

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, December 13, 1989.

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, December 13, 1989, at 11.25 a.m.

PRESENT

His Honour Senator Sir Frank L. WALCOTT, K.A., O.B.E., LL.D., (President);

His Honour Senator M. deL. JORDAN, (Deputy President);

Senator the Honourable L. V. H. LEWIS (Minister of State in the Prime Minister's Office), (Leader of the Senate);

Senator A. MORRISON;

Senator N. W. BOXILL;

Senator D. A. COMMISSIONG;

Senator Mrs. V. C. FRASER, B.S.S., J.P., M.C.F.A.;

Senator Mrs. G. L. EASTMOND;

Senator A. J. N. PHILLIPS;

Senator J. C. W. WICKHAM, M.B.E.;

Senator the Reverend Canon I. McK. JONES;

Senator Mrs. P. Y. FORDE;

Senator J. S. GODDARD;

Senator Dr. L. L. SHOREY;

Senator the Honourable Dr. C. D. CLARKE (Minister of State in the Ministry of Finance and Economic Affairs);

Senator A. W. A. McCLEAN and

Senator Miss V. P. BRATHWAITE.

Prayers were led by Rev. Canon Dr. Lionel Crawford, SCM.

Mr. PRESIDENT: The Senate is in session.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: Message from:

"HIS EXCELLENCY THE ACTING GOVERNOR-GENERAL TO THE HONOURABLE THE SENATE

His Excellency the acting Governor-General has the honour to inform the Honourable the Senate that His Excellency the Governor-General, Sir Hugh Springer, GCMG, GCVO, KA, CBE, will be absent from duty during the period 23rd November, 1989 to 3rd January, 1990, due to illness.

Under the provisions of section 29 (1) of the Constitution, the Chief Justice, The Honourable Sir Denys Williams, GCM, will continue to perform the functions of the office of Governor-General during Sir Hugh's absence.

D. A. WILLIAMS
Acting Governor-General.

GOVERNMENT HOUSE
BARBADOS
21st November, 1989."

PRESENTATION OF PAPERS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I am commanded to lay the following documents:

The Rate of Interest (Amendment) Order, 1989.

The Rate of Interest (Section 4 Exemption) Order, 1989.

The Duties, Taxes and Other Payments (Exemption) (No. 3) Order, 1989.

The Duties, Taxes and Other Payments (Exemption) (No. 4) Order, 1989.

The Report of the Accountant-General for the Financial Year 1988-1989.

The Annual Report of the Barbados National Training Board for the period April, 1985 to March, 1986.

**MOTIONS RELATING TO THE BUSINESS OR SITTING OF THE SENATE AND
MOVED BY A MINISTER**

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that the Senate agrees to the Suspension of Standing Orders 45(1) and 45(2) to enable us to proceed with the public business today.

The question that Standing Orders 45(1) and (2) be suspended was put to the Senate and was agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I crave the indulgence of the Senate to introduce:

A Bill to provide for the Administration and Management of the St. Joseph Hospital and for related matters.

FIRST READING OF BILLS

On the motion of SENATOR THE HON. L. V. H. LEWIS the following Bills were read a first time.

A Bill to amend the Juvenile Offenders Act, Cap. 138.

A Bill to amend the Retiring Allowances (Legislative Services) Act, Cap. 12A.

A Bill to provide for the implementation by Barbados of the Agreement for the Establishment of a Regime for CARICOM Enterprises and for related matters.

and:

A Bill to provide for the Administration and Management of the St. Joseph Hospital and for Related Matters.

PUBLIC BUSINESS

ORDER NO. 1 – RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION BY THE CROWN OF LANDS AT THOMAS GAP, PRESIDENT KENNEDY DRIVE FOR THE PURPOSE OF THE IMPLEMENTATION OF THE NATIONAL URBAN LOW INCOME HOUSING PROJECT.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Resolution seeks approval for the compulsory

acquisition by the Crown of certain parcels of land described in the Schedules to the Resolution, Schedules 1 – 8.

This acquisition is in pursuance of Government's Urban Low Income Housing Project. The specific areas are known as Thomas Gap in the parish of St. Michael and the Ministry of Housing's intention is to develop and use this area as a testing area for the provision of shelter and for the upgrading of residential areas. This project will also respond to the need for providing sites and services programmes for low income households.

The project at Thomas Gap will cover the area of approximately 6 725.7 square metres. It will provide approximately 50 houses and 10 house spots for relocation of houses which are already within the project area.

Works will aim at general overall improvement to the infrastructure, that is, the roadways, footpaths, drainage work and electric supply.

The programme is being carried out under both the Tenancies Freehold Purchase Act and the Land Acquisition Act both of which would have already been in vogue in respect of these acquisitions.

Notices have been published and the work is well underway.

I beg to move that this Resolution be passed.

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support the Resolution, I should like to say that Government should be rather more consistent in its approach in matters pertaining to housing. This Government was elected on a mandate which concerned itself with creating an environment where more people would be able to afford housing. That was part of the logic behind the reduction of income taxes.

There is a situation today, Mr. President where it will prove exceedingly difficult for many people to get mortgage loans and indeed bridging finance and where they can get mortgage loans they will still have problems with bridging finance.
11.35 a.m.

The reason for this has to do with certain restrictive measures which have been put in place by Government in recent times in pursuit of what they perceive to be the protection of the foreign reserves. Because of the restrictions on lending to the personal sector, with no exceptions as to the type of lending, it means that commercial banks are not now in a position to advance bridging finance to persons who may have had an agreement with some other institution to obtain a mortgage.

In addition to that, because of the increase in the interest rates, the mortgage rate of 9% is a bit unrealistic in terms of the cost of funds to trust companies and so on. Of course, the solution is not to increase the mortgage rate, because if you do that you are going to put the cost of mortgages beyond the capability of many persons who ought to be able to get access to mortgages. The fundamental solution is to revert to an environment similar to what obtained a year or so ago, or even earlier this year, that is, where interest rates are rather lower than they are now and where there are no particular restrictions on commercial bank credit to the persons lent to.

Those particular measures (by now Government should be aware) are not the appropriate measures to deal with the foreign exchange problem. The way in which Government has to deal with that is to stop borrowing money from the Central Bank to finance the Government deficit, and to the extent that they drew down \$111 million from the Central Bank during the period 1st April to 30th September, they will also have to reverse that.

I have noticed in the latest issue of Economic and Financial Statistics, for the month of November, I think, that Government has actually repaid about \$60 million of that money to the Central Bank during the month of October, but quite clearly it is entirely likely that they would have resumed borrowing from the Central Bank during the month of November and maybe during this month. They need to stop that. Without that, nothing they can do by way of increasing interest rates or imposing whatever type of other restrictions on the economy will solve that problem.

The Central Bank of Barbados lost its capacity to lend to the Government when that \$140 million more or less disappeared within the CMCF and when \$90 million was spent on the construction of the headquarters building on Roebuck Street. That is slightly more than the amount that the Central Bank could reasonably have lent to Government net, so to speak. Removal of that renders the Central Bank totally incapable, and any money lent by the Central Bank to Government will have to be matched by Central Bank borrowings from foreign institutions.

Mr. PRESIDENT: I do not want to stop you, Senator. I did not have the Resolution; it has not been handed out. But from what I have heard of the Resolution it is seeking permission to acquire land, so I would like you to deal with the matter that is germane to what the Resolution seeks to do and do not let us go to cover the whole world.

SENATOR A. W. A. McCLEAN: Mr. President, I am not covering the whole world; the Resolution relates to an initiative by Government to acquire land in relation to a housing project to provide housing for poor people. I am talking about the provision of housing for poor people. I indicated a particular event or set of events which would

have resulted in a problem in the area of the provision of housing for poor people in the country generally, and I am indicating that that particular event was unnecessary. First of all, it creates a problem in relation to the provision of housing and it is not going to solve the problem that it sought to address. So I am still relating back to the whole matter of the provision of housing for poor people.

Mr. PRESIDENT: This is for the acquisition of land, so I do not think there is any conflict there. If land is being made available I think you should be able to build houses. If there is no land available, even if you can get the money cheaply, I do not think you will be able to build.

SENATOR A. W. A. McCLEAN: If you have the land and you cannot get the money, you cannot build either.

Mr. PRESIDENT: That will create the argument. But this is not for that now, this is the acquisition of the land.

SENATOR A. W. A. McCLEAN: Yes, Mr. President. You need money to acquire land and I am talking about money to put persons in a position to acquire not only land but houses also. Anyhow, I essentially said what I wanted to say in relation to that matter – that the credit restrictions and the increase in interest rates would have made it impossible for many people (who six or eight months ago would have been able to go forward and acquire a mortgage) to own their own homes, or to grant a mortgage on a property to own their own homes. A lot of those people are disqualified and do not have access to that possibility at the moment. The reason why they do not have access is because of a misguided policy on the part of Government, and Government should desist from such policies.

I thank you, Mr. President.

SENATOR D. A. COMMISSIONG: Mr. President, I rise to support the Resolution and I intend to confine my remarks very narrowly really to the Resolution.

I think it is clear to any right-thinking person that Government must play a primary role in the production of housing for the citizens of this country. Over the last 30 years successive Governments have recognised this responsibility and we have seen commendable improvements in the housing stock of Barbados through the efforts of the National Housing Corporation, the Ministry of Housing and the Barbados Mortgage Finance Company. This is very necessary, because housing cannot simply be left to the vagaries of the market place.

Our philosophy of democratic socialism tells us that Government must play its role in converting these human needs into economic demands and in diverting the capital resources of the country to this particular area of human

development. So I am very happy to see that this type of project is coming on stream in a very depressed urban area.

Thomas Gap on President Kennedy Drive is an area that is popularly known as Vietnam, and I think the term "Vietnam" speaks for itself. If you visit the area you would see that the road is bad, if it can be termed a road at all. You would see that there is a dire need for street lighting, and in general a dire need for the upliftment and redevelopment of the area. I was pleased to hear that Government will not only be putting down houses or providing house spots, but will also be upgrading the whole Thomas Gap area and I am sure the residents of this area will welcome that news.
11.45 a.m.

Mr. President, I have had the occasion over the last eight months or so to come into close contact with the people from these urban areas, and it is safe to say that there is a pervading feeling of neglect amongst these people. Many of them feel that the society, the institutions of society, even governmental institutions have neglected them and their needs. And one of the major areas of concern is this whole question of housing, and the substandard housing that prevails in many of these depressed urban areas. So this type of initiative by Government, this national urban low income housing project must be seen as a priority in any right thinking Government.

