral duty to make sure that they temper justice with mercy. That is the point I want to make, Mr. President.

SENATOR THE HON. N. A. BARROW: Mr. President, I did not want to get into this, because this is a very simple and direct matter, but I hope the last plea I heard is not meant to be any kind of excuse for people who collect National Insurance monies and do not pay it over. I hope that is not the position.

Let me just put it straight. Anybody who is collecting tax and not paying it over, that is a very serious matter for me. And we are faced with a whole lot of business which are delinquent, with people skipping the country and owing the Government such taxes.

I am not sure what I was hearing about collecting this money with some kind of sociological approach and humane approach. I do not think a man who withholds a payment which is to be the source of another man's benefit, like National Insurance money — any defaulter — needs any kind of sociological approach. I think you need a jail for him, so I am not sure what I heard.

It is a pity that I cannot ask for permission for Senator Linton to speak again so that I could try to understand what it is he is saying.

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

On motion of Senator St. C. E. HOWELL, Mr. President left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 were called and passed.
1.05 p.m.

The Schedule was called and passed.

On motion of Senator St. C. HOWELL, the Senate was resumed and the Bill reported as having passed the Committee without amendment, Mr. PRESIDENT in the Chair.

On the separate motions of Senator St. C. HOWELL, the Bill was read a third time forthwith and passed.

QUESTIONS TO MINISTERS

SENATOR E. E. GREAVES: Mr. President, the question reads as follows:

To enquire of the Minister of State responsible for Immigration:

1. Is the Minister aware that non-Barbadians are working in the construction of houses at the Spring Hall Land Lease Project?
2. Will the Minister state whether or not work permits were granted to these workers?
3. If the answer to 2 is in the affirmative, will the Minister outline the factors which led to the recruitment of non-Barbadians to build these houses?

SENATOR THE HON. O'B. TROTMAN: Mr. President, the reply is as follows:

1. Yes, Sir.
2. Work Permits were granted to two (2) nationals of Guyana.
3. The Ministry of Agriculture, Food and Consumer Affairs in collaboration with the Barbados Agricultural Development Corporation and the Barbados National Bank has purchased a number of greenheart houses for tenants of the Spring Hall Land Lease Project. Inasmuch as the Contractor has so far been unable to recruit local carpenters to do this work, there was no alternative but to enlist the services of carpenters skilled in the joinery of greenheart.

The houses are urgently required to facilitate the success of the Spring Hall Land Lease Project.

SENATOR E. E. GREAVES: As a supplementary question.

Mr. PRESIDENT: Be sure you make it supplementary.

SENATOR E. E. GREAVES: Would the Minister state on what date work permits were granted to these two Guyanese workers?

SENATOR THE HON. O'B. TROTMAN: Mr. President, I have not got the actual date here, that date would be in the *Official Gazette*, but the first representation was made in December, 1982. The actual date of the permit is not available, but it can be recovered from the *Official Gazette*.

SUSPENSION OF SITTING

Mr. PRESIDENT: I propose to suspend the sitting until 2.30 p.m. to facilitate certain people.

This sitting will be suspended until 2.30 p.m. 1.15 p.m.

ON RESUMPTION

Mr. PRESIDENT: The sitting is resumed. Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, there are twelve items which we have before us.

We propose to start with the amendments to the Road Traffic Act, which Senator Trotman is managing, and then go to the Airport Service Charge Act, a Bill to amend the Dogs (Licensing and Control) Act and a Bill to amend the Accidents and Occupational Diseases (Notification) Act, all of which are being managed by Senator Griffith.

If we are in a position at that stage, Senator Howell will then do the Land Tax Act. By then, Sir, I should be in a position to start struggling with the rest. And when we come to the others, I will do the Resolutions and then the Bills in the order in which they appear.

Mr. PRESIDENT: Call the first Order.

ROAD TRAFFIC (AMENDMENT) ACT, 1983

Order No. 14 was called – A Bill to amend the Road Traffic Act, 1981.

Mr. PRESIDENT: Why did you say 14?

Mr. DEPUTY CLERK: I am using this as a supplementary Order Paper and carrying on from the first Order Paper.

Mr. PRESIDENT: I think we understand what it means. It is a Bill to amend the Road Traffic Act.

SENATOR E. E. GREAVES: With due respect, Sir. I am not being controversial, but it is going to be confusing.

We either have the numbers as they appear here, renumber them for the ease of reference, or we are going to dispense with what we have and use the numbers. If the Deputy Clerk gets up and calls an Order according to his renumbering and we do not know this

Mr. PRESIDENT: I have just instructed the Deputy Clerk to call the Order by the name of the Bill. That cannot confuse anybody. Call the name of the particular thing: A Bill to amend the Road Traffic Act. Senator Trotman.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the administration of the Road Traffic Act 1981 generally falls within the ambit of the Ministry of Transport and Works.

This amendment seeks to remove the insurance section of the present Act, Part IV, and to put it under the administration of the Ministry of Finance. The amendment seeks to give the Minister of Finance the power to make regulations as far as the insurance of vehicles is concerned.

The Bill also provides some defence for employees charged with driving a vehicle, if he can plea that he was driving in the course of his employment and neither knew or had reason to believe that the vehicle was not insured, because it is not always first-hand information to an employee whether or not your employer has paid his insurance.

The Bill also seeks to give unlimited liability to all passengers, whether they are fare paying or otherwise, in terms of insurance coverage, provided that the passengers are carried without violation of the law.

Those are the main tenets of the Bill. The other aspect of it is that the Supervisor of Insurance, as the representative of the Ministry of Finance, will be the public officer who will supervise Part IV of the Act in future.

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

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

SENATOR E. E. GREAVES: Mr. President, just a short comment.

Senator Trotman, in introducing this bit of legislation, indicated that one of the major provisions has to do with giving some protection to people, particularly employees who earn their living by driving vehicles.

It is a fact that there are a number of cases where employees have been driving vehicles and such vehicles were not insured. I think the most recent case that I could recall has to do with a driver of the Transport Board bus which was involved in a fatal accident. It turned out, as I understand it, that the bus was not insured. It has happened to people who have been driving vans and trucks and what have you and this does pose a considerable strain on the employees concerned.

I think that this provision would certainly be welcomed by my organisation, the Barbados Workers' Union,

because I think it would relieve the kinds of pressures which employees at times have to undergo if they are driving a vehicle and become involved in an accident, only to find that the vehicle is not insured, and as a result, they have to face the courts for something for which they are really not liable, other than, let us say, there was a charge of dangerous driving, reckless driving or something similar.

I am certainly appreciative of this particular amendment because, as I said, it would certainly relieve some of the problems which workers have encountered previous to this legislation.

Thank you.

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

On the motion of Senator the Hon. O'B. TROTMAN, Mr. President left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 13 inclusive were called and passed.
2.45 p.m.

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

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

THE AIRPORT SERVICE CHARGE (AMENDMENT) ACT, 1983

Order No. 18 was called -- To move the Second Reading of a Bill to amend the Airport Service Charge Act, Cap. 59.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, in the Financial Statement and Budgetary Proposals presented on 27th April this year, the Minister of Finance said that we should be looking at reviewing airport charges constantly, so that an effort could be made to ensure that the operating costs pay for the airport over a number of years. Therefore, it was suggested that there should be some attempt to increase two types of charges at the airport.

The point has been made that it cannot be gainsaid, for instance, that the Grantley Adams International Airport is considered to be one of the best in the world. I dare say that those of us who travel a great deal cannot dispute that fact.

The capital cost of the facility is about \$10 million, and the annual cost of maintenance and provision of services by airport offices, Customs Department, Immigration and Security Services run in the vicinity of \$12 million per year. There are other costs and other benefits that accrue to the operation of the airport, for instance, the provision of a fire protection service, transportation of airport staff, and so on.

The Minister of Finance at the time determined that the proposed increase in the charges would come into effect on 1st June, 1983 so as to provide a period of consultation with those people who are actively involved in dealing with the travelling public. I am sure that some meeting was held with representatives of local travel agencies and so on to get some input from them on the implementation of this airport charge.

We know that there is some difficulty in some cases in relation to the collection of Departure Tax and so on. I know that in some countries, people, in order to circumvent the payment of airport taxes and airport charges, airline tickets and so on, buy their tickets outside the country. All of these were considerations which moved the Ministry of Finance to look at the possibility of trying to get the best input from the people who are involved in the travel service.

The proposed increase in the rate is a uniform rate of \$12 per person as against the old two-tiered rate where you were charged \$6 for travel within CARICOM and \$10 for travel outside the CARICOM region. Those old rates were effective since November 1976. It is expected that this effective collection would enhance the revenue position to maintain the good services provided by the airport.

From 1976 to 30th April, 1983, we have a breakdown of some of the revenue realised within this period. In 1976-77, \$1.4 million was collected; in 1977-78, \$2.5 million; and there was a gradual increase in collections. In 1980-81, \$3.2 million was collected, in 1981-82, only \$3 million, and in 1982-83, \$2.6 million. For those last two years the drop can be attributable to the fact that there was a decrease in passenger travel occasioned by the fact that less people were travelling to Barbados out of North America and so on.

It is expected that this new uniform rate of \$12, plus the increase in the terminal charge from \$1.50 to \$3.00 per person on arriving passengers — and I would like to point out that the terminal charge of \$3.00 is paid by the airlines and not directly by the travelling public will realize an estimated \$1.4 million additional revenue.
2.55 p.m.

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. C. A. GRIFFITH; Mr. PRESIDENT left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 - 5 inclusive were called and passed.

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

On separate motions of Senator the Hon. C. A. GRIFFITH the Bill was read a third time forthwith and passed.

**DOGS (LICENSING AND CONTROL)
(AMENDMENT) ACT, 1983**

Order No. 9 was called - To move the Second Reading of a Bill to amend the Dogs (Licensing and Control) Act, 1981.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, some time this year the Cabinet concluded that approval should be given to amending the Dogs Control Licensing Act effectively to transfer the operation as far as the collection of fees and so on is concerned from the Collector of Taxes to the Ministry of Health.

Among other things which the amendment seeks to do, is to provide for certain conditions and the issuing of kennel licences. For instance, the licensing authority now, which would be the Ministry of Health once this Bill is passed, would be required just to furnish a number of tags equal to the number of dogs authorised to be kept in a kennel, no more and no less, and each tag should have distinguishing marks and a number correspondent with the number on the licence.

It also introduces a scale of fees based on the number of dogs kept in a kennel. If a kennel is licensed to contain not more than nine dogs, the fee would be \$40; more than nine but not more than 14, \$50; more than 14 but not more than 19 dogs, \$70; and so on.

I believe that the amendment to the Act would also put some teeth into the legislation, given the fact that we still have, not a great problem, but a minor problem with some stray dogs. I think only recently in St. Lucy one man was moved to decide that he wanted to give up rearing livestock because of the fact that he has lost many of his sheep to these stray dogs.
3.05 p.m.

It is very important that some teeth be put in the Act so that it would have more bite than bark.

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

The question was put to the Senate and agreed to.

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

Clauses 1 to 11 inclusive were called and passed.

On the motion of Senator the Hon. C. A. GRIFFITH, the Senate was resumed and the Bill reported as having passed the Committee without amendment.

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

**THE ACCIDENTS AND OCCUPATIONAL DISEASES
(NOTIFICATION) (AMENDMENT) ACT, 1983**

Order No. 19 was called - To move the Second Reading of a Bill to amend the Accidents and Occupational Diseases (Notification) Act, Cap. 338.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, since last year the Cabinet had approved amendments to the Accidents and Occupational Diseases Bill, but the reason the Bill has been so late in coming is that we were waiting to get the Factories Act through Parliament first. The time span also gave us an opportunity to study the proposed amendments further.

What it does, simply, is to make certain requirements of employers as they relate to any kind of accident or disease occasioned by the employee at the work place. For instance, it requires that all accidents should be recorded by the employer in the register to be maintained by the employer for this purpose, which is to be presented for inspection at the request of the Chief Labour Officer. This came out after discussions during the Factories Act. Also, additional requirements have been proposed in two subsections. In respect of an accident to an employee, certain information should be recorded in the book mentioned: the name and address of the person injured, occupation of the person, the date and time of the occurrence of the accident, the place of the occurrence of the accident, the type of machinery involved, the nature and extent of any injury suffered by any person involved in the accident and so on and so forth.

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

SENATOR E. E. GREAVES: Mr. President, first I want to say that I am certainly in agreement with one of the major provisions contained in this Bill, because it is in keeping with a position which I had been taking for

a number of years relative to the way in which Section 3 of the Accident and Occupational Diseases (Notification) Act was being exploited by employers.

3.15 p.m.

I know that some people do not like to hear me constantly harping on this, but I can only refer to the facts as I see them, and as I am able to interpret them. If you have a situation where there is a provision in the Act — I believe it was drafted in good faith — but as we recognize there is a loophole, then people would get around it.

Section 3(1) (b) says basically that if a worker becomes disabled or unable to work for more than three days because of an accident or a disease, and this prevents him from earning full wages, then written notice has to be given to the Chief Labour Officer.

What we discovered a number of employers were doing in order to avoid reporting accidents at their work place was to continue paying the injured person their full wages. This was pointed out, and I am sure that honourable Senators would remember my raising this previously in one of the debates which we had in here on occupational safety and health.

I would have thought that the opportunity would have been taken when the Factories Act was being revised, to look at these two, because there is a very important relationship between them. Nevertheless, we are certainly glad that this particular loophole has now been stopped.

I would also like to refer to the fact that Senator Griffith in his introduction, I believe left out probably one of the most important aspects of this bit of legislation, that is the Third Schedule, relating to occupational diseases.

I am in a very difficult position, because this is technical stuff and I really wanted to do some consultations on it with a view — not to cause any particular delay or causing any particular trouble, but to ensuring that we are covering as many areas as possible. I was a little surprised when I came here today and saw this Bill on the documents which we were supposed to handle today. It is not a particularly controversial bit of legislation, but I believe that sometimes our cause could be badly served by rushing legislation through like this.

I would have been able to have gotten the benefit of the advice of a person who is here on secondment to the Labour Movement in the Caribbean. He is an expert on occupational diseases. I tried during the break to get him on the phone, but unfortunately I was not able to reach him, with the result that I am really a bit at a loss about some of these provisions.

I know that in 1979 the International Labour Organisation had revised the list of occupational diseases. I wonder if Senator Griffith, in his reply, could indicate whether or not this list conforms with that most updated list from the International Labour Organisation.

I said it is a pity that we are placed in this position, particularly in this particular area, which is a highly technical area, and I am not entirely happy with the arrangement. But in view of the parliamentary schedule, I agreed to go along with it at this point in time.

Just let me refer, Sir, to two other points that I would want to raise more specifically on the proposed amendment. One has to do with the fact that a provision is being made for a book, which will contain information on accidents, to be kept open for inspection by the Chief Labour Officer. I think that there are two serious omissions, and this is an error which the Government continues to make. You see, we get so much tied up with accidents that the Government often loses sight of occupational diseases.

I would think that, in the same way provision is being made for a book to be kept of accidents which occur at the work place, provision should also be made for including those occupational diseases which are identifiable and associated with the kind of work that people are involved in at that particular work place. I would hope that the Government, in its wisdom, will see that. I do not think that the amendment would do any violence to the proposed amendments. In fact, it would certainly enhance them.

Similarly, Sir, when we were discussing the Factories Act — my name for it was the Occupational Safety and Health Act, but that was not accepted — provision was made for a Health and Safety Committee. There are certain functions which the Health and Safety Committee was given under the Act. I believe that if you were to check the Factories Act, you will find that there is provision for not only the Labour Department, but also the Health and Safety Committee to have access to certain information which the employer ought to keep at his work place, according to the Act.

Again, I would like to suggest that in this amending legislation, Section 2 (b) should be further amended, by adding at the end: "and the Health and Safety Committees". That is, that the book should be made available for inspection, not only inspection by the Chief Labour Officer, but also by the Health and Safety Committee.

To bring up the argument that in the Factories Act it is provided for and therefore you do not need it here, cannot be a sound argument, because that same argument could be used for the inspection by the Chief Labour Officer.

Those are two important points on this particular amendment in this section. I hope that the Government would give some consideration to those two points and that they be accepted.

The other aspect has to do with the penalties. There is a provision to amend Section 8 under Penalties, raising the penalty of \$100 to \$500.

I suppose it is an oversight on the part of the Government, knowing how the Minister of Finance likes to haul money out of the medical profession by way of fees and what have you. It must have been an oversight, and I do not know how this particular one escaped him, or has escaped him so far. But under Section 5 (2) of the existing legislation, it says:

"Any registered medical practitioner who fails to send any notice in accordance with the requirements of this section shall be guilty of an offence against this Act and liable to a fine of \$10."

Now, Sir, if you are going to be talking about modernising and updating and what have you, this seems to me to be a very serious omission. It is not so much a question, in my view now — and I argue the case for the Government — of penalising the medical practitioner, but at least the fine ought to be such as to impress upon the medical practitioner the seriousness of the whole question of reporting occupational diseases.

What is \$10 to a medical practitioner as a fine? I am not sure what the charges are all around, but I am sure that there is no medical practitioner in Barbados who would charge \$10 for a visit. I know that some medical practitioners would consider getting involved in this paper work as a nuisance, and maybe it is easier to pay the \$10 than to waste time filling out forms. But it is very, very important, because records have to be kept if we are going to be serious about this kind of thing.

3.25 p.m.

I want to repeat that we have no idea of the kind of diseases to which people are exposed, and are suffering from, in this country because of a very serious laxity on the part not only of the medical profession, but also on the Department of Labour. No records are kept, and if we are going to be moving into the question of record keeping, then I submit that the penalties ought to go along with that kind of thing, and certainly we cannot then be talking of a penalty of \$10 for not submitting records.

Those are the points which I want to make. I think that I have been speaking on this kind of thing for a long time now and I would not want to go over the points which I have been making in the past, but

certainly, as I said, the amending legislation seeks to stop all major loopholes which have been exploited, and I hope that Senator Griffith would take note and, if possible, move the necessary amendments in the two areas I have pointed out.

Thank you, Sir.

SENATOR C. A. GRIFFITH: Mr. President, I would first like to apprise the Chair of the fact that the new list of occupational diseases was revised in accordance with the ILO Convention.

Senator Greaves made some very important input into the debate, but we just thought that, given the fact that there was this glaring loophole, we should have some type of legislation to cover it. There is a process of consultation between the Ministry and the unions, particularly the Barbados Workers' Union. I believe that if there are any other difficulties which may arise, they can be dealt with at a later stage.

