

# THE SENATE DEBATES

(OFFICIAL REPORT)

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SECOND SESSION 1981 – 86

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## THE SENATE

*Wednesday, April 24, 1985.*

The Senate met in the Senate Chamber, Public Buildings on Wednesday, April 24, 1985, at 11.15 a.m.

### PRESENT

His Honour Senator the Honourable Sir Arnott Cato, K.C.M.G., (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'Brien Trotman, (Minister of Health)

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

Senator J. E. D. Williams, (Parliamentary Secretary to the Prime Minister)

Senator H. R. Linton

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

Senator Miss J. Clarke

Senator A. W. A. McClean

Senator C. D. Seale

Senator the Rev. Canon I. McK. Jones

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

Senator J. E. Jordan

Senator H. E. Yearwood

*Prayers were led by Dr. the Rev. L. A. Crawford.*

### PRESENTATION OF PAPERS

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

Leave Passages (Amendment) Order, 1985.

Landlord and Tenant (Registration of Tenancies) (Amendment) Regulations, 1985.

National Insurance and Social Security (Non-contributory Old Age Pensions) (Amendment) Regulations, 1985.

Statement of the return of output of locally produced spirits during the quarter ending March, 1985.

Second Annual Report of the Transport Levy Fund for the year 1983–84.

Auditors' Report and Financial Statements of the Transport Levy Fund for the year ending 31st March, 1984.

Economic Report, 1984.

Annual Report of the Department of Labour for the year 1982.

The Defence (Rate of Pay and Allowances) Regulations, 1985.

Annual Report and the Auditors' Certificate and Financial Statement for the Central Bank for the year 1984.

11.25 a.m.

### MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE AND MOVED BY A MINISTER

SENATOR THE HON. N. A. BARROW: Mr. President, there are a number of items on the Order Paper. There are two Bills which are down for first reading, one is the Public Entertainment Bill and the other is the Bill relating to the control of beverage containers, and, in addition, there are three Bills which

will be introduced today — A Bill to amend the Customs Act, a Bill to amend the Pensions (Prime Minister) Act and a Bill to amend the Retiring Allowances (Legislative Service) Act. It is our wish to proceed with all these matters today. It is also our intention to do all the Resolutions, including the three which are not on the Order Paper already.

#### SUSPENSION OF STANDING ORDERS

SENATOR THE HON. N. A. BARROW: To facilitate the doing of business, I move the suspension of Standing Order 45 (1) and (2).

*The question that Standing Order No. 45 (1) and (2) be suspended was put to the Senate and agreed to.*

#### INTRODUCTION OF BILLS

SENATOR THE HON. N. A. BARROW: Mr. President, there are three Bills and three Resolutions. The three Bills which do not appear on the Order Paper are:—

A Bill to amend the Customs Act.

A Bill to amend the Pensions (Prime Minister) Act.

A Bill to amend the Retiring Allowances (Legislative Service) Act.

In addition to these three, there are two on the Order Paper:

A Bill to consolidate and revise the laws relating to the keeping of places of public entertainment and relating to the imposition of taxes on entertainment to which the public is admitted on payment of money;

A Bill to provide for the control of the sale of beverage containers, the payment of a deposit on beverage containers, a refund for the return of those containers and the final disposal of unused or unusable containers.

Those five Bills are for first reading, and there are the following Resolutions:—

Resolution to approve the Leave Passages (Amendment) Order, 1985;

Resolution to approve the compulsory acquisition of land at St. Lawrence, Christ Church;

Resolution to approve the guarantee by the Government of a loan of Bds. \$3 724 000.

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

#### PUBLIC BUSINESS

SENATOR THE HON. N. A. BARROW: Mr. President, the order of business which I propose is as follows: The Entertainment Bill is the first order of the day, then the Resolutions in the order in which they appear on the Order Paper, then the two Pension Bills in the order in which they appear on the Order Paper, followed by the Customs (Amendment) Bill, followed by the Bill relating to the Control of Beverage Containers.

I will manage the Bills and Senator Trotman will manage the Resolutions.

#### PUBLIC ENTERTAINMENTS ACT, 1985

*Order No. 1 was called — To move the Second Reading of a Bill to consolidate and revise the laws relating to the keeping of places of public entertainment and relating to the imposition of taxes on entertainment to which the public is admitted on payment of money.*

SENATOR THE HON. N. A. BARROW: Mr. President, the Bill before us is the consolidation and revision of two separate Acts, the Licenced Places of Public Entertainment Act, Cap. 181, and the Entertainment Act, Cap. 69. The Licenced Places of Entertainment Act has been on the Statute Books since 1908 and the Entertainment Act has been on the Statute Books since 1953, and they were amended at some point in the year 1983 to give them better machinery for the collection of taxes. The schemes of the two Bills, therefore, are reflected in this one piece of legislation, that is, first of all, it has set out how the places come to be licensed for the purpose of entertainment and then it is set out what is the machinery for ensuring that the tax is paid.

In order to keep everything absolutely clear, I am dealing in the broad outline before reference to detail.

It is important, although many people tend in talking not necessarily to have this point in their minds, that the public is protected in a variety of ways, and this is the reason places of entertainment have to be licensed. I do not know of a situation in Barbados in which persons going to a dance hall, for example, have found themselves in the situation of fire or some other misfortune, although I do know, of course, of a school in St. Joseph in which, some years ago, there was a meeting, the floor collapsed and some people suffered injury. That little incident ought to tell us that the business of ensuring that premises which are to be premises for the purpose of entertainment would need to be licensed so that there could be some control over the proper standards that are to apply to places where entertainment for the public are to be kept. Ever so often we pick up something in the news, fortunately not recently, but I can certainly think back to about two years ago, and one certainly would

have seen on the news or read of places of entertainment in the United States in which some calamity took place and people lost lives.

11.35 a.m.

There is another reason for this control, and that is that you first of all ensure that the physical premises are in order. This is done by in this Bill locating the responsibility where it should be located, and that is with the Chief Fire Officer. If he says that these premises are safe, that is his responsibility. Where the building or what have you is located in an area which is suitable for the purpose, there is a requirement for the Chief Town Planner to also give a certificate.

There is the need to be satisfied that the person who is going to operate such a place is a person accepted as fit and proper to operate such an undertaking, and that is where the police certificate as to character comes in. I am sorry that at this point Senator Simmons is not in his seat, because it was he, as I recall, who mentioned in this Chamber some need to control video tapes in relation to lewdness and obscenity, and I remember responding to him that the Film Censorship Act was the proper place to locate such controls; but we all hear stories about people who keep private places and charge a fee, and then they admit all and sundry, including children, to have a good viewing. The fact that in the scheme of this Bill all places of entertainment for the public must be licensed is really a way to deal with that. It is expected that the police will police this Act, so if you want to have your pornographic peep shows and whatever else, then if you do not have a licensed place of entertainment, you might find yourself being charged under this Act for having entertainment in a place which is not licensed, and certainly I do not think somebody who wants to get a licence to operate that kind of thing is likely to get it. I believe most of us here would be stunned. So this really is where we would address the point which was raised by Senator Simmons at the time.

