

(Continued)

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, August 1, 1990

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, August 1, 1990, at 11.15 a.m.

PRESENT

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

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

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

Senator A. MORRISON;

Senator N. W. BOXILL;

Senator 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 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;

Senator Dr. F. W. ALLEYNE.

Prayers were led by Fr. Errington Massiah.

MATTER OF PRIVILEGE

SENATOR Dr. F. W. ALLEYNE: Mr. President, I wish to draw to your attention a matter which I consider to be a matter of privilege.

In an editorial in the Advocate Newspaper of Saturday, June 30, 1990 under the heading "Election Broadcast Time" the following statement appears: "Various specious arguments were addressed in opposition to the rescinding of the Regulations. Dr. Frank Alleyne in the Senate could not vote for the Resolution brought by a party which had 'manoeuvred' itself into the official opposition. On the other hand, the Resolution introduced by Senator Wendell McClean was not one from which the NDP stood to gain, but which would have seen some degree of fairness applied to the Barbados Labour Party."

I have drawn to the attention of the Editor that it was incorrect to attribute to me that reason for not voting for the Resolution. I have again written him, on July 21, formally complaining of this matter and to this day the Advocate has done nothing to correct this matter. It is my view that this editorial by the use of this language is totally inaccurate, because it attempts to quote me and completely misrepresents me, because it presents an argument that I did not put forward.

I feel this matter should be considered by the Committee of Privileges and I crave your permission, Mr. President.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, it seems to me that this is a matter which should be referred to the Committee of Privileges of this Senate in order that the complaint can be formally examined.

I now move that the matter be referred to the Committee of Privileges.

The question was put to the Senate and agreed to.

COMMITTEE OF SELECTION

SENATOR THE HON. L. V. H. LEWIS: May I, Mr. President, crave your indulgence to ask that a meeting of

the Committee of Selection be held in order to bring the Committee back up to strength? I believe that it is short of one member and I would therefore like to move that a meeting of this Committee of Selection be held at a convenient time, some time today, with your permission, Sir.

Mr. PRESIDENT: There being no objection, arrangements will be made for a meeting to be held during the day.

PRESENTATION OF PAPERS

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

1. The Annual Report of the Caribbean Broadcasting Corporation for the year 1988.
2. The Annual Report of the Public Utilities Board for the year 1989.
3. Report and Financial Statements of the Barbados Port Authority for the year ended 31st December, 1989.
4. The Civil Establishment (General)(Amendment) Order, 1990.
5. The Defence (Rate of Pay and Allowances) (Amendment) Regulations, 1990.

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I would like to move the First Reading of the Bill to amend the Stamp Duty Act, Cap. 91.

Mr. PRESIDENT: I would prefer the Honourable Member to state the number on the Order Paper so that Honourable Members would know which is the number of the Order.

SENATOR THE HON. L. V. H. LEWIS: Under Public Business, Order No. 8. I am moving the First Reading at this stage although it is not proposed to deal with the matter today. I have not discussed it yet with anybody, so I am not giving any notice of such intent at this stage.

Mr. PRESIDENT: There being no objection, that Bill will be read a first time.

PUBLIC BUSINESS

ORDER NO. 1 – THE CO-OPERATIVE SOCIETIES BILL, 1990

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill which seeks to repeal the Co-operative Societies Act and to make new provisions respecting co-operative societies has been circulated for some time. It is a voluminous Bill with far reaching implications.

The present Co-operative Societies Act, which was enacted in 1949 and was the subject of several amendments over the years, was the subject of focus by an ad hoc committee appointed by Cabinet in 1987 to examine a new draft Co-operative Societies Bill and to make recommendations for its adoption together with certain regulations made thereunder.

This ad hoc committee examined the draft legislation, which had been prepared by the Barbados Co-operative Credit Union League and the Barbados National Association of Co-operative Societies (BARNACS). They also examined a draft model Act, regulations and by-laws for co-operative societies which had been produced by the Caribbean Confederation of Credit Unions, in collaboration with the Faculty of Law of the University of the West Indies. They also had recourse to contributions by the Co-operative Union of Canada in examining the draft Bill which would relate to co-operative societies. The ad hoc committee was chaired by Dr. Frank Alleyne. He was not Senator Frank Alleyne at the time.

11.30 a.m.

The members of the Committee included representatives of the Credit Union League, the City of Bridgetown Credit Union, the Caribbean Confederation of Credit Unions, the University of the West Indies, members of staff of the Attorney General's Chambers, representatives of the Institute of Chartered Accountants of Barbados, representatives of the Central Bank of Barbados as well as the Acting Registrar of Cooperatives, and staff of the Ministry of Trade, Industry and Commerce.

During the period December 1987 to March 1989 the ad hoc committee held a total of some 23 meetings, and they also invited to attend these meetings the Administrative Secretary of BARNACS as well as an Officer of CUSO who was serving with the Barbados Credit Union League.

