
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, 20th December, 1989.

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, 20th December, 1989, at 11 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 the Honourable Sir James TUDOR, K.C.M.G.;

Senator A. MORRISON;

Senator N. W. BOXILL;

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 T. A. PRESCOD;

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

Senator the Reverend Canon I. McK. JONES;

Senator L. A. WARD, G.C.M.;

Senator C. A. BLACKMAN, Q.C.;

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 Senator the Rev. Canon I. McK. Jones.

Mr. PRESIDENT: The Senate is in session.

PRESENTATION OF PAPERS

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

The Annual Report and Statement of Accounts of the Insurance Corporation of Barbados for the year 1988.

The 20th Annual Report of the Barbados Development Bank for 1988-89.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I should like to move the suspension of Standing Order 45 (1) and (2) to enable us to proceed with the various measures which will be referred to later.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg leave of the Senate to introduce the following:

A Bill to amend the Port Authority Act, Cap. 285B.

A Bill to revise the law relating to the administration of Parliament.

A Bill to amend the Fisheries Regulation Act, Cap. 391.

A Resolution to approve the borrowing of sums of Bolivars (BS)3 382 261.00 and US\$3 755 430.00 from the Venezuelan Investment Fund (FIV) and US\$3 756 566.00 from the Venezuelan Export Fund for the purpose of assisting with the implementation of Phase 1 of the

Government's planned Tenantry and Subsidiary Road Programme during the financial period 1989-92.

Resolution to approve the borrowing of the sums of US\$5 850 000 and £1 850 000 from the Crown Agents Services Limited for the purpose of assisting in the purchase and supply of Capital goods and semi-capital goods during the financial year 1989-90.

FIRST READING OF BILLS

On motion of Senator the Hon. L. V. H. LEWIS, a Bill to amend the Port Authority Act, Cap. 285B was read a first time.

On motion of Senator the Hon. L. V. H. LEWIS, a Bill to revise the law relating to the administration of Parliament was read a first time.

On motion of Senator the Hon. L. V. H. LEWIS, a Bill to amend the Fisheries Regulation Act, Cap. 391 was read a first time.

PUBLIC BUSINESS

Order No. 1 was called – To move the second reading of a Bill to provide for the administration and management of the St. Joseph Hospital and for related matters.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Bill provides for the administration and management of the St. Joseph Hospital and related matters.

There has been much discussion over the past two years and probably before relating to the future of the St. Joseph Hospital. I am sure that the introduction of this Bill into the House of Assembly recently gave surprise in some quarters because a view was held that Government was unlikely to be able to move forward on this matter. It is considered by Government necessary to provide services to all citizens of this country and the St. Joseph Hospital and its operation is seen as a means of filling a gap for a health facility of a standard to provide quality service to persons who may for one reason or another be unable to use the services of the Queen Elizabeth Hospital.

The Bill provides for the establishment of a body to be known as the St. Joseph Hospital Board whose purpose is to administer and manage the Hospital. The functions of the Board are to equip, furnish, maintain, manage, control and operate the Hospital, supervise, conduct and manage the activities of the Hospital, to have general supervision of the buildings, premises and grounds, and to collect fees payable to the Hospital under this Act.

The Board also has power to enquire and adjudicate upon disciplinary charges against members of the staff of

the Hospital, and generally to carry out the provisions of this Act.

The Minister has power to give directions to the Board or any Committee appointed by the Board in the exercise and performance of the functions of the Board, and the Board also has power to delegate such of the functions as it may consider expedient or necessary in furtherance of the services which the Hospital will provide.

The Board has power with the approval of the Minister to purchase, lease, acquire, hold or dispose of property, and also to employ persons under certain conditions.

The Schedule to the Bill provides for the constitution of the Board, the tenure of the Board, the duties of the Secretary to the Board, it regulates the meetings of the Board and Committees of the Board, a quorum of the Board and controls the seal of the Board.

The other part of the Schedule relates to the staff of the Hospital, the general organisation of the Hospital, the functions of the Hospital Administrator, the Chief of Staff and other professional staff of the Hospital.

The Schedule also gives the Hospital Administrator the power to suspend a member of the professional staff, for specific reasons, grounds of misconduct, or gross neglect of duty, and it makes provision for the termination of appointment of persons under contract. The rest of the Bill deals with the arrangements relating to the receipt of monies provided by Parliament, the collection of fees and other monies which might become available to the Board from time to time; it gives in broad terms the description of how the funds of the Hospital are to be applied towards the administration of the Act, it provides that the accounts shall be audited and what role the Auditor General will play in relation to these accounts.

There is provision in the Bill as well for annual reporting on the affairs of the Hospital, and the Minister is required to lay a copy of the Annual Report in Parliament. The Board will also have power to establish its pension fund for professional staff and other employees and may receive public officers on secondment or transfer from the public service.

The Bill also provides that the Minister, the Board with the approval of the Minister may make regulations relating to its fees, relating to the services to be provided by the Hospital, and for prescribing the manner in which documents and instruments of any description may be signed and executed on behalf of the Hospital as well as the circumstances in which members of the staff may receive allowances for performing their duties.

It is proposed that the Hospital provide special services. There has been activity in the Ministry to establish a commissioning team and for firm proposals to be submitted by the commissioning team to the Minister for approval in order to get the Hospital off the ground. It is proposed that apart from the Hospital, the other premises of the former Villa Maria Convent be utilised for specialist psychiatric care and other services for geriatrics for which the Board will determine the sort of fees that should be charged for the services to be provided in the Hospital, so there will be on the one hand an active acute care Hospital on the one side, and on the other side specialist services provided all under the direction of the Hospital Administrator.

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

SENATOR Miss V. P. BRATHWAITE: Mr. President, it is indeed heartening to see that some move is at last being made with respect to the St. Joseph Hospital and Government's plans having acquired this facility. However, Sir, this Bill before us and the information that we have received this morning from the Honourable Leader raises many more questions than it answers at this stage.

Firstly, Sir, we have not been told at what stage of readiness is the Hospital now, how far along the road has Government progressed towards placing this facility at the disposal of the taxpayers of this country because, indeed, it was with their money that these facilities were acquired, how much longer must we wait before the Hospital is placed in a state of preparedness for delivery of health care to Barbadians, especially, what further costs would have to be incurred to place it in such a position? These are just a few of the questions that we had hoped this morning to have answered.

We also want to know the target of persons to whom these health care services would be provided? What is the emphasis? We have heard talk in the Other Place from the Honourable Minister responsible for Health that there will be a heavy emphasis placed on the provision of private health care services. I think this emphasis is somewhere in the ratio of 70:30, that is, private to public patients. What type of services will be provided? How will it be staffed?

We have also heard, Sir, that some of the persons who will be working at the Hospital, if they have not already been officially informed of the employment, are being screened. They are in the process of recruiting such persons as the Matron, the Associate Director and the Hospital Engineer.

My question this morning with respect to this is simply this. If this Bill has not yet been made law, because that is the purpose for the Bill having come before us this morning, who is employing these persons? By whom are

they being screened? Who are determining what basic qualifications are necessary to fill these posts because, Sir, if we look at Section 7, Page 3 of the Bill before us, we see there, and I quote:-

"The Board may employ persons of such categories, in such numbers and on such terms and conditions as are specified in Part II of the Schedule."

Part II of the Schedule, Sir, Section 10 lists there the persons who shall comprise the Staff of the Hospital.

Section 16, Page 13 there it is stated:-

"The doctors and nurses and other professional staff, in this Schedule referred to as the professional staff, shall be appointed by the Board."

The other sub-section, Section 16 goes on to determine the manner in which they may be employed and deals with probationary periods and the period after which they may be eligible for appointment and so on but my basic question still remains the same and it is this. If the provision for the administration of the St. Joseph Hospital has not yet been made law, who are these persons that are being recruited? By whom are they being recruited, screened and selected? What are the basic qualifications? Who determined those basic qualifications if we have not yet passed the stage of having this document before us brought into legislation? These are just a few of the questions that we wish to have answered.

In relation to the services that will be offered, Sir, will this Board oversee all of the services that will be offered on that complex? There is an understanding that there will be a multifaceted approach to the delivery of health care at the St. Joseph Hospital in the areas of primary and secondary health care, acute cases, geriatric and convalescent care, and drug rehabilitation.

It seems, Sir, a very large gamut of activities and this is my basic concern this morning that the Government's track record in the area of quasi commercial ventures has, to date, been very poor and yet now Government is setting up a similar structure in an area that is essentially highly specialized and highly technical, the bottom line of which is life or death.

I wish just to caution Government to ensure that the efficacy of the kind of structure that they intend to set up will redound to the benefit of persons who receive health care at that institution and Barbadians generally. It is a highly technical area to be managed by a Board more than half of whose members will be appointed by the Minister.

The Schedule, Part I of the Bill provides, and I quote:-

"The Board comprises the following members:

- (a) the Hospital Administrator *ex officio*;
- (b) the Dean of the Faculty of Medical Science of the University of the West Indies (Cave Hill Campus) *ex officio*;
- (c) the Chief of Staff;
- (d) a member of the medical staff of the Hospital other than the Chief of Staff appointed by the Minister by instrument in writing;
- (e) the Chief Medical Officer *ex officio*; and
- (f) seven other persons appointed by the Minister."

11.45 a.m.

The same Schedule at Clause 7:

"The quorum of the Board shall be a simple majority."

Of 12 persons, Sir, a simple majority is 7 persons. That seems to be quite a magical number when we look back at the Section which I just detailed, Section 1 the same number, 7 persons appointed in writing by the Minister.

This concerns me, Sir, because as I mentioned earlier Government's track record when dealing with the setting up of statutory bodies to engage in commercial type activities, and secondly the opening, the almost temptation of politicians to place persons on Boards for reasons other than those which we will see the administration of the particular body. I do not wish to be interpreted as accusing anyone. But I am saying that the legislation opens up a loop-hole for such a situation to occur. Seven persons out of 12 persons on a Board are to administer a multifaceted institution which delivers essential services to the people of this country. Seven of those 12 persons are to be appointed by the Minister.

We go further, Sir, and we see other Ministerial involvement:

"The Minister may, ... revoke the appointment of any member of the Board."

Section 4, subsection (2):

"The Minister may give directions to the Board or any committee appointed by the Board"

"... and the Board ... shall give effect to any such directions."

Mandatory, Sir, not discretionary. Perhaps even if the word "may" were to be substituted for the word "shall" we can see there that the Board will have some input into any direction that the Minister may give, certainly at the stage of deliberations of the Board. But you see the Minister may

give directions and the Board shall give effect to those directions.

Part II of the Bill:

"The Hospital Administrator shall be appointed by the Board with the prior approval of the Minister."

The Hospital Director must be appointed with the prior approval of the Minister.

Clause 17 of the Bill empowers the Board to:

"employ staff at such remunerations as it thinks fit but

- (a) no salary in excess of such amount as the Minister determines ... shall be assigned to any post without the prior approval of the Minister,"

We go further, Sir, subsection (b) of that same Section 17:

"no appointment whether permanent or temporary shall be made to any post to which a salary is assigned by the Minister under paragraph (a) without the prior approval of the Minister;"

Another instance of provision for Ministerial intervention.

I wish to move on just briefly to the power of the Hospital Administrator. In Section 18, Sir, as the Honourable Leader stated for us this morning:

"The Hospital Administrator may suspend a member of the professional staff for

- (a) gross neglect of duty; or
- (b) misconduct calculated to injure the reputation of the Hospital."

But for how long can the Hospital Administrator suspend a member of the professional staff I would have preferred to see some limitation placed upon that period because certainly then the Hospital Administrator's action is subject to review by the Board. Can the Hospital Administrator then suspend for a period of 48 hours, 24 hours, 7 days, 30 days or indefinitely?

I think that Section needs some review in that area to curb the powers of the Hospital Administrator with respect to suspension of a member of the professional staff, not the casual staff, not the ancillary staff, not the auxiliary staff but a member of the professional staff, the doctors, the nurses and such persons. Therefore I think there must be some time period stipulated; the maximum period for which the Hospital Administrator can suspend.

With respect to the Board, Sir, I also want to urge upon the Minister, because the exigencies of the situation will ensure perhaps that this Bill be passed into law, therefore I wish to urge upon the Minister to ensure that those 7 persons out of the 12 persons on that Board will be persons who possess some significant measure of nursing or medical knowledge or expertise. These are persons who are being asked to oversee, to equip, to furnish, to maintain, to manage, to control, to operate, to have general supervision to collect fees, to enquire into and adjudicate upon disciplinary charges, to make recommendations to the Minister and generally to carry out the provisions of this Act. These are persons upon whose shoulders a great weight of responsibility has been placed.

I wish to urge the Minister to ensure that those 7 persons out of the 12 that he has the power to nominate to the Board shall be persons of the highest professional and personal integrity who recognize at the outset the onus which is being placed upon them and who shall ensure as far as possible that the facilities at the St. Joseph Hospital are run efficiently and with a high measure of professional acumen.

Sir, the total health service, not only with regard to the St. Joseph Hospital is in dire need of critical review. We wish also to see the polyclinics, the Geriatric Hospitals the Queen Elizabeth Hospital, conditions of services for nurses and doctors, paramedical staff and auxiliary staff, generally reviewed and where necessary, updated, modernized and generally taken care of. Better physical working conditions, equipment all need serious examination.
11.55 a.m.

We need to better allocate our scarce resources in the area of our health service so as to ensure an equitable distribution of nursing and medical care all over the country, Sir, not just with respect to the Hospital in the north. In that respect I think there was some reasonable expectation on the part of the persons living in the north of the Island that the St. Joseph Hospital would have been so integrated into the total health care package that is being offered to Barbadians, that these persons in the north would have benefited significantly instead of having to make the long trek to the Queen Elizabeth Hospital, especially in cases of emergency.

I am not sure, Sir, whether there is provision on the complex also for an Accident and Emergency Section of the Hospital. I would be very happy to hear that there is such provision. That would alleviate, first of all, the pressure on the ambulances to get from the Queen Elizabeth Hospital to the north of the Island and back. It would also alleviate the inconvenience of persons living in the north to get down to the Queen Elizabeth Hospital and back. I think that the expectation and the assumption on behalf of those persons living in St. Peter, St. Lucy, St. James and parts of St. Andrew were reasonable. If Government has acquired a

hospital in the north of the Island, they thought there would be some significant measure of those services provided which are targeted towards them.

We wish also, Sir, with respect to the delivery of the total health care in this Island to look very closely at developing our tertiary health care, especially in the context of our regional integration movement. This country has the infrastructure and, existing along a developed tourism industry, can offer significant foreign exchange gains in the area of health care delivery and at the same time offer an increased standard of health services to our nationals, aid the Regional Integration Movement by the free movement of persons in the area, while attracting persons to our shores from places farther afield. This type of development can operate in the area of convalescent care, specialized chronic illnesses such as chemo dialysis, cardiac care, and as I have said before, could signify significant foreign exchange gains for the country.

Sir, I hope that care will be taken with the administration of this Hospital. The area into which Government is moving is new to Government and we must tread cautiously. We must bear in mind also and always the fact that Government does not do very well in the area of quasi commercial, businesslike activities. We must also bear in mind our past experiences in the area of corporations which are set up to administer these functions, like the Transport Board and the Caribbean Broadcasting Corporation. Those experiences must always be at the forefront of our minds and just let us tread very, very carefully and cautiously, not with respect to the St. Joseph Hospital *per se*, it is a long time that we have seen this facility being put to use, but with respect to the manner in which it shall be managed.

Thank you, Sir.

SENATOR C. A. BLACKMAN: Mr. President, a great deal of what the Honourable Senator who has just sat down has said is mirrored in my own notes. I will limit myself to just two observations.

First I want to raise a query of the Minister. Were any studies undertaken as to the feasibility of this commercial exercise being undertaken at the Hospital in St. Peter? From my reading of the newspaper reports of the debate that took place last week in the Other Place, I understand that it is expected that it would be viable and show a profit after five years.

I had an experience some time ago where a project came up for consideration in a commercial organisation and the packaging was such that it was inducing the Board to give approval, that after two years it was making money and by year five we were smiling all the way to the bank. One of the members of the Board, being a bit of a cynic, asked that the projections be reworked on the basis of a

25% adjustment, and the result was startlingly different. It was making losses for six years on a row and the seventh year there was a profit, but even that profit was not enough to wipe out the accumulated losses.

I am not concerned with the politics of St. Joseph Hospital, although I recall making the observation in this Honourable Chamber a couple of years ago during the debate on the Estimates that I thought it was an operation that Government would be well rid of in terms of actually managing itself, that it ought to be leased out to those who want to run a hospital and at least be assured of the rental income you are getting and not to be drowning in the red ink which I think would be the result.

We must take regard of the fact that in recent times there has been a development of private hospitals in Barbados, and others on the drawing board, and they are all on the southern end of the Island where the majority of the population resides.

12.05 p.m.