It is not only the people of Thomas Gap who have pressing housing needs. We also have other depressed areas in the Bridgetown area (the Pondsides area for example) and I am happy to see that something is happening there. The Emmerton Lane area – and I intend to take this opportunity to call to Government's attention the neglect that the residents of the Emmerton Lane are suffering and continue to suffer. The sewage plant was put down there and the residents of this area were promised that they would be removed. Quite a number of them have been removed but there is still a significant number of houses in the Lakes Folly/Emmerton Lane area where the residents over the past seven or eight years suffered daily the stench of the sewage plant and they have not been given any indication recently as to when they will be moved or where they will be moved to. Perhaps with this new housing project that will soon be commencing at Thomas Gap, some of these residents from the Lakes Folly/Emmerton area could be relocated there. I don't know if this is the intention or thinking of the Ministry of Housing, but these people have a real plight. I don't think we can broadcast it often enough that for seven or eight years these people have had to live with the daily stench of a sewage plant that often causes them to run out of their houses and go to some other area for relief. Little children have to grow up with that stench and really and truly the needs of these people must be seen as a priority by the Ministry of Housing.

There is also the question of the residents of Church Village who too have been told many years ago that they would be moved, and nothing has happened. The distressing thing from their point of view is that they are not being given information. Many people in these three areas I have mentioned – Church Village, Emmerton, Pondsides are in a quandary. They don't know whether to do renovations to their houses; they don't know whether to build on toilets or baths, because they don't know if tomorrow they will be told that they have to move. I am making a plea here to the Ministry of Housing to treat the residents of these three areas as a priority.

Many of them are only asking for some information. They only want to be given some indication as to when they will be required to move and therefore to be able to make plans for their immediate and long term future. So in commending the Government and the Ministry of Housing in taking this initiative to come to redress the needs of the residents of Thomas Gap, I would also like to remind the Ministry of the pressing needs of the residents of these three areas and indeed of other depressed areas in the Bridgetown area.

Having said that, Mr. President, let me reiterate that I support this Resolution.

SENATOR Miss V. P. BRATHWAITE: Mr. President, I too wish to add my voice to those persons who have risen in support of the Resolution before us this morning. My intervention at this point, Sir, will be very brief and concerns solely the question of the infrastructural development of the area under consideration. The Leader of Government Business has drawn our attention to the fact that the provision of these houses and housing spots will also include the provision for an improvement of the infrastructure, the road building, foot paths, roadways, drainage, electricity services.

I wish, Sir, to specifically speak to the cost of road building as it relates to not only this particular project, but road building generally in Barbados. This, Sir, represents a significant cost to Government in the provision of the improvement of areas such as the ones which we are discussing today. Now, Sir, I just wish to draw Government's attention to the fact that the cost to the company which provides these petroleum based products which are used in road building, specifically asphalt, should probably be inquired into to determine whether or not Government is really getting the best price that can be obtained. Sir, the Government is provided at periodical intervals with the gate prices for gasoline, diesel and other petroleum-based produce which are refined by Mobil Oil or which are imported into this Island by Mobil Oil.

It is my understanding, Sir, that gate prices are not provided for asphalt, and the agreement with Mobil Oil (Barbados) Limited will be under active consideration for

review and probably re-implementation. So at some time during the near future, if such a process has not started already ... And I wish, Sir, to draw Government's attention to the fact that perhaps in discussing and reviewing the agreement and determining whether or not such an agreement should be revalidated, that maybe a good bargaining position for Government would be to enquire into the price at which these products are provided to Government, so that the price can be viewed against the background of the cost of these products, and it may in the long run represent a significant saving to Government where road building works are concerned. Thank you.

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

THE JUVENILE OFFENDERS (AMENDMENT) ACT, 1989.

Order No. 2 was called - To move the second reading of a Bill to amend the Juvenile Offenders Act, Cap. 138.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill seeks to amend the Juvenile Offenders Act, Cap. 138 in order to provide for the abolition of the death sentence in cases of persons under the age of 18 years. It is a straightforward amendment to the existing Act, Sir, and this Bill proposes to delete section 14 of the Juvenile Offenders Act and to substitute the section as set out in the Bill before us.

There has been a lot of discussion, Sir, in Barbados relating to the wisdom or otherwise of abolishing the death sentence for persons under the age of 18. Suffice it to say that there is an international convention on civil and political rights, Article 5 which states that sentence of death shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women. Although Barbados was a subscriber to the convention, the Laws of Barbados have not been amended to make this provision; so that this amendment seeks to give effect to that matter.

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

SENATOR Miss V. P. BRATHWAITE: Mr. President, I rise to laud Government's effort in this regard. I support the Resolution in principle. It has for a long time been one of the burning issues which confronted me at a personal level the question of the imposition of the death penalty on persons under 18 years of age - and I wish, Sir, to commend Government on moving to remove the pronouncement of the death penalty on such persons.

I state, Sir, that I support it in principle because my major query here questions the appropriateness of bringing

the proposed legislation as an amendment to the Juvenile Offenders Act, Cap. 138.

My reasons for this are these:- The present legislation Cap. 138 was designed to deal specifically with those persons who are juveniles at the time of trial. The law defines such persons by separating them into two categories. Firstly, those persons who are under the age of 14 years old who are termed children and, secondly, those persons who are 14 years and upwards but under the age of 16 and those persons for the purposes of the Juvenile Offenders Act are called young persons. So that we have children being 13 years and under, young persons who are persons 14 years or 15 years old.

The present Section 14 (that is of the existing legislation, Sir) already provides that the death penalty should not be pronounced on such persons (that is, persons who are under the age of 16 years old at the time of trial).

The proposed legislation before us this morning deals with persons who are under the age of 18 years at the time of the commission of the offence. So we are looking at two distinct periods, persons who are under 16 years old at the time of trial and persons who are under 18 years old at the time of the commission of the offence.

Sir, the proposed amendments extend the category of persons against whom the death penalty shall not be pronounced. It now goes further than the 15 years old. It goes up to 17 years of age. Persons who are up to 17 years of age cannot have the death penalty pronounced against them and my main reason for questioning the appropriateness of placing the Bill as an amendment to the existing legislation is that this particular Act does not deal with persons aged 16 years or over.

The legislation is compact. It is complete as quite specifically it relates to children, young persons and the juvenile court which is the court that deals with proceedings which are brought against such persons, 15 years and under.

The Juvenile Offenders Act, therefore, has no application where the person is 16 years or over at the time of trial. Such persons cannot be tried in the Juvenile Court so you have a situation where an adult may be brought to trial, tried in the manner in which an adult can be tried. But because the offence was committed when that person was under 18 years of age you then have to refer back to the Juvenile Offenders Act to enable us to determine whether or not the death sentence can be pronounced against that person.

I will give you an example, Sir. A person who is brought to trial at 19 years old cannot be tried under the Juvenile Offenders Act even though the offence may have been committed when the person was under the age of 16.

The existing legislation only has application where the person, at the time of trial, is under the age of 16.

I think that the proposed amendment might more appropriately be brought elsewhere such as the provision that does away with the pronouncement of the death penalty on expectant mothers as it does in Cap. 153 of the Laws of Barbados, which is termed the Sentence Of Death (Expectant Mothers), and provides that the sentence of death should not be passed on pregnant women.

I think that this amendment to the legislation might more appropriately be brought in circumstances such as the Chapter which I have just cited so that it leaves the Juvenile Offenders Act intact and we do not really need to meddle with it; because the persons for whom that Act provide are already taken care of, as it were, in the existing Section 14.

Sir, I want to move on to the question of the preventative aspect of the law as it relates to young persons. The Bill before us this morning deals with measures which relate to the punitive measures relating to our youth.

This society ...at the moment we have heard of gangs and rumours of gangs. Despite the denial of their existence, or despite the attempt to whittle down its strength in terms of numbers, or the severity of their action, or their weapons, there is a prevailing climate of restlessness and lawlessness among a significant proportion of our young people. There is a concomitant uneasiness amongst persons generally in the society as a result of this behaviour.

Two of the major contributors to this ennui and violence which now seem to characterise the behaviour of our youth, are the unemployment problem, the drug trafficking problem together with the lack of proper role modelling in the society, Sir.

I think that Government was looking at the punitive measures which should prevail against our young people but should act swiftly as far as preventative measures are concerned to nip this lawlessness in the bud before it takes firm root.

I wish also, Sir, in this regard to address briefly the whole question of law and order in our society especially as it relates to our young people. We need to address as a matter of urgency the legitimate concerns of the Police Force. We need to update their methodology and equipment so that our law enforcement agencies may keep pace with the modern and sophisticated methods being used by drug traffickers.

12.05 p.m.

We need to call upon the Government to view as a matter of critical importance the immediacy of this problem. To recognize also, Sir, that, where the morale of a country's police force is at such a low ebb, its members feel

that they have come to the point where the Minister responsible for Legal Affairs must be reminded of their concerns publicly, then there is grave and imminent danger lurking in our society, Sir.

I wish to urge Government to act swiftly to address the legitimate demands of the police force. The Minister responsible must rethink very seriously the ramifications of the recent police action. Reports of the deliberation of the just concluded Police Association Conference constitute a vote of no confidence in the Minister. If I were he, Sir, I would quickly recognize and appreciate the only honourable option open to me, the only honourable way in the way I must go. Sir, if I were the Minister I would resign as a result of what is currently happening to this country.

Mr. PRESIDENT: Honourable Members must not be too alarmed if I give some people a little scope or latitude, if not I would be entering Debates too frequently. That is not my road. I realize that some people do stray from the straight and narrow path. That was provided for in the Holy race. We have to live with these realities.

SENATOR D. A. COMMISSIONG: Mr. President, I rise to support this Bill. It is something that I feel very strongly about as well. Indeed about a year ago, I started doing quite a bit of research on this whole issue of the death penalty and in addition how it relates to juveniles and I had even contemplated bringing a similar amended Bill myself, Private Members' Bill.

I laud Government for what they have done in moving the death penalty for juveniles, minors under the age of 18. This is in keeping with a worldwide trend, and we are merely falling in line with a number of other countries that have adopted the United Nations Convention on political and civil rights. I think that it is right and it is just. I have never liked the prospect of the death sentence being imposed on someone under the age of 18.

I know that when this measure was passed in the House of Assembly there was a lot of public debate about the timing of the measure. There were a lot of wild allegations made in public about the lawlessness of our young people. I do not want to deny that we have problems with discipline among our young people and crime among our young population. But I think that a number of us in this society are blowing the problem out of proportion. I should just like to quote some statistics from the Report on the Probation Department for the year 1987. I believe this is already a document of this Chamber. The Probation Report states that the juvenile population group during 1987 was approximately 45 766 persons. Then it goes on to note the number of cases brought against juveniles – the number of cases brought against juveniles mind you, not convictions – for the year 1987 and there were 70 cases brought against males, 23 brought against females, a total of 93. For example, of those 23 brought against females, 15 were for

wandering, 2 for larceny, 2 for breaking and entering, 1 for unlawful deeds, 1 for resisting a police officer.

So the point is, I think, that if we do not have the figures and statistics before us....

Aside.

SENATOR D. A. COMMISSIONG: I am sorry. You have to address the Chair. If we do not have the statistics before us, we can tend to lack perspective in a number of the comments that we make. As I said before, I am not in any way minimizing. We do have a problem. I am not minimizing the problem.