I would just like to point out a few things which were mentioned by Senator Greaves. We must not forget that in some cases the workers themselves should shoulder some of the blame. For instance, I see one item here under the whole list of occupational hazards — hearing impairment caused by noise — and even though in some cases the employers want workers to wear protective hearing devices, some workers themselves feel that it is inhibiting to them.

I had occasion only a few weeks ago to visit a quarry to look at a new machine, and I could not believe what I was seeing. A man who had been working in the quarrying business, I guess, for over 40 years, was talking to me and I asked him why he was not wearing any protective hearing devices. He said he had not worn any from the time he was a little fellow and he worked in the quarry for all these years without protective hearing equipment, and he did not see the need to use protective hearing equipment with this new machine.

Medical research has shown that there are a lot of people who do not appreciate the kind of problems they bring on themselves simply because they, themselves, are not aware of the loss of hearing which is occasioned by not wearing protective hearing devices. Sometimes we must remember that the people themselves are guilty and it is not necessarily the employer or anybody else for that matter.

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. C. A. GRIFFITH, Mr. PRESIDENT left the Chair and the

Senate resolved itself into a Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clause 1 was called and agreed to.

Clause 2 was called.

SENATOR THE HON. C. A. GRIFFITH: Mr. Chairman, I beg to move that Clause 2 stand part.

SENATOR E. E. GREAVES: Sir, as I indicated in my opening remarks, there are two amendments which I would like to move. Under subsection 2(b) of the amending legislation where it states:

“(2A) Every employer shall keep a book in which he shall record the occurrence of every accident.....”

I would like to insert after that “and occupational disease”

“.....at the work place; and the book shall, at all reasonable times, be kept open for inspection by the Chief Labour Officer.....”

Remove the full stop and add the following: “and the Health and Safety Committee”.

I believe, Sir, that these are two amendments which would tidy up this bit of legislation, particularly in view of the fact that we are talking about a Bill to amend the Accidents and Occupational Diseases Act, and the amendment which we have before us only deals with accidents. All I am seeking to do is to tidy it up by adding occupational diseases.

The second amendment has to do with a further tidying up. In the Factories Act there is provision for Safety Committees to have access to records which are kept by the employer, and I feel that this particular bit of legislation should have provision made for Safety Committees to have access to the books which are kept by the employer. After all, it is not a secret between the employer and the Chief Labour Officer, but it is information relating to the health and welfare of the people who are working at that work place, and they, therefore, through their representatives, ought to have access to whatever information is kept about diseases and accidents at the work place.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I will have to urge, so that Senator Greaves understands, that on this side we are not going to accept amendments today, because the effect of accepting an amendment today will be to kill the Bill.
3.35 p.m.

If, as he states, he is in agreement with the Bill but there are certain things he would like changed, I

would suggest that he bring them up in the regular consultations. No matter what you might hear publicly or not, particular postures might distract from time to time but the Ministry of Labour and the unions talk, and there is always the avenue there for making representations on this as well as other matters.

Labour legislation, perhaps more than most other areas of legislation, has to be dynamic, because the centre of it is people. As I understand it, it is better to have on the Statute books as a result of today's debate, legislation which would represent a distinct improvement on what is there now rather than to seek to kill this. Because that is the effect of seeking to amend it — to kill it.

Then, any improvement in this aspect of labour legislation should take a number of months. And the first point we have to face is that after prorogation, Parliament will not meet until some time in October. The second thing we have to face is that it will compete with other things for a place on the Parliament agenda, and that could mean six, seven or eight months, perhaps a year, before this is brought back here.

There is another thing. We could not accept the amendment just like that. It would have to go through a process before it is improved. What we would have to do is to withdraw the Bill, take it back and let the Ministry of Labour consider the amendment, and then consultation would have to go on between the union and them to determine whether or not the amendments would be acceptable.

So it is much better to forget about trying to amend it now. Let this go through as a substantial improvement, which is what it is, then make the representations and have the discussions with the Ministry of Labour. Then, in the new Session of Parliament, the Ministry, if they and the Union agree, would obviously sponsor the amendments.

SENATOR E. E. GREAVES: Mr. Chairman, I think I have a particular difficulty. I understand the point which Senator Barrow has made concerning the effect of the amendment, and I am as anxious as he is to see that this particular legislation is not stopped, but the difficulty which I have is that, as I said, I was taken completely by surprise at this bit of legislation.

Personally, I have been in and out of the country for the last two months, and I am not really too sure whether the Ministry of Labour has been in consultation with the Union on this particular matter. If I had had these papers before, I would have been in a position to see what consultations have taken place and I do not really recollect, in reading through minutes of meetings and other documents, any thing being done about this. I really cannot recall if there were consultations, but cer-

tainly it would seem to me that with legislation like this the consultation ought to take place before.

I really cannot recall if there were consultations before. Maybe there were consultations long ago and I might have forgotten. But I just want to make the basic point that in matters like these, it is better for the consultation to be done before so that we can try to cover all of the aspects that the various interest groups would like to have covered, rather than pushing through legislation and then having the consultation after. It is a procedural point, and one which I would not hesitate to continue to make.

I hope that we will be able to get an opportunity to look at this again, along with the other aspects relating to occupational safety and health, in the not too distant future, and I am certain that consultations will take place.

The question that Clause 2 stand part of the Bill was put to the Senate and agreed to.

Clauses 3 and 4 were called and passed.

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

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

LAND TAX (AMENDMENT) (NO. 2) ACT, 1983

Order No. 13 was called – To move the Second Reading of a Bill to amend the Land Tax Act, Cap. 78A.

SENATOR St. C. E. HOWELL: Mr. President, this Bill seeks to amend the Land Tax Act, Cap. 78A of the Laws of Barbados, in order to implement the budgetary proposals relating to Land Tax as given by the Minister of Finance in the House of Assembly.

The amendment is to provide for the implementation of a special tax on land that is owned by foreign companies. It relates to two types of land. The first is unimproved land, that is land with nothing on it, no buildings or anything, and the second is to do with improved land.

In the case of land where there is no improved value, it is proposed that the tax in such cases would be 3 per cent. In the case where there is an improved value, it will be 2 per cent.

The rationale behind the amendment, Mr. President, is that there are certain foreign companies which are in a position to arrange their business in such a way that the shares in the companies are transferred out of Barbados – they are sold, to use a common term – and by so doing, quite legitimately, avoid the payment of Property Transfer Tax.

3.45 p.m.

The rationale behind the amendment therefore is to see that some element of control is exercised in the country. It would not operate in relation to companies that are purely owned and controlled by Barbadians, or people who are residing in this country. Therefore, if shares can be transferred abroad in such a way that no Property Transfer Tax is paid, as a result of this amendment, in relation to unimproved land the shareholders will now have to pay 3 per cent, and in the case of improved value of land, 2 per cent.

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

The question was put to the Senate and agreed to.

On motion of Senator St. C. HOWELL, Mr. PRESIDENT left the Chair and the Senate resolved itself into a Committee on the Bill, Senator J. C. WICKHAM in the Chair.

Clauses 1 and 2 were called and passed.

On the motion of Senator St. C. HOWELL, the Senate was resumed and the Bill reported as having passed the Committee without amendments, Mr. PRESIDENT in the Chair.

On separate motions of Senator St. C. HOWELL, the Bill was read a third time forthwith and passed.

COMPULSORY ACQUISITION AT BRIDGE GAP AND HIGHWAY 1

Order No. 10 was called – To move the passing of a Resolution to approve the compulsory acquisition of a parcel of land at Bridge Gap and Highway 1, St. Michael.

SENATOR THE HON. N. A. BARROW: Mr. President, the Resolutions concerning land, and there are three of them, are not accompanied by any plans and I apologise for this. But in each case, the subject matter is sufficiently clear, as is the location of the land, that I think the Senate should not feel particularly cheated in that there is an absence of plans.

Several years ago, two land owners, namely, Bosvigo Limited and Mr. Edward Jackman, offered to donate to the Government parcels of land comprising 186.54 square

metres or 2008 square feet and 116.4 square metres or 1253 square feet respectively, and situate at Highway 1 and Bridge Gap junction, Black Rock, St. Michael.

For those who are in doubt as to where Bridge Gap is, the junction we are speaking of is the one when you leave Eagle Hall and before the Catholic Church, Crawford Bottom I am told is the correct designation. It is along there on the left hand side. So we should know what it is we are talking about.

Government agreed to accept both offers. These are for the purpose of facilitating highway improvement in the area. So far only the transfer of 2008 square feet or 186.54 square metres donated by Bosvigo Limited has been finalised. Owing to an oversight, the formalities for the transfer of the Jackman Land were never concluded. A considerable time was allowed to elapse since the offer was made, and efforts to find out whether Mr. Jackman still intends to donate the land have so far proved fruitless. As a result, it was decided that Government should compulsorily acquire the land from Mr. Jackman.

The road improvement is essential since more tourists presently experience great difficulty when entering Highway 1 from Bridge Gap because of the narrowness of the junction, combined with limited visibility, and the junction is also hazardous in whatever direction a vehicle is travelling. In addition, Sir, school children who use this section of the road on the way to and from the Eagle Hall Infant School do so at great risk because of the narrowness of the street. So that is the justification for this Resolution.

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

SENATOR E. E. GREAVES: Mr. President, I just want to make a short contribution on this matter of highway improvement. I think that a lot has to be done in this country relative to the improvements of our highways, and whenever there is a measure to improve a highway, whether it is to do with widening a road, widening a corner or building a bridge so as to alleviate a particular problem, I believe that people in the country are generally appreciative of that particular arrangement. So we have no particular quarrel with this. I think that this is a step in the right direction.

I believe that we are confronted with a problem in Barbados relative to our highways and, generally speaking, the maintenance of them, and the problem comes more and more to the fore when we have heavy down-pours, as we have been having within recent weeks.
3.55 p.m.

The question of drainage, in my view, Mr. President, and the control of the flow of water all over the island is something that the Government ought to pay some

very important attention to. This is a problem in every constituency in Barbados.

The constituency which my friend Senator Linton has attempted to win, but was defeated, just above Foursquare Factory, whenever there is rain — it does not have to be a heavy rain — I do not know what is the problem — I pass there every day — as soon as you get a little rain, the place becomes flooded. There are wells on both sides. Nobody seems to care. I would like to draw this to the attention of the Government. Senator Linton, I am sure, would appreciate that. I know that Mr. Blackman, the Parliamentary Representative for the area, has been doing it over and over again.

Asides.

Laughter.

Mr. PRESIDENT: Order, order.

SENATOR E. E. GREAVES: As I say, it is a problem all over the island.

I would just like to draw to the attention of the Government once more that there is a problem in another area in Barbados. There is a problem, one which, over and over again, I have drawn to the attention of the Government, and it has to do with the half completed bridge at Pie Corner, St. Lucy.

I believe that this bridge will take the prize for the longest period of time that any bridge has taken to be completed in Barbados, I believe any part of the Caribbean, and I believe it would also take the first prize for the most ill-conceived piece of construction that there has ever been. Any engineer, piece of engineer, technician, whosoever it is who could have designed a bridge like that should resign next day or should be fired from his job.

Since that bridge was designed and started on, it has caused more problems than existed before. Each time there is a rainfall, you find that debris and stones are just left on the road, and you have to get a tractor, or people who live near have to go and clear the bridge in order for people to pass. I think it is a very serious matter.

There is a long history surrounding this, going back to a number of years, but the fact of the matter is that I really do not know the reason why anybody could have conceived of that kind of construction, because the person who have done it would have been ill-advised and certainly is not aware of the nature of the problem and the flow of water.

This is something I know almost like the palm of my hand. It is an area around which I grew up, and I

recall that way back we have been trying to get that particular matter corrected. In my view, the road has to be lifted so that water can flow under the bridge and not over it.

They have put two tunnels which cannot hold the water which passes there. The water which passes through that particular area comes from way up in St. Peter, and I am told sometimes as far away as St. Andrew, and flows right down into the sea at such a rate that the two tunnels which have been provided just cannot handle the flow of the water.

I am appealing to the Government to have a look at the area and do something about the bridge. I have once more approached the Ministry of Transport and Works to have a look at it with a view to redesigning the bridge and really have a proper bridge.

I want to point out that there are people who are living in the area who are cut off when there is a downpour. Many people could not get to work this morning. People had to leave their cars at home, had to wait until the water subsided, and then had to move the stones and debris in order to pass.

In this day and age this should not be taking place when people are paying taxes through their noses, paying Income Tax, paying Transport Levy. They deserve better treatment than this.

I should think that the Government would treat this matter as an urgent matter. There is money there. There is no point in saying that there is no money. There are millions of dollars in the Transport Levy, and some of it should be directed to this particular area.

Aside.

SENATOR E. E. GREAVES: It is not a question of me. I am interested in the people who are inconvenienced — that they are no longer inconvenienced.

Furthermore, since the bridge has been started, people's lands are being washed away because of the way in which the bridge was designed. In this particular regard, I know people who have suffered as a result of this. I should like to think that the Government would pay some attention to this particular area.

I said that the whole question of highway improvement is important, and I would like to see our having a properly conceived plan for highways in this country. This is a matter which, I submit, Sir, goes above partisan politics. I believe that since money from the Transport Levy is being deducted from everybody in the country, and it is not deducted only from people who live in

the constituencies which are represented by members of the Barbados Labour Party....

SENATOR THE HON. N. A. BARROW: On a point of order, Sir: St. Lucy is represented by a member of the Barbados Labour Party.

SENATOR E. E. GREAVES: Okay. It not only applies to constituencies which are represented by the Barbados Labour Party, but also constituencies which are represented by members of the Democratic Labour Party.

I want to make the point that — and I am not now talking about St. Lucy, I have moved beyond that.....

(SENATOR THE HON. N. A. BARROW: Oh, I see.)

SENATOR E. E. GREAVES: We ought to have a national plan. One could know from time to time if, say, in 1983, we are going to do this amount of roads in these areas, another series in 1984 and so on, and not just leave road repair at the whims and fancies of people.

What is the point, for example, in having a particular plan for action under one Minister and as soon as a new Minister comes in, he abandons that, and says he has nothing to do with that — roads in his constituency are going to get done, and this kind of thing.

Nobody is begrudging people in the particular constituency. But at least I think that there ought to be some plan, some programme, because everybody in the country, no matter where they live — everybody — is contributing to funds for road repair, and therefore ought to be able to benefit.

I hope, Sir, that we will see a better handling of these matters — on a little more non-partisan basis. I would understand that there would be a little partisanship in this, but at least give other areas a look, because in the final analysis, the country would benefit from it.

Thank you.

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Mr. President, I feel compelled to reply to one point which my friend Senator Greaves made, for the reason that the Leader may not be in full possession of the facts at this particular point.

So far as the parish of St. Lucy is concerned, as indeed the parish of St. Philip, the national park which Government proposes from Archer's Bay in St. Lucy to Ragged Point in St. Philip, and I hope, further down, will

encompass the area known as Pie Corner. To that extent, Mr. Roy Brathwaite, the incumbent representative for St. Lucy and myself and other members of the National Conservation Commission not long ago visited that area to see what, in fact, could be done with it.

It would be pointless to do much with Pie Corner now, when Mr. Pennington, the expert who was here from England, recommended that Pie Corner, St. Lucy, at least a substantial part of it ought to be included in this proposed national park. Consequently, if we go ahead building bridges and doing developments, we may only find that, in the not too distant future, we shall have to knock them down again. I would therefore, through you, Sir, respectfully suggest to Senator Greaves that he await the implementation by Government of the national park. 4.05 p.m.

I know the present constraint is the lack of funds, but the Government does have a plan. We have a five year National Development Plan, and we also have the proposals from Mr. Pennington for that area encompassing Pie Corner in St. Lucy. I have no doubt that the inhabitants of Pie Corner in St. Lucy will be as adequately served when we implement this plan as they are now, specifically as the present representative is doing his best to assist them already, he needs no help from anybody in the Senate.

While I am on my feet, Mr. President, I just want to retort to the point made by my friend with regard to the road above Foursquare. I have written to the predecessor in title, to the present Minister of Transport and Works, and to the incumbent Minister of Transport and Works regarding not only the road that runs through Foursquare, but also in regard to a road that runs through Pounders in St. Philip and one that runs through Kirtons, which I visited this morning at the invitation of one of the constituents in St. Philip, when he could not find Mr. Blackman, to whom he was referred, to find that it was overflowing with water, that mosquitoes were breeding there. He wanted assistance, and I have being typed in my office at the moment a letter to the Minister asking him to see about that situation.

I have previously been informed, however that the Ministry is looking into these roads at St. Philip, that there is in fact a plan in relation to all the roads in St. Philip, including the one in Lucas Street, St. Philip, which I will implore the Minister to see if he can get the land purchased and the road constructed. In the same way we are acquiring this land at Bosvigo which Mr. Jackman had promised, the Lucases in Lucas Street, St. Philip had also promised the Government land, and the Minister has assured me by letter that as soon as finances permit he will seek to construct these roads promptly. I hope it will be sooner rather than later.

In summary, therefore, Mr. President, we in St. Philip do not need an inhabitant of St. Lucy to tell us what roads need to be done. I am looking after the roads in St. Philip, Mr. President.

Thank you.

SENATOR E. E. GREAVES rose.

Mr. PRESIDENT: Do you wish to make another speech?

SENATOR E. E. GREAVES: Yes, Sir.

Mr. PRESIDENT: I am not going to let you make another speech. Do you wish to clarify a point?

SENATOR E. E. GREAVES: Yes, Sir, I just want to respond to a point.

Mr. PRESIDENT: You wish to clarify a point.

SENATOR E. E. GREAVES: Yes, yes. First, I consider that St. Philip is part of Barbados. I am a taxpayer in this country, I pay Income Tax and Transport Levy. I also pay road taxes. Therefore, I feel that if I am travelling on a road which I have to travel on every day, and I find that there is water which is affecting my car, then I am entitled to raise it. But that is just by the way.

Relative to the point which Senator Linton made about this national park and the question of having visited Pie Corner, and that Mr. Pennington has recommended that Pie Corner be a substantial part of this national park, just for Senator Linton's benefit, if you are talking about developing a national park between Archers Bay and Ragged Point in St. Philip, Sir, it is physically and humanly impossible to move in a national park from Archers Bay to Ragged Point in St. Philip without passing through Pie Corner. That is the level of his knowledge of that. Where the bridge is

Mr. PRESIDENT: You are making another speech.

SENATOR E. E. GREAVES: Well, I have to explain

Mr. PRESIDENT: You have to confine your explanation to a few words. I am not allowing you to make another speech.