Unless the St. Joseph Hospital immeasurably improves both its equipment as well as the professional staff who are going to be there, there are going to be problems in securing a staff of a quality to ensure that the capable care that is required is always available. I speak, Sir, with some personal experience in that someone close to my family many years ago was taken to the St. Joseph Hospital for treatment. It was a gynaecological matter, complications set in and the person had to be transferred by ambulance from St. Peter to the Queen Elizabeth Hospital, and it was a near miss, and to some extent the consequences of that experience are still with her.

My other concern, Sir, goes to a point mentioned at some length by Senator Brathwaite with which I concur, and that is this matter of the Minister's involvement in the fixing of salaries, paragraph 17 of the Schedule in particular. This, Sir, is a feature of most statutory Boards that we have in this country, and I sometimes ask myself what do we really expect from Statutory Boards. I think that if you expect Statutory Boards to perform quasi-commercial functions, you must free the Boards' hands to the extent where they can make decisions without having to have every "i" dotted and "t" crossed by the Minister. I think the Minister is entitled to approve the salary of the Chief Executive of the Board, but beyond that or up to that limit the Board should be free to make such appointments and on such terms as in their professional judgment are wise in running the affairs of the Board.

I think the only institution of a para-statal nature in this country that does not have this obligation of getting the prior ministerial approval is the Central Bank, and I ask myself whether, in the best interest of a situation of the Hospital where you are going out there competing for professional staff, there is going to be time for a Board to

get the Minister's consent to deal with a suitable applicant while it goes through all the bureaucracy of getting ministerial consent. I think, Sir, the provisions of clause 17 need an amendment to that extent.

I also share Senator Brathwaite's concern so far as the issue of a quorum is concerned, and at the appropriate stage in Committee, Sir, I will be offering an amendment to that paragraph to ensure that two of the persons who constitute the quorum should be drawn from the professional people on the Board, persons listed at paragraph (a) to (e) so that at least two of the professional people on the Board are part of the decision making at any meeting that the Board has called.

I think I also join the call, Mr. President, for the Minister to say whether the Hospital is going to make emergency casualty services available to those persons in the north of the Island. There is a curious clause language at page 4 of the Bill that again I invite the Minister to respond to. It is 9(c): "The funds of the Hospital shall comprise such moneys as may become available to the Board from any source other than the source mentioned at paragraph (a) or (b) that is approved by the Minister." I would be grateful for an explanation as to what sources are contemplated by that sort of language. Paragraph 15 deals with the issue of bequests or legacies, and I presume it may not qualify for a covenant because of its sort of quasi-commercial nature.

With those remarks, Sir, I must say that there are some reservations as to the structure of the Bill, but in the context that the Bill will bring to reality what has been promised for some three and a half years, I am glad that this day has come.

SENATOR J. S. GODDARD: Mr. President, I too am pleased that this medical facility will be made available to the people in the northern parishes, but I would have felt a little more comfortable if I had a better idea of what the estimated cost of this facility will be. We know that some \$6 million were spent to acquire the property, but we have not been told in this Chamber the cost of equipping it nor what the anticipated net earnings or net losses will be for, say, the next five years.

Senator Brathwaite has already expressed some of the concerns I had and she referred to section 4, subsection (2) of the Bill regarding the functions of the Board. That section deals with the fact that the Minister may give directions and the Board shall....

What concerns me, Sir, is that it reads "The Minister may give directions to the Board or any Committee appointed by the Board as to the exercise and performance of any of its functions under this Act."

I would have thought the Minister would have restricted himself to giving directions on objectives and

policy. This seems to be getting into the details of management. I do not really think that is the function of the Minister. Those matters would be better left to the Board of any Statutory Corporation to deal with the management in compliance with the objectives and policies which the Minister has every right to lay down. If you turn to section 11, Sir, you will see that the Board may with the approval of the Minister make regulations regarding fees etcetera. To me this is a matter for the Board to deal with again in keeping with the objectives and policies laid down by the Minister. It beats me why the Minister should have to approve these matters which are managerial and administrative. I believe it would be better in the case of this St. Joseph Hospital and generally if there was more decentralising of authority, so that Boards would be enabled to manage, because under Part I of the Schedule section 2(2) the Minister may, if he thinks it expedient, revoke the appointment of any member of the Board, so he would have that authority.

I am trying to separate here, Sir, the functions of the Minister which I think should concentrate on the objectives and policy from the functions of the Board which is appointed to manage the Hospital.

If I may turn now to section 11, I do not believe this Bill states when the financial year end will be. I take it that is a matter which the Board will decide in due course; but section 11 says that a detailed account of the activities of the Hospital during the preceding financial year and a statement of its audited accounts certified by the auditor shall be submitted by the Board to the Minister not later than 30th June.

Now if this financial year end happens to be July, that is a period of eleven months stating an extreme case. If it is March that will be three months. I do not know. I have now been told it is March. Three months is realistic. However, Sir, the Minister shall lay a copy, subsection (2) of section 11, of the report referred to in subsection (1) before Parliament as soon as possible after the receipt of the report. In the same way that the Board is accountable to the Minister in laying their Report and Accounts three months after the year end, which I have been advised is March, which is June, why should the Minister not have the same obligation to lay the Report and Accounts before Parliament within a specified time?

12.15 p.m.

Three months may be too short, Sir. Maybe it should be four, five or six. I do not know but I say that because here it is today two reports have been tabled, the Annual Report and Statement of Accounts for the Insurance Corporation of Barbados, almost one year less 11 days December year end and we are receiving them on December 20 of the following year.

The other one is better by three months but I do not think that it is the practice to specify a time limit within which Ministers must lay reports and accounts before Parliament. I think it would be a good discipline if that were introduced so that we get this information when it is still relatively fresh and meaningful.

With those few remarks, Sir, I will support the Bill.

SENATOR Dr. L. L. SHOREY: Mr. President, I would like to make just a few remarks on the matter before this Honourable Chamber and I shall make them briefly because the points have already been referred to by other speakers.

I do wish to emphasize my concern with respect to two things, one is, as others have indicated, the extent to which the persons appointed by the Minister or to be appointed by the Minister under the Act would clearly outnumber the professional staff and, like the others who have spoken, I consider that a very undesirable state of affairs and would recommend that Government give consideration to a restructuring of the provisions in that respect.

The other one leaves me equally uneasy. I have never been comfortable with provisions for a Minister to take an action which could reasonably be interpreted as interference in the general operation of a statutory or quasi-statutory institution and the provision here for any appointment to the professional staff to receive the necessary prior approval of the Minister is, I believe, not in the best interest of the institution.

The opportunity for misuse of that power is, to my mind, far too great and I would like to suggest that in the interest of the Minister himself, or herself, whoever the incumbent maybe, that such a person should be protected against himself or herself and I would, therefore, strongly urge that Government give serious consideration to removing or, at least, amending in a major way this clause.

SENATOR A. W. A. McCLEAN; Mr. President, I wish to associate myself with the remarks of my colleagues Senator Brathwaite and Senator Goddard regarding specific defects in this particular Bill.

Before elaborating on my reasons for associating myself with those remarks, however, I would want to say that one of the things which seem to have been missing from the presentation by the Honourable Senator Lewis who introduced the Bill and what I have seen in the paper is a clear statement as to the fundamental policy of Government in regard to the *modus operandi* of the Hospital.

We know that it is intended that they should have public and private patients and, perhaps, a sufficient number of private patients to be profitable or to break even

in five years and so on but beyond that, one has to have a deeper understanding as to whether Government is placing the emphasis on an institution breaking even or the emphasis on the institution providing a certain level and quality of care spanning certain specialisms and so on and when subordinating the question of profit to that, it makes for a fundamental difference whether it must be profitable first and provide as good a service as you can within that context or whether you have certain policy objectives in terms of quality of service which would act as condition factors and the question of the way which you approach the question of becoming profitable.

Going beyond that, I would think that the idea of having a hospital administered by a Board that can respond quickly to day-to-day exigencies pertaining to the administration of a hospital is a good one. But like everything that has potential for good, it has equal or greater potential for evil and the problem is that to have such a system you must repose some measure of authority in the Minister and it all boils down to how the Minister is going to exercise that authority.

Just as our Creator gave us the discretion to do good or to do bad, in such systems where you want to create possibilities for doing good, you also have to create the potential for the abuse of whatever authority is given in the hope that people would do good with it and our experiences in Barbados have been such that politicians of whatever party, so far, the party that I am associated with, have not had that chance and we intend to introduce a new dimension into the political life of the country and to put an end to that style of behaviour by Ministers, but our experiences so far have been that the Ministers seem not to see very far beyond their own political interest. Indeed, they do not even have a realistic understanding of their political interest but a rather shortsighted understanding of their political interest and they often make decisions regarding the control of these institutions which are intended to achieve political results and it is very seldom that you can with one policy or with one action kill two birds with one stone, that is, get the best short-term political result and the best benefit in terms of social benefit of the community and so we end up with places like the Transport Board which are items which hang like an albatross around the neck of the community and that could happen also to the St. Joseph Hospital if we do not have the benefit of enlightened direction from the Minister.

12.25 p.m.

My hope is that the Minister, whoever he should be and whoever he should be from time to time will recognize that this is one area in which we should refrain from playing politics and to allow the institution to function along fully professional lines. I think Parliament should send that signal to the Minister in the clearest possible terms. This Act does not do that. This Act vests rather more authority in the Minister than it does even in relation to the

Transport Board. Because in relation to the Transport Board, the Minister is competent only to give guidance on matters of general policy. We know they do much more than that. And we have had the fall-out from the Ministers doing much more than that. But that is according to the Law. When a Minister seeks to go beyond that he is breaching the law.

But we have here now where a Minister could go down, in the fashion as a Minister went into the bus stand and gave instructions, a Minister could go down to the precincts of the Hospital and give instructions well within the compass of this Act. That should not be so. It does not in any way, under Clause 4 (2):

"The Minister may give directions to the Board or any committee appointed by the Board as to the exercise and performance of any of its functions under this Act;" Any of its functions. It does not circumscribe the nature of the directions and so on.

Mr. PRESIDENT: You do not suggest like that. You mean he can go down in the bus stand or go down at the Hospital and tell the people what to do. You said that but it was not going to get into the debate. It does not mean that the Minister has those powers that he can go down to the institution and behave like if he is getting on in a yard at home.

SENATOR A. W. A. McCLEAN: I would hope that....

Mr. PRESIDENT: But dealing with the administration; the Government service....

SENATOR A. W. A. McCLEAN: ... a sense of decorum and prudence and so on would enjoin a Minister not to do that.

Mr. PRESIDENT: In this instance that we have, do we have evidence that this is the behaviour of Ministers that you know this is how they do when they have these powers? After all, Ministerial system has been going on here since 1966.

SENATOR A. W. A. McCLEAN: Mr. President, I do not think it is in your place to question me in that way. You are not behaving like a Chairman.

Mr. PRESIDENT: No, no, no. You are making a point in the debate but I do not want to say you are out of order. But you made the point, you did state that a Minister can go down and do this. That is what you said the Section states, that he can go down and behave this way. Is that a fair interpretation of what the Act says or is that your interpretation?

SENATOR A. W. A. McCLEAN: Mr. President, you started to ask me that question and that was entirely alright and when you had finished speaking, I would have answered it. But you went on to ask me for evidence as to whether Ministers had behaved in that way in the past. I do not think you should ask me a question like that.

Mr. PRESIDENT: If you take objection to that because you made this statement so open and broadly I thought you had evidence to support that this is what we have before us.

SENATOR A. W. A. McCLEAN: It is not a question of whether I have the evidence, it is a matter of whether your question is proper or not.

Mr. PRESIDENT: I do not wish to enter into any cross-talk with you but you know you are breaking the Rules. I do not want to get into anything with you. You have to be careful. You are in the Senate.

Aside.

Mr. PRESIDENT: We are both in the Senate but I treat you with courtesy. If you do not respect the Chair and treat the Chair with courtesy, I am going to still treat you with courtesy.

SENATOR A. W. A. McCLEAN: Yes, Mr. President, this Act as it stands give the Minister a rather wide authority to give direction to the Board and officers of the hospital than any other Act that I am aware of, of a similar nature and most definitely, than the Transport Board Act. I think that this is not at all appropriate. Other Senators have made the point and I endorse entirely what they said. I should think that we should propose an amendment with a view to putting this thing on a better footing.

In relation to the matter of appointments, again this Act is rather more extreme. It confers rather greater authority on the Minister than the Transport Board Act.

There is legislation indicating the sums of money that apply to posts that require ministerial approval. Those sums can be changed from time to time but I am not sure that it is as broad as the Minister may determine and notify to the Board in writing. The Minister can at any time notify the Board that from tomorrow you have to inform me of a job with X thousand dollars. No requirement involving any higher procedure than that. I do not think that that is appropriate.

But even more fundamentally, I do not think it is appropriate at all for the Minister to be involved in the appointment of anyone other than the Chief Executive or maybe 1 or 2 other senior posts within the organization. And those should be identified by name not by the amount of salary they are enjoying. I think basically this provision

again points the way towards undue ministerial involvement. Indeed the Minister is asked to involve himself by virtue of this Act to an undue degree. We should amend that. This Hospital should run fairly free from such involvement.

The control of the executive arm over this ultimately relates to funding. If the Hospital cannot find funds to pay the staff, it cannot appoint them. That is the point at which Government in terms of its annual subventions and so on will say, gentlemen this is the amount we are making available to you. The Administration must have the good sense to know they cannot go and appoint people that they cannot pay. But as an instrument of control over appointments and dismissals and so on, I think Section 17 of the Schedule which is in Part II of the Schedule is totally inappropriate and should be excluded and replaced by a provision indicating that the Minister must approve of the appointment of certain posts by name and those would be the top posts. Perhaps 1 or 2. If there needs to be 1 or 2, we can look at them and determine whether others are justified. But not give the Minister *carte blanche* to allow him to involve himself in appointments down to whatever level he should determine, merely by writing to the Board and saying from today onwards I am involved in that appointment is totally improper and does not really have any place in a modern parliamentary democracy.

Of course, if the Minister attempted to use his powers he would totally undermine the viability of the institution. And so I am certain that the Government would not want to indicate that their intentions are less than honourable and they can put that on demonstration by acceding to certain amendments to this Bill.

Thank you.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, there has been a lot of comment and it makes me wonder sometimes whether in preparation for entering the Senate, it is not desirable in a manual of some sort to set out certain fundamentals.

All legislation relating to Statutory Boards must of necessity provide the executive Minister with the power to ensure that he succeeds in his responsibilities. It is the manner in which the Minister is able to get his Board to respond and to function that will determine whether he succeeds or whether he fails and has therefore to begin all over again to exhibit in public life that he has the responsibility within his nature to carry out the wishes of the people who elected him.

A lot of comments were made about specific defects in the Bill. What I would suggest is that a lot of the so-called defects in the Bill for instance, in the Schedule, the Section 17 about which so much comment was made and about which there is proposal to have it removed and

replaced by something in almost the identical words as found in the majority of legislation relating to statutory boards in which:

"The Board may employ staff at such remuneration as it thinks fit" provided that it is within the limit that the Minister agrees upon and assigns to the post before the appointment is confirmed. It does not affect the selection, the recruitment, the interviewing of persons or anything for these posts. And surely this is known to the persons on the other side who make comments suggesting that a Minister would want to be there on the day to day operations of any institution. A Minister could never have the time for that sort of involvement unless, as another type of Minister, in another type of government.

The St. Joseph Hospital – and this comment was made by the other side, is to be used for a number of purposes. I said this in very brief comment. It is just possible that persons who commented about the various divisions were just not listening or hearing or not understanding.
12.35 p.m.

The purposes include psychiatric care, including drug rehabilitation; geriatric care, including the provision of day care facilities; convalescent care.

In the area of psychiatric care and rehabilitation, it is known that in this country there is urgent need for drug rehabilitation centres to deal with marijuana, cocaine and alcohol abusers.

There is also requirement for therapeutic halfway house accommodation, and although private sector efforts are supposed to be on the way, there is no reason why a quasi Government institution could not also provide this sort of accommodation for persons with neuroses who need intensive therapy for a period of months. In the case of geriatric care, there are several geriatric care institutions springing up around the country and there is an increasing percentage of the community falling within the 65 plus age group for whom these services could be provided. In the area of convalescent care, there are many patients from the Queen Elizabeth Hospital who are thrust back in their own homes because there are no institutions where these services can be provided, so that it is proposed that persons recovering from major operations, from strokes and from chronic ulcers – these are few – and who need nursing care over an extended period may well utilise the facilities of the Hospital. This is the area I mentioned where the Villa Maria Convent was located. It is that area that will be used for this type of rehabilitation.

Somebody enquired about how long Government was taking. The keys to the St. Joseph Hospital were handed over to the Ministry of Health in October 1988. On the same day a group of Government officials toured the

property and from then the Ministry of Health has been involved in planning for this legislation which is now before us. The Hospital has been closed but under security control of Government over the past months and the Minister concludes, after an appropriate study was carried out, that the Hospital should be able to break even within five years, with a clear understanding that the ratio of paying patients to non-paying patients should be 70 to 30. The fees for the private patients would therefore have to be set at a level which would offset the running costs over time.