I should also go on to mention that since we set rigid standards and since we require that these three certificates be got, obviously we cannot then leave it to anybody's whim, we cannot allow it to become a matter of caprice whether somebody gets a licence or not. Once a certificate is applied for, the public officers have a specific period of time within which to act. One of the things, for example, that must be done is the advertisement in a newspaper that is published on a daily basis in this Island and also in the *Official Gazette*, as this gives the public the opportunity to know that somebody who lives within a reasonable radius — I think it is 300 metres — is applying to license a place for public entertainment. This gives the public an opportunity to make its objections. If nobody objects, if no one has anything against him and the Commissioner of Police says he is a fit and proper person, if the Town Planner says there is

no problem and if the Chief Fire Officer says the place is safe, then, automatically, that license must be granted. If people object subsequently, the matter has to be heard by a magistrate, and if the magistrate finds against the applicant, the applicant has the right of appeal to a Judge in Chambers. So that everybody's rights will be protected. The applicant will have his day in court and the judge can determine whether the application is reasonable or unreasonable. In the meantime, all of these steps must be gone through in the interest of the community.

The other aspect of the Bill relates to tax. Section 13 of the Bill has attracted some comment, and this is understandable, because Section 13 of the Bill seems to be saying that the Commissioner of Inland Revenue can determine whether or not you can hold an entertainment, but it should be read closely, because what is involved there is a simple matter. You have to have machinery for collecting your tax, and as long as satisfactory arrangements are made for the collection of the tax, the Commissioner of Inland Revenue has no power to refuse permission. The Bill states quite clearly that he shall give that permission, as long as satisfactory arrangements are made. Normally, you would be able to apply to him fourteen days in advance, but the Bill recognises that sometimes you will need to move in less time, and it says that in these cases when you cannot do it within fourteen days, let us talk about a reasonable period of time, and the law has at all times recognised that you have to deal in a concept of reasonableness, so it is not a difficult matter for a judge or magistrate to understand what is reasonable and what is not. But you must apply, because if you do not apply, how is the Commissioner to know that he needs to make the arrangements for the collection of tax? Once you apply and you state what are the arrangements, he says okay you can go ahead. But it is not just that he says "okay"; it is that he *has* to say okay, and that is what is important.

The exemption clause in the Bill from tax relates to whether the proceeds are going wholly to an educational, philanthropic, charitable purpose and so on; and there is the other point, on whom will the tax fall. Except for the provision relating to amusement parks, which if you want you can call the 'Coney Island provision,' the Bill does not take in any new ground for the levying of tax. As a matter of fact, in going through the file dealing with the Bill, I noticed — the minute number, in fact, is 23 — where the then Minister, the late Minister of Finance, was making the point that nothing must be done in this Bill to extend it to dances. Actually, it seems to be in November last year, where the point is being taken very carefully that we do not want this Bill to be extended, except in relation to the things that we specifically say it is to be extended to; we do not want having come back from Parliament, to discover that you have included dances, which are the ordinary social activity of Barbadians and which have never been taxed under the

Entertainment Tax Bill. You will notice, therefore, that in the Schedules to the Act, the only way that a dance can attract tax is if it is organized by persons not ordinarily resident in Barbados. But as long as it is an ordinary Bajan fete, an ordinary Bajan jump up, there is no way that this Bill can be made to apply. It has never applied to dances, it has never applied to services of song, it has never applied to singings.

11.45 a.m.

*Aside.*

SENATOR THE HON. N. A. BARROW: I am told, "or wakes." There is absolutely nothing to indicate that it will. In fact, there is everything to indicate that it will not, because if you look in the Schedules, you will see what entertainments are covered, and the only dance that is covered is a dance organized by persons not ordinarily resident in Barbados.

I mentioned that particularly because one Member in the Other Place managed somehow to get himself reported as championing the cause of the small man. It looked almost as if he had succeeded in getting something changed in the Bill so that it would not apply to dances. But I think for him to manage that, he would have to have been in the original debate in 1953, because that is when dances were exempted, and the exemption continues into this new Bill.

The other thing is that local entertainers had been crying out at the level of tax, which was 20 per cent. There is now a differential rate of taxation. When the event is an event put on by persons who are ordinarily not resident in Barbados — I mean this is the general principle, you can look in it and see the detail — then the tax remains at 20 per cent. If we are talking about local theatre and other events of local cultural significance, then the tax is not 20 per cent but 10 per cent. The First Schedule talks about the forms of entertainment and then the Second Schedule talks about the rate of entertainment tax generally being 20 per cent. Then it says:

"Rate of entertainment tax in respect of any form of entertainment specified in paragraphs 10 and 13 of Part I ....."

That is, musical entertainment consisting of vocal or instrumental music or a combination thereof, or theatrical performances and stage plays or performances.

".....where such entertainment consists principally of live entertainment by artistes ordinarily resident in Barbados .....10 per cent"

Nothing in the Act covers dance where the audience participates, and that is the important thing. Only if such entertainment were put on by persons not ordinarily

resident in Barbados would they fall within the ambit of this Act.

There is one other item, and that has to do with the very interesting Clause 19, which seeks to prohibit discrimination against persons attempting to gain admission to places of public entertainment on grounds of race, religion, class or political opinion. It has an interesting provision in that a proprietor of a place of public entertainment so accused may bring charges against the person who actually committed the offence, be it his servant or agent. That is the discrimination clause. Since there has been one club very much in the news in Barbados where that kind of accusation has been made, I believe that we should all welcome that, in that it seems to plug what was a loophole in the law.

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

*The question was put to the Senate and agreed to.*

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

#### COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

SENATOR H. R. LINTON: Mr. Chairman, I beg to move that the Bill be taken in sections of ten and then five.

*The question that the Bill be taken in sections of ten and a final five was put to the Senate and agreed to.*  
11.55 a.m.

*Clauses 1 – 10 were called.*

SENATOR THE HON. N. A. BARROW: Sir, I beg to move that Clauses 1 to 10 stand part.

SENATOR H. R. LINTON: Mr. President, I just want to make a small point regarding Clause 9. I did not make it in Second Reading, because I do not really want to suggest any alteration to it, but I enjoin the Minister to ask the appropriate Ministry to keep an eye on the operation of this section. It states that:

"a person residing within 300 metres of any place of public entertainment may make a complaint before a magistrate to District 'A' against the licensee for disturbing the peace in the neighbourhood."

There is likely to be two constraints arising against that. The first is that all of the courts in District 'A' of Bridgetown are very much over-crowded, but by far the most serious complaint would be, I envisage, surround the locality in which the complaint arises.

There is a famous maxim in the Law of Nuisance that what constitutes a nuisance in Birmingham in England would not constitute a nuisance in Belgrave Square. By the same token, what might constitute a nuisance in St. James may very well not constitute a problem in St. Philip or St. Lucy, and it would be important to have persons who are dispensing justice with regard to these matters at least to have a working knowledge of what happens in these parts of the country. It may, therefore, be better if complaints could be brought within the jurisdiction of the Magistrate's Court where the nuisance or disturbance or whatever arises. I know that under the Laws of Nuisance they are all brought to the High Court in town, and we tend to get justice there. I feel, however, that complaints falling within the terms of this Act are likely to arise on a smaller scale and, therefore, it would assist the administration of justice and would appease persons who bring action if they could just go to the magisterial district in which they live in order to file the complaint. Although I am not asking that it be changed now, I would like the Minister to make a note in the file and ask that this situation be monitored to see how often complaints are brought into Bridgetown, how expeditiously they are dealt with and whether or not litigants feel satisfied with regard to the outcome of their complaints. I just ask him to note it and make representations to the appropriate Ministry.