But when this measure was passed in the House of Assembly we were getting comments that now this measure is passed young people will be going out there and committing murders because they can no longer be sentenced to death and what have you. I think that these comments were really unjustified. They are unjustified because if one examines the statistics, one will find that very, very few persons convicted of murder are under the age of 18. Very, very few. It is true that a significant proportion of murder convictions are people in their late teens 18, 19 and in their 20s, a significant proportion. I am not even certain whether it is the major proportion, although it is fair to say that the vast majority of people who have the death sentence imposed, who are actually hanged tend to be young people in their 20s or late teens. If you look at the figures you will scarcely find the actual imposition, the actual hanging of a middle aged or elderly person.

But the point is that in that age group under 18 you will find very, very few who are either charged with murder or convicted of murder. In fact there are some authorities in Barbados who maintain that certainly in the modern period, the last 30 years or so that no one under the age of 18 has been hanged as a result of a murder conviction. There seems to be a little controversy over it because Amnesty International maintains differently. They maintain that at least one juvenile did have the death penalty imposed against him. And there is some controversy over the age of the young man who recently had his death penalty commuted Michael Taylor, over his exact age at the time of the offence.

But suffice it to say that you would search the records long and hard to find youngsters under the age of 18 who are even charged with this crime of murder. So we need to get this whole issue into perspective.
12.15 p.m.

Let me conclude this trend of thought by saying that we are moving in the right direction when we remove the death penalty for people under the age of 18. Mind you, a 17 year old, or a 16 year old, or a 15 year old is a person still developing. In fact, if you check the records at the

Prison you will find that a number of young persons who were convicted of murder (I am talking about people in their teens) and who had their sentence commuted to life imprisonment are today model prisoners at Glendairy. They have acquired constructive skills and are playing a constructive role at the Prison and in the community work of the Prison as well. I got this information from the Prison authorities themselves, so these are facts that we need to bear in mind.

The basic point I am making is that a 15 year old is a person still developing and we would really have to think long and hard before determining that a person at that tender age is no longer of any use to this world, that that person should be exterminated. I think we are moving in a progressive manner when we remove the threat of the death sentence from minors under the age of 18.

Mind you, there are many people who make the argument that there is nothing wrong with having the death penalty there, because it is only invoked in Barbados in the most serious cases; that even though in Barbados every person convicted of murder is given a mandatory death sentence, yet when you look at how the cases are treated after that you find that it is only in the most serious cases, the most gross violations, that the sentence is actually imposed. In the vast majority of cases the sentences tend to be commuted. In fact, I believe that if you look at the statistics over the last 30 years you will see that only 12 persons have been executed in Barbados. Only five have been executed since 1980, and three of those were executed in October 1984. In fact, since 1984 I do not believe we have had any executions; so we have virtually had a temporary stay of the death penalty since 1984.

These are things we need to look at, because obviously this amendment of the Juvenile Offenders Act only relates to minors under the age of 18. But clearly the time will come in Barbados when we will have to look at the whole issue of the death penalty, whether we retain it, and if we do retain it, whether we retain it in the present form. There are a number of alternatives. As I pointed out before, right now in Barbados there is a mandatory death penalty. Once you are found guilty of murder the Judge has no discretion on whether to impose a sentence of hanging or a sentence of life imprisonment. In a number of jurisdictions wider afield a distinction is made. For example, you have a distinction made between first degree murder and second degree murder, first degree murder being the most heinous type of murder – murder committed during the commission of crime, murder committed against Police Officers or Prison Officers, law and order figures, as opposed to the less serious "types" of murder – the so-called crimes of passion, the personal relationships that go sour and quarrels that develop in the heat of the moment, perhaps in a moment of temporary insanity a killing is committed. A distinction is made between the two categories and it is only for the most serious category that

the penalty of death is imposed. For the less serious category a penalty of life imprisonment is imposed.

The point I am making is that I believe in the not too distant future this is a debate that this country will have to go through. I am not at this moment expressing an opinion one way or the other; but I am saying it is a debate we will have to go through. Many other countries have gone through this debate. Indeed, even the country from whence our common law came, our law relating to the death penalty, the United Kingdom, has gone through that debate on at least three occasions since 1970. They have repealed the death penalty, they have brought it back, they have repealed it again, they have brought it back and they have agonised over it. I believe it is only a matter of time before we too have to take a serious look at it.

As I said, there are a number of alternatives we will have to consider when that time comes. We will have to consider very carefully the whole question of rehabilitation, the whole question of what is the purpose of a prison. This is something I do not think we have considered seriously enough in Barbados. We just tend to put people in Glendairy and forget them and we are not thinking seriously enough about what really is the purpose of a prison. It is to punish, yes, but it is also in my submission to rehabilitate, and we need to consider very carefully whether we are doing enough to rehabilitate.

We need to consider also the whole question of parole for prisoners; because if we acknowledge that rehabilitation is one of the objectives of our penal system, then we have to be aware that there comes a time in the prison life of a prisoner undergoing a programme of rehabilitation when the rehabilitation effect is at its peak; and after that it begins to decline and the prisoner eventually regresses into a state of low self-esteem and low opinion of himself.

12.25 p.m.

In modern thinking on this whole question of rehabilitation and parole, there are many experts who believe that there comes a time in the prison life of a prisoner when his rehabilitation is at its peak. It will not get any higher, indeed it will regress, and that is an opportune moment for making a change and perhaps giving the person an opportunity to get back out into society and begin to make a contribution once again. Of course there are restrictions and safeguards when a prisoner is brought back into society under a parole regime. But the point is that these are things that we are going to have to look at very carefully; and I myself think that this whole question of two categories of murder is perhaps something that has a lot of merit in it. Because where the death penalty is imposed, even though it is later commuted to life imprisonment, there is a very long interim period before that commuting is done. The convict has to go through a whole system of appeals to the local Court of Appeal, to the Privy Council in the United Kingdom and finally to the local Privy Council or

Mercy Committee in Barbados, and the whole process tends to take a number of years. In fact, you will find that a number of the murderers who recently had their sentences commuted would have been convicted in 1982 or 1983 and this is 1989. So some six or seven years would have elapsed and perhaps I would not be surprised if some of them are even earlier than that; and all this time the convict is in maximum security, is living with the nightmare of a perhaps imminent imposition of death. And the literature on this clearly establishes that a lot of these people suffer tremendous emotional and mental stress to the extent where they are rendered insane. In fact, I think that the studies on this clearly indicate that a very large percentage of the people who are actually executed are executed in a state of insanity. By the time they have reached the date of the execution, they are insane. I therefore think that the whole question of first degree and second degree murder has some merit in it, because it means that persons who are not in the long run going to be executed in any event would be spared the nightmare of having that sentence hanging over their heads for seven or eight years, and the possible consequences of that waiting period of insanity or some other form of mental psychosis.

With those remarks, Mr. President, I once again congratulate the Government for taking this step in removing the death penalty on minors – people under the age of 18. And let us clearly understand what the Government has done here, because the law in its present form clearly states (and I think Senator Brathwaite referred to this in her address) that the sentence of death can be imposed where a person has committed an offence even under the age of 16. As I understand our law presently, a 15 year old could be sentenced to death. If the crime is committed at the age of 15 and the trial takes place after the 16th birthday and the time for sentencing is after the 16th birthday, that person can be sentenced to death for a crime committed when he was under the age of 16. And mind you, it is common knowledge in the legal profession that trials for murder normally take at least a year before they come on for hearing, when you go through the whole process of preliminary enquiries. Therefore under our present law now it is possible for people who committed crimes when they were 15 years old or perhaps even younger to be hanged for those crimes. So let us understand clearly what this amendment is doing, because as I understand this amendment, it is saying that once you are under the age of 18 when you commit that murder, you will not have the sentence of death imposed upon you.

There has been a lot of hysteria about this. But people need to understand that the law is not saying that you will not be sentenced to death and that you will be let free. You will have a very, very long custodial sentence imposed upon you. You will perhaps be subjected to a life imprisonment and this is something that in the public debate a lot of people have tended to lose sight of; you will

have a long period of imprisonment. So I just conclude by congratulating the Government once again. Thank you.

SENATOR N. W. BOXILL: Mr. President, for my 44 years of supporting the DLP this is one time that I find it rather difficult to support them in this Bill. Let me make it explicitly clear that I am not looking for any favours; I am not looking for any hand claps; I am not running for any office. So what I am saying I am saying from my heart. I cannot agree that a person who arms himself with a knife or a gun, breaks into your place at 2 o'clock in the morning and commits an offence such as killing you, should have back his life whether he is eighteen, eighty or eight. He knew what he was doing before he went into your house. He planned this; this is nothing that happened spontaneously. He did not arm himself with the knife to come at you to peel an orange or a piece of cane; so he came with one thing in his mind – murder. If you happen to get up in your own house not knowing that this scamp was in your place, you go to your washroom or something like this, this man meets you and plunges the knife into your stomach or your heart or some part of you and kills. Do you expect me then to ask that person's family to pay taxes into a society to feed that scamp in prison? Something would be wrong with my brain. I cannot support it.

Senator Goddard here can vouch for what I am saying. He went almost close to death with a similar incident. Senator Eastmond also went close to death. Is it fair for us because we want to play that we are more civilised, and I heard the two speakers who spoke before me talking something about civil rights. Since when a murderer has civil rights and the murdered had no civil rights? What about the people whom they killed. Had they no rights? How is it that we have all this sympathy for people who deliberately set out to kill people, but we have no sympathy for the people whom they kill? Don't tell me that hanging people is not going to stop people from killing. I don't want to stop people from killing because you hang them, I want to stop that scamp from being able to kill somebody a second time. They will say that statistics have proven that by hanging people murders have not been any less; statistics have not proven that by not hanging them murders have been any less either. Let us be realistic. Do not let us get emotional about this nonsense and come in here talking about this is this great thing. I can't laud this sort of behaviour. My view is that if you set out a plan to take a life, you should forfeit your own. That is how I see it, and I can't see what benefit we will get when right now we can see what is happening in this society. Before this these people know they will be hanged if they commit the crime and they will commit the crime, what do you think is going to happen if they know that they are not going to be hanged. If the threat of hanging did not deter them, do you think that removing the threat of hanging is going to deter them any less? Some thing has gone wrong with us in this society. Somebody has come down here and want to tell us how to run our affairs. But we can't tell them how to run theirs.

Because if I had to answer that chap who raised this thing when the conference was held here about why we don't stop hanging, I would ask him why they don't stop poisoning the water and killing out the natives. We have got to be realistic in our approach to these things. I can sympathise with a person who gets into a fight with another person and happens to use a bit more force than is necessary and that person dies. I can also sympathise with what we call crimes of passion. But when a man plans and plots and deliberately arms himself and he does not come through your front door, but breaks and enters your home and then kills you, could it be fair for me to then expect your family to pay taxes to a society to get this fellow fat? Don't tell me he would get thirty years. Because if a man at eighteen commits murder and gets thirty years, when he comes out he is 48 years, so he is still a young man. Do you know how many things I was doing when I was 48 years, Mr. President? Let us be realistic in our approach to these things.