In the first instance, and even later on, the contributions which are payable for the non-paying patients will be met out of the Consolidated Fund and there will be a contribution by the Ministry of Health, provided in the Estimates as a grant for those private patients who are in receipt of care at that Hospital.

In the main Hospital there will be provided medical, surgical, obstetrical, gynaecological and emergency services, and in addition certain specialist services which are presently not available at the Queen Elizabeth Hospital because of the shortage of persons in these areas, in the area of dermatology, for instance, reconstructive surgery and rehabilitative services.

Advice was sought from the consultants who commissioned the Queen Elizabeth Hospital and they gave the Ministry advice that as Phase I they should proceed with the long term care, rehabilitation and psychiatry in the Convent, and as Phase II the obstetrics, gynaecology services and Phase III, medical surgical services. In order to proceed in that direction, the Minister has obtained approval of Cabinet to identify a commissioning team which includes the Hospital Administrator, Matron, a Hospital Engineer and two other members of support staff, and these persons as soon as they can be recruited, even if the Hospital Board is not functioning, will be paid from funds out of the Public Treasury to ensure that as a project team they are able to bring it on stream.

This is not unusual. This happens with nearly every statutory body that is coming into effect, so I do not understand what is the very great concern. Where is the money coming from? Who is going to pay them? What are they going to be paid? The Minister recognises that the success of bringing this Hospital on stream will either make him or break him.

The intention is to have the Hospital fully commissioned for reopening, hopefully by an early date in 1990. When the Estimates of Expenditure for 1990-91 are presented to us, I am sure that Members will have another opportunity to debate the whole question relating to this Hospital. The Ministry is in the meantime making preparations for the reopening.

They have checked the plant, they realised that it needed a new sewerage system, and an order placed with a firm in Miami indicates that the plant will arrive in January and that the installation will be completed by April of 1990.

A contract was awarded to carry out termite treatment of the total Hospital area, including the Convent buildings and grounds. This treatment was completed in October 1989. A clean up of the area has been done in order to receive equipment when it comes and by the time the Board is constituted they will, with the small commissioning team, be able to sit down and respond to several of the concerns which have been aired today.

I believe that if one is running a Government agency there is always a complaint that the Government agency, because of the attitudes of Public Officers not providing a certain type of service, is not providing a proper service. Then when Government seeks to provide an even better service through a quasi Government institution, the questions are raised whether Government should get into this or not get into it. All I will say is that the quality of service which it is hoped to provide at this Hospital in the north and the sources of funding - and there was a question about what other sources of funds - my understanding of the Bill is that the other income, such other monies as may become available to the Board from any other sources, must include as well estate or property, whether by bequest or legacy, and that there is no conflict between the two sections.

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

The question was put to the Senate and agreed to.
12.45 p.m.

On motion of SENATOR THE HON. L. V. H. LEWIS, the Senate resolved itself into Committee on the Bill, SENATOR M. deL. JORDAN in the Chair.

Clauses 1, 2 and 3 were called and passed.

Clause 4 was called.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, I beg to move that Clause 4 stand part.

SENATOR C. A. BLACKMAN: Mr. Chairman, with respect to clause 4(2), I wish to move an amendment in these terms. "The Minister may after consultation with the Chairman, give to the Board such directions in writing of a general character relating to the policy to be followed by the Board as may be consistent with the health policy of the Government."

Sir, the formulation for this is consistent with the formulation used with the Barbados National Bank Act,

Cap. 322A, section 28, and meets the concerns which were adumbrated by Senator Brathwaite.

I beg to move that amendment.

SENATOR Miss V. P. BRATHWAITE: Mr. Chairman, I beg to second the amendment, and I wish also, Sir, to state that the formulation as provided for in section 28 of the Barbados National Bank Act to which Senator Blackman has already alluded is more preferable. The section gives the Minister the right to give directions to the Board of the National Bank with regard to policy and the general direction in which the National Bank should go towards providing a smooth operation and meeting the needs of the country.

Sir, as mentioned earlier there were many concerns expressed with regard to this subsection (2) of section 4 which gives the Minister the right to give directions as to the exercise and performance of any of its functions under this Act, so as mentioned earlier and as proposed now, the powers here given to the Minister are too wide. We would prefer if the Minister's powers to give directions to the Board in this respect were restricted only to the area of policy direction, therefore I would wish also, Sir, to second the motion and to support the amendment that is proposed.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, the whole question of policy in relation to directions to Boards is obviously included in this all-embracing provision, and this provision cannot be compared with the provision in the Barbados National Bank Act for the simple reason that we are dealing with a completely different type of institution. The absolute necessity to give the Minister this all-embracing power is important in an institution where there is a composition of a Board which puts the total authority for running the institution in the hands of persons who are professionally competent to do that, but there must be areas in relation to the function of the various Committees, the actual functions of the Board, matters in which public policy for health institutions must be specifically directed by the Minister, and that is why the provisions in this Act differ from the provisions in the Act cited. We could not go along with any proposal to amend this.

The question that Clause 4 stand part was put and resolved in the affirmative, the Senate dividing as follows:

AYES: Senator the Hon. L. V. H. LEWIS; Senator the Hon. Dr. C. D. CLARKE; Senator A. MORRISON; Senator Mrs. G. L. EASTMOND; Senator N. W. BOXILL; Senator Mrs. V. C. FRASER; Senator A. J. N. PHILLIPS; Senator T. A. PRESCOD; Senator the Hon. Sir James TUDOR - 9

NOES: Senator J. C. W. WICKHAM; Senator the Rev. Canon I. McK. JONES; Senator L. A. WARD; Senator C. A. BLACKMAN; Senator Mrs. P. Y. FORDE;

Senator J. S. GODDARD; Senator Dr. L. L. SHOREY; Senator Miss V. P. BRATHWAITE and Senator A. W. A. McCLEAN – 9

Mr. CHAIRMAN: I declare that the "Ayes" have it.

SENATOR A. W. A. McCLEAN: Mr. Chairman, did you cast your vote?

Mr. CHAIRMAN: Yes, I did.

SENATOR A. W. A. McCLEAN: I thought you should have informed us of that also, Mr. Chairman.

SENATOR Dr. L. L. SHOREY: Mr. Chairman, it seems to me that the Rules require that the Clerk should announce the number of those who voted for and those who voted against. I did not hear that number.

Mr. CHAIRMAN: You are quite correct, Senator Shorey, and I had asked that it be reported and that is why I was waiting.

Proceed. Call the next section.
12.55 p.m.

Mr. DEPUTY CLERK: The following voted "AYE":

Senator the Hon. L. V. H. LEWIS; Senator the Hon. Dr. C. D. CLARKE; Senator A. MORRISON; Senator Mrs. G. L. EASTMOND; Senator N. W. BOXILL; Senator Mrs. V. C. FRASER; Senator A. J. N. PHILLIPS; Senator T. A. PRESCOD and Senator the Hon. Sir James TUDOR – 9

The following voted "NO":

Senator J. C. W. WICKHAM; Senator the Rev. Canon I. McK. JONES; Senator L. A. WARD; Senator C. A. BLACKMAN; Senator Mrs. P. Y. FORDE; Senator J. S. GODDARD; Senator Dr. L. L. SHOREY; Senator Miss V. P. BRATHWAITE and Senator A. W. A. McCLEAN – 9

Mr. CHAIRMAN voted "AYE".

Mr. CHAIRMAN: please give the numbers. I think that is what they want.

Mr. DEPUTY CLERK: Nine Members voted "Aye", 9 members voted "No", the CHAIRMAN voted "Aye".

Mr. CHAIRMAN: Thank you.

Clauses 5 - 10 inclusive were called and passed.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that Clause 11 of the Bill stand part.

SENATOR J. S. GODDARD: Mr. Chairman, I would like to suggest an amendment to subsection (2) of Section 11 to read "The Minister shall lay a copy of the report referred to in subsection (1) before Parliament within three months of receipt of the report" in place of "as soon as possible." My reason is, Sir, that the same way the Board is accountable to the Minister the Minister should be accountable to Parliament within a specified time frame.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I beg to second the motion.

There could hardly be any normal reason or proper reason why a report which is already fully completed and in the hands of the Minister cannot be tabled in Parliament within three months.

Whatever is involved at that period to make the document ready for tabling in Parliament would have to be rather less than what is involved in the preparation of the document for presentation to the Minister after the completion of the financial year and I think if Parliament should want to constrain the time within which that preparation should take place, the purpose of that is that the document should reach Parliament as soon as possible and we should signal that that "as soon as possible" has an outside limit of at most three months after receipt by the Minister.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Will Honourable Members say "Aye" and those against say "No". I think the "Ayes" have it.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I do not understand how you can put a vote when there is an amendment to the Clause.

You have to put the amendment first. We did not withdraw our amendment and if the "Ayes" have it the amendment has passed.

Mr. CHAIRMAN: All right. You seconded the amendment, did you not, Senator McClean? Yes? Let us put the amendment first if you wish.

Will Honourable Members in favour of the amendment to the Bill please say "Aye" and those against say "No." I think the "Noes" have it.

A division was called for.

NOES: Senator the Hon. L. V. H. LEWIS; Senator Hon. Dr. C. D. CLARKE; Senator A. MORRISON; Senator Mrs. G. L. EASTMOND; Senator N. W. BOXILL; Senator

Mrs. V. C. FRASER; Senator A. J. N. PHILLIPS; Senator T. A. PRESCOD and Senator the Hon. Sir James TUDOR – 9

AYES: Senator J. C. W. WICKHAM, Senator L. A. WARD; Senator C. A. BLACKMAN, Senator Mrs. P. Y. FORDE; Senator J. S. GODDARD; Senator Dr. L. L. SHOREY, Senator Miss V. P. BRATHWAITE and Senator A. W. A. McCLEAN – 8

ABSTENTION: Senator the Rev. Canon I. McK. JONES.

Mr. CHAIRMAN: The amendment has been defeated.

The question that Clause 11 of the Bill stand part was put to the Senate and agreed to.

Clauses 12 - 15 were called and passed.
1.05 p.m.

The Schedule was called.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, there were 3 minor amendments to the Schedule. In the first Clause there was an amendment in the Other Place which deleted "or his nominee" so that it reads:

"The Board comprises the following members:

(a) the Hospital Administrator *ex officio*

(b) the Dean of the Faculty of Medical Science of the University of the West Indies (Cave Hill Campus) *ex officio*"

And then at Part II of the Schedule 12 (2) reads:

"The Hospital Administrator may terminate his appointment by giving three month's notice to the Board."

It is necessary for me to point out those before moving that the Schedule stand part.

Mr. CHAIRMAN: The question is that the Schedule, stand part.

Senator Blackman.

SENATOR C. A. BLACKMAN: Mr. President, with respect to paragraph 7 of the Schedule and paragraph 17 of the Schedule I offer 2 amendments. With respect to paragraph 7, Sir, I am suggesting that the quorum of the Board shall be 7 persons, 3 of whom shall be among the members listed at paragraphs 1 (a) to 1 (e) of the Schedule. The intent there is to ensure that the Board at all material times has the benefit of the support and advice of the professional element of the Board which is the

Administrator, the Dean of the Faculty, the Chief of Staff, a member of the medical staff other than the Chief of Staff and the Chief Medical Officer, that they should be counted among the quorum in order for the business of the Board to proceed.

The other amendment I offer, Sir, is in respect to paragraph 17.

Mr. CHAIRMAN: Senator Goddard.

SENATOR J. S. GODDARD: I am happy to second that motion, Sir.

Mr. CHAIRMAN: Senator Clarke.

SENATOR THE HON. Dr. C. D. CLARKE: On the question of the proposed amendment by Senator Blackman, Mr. Chairman, I believe there is an assumption made here by Senator Blackman, that is, that in the 7 persons named by the Minister, none of the 7 persons may be professionals and secondly, that only professionals would have the sense necessary to ensure that the work of the Board would be carried out. Because of these 2 false assumptions, I cannot support the amendment and I do not recommend it to this Honourable Chamber.

Mr. CHAIRMAN: Thank you, Senator Clarke. Senator Brathwaite.

SENATOR Miss V. BRATHWAITE: Mr. Chairman, I rise also to support the amendment, as proposed by Senator Blackman, and seconded by Senator Goddard, that is, that 3 of the persons of the 7 who shall form a quorum be drawn from those members provided for under Clause 1, subclause 1, sub-subclauses (a) to (e).

There is no assumption on my part, Sir, that of those 7 persons none of the professional staff can be represented. That point is not at all in doubt in my mind. I fully recognize that of the 7 persons who shall constitute a quorum indeed all 5 of the professional members may be part of that 7. But again, none of the 5 of the professional members may be a part of that quorum.

I support the motion, Sir, because to my mind it is beneficial to the management of the Hospital to ensure that of those 7 persons, some significant input from persons of professional standing can be taken account of. It is not that all of those 7 persons shall be the persons appointed by the Minister. That is not the point. Those who think that there is an assumption of this, in supporting this amendment quite clearly, perhaps, did not understand what was being proposed. It is not an assumption that all of the 7 persons that make up the quorum shall be those persons appointed by the Minister. There is not that assumption.

There is also no assumption that none of the 5 professional persons shall be part of the quorum. That is also no assumption. What we are seeking to provide for and what we are seeking to ensure is some professional input in case there are only those 7 persons present, there might be a situation where all of those 7 are the persons who are appointed by the Minister and not the professional persons listed at sub-subclauses (a) to (e), to ensure therefore that they have some input. The proposal is that 3 of those persons mentioned in sub-subclauses (a) to (e) that it be ensured that those persons be a part of the 7 which form a quorum.

I have no hesitation in supporting this amendment, Sir.

Mr. CHAIRMAN: Senator Fraser.

SENATOR Mrs. V. C. FRASER: Mr. Chairman, I have great difficulty in understanding why we are going to be sticking to the word professionals. I do not understand, if a Minister were to appoint other persons from the medical profession, whether they be nurses, pathologists or whether they be laboratory technicians, they are all professionals just the same. I do not understand why we are dwelling on the word professionals here in this particular case, as though the only professionals in health care are doctors. To me, this is unheard of. Even the principle is unheard of on any Board or anything like this. That you are singling out 3 people as the people who must be involved when the Board is comprised of more people and you do not know whether the other 7 people are going to be professionals as well.

I would think that any Minister worth his salt would appoint persons who have the knowledge, the ability and are professional. I do not understand what is all of this thing about being professional and this confusion about a quorum. Because there are large organizations, I am talking about international organizations which have a very small quorum out of a large number of persons.

So I cannot understand what is all this confusion here this morning about this professional, professional, professional.

I think the thing is Mr. Chairman, that we have been able to reach the stage where there is going to be an institution to assist the people of Barbados. We have to make some kind of adjustments as we go along. The trouble in Barbados is that people are too often telling you how a thing cannot work before it even starts.

They do not give it a chance to start. This kind of foolishness about professionals, professionals, all of us are professionals in some way or another. So are you going to tell me if the Minister appointed a dietitian on the Board who is so important to the health care of anybody that she is not a professional out of the 7 people? Are you going to tell me if the Minister appointed a pathologist that that is not a

medical person and a professional? And if those persons are present and the other medical people were not present, then you must postpone all the meetings? You must not have a meeting because those people are absent.

Mr. CHAIRMAN: Senator Morrison.

SENATOR A. MORRISON: Mr. Chairman, I oppose that amendment on one simple ground. You cannot have a thing called Board members and discriminate among Board Members. A Board member is a Board Member. I am not dealing with the professionals. These should be professionals. I am talking about a Board member. We are all here Senators and a quorum consists in here of Senators that are present at the time, 90% I believe. It does not say there is to be a Minister present or Minister of this or Minister of that or a professional. When you are thinking of a Board, a Board is made up of all the members and all the members have equal status and equal ranking, under the law. So you cannot say you must have 3 of these to be a quorum. You must not discriminate against members of a Board.

I would not sit down in here and agree to an amendment like that where you discriminate against an ordinary member and say he is not a Member but because a fellow is a professional, he must have the right to be on the quorum. This is a parliamentary institution.
1.15 p.m.

This is where you have freedom of speech, so how can you propose an amendment like that where you discriminate against another member because he is not a professional?

SENATOR A. W. A. McCLEAN: Mr. Chairman, I think Senator Morrison and Senator Dr. Clarke are totally missing the point. What we have before us here is a 12 member Board. Of the 12 members four are mentioned by office and one by occupation, a member of the staff, who will be appointed, presumably, by his colleagues. Then you have seven appointed by the Minister without reference to any qualifications whatsoever. The quorum is seven. Five people cannot form a quorum, so there is no way you can have a quorum without two persons appointed by the Minister present, but you can have a quorum without the Hospital Administrator present.

Asides.

Mr. CHAIRMAN: Kindly proceed, Senator McClean.

SENATOR A. W. A. McCLEAN: I cannot be held responsible for his misunderstanding the provision.