SENATOR E. E. GREAVES: No, just another point.

On the question which he raised about it not making sense for the Government to have to build a bridge and take it down, whether a substantial portion

of Pie Corner becomes part of the national park or not, the bridge has to be built. That is the point. The bridge has to be built.

Mr. PRESIDENT: If honourable members are asking permission to clarify a point, they must really confine their second set of remarks to the point and clarify it if it is something relating to a speech which they have made. I am not going to allow members to transgress the Rules in this sort of oblique fashion, making several speeches, new points and that kind of thing. It is not proper.

SENATOR W. W. HALL: Sir, I had no intention of entering the debate, but to be honest with you, since Senator Greaves cannot bat again, since he cannot make two speeches as per the Rules of this Honourable House, I would just like to take up one or two things that he said.

I totally agree that there should be a national road improvement plan. This is nothing less than the honourable Deputy Prime Minister said yesterday when he said words to the effect that there should be a fixed proportion in the Estimates for all constituencies. Perhaps he was of the view, as I am now, that as far as the road improvements are concerned, it may well be that it is not done with any great equality.

I say so, Sir, because if one were to walk through the Ivy and the surrounding areas, one would be left in no doubt whatsoever that they would hardly be without good roads for another 10, 15 or 20 years. And so it is in most Ministries. My colleague alluded to it when he said that as you change Ministries, you see a completely different turn.

The Prime Minister said also that they are short staffed where it matters in the Ministry of Transport and Works, and this may well be true, but I feel that if the Deputy Prime Minister's words must bear fruit, you will probably find that there will be an equal allocation of funds for constituencies, because when you really look at it, you will find that there can be road improvement in every constituency in Barbados. When one finds that one area is completely paved and others remain in serious state of disrepair, you probably find that there is room for a lot of discontent.

I am very happy to see that, at least once in his life, people have actually complained to Senator Linton — and he ran in here and told us about it. After ten years of his running for a seat in the House of Assembly, only this morning someone told him about that.

I have lost in elections and people have also complained to me, about roads in the area around Wavell Avenue. People will tell me that Belfield Road, Allamby Road and Rock Gap have all been paved. This is true, but

I would say that there are people in the Black Rock area, more particularly in the Wavell Avenue area, where it is not an exaggeration to say that they wear one set of shoes to get out of the mud and another to go to work with. This is a fact, and I have said this before in there. When rain falls, the place is a nightmare.

It is true that there have been some improvements in the area along the well, but that is a bone of contention. There is still flooding, and I do wish that something could be done in these areas, especially in the areas along Long Gap, 1st and 3rd Avenues, most particularly, and down in St. Stephens.
4.15 p.m.

These are areas which I feel must be drawn to the attention of the Ministry and of the Government where, as the Deputy Prime Minister said, if there is an equal distribution of funds for all constituents, then I am sure that we would be in a better position. Even in the area along by 'Millie's', which is well known to all the gentlemen and ladies on that side, the people living in that area find great difficulty getting out of their homes.

I think that perhaps this is what my illustrious colleague is referring to when he talks about the state of the well in Pie Corner. There is no secret, Sir, that the well there seems to be too low. There is no doubt in my mind about it. I pass there often.

Asides.

SENATOR W. W. HALL: A well cannot be too low, Senator Trotman. We are saying that the bridge is so low that the water and the debris cannot pass. It should be built so that the water and the debris can pass unobstructed under the bridge. That is the object of a bridge.

I think that the honourable Senator is quite right in saying that it might be money thrown down the bridge if some adjustments are not made. This is only the opinion of a layman, but having watched the development with great scrutiny over the past year or two, I can say quite safely that I am more familiar with that area than anyone sitting out there on that side.

Asides.

SENATOR W. W. HALL: They want to know where I go? I have interest in the area, Sir, not political interest. I go to the Cove. It is the road leading to the Cove. Perhaps you know who owns Cove House? My friend. That is why I pass there very often.

I think that there is some merit in what the honourable Senator has said, because it has occupied the attention of the honourable leaders of this country in

the Lower House. They have been able to point out that there is a great need for an improvements plan, and it is said, and it has been proven, that developments are usually in the areas where the politicians have been able to get into that constituency. They have improved the local conditions.

This might have been so for years. I am not really pointing the finger at anyone and saying that those who live in glass houses should not throw stones, but I am saying that it is a usual trend of politicians to do that. When the Deputy Prime Minister of this country comes out and says that there should be provisions made for road improvement in all constituencies by way of the Estimates, I think it is a valid point, and it tells me, even if it does not tell honourable Senators in here, that there is room for a plan which would take care of all constituencies in Barbados. So I have very little difficulty in agreeing with what has been said.

I do not think that the motive that was engendered was necessary. I think that Senator Linton, in his quest to remind us that he is interested in St. Philip, has told us about his position up there when he was in magnificent isolation. I think all we need to do is to recognize that there is a great need for an improvement which is a national one and not confined to areas which are won by any particular Government, be it the Barbados Labour Party or the Democratic Labour Party.

That is not the point. The point is that it should be of a national texture, and if that is adhered to, I am quite sure that all and sundry would understand what ball game we are playing.

SENATOR A. W. A. McCLEAN: Mr. President, I would like to lend my support to the view that we should have a national plan which is national in scope and outlook, and indeed that everybody should get piece of the action. But I am not so sure that the solution to that is to divide the money available equally to each of the constituencies. I think 'equitably' should be the appropriate word.

What we need to do is to have a body, say the National Road Development Committee or Commission, charged with certain responsibilities, evaluating the quality of roads throughout the island and identifying the need for improvement, and we should adopt the principle of fixing the worse roads first.

If you go across Barbados, you will see many examples of roads that were fairly bad — but they were roads, and they were brought up to perfect condition. But there are other areas where there were no roads — and there are still no roads yet! That, I do not think, is the most desirable approach. Those who have roads which are service-

able, although not up to scratch, should wait a little while until the people who do not have roads at all get some.

I think that the level of influence by the Minister of Transport and Works in the decisions in this area should be reduced. It goes back over the years. I remember a Minister from a different regime or dispensation talking about home drums beating first, meaning his constituency drum. That situation is not to be desired. We do not have Local Government again; we have central responsibility now for even tenantry roads; and therefore those responsible for it should recognize the full range of the responsibilities and do not try to make decisions in a self-serving manner.

Also, I think we should have a five year development plan with a shifting five year origin. That is, every year you add on another year, so you always have proposals for five years ahead. These arrangements for road improvements should be well publicized so that people would be able to check the list and know that Government is planning to come to us in 1984 or 1987 or 1988, so that they would have some kind of hope. Right now people live in a state of eternal hope or eternal despair. They do not know. They are promised, but they do not know if the promise is tomorrow or the next 50 years, and I do not think that that is desirable.

We know that we cannot fix all the roads one time, but if we articulate a clear principle and on the basis of that indicate where you are in the rank of order, and what time we expect we can get to you given the amount of money involved, I believe that the society would attain a higher level of satisfaction with the efforts in the area of road building and improvements.

I thank you, Mr. President.

SENATOR THE HON. N. A. BARROW: Mr. President, part of what I was going to get up and say has been said by Senator McClean, but instead of making it unnecessary for me to rise, his contribution has made it necessary for me to make a few comments, because I do not accept anything about any road building commission. However you put together any commission for any road building purpose, there are going to be political interests being served. I would not like to fool myself or try to fool this Honourable Chamber that there is not a lot of politics in coming to a decision on certain matters, and roads happen to be one of them.

Had Frederick Gladstone Smith not decided, and publicly stated, that home drums beat first, and led the way for Rameses B. Caddle to do the whole of the Garden Land when he got in there, a pattern might well not have been established that has departed quite decidedly from the pattern which used to exist before. Because while Ministers of Communications before did, after all,

give perhaps a little preference to their constituencies, I think that prior to 'Sleepy' Smith they did have a little wider approach, and took a wider view.

I must also say, Sir, that as a member of a party among whose representatives have always been a member of the constituency of St. Joseph, I am also acutely aware that a party might become the Government for 15 years and decide to black out a particular part of the country. So I do not really want to give comfort to Senator Greaves and Senator Hall or Senator McClean at this point. Senator McClean is taking a different view, but I am making the point, for Senator McClean's benefit, that you have to recognise that there may be some wrongs to be redressed.

4.25 p.m.

The fact is, however, that if you look at what is happening in terms of road improvement, you cannot under this Government make the claims that areas which are represented by members of the other side are neglected. You cannot! We can find the examples if you want them. Nobody is going to neglect an area of Christ Church represented by Mr. Maurice King just because he represents it.

I will concede that the same pattern of a little preference in the constituency of the Minister responsible for Transport has tended to continue. I will concede that. That is a fact. But I remember Mr. Bolden in St. Joseph because St. Joseph had been blacked out by the previous regime, totally blacked out, and in my humble opinion, I thought that he would have been a most stupid man if he wanted to be re-elected and did not try and carry some services to his constituency.

So these are facts which I believe people have to take into consideration in talking. That, Sir, is really what I want to say in response to Senator McClean's point about a commission.

What we are doing these days is that the Minister responsible for Transport and Works has to prepare such a plan, which he brings to Cabinet, so that his colleagues can be satisfied that there is an overview being taken and that no areas of the country are being blacked out. So what Senator McClean is suggesting is being achieved in another way.

We are very concerned about it too. What Mr. St. John said in the Other Place reflects the fact that we are all concerned that there should be a certain level of delivery of services to the whole of Barbados. So it is not anything we are taking lightly.

Mr. President, why I was not going to reply initially was that what impressed more than the contributions of the Senator from St. Lucy and the Senator from St.

Philip South — these are constituencies with representation both in the Lower House and the Upper House if I took careful note of the parish pump tone in politics, and I think it is a good thing that constituencies should have a very high level of representation — what impressed me even more was that when Senator Hall came to talk about St. Michael West Central, his political geography was eminently better than when he had tried to get right which Blackman represented St. Philip South.

The question that the Senate concur in the Resolution was put to the Senate and agreed to.

VESTING IN GRAFTON HEADLEY OF LAND AT BAGATELLE ST. THOMAS

Order No. 11 was called — To move the passing of a Resolution to approve the vesting in Grafton Headley of a parcel of land at Bagatelle, St. Thomas.

SENATOR THE HON. N. A. BARROW: Sir, the subject matter of this Resolution is pretty straightforward. The gentleman concerned has bought lands from Burnup and Simms, and neighbouring those lands are lands belonging to the Government of Barbados on which he has encroached. His leasing of lands from the Government will enable him to move his furniture factory down from where he is presently operating on upper Rendezvous Main Road, and the Government considers that that would be an appropriate use for the land.

It is an area of 3112 square metres and the Government has no other immediate plans for it. Government therefore wishes to lease this land to Mr. Grafton Headley for a period of fifteen years, with the right of renewal at the rate of \$3350 per annum subject to review of the land every three years.

Approval, Sir, has already been given for a portion of the adjoining land to be leased to Trowel Plastics Limited for a 15-year period in respect of manufacture of decorative material for the building industry, so the establishment of a furniture manufacturing industry there would not be inconsistent to the current use of the land. It would also represent allowing the gentleman to correct the encroachment.

The market value is set at \$19 300. What has happened here is that subsequent to the decision to lease, the market value had been agreed to be \$19 300 and a decision to sell is therefore what we are asking approval for.

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

The question was put to the Senate and agreed to.

**PUBLIC SECONDARY SCHOOLS BOARDS OF
MANAGEMENT (AMENDMENT) ORDER, 1983**

Order No. 12 was called – To move the passing of a Resolution to approve the Public Secondary Schools Boards of Management Order, 1983.

SENATOR THE HON. N. A. BARROW: Mr. President, last week we did the Resolution for the purchase of lands at Lodge School. We pointed out that Lodge School could not be brought within the scheme of Government as prescribed by the new Education Act until an end had been put to the terms of the lease, because it was in that lease that the membership of the governing body had been determined. The intention now, having gone through with the decision and purchase, is to bring the school within the ambit of the Boards of Management Order. This is the Resolution to give effect to that.

I beg to move that the Senate concur in the Resolution.
4.35 p.m.

Mr. PRESIDENT: Senator Linton.

SENATOR H. R. LINTON: Mr. President, I just want to make one point for the benefit of the Record. Last week when we spoke on the sister Resolution, the *Nation* newspaper reported the Leader of the Senate as having said that the Lodge School had not implemented the CXC Examinations.

I do not think that is what he said. I think, if I remember correctly, he said that it was with some difficulty that the Lodge School was made to implement the CXC Examinations. He was quite correct. The *Nation* was wrong.

The Lodge School has, in fact, I think for a year or two now, after, I must admit, some coercion by the Board of the Headmaster, implemented the CXC Examinations, and they are being taken at both levels at Lodge School.

I think that for the purpose of the Record, the *Nation* ought to carry a correction to their story last week.

Thank you.

The question that the Senate concur in the Resolution was put to the Senate and agreed to.

**COMPULSORY ACQUISITION OF LAND AT
BANK HALL CROSS ROAD, ST. MICHAEL**

Order No. 16 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Bank Hall Cross Road, St. Michael.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, this is about road development.

We are talking, Sir, about the corner of Bank Hall Cross Road and Bank Hall Road. There are two houses which were the subject of negotiation in a decision concerning acquisition.

One of them is the property belonging to Mrs. Joyce Stuart, which is the house on the corner, and I believe that that was purchased by negotiation.

The other one is a derelict building which is the subject of this Resolution. The property is 5 140 square feet of land or 477.506 square metres. It belongs to Mr. Llewellyn Williams, and it is at the junction of Bank Hall Cross Road and Bank Hall Road, St. Michael.

The reason for the acquisition, Sir, is that it is urgent that the Ministry of Transport enter upon the said property and carry out the necessary road improvement works.

I beg to move, Sir, that this Resolution do now pass.

Mr. PRESIDENT: It is proposed that the Senate concur in this Resolution. Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. President, there is some reference here to commercial purposes among the reasons for acquisition. I wonder if we can have some elaboration on that aspect of the Resolution.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, I think this refers to making the rest of the land – because it is quite a lot of land, it is some 5 000 square feet – available for a shop or something like that. It is that sort of commercial use we are thinking of.

What we have here is a house in very poor condition. It has been closed and unoccupied for some time, and now has demolition value only. While we need part of that land, we do not need the entire property for the purpose of road building, but you have to buy the whole property.

The question that the Senate concur in the Resolution was put to the Senate and agreed to.

**CIVIL ESTABLISHMENT (TEACHERS) (AMEND-
MENT) ORDER, 1983**

Order No. 17 was called – To move the passing of a Resolution to approve the Civil Establishment (Teachers) (Amendment) Order, 1983.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, Section 65 of the Education Act, 1981-25 provides for teachers now employed by the governing bodies of the older secondary schools to become public officers when the relevant section of the Act comes into force.

For this reason, it is necessary to include a number of teachers employed in these schools in the Civil Establishment (Teachers) Order, 1980. This provides for 133 headteachers in nursery, primary, secondary and composite schools and the School for the Deaf, and 1 748 deputy headteachers, senior teachers, teachers special grade, teachers for nursery, primary and secondary schools and the School for the Deaf.

The teaching establishment of the older secondary schools is made up of nine headteachers and 366 deputy headteachers, graduate teachers and so on. These numbers should be added to the numbers in the Order, giving new numbers of 142 and 2 114.

In addition, Sir, it is proposed to reorganise the structure of the Government Industrial Schools in an effort to provide better management at that institution. The functions attaching to the post of Vice-Principal will be changed to administrative functions, and consequently, it is being removed from the Civil Establishments (Teachers) Order, 1980 and will appear in the Civil Establishment (General) Order, 1982. To effect the continued supervision of the teaching staff, one of the posts of teacher will be designated Senior Teacher.

These adjustments are the subjects of the Resolution before us. Accordingly, I move that the Senate do now concur in this Resolution.

The question was put to the Senate and agreed to.

CODRINGTON TRUST ACT, 1983

Order No. 8 was called – To move the passing of a Bill to repatriate to Barbados the administration and control of the Codrington Estate Trust and to provide for related matters.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, the Bill before us has its genesis in discussions between the church and Government. The files will show that there was a resolution of the Provincial Synod concerning the Codrington Trust, such resolution being passed in March, 1981. This was after there had been some intimation as to Government's attitude to the Lord Bishop.

4.45 p.m.

After that we have had a meeting between Government and the church, the church's representatives being headed by the Archbishop of the West Indies and including the Bishop of Barbados. This meeting took place on July 18, 1980, in the office of the Prime Minister.

The position is that it is agreed on all sides that the time has come for the repatriation of the Codrington Trust. To most persons, any mention of the Codrington Trust would bring to mind Codrington College which, as an institution of learning, has made a significant contribution to this country. And, of course, there is the fact that the Lodge School stands on lands of the trust.

I believe that all Senators are aware that the estates which form the subject of the trust were administered by the Society for the Propagation of the Gospel, as a result of a bequest by Christopher Codrington to the United Society for the Propagation of the Gospel in Foreign Parts, which is the predecessor to the United Society for the Propagation of the Gospel. Last week we referred to this fact in talking about the lands on which Lodge School stands.

In his will, Christopher Codrington bequeathed his two plantations in the isle of Barbados to the Society for the Propagation of the Gospel in Foreign Parts and specified that the plantations were to continue with 300 negroes at least always kept thereon, and a convenient number of professors and scholars maintained there. All of them were to be under the vows of poverty, chastity and obedience, and should be obliged to study and practise medicine and surgery, as well as divinity, "that by their apparent usefulness to all mankind they may both endear themselves to the people and have a better opportunity of doing good to men's souls whilst they are taking care of their bodies, but the particulars of the constitution I leave to the Society."

In 1972, the Provincial Synod of the Anglican Church requested the society to transfer the trust to the Province of the West Indies, and in 1976, under a scheme approved by the Supreme Court of Barbados – that matter in the court I referred to last week – the society delegated the performance of its executive functions under the trust to the Codrington Estate –

- (a) in respect of the college to a Board of Governors of the College; and
- (b) in respect of the remainder of the trust, to a Board of Management of the estate.

However, the trustees should remain vested in the society, which is a charity operating under the United Kingdom legislation and is answerable to the Charity Commissioner in the United Kingdom.

In July 1980, the Government discussed the trust with the church and expressed its desire to have the trust

repatriated, since it was a Barbadian concern and dealt with property in Barbados. It was made clear that if the Anglican Province of the West Indies could assume responsibility for the trust, this would be regarded as repatriation for the purposes of the Government.