12.35 p.m.

You will notice, Mr. President, the two former speakers who spoke before me are both lawyers and lawyers have some misguided idea that they do not like capital punishment because they are looking for their belly. But I want to know if a crime takes place against the same lawyers' families how they would feel, if they would go and represent the criminal then? It is a different ball game all together.

The next thing I heard Senator Comissiong talking about rehabilitation of these criminals. I would like to ask Senator Comissiong which of these rehabilitative criminals he wants married to his daughter or which one he is going to let his son marry. Do not worry about all this hypocrisy in this society. People always want to tell you that he is going to make a better man out of this criminal. But all this better man they want to make out of the criminal all of them are segregating the man. They do not want him in their society. Let us be realistic.

So you are spending the taxpayers money to rehabilitate this man ... And as I have said here before, most of these people eventually become recidivists. You play you are nice to them but what I am going to ask all of them who are in favour of this thing ... Let us assume a chap kills somebody at the age of 17. He is sentenced to death; but two days after he goes into Prison he kills a warden. Do you mean you are going to give him another life so that fellow gets three lives and I only get one and I am trying to live straight and in the narrow path? What am I hearing at all today?

You give this man life imprisonment so two days after he goes in Prison he kills a warden so you give him another life. And after he goes back in he kills another warden or somebody else so he goes on killing all the time. So we are not going to stop that fellow because the society is against

hanging and people expect me a sane person to support that sort of behaviour?

As I said before, it is possible we all make mistakes and I can sympathize with people who happen to use more force than is necessary and somebody dies as a result; that person has my sympathy. But you are going to tell me that when a fellow plans and plots and breaks into somebody's house, terrorizes the family... The Senator who spoke before me talked about how these people up on death row how they are terrorized because they are waiting for the rope: that is their business. They deliberately planned the thing so they should pay the penalty for it.

I cannot see what kind of society we would be building. Right now we have a lot of lawlessness going on in this society and I would like to laud the Commissioner only on this point when he advocated bringing back flogging them. But he did not say what to flog them with. They would go up there and flog people with tamarind rods, and children getting flogged with tamarind rods. My idea is the cat-o-nine-tails or the bull pisle, the most effective weapon you can ever find.

I agree with this flogging because you have to do something about it but I do not agree with carrying them up to Glendairy and flogging them either. You can say I am antiquated; I am old-fashioned; you can say I am backward; I am an anarchist, you can call me whatever you like. Flog them on the Garrison Pasture a Parade morning or Race Day. This is not a joke. I am serious about this. Those who know me know that I am always advocating flogging.

Drastic actions need drastic measures and if people can deliberately plan and plot to commit crimes, the state has to protect the people. Are you going to wait until I have to protect myself and then you charge me for killing somebody? Because it will boil down to that. Why does not the state start doing the right thing now.

You cannot go on talking about 18. What is this big thing about 18 years of age? The 18 year old can vote. So if he can vote why can he not pay the penalty for the crime that he commits. I cannot agree with that.

As I said before, everybody who commits murder on the ground of what we call crime of passion has my sympathy. A fellow who gets into a fight and uses more force than is necessary, he has my sympathy. The law is there for that. But when a fellow deliberately sets out and plans for days he may be screening your place, casing the joint, as it were, and then he breaks into your place, not knowing – that you might be home, or your mother might be home, or somebody might be home, but in order not to be apprehended, he commits an offence like that and kills somebody, you are going to tell me... You do not expect me who works and pays taxes in a society at my old age to feed

that scamp to get fat because when ever they come out from up there they are fatter.

As I said before, if a man under the age of 18 kills and he goes up there and he gets 30 years, when he comes down you realize that he is either 48 or less. So he can start life all over again. He can go and kill again. I am not saying that by killing them that is going to stop them from committing murder. But I am also saying that by not killing them is not going to stop them from committing murder either.

Therefore, Mr. President, as I said before – I do not want to get too hot on the issue. It hurts me that my party will bring this Resolution before the Chamber and I am not going to vote against them. But I am not going to vote for it. I am making it quite plain. I will not support it and I want it go down in history that I had the guts of my feeling to say how I feel about the whole issue. I cannot condone this sort of behaviour in our society.

Something drastic has to be done in order to make these young people.... Do not tell me they cannot get employment. Mr. President, when I came along as a youngster, there was not a lot of employment. Do not ever believe that there is any less unemployment today than it was when I was a youngster coming up. But I always tried to walk the straight and narrow path.

Most of the people of my time tried to walk the straight and narrow path. Nowadays the youngsters seem to think that the world was made for them and them alone. We do not have any say in it. We do not have a right to be around here. So, therefore, the quickest thing they can tell you when you get into an argument with them is, "You do not know you want killing." So what do you think they are telling you that for? Just for the sake of saying something? They mean it.

I will even go further. I have known an incident where... I hear Honourable Members talking about they hope the death penalty will soon be abolished? I have known of an incident where a murder was committed first and then the place was rifled. Now, you are going to tell me that these people do not know what they are doing? Am I to sit down here as a legislator to agree to give back these scamps their life after they have taken a man's life?

Look at Stollmeyer. Look at you, Mr. President. Look at Senator Goddard. Look at all of us in here. All of us have made a contribution in this society. You mean then a fellow who has not made any contribution at all is to come and take us out of the society and then you are going to tell me that your family is to pay taxes into the same society to keep those fellows fat and good?

People are going to say I am all right because it has not happened to me. I am all right because any of my family have not got killed either. But if anybody kill my

family I do not know if there is going to be any trial for them. It may be a trial for me.

It is all well and good for the lawyers to be talking. This is no offence to anybody. When I say lawyers I mean lawyers in general and I would say that the only lawyer that we ever had in agreement on this part of hanging, strange enough is Sir Grantley Adams. He agreed with me 100% as a lawyer. Mind you, he is a lawyer who was trying to get off people that committed murder and he felt that they should be hanged. If he felt that they should be hanged, how about me that was not a lawyer?

Mr. President, with those few remarks I say again, I repeat myself, it hurts me that in the first time of my 44 years of supporting the DLP that I have to speak against a Resolution that they bring in here and that I cannot support it in all consciousness. I would have to be unconscious to vote for this Resolution.

I thank you, Sir.

Applause.

SENATOR Dr. L. L. SHOREY: Mr. President, I wish to make only a few remarks on the subject before this Honourable Chamber. I would like to lend my support to the measure. I think it is a desirable one.

12.45 p.m

Enough has been said for and against it. The arguments I do not think need to be repeated. I believe it is timely. I would wish to commend Government for its acting in this respect.

I should like to associate myself immediately with the concerns expressed by Senator Brathwaite. I think that they are shared by all of us. Again I do not know that there is need to expatiate at length on the kinds of problems we are having in the society. They are pretty self-evident.

Finally, Sir, I thought that Senator Brathwaite made a very reasonable suggestion about the way in which this measure could perhaps more appropriately be enshrined in the law and I would wish to commend that recommendation to the Government.

SENATOR A. W. A. McCLEAN: Mr. President, the Opposition has taken the view that this matter is a matter on which Parliamentarians should vote on the basis of conscience. I myself am supportive of the proposal, not because of any significant proposal which I attach to the age of 16 and 17, but because of a more general abhorrence of the idea of capital punishment. I personally believe that a society defiles itself when it should choose to hang people or execute people in whatever way for murder or whatever criminal offences. And therefore it is in those terms seeing this as an attempt towards reducing the scope of the

application of capital punishment, that I am supportive of the particular legislation. At the same time, however, I fully accept that other people are entitled to opposite opinion. It is not a matter of logic. It is a matter of your beliefs, your fundamental views on the matter. So you cannot really, in any reasonable or successful way, argue with a person who is committed to the idea that capital punishment should be retained.

What I would say however is that the law in this area as indeed in all areas should be expressive and as far as possible, if not of the national consensus, of the predominant view within the society. Therefore, I think that at some time in the not too distant future Government, be it this one or a subsequent one, should afford Barbadians the chance of expressing their views on capital punishment in the form, of a referendum or some similar device just to indicate whether or not the law as it stands now has the majority of support with the citizenry or whether it does not have such support.

I do not believe that any Government irrespective of its majority should take it as a matter of party policy to impose such changes. It should seek to reflect the predominant national position on the matter. It can only do this by explicitly putting the question to the people and asking them to decide as to whether they want to retain capital punishment in its present form or if they want to have two types of murder, one which will impose the capital punishment penalty, and one for which you will impose another penalty, or whether you do not want any capital punishment at all.

My vote will be cast on the side of no capital punishment, not because I do not have the same revulsion as Senator Boxill to an intruder killing someone and so forth, but at the same time, that revulsion does not extend to my wanting to do something which is perhaps equally or even more revolting than the particular offence of the intruder.

There are some people who, in a premeditated way will break into your house and decide well when I come out whoever is in there would be dead. But most people when they break into your house probably have no such intentions. Perhaps being surprised and whatever goes on in the exchange, that leads to a fatal incident. And that is of a lesser order, in my view, than a society quite deliberately deciding that they are going to take a person's life. I do not think any of the legal principles about retribution acting as a deterrent or any of these things are adequate to support such an extreme type of measure. For me, I would support anything which goes in the direction of eliminating capital punishment.

But I do agree that we must be concerned about certain extreme forms of deviant behaviour, about psychotic people, about people with a not so well developed sense of

social responsibility or no conscience at all or no respect for human life. We need to find ways to protect the society from them. But we can do that without taking the person's life. I do believe that when we take a person's life in such a setting that we do violence to our own psyche.

Thank you.

SENATOR THE REV. CANON I. McK. JONES: Well, Mr. President, I did not intend to speak at this time but I want it to be clearly known and heard that I will never agree to the abolition of capital punishment. As a clergyman, I am saying that and I stand by that. I really cannot understand how people can just sit idly by and say that you must not hang people of a certain age. I am not talking only about the 18 years old but any person who killed another person.

In my humble opinion, if he does as Senator Boxill says, you are in your home, like what happened to Stollmeyer in Trinidad. You want to tell me a man goes into another person's home at 2.00 o'clock in the morning or something and killed him and damaged somebody else in the house too. The man dies. A man who has performed creditably in cricket, in business, has been a sociable person, done a lot not only for Trinidad, for the West Indies and he goes and loses his life by some criminal.... And you tell me that that criminal must get off when this man has lost his life, his wife has become a widow, his children have become fatherless.

And you want to tell me now, as Senator Boxill said - and I agree with him - that the same people, the relatives of the same deceased person have to help to keep that person in jail and feed them day after day. I cannot accept that. I do not care who else accepts it. I do not agree with it.

These Amnesty people that come around talking, I used to have some of them coming to Harrison College. I think Senator Comissiong was there too some time... come telling you about you do not hang people at all. I asked them, "Look if you go home and you find your wife and your daughter dead, and you know who it is that has killed them, you are going to tell me now that you, as a worker, must pay money to keep that fellow alive and your wife and your daughter are dead; and you want to tell me that can be right?" I can never see that; I will never see it and I do not care if they say I am a clergyman and I have no right saying this. That is what they can say. I do not agree with abolition of capital punishment.