SENATOR THE HON. L. V. H. LEWIS: On a point of order, Sir. That comment is untrue. He makes a statement that is untrue, because clause 13 says that the

Hospital Administrator shall attend the meetings of the Board, so to say you can have a Board meeting without the Hospital Administrator is to import something that is not here.

SENATOR A. W. A. McCLEAN: Mr. Chairman, a provision indicating that someone shall attend, and a provision dealing with requirements of a quorum, are two different things altogether. It is not saying he shall attend each and every meeting even if he is in hospital or if he cannot attend. That does not relate to the question about quorum at all. I was going through the full set of people here, the persons identified here, the four *ex officio* people can be absent from a meeting which is, according to this provision, and no one can point to anything about somebody shall attend and suggest that that is not so. The Secretary shall attend. If he is not present, you are still quorate, so people must rise above that and try to understand.

We are not here trying to make any cheap points, we are here trying to do something in the interest of Barbados. I am indicating that the reasons advanced by the other side for not supporting the amendment are all spurious. First of all, you cannot have a quorum with persons who are not appointed by the Minister, but you can have one without the designated members who are *ex officio* or otherwise designated. Secondly, the suggestion is that to indicate that some from among these should be in the quorum is to presume that you will not have professionals among the other seven. That is not the point at all. But even if it was the point, the Bill makes it possible not to have professionals among the other seven, and you cannot legislate on the presumption that you will for ever after have the best Ministers in the world. Legislation must be such as to envisage that people will abuse situations and to have checks and balances. You never legislate to say you should never presume that anyone should require any checks upon them.

From that point of view you can have a situation where a Minister can dismiss his seven appointees, appoint any seven, formulate a quorum and do what he likes with the Hospital. It is so even without the presence. I am not saying that it is a possibility in the context of our present Ministers, or the context of anyone who has ever served in the Parliament of Barbados, but it is permitting the possibility within the legislation. It is unusual. Whenever it is thought necessary to identify people who should be specifically Members of a body, it is fairly usual to indicate that they should be members of a quorum too.

Asides.

SENATOR A. W. A. McCLEAN: Basically we know what the Government apparently wants and we know what is proper. We support the amendment.

The question that the amendment, as proposed, stand part of the Schedule was put to the Senate and resolved in the negative, the Senate dividing as follows:-

NOES: Senator the Hon. L. V. H. LEWIS; Senator the Hon. Dr. C. D. CLARKE; Senator A. MORRISON; Senator N. W. BOXILL; Senator Mrs. G. L. EASTMOND; Senator Mrs. V. C. FRASER; Senator A. J. N. PHILLIPS; Senator T. A. PRESCOD; Senator The Hon. Sir James TUDOR and Senator J. C. W. WICKHAM - 10

AYES: Senator The Rev. Canon I. McK. JONES; Senator L. A. WARD; Senator C. A. BLACKMAN; Senator Mrs. P. Y. FORDE; Senator J. S. GODDARD; Senator L. L. SHOREY; Senator Miss V. P. BRATHWAITE and Senator A. W. A. McCLEAN - 8

SENATOR C. A. BLACKMAN: Mr. Chairman, I indicated that I was moving an amendment to another paragraph, paragraph 17. That paragraph provides that the Board may employ staff at such remuneration as it thinks fit, but no salary in excess of such amount as the Minister determines and notifies in writing to the Board shall be assigned to any post without the prior approval of the Minister.

Mr. Chairman, there have been a number of provisions for Statutory Boards relating to how remuneration is paid to the staff of the Board. The Barbados Development Bank Act, Cap. 323, is in similar terms as that before the Senate. Section 13 of the Barbados National Bank Act, Cap. 322A, has a different formulation. "The Board may appoint and employ, at such remuneration and on such terms and conditions as it considers necessary, such officers, employees and agents as may be required for the efficient functioning of the Bank." A similar formulation is offered at section 16 of the Central Bank Act, Cap. 323C, and the formulation in respect of the Barbados Export Promotion Corporation is, I think, in a similar vein.

1.25 p.m.

The formulation in respect of the Barbados Export Promotion Corporation I think is in a similar vein. Sir, you are running a Hospital where there is not going to be all that pool of persons to fill the highly skilled jobs that are required to be filled, where you are not going to have necessarily the parameters of time for a give and take situation for approval to be given as envisaged by paragraph 17 of this Bill, and I think if we are going to give the Hospital the opportunity and the scope to function as it would if it were in the commercial sector, then the formulation which has been afforded to the National Bank institution and the Central Bank of Barbados is one that should be afforded to this St. Joseph Hospital Board, and for that reason, Sir, I move that paragraph 17 be amended in terms similar to the Barbados National Bank Act, and I read the amendment in its specifics, in terms of section 13: "The Board may appoint and employ at such remuneration and

on such terms and conditions as it considers necessary such officers, employees as may be required for the efficient functioning of the Board.

I beg to move that amendment.

SENATOR Dr. L. L. SHOREY: I beg to second that amendment, Sir.

The question that Clause 17 be amended as proposed was put and resolved in the negative, the Senate dividing as follows:

AYES: Senator the Rev. Canon I. McK. JONES; Senator L. A. WARD; Senator C. A. BLACKMAN; Senator Mrs. P. Y. FORDE; Senator J. S. GODDARD; Senator Dr. L. L. SHOREY; Senator Miss V. P. BRATHWAITE; and Senator A. W. A. McCLEAN – 8

NOES: Senator the Hon. L. V. H. LEWIS; Senator the Hon. Dr. C. D. CLARKE; Senator A. MORRISON; Senator Mrs. G. L. EASTMOND; Senator N. W. BOXILL; Senator Mrs. V. C. FRASER; Senator A. J. N. PHILLIPS; Senator T. A. PRESCOD; Senator the Hon. Sir James TUDOR and Senator J.C.W. WICKHAM – 10

SENATOR Miss V. P. BRATHWAITE: Mr. Chairman, I beg to move an amendment to Clause 18 of Part II of the Schedule which deals with discipline and the powers of the Hospital Administrator with respect to suspension of a member of professional staff, and I wish to propose an amendment to this clause in the following terms: the insertion of the following words after the word "for" appearing in line 2 of the clause: "a period not exceeding seven days including the day on which notice of the suspension is given by the Hospital Administrator upon the following circumstances:"

The section would then read, Sir, with the amendment:

"The Hospital Administrator may suspend a member of the professional staff for a period not exceeding seven days including the day on which notice of the suspension is given by the Hospital Administrator upon the following circumstances:

- (a) gross neglect of duty; or
- (b) misconduct calculated to injure the reputation of the Hospital."

Sir, I mentioned earlier my concerns with regard to the fact that there had been no time limit imposed to restrict the length of time that the Hospital Administrator may exercise this rather draconian measure of discipline; not that I have any quarrel with the fact that the Hospital Administrator may suspend. I would imagine, Sir, that the Hospital Administrator would be a person of the utmost professional

acumen, but, Sir, we must place some fetters, some curb as to the length of time so that the power will not be abused either out of ignorance, misunderstanding or otherwise, and so I propose a period of seven days also, because if you look at subclause (2) of that clause, you will see that after the Hospital Administrator has exercised his power to suspend, he shall forthwith, which means immediately if not sooner, upon any such suspension report the same, – that is an order, Sir – and the circumstances thereof in writing to the Chairman who shall within seven days of the receipt by him of the Hospital Administrator's report, summon a meeting of the Board.

If we did not place a fetter, a time limit on this period of suspension, we may have a member of the professional staff being suspended for 30 days, a year, five days, 48 hours, but yet the Board meets within seven days after suspension. We may also have a situation where the member of staff is suspended for three days, the Board meets within seven days; by the time the Board meets the member of staff can be back to work without the Board having had the opportunity to adjudicate upon the matter, and I would think that the same time period should be allowed. First it does two things; firstly it places a fetter upon the discretion of the Hospital Administrator with regard to the length of time of suspension, and secondly it allows time for the Board to enquire into the circumstances and to adjudicate.

I wish, Sir, to propose the amendment in the terms which I mentioned earlier.

SENATOR Dr. L. L. SHOREY: Mr. Chairman, I wish to second that amendment.

SENATOR THE HON. Dr. C. D. CLARKE : Mr. Chairman, section 18 of the Schedule is very very clear. Anyone who has responsibility for running any organisation must have the right to suspend. The concern as expressed by Senator Brathwaite is clearly answered in subsection (2) of that section, because the responsibility after suspension immediately passes from the Administrator directly to the Chairman of the Board. It is immediate, and I really can't see the need to put any further checks on the Administrator. He suspends, but he must immediately notify the Chairman, so the responsibility immediately at the point of suspension passes to the Board. I really think it is an irritant in terms of an amendment, Mr. Chairman, and I can't support it.

SENATOR Miss V. P. BRATHWAITE: By way of reply, Mr. Chairman, the fact that after the Hospital Administrator has exercised his powers to suspend, the Board shall within seven days of receipt of his report enquire into and adjudicate into the matter, that fact in no way stipulates the length of time for which the Hospital Administrator may suspend a member of the professional staff. Suppose he were to suspend, as I said earlier, for a shorter period than seven days or a longer period than seven

days. It is true, Sir, and I recognize that these proposed amendments are "irritant" to members on the other side. I recognize that but that does not prevent us from acting in the appropriate manner in this Chamber with matters which come before us.

1.35 p.m.

Mr. CHAIRMAN: Let us hear Senator Brathwaite, please.

SENATOR Miss V. P. BRATHWAITE: The Hospital Administrator needs some time limit, not exceeding which he can suspend a member of staff. Failing that there can be some misunderstanding and some abuse of that power as provided for in Clause 18.

Thank you.

SENATOR C. A. BLACKMAN: Mr. Chairman, I have some difficulty with the formulations in their entirety because if we impose parameters of time what is the position if the Board does not make a determination within time when it is summer because it seems to me that the Board when it meets and I also think from a practical stand point no Chief Executive, if he is sensible, would suspend anybody unless he first consults his Chairman.

The Chairman is told formally after the event might only mean that he is then formalising what the Chairman is already aware of so, certainly, from my experience on a school Board when the Headteacher was minded to suspend either staff or pupil, I knew about it before the suspension took place.

Aside.

SENATOR C. A. BLACKMAN: Normally, one knows and I will also go on to say that I would be annoyed to hear about it after the event.

I understand the concerns of Senator Brathwaite but I am wondering if too arbitrary a formulation might not move against some of the very protection she is seeking to ensure.

Thank you.

SENATOR T. A. PRESCOD: Mr. Chairman, fortunately for me I am not a victim of this professional phobia but it is a very straightforward thing in relation to this amendment.

If a professional commits a felony which is subject to further proceedings in the Law Court, how can we look at the limitation of a period of suspension at a Board level when it is necessary sometimes for that board to wait until that professional body, the Law Courts, to decide on the outcome to make a final decision as a result. It is so simple.

I cannot understand how people who are professionals can argue this point of view unless it is an obsession. In all other areas this thing happens. You are dealing with reasonable people and they look at reasonable judgement to determine whether the suspension period is reasonable or not and it all depends on whether it is a misdemeanour or a felony. It is quite simple.

I believe that we are talking on a matter that people who are highlighting these points do not even quite comprehend what they are talking about.

Mr. CHAIRMAN: There is an amendment before the Senate. Will Honourable Members in favour of the amendment please say "Aye" and those against please say "No". I think the "Noes" have it.

The amendment has therefore been defeated.

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

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

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

SUSPENSION OF SITTING

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that this Sitting be suspended until 2.45 p.m. today.

The question that the Sitting be suspended until 2.45 p.m. was put to the Senate and agreed to and Mr. PRESIDENT suspended the Senate accordingly.
1.45 p.m.

RESUMPTION

Mr. PRESIDENT: The Senate is resumed. Order No. 2.

ORDER NO. 2 - BARBADOS PORT AUTHORITY (AMENDMENT) ACT, 1989.

SENATOR A. MORRISON: Mr. President, Sir, this Bill seeks to amend the Barbados Port Authority Act, among other things, to make provision for the apportionment of gross revenue accruing to the Authority in respect of the proceeds of sale of unclaimed goods.

We are also seeking, Sir, in this Bill to be able to amend the Port Authority Act in order to make regulations

for the control of jet skis and other sports activities taking place in the seas of this country.

I will deal with the first amendment which deals with the Customs and the Port. The Comptroller of Customs has been in contact with the Port Authority for some years now about the apportionment of certain money which comes to them as a result of sale of goods. It was felt that the distribution did not go well to the Comptroller of Customs, that he was not able to recover duties as he would like. As a result of meetings between the Comptroller of Customs and the Manager of the Port, there have been ongoing discussions and they have agreed upon a formula how they would share the proceeds of these sales by auction when it came to unclaimed goods by the different people who import them.

They have agreed to come to a decision on a basis that 60% would go to the Port Authority and 40% would go to Customs. It is on that behalf that we are making this amendment that we would be able to share the proceeds of sale of goods and which have been sold by auction in this manner which has been agreed to by both the Port Authority and the Comptroller of Customs.

We are also taking the opportunity, Sir, now that we are amending the Act to amend Section 27 to make it abundantly clear when it comes to the burden of proof. It was felt in some quarters by the Port Authority people that when it comes to this particular Section that they had to do everything and that they could be liable, although they did not have much control over the disposition of the particular goods or articles.

What the Attorney-General has done is to make it very clear that although the burden of proof has been removed from the claimant, that only relates to how the loss or misdelivery occurred or detention or damage. But the claimant would still have to prove that the loss was the fault or negligence of the Port Authority. So we are taking this chance to make that particular Section clearer at this time.

The main thing, Sir, is the amendment to give the Minister power to make regulations for the control of these jet skis which have been a very big topic for the past 2 years. We have had a lot of negative comment also in the papers about these jet skis, some comments are very justified and we are now in a position to do something about it.

We observed the comments which appeared in the press. We have received complaints via the Ministry of Employment, Labour and Community Development and we have also had representations made by the Board of Tourism on beach harassment. All of those different inputs have been brought together in a Committee in order to frame these kinds of regulations in order to control the jet skis.

What we discovered all along is that the Harbour Regulations which were in effect at the time before the Port Authority Act came into being in 1979 that those Regulations were annulled at that time and there was no effective instrument to deal with this kind of occurrence which has been the subject of very much complaint and talk by hoteliers and people in Barbados, even swimmers.

I have been very concerned because I was swimming one afternoon – I had got as far as Maxwell up in Christ Church – and I went for a dive. When I looked around the jet ski was on the left of me which is to the land side and if I had surfaced a little earlier probably I would have been gone by now. It is a very dangerous thing.

So we have drawn up certain Regulations which we hope would control these jet skis for the first time. They are very comprehensive, Sir. We are going to make them register like the registration of speedboats. All of them must be registered and they must be inspected, tested and certified by inspectors who would be appointed for that task. They should have their registration number:

"Each speedboat to be operated or hired shall be assigned to a zone to represent the area in which the speedboat may engage in watersports activities."

Persons who are learning to drive speedboats must also obtain a driver's learning permit from the Authority. An applicant for a speedboat driver's licence must in addition to a certificate of practical driving produce a certificate of character. Uncertified persons 16 years and over may drive a speedboat 3 meters in length or below, provided they are being instructed by a certified driver.

We are also requiring that they must have insurance for speedboats. We are designating swimming areas. They are certain areas that will be designated as enclosures by buoys or such areas into which no speedboats, skis, or surf boards or any other small craft may enter.

We will have a definite area cordoned off for the benefit of people who want to swim and they will be protected from the kind of sports activity taking place so they can swim in peace without having to worry about being run over by any kind of speedboat.

We are giving the Port Authority permission in these Regulations that it will be able to, by Order from the Minister, establish areas at which watersports activity for hire or a reward may take place. We will have specific areas assigned where you can only engage in your watersports activity and you will be given permission for that by the Authority. No one may engage in watersports for hire or reward unless he has obtained a licence to ply or hire from the Authority pursuant to these Regulations which will be eventually passed and which will come into effect in the new year.

We are also insisting that any licenced watersports operation must establish a first aid station as approved by the Port Authority at the area in which the particular concessionaire is permitted to provide watersports services. Each speedboat must be equipped with such first aid kit and lifesaving equipment as the Authority may stipulate. There are certain general provisions, Sir, which they have to observe, for example, the way how they drive in any harbour or cause the occupants of the area undue discomfort from the noise created. There is a whole host of things that have to be taken into consideration.

We had included in that Committee people from the Ministry of International Transport. We had people from the Royal Barbados Police Force. We had the Barbados Coast Guard involved. We had the National Conservation Commission. We had inputs from the Coastal Conservation Project, and we had a representative from the Attorney-General's Office working alongside this Committee to draft these Regulations.

The Coast Guard would be able to mark out these co-ordinates whereby these boats will operate and will also be able to mark out the swimming areas for the benefit of the public. They would lay the buoys with the assistance of the Harbour Master at the Barbados Port Authority.

The Board of Tourism has already agreed, in principle, to finance the acquisition of these necessary buoys and the installation at an estimated cost of \$50 000. 3.00 p.m.