The Bill before us proposes to set up a corporation, to be known as the Codrington Trust, which will be the sole trustee for the Codrington estates in Barbados. In the text three of its members to be appointed by the church and two by the Minister responsible for Ecclesiastical Affairs.

The Codrington estates consist of Codrington College, Lodge School, Codrington High School, Society and College plantations, and tenantry lands at Bath. Both Houses of Parliament have already passed legislation for the purchase of land at Lodge School. The 99 year lease of September 1880 not only provides the land on which the school stands, but also determines the scheme of government for the school, and until the purchase of the land it was therefore impossible to bring the school's scheme of government within the terms of the Education Act. That is what we have just done.

Government has also expressed an interest in purchasing the 20 acres of uncultivated agricultural lands at Bath, along with the tenantry lands of the plantations. The purchase of the tenantry lands will assist the tenants of the Codrington estates in receiving the full benefits of the Plantation Tenancies (Freehold Purchase) Act in the same way as tenants of other plantation tenancies.

The repatriation of the trust will have the effect of bringing the management of the trust under the laws of Barbados. The purchase of the lands being proposed is also providing for the trustees much-needed money to perform the functions of the trust, particularly in terms of the management of Codrington College, which has been under some considerable strain in recent times. Indeed, Sir, the financial strain has been so great that the previous Principal of the College left to assume a post at Cave Hill which could hardly be sufficiently taxing of his intellectual powers if, as I understand it, it is the Warden's post of Sherlock Hall.

Yesterday morning the Lord Bishop of Barbados made certain representations to me in my capacity as Minister responsible for Ecclesiastical Affairs, and as a result the Bill which is before you has been modified in the Other Place in two respects. The Bishop argued that the interest of the Government in the trust was not so large as to justify a representation such as that in Clause 7 of the original Bill where there would be five trustees, of whom Government would appoint two and the church three. We agreed, and therefore in the Other Place the Bill was amended to provide for seven trustees, of which five would be appointed by the church and two by Government.

The correct Bill, therefore, will have the deletion of the word "five" and the substitution therefor of the word "seven", and the deletion of the word "three" and the substitution therefor of the word "five". That is in subclauses (1) and (2) of Clause 7. In this way, the church will now appoint five out of the seven trustees, and all are agreed that this would represent a reasonable appointing formula.

In his representations, the Lord Bishop also drew to our attention that in Clause 9 it was proposed that the trustees should appoint from among themselves one to be a chairman and one to be a secretary, and that it was really not necessary for the secretary to be a trustee. Therefore, in the Other Place the Bill was amended by the deletion of the words "and a secretary", so that only the chairman need be a trustee. The secretary can be an appointed officer if the trustees so feel.

The Lord Bishop also made representations concerning the delay of the Bill on the ground that he had expected to hear from the United Society for the Propagation of the Gospel, but I pointed out to him that, really, we had already been way behind with the Bill and therefore Government would prefer to proceed at this stage.
4.55 p.m.

I said that when he heard from the society, if there were proposals which seem to him to be important, then he could bring them to our attention. We would take them to Cabinet and then have a decision taken as to any amendments that would be necessary. But the Bill which was before us was a Bill negotiated by the Solicitor-General, working on our instructions, and Mr. Peter Williams, working on the church's instructions. Therefore, it is agreed legislation.

We trust, Sir, that with the trust repatriated and with the purchases which Government is making, the trust will be reinvigorated and will be saved from the difficult times it has had to experience recently.

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

SENATOR C. E. JEMMOTT: Mr. President, I must congratulate the Government for the move in having acquired Codrington College in the manner in which it has been done.

Over the years, and more recently, Codrington College has been deteriorating and conditions there are very bad. Those of us who have had any interest in it would know this. I have an interest in it, not from an academic aspect, but from a sentimental point of view, having had a son there and as a person who is interested, as an Anglican, in the training of priests there.

I am very sad to think of what has been happening with an institution which has been able to provide such outstanding citizens, not only in the field of education and religion, but in other fields, who have made a contribution to this country. I do hope that the Government will move expeditiously to have this place restored to its former physical condition. I have heard from the principal that the cupboards for the students are all worn-eaten and the students have to prop their books and belongings on pieces of board.

I am exceedingly glad to see that Government is making an effort to acquire this property. I do hope that we will be able to boast of an institution with at least the same physical conditions as years gone by.

Thank you, Sir.

SENATOR E. E. GREAVES: I really was not too sure that I wanted to make a contribution on this particular Bill, but I just was trying to point out to Senator Jemmott, across the Table, that the Bill was not a Bill for Government to acquire Codrington College. I was just trying to indicate to him that it is a Bill which seeks to repatriate to Barbados the administration and control of the Codrington Estate Trust and to provide for related matters. Codrington College is part of the Trust. It is not a Bill in which the Government is seeking to acquire Codrington College. That is all I was trying to point out to Senator Jemmott, so there is no need for you to quarrel.

Certain remarks made at this stage by Senator E. E. GREAVES were ordered expunged from the Record by Mr. PRESIDENT.

SENATOR E. E. GREAVES: I was trying to point this out to Senator Jemmott to put him on the correct road, so that when the Record is read, at least he would come out looking nice and not be placed in an embarrassing position, giving an interpretation to a Bill which is not there.

This Bill has nothing to do with the Government acquiring any property. The Government does not acquire any property through this Bill. All it does, as Senator Barrow has pointed out, is to bring back home the responsibility for the administration of not only Codrington College but the entire Codrington Estate, so that decisions will be made in Barbados and the trust will be responsible in Barbados and to the authorities in Barbados for the total administration of the property.

Having got that out of the way — and I hope Senator Jemmott would recognize the point I am making — I want to say that the general idea of repatriating responsibilities for properties, and indeed funds, in developing

countries is something which would have the support of people who have a nationalistic approach.

I recall that a couple of years ago in Guyana when they sought to repatriate certain pension funds which were held abroad by one or two of the corporations there, I think in the sugar estates — I do not remember the name of the company now which owned the sugar factories and the sugar plantations, but they repatriated a number of pension funds which were held in England on behalf of the people who were working in Guyana, generally speaking, Guyanese. That is something which was commended.

Mr. PRESIDENT: Bookers?

SENATOR E. E. GREAVES: Bookers, yes. Thank you very much.

I think this is the kind of general trend which is being pursued here in this particular Bill, so that we have no quarrel with that.

What I should like to think, Mr. President, is that now an opportunity is being provided for total responsibility and for decision-making relative to the Codrington Estates to be vested locally, one should see a kind of dynamic approach towards the use of the estates that one would associate with forward-looking people and, generally speaking, with forward-looking planning. Also that whatever plans are developed would be the kind of plans which would be in keeping with some of the general principles laid down in the trust, and which would relate to the developmental objectives which are pursued in this country.

There is no doubt that the Anglican Church has made a significant contribution to education and to other areas of our national life, and we would certainly want to see the church continuing to play a role in our national life.

As I understand it, there is a lot of land which is involved in this particular area which is owned by the Codrington Estate Trust, some of which, I understand, is in an area in Barbados which is fairly productive, or which ought to be fairly productive, bearing in mind rainfall patterns and the quality of the land and such factors. 5.05 p.m.

It seems as if looking, for example, at Society Plantation, which is part of the trust, that it is not able to be as productive as it ought to be. Maybe it has to do with the management of the estate, it may be the people who at present have the lease on the land — I am not even too sure who is the person who has the lease on it now — but I am wondering, Sir, if, from the point of view of an

idea, it would not be useful to have some kind of experimental agricultural diversification project in that particular area. I would like to think that, when the trust meets, some consideration would be given to this, since it would be, I believe, in consonance with the general agricultural policy which is being pursued by the Government.

There are a number of sugar estates which are experiencing some difficulty, and one does not know what will be the overall future of sugar, but I should like to think that some dynamic approach will be adopted in the use of these estates, and indeed experiments conducted particularly on the ones which are in agriculture. Then there might be some areas which could very well be utilised for housing development and other areas of economic activity which would redound to the benefit of the country and to the people who live in that general area, and at the same time, I believe, would provide the trust with some kind of income.

All I am saying is that I hope, now that the total responsibility rests with Barbadians, that we should not see the general estates continue to be run down, but rather, we hope that we shall see some kind of developmental approaches being adopted for the proper utilisation of the estates.

Thank you.

SENATOR CANON I. McK. JONES: Mr. President, I just want to add a small contribution to this topic of Codrington College.

First of all, I am very happy indeed that at long last we have reached a kind of amicable settlement between the USPG, the church here and the Government in allowing, as the last speaker said, the whole project of Codrington College now to be vested in the hands of people here in Barbados. I think that is a very good thing for the college. When we recall the vision of Christopher Codrington in 1710 in establishing that institution here in Barbados when he could have put it in some other island, we have a lot to be thankful for, and as the Leader of the Senate has already said, the significance of Codrington College in this country cannot be over-estimated.

The fact that Bishop Mitcheson had the foresight to see that we were affiliated to the University of Durham has done a tremendous amount for not only Barbados, but the entire West Indies. And it is quite true to say that Codrington College has done a lot, not only in the field of religion, but in the field of education, for many other countries, all over the Caribbean and further afield.

So we are very proud of this institution, and I am glad that we are at the moment in a position to say that the end is not as near in sight as some were thinking

before. As a matter of fact, up to about ten years ago, they were thinking of closing the college completely. I am happy now to see that there is a possibility that the college can continue to go from strength to strength.

I would really appreciate if some course other than theology could also be carried on at Codrington College, because I am convinced, as an old classical student there myself, that as theologians and classical people grow up together there in that institution, it did a tremendous amount for us as people in developing our personality. I do think that if only theological education is done there, and the students there do not have the mixture of people, those doing Economics or Philosophy or some other discipline, you lose something by just having only one kind of study.

I am hoping that if the economic competence improves as a result of the trustees who will be appointed, and if the place grows, that they will think of having some other discipline there. I think that would be very good for all those young theologians who are now coming into vogue up there. Again, I wish the College every success, and I hope that it will go from strength to strength.

Thank you.

SENATOR J. C. W. WICKHAM: Mr. President, according to newspaper reports, the debate in the Other Place on this matter contained an exchange about the comments of the English novelist Anthony Trollope regarding his views about Barbados when he visited this country. There was some difference of opinion between two distinguished parliamentarians as to whether Trollope's comments were flattering or not.

I am not in a position to say whether they were flattering or whether either of these two disputants were accurate, but certainly the reference by Trollope to Barbados which I remember best is the one to the effect that no people on earth thought so highly of themselves as Barbadians. You may regard that as flattery, but I am sure that Trollope did not.

The other reference to Barbadians by Trollope is that a descendant of Sam Lord was married to a descendant of Trollope, so there is a fairly strong connection between these two.

However, my point is that, throughout this debate, including the introduction by the Leader of the Senate and even the erroneous references to the acquisition of Codrington, even the correction offered by another Senator, was offered in terms of repatriation, of bringing the responsibilities back home. There is no "back" in it at all, because it was never here. The United Society was in England, so it has come home for the first time, you might say.

The second point is that Codrington has always been a Caribbean institution. Senator Jones has made that point, and I should hate that the concept of Barbadian responsibility for it, which is in fact not reflected in the church — the church is the Church of the Province of the West Indies — to be misinterpreted, and therefore that contribution to the Caribbean will be taken quite seriously by this new trust, and that Codrington College should continue to regard itself as a contributor to the Caribbean and not to Barbados alone.

Thank you, Sir.

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

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

Clauses 1 to 6 inclusive were called and passed.

Clause 7 was called.

Mr. CHAIRMAN: It is proposed that Clause 7 stand part of the Bill. Senator Simmons.

SENATOR D. A. C. SIMMONS: Sir, do I gather this Clause to be amended to the extent that there are now to be seven members?

Mr. CHAIRMAN: That is correct.

SENATOR D. A. C. SIMMONS: I just wonder, if by way of interest, the Minister would probably ask the trustees, the governing body, to examine how it came to pass that Codrington College and Lodge School, both being part of the USPG, started their decline or demise at about the same time of this country's history.

I think an interesting sociological study could be made of these two institutions — in the same parish, in the south-eastern corner of St. John, and both started to deteriorate at about the same time.

I am not being facetious, Sir, I am very, very serious. Very, very serious! For me, I cannot understand how it could happen that the two institutions could just start to disintegrate, as they did say, in the Seventies.

Mr. CHAIRMAN: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, Senator Simmons has raised a point which, the way he puts it, makes it sound interesting. I cannot even give a short reply by saying that a headmaster and a

principal were appointed about the same time in the two institutions — although that may be true. I just do not know what the answer is.

The question that Clause 7 do now stand part was put to the Senate and agreed to.

Clauses 8 to 12 inclusive were called and passed.

The Preamble was called and passed.

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

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

NARCOTIC DRUGS (AMENDMENT) ACT, 1983

Order No. 15 was called — To move the passing of a Bill to amend the Narcotic Drugs Act, Cap. 140A.

Mr. PRESIDENT: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Mr. President, the Bill before us is a Bill of some importance, particularly in view more of what has been said by and large throughout this country and the difficulties which those who must administer the laws have been experiencing, than, perhaps, because of any complexities in this legislation itself.

It is a matter really for the scientists how a drug is to be defined, and we have been faced for some time with some difficulty in being able to obtain convictions, even in the face of what would seem to be clear evidence of possession of drugs, because of the fact that there were serious deficiencies in the Definition Section of the law, Cap. 140A, the Narcotic Drugs Act.

5.25 p.m.

It is true, Sir, that representation has been made, and indeed in the background to this legislation there has been a whole lot of impatience on the part of a lot of people. The Ministry had been impatient with the technical people, who alone could give the definition. While they were trying to sort that out, the Attorney General has been impatient with the Ministry for not getting the law up to him so he could deal with it. While all that is going on, the Cabinet is impatient with everybody because this is legislation which we have wanted to deal with for a long time.

As happens when an unsatisfactory state of affairs continues in the law, this country has been a paradise

for rumour mongers, and after I deal with the substance of the Bill before us, I shall, not for a long time — indeed for a very short time — nevertheless allude to one aspect of the rumours which I regard as extremely vicious, dangerous and malicious. All I can say, Sir, is that it is unfortunate that, once an opportunity presents itself, some people feel they have to take advantage of it in order to enjoy other people's discomfort, because I think that is what it is about.

What the legislation seeks to do is a general tidying up. But more than anything else, what is crucial here is Section 2, which deals with the definitions. We are advised now by the scientists that these definitions are such that they will do what is intended, which is to give the courts clear and meaningful definitions for the narcotic drugs concerned, because the problems had to do, to some extent, with cannabis, but more so with cocaine. I believe it is true to say that because of the problems caused by definition, the police themselves have been to some extent frustrated in their attempts to administer the law. This is what has now been set straight, and you can see that Section 3 of this Bill is consequential on the Interpretation Section. The rest of it is quite clearly a tidying up.

The section on possession says:

"No person shall be in possession of a narcotic drug or preparation to which this Part applies unless he is so authorised under the Act or under regulations made under the Act."

And similarly in Section 5:

"No person shall be in possession of a narcotic drug or preparation to which this Part applies unless he is so authorised under the Act or under regulations made under the Act."

The point is that if you do not have clarity of the law in relation to possession, then that is the problem which frustrates the police and frustrates everybody else — except the wrongdoer. So you will see "possession" being spelt out very clearly.

Under the Offences Section, the Bill as circulated says in Section 7:

"A person who contravenes or fails to comply with a regulation made under this Act....."

The Bill properly reads, as amended in the House below,

"A person who contravenes the provisions of this Act or fails to comply."

That was a typographical error which was picked up in the Other Place.

The points in this Bill are the clear definitions and the clear sections on possession. These ought to remove the hindrances to the police being able to get the work done. What this means is that those of us who like to see police work continue efficiently, and perhaps quietly, ought to be able to look forward to the police being able to clamp down on drug abuse. I am not talking about the person who is caught smoking a reefer and that is all he has, I mean particularly the people who are cultivating and pushing drugs, the people who are in the business of drugs. Those are the people we will expect the police to go after, and we will expect them to go after them wherever they are.

(SENATOR E. E. GREAVES: Whoever they are).

SENATOR THE HON. N. A. BARROW: I think we have to be very careful, because when I talk about rumour, an unfortunate statement made, attributed to police sources, about people in high places being responsible for the drug problem, has been interpreted by Barbadians to mean politicians. And I must say that no amount of attempts by the Commissioner to assure the Attorney General, as he has in fact done, that the police never meant to refer to politicians when he said that, no amount of assurances of that sort will really convince the public. What will persuade the public is when the police are able to go and charge the real culprits and get convictions. That is what will persuade the public as to what the police really meant, but as I said, this thing has been fraught with rumour.

I will give you an example of what I mean. A few weeks ago, like other people, I received information that the police had picked up David Thompson. I believe, Sir, that you may not know who is David Thompson. Senator Greaves and Senator Hall would know him, because he is an official of the Democratic Labour Party. But he is a young man who knows how to express himself, clearly a man of promise. Obviously, he is politically misguided, but as far as I know, there is absolutely nothing to connect the young man with drugs. Unfortunately, he has a brother who is not as well balanced as he, and it was the brother whom the police had picked up.

I mention this because here you have somebody who is known, and the business of putting things into the rumour mill becomes such a delightful pastime for some people, that all they need is to get some apparent association with somebody who is known, and that is the rumour that goes around. It is something which has the potential to damage anybody in public life, and it is something which we must all be very careful about.
5.35 p.m.

There is another rumour, which, in connection with the searches that have been going on, has been making the rounds. I could not tell you that all the searches

going on are in connection with drugs, or that any of them were, but if most of what the police are speaking of is drugs — because when we open the newspaper it is hardly ever without a comment from the Commissioner or from Inspector Longe, or somebody — if what they are talking about is drugs, like anybody else I assume that searches are being made in connection with drugs, even if in connection with other things, too.

I have recently been told, and I have recently become aware also, that that information is not by any means as restricted as I thought at the time when I heard it — that search warrants are being signed by senior police officers. In fact, what was said was by the Commissioner and Assistant Commissioners of Police.

The charge is that they are signing search warrants. Any Justice of the Peace can sign a search warrant, but I will tell you bluntly why I believe it is another wicked and vicious rumour, and why I do not believe it.