They say that in some countries where they have capital punishment that there has not been a lessening of the number of people who have been killed. But as Senator Boxill said, if when you know you are going to be hanged you are still going to go out and kill people, when you know you are not going to be hanged, what are you going to do? Obviously. Common sense.

Look I do not have any more to say about this. I just want it to be recorded that I will never accept, as a priest, the abolition of capital punishment.

SENATOR Mrs. G. L. EASTMOND: Mr. President, I am afraid that I cannot support the Bill. I agree with what Senator Boxill has said as well as Senator Ivor Jones.

I know only too well, Mr. President, what it is to come into your house and know that someone is waiting to kill you and say, you have to die. I know that feeling. They were young people. And if these young people can be sent by persons, this thing can happen in our society and increase more and more, and more and more. And people will be killed in their beds or they will be waiting in ambush for them. What are we coming to?

I say there are cases that we could look and say well, perhaps they were kids playing together and something happened. But when grown people want to get some people out of the way and will pay the youth to go and kill them and then these young people can be given just a few years... As Senator Jones said, we have to feed them. My money as a taxpayer then will be feeding them and keeping them and already the life is gone. I cannot for anything support this.

I think that crimes committed in passion or something happens suddenly, you get into an argument and anything like that should happen, okay, Mr. President. I do agree with that. Serve life imprisonment. Get a few years and that is it. But not when young ... Because the young people today at 13, 14, 15 up to 18, even younger than 13, they know what they are doing. They are more experienced than the old time people like me. In my day the parents were more strict and you had to be upright and prim and proper. You had to go to church as often as possible.
12.55 p.m.

But today even if they go to Church they go to Church maybe looking at girls and looking for this and looking for that. I have never seen so much crime in all my life; only now I am seeing it.

I do not want to go into a broad thing, because it is painful for me to be talking about this. I really will have to abstain.

Thank you.

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. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR M. deL. JORDAN in the Chair.

Clauses 1 and 2 were called and passed.

On the motion of SENATOR THE HON. L. V. H. LEWIS, the Bill was reported on and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. L. V. H. LEWIS the Bill was read a third time and passed and cited as the Juvenile Offenders Act, 1989.

SUSPENSION OF SITTING

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that this sitting be now suspended and that we resume at 2.00 p.m.

The question was put to the Senate and agreed to and Mr. PRESIDENT suspended the sitting accordingly. 1.00 p.m.

ON RESUMPTION

ORDER NO. 3 - BILL TO AMEND THE RETIRING ALLOWANCES (LEGISLATIVE SERVICE) ACT, CAP. 12A

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill which would amend the Retiring Allowances (Legislative Service) Act, Cap. 12A is aimed at clarifying the law relating to the pension contributions which are payable to a legislator who served in the Senate before becoming a legislator.

A legislator is defined as a member of the House, a Minister, a Parliamentary Secretary, the Speaker, the Deputy Speaker, the Chairman of Committees and the Leader of the Opposition.

An amendment to this Bill was introduced in 1979 which made provision whereby a person who ceased to be a member of the House and subsequently became a member of the Senate would contribute towards pension at the rate applicable to an ordinary member of the House who is not the holder of an office as specified. In 1985 a provision was further introduced so that a person who had served in the Senate before becoming a legislator, that is, before holding office as a Minister or Parliamentary Secretary, or before becoming a member of the House of Assembly, would opt to have his Senate service taken into account, but the amendment did not make it clear what contribution such a person should pay.

What this Bill now seeks to do is to put the matter beyond a shadow of doubt and to state very clearly that where a person who had served as a member of the Senate subsequently becomes a legislator, that he shall pay in respect of the period of service in the Senate at the rate of a member of the House during that same period. This now puts the contribution payable beyond a shadow of doubt, but there is also a provision in the law which permits the

Minister of Finance to give a time period or extend the time period during which the option to contribute may be exercised. That is what this Bill seeks chiefly to do.

The other matter which the Bill seeks to correct is an error which crept in when the laws were consolidated; and although the law to be consolidated stated that the pension which could be paid to a legislator could be paid from age 50, the consolidated law stated that it was 55 years. This was an error which is now being corrected at section 3 of the Bill before us.

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

SENATOR A. W. A. McCLEAN: Mr. President, we have but one objection to this Bill and it is a significant one. It has to do with the age at which a legislator is entitled to a pension, age 50. We believe that that is altogether too early for a normal pension to be payable in the circumstances that relate to legislators. We do believe that 65 would entirely be a more appropriate age. Of course, we note that the legislation makes provision for early pension on medical grounds, and indeed although we have not yet given careful consideration to it, if there is any reason other than medical grounds why a particular individual should on compassionate or humanitarian grounds be granted a pension, we believe that that can be taken care of other than making it a general rule that everybody should get a pension at age 50.

Most legislators at age 50 are still young, able-bodied people. If you look around at the number of 50 year old legislators we have at the moment, to contemplate the prospect of their going on pension, I do not think it is appropriate that we should conceive of a situation where legislators or parliamentarians falling in that category of Ministers or Members of the House of Assembly should find themselves entitled to a pension at as early an age as 50 when most people are perhaps now beginning their parliamentary careers, and most of those people are still contemplating parliamentary careers even if they find themselves out of Parliament temporarily, maybe permanently. But they would not know that until they try two or three more times.

We believe that the age for pension should relate more generally to the circumstances under which legislators normally serve and to what generally obtains in the country in relation to pensions. We note that a parliamentarian has no upper limit as to when he can try to become a parliamentarian. Public Servants have to retire at a particular age and so on and cannot continue in their jobs. But legislators can seek to continue as legislators as long as their lives and the electorate would entertain them.

That is about my particular contribution, Mr. President.
2.15 p.m.

SENATOR THE REV. CANON I. McK. JONES: Mr. President, I want to share those sentiments because I myself feel that 50 is much too early for these strong looking Parliamentarians to be receiving pensions. After all, medical science has done so much for health that people of 60 and 70 now look like people of 40 and 50. You know, years ago as soon as a person reached 40 you used to say they were getting old. But nowadays when you call a person of 40 years old they want to know if something is wrong with you. We are told that the average age of life for an adult male is somewhere in the range of 67, whereas before it was in the fifties. So medical science has done a lot for the improvement of health, and I think a man at 50 is still a very strong person; and I don't see why he should be getting any pension at that age. Plus the fact that the generous allowances that are made to Parliamentarians. You know one of our former Attorneys-General used to use this phrase fairly often, "Home drums beat first". And it would seem to me that Parliamentarians look after themselves first. As much as they talk so much about helping the masses, the home drums beat first. They look after themselves first. For example, I have been looking at this Cap. 12A, Retiring Allowances, and this is what I have come up with. I see that elected Parliamentarians, not nominated Senators, after six years are entitled to one-third of their salary as a pension. After nine years they are entitled to a half of their salary, and after 12 years they are entitled to two-thirds of their annual salary as their pension.

Now you know, Mr. President, that for the majority of us workers in this country we have to put in 33 1/3 years to get a full pension. But these Parliamentarians in six, nine or twelve years can still get some pension. That in my view is very generous. Then when you add to that that if contributions have been made by a Parliamentarian towards his pension and for any rhyme or reason he should cease to be a Parliamentarian, he can get a refund of all the contributions that he has made up to the time that he has retired, plus at 4 per cent interest. You don't hear about that with any of the civil servants or any other persons being able to get a refund for any contributions they made to anything like that. So I think that the generosity that has been shown here in the pensions is adequate, and I don't see why at 50 years a man should be allowed to get a pension when as I said he is generally vigorous and able to carry on his work in some other field and so on. I would agree with the former speaker, Senator McClean, that the age should be much higher than 50. I would go along with him and put it at sixty at the minimum. I would say 55 or 60 but certainly not 50 years. Thank you.

SENATOR N. W. BOXILL: Mr. President, may I ask the Honourable Minister whether this is automatic or does the Parliamentarian have to write a note to the Accountant General saying that he is authorised to take out this money or not. I know whereof I am speaking; because if he does not do this (and I think this happened with Louis Tull and Nigel Barrow) if he does not write giving permission to

deduct his money, he is not entitled and is liable to be left outside scrambling. He has to write the Accountant General authorising him to deduct this amount of money from his salary and so forth; so I would like to know if it is automatic or if he has to do this still.

SENATOR Miss V. P. BRATHWAITE: Mr. President, I rise to place on record the fact that I cannot support this amendment to the Retiring Allowances (Legislative Service) Act, Cap. 12A.

Sir, in introducing this Bill the Honourable Minister stated that this Bill is meant to clarify the present legislation. I wish to submit with respect, Sir, that there is nothing in the present legislation that is in need of clarification. What the Bill in fact seem to seek to do is to extend the categories of persons and the period in which they may make contributions for the purposes of receiving retiring allowances at the end of a certain period specified in the Act.

Sir, there are three qualifying period in the Act. Firstly we deal with the period during which contributions can be made. And with respect to the matter immediately before us today, Sir, the old section 4(1B) of the old legislation enabled a person who served as a Member of the Senate other than specified legislative office, but who subsequently became a legislator, to make contributions while he remains a legislator. The new proposed section 4(1B) extends that period purely at the discretion of the Minister of Finance. Such a person may now make contributions for the purpose of receiving a retiring allowance not only while he remains a legislator but for some period after, which period the Minister of Finance alone can determine. This means that people who cease to hold office as a legislator can still back-date contributions for the purpose of receiving a retiring allowance. My major concern with this particular aspect of the legislation, Sir, is that it confers wide discretionary powers upon the Minister of Finance, and there are absolutely no provisions made for any fetters to be placed upon the exercise of that discretion. It can lead, Sir, to the emergence of an iniquitous system, a system of questionable *bona fides*.

SENATOR THE HON. L. V. H. LEWIS: I hope that the Senator is not suggesting that it can go beyond any period that a period is either in the House or the Senate, when you are talking about wide, iniquitous, whatever you are saying. Because surely nobody within the bounds of reason could imagine that any legislation could contemplate something like that. The person has to be a Member of the House or Senate, and in this case only during a period as Senator that it speaks to.

SENATOR Miss V. P. BRATHWAITE: Sir, if I can quote for the purpose of elucidation, the new section 4(1B) states:

"Where a person who has served as a member of the Senate other than in a specified legislative office, subsequently becomes a legislator, he may while he remains a legislator or within such further period as the Minister of Finance approves in writing for the purpose of receiving a retiring allowance in respect of the time which he served as member of the Senate and at his option exercisable in accordance with subsection (d) become a contributor in respect of the period during which he served as a member of the Senate."