SENATOR THE HON. N. A. BARROW: The point raised by Senator Linton is a point I understand very well. I have noticed in the printed version of the Act reference to the Magistrate of District 'A' is in it, although my reading of the files and my recollection is quite clear that the late Minister admitted to the effect that the power should neither be in the hands of the Chief Magistrate nor the Magistrate of District 'A', but of the Magistrate for the jurisdiction, so when I saw it in a printed Bill it struck me a little strange, because I thought the matter had been settled.

I agree with Senator Linton that it is something left to be monitored, because it may turn out to be a matter of no real moment, but I certainly would have expected that it should not have been a District 'A' responsibility. I cannot see any reason to make it a District 'A' responsibility rather than a responsibility of the magistrate with the jurisdiction wherever the thing occurs.

*The question that Clauses 1-10 stand part was put to the Senate and agreed to.*

*Clauses 11 to 20 were called and passed.*

*Clauses 21 to 25 were called and passed.*

*The First and Second Schedules were called and passed.*

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

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

#### COMPULSORY ACQUISITION OF LAND AT ST. MICHAEL

*Order No. 3 was called - To move the passing of the Resolution to approve the compulsory acquisition of land at St. Michael for the construction of a road known as the Airport to the West Coast Highway.*

SENATOR THE HON. O'BRIEN TROTMAN: This Resolution seeks to acquire several properties to facilitate the construction of the Airport to West Coast Highway. For the record, just let me say the highway is designed to give easy access from Highway 1, the Spring Garden Road, to the airport. It will start at Spring Garden on Highway 1, proceed along University Drive to Cave Hill junction, thence to Warrens via Lodge Hill and Clermont. From Warrens the road will join up with the new St. Barnabas Road via Friendship Terrace, Waterford, Belle, Haggatt Hall. From St. Barnabas Highway the road will cross Highway 6 and continue on to Rendezvous Ridge, Graeme Hall, Warners, Kingsland and thence to the Highway T junction intersecting Kendal Hill Road, Gall Hill, Highway 6. From Newton the road will cross Balls Plantation, Lowlands, Coverley to Highway 7 near the airport. There will also be a link from Warners to Highway 7 at Top Rock, Christ Church.  
12.05 p.m.

The basic design of the road is for two lanes, and a three lane section is recommended for the alignment from the Spring Garden roundabout to Lodge Hill. One of the east bound lanes in that segment is intended to accommodate slow moving vehicles, such as buses and heavy laden trucks coming from the harbour.

It is envisaged that we will probably have to acquire some 320 parcels of land, containing a total of approximately 67.5 hectares, and that approximately 110 houses will be affected by the alignment. The necessary notice has been published under Section 3 and Section 4 of the Land Acquisition Act, Cap. 228. The Ministry of Housing is at present in consultation with the NHC and they have formulated a programme for the resiting and rehabilitation of the residents affected by the road.

I understand that one of the dailies suggests that the Government has got a telex from the bank which is financing part of the road project to the effect that we must give it to a foreign company. My information is that the Government has not yet got that telex, and the latest

communication we have from the bank does not suggest that such a telex will be on its way.

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

Mr. PRESIDENT: As I understand it, the Resolution which the Minister is putting first is the one dealing with the compulsory acquisition of land in St. Michael.

It is proposed that the Senate concur in this Resolution.

SENATOR A. W. A. McCLEAN: There is a matter of clarification that I would like in relation to the present state of the project. We have heard various statements over the media, and the latest would indicate that Government is now endeavouring to contract out part of the project rather than the whole project one time. The announcement seemed to be unclear as to whether the section it is endeavouring to contract out runs from the airport to St. Barnabas or from the airport to Warrens. I am not too sure where the particular phases involved are, and I would welcome some clarification on that point.

In relation to the overall conception of the road, I believe that perhaps the recent events might be fortuitous in affording us a chance to re-evaluate the section from Spring Garden to Warrens, at least.

I do not think that it is particularly desirable in any terms to conceive of a route for heavy vehicles from the Bridgetown harbour to any point beyond Warrens as one coming along the Spring Garden Road, which would be at least 50 per cent longer than if it should journey along President Kennedy Drive to Highway 2, and I am certain a lot of vehicles will continue to use that route to save fuel and everything else. It might be worth some deep consideration whether Government should not be contemplating the improvement of Highway 2 from the Eagle Hall area to Warrens and also improving President Kennedy Drive to have a proper industrial road there, so to speak.

On that side down by the university, none of the heavy duty vehicles would be terminating in that area. If they want to go to Grazettes, they cannot use that road, they still have to come up along Highway 2 anyway; and if they want to go to Warrens it does not make a lot of sense to go all the way down by Paradise, come up by the university and come all the way round to get back to Warrens. I am certain, no matter if the road is free and fast, the vehicle is not going to get there normally before the one that comes up through Eagle Hall.

There are other things to suggest that the pattern of commercial industrial development would indicate that a proper development of Highway 2 would be rather more beneficial to industry and commerce.

There are other problems which will arise from suggesting that these big heavy duty vehicles and everything coming from Bridgetown that want to get to the airport should come up by the university. You are creating a problem which you have to grapple with in relation to access to and egress from the university itself. Lots of people use that area, lots of students, people with vehicles, and if that route should become one of the busier highways of Barbados — as it would if people use it in the way it is contemplated — you are going to have some severe hazards there. Some people go as far as to suggest that you are setting up a death trap along the university entrance.

If you want to persist with the road, especially if you do not develop Highway 2 as an ancillary project along with it, very careful consideration should go into the design of what is going to happen around the entrance to the university. Only recently I was told — I do not know if it is true, I have not had a chance to check it out — that there is something of an underpass by the university already. I had a knowledge that there was something underneath there, but I thought it was something for water to flow through. It never was really kept in any way to suggest that people should be walking under the road there, but I understand that there is currently an underpass, or something which was designed as an underpass. I do not know if the person has correct information or if it is just a gully course there, a tunnel for the water to flow through or not, but whether or not there is an underpass there at the moment, consideration should be given to erecting an underpass so that the students can get from one side of the road to the other. Lots of them have to cross the road, those who come in the buses up from town and those who are living on the other side in the districts — Wanstead and what have you — they all have to cross the road in great numbers. I would think that fairly careful consideration has to be paid to designing the road in proximity to the university entrance.

More generally, one should think again about the appropriate use of the section from Warrens to Black Rock. I would think that that road would be used predominantly by people whose journey will terminate somewhere in close proximity to the Spring Garden roundabout at Black Rock. For people who are going down St. James or St. Peter, I would presume that we should think in terms of developing an inner spine road or highway running straight through more or less in close proximity to Highway 2 again, straight along down to St. Lucy's Church or what have you, and all along the way you have reasonable secondary roads that you can get from Highway 1 on to this new highway, rather than thinking of people coming down from the airport, to the university on to Highway 1 to get to St. Lucy, St. Peter and wherever else they want to go. That route already is fairly well overloaded, and indeed, the present Spring

Garden Highway was designed to cope with the overloading of the first section of Highway 1 out by the Black Rock area. But if people see that as a normal route from the north or wherever to and from the airport, I am not so sure that the old Highway 1 would be able to take the traffic. You will get a lot of congestion from that side. The point I am making is that the section from Warrens to Black Rock, although you probably need to upgrade that road, should not be seen as part of a major highway along which people would traverse if they are going from St. Lucy to the airport or from Heywoods to the airport or if they are going from the Bridgetown Harbour to the airport.  
12.15 p.m.