If you look at the Constitution, the fundamental rights are set out in Chapter 3 of the Constitution, from Section 11 until about Section 27. Section 11 deals with the right to privacy and Section 18 deals with freedom from arbitrary search. Even if a Justice of the Peace can sign a search warrant, and even if senior police officers are Justices of the Peace, even if it seems to somebody that the signing of a search warrant by a police officer would satisfy the requirements of Section 18 of the Constitution, it is my humble opinion — and I had a knock around Constitutional Law, even teaching it for a little while — that the spirit of the Constitution as expressed in the right to privacy provision in Section 11, is patently violated if you have a situation in this country where a police can make out a case for a search warrant, go to another policeman, no matter how serious, and have that search warrant authorized. Caesar to Caesar!

Commissioner Durant is no fool, and he is a lawyer, — and I am making the point because if I have heard it and other people have heard it, although I did not hear it through the official channels — I would wish categorically to reject the suggestion that the police could, at all, be indulging in so wicked a practice as to issue themselves with search warrants for policemen to go and search. After all, that is the kind of thing that would get us into a Police State.

If the police go to a magistrate or a judge and make out their case on the ground of a suspected crime, there is no doubt that they will get the search warrant. Therefore, what they are being accused of is not only a fundamental abuse of people's rights, but indeed something very stupid. I find it very difficult to believe that that accusation, when it is investigated, could be supported by

the facts of the case. God forbid that we should enquire and find that that is so, but I find it very difficult to believe that any such accusation could be supported.

But, as I said, as soon as we get into this business of the rumour mill, that is what we get; those who would take comfort in the rumour about "people in high places", using that to blacken the name of politicians. We have to remember that there are a lot of other rumours, too, and I think that we should all bear that in mind.

There are other things which I find disturbing, because there are a number of other allegations made. But I will not refer to them here, because it is not my wish, and is certainly not my role, to use in here to give currency to rumour — I mentioned that matter of the issue of the search warrants because I believe that that is the kind of rumour that ought to be scotched as early as possible. The implications of that are certainly far too serious for us to pass over it quietly.

The legislation, as I said, should therefore enable the police to get on with the job of administering the narcotics legislation and bringing those who deserve to be brought before the courts early, speedily, and having matters resolved. It is therefore my hope that we are this evening moving to put on the Statute Books legislation that will free the police from the shackles which existed under the legislation which made the definition of cocaine impossible, and in some cases, the definition of cannabis doubtful.

Mr. President, the business of drugs is not peculiar to Barbados. Every country, some more seriously than others, has a drug problem. We in Barbados have very seriously to control ourselves and attack the problem — and to ensure that we are successful in it, because it is a problem that hurts you. It is a problem that hurts the country, largely among its youth.

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

SENATOR W. W. HALL: Sir, we on this side find very little difficulty agreeing with the amendment to the Narcotic Act, and we are very interested in the remarks made by the Minister in introducing the Bill.

In short, what he has attempted to do is to say that in Barbados, as we know it, there is a tendency for the inhabitants of this country to indulge in rumour mongering. In fact, he said that this is a paradise for rumour mongering. Ronnie D said Barbados is a paradise for other things, but the Minister said that this is a paradise for rumour mongering.

I am very glad to see that he has exonerated young David Thompson from any charges of drug abuse. In fact,

when he mentioned his name with reference to drug abuse, the remarks totally diminished me. But I was heartened when he later pointed out that such rumours could not only be very dangerous to the people concerned, but indeed even their families and friends. I am glad that he, and indeed the members of the Barbados Labour Party, obviously do not believe that young David Thompson was in any way involved.

5.45 p.m.

But Barbados is a very small place, Sir, and whereas you find that Ministers and the bourgeoisie hear of rumours, you will find that the small people also hear about rumours, not only of themselves but of other people. For instance, we in the Democratic Labour Party do not believe the rumour that has been going around the streets of Bridgetown that the honourable Attorney General had given in his resignation because of his alleged friendship with Louis Crichtlow. We do not believe that at all. I want to say that since the Minister has openly said that the members of the Barbados Labour Party do not believe these mongers, attack rumour-mongers, likewise we in the Democratic Labour Party will state that we, too, believe that people maliciously set out to destroy people in high places, and as a consequence, we are not believing these mongers.

We are on the amendment to the Narcotic Drugs Act, Sir, not a nebulous issue at all. Indeed, it is a very serious thing, because it does not concern only the honourable members who are under the sound of my voice this evening, it does not only concern politicians, Barbadians and West Indians, it concerns practically all the creatures on the face of this earth. And because of the seriousness of this issue, I think that we all have to take warning, and what we have to do is to decide that we will do our utmost to make sure that we will be able to be rid of this problem.

There was a time when one talked about narcotics, as the Minister said, people openly referred only to marijuana smoking. That was a long time ago. Today, it is common knowledge that marijuana smoking is for nincompops, the experimentalists, the rookies. But the hard stuff, cocaine, is serious business, and I feel that when the Minister alluded to the fact that our kids are lured into this very serious state of affairs, he rightly understood the heart of the problem.

One cannot attack the culprits too lightly at all, because it is a disgrace and a burning shame when our youngsters are lured into drug taking, and, as the Minister has said, it is not particularly the people who smoke a few reefers that we should look at and think that is the end of the problem. Oh no, Sir! It is the pushers, the people who are dealing in drug trafficking — these are the people I believe we must really try to apprehend.

Sir, as far as this Bill is concerned, despite the Minister having mentioned it, he mentioned it rather lightly, because of a lack of definition, the police had their hands tied. They were unable to fully investigate and apprehend the culprits because of a lack of definition. It is not common knowledge, but it is true that as long as you did not import cocaine, as long as you did not export it, there was no way you could be in trouble — simply because there was no definition. That was wrong, and it was because of a case recently in the courts when the Chief Magistrate complained bitterly about this, that today — I would not say that is why the legislation is here. I would say there is even more reason why you should recognise the serious nature of this piece of legislation. And the sooner it is implemented, then the better.

It also gives the lie to and proves that it is folly to suggest, as was done in the Lower House, that it was because of a badly drafted piece of legislation by Dr. Caddle that we are in this trouble. You see, we in Barbados must understand that there have been loopholes in the legislation, and what this Bill will do after today is to close those loopholes. In doing so, Sir, we must not lose sight of the fact that, having expounded on pornographic literature, as was so ably done by Senator Reader only a few months ago in here, when we all applauded her — it was great; she objected to the fact that kids could go into the book shops and see in the books obscene acts, and we sat in here and said it was true. We also debated at length, the entire day, the fact that our youngsters were able to see blue movies largely at will — we have to recognise that drug abuse is the most iniquitous of them all, and that is the reason why we have to look at it very carefully, because there is a definite link between pornography and drug abuse.

Only about two weeks ago, a Trinidadian newspaper, as they usually do, carried what they termed an exclusive interview with a young Barbadian girl who was either lured away or kidnapped with a handkerchief pushed to her face and taken to some place which she had never seen before. She admitted in the interview that she was sexually abused, she was given drugs and photographs were taken of her.

I do not even know if that is true, but what I know is true is that that is the way we were projected to the Trinidad public and up and down the Caribbean to the people who buy these newspapers. I have not seen any rejection, I have not seen any report coming out of Barbados saying that what the girl said was not true, so we can only conclude that unfortunately the girl's experiences might have been for real.

5.55 p.m.

Now what I want to say is this : We have got to come to grips with the situation that parents in Barbados

will not co-operate — for want of a better word, — with the police in issues such as these. I think one has to be a father or a mother or to be from a caring and loving family to understand the traumatic experiences of these people. It is not to say that they do not wish to co-operate with the police, but Barbados is a small country, and there is a stigma. If your father might have had hypertension and had been sent, erroneously, I may say, to Jenkins, it will be said for many years that he was mad.

There are institutions in England, on the Continent and in the United States of America that cater to people with these ailments, and nothing is said of it. But in Barbados, having gone to Jenkins, you are always mad. Not only you, Sir, but you, your sons, your daughters, your grandsons, granddaughters, and everybody for another fifty years.

So it is with unfortunate experiences in a family. So when a young girl of a very tender age, 12 or 14, is exposed to these criminals and her parents do not seek to co-operate with the police for fear of the same rumour mongering that the Minister has been alluding to, one can readily understand their predicament. We have to see it in that light and not think that it is a systematic way of stopping the police from doing their job.

Heaven knows that we would all like to see these culprits caught and put away for good, because we must attack them for exploiting the young people, we must attack them for exploiting the weakness in the parents who, obviously, will seek not to be in the limelight and will try to shun the whole publicity of such an unfortunate incident. I think that honourable Senators understand this quite clearly. I feel that now that these loopholes have been plugged, now that the Government has seen it fit to make sure that there is a definition and that these criminals can be brought to justice, we would now be in a better position to handle this problem.

It is true that, for years, the young people of this country have been lured, as I say, into these positions. No longer are we able to say: "I can honestly say that my son or my daughter will never be involved." We have to hope, we have to hope earnestly that that is not the case.

But while we talk about young girls in this sick society who are lured into these situations, we must not forget that for nearly 300 years, young boys in this country have not only been lured, but exploited right down the line. So, it is not only a matter of young girls, it is a matter of young girls and boys. I feel that we have now come to the stage where this legislation will go a long way towards alleviating the problems that have beset us in the last few years.

Sir, I recall vividly working in Laventille, a depressed area — I always talk about, because it is true, — where

young boys of nine to 14 were given drugs freely. When you asked the pushers, "Why do you do that? Why do you give drugs to infants?" they say to you, "That is a potential market. In another five years when they are old enough to work and buy, or steal and buy, we will still be in business." That is the wicked attitude of these unscrupulous men, — and women, too.

I believe that we cannot at all feel that this piece of legislation can do anything but good for this country. As I said before, it is not for us on this side to get up and oppose for the sake of opposing. It is not for us, as Barbadians to think that we — What is the quotation? — think highly of ourselves. No people on earth, according to the erudite Senator Wickham, thought more highly of themselves than Barbadians. These would be Barbadians in the 19th, perhaps 17th or 16th century. I do not know what they had to be proud of, basking in slavery — and yet they were very proud.

What about us today in the 20th century? Can we be proud of the fact that the Barbados that we know, that we have boasted of openly as a paradise, that things like marijuana and cocaine could never touch our shores, is not as it was. Do we know that off the coast of St. James, it has been alleged that people come in there openly with all sorts of things — marijuana, cocaine, the lot. That is what has been said about our beautiful Barbados, and, therefore, we must do all within our power to stamp it out.

So I agree with the Minister when he said that it is the pushers who we should be very concerned about. It is alright to go in the Farm Housing Area or in Grazettes Housing Area and apprehend the known reefer smokers and push them in jail for ten months. That is easy. Or go on Dover Beach, or Rockley and send another young fellow to jail. Again, that is easy. What we have to do is to help the police to bring drug abuse under control. The pushers, those people who make thousands, and perhaps millions of dollars out of pushing drugs must be brought to justice.

Aside.

SENATOR W. W. HALL: All those people that Senator Simmons alluded to. One "Muddy". I do not know him, Sir! 'Muddy' from Oistins!

Sir, quite frankly, I am very distressed about the situation. I feel that we, right now, have an obligation; we owe it not only to ourselves, as responsible citizens, we owe it to our children and our children's children. We must free Barbados of this cancer, and I think that this legislation might well start us on the road to do it.

One of the sad things about the fact that there was no definition, or the fact that the definition was wrong

or could not be interpreted, is that the people who knew that there were loopholes in the Bill could have benefited. But I am glad to see that this legislation would definitely put an end to that. And, Sir, I would say, in conclusion, that if we have a problem, we must tackle it. As Senator McClean used to say, "We must tackle it, without fear and favour."

Mr. PRESIDENT: Senator Simmons.

SENATOR D. A. C. SIMMONS: Mr. President, I wish to deal with the structure of this Bill. That is to say, I am going to deal with the problem of the narcotic drug, secondly with the functions and the role of the police, and thirdly with the penalties.

6.05 p.m.

Now, Sir, let the Record be accurate. The Narcotic Drugs Act, Cap. 140A, the principal Act or the parent Statute, was introduced in 1974 by Dr. Caddle to deal with a situation, for which I offer no excuse, that was shown up by Mr. Elliott Mottley and myself, together and separately, in about seven cases. The old law in respect of cannabis allowed you to win a case of possession of cannabis if the analyst could not state positively that the particular substances was from the female part of the plant, and we used to put one question in cross-examination to the analyst: "Can you state as a fact that the substance is from the male or the female part of the plant?" He used to say "I can't be sure." That was the end of the case, I never asked one more question, I sat down. About seven sets of accused got off that way.

The police made representations that we were winning because of this loophole. It was not a loophole, we were following a number of Jamaican cases where the point had been taken successfully, and the Government of the day hurriedly introduced Chapter 140A to deal with that situation.

As far as cannabis was concerned, marijuana, Chapter 140A provided, and still provides, a complete answer to that particular tactic that we were using in the early Seventies, but it left a lacuna in respect of cocaine. You will see that for the first time Section 2 of the Act says that "cannabis" means the plant known as *Cannabis sativa* L., and includes all parts of that plant by whatever name they may be designated. It says all parts, male or female. You are now caught; you have little defence; you have to rely on cross-examination and trying to get discrepancies out of the police and so on. But the old Act never dealt properly with possession of cocaine. That is what is being dealt with now by the amendment in Clause 4, which now introduces a new clause 5A.

It is true, as Senator Hall said, that there is a prohibition against import or export, but the loophole was that there was nothing to deal with actual possession of cocaine, and the definition of cocaine in the current Act

apparently was not satisfactory for the Government Analyst. The result has been that the police have been finding people, Barbadians and non Barbadians, with what they believe to be cocaine but have been hesitant to put them before the courts, because they feel if they put them before the courts, they will be acquitted.

There is another view, of course, that you should put them before the courts, let them be exposed, and if they have a defence, get off. The country would then know who are involved in something sinister even if they are not technically convicted of possession of cocaine. The police wanted to play it more safely than that, and so they requested this amendment.

Sir, it is one thing to know that there is widespread distribution of dangerous drugs in Barbados, but the responsibility rests entirely upon the Police Force to ferret out those who are peddling in drugs and put them before the courts, and, hopefully, the courts will deal with them justly. Even though an attempt is being made by the new and present Commissioner of Police, Mr. Durant, to give the Police Force a different image and to make it appear as one that is active and working hard, the general public must know that still in the Police Force there are persons who are not above reproach, who are not free from contamination with drugs. The police have a responsibility to look inside and deal with the delinquent members of the Force at the same time as they are dealing with people in the open society. Clean up at home first!

A couple years ago, two large suitcases full of marijuana that were stored in a cell under lock and key at Boarded Hall disappeared from Boarded Hall. Up to now they have not found the person responsible for the breaking and entering of the cell and handing the two suitcases over the wall to the man in the taxi. The man lives in the Bay Land. There are allegations of cocaine being flushed down the sink at Oistins Police Station, not the new station, the old station.

I find some things hard to accept from the police. Last year, I had occasion to represent a child of 15, a visitor to the island. Let me just say that the child was fined, I think it was \$500, for being in possession of three marijuana cigarettes. Now let me state the facts which have tarnished the image of this Police Force.

Two children, one a local and the other the child of a visitor who was living in Barbados, or a resident from overseas living here, went down to Oistins a Sunday afternoon and went up a side road looking for a man called 'Muddy', well known to the Police, I do not believe ever charged or convicted. They went to a house and there was a woman with her head tied looking through the window to the front house. The children went up to this woman, paid \$10 and got the marijuana, and as soon as they turned and made steps no more than 15 yards, Policeman Straughan arrested them and charged them.

I could never understand how it is that they could charge those two children — and the big adult sitting down in the front house window and doling it out was never touched by the policeman 15 yards away from the house! It is that kind of behaviour that the police have to explain to the people of Barbados, because just as they arrested the children, they could have arrested the woman who was there peddling. There seem to be double standards. That is why I say the police have to do a lot internally to clean up.

6.15 p.m.

Bumba and Destroyer singing in praise will not be enough. One has to look at the acts. That is why I come now to the question of the powers of arrest, with Clause 6 of this Bill, because of late there have been a number of raids on people's houses in this society, which has caused some disquiet not only in terms of the persons who are being raided, but in the manner of the conduct of the raids.

In some cases, they do not show you a search warrant. In some cases, they may have a search warrant. In other cases, they tell you I have something here and you have to let me in. In other cases, they break down the place.

I cannot call any names, because I may be dealing with matters that are *sub judice* and I am not going to commit contempt, but I am not surprised at what Senator Barrow said is a rumour. I have not heard it myself, that search warrants are signed by persons who may themselves have given instructions to go and search a particular place or participated in a discussion leading to a decision to search. But I am not surprised!

Only, and I say this in modesty, only certain of us, or most of us practising Law at the private Bar of Barbados understand what really happens in the Police Force. A lot in Law and outside of Law do not understand. They do not understand, for example, that it is well-known at the private Bar that the police sometimes do not even have a search warrant sworn.

They come to your house, show you a piece of blue paper, you are so frightened, at 10 p.m., 12 midnight or 5 o'clock in the morning they burst through, break through, mash up, lick up, break up, carry out — and then they go later and have the search warrant sworn before any person who is a Justice of the Peace. But never a magistrate!

It is assumed that they go to a magistrate. They ought to, and there ought to be legislation in this country saying before whom search warrants should be sworn. But it can be sworn before any J.P., and it has been known that at times people's houses have been raided and no

search warrant has been sworn and they try to rectify it later on. These are factual situations, Sir.

I know of one magistrate who, on the rare occasions that they would wish to swear a search warrant before her, makes a note in a particular book of the names of the officers and the times that they come, and in respect of whose property. But I believe that that she is a 'Rara Avis'.

Now, Sir, I say, therefore, that in order to get the co-operation of the public — in order to do their job of detecting properly, the police need the support of the public — they have to behave properly.

There is no point doing a raid, cleaning out somebody's house and moving out all of the equipment, and then not even giving the person an inventory of the goods taken. Can you believe that? That happened! That happened this month! That is what they do! As recently as July! They clean out a house, take out all your stuff, load it up in cars, anybody's car, and carry it down to a Police Station. And when they get there — I do not know what they do with it when they get there, but the owner of the property is not even given a receipt saying that they moved two television sets, one video, so many cassette sets. How can they prove a case that they have then?

All right, Sir. I had better not get into that. Leave that for me for a later session in another setting. But that is a very dangerous thing that is happening in the Police Force of Barbados today — that property can be taken under a raid and no inventory or receipt given for what has been taken. It is a serious infringement of people's rights.

I am satisfied that Commissioner Durant would like to improve the image of the Police Force, but he has got to get his standards accepted by others of senior rank but junior to him. He has got to instill in certain of his senior officers the understanding that when you say something as a police officer, it is your word, and it must be the truth, and it must be something that is reliable; otherwise, you will bring the Force into grave discredit.