Sir, we are hoping with these regulations that we might be able to bring some measure of control to the activity of the jet skis and speedboats, and accordingly we are amending the Port Authority Act to give the Minister the power to make these regulations as well as to apportion the proceeds from auction sales at the Port between the Customs and the Port Authority in the ratio of 60% to the Port Authority and 40% to the Customs Department, which has been agreed to by both Departments.

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

SENATOR J. S. GODDARD: Mr. President, before commenting on the Bill, permit me to bring to your attention that there is not a single member of the Press in this Chamber this afternoon. I say that, Sir, because there also has not been any Hansard debates of the Senate for this entire calendar year, so we are really speaking for the possible benefit of posterity. Having said that, I think it is regrettable that these debates are not carried, are not publicised so that the public whom we are here to serve have an opportunity to study the various points of view that are presented in this Chamber and be an informed citizenry. That is a responsibility of the Press and I cannot be too strong in condemning their absence when this is such an

important Bill that has been introduced by the Minister so capably.

Mr. PRESIDENT: The only thing I must draw to the Senator's attention is that that is not really part of the Senate's business. You cannot draw that to the Senate's attention because it is not an official part of the Senate's business to know who is in the Chamber taking notes. The business of the Senate is taken down officially. Who comes to the Chamber to take notes is a matter of courtesy.

SENATOR J. S. GODDARD: I appreciate that, Sir, and I thank you for mentioning that. I am really highlighting it in the absence of Hansard, that there is nothing for anybody to study. I appreciate your comments, Sir, and I thank you for them.

I would like to commend the Government on bringing in this legislation with particular reference to the control of the jet skis. This is really dealt with under section 5 where –

"The Authority may, with the approval of the Minister, by order

- (a) prescribe areas within the harbours of Barbados at which activities for pleasure, sport or otherwise may be conducted, and
- (b) prohibit the use of speedboats of any type or class within the harbours of Barbados."

This is overdue, but I am very pleased that this is being done, because I think we have been fortunate that the accidents have been few so far, and this is extremely timely.

Turning to the Port proper, I would just bring to your attention, Sir, and to members' here that the Barbados Chamber of Commerce did commission, with the Government's knowledge and approval, a study and a report on that study has been prepared on the operations of the Port, the Deep Water Harbour and the Grantley Adams International Airport. I have seen a draft but it has not been published, so I am not at liberty to comment on it, but I would urge Government to pay particular attention to the final report when it is submitted, because it has been a serious study and a serious effort to improve the operations of the Deep Water Harbour in particular.

If that facility is not as efficient as it could be, it affects the cost of living. It also affects the cost of raw materials coming in here to go into our manufacturing industries, so I feel confident and I urge the Government to give that report very special consideration.

I will be happy, Sir, to support this Bill. Thank you.

SENATOR A. W. A. McCLEAN: Mr. President, in supporting the Bill I would just like to point out that in

making regulations we should take all care to ensure that those regulations are enforceable and that we have mechanisms in place to enforce those regulations. It is no good having regulations which should be honoured more in the breach than in the observance thereof. I am not here again imputing anything or indicating what is likely to happen, but I am making a general observation that there are instances in this country, far too many, where we have laws and regulations which are enforced more in the breach than in the observance thereof.

The reason for that is twofold. Part is because of deficiencies in our enforcement capability, but even prior to that you have instances where some regulations may not be entirely reasonable or feasible or, the way in which they are constructed, enforceable. The question of enforceability can have certain technical aspects to it, but also it entails the question of the extent to which the society would be willing to co-operate. If the regulation goes entirely against the moral sense or the mores of society, or the society's view as to what is appropriate, it would be very difficult to enforce that regulation.

A good example in point is the speed limit on the ABC, the Adams-Barrow-Cummins Highway. Motorists with all good intentions to stay within the law find that they must break the law because of the overall circumstances of that road, and that is a wrong speed limit for that road, no matter whatever else you want to say about speeding in Barbados. We need, therefore, to pay a little attention to what is feasible, what is reasonable and what is enforceable, especially having regard to people's sentiments in the particular matter.

I know that a sufficiently large number of Barbadians are concerned about the problem with the jet skis and so on, but at the same time we need to be assured that the laws when fashioned will not create another type of concern and therefore have problems in relation to enforceability.

With those remarks I want to say that I support the measure.

SENATOR Mrs. G. L. EASTMOND: Mr. President, I must support this Bill today. As a matter of fact, I am on the Government's side, but I must commend Government for bringing these amendments, because it is about time that these jet skis have regulations. In my opinion, perhaps we have waited a bit too long. They should never be among the bathers. Apart from that, we are making money through the tourists and it hurts me to think whenever you open a newspaper you see there had been an accident because of a jet ski. This shows that Government has become very concerned and I am very pleased about this.

The next thing I want to see come before us is an amendment to the Port Authority Act where we will have more security there, because in my opinion they need to

beef up their security. There was a time when the cars used to be searched and they would ask questions and so forth no matter how many cars were going into that Port.
3.10 p.m.

I think that the port is a very important area and we must take all the necessary precautions. As far as tourists are concerned, that is where we are making our money, and I am so pleased about this, because when I open a paper and I see that there is an accident with a jet ski, it frightens me. I love the sea and there are people who come here because they love the beaches and when they come here they want to know that they can swim in peace, and therefore I must commend the Government on this amendment.

SENATOR Dr. L. L. SHOREY: Mr. President, I too would like to join in commending Government for its action in this respect. Like the previous speaker I wish it had come before this Honourable Chamber before, but that aside, I don't think that there is any question that it is a very much needed measure and my guess is that it is one of those measures of which there will be unreserved and unanimous support given to it.

I believe that what is happening in our country suggests the need for the kind of strong message which I think this legislation will give which hopefully will help to remind our citizens of all the ages concerned that their own rights are necessarily limited by and constrained by the rights of others, and I am very happy indeed that Government has brought this legislation and I wish once more to commend Government for its action in this respect.

SENATOR L. A. WARD: Mr. President, I support this Bill. I am very pleased to see at last that this Bill has come before us. Like Senator Eastmond I hope it is not a little bit late for this legislation, because I do feel that Barbados has had some adverse publicity from this jet ski nuisance that has taken place in the tourist industry. The tourist industry is so important and necessary to the economy of this country today that anything that happens to hurt the tourist industry is seriously hurting this country. I hope, Sir, that these measures will control the jet ski nuisance and I would like to say at this juncture that it is not only the jet skis that are hurting the industry but it is also the harassment on the beaches and so on. It may not come under this Port Authority Bill, but it gives an opportunity to mention that.

I must admit of a personal interest because I am connected with a hotel, but, Sir, it is a serious problem and if something is not done about harassment on the beaches, it is going to hurt the tourist industry seriously. Already this year hoteliers are saying that the winter season does not look as good as they were hoping it would look, and this is something that I believe will concern the Government because the Government is dependent, and I suppose they are looking forward now to some winter foreign currency

coming into the country; but not only the Government, so are the hoteliers.

With those few remarks, I support this Bill which is now before us.

SENATOR A. MORRISON: Mr. President, I have noted the observations made by the various Honourable Members and I would like to admit that we were a bit late with this legislation. In one respect we tried to embrace all the people who were involved in a Committee in order to arrive at a comprehensive set of proposals to govern all water sports in the country because the other regulations that we have are inadvertently not in essence operating after the new Port Authority Act came into being. I particularly take note of the point raised by Senator McClean as far as the enforcement is concerned, and I can assure him that this piece of legislation is very imminent and vital to the development of the tourist industry bearing in mind the numerous complaints that were made. There was also a petition at one time signed by 500 persons about the danger and the noise levels of these jet skis, so we are moving on this area with a purpose, and we would insist that the necessary policing is done in those areas which have been demarcated and that the people must learn to understand that they must operate within a particular area and that they must obey the law as far as this is concerned.

There are certain penalties which you will see here. We are very much concerned as a Government about the amount of indiscipline which is being exhibited in this country, and I think this is a good start. If we can regulate the behaviour of people on the beaches as far as those things are concerned, then we would get a start in order to control the wider country in other areas of discipline. Sir, we are very conscious of the work that has been done, and that is why we took our time in order to get a broad consensus of opinion in order to arrive at these regulations for the proper use and control of these speed boats. We hope that with the passage of this amendment and the Minister's right to make the necessary regulations to enable the Port Authority to handle it better that we would get some kind of improvement in this area before somebody gets hurt to a point where it would be a sad indictment on the country as a whole, and to the point where there is a real serious accident. I think that from next year we should be able to operate under firm laws and firm regulations to deal with these speed boat and jet ski activities which have caused quite a stir in this country in the past two years.

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

On 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 4 inclusive were called and passed.

Clause 5 was called.

SENATOR A. MORRISON: Mr. Chairman, I beg to move that Clause 5 stand part.

SENATOR J. C. W. WICKHAM: Mr. Chairman, the point I want to raise in Clause 5 is of academic interest, I suppose, but still accuracy ought to be preserved. 3.20 p.m.

In subsection (2) of the clause (b)(ii) "To travel at or in excess of a speed of 15 knots per hour". A knot is a nautical mile per hour.

Thank you, Mr. Chairman.

Mr. CHAIRMAN: Yes. It is, therefore, superfluous to have "per hour" at the end of that sentence. If it ended at "knot" it would in no way change the sense of the passage. Senator Wickham, in my view, was quite correct. We consider it typographical and we take it as done. Can we?

Mr. Clerk, can we take that as a typographical error?

Aside.

The question that Clause 5 stand part of the Bill was put to the Senate and agreed to.

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

On separate motions of SENATOR A. MORRISON the Bill was read a third time and passed.

ORDER NO. 3 – PARLIAMENT (ADMINISTRATION) BILL, 1989

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill relates to revision of the law relating to the administration of Parliament and seeks to establish a Management Commission for Parliament.

The Bill will cover those areas which are presently the responsibility of the Debates Committee under the Parliament Debates and Establishment Act which it is proposed to repeal when this particular Act comes into operation.

I think I can, at the outset, admit that the Bill responds to a need to have an agency which will undertake certain responsibilities of Parliament including one which was referred to, the fact that debates of this Chamber have not been published for some time and this fact has not escaped

those of us on this side who have some responsibility for the Printing Department and, indeed, action has been put in train to correct what was a problem relating to this Parliament's activity and the Printing Department.

In recent times some of the more recent debates of the Other Place have been printed and this is evidence that there is a move afoot to update all the back issues of the Hansard which have not been published.

The Bill, therefore, gives a framework for the functioning of a Commission of Parliament which will in no way derogate from the existing powers of the Speaker of the House and the President of the Senate in terms of their conduct of the affairs of Parliament.

It does also place on the Clerk of Parliament as Accounting Officer certain specific responsibilities. It provides for the collection of fees and for the audit of accounts of Parliament and it also permits the body to meet more frequently and to have its Common Seal and, therefore, to contract for and on behalf of Parliament in matters relating to Parliament.

There is also a provision in this Bill which establishes the role of the constituency assistants who had been provided for by Resolution outside the existing Debates Committee's responsibility. It also provides for the personal staff of the Leader of the Opposition to be taken care of in a certain fashion above and beyond that which is provided in the existing Resolution covering these persons.

The staff of Parliament are provided for in the Second and Third Schedules to the Bill and when the matter was debated in the Other Place, there were two amendments which were done before the Bill came to us but which would not have been reflected in the Bill circulated to Honourable Members. I therefore need to draw your attention to the fact that at Clause 5 (1)(b) which reads "The Commission may delegate to the Clerk any functions.." that the words "other than discipline" have been inserted and should now read:

"(1) The Commission may delegate to

- (a) the Chairman any of its functions under this Act;
- (b) the Clerk any functions other than discipline concerning the staff of Parliament."

That was inserted because it is intended that matters of discipline relating to the staff of Parliament must be referred by the Clerk to the Commission promptly for the Commission to determine the matters.

The other minor amendment was done at the Fourth Schedule Part II, paragraph 7(2) where there is a definition "for the purposes of sub-paragraph (1). The new reading

should be "a week's pay shall be the total pay" instead of "a week's pay means" it was changed in the Other Place to read "a week's pay shall be the total pay earned during the 104 weeks etc." 3.30 p.m.

Aside.

SENATOR THE HON. L. V. H. LEWIS: Well I suppose they will juggle the commas. In one it comes after and in the other, it comes before the "s". It should be both. Similar. It does not alter the substance.

The other matters dealt with in the Bill, all of them, are matters which were formerly the responsibility of the Debates Committee and the employment of persons formerly the responsibility of the Debates Committee automatically becomes the responsibility of the Commission of Parliament when the Act comes into operation on a date to be fixed by proclamation.

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

Mr. PRESIDENT: The question is that.....

SENATOR C. A. BLACKMAN: Mr. President, I must start at the outset by saying that I am disappointed in the Bill that it has been promised for a while and I thought that the provisions of this Bill will represent a major reconsideration of the position in terms of the management of the affairs of Parliament. Because the Bill essentially, Mr. President, is a re-enactment of Cap. 10 of the Laws of Barbados and to some extent it derogates from the provision established by Cap. 10 in that it really reduces the position of the Senate, *vis-a-vis* the Other Place.

Mr. President, it might be worth restating for the Record that under the provisions of the Constitution of Barbados, the Parliament of Barbados consists of Her Majesty, a Senate and a House of Assembly. And with great deference to Your Honour in terms of giving primacy of place to the Other Place, in terms of it being the elected Chamber, it seems to me, Sir, that whilst we do have a bicameral Legislature, both Houses have, within the framework of the Constitution an equality of status and position and it behoves all those who serve in this Chamber not in any way to accept or derogate from the position of this Chamber.

Sir, the Bill before us firstly, just by way of demonstrating what I am saying that it in fact amounts to a reduction in the position of the Members of the Senate *vis-a-vis* the Other Place is that whereas as the Order Paper would show the Members of this Senate who constitute the Debates Committee are 7 in number, when this Commission is constituted there would just be 3 Members of the Senate. With the Speaker, the Leader of the House, the Leader of the Opposition and 4 Members of the House,

8 in all being members of the Commission and the Leader of the Senate *ex officio* and 2 Members of the Senate to be members of the Commission. With such a balance of persons in favour of the House, I really do not see the justification of their having 4 Members and our Senate having 2.

But the other thing that concerns me, Sir, in terms of the Bill and the Administration is that for the past 3 years I have suggested in this Chamber that in the affairs of Parliament those who work in this Chamber and in the Other Place as well could be enriched and enhanced by the provision of research legislative assistants, call them what you will. The Bill makes provision for the provision of Constituency Assistants, those to service the needs of the elected Members. But I think, Sir, without any false modesty that the contribution which we make up here is as valuable or sometimes more valuable than those that are made in the Other Place.

An Honourable Senator said to me during the recess, why is it that some of the points that are taken up here are not taken in the Other Place, in terms of proposals for an amendment or improvement of the legislation. I think the answer to that is simple. I think the Members of this Chamber take the legislation which come before it seriously. They look at the principles underlying the legislation and offer suggestions in that context. They see their role in the Senate as legislators and not people who are playing to a Public Gallery. Therefore it is in the role as legislator that I really take an interest and have some difficulty in accepting the provisions of this Bill.

I think, Sir, that as we celebrate and mark 350 years of Parliamentary Government and as we are going into a new dimension in terms of parliamentary life we need to provide Members of Parliament with the tools to make a more effective and impactful contribution than what they are now able to do.

I had the experience recently of visiting about 4 or 5 Houses of Congress in the United States within the last quarter and every legislator had a minimum of 2 staff members. If he was a Committee Chairman, he had at least 4. He had a Secretary and he had a Legislative Assistant to do the foot work on the Bills or Resolutions or research for speeches or whatever may be required to enable that legislator to make a more meaningful contribution to the Chamber where he sat.

We have nothing. In the context of Barbados I am not asking for 1 for 1. We cannot afford it. As elected Members we have constituency representatives in each constituency. But surely you can provide at least 1 research assistant for every 4 or 5 Senators. The Commission would have the responsibility to appoint them with such expertise and qualifications as are thought necessary. So whether there be an economist, an accountant, a lawyer, a social worker or

whatever, there are a multiplicity of disciplines that could be of aid to the Senate regardless of party or whatever connections one may have. I think the contributions that would come to this Chamber would all be the richer for it.

As I said, Mr. President, the Bill is really a disappointment in the way that I thought it was going to represent an opportunity for some new dynamics.

There is another aspect of the Bill that concerns me, Sir. This Bill has been in gestation for at least 10 months or more. I think I have heard reference to it certainly way up at the beginning of this year. It is now coming to us when it is all set in cement. There are other bits of legislation which are being considered that are only brought to this Chamber when it has gone through all the process of consultation and we are asked, like robots, to rubber stamp it.

I should like to suggest, Mr. President, and I am going to name 2 pieces of legislation of which I am aware in particular which are going through a drafting stage and which should be circulated to the Members of the Senate to enable them to make a contribution at the point where the inputs can be reflected in the drafts so that nobody's pride is nailed to the flagpost to feel that they have to climb down or lose face by taking an amendment back to the Other Place.