SENATOR THE HON. N. A. BARROW: In relation to one point raised by Senator McClean — I do not believe I should be telling him this but I believe I do have some status on the matter — there is an underpass at the university. I could not tell you the condition in which it was kept, but I got the impression that what the university was really concerned about was vehicular traffic, because the underpass would take care of passenger traffic. I gathered the point was being made that that junction was already sufficiently dangerous without the flow of traffic which might be anticipated.

SENATOR A. W. A. McCLEAN: On a point of elucidation: I was also told that the plans seem to suggest that they are going to do away with the current underpass there, that when they build the road, the present underpass would no longer exist, and apparently there are no clear plans for putting a different one. Perhaps you can speak to that.

SENATOR THE HON. N. A. BARROW: I have heard the point discussed at a meeting — I think Senator McClean would appreciate what meeting that would be — and the impression I had was not that there would not be provision for pedestrian traffic, but that the concern was that right now something needs to be done with the university exit. Therefore, what they were concerned about was the extent to which in designing the road that would be taken into account so that the thing could be blended into the design of the road and traffic would be able to come to and from the University more easily than it does now. That is as I understand it, which seems to be an entirely reasonable position.

SENATOR THE HON. O'B. TROTMAN: To reply to Senator McClean's original question, the question of whether or not the Government was about to give out sections 2 and 3, I believe that in view of the most recent communication we have from the bank, that proposal would not go through.

Government was not in a position to start section 1, that is the Spring Garden to Warrens junction, because

of the acquisition and the resiting of people and all the other problems involved and, therefore,.....

SENATOR A. W. A. McCLEAN: On a point of elucidation: What I am trying to find out is if section 1 is the Spring Garden to Warrens or Spring Garden to St. Barnabas. In other words, I understand that Section 1 is going to cost \$40 million or something like that.

SENATOR THE HON. O'B. TROTMAN: Section 1 is Spring Garden to St. Barnabas.

Mr. PRESIDENT: Let us do them all together.

SENATOR THE HON. O'B. TROTMAN: Section 2 is St. Barnabas to Top Rock and then Warrens to the airport, Section 3.

I was going to point out that the Government was in no position to start section 1, and if the contract were awarded and the Government was in no position to initiate action, of course, the Government would then get itself into all sorts of cost overruns by holding up the contractors. Therefore, it was considered that by starting sections 2 and 3 we could proceed until such time as we were in a position to start section 1. But, as I said, all of that might be back to the drawing board because of new communication from the bank, which we will probably hear something tomorrow evening.

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

#### COMPULSORY ACQUISITION OF LAND AT CHRIST CHURCH RE THE AIRPORT TO THE WEST COAST HIGHWAY

*Order No. 3 was called — To move the passing of the Resolution to approve the compulsory acquisition of land at Christ Church for the construction of a road known as the Airport to the West Coast Highway.*

SENATOR THE HON. O'B. TROTMAN: I beg to move, Sir, that the Senate concur in this Resolution.

SENATOR A. W. A. McCLEAN: Mr. President, my comment is not specifically to the Christ Church section of the road, but what I am about to say, in expansion of what we have been hearing, is that I think the critical section of this entire road, if we had to do a piece and no other, would be Warrens to St. Barnabas section. That is what Barbados needs now, I think, between Warrens and St. Barnabas. In the other areas we have roads that we could use, but that is a critical omission in our road system. I would hope that if there is any reorganization or phasing of the development, serious consideration would be given to building Warrens to St. Barnabas first.

SENATOR THE HON. N. A. BARROW: I think Senator McClean is missing the point. We understand the argument he is making. I am not in a position to comment on the validity of the point. This is not something of which I know a great deal.

The point is the way the road has been planned in sections. There is not a Warrens to St. Barnabas section, there is a Black Rock to St. Barnabas section — I think we understand the other two sections and the difficulty which we have is that we are in a position to deal with the sections between St. Barnabas and the airport in terms of all of the things that had to be done. What happens if we go and award a contract in which we touch the area north of that is something similar to what has happened in Trinidad where, I think, there was a \$6 million claim on a contract because one part of the contract was not ready for the other party to perform his part of the contract and the claims started rolling in.

12.25 p.m.

In all this talk that has been going on, that has been overlooked, that the Government could not have awarded on any one and three or one and two or any one, two and three basis. Anything with one was really out of it unless we are coming into serious cost overruns, and this is really the point. If the point the Senator is making is that it should now be examined to see whether what is now section 1 could be disaggregated, that is a point which we have no difficulty in reporting on. As to the case for it, I really am not in a position to express a view as to the argument put forward by Senator McClean, but I can carry the message as it were.

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

#### COMPULSORY ACQUISITION OF LAND AT ST. LAWRENCE, CHRIST CHURCH

*Order No. 6 was called — to move the passing of a Resolution to approve the compulsory acquisition of land at St. Lawrence, Christ Church.*

SENATOR THE HON. O'B. TROTMAN: Mr. President, now that we are doing the West Coast-Airport Road, opportunity is being taken to acquire land west of the Caribbean Pepperpot on Highway 7 to relocate some houses which at present are on the edge of the swamp at St. Lawrence.

At present, those people living on the edge of the swamp can do no real development to their houses, because they cannot get Town Planning permission or they cannot get Waterworks permission because of the swamp, and they can have no real waterborne systems in their houses. Opportunity is therefore being taken now that we are passing the road in that area to upgrade the whole

area and resite the people living in these swampy conditions on to the land which we are now acquiring so that they would have a better settlement.

The land involved is just about seven acres, and it is owned by several persons at present, including ADC, I believe.

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

SENATOR C. D. SEALE: Now that the Government is carrying out a programme of road-widening on various roads, when we mention the St. Barnabas Road, the road at My Lord's Hill comes to mind.

I would like to suggest that the Ministry of Transport and Works, which is looking after these road-widening projects, adequately signpost these areas that they close off. There is a tendency to just close off at the nearest point where the big vehicles are working, and this causes a lot of confusion.

I do not know if you noticed the photograph in the *Nation* the other morning where two buses were very close at Howell's Cross Road. I happened to have been right behind those buses and the problem created there is that if they had put up signs that the road had been closed much further by the end of Haggatt Hall Road, I think motorists would have used other roads. I feel that this should take place rather than just all of a sudden you come upon a road that is closed.

I believe all Barbadians are most pleased with the works that are being carried out. We can see the work going on up Government Hill next to the Governor-General's house, where the sidewalk there is a joy to see. The young school children attending the Springer Memorial will have a very easy passage. Then there is the proposed roundabout at Culloden Road and there is the Beckles Road one.

I would like to make a plea that the Government consider a roundabout at Eagle Hall. I think it is very necessary. The Eagle Hall market will probably suffer a bit, but that is so dilapidated that you could really move it. I think it would be an asset.