There is no point in a senior officer telling a lawyer on a weekend that he is going to give a client bail, which is in his power, and then letting the lawyer go off, let us say to the races, and as the lawyer goes off turn around and puts the man before a magistrate and objects to bail — having given another magistrate his word that the person should get bail. Then he turns around and does a worthless act like that, Sir! That kind of behaviour does not engender respect for the Police Force.

Mr. Durant would not do it. He must therefore see to it that his senior officers do not behave like that. Nobody will have respect for them!

I feel sorry for them at times, Sir, because at times, I do not believe they are entirely fairly dealt with. The police themselves have a procedure for investigating matters of discipline affecting members of the Police Force, but I have come across a regulation which no policeman seems, or seemed until last week, to want to say anything about. It says that if you are a policeman and you are involved in something, a senior police officer could come to you and ask you to make a statement. He does not have to caution you, but ask you to make a statement, and you go ahead and make a statement.

You make the statement on the assumption that as a disciplined force, a superior officer can require and demand a junior officer to give an explanation of fact. So he says that you must tell me what happened, and you tell him. They then turn around and charge you before the magistrate, and that statement which you gave to your superior, not under caution, but in the line of duty under Regulation 10 (2), they try to admit it against you before a magistrate. It is really bad! If the magistrate is conscious, the magistrate will not accept that statement. But it has been tried in cases.

Then when they try you on discipline only now, they try to use the statement against you by way of a confession. That is not fair, because a policeman really is no different from an ordinary member of the public in relation to offences and so on. Therefore, he should have his constitutional rights. He should be told that he is not obliged to make a statement.

But the regulations are so outdated that a poor policeman could find himself tied by that regulation where he has, of necessity, to give a statement to his superior and the statement may land him in a lot of trouble, criminally or disciplinarily, later on.

I feel that not only should that regulation be amended in the interest of the policemen who may be charged, but there ought also to be a right of appeal in a decision of the Commissioner in a disciplinary matter to a Judge in Chambers. I say a right of appeal as distinct from a right of review, which you would have if the Commissioner in the enquiry did something that affected, let us say, natural justice or something.

6.25 p.m.

At the moment, as I understand it — I am subject to correction, but I am fairly sure of this — there is no right of appeal when a policeman is dealt with disciplinarily and, let us say, is convicted by the Commissioner and fined or recommended for dismissal or whatever. He cannot appeal! Yet, the proceedings are taken in a very

elaborate, precise and detailed way, such that I think it would be easy to give the policeman a further right after he has been dealt with — a right of appeal if he feels aggrieved by something that has happened in the proceedings.

Sir, the fines that are set out on page 3 of the Bill are from one cent to \$250 000, or to imprisonment for a term of five years or both. That is on indictment before a judge and jury. Otherwise, before a magistrate, \$100 000 or imprisonment for a term of two years or to both.

While I do not do any of these cases anymore, not for a long set of years, it has come through to me that perhaps the \$2 500 that has been the maximum in the magistrate's court for the last so many years was a little bit light. The magistrates put on \$2 500 now as a matter of course, the maximum, and say pay it forthwith, and the accused will behave like when you are in school: ask for a step out for five minutes, go and come back with the \$2 500 paid up. No problem!

I think it would be a problem if the magistrate put on \$50 000 forthwith under this new thing. They would hardly put on that \$250 000, unless it is a resident of Columbia or something like that. But this raises the age-old question: whether, in fact, the legislation of big fines like these will in reality constitute a deterrent? It would be interesting to start to measure the incidence of conviction from the date this Act comes into effect, as from, let us say, the last three years under the old Act to see whether, in fact, it is going to act as a general or specific deterrent in any way.

But I think it must get home to the public, and perhaps it is the only way that we as legislators and the public can in fact mark down our disapproval of drug taking, drug abuse and drug trafficking. The only way we can mark down our disapproval is by the legislation of harsh penalties.

This one does not carry any flogging, but we must never forget flogging. It is useful sometimes. I believe in it. I am not saying that for cannabis you should be flogged. I hope the Press does not get me wrong. I am not saying that at all. I was only being observant that this particular Act does not include any provision for flogging.

Sir, I hope that the public will appreciate that Government is taking every step within its power not only to tighten up legislation and to impose harsh penalties, but also to improve the detection services and techniques within the Police Force. I know they are going to try and reduce at least the incidence of drug trafficking in Barbados.

I regret that the last speaker, Senator Hall, has had to engage in rumour mongering, repeating rumours. I try

in my private life as far as possible not to pay any attention at all to rumours, because I know what happens in a small and limited society like ours. At times, I hear rumours and I tend not to believe them, because I want to be persuaded more on facts. By virtue of my training perhaps, I wish to be persuaded on fact rather than just rumour mongering. But some of the rumours that one hears in this society today can, it seems to me, only have the ultimate effect of destroying Barbados and whatever reputation it has.

Sometimes I do not think that we are really a serious people. In fact, I sincerely believe that still in 1983 we Barbadians are a very immature people. The D.L.P. said "We Are Ready". They are joking. We are not ready to go anywhere. We are not ready as a people yet. We are not, otherwise the kind of sport that we make with each other's reputation — we would not make it. We would be more serious than that.

Sometimes I believe that Barbados is just one big bay house with everybody having a ball. Sometimes I lose faith in this little place for the kind of nonsense that you hear trumpeted all over this country, and people who should have a greater sense of responsibility run about and repeat the nonsense, destructive of their own people, their own parties, the whole society.

Let us be serious and do not hide anything. A lot of the rumours have their genesis in the manufacturing companies of the respective political parties, with the purpose and aim of doing down the other fellow. I am not calling any names. I was the victim of one in 1976, between February and whenever the general election was, September 9 or September 2, I have forgotten. I was the victim of one, and it was Mr. Reynold Weekes who told me how the rumour that I had moved from St. Philip, where I was then living, and was living in St. James, St Thomas
6.35 p.m.

(SENATOR E. E. GREAVES: At the same time?)

SENATOR D. A. C. SIMMONS: All at the same time, Sir! St. Andrew, Christ Church and St. Peter. All those rumours went around. But do you know where they started? They started in the breast of a DLP supporter in Brereton Village the night after the by-election, that is, February 27, 1976. Mr. Reynold Weekes told me who was the person. And I had to fight that rumour all about this country before the General Election of 1976. A foolish lie, but there were people who were living in St. Philip who were believing it — they are so gullible.

Aside

Mr. PRESIDENT: You have three minutes.

SENATOR D. A. C. SIMMONS: Yes, Sir. I am going to wind up now, being serious, with a plea that as politicians, as members of political parties, we should try and implore people in our parties to be more responsible and less destructive of each other than we presently are.

Applause

Mr. PRESIDENT: Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. President, I would like to begin by expressing agreement with perhaps the last set of observations made by Senator Simmons in relation to the predominant source of many rumours in Barbados. I believe in this regard that Barbadians have sold themselves short, indeed the entire country. There are many politicians, including some who are at the bottom of many rumours right now, who believe that politics is predominantly the art of telling lies on their opponents. That is not good enough.

Beyond that, I would say that I appreciate the introduction by Senator Barrow, and I appreciate why he had to speak with your direction on certain occasions in his presentation. But I believe there is one point which bears some elucidation.

Indirectly, he made some reference to the Commissioner of Police giving explanations or assurances to, I think the honourable Attorney-General, as to what was meant, or what was not meant, by "people in high places" — I am wondering the circumstances under which this business of the explanation and assurances arose.

I appreciate the point about constitutionality of behaviour and things of that order, and I am wondering whether or not those explanations and assurances arose in the context which strictly accorded with the Constitution.

Thank you.

Mr. PRESIDENT: Senator Greaves.

SENATOR E. E. GREAVES: Mr. President, I would not like to allow this debate to pass without making a contribution. Basically, I want to state that on both sides of this Chamber there is general agreement about the provision in this amendment to close the existing loop-hole in the Narcotic Drugs Act.

Senator Simmons rightly pointed out that it was in 1974 that we had legislation on the Statute Book which dealt specifically and more directly with the problem associated with marijuana and the use of marijuana, or

cannabis, in Barbados. As he pointed out, the legislation was prepared somewhat in a hurry to deal with this particular problem.

I recall when the debate took place, indeed I participated in the debate, and if you look through the debate, I do not think that you would find anybody making any reference to cocaine. The point I am trying to make is that the use of cocaine in Barbados in 1974 was so far removed from everybody's mind, we could not believe that we would have reached a point where we would have been faced with that particular problem.

Indeed, I recall one honourable Member in his contribution referring to the fines and indicating that the fines were too low. Maybe he had the kind of foresight with which other Members were not blessed. But the result is that we have a situation now where, the use of drugs in Barbados is so widespread — and as has been pointed out, not only the soft stuff but the hard, hard stuff — that it is frightening.

It is frightening, Sir, because of the overall effect which the use of these dangerous drugs on a wide basis can have on the personalities of our young people, on their general ability to cope and to deal with problems and indeed to be productive. I think that we have to look at it not only from the point of view of how the use of these drugs affect them as individuals, but the overall societal affect, when you take the affects in a cumulative kind of way.

As has been pointed out, it is criminal for anybody to be involved in corrupting our young people in this way purely for the sake of making a fast buck. There is no doubt, Sir, that there are people in this country who have made, and who continue to make, considerable sums of money out of peddling, not only of soft drugs but now of the harder stuff. There are a number of people who, I understand, have large bank accounts, who have considerable property which they flaunt, which, as far as one could trace, have come as a result of their involvement in the trafficking of drugs in Barbados.

I think that this is a very serious situation that we find ourselves in, and the Democratic Labour Party welcomes this legislation. Indeed, Sir, if you were to check the Order Paper in the Other Place, you will see that, I think it was Maurice King, the representative for Christ Church West Central, who asked a series of questions recently about this loophole which exists in the legislation, and urging the Government to move quickly with legislation to stop the particular loophole.

Sir, we welcome this amendment and we would want to give it our entire support. However, we have to look a little beyond just (a) the identification of cocaine, (b) the blocking of the loopholes, (c) the powers of

arrest given to the police, and (d) the fines which are imposed in this legislation. These are all well and good, but we have to move beyond that particular point.

I should like to suggest that we owe it as a responsibility to ourselves and to the nation to do something to assist those persons in our society who are hooked on drugs. I think that we ought to move very quickly in Barbados to establish a rehabilitation centre for drug addicts in Barbados, because, Sir, they are all over the country. We ought to have a programme in the schools and in the various communities, headed by people who are knowledgeable in the whole area of rehabilitation, to try to get those persons who are addicted off the particular drugs and try to get them back into the productive sector of the economy, so that they could not only be of some use to the country, but that they can be of some use to themselves.

Those of us who are parents of children who are now approaching teenage must have some fear about the possibility which exists for them when they get into their various peer groups. Naturally, parents have got to monitor the activities and the associations of their children very carefully.
6.45 p.m.

This matter is one which concerns not only the police, not only the magistrates, but everybody in this society, who ought, if they care about the country, to be very concerned about this. I believe that anybody who has information about people who they can identify as pushers of drugs in this society ought to give the information to the police so that this can be investigated. Drug pushing is the kind of cancer which we must eradicate from this society, because those persons, I submit, are very devastating to our whole social fabric.

I hope that now we have this particular bit of legislation to stop the loophole which exists, we will see a programme developed, and a policy pursued, which would ensure that we would have a better handling of this particular problem in the future.

Thank you very much.

SENATOR THE HON. C. A. GRIFFITH: Mr. President, I have listened with interest to the contributions made by honourable Senators, and I am particularly impressed with the expressions of concern aired in this Chamber. It only serves to show that it is a reflection of the feeling of many people in this society about what is happening as far as the proliferation of drug abuse is concerned, and I am talking about dangerous drugs. It is very indicative of the fact that in Barbados we are only now reacting to a situation which has been growing for quite some time. My friend, Senator Greaves, really highlighted it when he said that in 1974 there was no

thought given to the use of hard drugs as opposed to marijuana.

I can speak for days on what I have seen as the effects of the use of heavy drugs, having worked in a hospital setting and seen the toll it takes on the lives of young people. When we talk about 'toll', I am talking in terms of the cost to society, the cost of maintaining programmes which will help people to withdraw, methadone programmes and the cost to the society in general in that in order to feed the heavy habit there is a wholesale involvement in crime. I am very happy to see that we are taking this matter very seriously.

I believe that most of the honourable members here would have heard about the story of Serpico, the very honest cop in New York who tried to stop corruption at every level in the New York City Police Department. I believe it is on video cassette about Barbados now. It is the true story of a policeman who really tried at every level to reach the authorities to inform them of corruption at every level of the Police Department in New York City, and at every level he was turned down, and finally being set up by his own colleagues to be shot and maimed simply because he was transferred to a unit in which cops were getting something like \$40 000 a day as pay-offs.

I believe we are aware also of the fact that in some countries in the northern Caribbean area, which are used as transshipment points, the fines paid for the release of traffickers is a very important source of revenue for the Government. There are so many millions of dollars to be made in this kind of business that when traffickers are arrested, even when the Government — I am talking about in the Bahamas, for instance — imposes high fines of \$400 000, some legal representative flies in from Miami, pays the money — and has the man released to go on trafficking again.

I believe we are all aware of the great effort being fought in the southern United States of America and the Florida coast by the United States Administration to stop drugs from entering the country, and again the counter effort made by the pushers themselves, who will not stop at any cost to get the drugs through. Who are the people who are most affected? Unsuspecting young people, and that is also what is happening in this society right now.

I remember about a year ago the present Minister of Education was saying that school children were given too much money to take to school, and she was vilified because she said that. Now we have a situation in this country where drugs are being pushed in the schools, and the only way drug pushers would go to the schools to push drugs is if the school children can buy drugs. So she has been vindicated, because drugs are being pushed in the schools in Barbados. Some of the young school

children have confessed to me that they have smoked marijuana on the school premises during the lunch hour and so on.

It is a very terrible thing that is happening in this country. It is a great battle for the souls of young people, and I believe that now we have plugged the loophole in the legislation, this should help us in our efforts to win the battle. We must not forget that the people who sell drugs, the master minds behind the thing, are usually those who are not apprehended. They are the faceless people, and those people will stop at nothing to get their drugs through.

I am satisfied that the coasts of Barbados are unprotected as far as these pushers are concerned. It is very easy to bring drugs into any part of Barbados, and that is why I think it is very important, that the Coast Guard needs to be supported, and indeed beefed up, if we are to stop this thing at source. There is no point talking about waiting until it gets into the country to feel that the police can fight and win the battle. Usually the fellows are several steps ahead of the police, so the police are always fighting a rear guard action.

I heard Senator Hall talking about weaning young people on drugs in Laventille. That is a measure that has been used by known pushers. They are doing it to the police also. There was one case I know of where the head of a narcotic squad confessed to being converted into a pusher, because he was being fed on drugs after a while. He was converted — he was a hardened narcotics detective! So the people who push drugs would stop at nothing.

I do not believe that the fines of \$250 000 and \$100 000 will even stop them, because the money they make is bigger than that. As I said before, this is a battle for the souls of this country, and this legislation will go a long way towards helping everybody in this country, the people who are really trying to root out the problem — the police, the Government, every responsible member of this community — in trying to win the souls for the good of the country.

Thank you, Sir.

SENATOR C. E. JEMMOTT: Mr. President, I am one of the people who are very happy to see this Bill come down today. As a parent, and a grandparent, I am very worried as to what can happen to — I will not say my children, because they are now adults — but nonetheless nobody is immune from corruption by these drugs. 6.55 p.m.

I would like to support the suggestion made by Senator Greaves in relation to having the rehabilitation centre. I believe a lot of these persons went astray because there was not any way in which you could hold

them and put them into proper perspective in relation to drugs.

In relation to costs, as Senator Griffith said, I have had a very sad experience as to what influence drugs can have in relation to families, that is a poor family, having someone, who is a breadwinner, involved in drugs.

There has been a case which I experienced where I worked. There was a family of six and this young man went to Combermere. He played cricket well. He represented the island at youth cricket. He was given a job at the National Housing Corporation. Senator David Simmons recommended him. During lunch hours he used to go into Greenfield, by Roebuck Street, and maybe passing through there, he was influenced by what was going on over there. It used to be called a supermarket, and over a period of time, he was influenced to indulge in these drugs.

I can tell you, Sir, as a supervisor, it was very pathetic to see this young man coming back in after he went out each day. I remember one day seeing him coming back in from lunch, and on the floor of the office looking for something that was not there. I asked him what he was looking for and he said something about "Jah". Eventually, he had to be dismissed.

I, like other Senators have said, feel that the fines are too small. The culprits, as everyone has said, are the pushers, and I believe that even though we have carried up these fees, they are still going to be able to pay the fines themselves — and immediately.

I have had the experience of hearing what drugs can do, from people who more or less have studied it. As a matter of fact I do not know what they look like. Probably if marijuana is growing in my backyard I would be charged with having it. But I am fortunate to have a son-in-law who is part of a drug squad, and obviously he would warn me, as his father-in-law.

I must compliment Government for bringing this legislation. Whatever has forced it, I think it is desirable, and I hope that those of us who are leaders of the country should make an effort to give the police all the support they need and when I say "those of us", I am calling on the church.

I think the church has a great duty to perform, and I do not mean the Anglican Church alone. All of us, I think, should be able to go out and preach a little more to the younger people as to the dangers of drugs. If they are not taken in hand, we are going to suffer more from the thefts and violence that we hear about now.

I am happy to see this amendment, and I hope that it would not be long without us seeing the results of this legislation.

I thank you, Sir.

SENATOR THE HON. N. A. BARROW: Mr. President, this has been a rather useful debate on this Bill. I am heartened by the contributions and the general level of the debate.

I would wish to assure Senator Hall, who thought it necessary to respond to the fact that I was dealing with rumour, that in the first instance, I stated I was dealing with the fact that, as a result of the delay in getting this legislation right, the way had been open to rumours of all sorts, and once the appetite for rumours had been wetted, that there did not seem to be an end to how far they would go.

There are rumours far far worse than I have paid any attention to in the course of this debate, nor do I intend to repeat them. If it caused some offence that I mentioned David Thompson's case, the fact of the matter is that I have had to tell people that it was David Thompson. You have absolutely no idea of how far that rumour went because when I heard it, I was wondering what could have happened to the fellow. I have known him for years. I taught him at Combermere, and I have known him every since then. Afterwards, I discovered that it was not him at all. It was his brother.