We have a financial institution which is considered by all the Bridgetown business houses and it is being drafted to reflect contributions made at that level. When it comes to us it is set in cement. Any amendment offered on the Floor of this Chamber is not going to be accepted because it is offered on your feet and dismissed out of hand; when in fact, it may well have more substance and less interest in the sense of no vested interest in offering that amendment.

The second Bill which is in the process of consultation is the Bill to deal with the forfeiture of assets of drug dealers. It is undergoing drafts, revisions. There was reference made to it by the Honourable Attorney-General at a press conference 3 months ago. I saw a draft in early 1988 and that draft has gone through several changes. Whenever it comes to this Chamber, Honourable Senators will be seeing it whole for the first time. There are inputs that could well have been made by Honourable Senators to improve the quality of the legislation and deal with matters of principle which will not be available to you. This goes for both sides of this Honourable Chamber.

I would like to see, Mr. President, that although it might be a matter of flooding us with paper that we are permitted to see the drafts, raw as they might be, so that we could make the input that we may wish to make. Some Senators may take the position, it is no concern of mine until it reaches here, as a Bill. But at least we ought to be afforded the opportunity of making the contribution if we so wish and not just have it as an item on the Order Paper

having gone through the stage where Cabinet has approved it and all the rest of it and then it has gone to the House and it comes up here just to say Methinks the ayes have it. Because then we are reducing the Senate to a robot and rubber stamp.

If we want to improve legislation, if we want to improve what a legislator can mean to this country then we have to change our way and style of doing business.

I should like to suggest to the Honourable Leader of the Senate that really inasmuch, and perhaps I am only speaking for myself, the Bill is cold turkey not even properly warmed over. There is nothing significantly new in this legislation that is not already reflected in Cap. 10, the Parliament Debates Act. It might be the appropriate mechanism for the Honourable Leader to defer further consideration and have it reviewed in the light of the submissions which I have made.

3.40 p.m.

SENATOR Dr. L. L. SHOREY: Mr. President, on the matter of provisions for the better administration of Parliament, I merely wish to add specifically my support to the points on which Senator Blackman spoke at some length, the need for support services.

In dealing with matters which come before this Honourable Chamber, it is often very difficult to get the necessary background information which would make it so much more possible to improve the insightfulness of the comments which are made. For that reason I would strongly urge that the Government give consideration to what I think is very worthwhile, and I think indeed very reasonable and rational, suggestion.

I would also urge that very serious consideration be given to what would to me seem to be not a matter deserving of controversy, that is, that the members of this Chamber be given an opportunity to see legislation before it has, as he put it, become cast in cement, or words to that effect. In other words, while it is being worked through, I think it would be very desirable indeed that we should get an opportunity to make an input at a stage when it is perhaps more likely to be acceptable than when it reaches us in its final form.

I thank you.

SENATOR A. W. A. McCLEAN: Mr. President, I would support the suggestion that there should be some mechanism which would allow Senators to make known their views on proposed draft legislation, at least on certain occasions, in advance of our having to debate the matter subsequent to it having been approved in the Other Place. Perhaps if those bits of legislation that are circulated to other sections of the community could be circulated to all Senators at the same time for similar comment as Senators

and in whatever capacity they can express themselves, that could be perhaps of some assistance to Government.

All too often when we have an opportunity up here to make worthwhile suggestions, it is considered to be altogether too late and those things are filed away until the next time the Bill comes up for amendment, and then sometimes you see some of those suggestions being taken into consideration influencing the drafting of the amendment.

Getting to the specifics of this Bill, however, I do not see that in any way it detracts from the status or the authority of the Senate *vis-a-vis* the Other Place. We all know that the Other Place has greater authority and we also know that in terms of protocol within the country the Senate is accorded higher status, so I am not particularly disturbed with the composition of the Commission. Another Member of the Senate, or even another two Members, in my view would not in any way have any substantial significance for what the Senate is really about.

Beyond that I would like to go on to comment on a related matter. We are talking about Parliament and matters pertaining to Parliament and the regulations of the affairs of Parliament. I believe that a matter pertinent to the composition of Parliament and arrangements and decisions which may influence the composition of Parliament can be entertained under this heading. In this regard I want to allude very briefly to a matter which in the fullness of time will probably come before us for more specific discussion, that is, the composition of one of the Chambers of this Parliament.

In particular, I want to make reference to certain reports we have had in the Press today regarding contributions made in the Other Place. What I want to say is that reporting of those statements I understand do not fully capture certain points of view expressed by members of my party. Nothing I am about to say in any way is inconsistent with what they said, and indeed with their overall views on the matter in relation to the Commission.

I hold the view that the Boundaries Commission is a Commission, though appointed by two sides of the House, which must see itself as behaving in an autonomous manner.

Mr. PRESIDENT: Senator McClean, we have a specific matter before us. You are covering an area that is so wide, I am wondering what is going on.

SENATOR A. W. A. McCLEAN: I will not proceed along that route any more, Mr. President. Beyond that I think basically if this Commission is going to function efficiently it should achieve one thing for us, it should allow us to get reports of the official proceedings of this Chamber in good time. I find it a severe handicap not to

have access and be able to make reference to things said by various Senators to points within the Chamber which may be pertinent to a subsequent discussion on another Bill or Resolution. I find that a very severe handicap. I must say that if we can get some improvement in that I would be most obliged.

Mr. PRESIDENT: I will only tell you that we follow May's very slavishly and I do not know if you can find something that is going to supersede that for your reference in a short time. Members are going to find that we follow procedures that have been laid down in Parliament. This is a parliamentary doctrine that has been laid down and accepted.
3.50 p.m.

So therefore you follow what has been accepted over the long centuries. That is why we follow standing records and procedures that have been laid down for debates. We do not follow their customs; all of their rules do not apply to us, but the rules of debate are the things we follow.

SENATOR THE HON. Sir JAMES TUDOR: Mr. President, I am very interested in this discussion because I believe that I am not without some experience of the workings of Parliament over a long period. The first thing I would like to say is that the difficulties experienced by a small Parliament are always peculiar difficulties that you don't see in large Parliaments. Small Parliaments are dominated in some respects more by the feeling that legislation has to be got through in record time and against the pressures of whatever is emanating from public opinion at a particular time, but apart from that, we have never developed the custom of inter-cameral, if I may put it that way, discussion.

It ought to be possible for us to devise a system whereby two or three times a year outside of the pressure of particular legislation that Members of both Houses should get together in a kind of in-house conference to monitor how Parliament itself is working apart from the pressures of the party system and be able by those informal meetings to take whatever steps are necessary when a particular situation is developing before we try to arrest it or to cure it when a session is more than half through. The point raised here this afternoon, I think it was by Senator Blackman, of legislation being seen in an informal way and inputs being made before the cement starts to pour, so to speak, is a very valid point, and I believe a system whereby the two Houses could meet to consider impending legislation in an informal way may be very helpful.

The second point I want to make is this: it always has been astonishing to me that a Parliament and particularly the elected part of it which is the part that controls money, it has always astonished me how we have never been able to spend a little more money on ourselves, and to take a point, I have been knocking around this place for three

decades. I never knew the colour of these walls until they started to clean them up for the particular celebration this year, and we have got very attractive plant here, but that is only the facade. Inside to do our work properly, we need several things. For instance, it ought to be possible for us to have a library of some merit in this Parliament. I mean a library not only for reference purposes but for the purposes of informing ourselves on what's going on in the world. Is it conceivable that we could not spend a couple of million dollars spread over, let's say, four, five, six years to equip this Parliament with a range of reading matter which any Legislative body should have? Is it too much for us – I am not saying things that I have never said before in the Other Place; I have always taken this view – is it too much for us to make valuable subscriptions to periodicals from all over the world, whether learned or otherwise, which would enable us to keep abreast of what's going on? I think we need these things and a Library is a capital investment without which we should not do.

I take the point, I don't remember whose it was, it may well have been Senator Blackman's point, that if you want to refresh your mind in this Parliament, whether it is in this House or another, of a speech made ten years ago, five, six or even in two sessions but one, it is such a hassle to be able to find not only the document but to have to wade through a lot of matter which is not always very interesting reading matter to find exactly what you want. I don't know what technique could be used for repairing this sort of inability, but it ought to be possible I think for us to have a system whereby you could say to some person, let's say, giving an hour's notice, would you find me the reference or a speech made in a budget, let's say, in 1872 in respect to a certain form of taxation or a certain fiscal measure, and have that paragraph and the cognate paragraphs before the person wanting it within an hour.

Now if it requires employing people to do this sort of thing, it is something I think which is worth while being done. It is impossible to do the work as a Legislature if you cannot have access to information when it is needed.

The next point I want to make is that politicians are always, I think with some justification sometimes, complaining that what they have said is not always put out in the way they would like it put out. I would suggest that thought should be given to the establishment by this Parliament of a recording studio, not so much for the purposes of broadcasting to the outside on all the occasions when speeches are made, but as a facility for a Member after he has made a speech to put on tape the salient points to what he has said for his own uses, so that if he has to make reference to a debate, he may do so and may be able to refresh his memory and the recollections of the Chamber in which he is speaking of what issues were being debated at the time when he recorded his own contribution to the debate. These and other devices I think are worth the expenditure of public funds. I cannot think of anything

more worthwhile than to have an efficiently working Parliament and I think that we should give some thought to these matters.

One small point before I conclude, Sir. Well it is not a small point because it raises a question of some substance but I can't dilate on it here within the context of this debate. There has always been a problem in this Parliament as in all small Parliaments to separate what I call the life of Parliament itself from the prerogatives of the Crown. If you take our House of Assembly, the results of an election should always turn up a working majority to carry on the Government, but everybody who has been elected to the House of Assembly has been elected not as a Minister, but as a Member of Parliament, therefore Parliament in my judgment always has a prior existence to governments and Ministries and the Crown and all of that, and we ought to get in the habit of seeing then that Parliament in either House has a life of its own which is not necessarily opposed to the workings of the Government, but from which the Government itself could benefit by consultation between the House even before it is pushed to the point at which it needs to invoke the majority to put over a certain sort of policy.

4.00 p.m.

Of course, it might be felt that I am talking this way now because I do not want to fight any more elections but in fairness to myself I must say these are views which I have always held that the Crown is not all that Parliament is and that the business of the Crown, while it has some tremendous legitimacy, cannot supersede and override the nature of Parliament which has a life of its own.

I hope that having said that I can still give my general support to the Bill except to say to Senator Blackman, it would be better, perhaps, with all its faults to give it a chance because I am certain that within a year or 18 months we should be seeing quite a number of its weaknesses and we would be in a better position then if we need to strengthen it to do it after firmer and better deliberation.

Thank you, Sir.

Applause.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I believe I will begin on the last note and it is that the Bill is seen as the first step towards an improved instrument for the better management of Parliament. I do not believe that any of us who had to deal with it are satisfied with the Bill at this stage it has reached.

Let me, however, say that this Bill is the consequence of a draft which was prepared towards the end of 1988 which was considered by the Debates Committee before November of 1988. It found its way into the Cabinet Office from Parliament and was considered by Cabinet some time

in January of 1989 in a different version from the present Bill. After that it came back to the Debates Committee in March of 1989 and then it was not seen for many many months.

The year 1989 being the 350th Anniversary of Parliament is, for the most part, the reason why there is an effort to have the Bill on the Statute Books during 1989 and as somebody said, it really is almost just a translation of the existing Debates Committee legislation, but it is a first step. That is what it is intended to be, a first step towards a probably more comprehensive Bill.

I have little doubt that the inputs of some Senators on the other side would make for the sort of Bill which would do Parliament proud and I believe that we need to find mechanisms for allowing interested parties who have to do with Parliament to make the inputs which might forego some of the debate that we had today because I also believe that after consultation on both sides, that some of the points raised today would have been settled more amicably instead of having to vote them down.

Let me in saying that also remark that before we introduced the Bill, Senator Blackman had spoken with me and had drawn attention to the lessening in numbers of the Members of the Senate and I was very amused because when the first draft of the Bill was done I was certain that the numbers of the Senate were somewhat different from what they are now. The present Bill before us, I know, seeks to put the House of Assembly in the light of what some or most people believe is the role of the elected members of the House, *vis-a-vis* the nominated Members of the House.

This matter, therefore, of the possibility of exposing new legislation, the present two Bills, I will certainly pursue with the Attorney General or whoever else because I believe that it is important that if we come in here with a Financial Institutions Bill that we do not come with areas which might appear like infelicities when there may be an explanation beyond my own knowledge to respond to, yet, there are persons elsewhere who may be able to give the explanations.

In the matter of the preparation of the Hansard we are urgently seeking to remedy that. In more recent times, certainly, when we were moving towards the 35th CPA Conference, we ensured that the computers of Parliament were now functioning properly and that they were used during the 35th CPA Meeting and that they are working now in a manner which is compatible and will speed up the movement of debates between Parliament and the Printing Department so we have taken some action in that respect.

In relation to the need for a Library, something that has been repeated time and time again, there can be no question of this and the plans for the refurbished buildings,

both sides, include an area downstairs which has already been identified for the Library. It is presently being used temporarily for exhibitions but the Clerk of Parliament understand very clearly that he must submit to the appropriate body the necessary initiatives not only to provide staff and two people have already been trained, but to recruit a Librarian for Parliament, one of the posts included here, a qualified Librarian for Parliament and, also ...

Aside.

SENATOR THE HON. L. V. H. LEWIS: Well, a qualified Librarian at least to establish and set it up even if we cannot retain the services for ever and ever. But that would be a step forward and it would assist in identifying the types of material that we could use in Parliament so again something is happening.

On the question of research, we will certainly take note of this requirement. The comment made by Senator Sir James Tudor is quite apposite and, in fact, I recall many years ago that there were persons in the Senate who found a way of getting around this. Certainly when I was a Public Officer I used to be inundated with approaches from Members of the Senate either to get information from the Ministry that I was working in to get advice on who to contact to get information relating to matters that were coming before the Senate. The Prime Minister of the day had given me strict instructions that when approached by any Senator or Member of the Opposition that I should facilitate them in the same way that Members of the Government would have been assisted so I believe that if the necessary approaches are made at the present time that there will be assistance given.

The Bill then has had a long gestation period. It is before us, Mr. President. I beg to move that it be read a second time.

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

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

Clause 1 was called and passed.

Sections 2 - 18 of the Bill were called and passed.

The First Schedule of the Bill was called.

SENATOR C. A. BLACKMAN: Mr. Chairman, I do not wish to delay the Senate. I just want, by way of an observation for the benefit of the Senate, to draw attention to Clause 6(2) on page 13 and ask the Honourable Members

of the Senate to reflect on the provisions therein so far as it reflects on this morning's debate.
4.10 p.m.

The Second, Third and Fourth Schedules inclusive were called and passed.

On the motion of SENATOR THE HON. L. V. H. LEWIS, the Senate was resumed and 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 passed.

ORDER NO. 4 - FISHERIES REGULATION (AMENDMENT) ACT, 1989

SENATOR A. MORRISON: Mr. President, Sir, the purpose of this Bill is to amend the Fisheries Regulation Act, Cap. 391 in order to change the close season and at the same time to increase the penalties set out in the various sections.

Sir, as you know, there has been a ban on sea eggs for the past 3 years or so and this ban was lifted on September 1, 1989. As a result of the lifting of the ban, there were some very large yields of sea eggs this year. Even before the ban was lifted there was some activity, what we call the season before the ban was lifted the illegal picking of sea eggs. There were a lot of sea eggs being harvested at that time. What we have discovered is that as a result of those harvestings before September this year, we found that when we release the ban and we have pickings, that the amount available seem to decline at a very early stage. By October the people were about the sea looking for the sea eggs again.

The Government has decided now to have an extended close season whereby we would have the close season from January 1 until August 31 in order to give the sea eggs more time to spawn and to make the crop more plentiful. In doing that, Sir, we are hoping at the same time to be able to deter people from picking sea eggs. We are taking this opportunity to increase the penalties at the same time in order to make the penalties more severe for the picking of sea eggs.

We have had a very good sea egg season this year and we expect that this legislation will be in place for the new year before December 31 this year so that we will be able to get certain notices out to the public. The Fisheries Officers have already been trying to deter the public from picking sea eggs out of season.

So, Sir, that if we are able to control the close season we would be able to have a better harvesting come September 1, 1990. It is for that reason that we are

extending the close season from January 1 to August 31 and at the same time we are taking the opportunity to increase the penalties under those various sections in order to deter people from picking sea eggs out of season.

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

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

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

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clause 1 was called and was passed.

Clause 2 was called.

SENATOR A. MORRISON: Sir, I beg to move that Clause 2 stand part.

Mr. CHAIRMAN: The question is that Clause 2 of the Bill stand part.....Senator Boxill.

SENATOR N. W. BOXILL: Mr. Chairman, Sir, before you put the question, I am making a suggestion to the Senate that in order to expedite things, that you take this Bill from 1 to 4 in sections and then from 4 to 8 so that we can get through much quicker. You can go through 8 things the same things over and over.