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

#### THE LEAVE PASSAGES (AMENDMENT) ORDER, 1985

*Order No. 5 was called — to move the passing of a Resolution to approve the Leave Passages (Amendment) Order, 1985.*

SENATOR THE HON. O'B. TROTMAN: Leave Passages Orders come to the Senate immediately after every revision of salaries, because the Order, in describing the qualifications for the passage, has a money value as a qualification in terms of salary. I never quite understand why a money value and not a grade. If it were a grade, it would make things quite easy as far as I am concerned, because then one would know that every time there is a revision the grades stay as they are, but for some reason, maybe the lawyers know why, they have got a money value on it, and therefore, when there is a revision of salaries, we have got to amend the Order to accommodate the new salaries.

That is, in effect, what the Resolution before us seeks to do. It seeks to accommodate the revisions of 1984, and there is going to be also some change again when the other section of the salaries revision is granted. That is a formality that comes up every two to three years.

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

*The question was put to the Senate and agreed to.*

#### GUARANTEE OF A LOAN OF BDS. \$3,274,200

*Order No. 7 was called – To move the passing of a Resolution to approve the guarantee by the Government of a loan of Bds. \$3,274,200.*

SENATOR THE HON. O'B. TROTMAN: Mr. President, the difference between LIAT and the EEC is now a well ventilated matter. LIAT is trying to be an airline with new planes, and the airline has been in talks with the EEC. Since then, it has been decided to part ways with the EEC, mainly because the EEC was trying to force on LIAT French aircraft which have not yet been tested, and which, in fact, the technical advice suggest might not be suitable at all for the kind of run LIAT would be doing in the Caribbean, island-hopping every thirty minutes, and furthermore that they might have difficulties in taking more than 40 passengers out of St. Vincent and out of St. Thomas, where there is a strong tail wind.

LIAT has therefore agreed to acquire four Super 748 Aircraft and five Dash-8s. Two of the 748s will be acquired through financing by the British Government and the other two will be financed through special funds from the Caribbean Development Bank, and it is that which we are about to guarantee. The guarantee requests the Caribbean Development Bank as follows:

"Government support will be given to the airline to enable it to provide a safe, reliable and efficient regional air service. To this end, adverse compe-

tition from extra-regional and privately owned airlines will be minimised. Governments would take action to ensure that that airline is able to charge reasonable fares which would enable the airline to cover operating costs. Governments will exempt the airline from the payment of Income Tax and the payment of any tax, levy or duty on the importation of aircrafts' spares and other equipment required by the operation and maintenance in intra-regional air transport service. In order to achieve the highest level of competence and efficiency, each Government will permit the employment in its territory of nationals of other CARICOM shareholder states. Governments should make arrangements to provide funds to cover any shortfall of revenues over operating expenditures."

12.35 p.m.

To go back a bit to the question of why the 748s. First of all, the 748s which they are buying from the British company are ready and available. The French planes are not yet ready. The 748s are proven in the Caribbean and their service has been satisfactory. As I said, they can manage the tail wind out of St. Vincent and St. Thomas, whereas the French aircraft seems a little bit more delicate.

The mere fact that LIAT at present has a stock of 748 spares will in fact reduce the quantity of 748 spares you would have to buy immediately. Spares are put on to planes every day, things are put on and taken off, so in ten years, the plane you are flying is not going to be the same plane that was bought out of the factory.

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

SENATOR H. E. YEARWOOD: I rise to support this Resolution. I believe that we should support the loan which the Government is about to guarantee for LIAT.

It is true that LIAT has for years operated the 748 aircraft and, of course, they have become very accustomed to the use of this type of equipment. It is not easy to change you equipment at a moment's notice, because it means that you have to make a complete change of all your spares, tools and other equipment which are used. You must also train the pilots in the new types of equipment and your engineers. Everything must be changed.

I believe that if LIAT wishes to purchase the aircraft which they are accustomed to, they should be given this opportunity to do so. The 748s, to which they have been accustomed all these years, are very reliable aircraft. Some of these airstrips in the Caribbean in these small territories can be very, very difficult to

negotiate. Because the 748 has been proven, the pilots who operate them have got accustomed to these small strips, they know the terrain very well. If these aircraft are available, I believe that they should be given the opportunity to buy what they want and not have to go and try another aircraft which they are not accustomed to. As I said earlier, it would mean a completely new set of training and everything for everybody concerned, and I believe that we should give every backing to this Resolution.

SENATOR A. W. A. McCLEAN: I am not in a position to comment on the merits or the demerits of the 748s, but I do not think the arguments we heard are sufficient to make a case for the acquisition of 748s. I mean that argument applies generally, and if we consider that as persuasive in and of itself, we would never ever change the equipment, we would probably stay with the equipment that we had twenty or twenty-five years ago.

There must come a time when you must move on, and people would have to ask questions about the efficiency and reliability of 748s *vis-a-vis* other equipment that is now available. We have to face the challenge of retraining and re-equipping continually. The decision about acquiring new aircraft is a decision which must look down the road for the next ten years. There is no point, let us say, acquiring aircraft which is going to go out of production in a year's time or two year's time, and you have special problems associated with spare parts in about six years' time and what have you. I had hoped that we could have had additional arguments why 748s are desirable over and above the other possibilities, including the one that was being urged upon LIAT.

In relation to the question of availability, if it is a matter of months you would have to take that against other considerations. Immediate availability is not always an argument in favour of acquisition of anything, just as it is not an argument in favour of building the road from the airport to St. Barnabas because that is the one that you can proceed to walk on immediately. The question as to what is appropriate must be viewed in wider terms.

Since I have no knowledge of aircraft whatsoever, I would not be in a position to comment on the merits or demerits of the particular Resolution. But as far as the Barbados Government is concerned, that is, providing a guarantee for a decision for others to make, it is not the Barbados Government who have the authority by themselves to decide which aircraft will be acquired — it probably has some input into it, but our input may not have been decisive — so at the level of this Resolution asking for parliamentary approval of a guarantee of the loan, I am willing to support it.

SENATOR THE HON. O'B. TROTMAN: The question of availability is only one point in the whole

argument. And whereas he was making the point for the 748s, there are just as many arguments which, according to advice, they have against the ATR 42. The ATR 42, the French plane, is an unproven aircraft, it has not been commercially tested yet. LIAT is a very small airline, and, really, it would seem a very privy decision to allow an airline like LIAT to be the guinea pigs for the French. The ATR 42 has not been tested, it has not yet got the certificate from the British Civil Aviation authorities, whereas the 748s are proven aircraft.

The ATR 42 is what they consider a weight sensitive plane and, therefore, it is going to give some difficulties in terms of flexibility of cargo, people and all those things. We are into short trips in and out of the islands. We are not doing runs from here to Antigua or Puerto Rico non stop, we are doing island hopping business. All suggestions point towards difficulties with an aircraft like that, especially in relation to the tail winds problem out of St. Vincent and out of St. Thomas, which has been raised. It is believed that if we did buy that aircraft, we would have to fly at about three-quarters of a plane load, because they are not sure that the plane could manage the winds of those two air strips. And because it is so light an aircraft, they even questioned, technically, the aircraft's ability to withstand the pounding that is involved in flying from St. Vincent to Grenada and Grenada to Trinidad every 30 minutes, up and down.