The fact of the matter is that I have had to tell people that it was not him, so it is not a matter of giving currency to a rumour as some people think. You could say that in so doing, I have perhaps, given currency to a rumour against his brother. But then that is no rumour, because he was picked up by the police, so that is not the rumour.

Before I deal with the other points, Senator McClean wanted to know whether the circumstances in which the Commissioner of Police would give an assurance to the Attorney General that the "persons in high offices", to whom the police were referring as being responsible for the drug racket were not politicians, were constitutionally proper circumstances.

I cannot answer that, Sir. All I can tell Senator McClean is that the Commissioner of Police, as a public officer, is answerable to the Minister responsible for Legal Affairs, that happens to be the Attorney General, and if the police are the authors — of that statement — indeed Mr. Durant, the Commissioner, and Mr. Longe had been reported in the Press as having made the statement — I would consider that it is entirely proper for the Minister concerned to enquire of the Commissioner whether he or

any of his colleagues are intended to be accused publicly in that statement.

We must be realistic. We do not live on Mars, and all of us know that that statement by the police has given currency to rumours in which certain politicians were specifically named. So the question could be whether it was proper of the Minister to make the enquiry, or the question could be whether it was proper for the police to make such allegations which would reflect unfavourable and without cause on people in public life. I believe the second is the relevant question, not the one posed by Senator McClean. What indeed I am saying, and this is what got me on to the rumour point, is that — let me make my position very clear — I do not expect in this country the tactics of certain authoritarian countries where you try people by denouncing them publicly. In this country I expect trial in the courts where everybody is given a fair chance by the rules of justice by which we play. That is what I expect. Therefore, I expect to see people, against whom there is reasonable ground, charged with specific offences before the courts and let the courts decide whether they should be let go or whether they should be convicted. That is what I believe. I am a democrat through and through, and I cannot see it any differently. I believe that we get too much of this public posturing and that the country as a whole will suffer, it does not matter who likes to hear it.

7.05 p.m.

I noticed that Mr. Vernon Smith, speaking on a public platform, made a statement that if the police know that people in high positions are responsible, then he would expect to see prosecutions. He was absolutely right. There was also a statement made by the Leader of the Opposition, Mr. Errol Barrow, that he would wish the police to tell him who are these people in high places, if there are any politicians, if they are any members of his party who are involved. Again, he was right, because in this society we must know what certain terms mean, and I believe that the police, when they use these terms, know that these terms are taken by people to mean people in public life.

I hope Senator McClean is satisfied with my answer, but that is the only answer I can give him. If there are any people in public life who are involved in drugs, they should be charged. Everybody will know who they are. That is the way to deal with it, not by the allegations of faceless, nameless persons. I believe that Senator McClean does not realise that he gets tainted when they talk about people in high places, although he might be so anxious to defend the Commissioner. All Senators come into that category.

There was some suggestion about Government bringing down the legislation because the Chief Magistrate

said something. I did not think it was particularly necessary to go ascribing responsibility, credit, blame and so on. The fact is that this look at the provisions on cocaine seems not so much to have arisen by complaints by the police, but by communication on the 1st April, 1980, from the Barbados Secondary Teachers' Union. And that, to me, is a very good sign. It is 1980, I am not sure if it is 1st April. It is before that, but it was in 1980. The Union showed enough interest in this matter — and that is healthy, because I think that is how professional bodies must behave — to address the Government on the business of the misuse of drugs. So we find that what has led to this legislation really starts there.

I could also remind members that in 1982 the Cabinet took the decision on 1st April and legislation was shortly thereafter brought into Parliament and introduced into the Other Place. But it was found, after we brought the legislation down on the advice of the Government Analyst, that the definition was still not satisfactory, and as a result, I think it is on March 2, 1983, that Bill was withdrawn. Now these are the amendments that have come after some certainty that this definition of cocaine will meet the objections.

I do not think it necessary to go into this, but I just want to disabuse people's minds of any business of a few words made by the Chief Magistrate recently being the reason for it. The people who must take that credit really are the Barbados Secondary Teachers' Union.

I think it is Senator Hall who, in talking about this Barbadian girl who suffered certain experiences, made the point that he has had to read about that in the Trinidadian Press. I am glad he has mentioned that, because there is a certain section of the Trinidadian Press which comes in here. I believe that the person who brings them in and puts them into circulation is a Mr. Atwell, and Mr. Atwell should be very happy, because a lot of the scurrilous nastiness in these publications usually is directed at members of this party. So that would give Mr. Atwell political comfort.

I am very pleased to hear Senator Hall refer to that section of the Press and how distasteful, obviously, it is to read about Barbadians in these terms. I am very pleased to hear him, because at least there is one member in the Democratic Labour Party whom we could really ask to tell Mr. Atwell that he is doing the reputation of the country no good, because continuously the *Bomb* and the sister newspapers pour abuse on Barbados. The things they say about Barbados really are things that I find difficult to take.

I do not purchase or read these things. Still, in my capacity as Minister of Information, I have from time to time to tolerate having publications of that messy nature brought to my attention. I cannot therefore

totally escape it. But there are Barbadians who seem to revel in the country being torn apart in this particular way.

There was another point, Sir: Senator Hall's emphasis has been on the drugs and the effects, and what he was talking about inculcating the habit in the young has been extremely interesting. Since in many of the reports there has been a linkage between indecent acts with minors and the use of drugs, the position is that we have been for a little while, looking at the state of the legislation. I believe about two week ago, perhaps, the Attorney General would have asked Commissioner Durant for evidence of a factual nature to support whether we should bring down legislation on indecency with minors.

As the law now stands, where a girl is below the age of consent the explicit sexual act requiring penetration can be dealt with. But there are other sexual acts which could be covered, which would come within the ambit of Indecency Against Minors' legislation. The Attorney General has asked the Commissioner to supply him with the information which would indicate whether we are right in thinking that we ought to bring down legislation on indecency against minors in the new term.

I believe that that was what the Commissioner was referring to when, a week or so ago, we saw reported in the Press a statement attributed to him to the effect that he had already told the Minister of Legal Affairs what legislation was necessary to deal with this matter. I believe he was referring to the advice which the Attorney General had sought from him, and I therefore would hope that that means he has already forwarded his advice.

I believe, Sir, there were points which have emerged in the debate. I have a note here of somebody saying that he heard the Attorney General had resigned because of his friendship with Louis Crichton. No, I had not heard so. That is all I can say. I saw him in Cabinet up to last Thursday, I spoke to him up to yesterday morning, and expect to see him in Cabinet tomorrow. So, if I am to answer that

7.15 p.m.

(SENATOR E. E. GREAVES: Just another rumour.)

SENATOR THE HON. N. A. BARROW: If I am to answer that, then, all I can say is that I have not heard so.

The point which I want to end on is that of all the speeches I have heard, the one which has disturbed me rather deeply is the speech of Senator Simmons, because at the time I spoke, I had really ruled out that the business of getting warrants sworn before a police officer was something which our police would indulge in. But after hearing an experienced practitioner catalogue what can only be called abuses of the whole business of search

warrants, I am now no longer in such a position of strength as to dismiss what I heard as mere rumour.

If it is true that the police obtain search warrants by getting them sworn before senior police officers, and I would go further and say, as a general rule, having them sworn before Justices of the Peace, I believe that we would wish to encourage in our society a greater respect for the rights of freedom of individuals. I should like to urge the police, at all times that they want search warrants, to go to a magistrate and swear the warrant before the magistrate.

I can think of no set of circumstances that would allow me to think lightly of matters relating to the constitutional protection which exists for privacy in Section 11 of the Constitution. I certainly could not sleep peacefully if I became party to an abuse of Section 18 of the Constitution, which is supposed to give us protection against arbitrary search.

I must say that after hearing Senator Simmons, I am extremely concerned that we may, in fact, be living in a society where, as a matter of course, people are the victims of arbitrary search and serious invasion of their privacy.

The final thing, Sir, is that I did not have before me at the time when I spoke first, any information of the number of prosecutions under the Narcotic Drugs Act. But members have rightly perceived that the drug problem is a growing drug problem. Whereas in 1970, there were only four such prosecutions, in 1975 they were still low, 25 according to the statistics, but by 1979, these had jumped to 182, and in 1980, the information is that 200 cases were drawn to the attention of the police.

I hope that this bit of legislation in which we all have so much confidence will be employed by the police in the courts to put that trend in reverse.

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

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

COMMITTEE

Clause 1 was called and passed.

Clause 2 was called.

SENATOR THE HON. N. A. BARROW: I beg to move that Clause 2 do now stand part of the Bill.

Mr. CHAIRMAN: It is proposed that Clause 2 do now stand part of the Bill, Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. Chairman, the Leader of Government Business made reference repeatedly to the definition of cocaine and so on. I think this is the section dealing with definition, and I see here a definition of what is meant by coca leaves and there is reference to cocaine, but I do not see any definition of cocaine here or anywhere else in these amendments.

Sir, I would like some clarification as to whether he meant definition of cocaine or definition of coca leaves.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, as I said before, I am no scientist. Senator Simmons spoke on the point to do with cannabis and the same point has arisen in cocaine: exactly how do you define cocaine; by reference to what plant. And, as I understand it, this is the formula here:

".....the leaves of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation."

Apparently, Sir, the way in which it is usual to define these drugs has to be by reference to a plant. In other words, if you come along and call something else cocaine, then, within the ambit of this law, it will not be able to stand up. This is all I can tell you. This is what has given a great deal of trouble for a large number of years. And they tell me that this is the formula which they have found which will meet the point.

Mr. CHAIRMAN: Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I would like to suggest that, even though we are passing this now, the matter should be looked at again, because although you have indicated that coca leaves means leaves of a certain genus, that genus with the big name is then qualified.

You have to be able to do certain things. You have to be able to get cocaine out of plants of this genus. And this is supposed to serve as a definition of cocaine. Therefore, it has ended up in a circular situation. Before you can define cocaine, you have to know what cocaine is. So, we have a little bit of a problem there, I believe.

Mr. CHAIRMAN: Senator Barrow.

SENATOR THE HON. N. A. BARROW: Sir, I am further technically advised that, apparently, there are

two plants of that genus, of which only one gives cocaine, and that that is the reason for the distinction.

All I can tell you, Sir, is that after years, this is the best definition that we can get from the Government Analyst, and it is the only one, therefore, that we are in a position to come down with.

The first one provided by the analyst was the one that caused the Bill to be withdrawn last time. This time, they apparently seemed to be satisfied that this is the definition which will allow us to get convictions for people possessing cocaine.

You see, Sir, I do not think it is too much that people do not know what cocaine is, but whether, within the law, there is a definition that allows you to get a conviction.

Aside.

Mr. CHAIRMAN: Senator Simmons.

SENATOR D. A. C. SIMMONS: Sir, I am not going to get involved in the technical area, other than to say that when we look at this, we must, since it is an amending Bill, compare it with the parent statute.

This is not to say that the parent statute did not have a definition. The parent statute did, and had one that was very similar. This is what it says: "coca leaves means the leaves of any plant".

7.25 p.m.

We now say 'of the genus', the old Act says "means the leaves of any plant belonging to the family.....". The technical word is now "*Erythroxylon*", the former word was "*Erythroxylaceae* L.", slightly different, Sir. They use the word "genus" in this and they talk of the family in the other one, and the main technical word is different. This now meets, I think, the requirements of Dr. King and his people in the Government Analyst Unit.

The other important thing is that you have to be very specific, because there are some definitions, as members will be aware, where we say in the drafting, 'so and so includes'. But there is a very specific definition here, "Coca leaves" means. It cannot be anything else, it does not include anything, it has to be this to be coca leaves or cocaine — or nothing at all. It does not include a variety.

So since in the parent Act it also said 'coca leaves means', the definition was therefore specific, but inaccurate, and it is to take account of that that we have had the amending legislation, plus Clause 4, which we will come to, which was not in the original legislation, dealing with actual possession of cocaine.

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

Clause 3 was called and passed.

Clause 4 was called.

SENATOR THE HON. N. A. BARROW: I beg to move that Clause 4 stand part of the Bill.

SENATOR D. A. C. SIMMONS: Mr. Chairman, I heard a *sotto voce* remark stating that cocaine is not defined in this, if I can answer Senator McClean, Sir. I do not think it is absolutely necessary, because what you will be charged for now is that you, under this particular clause that is before us, were in possession of a narcotic drug or preparation to which this Act applies, namely cocaine, being an extract from the leaves of a plant of the genus *Erythroxylon* and so forth.

If I had to do it, that is how I would do it. But I may be wrong.

SENATOR A. W. A. McCLEAN: Mr. Chairman, again you run up against it, that you have qualified a type of plant. You are identifying this plant, but in addition to that, it is the plant from which you can extract cocaine. In the absence of some other definition of cocaine, you are in a circular position.

Until you can tell us what cocaine is, you do not know what coca leaf is, and there is no way you can know what cocaine is without reference to coca leaf, so you are in a circular situation — you are still back to square one.

SENATOR THE REV. CANON I. McK. JONES: Mr. Chairman, I do not agree with Senator McClean at all. If you have scientists who have been thinking about this thing, and they have come out with this, and they have told you that this is the way the thing must be explained, I mean, Senator McClean is a brilliant economist, but I do not think he is a brilliant scientist. I feel that when these scientists tell us something we must listen to them. I think we are just pulling wool over our eyes.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, all I want to tell Senator McClean is that he may be right, because in fact that is the argument that has been going on all this time, and it took the scientists three years before we could get this here. If we manage to get convictions under the legislation as it is now, we will know that he is wrong, Sir.

I cannot tell you, Sir. Dealing with this at short notice, I have not had a chance to take specific advice on

the way in which the problems arose and therefore why this kind of definition would be the one which is thought to be the one that seals the issue off. I think we just have to recognise that a number of people have been dealing with it for a long time, and all we can hope is that three years' experience is not one year's experience repeated three times.

I agree that can be the case, but under ordinary circumstances, if they have been looking at it and taking it back and having it sent back to them over that period of time, I would myself tend to believe that there is good and sufficient reason for proceeding in this way.

That is all I can say, Sir.

The question that Clause 4 do now stand part of the Bill was put to the Senate and agreed to.

Clause 5 was called and passed.

Clause 6 was called.

SENATOR THE HON. N. A. BARROW: I beg to move that Clause 6 stand part.

SENATOR D. A. C. SIMMONS: In line 3, Sir, the letter "a" should be inserted in the word "reasonably".

Mr. CHAIRMAN: Yes, that is typographical.

The question that Clause 6 stand part was put to the Senate and agreed to.

Clause 7 was called and passed.

On the motion of Senator the Hon. N. A. BARROW, the Senate was resumed and the Bill 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.

7.35 p.m.

PRIVATE MEMBERS BUSINESS

SENATOR E. E. GREAVES: Mr. President, I have two items under Private Member's Business. I think that in as much as there is an intimation that Parliament will be prorogued shortly, on Friday — some time this week — I would like to dispose of those two Resolutions as expeditiously as possible. So in the same way as the Government has been able to clear its Order Paper, at least I would be able to dispose of the items which stand in my name.

The first item I want to address is Item No. 3, the Resolution on Severance Pay, which reads as follows:

Whereas the Severance Payments Act Cap. 355A makes provision for severance pay in cases of redundancy

And Whereas many workers in Barbados are being made redundant on an increasingly regular basis

And Whereas many of these redundant workers experience extreme difficulty in obtaining severance pay from their employers

Be It Resolved that this House calls on the Government to amend the Severance Payments Act so as to make provision inter alia, for severance to be paid to a worker who is eligible for such within a stipulated period of three months

And Be It Further Resolved that any severance pay due and owing to the worker after this period should bear interest at the current commercial bank rate.

Notice of this Resolution was given on March 9, 1983, but this was not the beginning of my particular interest in and concern about, the general aspects of this Resolution.

It was on March 5, 1974, that I gave notice of a Resolution which was debated, the context of which, at least the latter part, dealt with the import part of this Resolution that is today before us. That Resolution read as follows:—

“Whereas the workers at Fairfield Factory in St. Lucy were severed when that factory ceased operations at the end of the 1973 sugar crop

And whereas the workers have not as yet received their severance pay

And whereas many of these workers are now without work and are consequently finding it difficult to maintain their families

Be it resolved that this House take the necessary action to ensure that the severed workers receive the money to which they are entitled without any further delay

And be it further resolved that a statutory provision be made to ensure that if severance pay due and owing to a worker is not paid within two months after a worker is severed interest at the rate of 8% per annum be added to the amount due and owing.”

This Resolution was approved in the Lower House without division on Tuesday, September 10, 1974. I am giving

this background to indicate that my concern as outlined in this current Resolution is not something which sprung up overnight.

I am aware of the fact that both Governments have made commitments about updating the existing severance payments legislation. There is a history surrounding severance pay in this country, which I want to put on record, because I think it is very important that this should be done.

Severance pay goes back to the 1950s, I believe around the mid 1950s, when the sugar industry in Barbados decided to rationalize the sugar factories. As a result, a number of the then sugar factories were closed, and this created considerable hardships on workers, because they had no other means of support.

The Barbados Workers Union at that time projected the idea of severance pay. It was accepted by the Sugar Producers Association, I think it then was, and it became part of the agreement which the Barbados Workers Union had respecting workers in the sugar industry. The idea was carried forward into other negotiations, and to other companies with which the Barbados Workers Union was negotiating, so that by the 1960s, severance pay for workers, whose pay and services were negotiated for by the Barbados Workers Union, this became a norm.

Now a very interesting thing happened in Barbados, I think it was 1969, when, in quick succession, there were two devastating fires in Bridgetown. Fogarty was burnt, along with some buildings around that, and soon after Cave Shepherd and Cole's Printery and one or two other businesses were destroyed by fire. The result was that over 600 workers were thrown out of work.

Again the Barbados Workers' Union argued that in those circumstances — again this was something that was rather sudden — some provision ought to be made, or should be made, for the protection of such workers. We argued with the employers. The matter eventually went to the Department of Labour and then the Minister of Labour, where we contended that there should be some legal protection for workers who were faced with this particular problem.

In 1971, the then Government brought down for the first time legislation on severance pay. This provided a number of areas through which a worker could qualify for severance pay, and one of the areas was that if a person was working in any business and it was burnt and they lost their jobs as a result, they would qualify for severance pay. This was in recognition to the point which was being argued in that specific area. It also certainly recognized something which the Barbados Workers' Union had been in the forefront of, and which

we had been able to get included in our agreements with various employers around the country, but for which there was no legislative provision. So for the first time, in 1971, we had legislative provision for severance pay.