Sir, we are not in this Honourable Chamber to determine the imagination of others. Whether or not the exercise of a discretionary power can in some circumstances be imagined or otherwise, we have to deal with the legislation as it is drafted before us. Where there are inconsistencies, where there are matters that seem unreasonable or unwise or unjust, it is our duty to point these out to those persons who are placed in the appropriate circumstances, and if they so desire they can make the appropriate changes. I am dealing specifically with the legislation before us as drafted.
2.25 p.m.

It states specifically that a person may make contributions within such further period as the Minister of Finance approves in writing. It does not go on to state or to qualify that this period must be such as to make the person still to be in the House of Assembly, still to be in the Senate. It is a plain statement with a semi-colon at the end of it and no further qualifications are placed thereon.

I am submitting, Sir, that as drafted, the proposed amendment confers wide discretionary powers on the Minister of Finance and no provisions are made for fetters or any sort of circumscription of those discretionary powers. And I wish to suggest that this creates a system of questionable *bona fides*.

I wish to move on, Sir, to the second qualifying period with which the Act deals. It deals with the minimum period which must be served as a legislator before a retiring allowance can be payable and that, Sir, is found in the present legislation at section 5(1)(a); and that provides that a retiring allowance shall be paid to any persons who have served as legislators for a period amounting in the aggregate to 10 years or for two full parliamentary terms amounting to a period of 8 years or more, whichever is less.

That, Sir, has not been changed by the Bill before us. So that we have a dichotomous situation where persons can make contributions for an extended period of time but the period with reference to why a retiring allowance can be paid remains fixed and I do not know if this has been overlooked or it has been considered and dismissed.

But you can have a situation where persons contribute for 10, 20 years for the purpose of receiving a retiring allowance. But if they have not served at least 8 years as a legislator, they still cannot have the benefit of retiring allowances. Because what the Government has not done has amended Section 5 (1) (a) to bring it in line with the proposed Section 4 (1B).

This is the second period to which we make reference, first the period during which contributions can be made, secondly, the minimum period which must be served as a legislator for the purpose of receiving a retiring allowance, and the third period relates to the age at which these retiring allowances can become payable. This has been changed by the Bill before us today.

The new section 5 (1C) reduces the age at which these allowances can be payable to 50 years old and as Senator McClean stated earlier (and I must concur wholeheartedly therein) I cannot support a reduction of the age for which persons are payable at 50.

The Honourable Minister and leader of Government Business stated that the present legislation was a mistake in the first place. I wish also to suggest that the proposed Bill is also a mistake.

SENATOR THE HON. L. V. H. LEWIS: On a point of order.

SENATOR Miss V. P. BRATHWAITE: An error, I think. I am sorry if I misquoted. I think the word he used was "error". I wish to suggest that it is also an error in this respect because rather than lowering the age it should be waived.

The majority of persons in this society upon whom ultimately the legitimacy of Government depends have to wait until 65 years of age to receive a meagre old age pension. And I think it more than equitable that persons should also wait until 65 years of age before they can receive their pensions.

Not to mention, Sir, the fact that person who holds office in the Senate other than in legislative position are also in the enviable or, perhaps, unenviable position where they may also hold other substantive positions of employment for which they can also receive gratuities and pensions. So you have a situation where a person can be in the Senate, hold another substantive job, receive pensionable benefits from that job, become a legislator and also receive a pension with respect to that service as a legislator.

I wish to urge upon the Government that the age rather than being lowered to 50 should be raised to 65. But, all in all, it seems to me and I wish to submit that the whole of the Retiring Allowances Retiring Services Act needs to be

revised. And I do not think that it would be too soon if Government were to turn its attention at some time in the future to a revision of this Act.

Finally, Sir, the salaries of Parliamentarians are pegged to those of persons in the General Civil Service. And (the point which Senator Jones was making earlier) they are on par with salaries, but the pensionable rights take off in a different direction. Some persons have to wait 33 and $\frac{1}{3}$ years to receive pension and legislators have to only serve a minimum period of 8 years to receive such a pension.

I think with those few remarks, I wish to restate that I find it difficult to support the Bill before us.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I would have hoped that the comments made at the outset would not have to be repeated but since they obviously did not sink home I need to restate them.

The first is that Parliament when it passed the original provision for a retirement age determined that it should be age 50. This did not happen last week, last year or, indeed, any time within the last three years. It happened some time ago, 10 years ago. And it is in an effort to correct an error made at the stage of consolidation of the laws that the whole question of 50 years finds itself in this Bill.

It is not a change. It is correcting an error which was not spotted when the consolidation was completed. I see no basis, therefore, for any argument by me to justify the age of 50 years.

With regard to the other amendments proposed by this Bill, it is necessary to give a responsible public official, as is found in other Pensions Acts, the power to extend and to grant time during which a person who is legitimately entitled to make a contribution to make that contribution in the event that through no fault of his own he was unable, in the first instance, to make such a contribution.

The position at the present is that a legislator is bound to contribute. He does not have any option. He must contribute. If a legislator finds himself in a position that having contributed he then becomes a member of the Senate, he can automatically continue to contribute.
2.35 p.m.

If on the other hand a person had served 10 years in the Senate or 20 years and then found that he became a legislator he could only contribute, before this Amendment, for the period that he was a legislator at the rate that the particular post he holds would permit him to contribute at a percentage. He would therefore lose the opportunity of being able to benefit from pensions for the previous service before becoming a legislator.

What this Bill seeks to do therefore is to allow the Minister of Finance to grant that legislator the opportunity to go backwards and pay a contribution in respect of his service in the Senate during a period when he would not have contributed because there was no obligation to contribute. But it facilitates the service of that person and allows him or her to receive a pension. The same thing happened when the National Assistance came into being and the same thing happened when this original Bill came into being. Because Members of the House of Assembly were credited with service although they made no contribution, in order to facilitate them receiving a pension which bore some relationship to the length of service that they had given.

Now 50 years may be a young age for some people to draw pension. I know several persons who having served in the Public Service drew a pension at age 50. So there is nothing unique about this. Well they would not draw it at 49 unless it is on medical grounds. But at age 50 they can qualify for a pension. So that this is nothing unreasonable.

In addition the periods of service for pension will depend on the periods of contribution, not the periods of service including Senate service, but the periods during which a contribution was paid. And certainly... You may shake your head but I know that as a fact. That is the only period during which the pension can be payable in respect of a period for which the contribution was made. And the contribution can only be made in respect of service in the House of Assembly or in the Senate.

The pension, to answer another question which was asked, contributions are automatic, if the person holds a post of legislator. If a person was a Member of the Senate before becoming a legislator then the Minister of Finance must authorize the period backwards during which that person can contribute in order to facilitate the pension. The contribution is then payable at the rate which an ordinary Member of the House of Assembly would have paid at that time. So that persons may end up having to pay a substantial sum of money in order to qualify for pension. But even then, after 6 years' service a person may qualify for $\frac{1}{3}$ pension, $\frac{1}{3}$ of his monthly salary as pension. After 9 years, $\frac{1}{2}$, and after 12 years $\frac{2}{3}$ pension. It was sought to equate this $\frac{2}{3}$ pension with the same $\frac{2}{3}$ pension that a public officer would have received after $33\frac{1}{3}$ years service.

All I would say is that those of us who are critical of this, let us put in 10 years of legislative service and then weigh it against the $33\frac{1}{3}$ years which somebody else may have put in. Measure them, dollar for dollar on economic grounds and you will find out who is worse off, even after receiving a pension in respect of only 10 years service.

With those very brief remarks, I beg to move that this Bill be read a second time.

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

On the motion of SENATOR THE HON. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, His Honour M. deL. JORDAN in the Chair.

Clauses 1 to 3 inclusive were called and were passed.

On the motion of SENATOR THE HON. L. V. H. LEWIS, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. L. V. H. LEWIS the Bill was read a third time and was passed.

CARICOM ENTERPRISES BILL, 1990

Order No. 4 – Bill to provide for the implementation by Barbados of the Agreement for the Establishment of a Regime for CARICOM Enterprises and for related matters

SENATOR A. MORRISON: Mr. President, the purpose of this Bill is to give legal effect in Barbados to the Agreement for the Establishment of a Regime for CARICOM Enterprises. Sir, this Agreement for the establishment of this Regime came into being on the 11th October, 1988 following its ratification by 4 Governments Antigua and Barbuda, Guyana, Jamaica, St. Kitts and Nevis and St. Lucia. That was necessary in order to ratify the signature of 4 Governments to make it come into force at that time.

Barbados signed this Agreement on the 6th February, 1988 and we are now seeking to have it ratified by our Parliament by the necessary domestic legislation.

To give the Senate a brief background of this Agreement, it was first opened for signature some time by all member states of CARICOM in the second half of the year 1977. Barbados became a signatory to the Agreement at that time in September 1977. However, Sir, since the signature of the Agreement by most CARICOM member states, it was agreed by CARICOM that the Agreement should be amended at that time to provide that airlines owned by Governments or nationals of CARICOM states which provide services to, within and from the region could be designated CARICOM Enterprises.

This Amendment, Sir, to the Agreement took some years before it was approved by all of those member states who were signatories to the Agreement. However the Amendment eventually received the necessary approval by member states and the Agreement was opened for necessary ratification.
2.45 p.m.

In November 1986 a Bill to give effect to the regime for CARICOM enterprises in Barbados as set out in the Agreement was introduced into our Parliament. However, this Bill had to be withdrawn in view of the fact that Heads of Government had decided at their 7th meeting in Georgetown that the Agreement should be reviewed in the light of the long period which had elapsed since it was originally drafted in 1974. The original Agreement was accordingly revised by CARICOM officials and the revised Agreement was approved by the CARICOM Council in October 1987. As was mentioned earlier, Sir, Barbados signed the new Agreement on 6th January, 1988.

If I may give you a few points about the purpose of the Agreement, Sir, this Agreement is a new instrument of the Common Market. It is designed to encourage and facilitate the mobilisation and utilisation of available resources within the region for productive purposes. According to the terms of the Agreement a CARICOM enterprise is defined as a business venture that is regionally owned and controlled which brings together the resources of CARICOM countries for the production of goods and services in key sectors of the regional economy in order to achieve maximum economic development through the deepening of production integration.

At the same time the regime takes cognisance of the continuing need of the member states to utilise foreign resources and technology, and also it establishes a principle that nationals of member states should have the majority of equity capital to such enterprises.

The existence of an effective and efficient function of a CARICOM enterprise can enhance the bargaining power of the countries involved in securing foreign technology on more favourable terms, as well as the realisation of economies of large scale production, thus facilitating competitive penetration of extra regional markets.

I think, Sir, we should also note that such Enterprises are not necessarily confined to production of goods. There are certain services like banking, consultancy services and construction whose development can be greatly assisted on a regional joint venture basis.

The CARICOM enterprise regime aims at encouraging the creation of such joint services. It is believed that this Agreement will give impetus to the further development of the region's industrial and servicing sectors through broadening the scope for intra regional economic co-operation. These areas in which CARICOM enterprises can now operate include air and sea transportation, banking and financial services, construction and engineering, consultancy services and international marketing.