12.45 p.m.

It would be a real experiment for LIAT to be getting themselves in, and I do not believe that LIAT could risk being an experiment for the French manufacturers. If the plane was a plane which had had some credits behind it in Europe or somewhere else so that people could assess its performance, maybe it could be in a position to challenge the 748. But you are dealing with a proven aircraft on the one hand, one which people are interested in, and, on the other hand, you are dealing with an aircraft that is still in the lab, to put it that way. That is a real problem.

*The question that the Resolution do now pass was put to the Senate and agreed to.*

#### PENSIONS (PRIME MINISTER) (AMENDMENT) ACT, 1985

*Order No. 9 was called — To move the Second Reading of a Bill to amend the Pensions (Prime Minister) Act.*

SENATOR THE HON. N. A. BARROW: The history of this particular matter goes back beyond March 11, 1985; indeed, it goes right back to July 15, 1976 and it is as follows. On that day Cabinet concluded that the

Pensions (Prime Minister) Act, Cap. 11 and the Retiring Allowances (Legislative Service) Act, Cap. 12A should be amended to provide for payment to the estate of a Prime Minister, or any other legislator who dies in office, a gratuity for which he would have been eligible immediately prior to his death. It is a grim thing.

If a civil servant died in office, he was not eligible to receive his gratuity which everybody opts for in retirement, they opt to take the gratuity and a reduced pension, and the law was changed to enable any public officer or teacher, or any of those persons who are pensionable from the Treasury, to be able to receive that same gratuity to which they would have been entitled immediately prior to their death in the event that they did die in office. This, no doubt, is what prompted the examination of the position of persons who receive pensions by virtue of holding political office, and it was decided at that time that the two relevant Acts should be amended in order to make sense of nonsense.

Subsequent to the elections of September 1976, however, a Parliamentary Commission was set up to look into the salaries and conditions of elected officers and political office holders, and then subsequently a committee in the Other Place, and they hammered out what they should do. What resulted was that in 1979, in the Retiring Allowances (Legislative Service) (Amendment) Act 1979(42) a new Sub-section 5A was provided which reads:

"Where a person dies while he is a legislator and would but for his death had been eligible for a gratuity and retiring allowance under this Act, it shall be paid to his legal personal representative an amount not exceeding the annual salary of his substantive office or his commuted gratuity, whichever is greater.

So it was done then for all others, but a similar provision was not done in relation to Cap. 11. The Retiring Allowances (Legislative Service) Act is Cap. 12A, the Prime Minister's pension is provided by a separate Act, Cap. 11, and while Cap. 12A was amended, Cap. 11 was never amended, and it is only because of recent events that it has come to light that a Prime Minister was thereby put at a disadvantage, and his beneficiaries, as regards the position of the other legislators.

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

*The question was put to the Senate and agreed to.*

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

*Clauses 1 – 3 were called and passed.*

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

*On separate motions of Senator the Hon. N. A. BARROW the Bill was read a third time and passed.*  
12.55 p.m.

#### THE RETIRING ALLOWANCES (LEGISLATIVE SERVICE) (AMENDMENT) ACT, 1985

*Order No. 10 was called – to move the Second Reading of a Bill to amend the Retiring Allowances (Legislative Service) Act.*

SENATOR THE HON. N. A. BARROW: This Bill has in it a few points which are meant to pick up from where the legislation of 1979 really left off. Perhaps at the outset I should explain that the legislation which was passed subsequent to September of 1976 concerning pensions reduced the entitlement, but was meant not only to do that but to make a few other changes.

In the first place, before a legislator earned a pension after 12 years' service. The period was lengthened so that the full pension can only be earned now after 15 years' service, or three full terms. Then the qualification was that a legislator may earn not his full pension but half his pension. That period was increased from eight years to ten years, and the provision whereby a legislator could receive one-third of his pension after he had served six years was entirely removed.

On the other hand, it was intended, however, that a legislator could, by continuing his contributions, achieve his pensionable emolument if Senate service and the service recognised by this Act, which is service either as an elected Member of Parliament or service as a Minister, or service as a Parliamentary Secretary, could be added to that. So while, on the one hand, it made it more difficult for people to get a pension by making the time for qualification longer, it also at the same time took into consideration the important point that once you were in private life and continued to make your contribution, this was meant to ameliorate the other thing.

What happened was that the way in which the law was amended, the amendment produced a situation in which you would qualify to continue your contributions if you were a Member of the House. If you take, for example, someone who is a back bencher for one term only, but who then becomes a Senator, he may contribute and in that way earn his pension, notwithstanding that since he remained a back bencher his daily livelihood was uninterrupted. On the other hand, if you had given up your profession or job and had become a Minister or Parliamentary Secretary, at the end of the five years if you were in the Senate, even if you then continued in the

Senate, there was no way in which you could continue to develop your pensionability. Indeed, if you served nine years as a Minister or Parliamentary Secretary, there was no way you could earn that one year save by becoming an elected M.P., or by becoming a Minister or Parliamentary Secretary again, so the way in which the thing operated was that the persons who were then left exposed without an entitlement were the persons who would, in fact, have to go back and face the business of reconstructing their livelihood.

This was not intended, and therefore one of the functions of this amendment is to ensure that the principle that those who are subject to this Act should be able, by making their contributions to earn their eligibility during Senate service, be applied across the board and not just restricted to M.Ps.

That is not all. The Act also seeks to set something else right. If you had just entered the House of Assembly and happened to be the leader of the political party which wins the elections, and therefore on your first day in Parliament you become Prime Minister, Cap. 11 operates so that the Prime Minister would be assured of his pension. It is a non-contributory pension to which the Prime Minister is entitled, like a Governor-General. However, if you served for 20 or 25 years as a Member of the Other Place and made your contributions to your pension fund, even though you will not now be able to draw any pension on that fund, you are not entitled to get the money back out. Any other person who contributes to that fund is entitled either to a pension out of that fund or to have his money back out.

What this does also is to ensure that the same principle applied to other legislators would apply to a Prime Minister. He contributes, and since he cannot draw a pension — because the Prime Minister's Pension Act prohibits him drawing a pension under this Act — then he can be entitled to his contributions back, in the same way as any other Member who cannot draw a pension under it, but who has contributed.

Another matter which is dealt with by this Bill is the situation where the pension is at the highest salary during your period of service. Let us say that two people used to be Ministers in 1976. The one who was no longer in Parliament between 1976 and 1981 would have had his pension increased by whatever the increase is that the Prime Minister in his Budget Speech normally announces, whether it is five per cent or ten per cent. Let us say that they start each at \$100; this one would get \$110 and then another \$11 on to that or what have you, so he is at \$121 while this other is still at \$100. The one who remains in office now as an elected M.P. or what have you, because they both ceased to be Ministers, he, however, would not have had the benefit of those increments on to his pension, so when his former colleague would have been at \$121 he would still have been at \$100 if he could not draw his four or five years later. What this Act seeks

to do is to correct that so that the increment, as I recall it, would be imputed. So with the two people who retired drawing the same salary at the same time, no matter they retired at different times, one would not have an advantage over the other by virtue of an earlier retirement. 1.05 p.m.