Now we know that the 1971 severance payment legislation and the subsequent amendments still do not provide us with an Act which is perfect, or even near perfect. One of the glaring omissions of the Act makes it possible for an employer to sever a worker — and there is no time in the legislation which provides for a period within which severance payment should be paid.

7.45 p.m.

This, I submit, creates a lot of difficulties for workers who have had to suffer the consequences of being severed from their jobs. This is particularly so in times of economic distress, where we find that not only in the private sector are people being severed, but also in the public sector workers are being severed from the various statutory corporations. And workers do not have the kind of redress to get their severance pay in a reasonable time.

Last year, indeed I believe from 1981 until 1983, there were a number of workers, I believe numbering probably in the region of 200, who were employed by National Housing Corporation and who were severed from the corporation and did not get their severance pay, and who, after persistent and constant representation by the Barbados Workers Union, eventually received — I would not quite call it severance pay, because the statutory corporations in Barbados under the Severance Payments Act are not legally bound to pay severance pay, but a principle was established in a Cabinet decision going back, I think as far as 1972, when it was recognised that the Act did not cover workers particularly at the statutory corporations, which stated that workers in the public sector, and particularly at the statutory boards who were not included in the Severance Payments Act but who were severed as a result of the closing down, reorganisation or what have you, should get compensation on no less terms than those which workers in the private sectors were entitled to under the Severance Payments Act. But we had the ridiculous situation where, in spite of the fact that the National Housing Corporation recommended and indeed made provision in their budget for the payment of severance pay to those workers, the then Minister of Housing refused to consent for severance payment to be made. It was only after a new Minister came to the corporation that consent was given.

We do not want to have a situation where the question of whether a person would get severance pay or not depends on how a particular Minister feels or how he does not feel. We do not think this is the way in which people should be treated. These decisions should not be personalised. These are matters of principle.

I would like to think that you would like to see an end to that, certainly, at least, that this Resolution would be accepted, and that there would be provision made in the law where an individual could not, at his whims and fancies, treat people like that. Also, if that is the case, that there will be some penalty imposed on the particular corporation over which he presides, and that the worker would be able to benefit if he is kept back for any undue time.

I think that this is a very important piece of legislation, and it is very interesting to see the tactic which was employed in this. I indicated that I gave notice of this Resolution on March 9, 1983. On March 18, 1983, there was a statement put out by BGIS, which I believe is the Barbados Government Information Service, in the *Advocate News* and it says "Government keeping in line with labour developments, and in big headlines "Severance Act To Be Amended".

7.55 p.m.

This release states as follows:

"A Cabinet decision has been made to revise and amend the Severance Payments Act in order to keep that legislation in line with progressive labour developments in the country, a Government announced said yesterday."

I am reading what is written here but I suppose it means "a Government announcement".

"The proposed revision also seeks to simplify, wherever possible, provisions laid down in that Act.

One of the notable points of this revision relates to the time limit for payment of severance pay.

It has been decided that the time limit for paying severance pay should be fixed at two months, but may be extended by a further two months, by the National Insurance Board. If an employer fails to pay within such time, he would be compelled to pay interest at a rate of 1 per cent per month on the amount due.

The amendments will also seek to ensure that excluded classes in the public sector receive no less favourable treatment than if they had entitlement under the Act.

Government has also decided to review the provision in Section 45 of the Act relating to damages for wrongful dismissal.

The Cabinet has also decided that the maximum rate of earnings on which Severance Payment is computed should be the limit on

which contributions to the Severance Fund are based — presently \$2 200 per month.

The maximum severance payment would be \$25 000 or 12 months pay, whichever is lesser; provided that in the case of an employee who is near his normal retirement age the amount of his severance payment should not exceed the amount of the wages which he would normally earn had his employment continued to that age; and that the rebate to employers who have made severance payment should be increased from 10 per cent to 25 per cent. (BGIS)"

Sir, I read that entire extract to make a particular point. On March 29, when this Honourable Chamber was discussing the Estimates, I made reference to a letter which was received from Government by the Barbados Workers' Union relative to the proposed amendments to severance pay. The letter was dated March 11, 1983. It came two days after I gave notice of my Resolution in here. But that is not the point.

What I am coming to is that on March 29, when I made reference to information which was received by the Barbados Workers' Union from the Ministry of Labour about severance pay, I was taken to task and ridiculed by Senator Barrow. I am going to read what he had to say on that occasion when I read certain extracts from that letter. On page 1163 of the Senate Debate, which has on the front, "Monday, March 28, 1983", Senator Barrow has this to say about me concerning what I did when I read from that letter:

"I have another quarrel with Senator Greaves now too, Sir. I thought I had finished. But Senator Greaves came in here quarrelling about Government's intentions, in particular, with this business of the Severance Payment Act. This time I think the Senator was really not close to the line, but over it.

He knows very well....."

And he goes on about consultation and what have you. Then he says:

"It means, Sir, that Ministers of Labour cannot now consult with trade unions in this country without the trade unions taking the opportunity to make public capital out of the nature of the consultations. If that sort of thing continues, Sir, there would be absolutely no point in having these consultations.

I certainly do not expect that if a matter within my jurisdiction had to go out to bodies that had a direct interest for their comment, I would hear it outside, far less hearing an officer of a union

that has to do directly with it, inside here discussing the matter.

In that particular respect, I must say that it is Senator Greaves that I am surprised at. I always thought that he would behave a little better than that. In fact, in all the noise he has ever made in here, he had never intimated to me before that he would do that.

Laughter."

And there was laughter! There was laughter from the Chamber. So the Minister was having a good time.

He continues:

"SENATOR THE HON. N. A. BARROW: I am really shocked, really shocked! I mean, what is this country coming to? What really is the country coming to?
7.50 p.m.

You cannot discuss anything with the union now unless you hear fellows out there saying certain things, knowing very well that they will in turn write to the Minister of Labour and say we object to these things....."
et cetera, et cetera.

"There must be something happening in the Opposition ranks that we do not know about, people jockeying and fighting for positions. What are they trying to jump the gun for?"

In all of that, Sir, Senator Barrow was trying to convey the impression that I had, like I suppose I had done with the letter relating to the Board of Tourism, released some information that was supposed to be confidential, or supposed not to have been revealed. In truth and in fact, long before that debate, long before I had an opportunity to refer to the letter, the Government Information Service, over which Senator Barrow has jurisdiction and responsibility, released information to the public of Barbados about proposals for the amendment of the Severance Payments Act. I thought I would just make that point, because I think it is very important.

I waited for this opportunity, I had hoped that I would have gotten the opportunity to put that particular point right. Because very often when Ministers make their replies and various statements, it is difficult to get up and to clarify things.

I think that I have been able to indicate very clearly the position as far as that is concerned and to point out that it was not a question of my jumping any gun, but that I was responding to what I saw in the

newspapers and what was conveyed to us by letter earlier in the month. It was in the public domain, and it was not put out by the Barbados Workers' Union nor by me — it was put out by the Barbados Government Information Service.

Having got that out of the way, Sir, I think that I ought to say that it took the Resolution to be given notice of in the Chamber for the Government to respond very swiftly. Because, as I said, the Government responded within two days, within two days they indicated that they were going to make amendments to the Severance Payments Act.

Aside.

SENATOR E. E. GREAVES: I am going to come to that now. Both Administrations have been delinquent and have been dragging their feet on this particular thing. What I would say is that — and this is not by way of excuse — the Democratic Labour Party, since the Resolution of 1974 was passed, ought to have addressed that particular matter, but it was just a matter of two years before the election.

If you were to read the manifestoes of the Democratic Labour Party and the Barbados Labour Party in 1976, you would see that there was a promise made by both parties to amend, update and, generally speaking, to make the Severance Payments Act a little more understandable to the layman. Unfortunately, the Democratic Labour Party did not have the opportunity to carry out whatever amendments we wanted to have carried out in the Severance Payments Act, because I suppose, well, the people thought better and we were removed from Government.

But the Barbados Labour Party made a solemn commitment in their manifesto of 1976 to revise, update and make the Severance Payments legislation more understandable to people. The period 1976–1981 went by; nothing happened. The only thing that happened was that there was, apparently, an inter-departmental committee, which was set up to make recommendations for the amendments to the Severance Payments legislation. We were asked to comment on these recommendations, I think it was in 1978, and the Barbados Workers' Union made its proposals relative to these amendments, and nothing more was heard from the Government about severance pay, until June 11, two days after I brought in the Resolution in here.

So the Barbados Labour Party Administration sat down on it for five years. And I believe would have sat down on it for another five years if I had not moved to get this particular loophole in the existing legislation stopped.

I am glad that a promise has been made. But I would hope that it would not just stop at a promise. I am sure, Sir, that we will get general approval for the Resolution here this evening, and I am looking forward to find in the Speech from the Throne, whensoever that will be given, that there is a commitment on the part of the Government to bring down the legislation as quickly as possible. I do hope that early in the next legislative session we shall get the legislation which would cover this and would, generally speaking, make it possible for workers to avoid the kind of exploitation which is taking place.

Do you know what is happening now in the area where workers are severed? There are some employers who want to pay the severance pay, bit by bit, on a monthly basis. Some of them want to pay it in three and four different parts. Some of them are telling the workers "Well, we cannot pay you before another six months." And in the case of some of them who are bankrupt, the workers have to go to the Severance Payments Tribunal.

These situations are not situations which are created by workers, and employers ought to adopt a more responsible attitude in this particular area. I should hope that we would be able to have a situation where, if a worker is severed, adequate provision is made for severance to be paid out to the worker as soon as possible; and where this is not possible, that any money which is due and owing to him will be paid at an interest rate to be determined, but certainly not less than the current rate of interest which is paid. This, I believe, would go a far way in stopping this particular loophole.

I should also like to see the other loopholes plugged. There are a number of them existing in the present legislation. I would like to see a total revision of the Severance Payments Act, a revision which would make it much more simple and certainly much more understandable, because as I understand it, even the legal practitioners have difficulty in dealing with it. There are just one or two of them who have really made a detailed study of it, and they, to some extent, are consulted by the other lawyers. It is a difficult piece of legislation.

But we do not think, Sir, that this should continue like this, and this is why I am commending this Resolution to this Honourable Chamber.

Thank you.

SENATOR W. W. HALL: Sir, I would just like to second this Resolution and reserve my right to speak.

Mr. PRESIDENT: The Resolution that is before the House has been proposed and seconded. Senator Simmons.

SENATOR D. A. C. SIMMONS: Sir, I just have a short contribution to make on this. I am not going to hold up honourable members unduly.
8.05 p.m.

I have to support Senator Greaves' Resolution, because it is a matter that affects workers' rights, and it is something that should have been dealt with a long time ago. I really am disappointed that Government has not really behaved as a model employer in this business of severance pay.

I want to draw to the attention of this House a particular problem which has disgusted me. It may be that because I am involved in it Government treats certain things that I am involved in in a legal capacity as though I am making fun, and they can just brush them aside. But I have other ways and means of dealing with them, and if I do not get the kind of satisfaction that I expect, I will create some embarrassment.

Now, Sir, some time last year Aero Services, which had a staff of about 50, was taken over by a new company. The people were severed on 31st December, 1982. The new company came into effect and the people were given hours' notice of termination, sent home, pilots, they treated them as they liked, told them they did not want them, all kinds of things, chased them away. They wrote the company a letter in January drawing to the employees' attention the fact that they, or some of them, may have been entitled to severance pay. I had a meeting with the workers, management, wrote letters, demanded the payment of the severance pay which the new management said they were going to pay, and I was told: "Yes, we are going to pay it." From January to today, the 27th July, workers have gone, one pilot has gone back to the States where he came from, and they have not got their money.

I will go further. There was haggling between the receiver, Mr. Grenville Phillips, and the Board of Directors of the new Aero Services (1982) Limited, haggling over a simple piece of folly. I gave them the solution, but they would not listen to me, and when I was going to file some cases in court, I called them and said: "Give me one chance to talk to all of you, those from the old company, the receiver and so on; come home at my house." The Tuesday night before I went to London on June 11, whatever date that Tuesday was, they came home at me and in twenty minutes I settled it — before June 11 — to have the receiver pay over the cheque to the new company.

You would have thought that if they had got the severance pay, or the substantial bulk of it, that they would have paid the poor workers who they had chased away. But no! I go to England, watch World Cup, come back, write them and call them, and up to today the

former employees of Aero Services have not got their money. It is a less than satisfactory state of affairs, and a bad example set by the Government. I cannot say less than that. I do not feel that you should trifle with workers' rights like that.

The severance pay came to nearly \$300 000 or something like that. It is not disputed that the people are entitled to severance pay. We got past that stage early. They conceded they were entitled to their severance pay, and still, for all these months, the poor workers have not got their money.

It is no point in going to court, because there is no legislation at the moment that will compel a person who is liable to make severance pay to pay within the stipulated time. Therefore, I feel there is great merit in Senator Greaves' Resolution. So that the rights of workers are not trampled upon it should be enshrined in legislation that within a certain period of time those who are entitled to severance pay, either by agreement or by award of the tribunal, are in fact paid their severance pay.

That is all I want to say, Sir.

SENATOR J. C. W. WICKHAM: Mr. President, I have no difficulty at all in supporting this Resolution. I do not have to go into any lofty philosophies about workers' rights, it is manifestly unfair when people are entitled to money for them not to receive it. One of my most pleasant memories is working with an international organisation, and every time you were entitled to something, you got it almost immediately. It might have been less than you expected, but you got it promptly, and that is a beautiful thing to have.

I have no difficulty at all in accepting the merit of this resolution and giving it my full support.

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support this Resolution, I would just like to make two observations on it. One is that perhaps the period of three months might be a bit long before the question of interest rates should arise. The other one is that the reference to the current commercial bank rate does not have any specific meaning in and of itself, because there is no particular commercial bank rate.

There are lots of interest rates associated with commercial banking, some on the deposit side and some on the loan side. You have a number of commercial banks in the country charging different rates, and indeed any single commercial bank having different rates for different customers on the loan side, and different types for different rates on deposits, so perhaps one should have been more specific.

At the level of commenting on what the interest rate should be, I believe the interest rate should be penal. It should be a rate at which it would not pay the employer to hold on to the money and invest it, or keep down his overdraft, and later on be able to make some type of profit out of delaying the payment. It should be a penal rate of interest.

I thank you, Mr. President.

SENATOR Mrs. G. G. READER: Mr. President, I would like to rise in support of this Resolution. I feel that when people are owed money, they should be paid, and I feel that a reasonable rate, rather than the commercial bank rate which changes, should be the same that citizens have to pay if they do not pay their Income Tax on time. If a citizen does not pay his Income Tax on time, he is charged at a certain rate. If these people do not get their severance payment on time, the employer should be charged at the same rate.

I support this Resolution.

Thank you, Mr. President.

SENATOR E. E. GREAVES: I thought, Mr. President, that Senator Trotman wanted to say something, but anyhow I do not have a problem with the proposition that

Mr. PRESIDENT: Just a minute.

Asides.

Mr. PRESIDENT: Let us have some order. Do you wish to say something, Senator Trotman?

SENATOR THE HON. O'B. TROTMAN: Mr. President, I was going to enquire of the Senator in whose name the Resolution stands whether an amendment on the interest rate would be acceptable to him, on the question of current interest rates. We were suggesting an amendment which would be one per cent per month. We want to know whether he wants to accept that. If that is acceptable, Sir, I beg to move

Mr. PRESIDENT: No. This is his Resolution.
8.15 p.m.

SENATOR THE HON N. A. BARROW: Mr. President, when I heard what Senator Simmons said, it drove me to the telephone to try and establish what the position with Aero Services is, because sometimes you get statutory corporations or companies associated with Government behaving in a peculiar way, and, of course, Government cannot escape the responsibility. So I was very interested in getting the facts, because neither us, nor Aero Services, nor anybody else, should be allowed to behave in the manner described by Senator Simmons.

The information which I have just been given is that the cheque which Senator Simmons referred to had in fact been paid; I am told that Aero Services received the cheque earlier this month. I am also told that — I am only giving you the information on hand, I cannot give you more than that — in addition to the proceeds of that cheque, Aero Services had to find other monies to add to it. The financial complications have not all been explained to me, but an advance payment from another source has now brought the money fully up to the required amount.

So it is not only a question of when the cheque was paid, but when they were fully in funds to deal with the matter. The checking of National Insurance to verify the accuracy of the figures should have been concluded by today, so the payments to the former employees should be made either by the end of this week or very early next week.

That is the information which I have just been given, Sir. I thought I would mention it.

As regards the Resolution, I understand that Senator Greaves is amenable to the change which Senator Trotman has just made, and if he would move the formal amendment, we would have no objection to it.

Mr. PRESIDENT: The correct procedure would be for Senator Trotman to move an amendment to the last paragraph of the Resolution. We will put the amendment and then we will put the motion. Do you wish to move a formal amendment?

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to move that the final paragraph be amended by deleting "at the current commercial bank rate" and substituting therefor "at the rate of one per cent per month".

SENATOR THE HON. N. A. BARROW: I beg to second that.

Mr. PRESIDENT: It has been moved and seconded that the words in the last paragraph "at the current commercial bank rate" be left out of the motion and that the words "at one per cent per month" be substituted therefor.

The question was put to the Senate and agreed to.

Mr. PRESIDENT: I will now put the formal Resolution and read the two parts. The House is asked that it be resolved that this Honourable House call on the Government to amend the Severance Payments Act so as to make provision *inter alia* for severance to be paid to a worker who is eligible for such within a stipulated period of three months, and be it further resolved that

any severance pay due and coming to the worker after this period should bear interest at one per cent per month.

The question that the Resolution do now pass was put to the Senate and agreed to.

ADJOURNMENT

Mr. PRESIDENT: I have to clear the question of the time we have left at our disposal, because there are certain union rules well known to Senator Greaves, which we have to observe. We started at 10 o'clock this morning.

SENATOR THE HON. N. A. BARROW: Mr. President, I am afraid we are at a very difficult stage at this point. When I at first sought advice, I was given the belief that it would have been in order for us to go up to 8.30 p.m. but not later. Unfortunately, it now appears that we

have already gone beyond that time. The more depressing part is that the reporters have been going for a continuous six hours, which is really more than is reasonable, so I believe that in the circumstances we really do not have an option.

Mr. President, I beg to move that the Senate do now adjourn sine die.

I believe we are all aware that the intended date for the prorogation is Friday, which is July 29, and it is not anticipated that Parliament will meet again before October, probably mid-October.

The question that the Senate adjourn sine die was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.

8.25 p.m.

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