Sir, Article 12 of the Agreement for the establishment of this regime for CARICOM enterprises provides, among

other things, that the CARICOM enterprise shall have full legal personality in every member state in which it is registered as such as if it were a company incorporated and registered under the general statutes relating to the incorporation, registration and management of companies. The Article also provides that in the exercise of its legal personality in any member state in which it is registered, a CARICOM enterprise shall not be regarded as having a separate personality from that which it enjoys in another member state in which it is also registered. And accordingly member states will provide that the appropriate courts of any member state in which the CARICOM enterprise is registered shall have full and concurrent jurisdiction over the affairs and all the assets of the Enterprise wherever situated in those member states.

I should also like to mention, Sir, that provision is made in the Agreement for the supervision of a CARICOM enterprise. Such supervision is to be undertaken by the Authority as defined in the Agreement and the Registrars of member states performing their statutory functions or such other body or persons as each member state may designate for the purpose. Each member state has undertaken to assist the Authority by taking such action as may be necessary to ensure –

- (a) that CARICOM enterprises carry on their business within the purpose and scope of the regime;
- (b) that subject to Article 8, all CARICOM enterprises are managed and controlled by nationals of member states; and
- (c) that CARICOM enterprises are not in gross or persistent violation of the provisions of the regime.

The necessary local regulations governing the operations and conduct of CARICOM enterprises registered in Barbados should be brought to Parliament very shortly.

Sir, there are certain benefits to be derived by Barbados in this whole enterprise. It is considered that Barbados would benefit immensely from participation in the CARICOM enterprise regime, since it would now permit Barbados' capital and other resources to be invested, together with resources of one or more member states, in different parts of the Common Market and in the form of a CARICOM enterprise.

In the services area, Sir, such as consultancy, financial services, construction, engineering and marketing, we expect that Barbados will do fairly well. Already there is a number of firms and business people who have been pressing the Ministry of Trade, Industry and Commerce to have the necessary enabling legislation passed to permit them to capitalise on the benefits offered under this regime.

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

SENATOR J. S. GODDARD: Mr. President, of necessity I will be brief because my voice is not in very good shape. But I rise to support this Bill which is implementing this Agreement to form the CARICOM Enterprise Regime for joint ventures that should assist in the economic development within the present CARICOM region. This is very badly needed, especially in the changing world in which we now find ourselves.

CARICOM is only a market of roughly four and a half million people; and before CARICOM is really and truly effective CARICOM is almost obsolete.
2.55 p.m.

The groupings that are taking place in the world today require careful study. We are seeing free trade agreement between the United States and Canada creating a market in excess of 250 million people. We are seeing the European Common Market coming into being by the end of 1992 creating a market of 320 million people. And with the developments now taking place in Eastern Europe, we don't know what effect that may have on Europe 1992, whether it would enlarge it or form a new trading bloc. It is not beyond the realm of possibility at all that the trading bloc between Canada and the United States could extend to Mexico and Central America. And we would be within CARICOM 4 1/2 million people as a small trading bloc within the Caribbean region facing a North American trading bloc of Canada, the United States, Mexico and Central America which will be 350 million to 400 million people, and a European trading bloc of at least 320 million people. And if Eastern Europe comes in, you are going up to 400 million.

You also have the loosening up of the economy in Russia, moving away from a centrally planned and centrally controlled economy. And you have the Pacific rim countries forming another massive trading bloc. So we have to be very careful and follow these developments and make sure that we position ourselves, we in Barbados, and we as CARICOM, to our best advantage within these trading blocs, and be prepared to go beyond the old traditional barriers. And if we have to be part of a large Caribbean trading bloc which in turn would become part of a larger North American-Central American-Caribbean trading bloc, this would not happen overnight. We must be prepared to face the reality of the new world as we come to the end of this century and enter the next.

What I am saying, Sir, may sound like fantasy and experience may prove it to be just that. But I think it is more than just a possibility, and we have to follow these events very carefully, position ourselves to take advantage of the opportunities that will arise, and prepare to make the necessary changes. Because what I am trying to outline is

not a dream on my part. I have been following these events for a while, and they could be a reality or close to reality by the year 2000.

With those few remarks, I am very happy to support this Bill because it is a step in the right direction. Thank you, Sir.

SENATOR A. W. A. McCLEAN: Mr. President, I also would like to associate myself with this Bill. I think it would form part of a necessary reorientation of our integration efforts within CARICOM. Previously we have been focussing in terms of economic integration on integrating our markets for final goods and services with the hope of creating circumstances which would be conducive to the deflection of trade that we previously enjoyed with the rest of the world, deflecting it towards trade with one another, and also to the creation of new trade among ourselves.

Now a necessary part of that particular strategy would relate to a type of rationalisation of our production structures within the region. By that I mean previously to the CARICOM effort we might have had everybody producing garments within the region and everybody producing five or ten or twenty different commodities. As you established a free trade area and a common market, common external tariffs and so on, this would naturally lend itself to a situation where the more cost efficient among the garment industries would be the ones that would survive and the other ones would die. We saw tendencies towards this emerging; but as soon as it started to happen the politicians came forward with protection for the dying industries in their countries. No one was prepared to follow through on the brutal logic of that type of integration experience, with the possible exception of Barbados to some extent. So that for those reasons, because of unwillingness to let the logic of our integration exercise work itself out, we have stalled it every time we moved to a higher thing. Because we focus attention not so much on the overall benefits to the region and to our country, but very often we could not see beyond what was happening to an individual industry or even an individual firm within a given country. And the short term perspective of the politician always came to the fore and they offered the protection to the dying. When the Trinidadian garment industry was under pressure, they got the protection. I do not know if Barbados would get some now that we are under pressure. So basically for quite evident political reasons; that strategy of integration by integrating our markets, our final goods and services had not worked very well. But for economic reasons it could not have worked very well anyhow even if we got some measure of benefit from it. And that has to do with the fact that even after integrating we still remain as a very small economy as a entire CARICOM economy. And so an integrated CARICOM would still have to look to extra-regional exports and so on as its principal strategy for development

rather than to exporting one to the other. Our efforts at integrating our domestic market will contribute very little to an achievement of export-led strategy. Our efforts are better suited to an import substitution strategy of development, and we know that such strategies don't work very well even in larger countries than ours, and are not at all appropriate in small countries and a small region such as CARICOM.

If we want to engage in some meaningful type of integration exercise within a region as small as ours, we will have to focus on integrating the supply side of our economy, integrating our production processes. And this CARICOM enterprise is a move in that direction where you are setting up a framework whereby persons across the region can come together and own a company providing consulting services or shipping services or airline services, construction and engineering services and so on. That is a step in that particular direction. But we need to go far beyond what is envisaged by this particular arrangement. We need to contemplate a situation where firms within CARICOM even though they may not come together as part of a CARICOM enterprise or they may not be permitted so to do by virtue of the area in which they operate, can collaborate and act in concert in endeavouring to penetrate the international market. For instance, if you are talking about garments, we need to cooperate now instead of having a situation where every little garment factory is trying to do its own thing.

All the garment factories, not only in Barbados but across the region, should consider that they are in the business of collaborating one with the other in order to penetrate international markets so that they can engage in some measure of specialisation around a strategically selected set of products. And they can also engage in such things as sharing of orders and what-have-you so that they can create the volume to satisfy the particular market. Going beyond that we need to integrate our production structures in another way; that is, we might find that we have in the region bauxite, oil and other resources, human and non-human resources, and you might find that it might be possible to identify an area of production that the region as a whole can undertake for export. But you may not be able to locate the entire process in one country, or it may not be entirely appropriate for one firm to engage in the entire process. You need to find mechanisms whereby firms within the various countries and indeed the Governments themselves can collaborate in terms of combining ultimately to produce some final good or service which would be traded on the international market, but which would have benefited from intermediate inputs by contributions from across the CARICOM region. That is the way we have to go if we are going to make sense of CARICOM. We need to integrate our production structures so that when we look out towards the world, we would be looking out not as a set of small countries and indeed an even smaller set of individual firms in those countries, but

as a community which has learned to cooperate and collaborate and combine their resources in strategic ways.
3.05 p.m.

That is the focus for CARICOM, supply side integration rather than demand side. So the business of just removing tariffs and establishing a common external tariff in relation to the rest of the world and so on will not take us very far. And, indeed, where it has been taking us is where we seem not to want to go in terms of rationalisation of our production structures in a particular way. And so unless, basically, we accept that as a dead end and try to move towards new and more imaginative ways of integrating the region, I am afraid CARICOM will not get very far.

I thank you.

SENATOR Mrs. V. C. FRASER: Mr. President, I rise to support the Resolution and I should like to say that if the founding fathers of CARICOM were all alive, I think they would be very happy to see that we are reaching a stage that we probably would have liked to reach a long time ago.

In this region we have many resources, both human and natural. One of the things that has always bothered me and boggled my mind is why we have to search for other resources when we have these resources in this region.

I can also look at the whole question of the trading patterns of us as small states within the region. It has been very comforting about two years ago to see that the small states of the world which include our CARICOM region were included in the Commonwealth Prime Ministers' Conference. That has given a lot of exposure to what the CARICOM region has to offer to the world at large.

It is sensible for people to unite and to get together not only for social benefits, but for economic benefits. And this could only be a step in the right direction when you see all the other large countries throughout the world uniting for these kinds of benefits.

If you were to take the area of consultancy in this particular exercise, we often import consultants from abroad and when we import these consultants from abroad, we either have to look for housing, we have to look for all kinds of perks to give these people; we have to look for schools to put their children in; and then you always hear you will have to buy, or you are not getting the money but you are getting the goods from abroad which means foreign exchange again.

I see this as a process to eliminate the movement of foreign exchange from this region thus making us more self sufficient. If we look broadly at the Caribbean area and we look at all of the natural resources that we have, we have natural resources that can be mobilised for the benefit of the

Caribbean region and the further development of this region.

If you look at the resources that we have in our people, I think that a move was made to make a regional directory on some of the experts that we have and I would like to see this further implemented so that we are able to put our hands on those persons within our region who have the expertise and the knowledge. Because many of our people are working for international agencies. They are fully qualified. They are doing a very productive job for international agencies. And if we have the type of mechanism where we could get the money from some of these agencies together as one unit, then we are going to be better off because we will be utilising our human resources which are extremely valuable to any region.

There is no point wanting to build bridges if we do not have engineers; and there is no point our engineers staying abroad and not coming back to help this region. But we must also, at the same time, look at various establishments that would attract our own people to come back home and I think this is a step in that direction.

We have to, at the same time, sell the idea to our own regional people so that they will look forward to coming back home in the Caribbean region to help to build up these Caribbean enterprises.

The whole question of marketing is another exercise that some of our people from there go in, which can assist you. Because, as I said, many of them are working for international agencies; they know the various people. And if they can be invited back on a very lucrative basis they will come back and help to build up the region.