There is an amendment by Clause 6 where there is no longer any need to make provision for members of the former Executive Committee. That necessity has now become spent. There are no longer persons of that category who can qualify for any such benefit.

Clause 4 just cleans it up by taking out the substantive office, because the qualifying period of not less than one continuous period of 90 days makes that unnecessary.

I move that this Bill be read a second time.

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

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

*Clauses 1 – 7 inclusive were called and passed.*

*On the motion of Senator the Hon. N. A. BARROW, the Bill was reported as having passed the Committee without amendment and Mr. PRESIDENT reported accordingly.*

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

#### CUSTOMS (AMENDMENT) ACT, 1985

*Order No. 8 was called — To move the Second Reading of a Bill to amend the Customs Act.*

SENATOR THE HON. N. A. BARROW: This one is a very routine matter. What happened is that legislation was passed, the Customs (Amendment) Act 1984–25, and then the Customs Transit Goods Regulations 1984, by which authority to issue licences to import and export arms and ammunition and all munitions of war transferred from the Ministry of Finance to the Ministry responsible for Security.

The Minister has his Permanent Secretary to carry out the administrative functions under that legislation, and for this reason it is necessary for a Bill to empower him to delegate the authority vested in him to his Permanent Secretary of Defence and Security to issue licences for the importation and exportation of arms, ammunition and munitions of war, including whole or in part of ship, submarine, aircraft, tank or other vehicles or material that are likely to be used for the purpose of the foregoing.

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

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

*Clauses 1 and 2 were called and passed.*

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

*On the motion of Senator the Hon. N. A. BARROW, the Bill was reported as having passed the Committee without amendment, and Mr. PRESIDENT reported accordingly.*

1.15 p.m.

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

#### THE RETURNABLE CONTAINERS ACT, 1985

*Order No. 2 was called – To move the Second Reading of a Bill to provide for the control of the sale of beverage containers, the payment of a deposit on beverage containers, a refund for the return of those containers and the final disposal of unused and unusable containers.*

SENATOR THE HON. N. A. BARROW: This Bill has its origin in environmental matters, and where in the Bill there is reference to the Minister of Health, I think that members may well be warned that it should not be surprising if at some future date the Bill comes for amendment, because it does require him to do certain things, as I recall, and the reference should be the Minister responsible for the Environment. But I think we just have to leave that until we come to it. We have it on the Statute Books. It means that the Minister of Health might for some time have to sign while the Minister responsible for the Environment does what has to be done. In fact, there is one instance where because of the way the Bill was drafted – the Attorney General always gets put in court, so you do not have to worry – I think there is something that has to be signed by the Minister of Health.

At page 3, it says Minister means Minister responsible for the Environment. The draft that I saw actually had specifically the Minister of Health; so I am glad to see that this has been caught. But I might still tell the Senate of a particularly funny little story where the Minister of Housing and Lands had the responsibility at a time when the Environment was with him, but the powers involved I think came under perhaps the Health Services legislation, and for certain things to be done the Minister of Lands has to act, the Minister of Health has to act and the Minister responsible for the Environment, in whom all the powers should have been vested, has to act. But we will get these things straightened out sooner or later.

In this case, the Act seeks to make provision for the control of the sale of beverage in beverage containers, the payment of a deposit on beverage containers, the refund for the return of those containers, and the final disposal of unused and unusable containers.

I think you will notice in copies of the Bill that the containers must be disposed of in an approved land fill area in a satisfactory way. The legislation has as its objective the protection of the environment from potential explosive growth in the use of cans and plastic bottles for the sale of various beverages, and therefore it attempts to put in place a system which is simple, virtually self-administering and yet cost effective.

It has as an objective, the removal of the alleged non-tariff discriminatory barrier on the local market to other CARICOM producers and distributors of these aerated beverages. Currently the Consumption Tax for soft drinks in bottles and glass containers is five cents per container and the tax on metal or plastic containers is 55 cents per container. The Minister of Finance and Planning has agreed to equalise the rate of the Consumption Tax at five cents per container, once adequate legislation is in place to protect the environment from indiscriminate disposal of such containers.

There are a number of things. It is not only these plastic containers, but I think we will all notice that one particular business house in Bridgetown is offering I think it is five cents for the return of certain bottles. The fact is that whereas local manufacturers already are doing their business by reference to a deposit for bottles, and figures indicate that what they are getting back is some 98 per cent of the bottles that went out using the deposit system if you imported certain other manufacturers from CARICOM, these bottles were not being taken back in, and therefore tended to become an environmental hazard that we are now seeking to protect against.

Section 2 seeks to define the major items. Beverage: the definition indicated that legislation is applicable to what is commonly termed soft drinks as well as beer and malt. Malt beverage is also defined as inclusive of ale and stout. Legislation was not designed to cover whiskey, gin, rum and similar alcoholic beverages. The provisions of the Act only apply to local consumption and excludes consumption aboard aircraft and ships. Beverage container as defined covers glass, metal, aluminium, steel or plastic containers of 3.8 litres or less in size.

Section 3 prohibits the sale of beverages in containers except by order of the Minister, the Minister being the Minister responsible for the Environment, and to permit such sale once he is satisfied that an adequate system for the recycling of the containers is in place, and such a system may be put in place by the distributor or the dealer or by a third party.

Section 4 provides for the redemption of containers by the distributor via a dealer in respect of those beverage containers sold by them. Containers may also be redeemed by any establishment offering to pay the refund value of a beverage container. In addition to the refund value of the particular container, Clause 3 of this section requires the distributor to reimburse the dealer or operator of the redemption centre no less than 20 per cent of the refund value of containers accepted by him from the dealer or operator.

Section 5 makes provision for the distributor, dealer or operator to refuse to accept any empty beverage container for which no refund value is fixed by this legislation, or contains a significant amount of foreign substance or which is broken in the case of a bottle or corroded or dismembered in the case of a can. Subsection 3 requires the distributor to accept such containers as specified in subsection 2, such as broken bottles and corroded cans, if the dealer had paid the refund value of the container to a redeemer.

1.25 p.m.

Section 6 provides for the disposal of unusable beverage containers. I mentioned that before.

Section 7 makes provision for the Minister to fix the refund value of a beverage container by order.

Section 8 permits the Minister to make regulations to assist in carrying out the purposes of the legislation in the offences in Section 9.

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

SENATOR C. D. SEALE: There are a few points in the Bill that have me a bit confused. I see on page 4, Section 3 (2):

"The Minister may, by order, published in the *Official Gazette*, exempt a distributor or dealer from the provision of this Act if he is satisfied

- (a) that any such distributor or dealer has in place an adequate system for the re-cycling of beverage containers;"

If the distributor or dealer can be exempted. I wonder why we have the Act in the first place. I do not quite understand that part of it. I presume 're-cycling' means that if he shows that he had an adequate system, it can mean paying the depositor something, then he is exempted. But then he does not have to pay the deposit, because if he gets exempted, he does not have to pay. I do not know, this Section seems to confuse me, and I hope the Minister would give me a little enlightenment on it.

In relation to the refund value, I would like to have seen it set up a little bit different, maybe specify the type of container or what container when it comes to the regulations, because the trade has its own little system of getting back in bottles, but they pay various prices. You would agree that if you put down an amount here, the consumer, at the end of the day, is going to pay for it. I do not think that the Government really wants to increase the price of beverages to consumers. I believe that we could get together somehow and set out in the regulations, the actual value of the deposit.