Mr. CHAIRMAN: Is there any objection? There being no objection to the proposal by the Honourable Senator we shall take the remaining sections in that manner. We have already dealt with Clause 1.

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

Clauses 3 to 5 inclusive were called and were passed.

Clauses 6 to 8 inclusive were called and were passed.

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 was passed.

Order No. 5 - Resolution to approve the borrowing of sums of Bolivars 3 382 261.00 and US\$3 755 430.00 from the Venezuelan Investment Fund (FIV) and US\$3 756 566.00 from the Venezuelan Export Fund for the purpose of assisting with the implementation of Phase I of the Government's Planned Tenantry and Subsidiary Road Programme during the Financial period 1989-92.
4.20 p.m.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, in moving this Resolution I would like to draw attention to the Barbados Development Plan 1988-93, page 130, under the caption Private Tenantry and Subsidiary Roads, and I quote as follows:

"The objectives of economic development are human. Economic development is not an end in itself, but a vehicle for promoting and enhancing the well-being of persons. The tenancies in Barbados have been, for centuries, marginal locations on plantations where only nominal infrastructural facilities exist. During the Plan period Government will act to transform these areas by the construction of roads, the provision of water services and the installation of electrical services.

All tenancies scheduled by the Ministry of Housing and Lands, as well as other unpaved roads, will be included in the programme. It is estimated that approximately 300 roads measuring 84 kilometers will be paved."

In order to undertake that aspect of the Development Plan, Government made it clear that it will use part of its own resources out of the Consolidated Fund to support it, but it is necessary from time to time, in order to meet the foreign exchange component of such developmental projects, to borrow. Under the Special Loans Act, Cap. 105, the Government is authorised to borrow from other Governments, banks, corporations, companies or other institutions such sums of money, not exceeding in the aggregate \$5 million, on such terms as may be agreed upon between the Government and the lender of any such sums of money.

The Government, in support of this programme, now deems it necessary to borrow the sum of BS.3 382 261, an equivalent of Bds. \$3 382 261, and a further sum of U.S.\$3 755 430 from the Venezuelan Investment Fund. In addition, it is seeking to borrow U.S. \$3 756 566 from the Venezuelan Export Fund for the purpose of assisting with the implementation of Phase I of the programme just mentioned. It is my understanding that this phase will cover about 84 tenantry roads.

The first loan, which is coming from the Venezuelan Investment Fund, has been denominated in two different currencies, one in Bolivars, which is the currency of

Venezuela, and the other in United States dollars. The reason for this is that under the terms and conditions of the loan some services and equipment and materials will have to be purchased from Venezuela, and in order to hedge against any changes in the Bolivar, we have delineated some of the currency in Bolivars and the others in U.S. dollars. It is clear that all the materials will not be available from Venezuela.

The proceeds coming from the Venezuelan Investment Fund will be at the rate of 6% per annum, to be paid semi-annually on 30th June and 30th December. There will be a ten year period over which the proceeds will be amortised, with a grace period of up to three years.

In connection with those sums coming from the Venezuelan Export Fund, the rate of interest has not been indicated here. The existing rate at which we will have to take down the first loan is 8.1%. The reason why it has not been spelt out here is that we have a variable rate, and every year the prevailing rate of interest at which the bank has to borrow money will be the rate that will be applied towards any loans coming on stream in that year. There will be an amortisation period of eight years, with a grace period of up to two years.

It is hoped that the road programme could get underway early in the New Year, beginning in all the parishes simultaneously.

With those comments, Mr. President, I move that this Resolution do now pass.

SENATOR Miss V. P. BRATHWAITE: Mr. President, road improvement in Barbados is at one and the same time a social desirability and a moral imperative. It represents a substantial cost to Government, as we can see by the Resolution before us the large sums of money which we shall have to borrow to improve the roads in this country.

My comments I wish to confine only to the cost of those operations, and specifically to the cost of the asphalt to be used in building the roads.

There is an Agreement in force between the Barbados Government and Mobil Oil (Barbados) Limited with regard to the supply of petroleum and petroleum products. Under this Agreement asphalt and asphalt products are to be bought from Mobil. I would like to invite Government, in reviewing this Agreement which should be coming up some time very soon for active consideration with a view to re-implementation, to look very carefully at this arrangement, because the following scenario can obtain following the passing of this Resolution.

4.30 p.m.

Sir, Government borrows money from Venezuela or Venezuelan agencies. In part those funds should be used to purchase products from Mobil. Mobil also imports the product from Venezuela to sell to Government. The method of purchase by Mobil is as follows; Firstly the product is bought by Mobil Oil International Limited which then sells to the Mobil Oil division responsible for the Caribbean operations. That Mobil Oil division then sells to Mobil Oil (Barbados) Limited which then sells to Mobil Marketing Company Limited, the marketing company which then distributes the products in Barbados to consumers including Government.

We wish to note, Sir, that at all stages during this purchasing arrangement, the profits and the mark-ups which accrue to Mobil. The final cost to Government therefore is significantly increased because the product is not just bought from Venezuela by Mobil Oil (Barbados) or Mobil Marketing; it goes through the International division, the Caribbean division, the Mobil Oil (Barbados) Limited, then to Mobil Marketing Company Limited. These profits, Sir, I wish you to note, either stay outside of Barbados or are repatriated. The final cost to Government therefore as I said earlier is much more than if Government were to purchase the product from Venezuela itself or if Mobil operations were to purchase directly from Venezuela.

Government also is required to pay interest on the loan which it acquires from the Venezuelan agencies. The final cost of asphalt to the local Mobil operations of somewhere in the region of approximately \$350 a long ton is sold by Mobil to Government for upwards of \$600 per long ton, almost double the cost of the local Mobil operations, so it represents a significant cost to Government and Government should enquire and vigilantly into the operations that obtain at Graves End, especially with regard to the refining and the importation of products. It must also investigate, Sir, whether the taxpayers of this country have not been taken for a very expensive ride by Mobil for some time now, and I say this, Sir, and I shall explain further.

Under the agreement Mobil Oil is empowered to import crude petroleum products, base stocks, chemicals, catalysts, additives and all other products or materials used in the manufacturing or processing during the refinery operations. Mobil is only allowed to import finished products into this country under the Agreement in two specific circumstances set out in the Agreement, Sir. One is where they fail to refine, that is the local refinery at Mobil because of what the Agreement refers to *force majeure*, that is, acts of God, riots, civil disorder, insurrection, floods, earthquakes, embargoes or the like. The second circumstance in which Mobil may import is not where they fail to refine not because of any of the circumstances mentioned earlier, but where Government gives them approval.

In the first circumstance, Sir, they are still able to receive all the governmental benefits by way especially of a consumption tax discharge, and in second circumstance, they may only import upon such conditions as Government allows which may or may not include the discharge of consumption tax, and I ask, Sir, whether or not they have not been taking the consumers for a ride because in some circumstances there has been the importation of refined products, and I wish the Minister to investigate whether or not these finished products were imported under the terms and conditions specified in the agreement. Did Mobil import with governmental approval or did they import finished products in the form of what is referred in the industry as a cocktail mix, that is, most of the finished products mixed up into one and are separated through the chemical process, not refined, and placed into different tanks when they reached the Island? I wish to enquire, Sir, whether or not Mobil has not been importing such a cocktail mix without governmental approval. If this has been the case, Sir, we wish also to know how much money has been received in this manner.

I raise these concerns, Sir, because these are factors that go towards the cost to the final consumer in this Island, whether it be the consumer of the petroleum products or the persons who must bear the burden of the cost of road building, mainly the taxpayers. I wish just to invite the Government to enquire into these operations at Graves End particularly regarding the refining and importation, enquire into the cost to Mobil of providing the asphalt which it uses in its road building programme to determine whether or not Government is getting a good deal, receiving asphalt at a good price, and to enquire whether or not the operations are in fact being run above board with regard to the terms of the Agreement. Thank you.

SENATOR Mrs. V. C. FRASER: Mr. President, I should like to congratulate Government in taking this step as it involves planned tenantry and subsidiary roads programme. For a very long time many persons in Barbados have been concerned about where they live and where their children live, in what sometimes we in Barbadian jargon call "behind God's back", and when there is need to visit a doctor or there is some important event and the rain falls, these people have always had to come out with two pairs of shoes. I am happy that Government has seen that this is of paramount importance to have these children who are the children of our nation walk on some of these beautifully paved roads. I say this because I know that children are usually a little bit ashamed and they get a little bit of a run in with their peers when they have to go two miles up a long cart road or whatever you may choose to call it or between two fields of canes where the road is rocky and terrible. I myself have had the experience of looking sometimes for people in the applied nutrition programme to find that the little car could not even get up the road because it was so bumpy and rocky. I think that a Government has to look after the needs of the poor people

in this community, persons who find themselves with little land situated in the middle of nowhere, where roads are going to be paved properly so that they can drive in. Their children have improved now by working and some of them have cars, and I don't think they want to buy shock absorbers every day.

Because of the whole question, as my friend mentioned, of free secondary education, that has made a number of people able to go on to the University to get further education and be able to assist their parents in developing their house, and after the house is developed, then I don't think you want to invite somebody to come and see you in a road that they can't get across with their car, and they have to park their car down the road.

When it comes to the question of tenancies, I think that people must realise that the people who are in tenancies are human beings that are very important. Some times we hear a lot of talk when it comes to anything to benefit the people in tenancies, as though the people in tenancies are not Barbadians and as though these people are not contributing to the development of Barbados through National Insurance and other taxes and levies and so on, and I wholeheartedly welcome this because I feel that this Resolution is the kind of forward looking strategy to develop small third world countries like Barbados to a greater extent to bring it in line with a lot of the developed countries. There is no point continually quarrelling or worrying yourself about Government's borrowing. Barbados at this stage of its development will have to borrow to carry out some of its infrastructural programmes. 4.40 p.m.

We have no mineral resources. We are trying to build up some of our agricultural resources and tourism, but we must realize that at this stage of our development and at the stage of any small country's development, you have to, not that it is an exercise that people like to do in order to get in line and to provide people with the necessary facilities and the necessary infrastructural development, make loans.

As far as I see here, this loan has 10 years amortisation with a grace period of three years. I think that this is quite a good period that they have given us here and not all of these agencies and countries give you these kinds of concessions.

I want to say again that I wholeheartedly support this because especially for the reason for which it is going to be used. That makes me feel proud as a Barbadian to be able to go through those roads and to know that they are properly paved and the other subsidiary roads that are in need of repair and people have been calling all around and complaining about the roads, to see that they are at last going to be repaired and I think it will remove a lot of the upset from some people worrying about whether they

should purchase a car or not to drive across that sort of road.

Also, it will give those persons in the back roads which you call the tenantries a lift morally. When something is done to a place that you have been feeling depressed about, if bush is around your house and it is harbouring mosquitoes and the place looks dirty, it makes you feel depressed, if you have any pride, and I know Barbadians are proud people. So when you have been walking over a road stumbling for years, you may have been wearing flat shoes but your children now are wearing high heel shoes and when tomorrow morning the child has to buy another pair of shoes because the heels have come off, I do not think anybody would feel very happy about that so we have to be very practical.

We have to give people the necessary services that they need because politicians have to do this in order that people recognize that representation does not mean just talking but it means having positive action to assist in the developmental process of any country.

With these remarks, Mr. President, I wholeheartedly support the Resolution.

SENATOR J. S. GODDARD: Mr. President, I am very happy to associate myself with the remarks made initially by Senator Clarke when he outlined the goals of national development as spelt out in the National Development Programme.

I am also very happy to associate myself with the understanding and the compassion shown by Senator Fraser regarding the plight of many of the people living in the tenantries but I would like to repeat what I did say in this Chamber on November 8 when we were dealing with a Bill to amend the Central Bank Act.

I think members would recall that on that occasion I commended the Central Bank for introducing monetary measures which had the effect of restricting business activity in the private sector and I was wondering when we would get some announcement as to what Government plans to do to restrict spending in the public sector. I then went on to speak about these roads and members would recall that I said that while I thought it highly socially desirable, and I repeat, very socially desirable under present economic conditions, I did not see that they would be a priority.

While, Sir, that was not reported completely in the Press and, I wrote a letter to the "Sunday Sun" which appeared in the "Sunday Sun" of November 12 outlining exactly what I had said, paraphrasing it, and again I repeated the phrase that while it was socially desirable, I did not think that it was an economic priority under current conditions, I am sorry to say that at a public political

meeting on November 26, what I said was twisted and distorted almost beyond recognition. I did not attend that meeting but I had friends who did and it was reported in the local Press. I will not dignify what was said on that occasion by repeating it in this Honourable Chamber.

This is Christmas, Sir. This is the time for goodwill and I will let the matter rest there. However, Sir, I have given thought to this programme which was announced by Government - \$60 million to improve in the main the tenantry roads in the country - and I would like to make a comparison just for members to have a base to which to relate this expenditure.

I am advised that the total cost of the ABC Highway is in the vicinity of \$94 million. I am also advised that the land acquisition was somewhere between \$45 million and \$50 million so that the actual cost of road construction is just under \$45 million.

Now, this is the construction of a very modern highway and I am also advised that the width of the roads, including verges, is as much as 40 feet. So here it is that entire highway costs us \$45 million and we are now talking about resurfacing in the main tenantry roads that cost us \$60 million.

Now, it may be some element of resurfacing and other elements of building. I wish that this country could afford this right now. I would be the first to support this Resolution. I repeat for the third time, it is highly socially desirable but given the constraints that we are in, the fact that since November 8 the Central Bank has had to increase again its lending rate to commercial banks and every effort is being made to correct the balance of payments situation and to conserve foreign exchange.

When I look at this objectively, putting aside my own feelings of this desirability, I really cannot support this Resolution at this point in time. When the situation improves, I will be the first to support anything to assist the plight of the less fortunate people within our community.

I thank you, Sir.
4.50 p.m.

SENATOR A. W. A. McCLEAN: Mr. President, I am grateful to Senator Clarke for the information, the background which he gave us to the particular Resolution but I would have been even more obliged to him if he had put this Resolution, as far as the borrowing aspect of it is concerned, in the context of Government's overall plans for foreign borrowing during the course of this Financial Year, in the context of the existing size of the external debt and the growth or decline therein, in the context of the current foreign exchange situation of the country, in the context of Government's overall fiscal position. It is not at all too late

for him to endeavour to do some or all of those things during the course of the debate in his reply.

I agree with Senator Fraser that there is no point talking about borrowing, borrowing, borrowing. We need to borrow. But we need to borrow wisely in the right amount, at the right time and in the right fashion. This loan is on concessionary terms and to that extent, there is no particular problem with this one. But yet for all that, we still need to relate it to the overall question of Government's fiscal position and Government's plans for raising funds by borrowing. As I said I agree with the words of Senator Fraser that sometimes we harp too much on this business of borrowing, borrowing, borrowing. When she said that I do recall many remarks made by the present Minister of Finance who never ceases to condemn former Ministers of Finance for borrowing, borrowing, borrowing and leaving him with the problem of repaying.

I think the words uttered by Senator Fraser are pertinent now and they were equally pertinent then and even more so. The types of criticisms raised by the present Minister of Finance against the borrowing policy of previous Governments and indeed this very Government are not at all well founded. Many people who know about these things perceive them to be such.

Again relating to the question of the overall debt strategy and so on, one has to relate to the question of debt servicing and I would also like to know what Government's plans for borrowing during the course of this year is projected to mean in terms of debt servicing into the future, indeed most immediately into this year and the next. We know our Minister of Finance has been saying that he has inherited a problem of having to service debt. That celebrated meeting you have already heard reference of November 26. Many reports were in the press about it including reports regarding which Minister of Finance borrowed money in Japan and ran faster than Carl Lewis in order not to have to confront repaying that money. But I checked with the Estimates for 1989-90 and in Appendix D, page 28 thereof, "STATEMENT OF PUBLIC DEBT AND SINKING FUND AS AT 88-12-31" it has here information relating to loans raised under the External Loans Act, Cap. 94D and you see here a sum of nominal value of issue \$55 814 000 and the maturity year is 1986-91 and the redemption date 91-12-02 which everyone expects to be subsequent to the next election. The person who is supposed to have been running from repaying this debt, I rather think the person is running towards being in the position to be the one to repay it. So people should not make those kinds of silly and groundless statements. It does not do the country any good. It does not do him any good to be making statements of that order. We have to take ourselves seriously. We have to spend our time in coming to a deeper understanding of the problem before us.

I believe part of the reason why Barbados is in the predicament we are in today, as far as foreign exchange is concerned is that some people wanted to be a superstar and do what other Ministers of Finance could not do, get through a year repaying lots of money for amortization, over \$100 million and borrow very little. Having reduced external debt at the end of the year and sing their own praises, not recognizing the impossibility of it all and the stress that you put the Central Bank under if you try. You tried and you put the Central Bank under stress. It is not too late to relent and learn to sit down and engage in the formulation of a proper financial plan for the rest of this year and indeed for the next and proceed in a way which would extricate Barbados from the present embarrassment that is now confronting it in relation to foreign exchange.