Also, I want to say that the establishment of this regime should also be linked up with the regional food and nutrition policy which is one of the things that we have been labouring with in the Caribbean region for some time. And we need to realize that the majority of our money is spent on food from outside of the region and this can be really something that would give us a devastating blow if we are not careful. Because this is where a lot of the foreign exchange is going and people keep looking at other reasons and keep harping about foreign exchange within this region. But they must look very carefully at what we are importing in the region, and what we can export from the region, and what we can supply ourselves with in the region.

We have become very complacent and very lazy. Some of the things that we used to make in this region like cassava flour... We must ask ourselves why have we stopped having a cassava plant; why do we not have it on a regional basis. Pigeon peas - the canning of pigeon peas for export. Throughout the region you can find pigeon peas.

I just thought of these as some of the ideas. Sugar – throughout the region you can find sugar and yet we are importing icing sugar. We are importing it from England and that is part of our sugar that goes up there and comes back down to us in the region and we are using foreign exchange and yet we are having more people entering into the business of cake icing and they are utilising a lot of icing sugar in this particular region.

But, I am very concerned about the personnel or the utilisation of human resources because I think over the years we have lost a considerable amount of our intelligentsia to international agencies and to other countries but we must have a sustained educational programme so that people in the region can feel they are part of CARICOM because they will then understand what CARICOM is all about.
3.15 p.m.

I think one of the problems in CARICOM is that if you ask a number of people in the region – and I have had this experience – "What is CARICOM, what is it all about?" People do not really understand what CARICOM is all about. So any sort of programme or the establishment of any kind of business venture in the CARICOM region must be coupled with a very intensive educational programme, not only locally but abroad where we have a number of West Indian people, so that they understand what this is going to offer them as West Indian people. What does it have in it for them?

I think that we also need to look at what we are going to do about a regional currency. We need to look at a common currency in the CARICOM region. I think this is one of the serious things because right now a lot of people are not educated to the fact that the CARICOM currency is something that you should take within the region. People have gone to buy goods at various places and they have heard, we do not accept the CARICOM cheque. Because they do not understand. They want the American dollar. When you have to tell them, I am not from America, I am from Barbados or from St. Lucia they do not seem to understand that you are talking about a common currency or a currency that belongs to us and therefore it should be accepted.

And this is why I stress the need for coupling education, and I am talking about a very wide and varied educational programme, including what the region has to offer. I mean with visuals and this should be taken to the countries where we have embassies and missions and the visuals should be shown to people because there is a large West Indian population that has migrated, that has much expert knowledge, so that they can be induced to come back home to help to build any sort of enterprises that we are talking about. That has to go hand in hand. And except we can do that successfully along with any kind of economic

ventures we are entering into, we will not be as successful as we hope.

So my plea is that accompanying this must be a very meaningful educational programme on all aspects of CARICOM so that people will be able to understand. We have the resources, we have the people who can do it. We do not need to import a lot of these consultants that we are talking about. We have people qualified in all kinds of areas, especially in areas of technology, food technology, whatever technology you are talking about. We have people who are very knowledgeable in banking, marketing, you just name it. Some of them are right here in the region. They would like to get the opportunity to serve their countries. But you must market. You have to market the whole idea to those persons within the region. I see this as a very good thing. I see it as bringing the Caribbean further together and closer together.

This will foster the integration movement that we have been talking about for years. If people realize that the benefits are there, if they realize that I can give and I can get from my country and that my country does not have to whittle away foreign exchange by buying a lot of things that we can produce ourselves because we have the technology, then these people will develop.

We are always too busy in the Caribbean region saying what cannot work. Have we tried these things? Let us give them a chance. Let us stop saying that it cannot work. Let us make it work.

Mr. President, with those remarks, I wholeheartedly support this Resolution.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, there are just a few observations I should like to make in connection with the matter before us. The CARICOM Enterprises Regime has been somewhat late in coming. But as the old saying goes, it is better late than never. It is coming at a time when Europe which promoted the idea and made a success of the Common Market is moving on to a higher stage, that of the economic union. They are now at the stage, they have gone through the process of the free movement of labour and capital and they are now approaching that point at which they are beginning to harmonize their national policies with the ultimate objection of moving towards total economic integration which would mean sharing common policies at the macro economic level of monetary and fiscal policies.

The launching of the CARICOM Enterprises Regime is a *sine qua non* for the institution of the launching of the regional stock market. A common market requires that we should have freedom of movement, of capital and labour. Unfortunately as the Caribbean Common Market existed there has been, up to now, very little movement of capital within the area and less so of labour. I do hope that now

that we have taken this step that we will give indeed true meaning to the concept of a common market by having the free movement of capital as a first step and not too far behind the free movement of labour to complement the market.

Senator Goddard made a very interesting observation a while ago that here we are struggling to make a common market a reality and other people have moved on. Europeans have moved on to the European union where, as I said earlier, they are now harmonizing their national policies. Canada and the United States are coming together to widen their market. And we are struggling to put together a market of about 8 million people which in and of itself makes the market virtually obsolete before it becomes a reality. I think by the time we approach the year 2 000, we will have to begin to look at a somewhat more meaningful and larger union.

Without any further comments I should like to commend this bit of legislation, although late, to this Honourable Chamber.

Thank you.

Mr. PRESIDENT: The question is....

SENATOR A. MORRISON: Sir, just to add and to further support what Senator Clarke has said, we know that this legislation is late but this is the best thing that could have been done at this time given the variety and complexity of the interests which had to be satisfied. This should be considered by Members to be a first step in the right direction.

I acknowledge that there is need for a quicker pace to the CARICOM Integration Movement. Senator Goddard and Senator McClean's remarks are very much in order as far as when we consider one Europe, North America, Mexico, all of these groupings in the world. We are far behind time with our little small area even to the point that Trinidad could talk about their flying fish. At this time you cannot take their fish when the whole world is going by otherwise.

I recognize, Mr. President, that there is more than an urgent need at this time for a South to South dialogue and that we could only express the hope that LOME III would bring about a welcome move in this direction for a quicker pace of the Caribbean Integration Movement.

Sir, with those remarks, I beg to move that this Bill be now read a second time.
3.25 p.m.

Mr. PRESIDENT: Before I leave the Chair I would like to say I was very pleased to welcome Senator Fraser back to the Senate again.

Applause.

On the motion of SENATOR A. MORRISON, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR M. deL. JORDAN in the Chair.

Clauses 1 to 7 inclusive were called and passed.

The Schedule was called.

SENATOR A. MORRISON: I beg to move that this be the Schedule to the Bill.

The question was put to the Senate and agreed to.

On the motion of SENATOR A. MORRISON, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR A. MORRISON, the Bill was read a third time and passed and cited as the CARICOM ENTERPRISES Act, 1989.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: Before the adjournment, there is one matter to be brought to the Honourable Senate's attention. Message No. 6 from His Excellency the Acting Governor-General to the Honourable the Senate should have been read this morning. It reads as follows:

HIS EXCELLENCY THE ACTING GOVERNOR GENERAL TO THE HONOURABLE THE SENATE

His Excellency the acting Governor-General has the honour to inform the Honourable the Senate that he has been advised that His Excellency the Governor-General, Sir Hugh Springer, GCMG, GCVO, KA, CBE is hospitalised in the United Kingdom as a result of a stroke.

Reports indicate that Sir Hugh is recovering from his illness and it is expected that he will return to Barbados within the next fortnight.

As the Honourable the Senate has already been advised, His Excellency Sir Hugh Springer will be on sick leave until 3rd January, 1990, and the Honourable Sir Denys Williams, GCM, Chief Justice, will perform the functions of the office of Governor-General during His Excellency's absence.

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that the Senate be now adjourned until Wednesday, 20th December at 11.00 a.m.

The question was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the Senate accordingly.
3.30 p.m.

CONTENTS

MESSAGES FROM GOVERNOR-GENERAL 1436,1457

PRESENTATION OF PAPERS

SEN. THE HON. L. V. H. LEWIS 1436

1. Rate of Interest (Amendment) Order, 1989.
2. Rate of Interest (Section 4 Exemption) Order, 1989.
3. The Duties, Taxes and Other Payments (Exemption) (No. 3) Order, 1989.
4. The Duties, Taxes and Other Payments (Exemption) (No. 4) Order, 1989.
5. Report of the Accountant General for 1988-89.
6. Report of the Barbados National Training Board for April 1985/March 1986.

SUSPENSION OF STANDING ORDERS 1437

Senator the Hon. L. V. H. Lewis, 1437

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS 1437

The St. Joseph Hospital Bill, 1989.

FIRST READING OF BILLS

SENATOR THE HON. L. V. H. LEWIS 1437

1. Juvenile Offenders (Amendment) Bill, 1989.
2. Retiring Allowances (Legislative Service) (Amendment) Bill, 1989.
3. Caricom Enterprises Bill, 1989.
4. St. Joseph Hospital Bill, 1989.

PUBLIC BUSINESS

RESOLUTION FOR COMPULSORY ACQUISITION OF LAND AT PRESIDENT KENNEDY DRIVE, ST MICHAEL FOR NATIONAL URBAN LOW INCOME HOUSING PROJECT 1437

Senator the Hon. L. V. H. Lewis, 1437; Senator A. W. A. McClean, 1437; Senator D. A. Commissiong, 1438; Senator Miss V. P. Brathwaite, 1439.

JUVENILE OFFENDERS (AMENDMENT) BILL, 1989 1440

Senator the Hon. L. V. H. Lewis, 1440; Senator Miss V. P. Brathwaite, 1440; Senator D. A. Commissiong, 1441; Senator N. W. Boxill, 1444; Senator Dr. L. L. Shorey, 1446; Senator A. W. A. McClean, 1446; Senator the Rev. Canon I. McK. Jones, 1447; Senator Mrs. G. L. Eastmond, 1447.

RETIRING ALLOWANCES (LEGISLATIVE SERVICE) BILL, 1989 1448

Senator the Hon. L. V. H. Lewis, 1448, 1449, 1451; Senator A. W. A. McClean, 1448; Senator the Rev. Canon I. McK. Jones, 1449; Senator N. W. Boxill, 1449; Senator Miss V. P. Brathwaite, 1449.

CARICOM ENTERPRISES BILL, 1989 1452

Senator A. Morrison, 1452, 1457; Senator J. S. Goddard, 1453; Senator A. W. A. McClean, 1454; Senator Mrs. V. C. Fraser, 1455; Senator the Hon. Dr. C. D. Clarke, 1456.

SUSPENSION 1448

ADJOURNMENT 1458

Senator the Hon. L. V. H. Lewis, 1458

SPEAKERS IN THIS ISSUE

BOXILL, Senator N. W.
BRATHWAITE, Senator Miss V. P.
CLARKE, Senator the Hon. Dr. C. D.
COMMISSIONG, Senator D. A.
EASTMOND, Senator Mrs. G. L.
FRASER, Senator Mrs. V. C.
GODDARD, Senator J. S.
JONES, Senator the Rev. Canon I. McK.
LEWIS, Senator the Hon. L. V. H.
MCLEAN, Senator A. W. A.
MORRISON, Senator A.
SHOREY, Senator Dr. L. L.