One of my favourite pastimes is to look into garbage cans and look at the garbage. I honestly do not see bottles or even cans. I see plastic bread wrappers, snow cone cups, tissue paper and plastic garbage bags. So I just wonder how this Bill is going to clean up the environment, because the things that are really fouling up the environment are not really covered by this Bill. I have no objection to the Bill as such, but I do not think it is going to help our environment any, for the simple reason that our environment is not now fouled up by bottles.

I noted that the Minister mentioned that the local manufacturer, I presume of beer — he did not say the word, but I presume he meant beer — get back 98 per cent of his bottles. The Minister did not mention though that the two per cent left represented some 20 000 cartons, because the yearly sale was in the vicinity of 1.2 million cartons. So if we do not get back two per cent of them, there are 24 000 of these cartons around. However, the yearly imports of the competing product does not exceed 50 000 cases, and if we have a lost only of two per cent, because the other people are taking them back, they only contribute 1 000 a year to the environment. The other people contribute 24 000 a year, but there are a set of people with a holier than thou attitude. You know, we are nice. We take back our bottles. We have been doing it for twenty-five years. But they have not been telling you that they have been leaving 24 000 out there for the public to break or throw around.

My point is not so much with that, because there is no real evidence in Barbados that the environment is being polluted by empty bottles or cans. The environment is polluted with the plastic bags. I think that we do not need an Act with a refund, I think we need to get the anti-litter laws working.

When I came here this morning, I drove up Broad Street and I counted about fifteen snow cone cups. I saw a couple of ice cream type cups. I saw a couple of the cups that you have when you go to the fast foods restaurant with the popular logo of a place called *Chefette*. I did not see any bottles. So what I am saying is that we have to strengthen the anti-litter laws. We have to go out there and we have to employ people who will

fine people for dropping, because those snow cone cups have been dropped by Barbadians. They are the people really that you should get at, not necessarily the manufacturer and the distributor, because there is no way in the world that you can manufacture and distribute a liquid unless you put it in some form of container; you cannot just get it done. Really and truly, there is no problem whatsoever in Barbados with things that are consumed in the household. They go out in the normal household garbage. The problem comes with what is consumed on the road, the bread, boxes of chicken and that type of thing.

As I said, I have no real objection to the Bill. We have been keeping to this over the years. We do a wonderful job. The rum industry has done an excellent job in Barbados in bringing back in its own bottles. In fact, what people do not really realize is that there are many people employed in Barbados in the bottle collection business, little small people. This will go on. We do not need legislation to get this done, because it is being done now. I have been in the business twenty — odd years, and certainly it has been done all that time.

I feel that a little more thought, when we come to the regulations somewhere along the line, should be put in there and something worked out. The refund amount is not 100 per cent. It needs looking at; if not, it is going to mean that the consumer of this country is going to pay more.

SENATOR THE HON. O'B. TROTMAN: Whereas I agree with Senator Seale that the cans and bottles do not at present cause any real environmental problem to us now, the Bill before us is here because we foresaw what could happen.

We have seen in other places where bottles and these cans are left all over the place. And whereas if you have one million bread wrappers, you could take them to the Pulverisation Plant and they all become so small, they are smaller than a book, it does not matter, when you are dealing with the cans and the bottles, you are in a different ball game.

We notice also that in Barbados we are suddenly getting more and more cans and more drinks and bottles marked, "No return, no deposit." A hundred per cent of those will not be returned, even if it is fifty. It is for that reason that we decided to stall what was, in fact, going to be a threat to the environment. People are beginning to talk of bringing the bottles, but the bottles come marked clearly, "No deposit, no return", throw away bottles to fill up the whole of Barbados. It was a matter of beating the system before it started.

We know the rum industry takes care of its own. The soft drink businesses in Barbados do the same thing.

But there is that threat that unless we do something now, we will have a whole set of empty cans and non returnable bottles in Barbados.

SENATOR THE HON. N. A. BARROW: I got lost along the way with Senator Seale's Mathematics. He said that 1.2 million cases put on the market by Banks every year would mean that two per cent would be 24 000 cases. Then, without saying what is the rate of return for the others, which is the 50 000 cases imported, he comes to the conclusion, which he inflicts on us, that there are only 1 000 of those cases every year. I would like to suggest by the same logic, that they could well be 50 000.

1.35 p.m.

SENATOR C. D. SEALE: On a point of elucidation. The other people who import have been taking back the bottles. For all the year they take them for \$1.20 a carton, and that is at five cents a bottle. I can show you evidence that my company has shipped out of this country some 8 000 to 10 000 cases of empty bottles since the beginning of March. We are responsible people. We do these things.

Mr. PRESIDENT: Do not make another speech. My understanding of what Senator Barrow said is that using the same comparison, he came up with the figures he had given.

SENATOR THE HON. N. A. BARROW: I understand that the Senator meant for us to use the same comparison, and I fully accept everything he said, because I used to hear that there was money in empty bottles.

I do not know whether it would be true to say, however, that before June last year when the draft Bill became the subject of discussion, the other dealers were taking the bottles back. I have reason to believe that they are now doing it. Hanschell Inniss is busy advertising that they are doing it, prior to that, I did not use to hear anybody advertising that they were taking them back, and I have a feeling that it is this very exemption clause, the fact that if you develop your own system for recycling, means that the Minister would not come down and say that you have to have a deposit of 25 cents a bottle. Senator Seale knows that 25 cents is the figure which has been suggested for the regulation, if not actually agreed. It is that figure of 25 cents a bottle that has proved a most terrible incentive to dealers to try and get their bottles back in.

I believe that what I am saying is true, otherwise I would not say it. I am sure that the Minister would like to believe that everybody puts an efficient system in place for bringing bottles back in so that he could exempt everybody. But if there are not those systems in place, then the environment suffers, and at that point the

dealers cannot be exempted. This business of exemption clearly started when argument was put forward that local manufacturers had for years operated a system which one could see did no damage to the environment and why, therefore, the question was asked about if they should be covered by the new operation.

We also have our own treaty obligations under CARICOM, and the legislation which have to apply to all or none. Consequently, in order for that recognition to be given to the fact that there were systems in place, an exemption clause had to be included. I think that is only fair, because what we are saying is that, since you already have an efficient system, there is no need for us to make you pay a deposit of 25 cents or what have you.

Senator Trotman has responded to the point about plastic bags, but I cannot resist the opportunity to remind Senator Seale of the design of those plastic bags. I remember that I was asked to give approval for the use of the national emblem on a particular bread bag, I responded that I really would not like to see the flag of Barbados with the broken trident peeping out of garbage bins.

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

*Clauses 1 – 10 were called and passed.*

*The Schedule was called and passed.*

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

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

1.45 p.m.

#### ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I move the Senate do now adjourn *sine die*.

Mr. PRESIDENT: Just before I put the question, I believe that due to the arrangements that are being made here, the dining room is not available or accessible, and I think arrangements have been made for honourable members to have their lunch at Queen's Park.

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

1.50 p.m.

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**McCLEAN, A. W. A.**

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**TROTMAN, Hon. O<sup>TP</sup>**

**YEARWOOD, H. E.**