Senator Goddard's comments regarding the \$60 million quite clearly it must be understood, he did not say it explicitly that he is speaking about spending \$60 million in a short time frame within existing situations. I did not understand him to be saying that you should not spend \$60 million on the roads anticipated. But there is a plea for scheduling, for doing things within one's capability to avoid putting the country under stress. This is entirely a sensible plea because if we try to achieve more than we can we will fail. We are still not going to spend the \$60 million but we will find that we have to put on the brakes with such severity that it will take much longer to be able to return to that situation to spend the \$60 million.

So we need to sit down and engage in serious financial planning to know what we can do and what we cannot do and then establish our priorities. It is also true that if you spend \$30 million on Sherbourne Centre for we know not what, you have to consider that also. That puts limitations on what you can spend on other areas.

So that the question of spending on tenantry roads is largely a matter of priorities, except that in many areas you have already pre-empted a situation by spending in a wasteful way on unnecessary things. It might have been indeed entirely possible to spend \$60 million within the time frame envisaged by Government without any great strain if you did not have the Sherbourne fiasco and certain other things, if we had greater efficiency in Government expenditure.

And so I for one, if we could snap a finger and get all the roads fixed tomorrow, I would welcome that. If we have to spend \$60 million to get them fixed, we will have to spend it, we will have to do it in a reasonable way. Above all, we have to protect the viability and the financial integrity of our country. We have to understand that the bottom line of such protection is that Government must first of all seek to finance whatever deficit that it is going to run, other than through the Central Bank. That is the bottom line of it all. I keep repeating it. I have told them this. I have had to tell Governments in Barbados this before and they are

inclined to hear to it. This is not the first crisis we have had. We had 3 before now and on all occasions I told the Governments that and they are inclined to hear that and within 3, 4 months the crisis went away. But I know that this Government is not going to listen to me. But I am still going to repeat that the way out is to reduce Government's net borrowing from the Central Bank to zero.

The Central Bank developed the capacity to lend money to Government and to commercial banks and so on on the basis of the issue of local currency and other claims held against them, such as are held by the commercial banks. That is where they get the ability then to turn around and lend something to someone. If they are lending amounts which approximate closely to their demand liabilities, they would only have a small amount left over for foreign reserves. That is in ordinary circumstances. But remember we have put ourselves in a situation where \$140 million of what we call foreign reserves which should have been there in relation to what I just said, it is not there. So that constrains your capability to lend by that \$140 million.

So you take the demand liabilities of the Central Bank and swipe out \$140 million of that right away and then you know that they have another \$90 million tied up in local assets and real estate here. Take that out too. Then relate that to the currency in circulation and to the deposits at the commercial banks and so on, and you see what is left and what is available in terms of the true net foreign reserve position of the Central Bank. There are other small items that I have not mentioned. Those are the big ones. You will see that right now the Central Bank of Barbados is in no position to lend to Government and it will take us another 10, 15 to 20 years with the Central Bank gradually earning and the money supply and so on expanding to make this \$140 million and the \$90 million loom less large for the Central Bank to be able to resume lending to the Government.

5.00 p.m.

Any time the net position of the Government with the Central Bank becomes such that the Central Bank is lending significant sums to Government, look and you will see the Central Bank cannot have any foreign reserves, unless it borrows from somebody. Look and see any reserves which they hold will have to be matched by borrowings from foreign financial institutions. It is as simple as that, and no amount of credit restrictions, no amount of anything else you can conceive of under the sun can turn us around. It is true for Barbados, it is true for Jamaica. They did the same thing, they financed Government deficits by printing money and the reserves dissipated. They can devalue until Doomsday, they can raise the interest rate to 25%, they can do what they like, until the Government finds itself in a position not to be borrowing from the Central Bank to the extent that they have been doing in those countries, the Central Bank will never have net reserves again, the

country will be eternally in foreign exchange problems, and the same is true of Barbados.

Therefore, it is entirely wrong for anyone to believe that they can refrain from borrowing overseas in situations where they have very heavy foreign amortisation and interest charges to meet, and in situations where there is no significant inflow of foreign investment, and expect the Central Bank can do that without having to go cap in hand and borrow from people.

It is the role of Government to engage in that type of foreign borrowing and leave the Central Bank fairly free. Central Banks have lines of credit where they can borrow from other institutions, but that is usually on a discretionary basis for purposes of portfolio management, where you want to maintain a particular flexibility and composition to your portfolio and you engage in this discretionary borrowing. Not that you do not have resources of your own that you can draw down on and honour the obligations which confront you, but you maintain this flexibility so you can manoeuvre a little better and maybe invest certain funds on a little longer term and do not have to break them and so on, so you can have a particular distribution of the resources across currencies and things like that.

When a Central Bank finds itself relying on a day to day basis, and increasingly so, on demand loans from other foreign institutions, that is an unfortunate situation that we should never put ourselves in. We have to get out of it by recognising that Government has to engage in appropriate levels of external borrowing at the appropriate time. That is where our Minister of Finance has gone wrong. He did not heed Senator Fraser's advice that you should not be talking about borrowing is bad, and if I can go without borrowing I have done well.

I thank you.

SENATOR A. J. N. PHILLIPS: Mr. President, I rise to support the Resolution and to make a few comments on various contributions made by other Senators.

First, Sir, I make reference to Senator Goddard's speech where he obviously expressed some deal of disappointment at the contents of a speech made by one speaker at a public meeting some time ago in Independence Square. I would like to say that I was present at that meeting, and what I thought the Senator had alluded to here now was a peripheral statement and not really the substance of the speech. The substance of the speech was of a philosophical nature and was consistent with the thinking of the Democratic Labour Party. I believe the comments to which he referred were merely passing comments and were not really the substance of the speech. This is not to defend the speaker, but this is a matter of fact.

However, Sir, the last time that this matter came up in the Senate, the question of priorities and so on, I expressed the view then, which I still hold, that the question of housing and roads is a philosophical matter and is seen in varying ways by various parties and persons. The question of priorities is never a consistent one, because people have their own ideas as to what are the priorities.

Sir, it is possible that one person may see it as important that you have one house, say for \$1 million, or another person may feel it is a better thing to have ten houses and \$100 000 and a third person may think it is better to have 50 houses and \$20 000. It depends on how you see the situation. The same thing relates to roads. The cost of the ABC highway has been mentioned here this afternoon. I still maintain that that cost has been extremely high.

Again, as far as preferences go, I very much prefer and support the policy of the present Government in relation to the situation as it relates to tenantry roads. As I understand it, the plan is to provide 360 tenantry roads. I will support that at any time before I would support one highway. I believe that it is rather more socially desirable. Highways and so on only tend to give the inhabitants of the country the feeling that you live in a large country. This is not so. The country remains small and the greatest contributors to the benefit and to the growth of this country have been those people who live in tenancies. It is the products of people who now occupy tenancies that run the biggest institutions in Barbados. All of us at some time emanated from the tenantry situation, and indeed it is extremely plausible that Government has seen the necessity and has the will, regardless of whatever criticism they may get, and they must proceed with their tenantry roads scheme. I consider it a priority.

As I said on the last occasion I spoke, I do not think that the Government should be diverted from this policy. It is a committed policy, it is one of the promises made in the Manifesto, it is one of the promises made during the last election and I do not see any reason whatsoever why there should be any change or any veering away by the Government from what has been a stated policy. It is obviously one to the benefit of the wider range of people in this country, particularly those persons who are unfortunate and who, for the first time in their lives probably, would know what it is to get off a bus with a very long entrance to their homes, and be able to walk into the gaps with their shoes on when the rain has fallen, where some of them, as it now happens, have to slip off the shoes before they go into the gaps. I think indeed that the Government should be complimented for this very far-reaching piece of legislation.

The question of the loan, as far as I am concerned, will be dealt with. As the Minister said, it is an eight year loan. I believe it is a soft loan and indeed, Sir, I consider that this is money well spent and in the right direction.

I thank you, Sir.
5.10 p.m.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, I want to make one or two comments in winding up. I believe that Senator McClean's comments were quite similar to the comments we had just before the luncheon break about two or three sittings ago. We are up against time so we cannot debate this in its entirety. What I would say here firstly, is that we are in phase 1 of the project which we are committed to in the Development Plan as part of our own priorities; secondly, we have a foreign exchange component which would take care of the foreign exchange needs for the particular programme. There are some significant benefits which will accrue in addition to the social benefits that would accrue to the people who are currently living there, that is, there will be many local contractors who will be involved in the work. Employment opportunities will be produced for these people and there are some small agricultural holdings in some of these tenancies that will also be opened up for marketing the produce, in addition to which it will facilitate you, as you go in and start carrying out repairs to the roads, to introduce also water mains, electricity and gas.

On the question of foreign exchange, there should not be a drag on the foreign exchange position. I remember the debate only too well, and certainly I do not want to delay the Senate on this at this point, where I gave three sets of figures in terms of net foreign borrowings. I said I believe we had a net loss of reserves excluding borrowing of \$80 million in 1980, 1981 and 1982. In 1986 it was about \$125 million and in 1987 it was \$160 million. This year up to September it was \$118 million net borrowing. Now we are told not to borrow and on the other hand we are told to borrow. What we are looking at is trying to rationalise the whole debt management profile, local and foreign. We are looking at this in its entirety.

With those few comments, I really do not want to delay the Senate now as there will be another opportunity to debate more fully the question of foreign reserves, I beg to move that this Resolution do now pass.

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

**RESOLUTION TO APPROVE THE BORROWING OF
US\$5 850 000 AND £1 850 000 STERLING
FROM THE CROWN AGENTS
SERVICES LIMITED**

Order No. 6 was called – To move the passing of a Resolution to approve the borrowing of sums of US\$5 850 000 and £1 850 000 sterling from the Crown Agents Services Ltd. for the purpose of assisting in the purchase and supply of capital goods and semi-capital goods during the financial year 1989-90.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, this is the second such loan which the Government now proposes to enter into with the Crown Agents. The benefit of a loan of this nature is that it provides the Government of Barbados with a line of credit without placing any immediate demands on the foreign reserves position of the Government. The benefit to accrue should be that the Crown Agents, given its wide experience and offices around the world, should be able to procure capital goods and service and semi-capital goods which we desperately need to execute our Development Plan. They should be able to procure these items for us at minimum cost, less cost than we should be able to get them at ourselves. In the first agreement there were some problems expressed by suppliers who were agents for some of the products brought in by the Crown Agents, and it is my understanding that some of these suppliers were rather reluctant to offer after sale services. I have been reliably informed at this point that these problems have been discussed and aired thoroughly and that the problems have been resolved, that is, any local agents for products that the Crown Agents would procure overseas will now get the necessary mark-ups whatever they are and also be in a position to provide the after sale services for the goods. As I understand it, that was the major concern about dealing with the Crown Agents, the failure of local agents to undertake the after sale service.

This is very similar in nature to the other Resolution which is under the Special Loans Act, Cap. 105, the full amount of the loan is US\$5 850 000 and £1 850 000 sterling. The rate of interest for the US Export Import Bank and UK facilities is 9.15 per cent and the maximum facility of 11 per cent. The maturity is a five year period and as I said the benefit would be to alleviate some of the pressures on the foreign reserves position without hampering our developmental drive at this point.

I beg to move that this Resolution do now pass.

SENATOR A. W. A. McCLEAN: Mr. President, I am not too clear whether we were told that in the matter of after sales service it has now been agreed that in addition to whatever you have to pay the Crown Agents that there will be a mark-up to the local agents so that they would undertake the responsibility of after sale services. It sounded that way to me but it was not entirely clear, so I am just asking if my understanding is correct.

Beyond that I am wondering what level of investigation Government has undertaken to be satisfied that it would be beneficial to them to use the Crown Agents in the way that they have been using them and to the extent that they have been using them in recent times. I notice here that the interest rates are not particularly concessionary or not at all concessionary. I understand that they are in the business of trying to organise loans or lending not only to Government but to the Central Bank, and they also, in

addition to offering their services as agents for the importation of goods, have other involvements with Government in different Ministries giving some, what you might call "consultancy services" or some kind of advice or oversight or insight or in some way in there, I don't know. The Crown Agents don't come with the best reputation in the world going back to our colonial experiences and so on. I am not so sure that they are in it in order to help us; they are in it to help themselves, and I don't know that they are any more efficient than other people who can provide these services to Government. I am not so sure that Government is doing the best thing rather than developing their expertise in certain areas, developing a dependence on the Crown Agents. I don't know the answer to these things, but it could very well be that we should look a gift horse in the mouth. I thank you.

SENATOR N. W. BOXILL: Mr. President, I am hoping to get out of here as soon as possible.

Mr. PRESIDENT: Well you would not get out of here at that rate. What are you speaking on?

SENATOR N. W. BOXILL: I am speaking on the Resolution before us.

Mr. PRESIDENT: There was no point raised that you were replying to.

SENATOR N. W. BOXILL: I am supporting the Resolution but I have to explain something to the Honourable Member who just sat down.

Mr. PRESIDENT: He has not asked for an explanation from you.

SENATOR N. W. BOXILL: He has not asked for one but I will give him one. I think I have dealt with the Crown Agents more than anybody else in here as a Minister and I do not support the views of the last Honourable Member who spoke. The Crown Agents serve a very useful purpose in this country, at least they used to. I don't know about now. When I was a Minister they did. Nearly all the buses we brought in here, the Leylands and so on, were bought through the Crown Agents. They would go and check these various engines and check the performance and recommend to you if it was suitable to buy them. In addition, as far as I understand the thing, they are going to use their money which would relieve us of using ours at the moment, not that we do not have to pay eventually, but this relieves the situation that the Honourable Senator was not long ago talking about, the pressures on the Bank and so forth.

I know that the Crown Agents when I was a Minister used to recommend to us even the amount of stamps and what kind of stamps we should get, and they have always done a fairly good and reasonable job and it helped us quite a lot. They not only used to deal in England but they went

overseas, to Germany for instance and checked these things for us and then recommended that they did not think this was the best you could do, you should try something else; so they really served a useful purpose at that time.

Mr. PRESIDENT: Would it be improper for me to ask how long ago was that?

SENATOR N. W. BOXILL: Mr. President, I can't remember how long ago it was, but I know it was during the time I was a Minister. Anyhow the point I am making is that the Crown Agents have served this country well in the past, and I do not think we could agree with what Senator McClean has said about them.
5.20 p.m.

The main point I am saying is that I am just defending the point and setting it clear for the Senate that the Crown Agents are one of our best guides and there is an incident right now which I do not want to mention where the Crown Agents have proved very beneficial to this country. So I do not think we should agree with what Senator McClean has said about the Crown Agents, that they may be looking after their own interests. Naturally everybody looks after their own interest but while looking after their interest we are getting something out of it too, much better than if we had to send somebody up there to look after our interest who would only go up for a week and would not be able to tell you if a plug is put in right or wrong, or what the case might be so I do not think that what the Honourable Member has said is exactly correct.

In supporting the Resolution I think that the Minister and the Government are on the right track in employing the Crown Agents just to look after our interests in these respects.

I thank you, Sir.

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

ANNOUNCEMENTS BY HIS HONOUR THE PRESIDENT

Mr. PRESIDENT: There is a matter I have to inform the Senate about. It is a letter from the Auditor General as follows:-

"In accordance with the provision of Section 28(3) of the Financial Administration and Audit Act, Cap. 5, I have the honour to submit my report with two copies on the results of the examination of the accounts of the Island for the year

ending 31st March 1989 together with two sets of relevant Statements and Accounts.

I have the honour to be your obedient servant,

L. Thomas
Auditor General"

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, we have exchanged greetings at this festive season and for the record we would wish to have them recorded by the Clerk that on both sides we exchanged greetings to Your Honour, Sir.

I would also like to extend similar greetings to all the staff of Parliament, including the members of the Royal Barbados Police Force, and to the members in the Gallery.

I would like to move that the Senate be now adjourned *sine die*.

Mr. PRESIDENT: Before we adjourn, I would like to say we did not make this a formal matter when we were at lunch because we were not before the Clerk or before the public, that I would like to wish all of the Members a pleasant Christmas and hope it will be a sober and pleasant one for all. I am sure it will be so for the ladies and I hope the gentlemen would not go overboard on this occasion.

I wish everyone a very pleasant Christmas and a very happy New Year and when we meet here again I wish that everybody would be in good health.

SENATOR J. C. W. WICKHAM: Mr. President, I hope that I am not speaking out of turn but my thoughts ran to the illness of the Governor General at this stage and I wonder if it would be in order for me to move that the Senate send a message of greetings to the Governor General that he is in our thoughts at this Christmas time with best wishes for his speedy return to health.

Aside.

Mr. PRESIDENT: I think it is more appropriate that the Governor General inform us than us sending back a reply to the Governor General. I think on his return it would be better for us when we would send a message. You would not be sending the message to him. It is a different thing. I think we should do it on our return where we can do it in a more formal way.

The question that the Senate adjourn sine die was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.
5.30 p.m.

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