The ad hoc committee came up with a report in April 1989, and that draft Bill contains provisions relating to a Stabilisation Fund for Co-operative Societies. The Committee felt that because of the significant role which credit unions had played in the financial and economic development of the country over the past few years, it was necessary to have a fund which would be used to safeguard

the interests of depositors and credit unionists, and it was recognised that such a fund could provide a buffer against lean times and assist Co-operative Societies in a financial crisis. However, there was a lot of discussion and much controversy raised by the Credit Union League – certain members of the League, to be specific – and the Minister was persuaded after a Resolution coming from the Credit Union League that he should not proceed with the establishment of the Stabilisation Fund at this time; so that its initial insertion in the draft Bill found the clauses relating to a Stabilisation Fund removed. After much consideration the Minister recognised that it was wiser to proceed with the draft Bill which excluded provisions for the Stabilisation Fund, but he also took the opportunity to point out that credit unions and similar bodies might find themselves coming within the purview of any new legislation which might be designed to regulate and control financial institutions operating in Barbados. As a practising trade unionist and a practising co-operatives person of more than 30 years, I am satisfied, Mr. President, that there will be some necessity to ensure that provisions are found in law to control and stabilise the operations of credit unions, if not in the short run surely in the long term.

Mr. President, it would be remiss of me if I did not in the course of this introduction make certain points which seem to have escaped persons during debate in the other Chamber. Among these I would wish this Honourable Chamber to recognise the fact that co-operatives are built upon certain principles. The International Co-operatives Movement prides itself on certain principles. These include the democracy principle, the voluntary principle, the principle of autonomy, the principle of equity, the principles of mutuality and universality, and the evolution principle. I will speak to these very briefly because in any true credit union, indeed in any true co-operative society, the control of the society must be distributed among the members of that body equally, without any relation to the amount of their savings or the size of the loans which they may have, and each member has one vote at annual general meetings of the organisation.

It is important that members of these co-operatives understand their responsibility to attend meetings and to make personal use of their right to vote, and I use the word "personal" use of their right to vote because there was some miscreant comment in another place about the use of proxy voting. Proxy voting if contemplated strikes at the very root and the very heart of the Co-operative Movement. If there is not the individual right to use the vote, then the control of the organisation will not remain in the hands of the total body, but could easily be entrusted into the hands of a few self-serving individuals. On the other hand, there is more to democratic control than the individual right of the member to vote. It is important if co-operatives are to be successful that all members or as many as possible take part in the decisions of the organisation. It is this free participation that gives the movement the strength that will redound to the

benefit of the members of the movement. That is why it is important, Mr. President, that in every co-operative society provision should be made to develop an education and information programme for members and potential members.

The second principle which I would refer to is the voluntary principle; and it has to do with the necessity for persons to understand that in order for democracy to be attained in the credit union and in co-operatives, members carry out their actions voluntarily. There can be no compulsion. All the money that a member may save in a credit union is of little use if there is any compulsion to carry out actions which may not be to the benefit of the total movement; so that each member reserves the right to purchase shares, to make contributions, and, when he wishes, to withdraw those contributions, maintaining the voluntary principle of having the right to determine what he wants to do without pressures from any side. In addition, this voluntary principle permits members to use only those areas and those benefits in a credit union or in a co-operative society which he, the member, chooses to use, and it is important that because of this principle of voluntary activity persons are able to receive in the measure of their shares returns on those shares whether or not they do other business with the co-operative. There is also provision that in the event that the person does additional business with the co-operative that the co-operative can determine the extent to which it may or may not make dividends. But these are all decisions which are taken by the total body of the credit union.

A third principle is the principle of autonomy. Autonomy which is another essential of liberty means that each individual co-operative society takes its own decisions. It does not wait upon the State to do things for it; it does not depend upon the State to make inputs into the movement which in the long run could be used as a means of debilitating the organisation. On the converse side, autonomy does not give any co-operative the right to do as it likes. In the worldwide movement, co-operatives in every country are circumscribed by the laws of the country. They must respect these national laws. They now operate within the provisions of those laws; hence the provision in this Act for incorporation of co-operative societies and for them to function within the limits of this law.

11.40 a.m.

The fourth principle is the principle of equity. This principle recognises that all human beings are equal. Because all human beings are equal, the fact that human beings are not altogether similar, provides that each one can determine exactly the extent of his or her participation in a co-operative society.

Although members have equal rights, they do not have equal participation in economic activities because some of us are not as well off as others, and the movement is not

circumscribed by those persons who are able to put up more money as distinct from the ones who may be only able to make small contributions to the movement. At decision time each person regardless of the quantum of his contribution in the activities of the society has a single vote.

The principle of mutuality is, perhaps, the most important of the principles in the philosophy of the credit union movement because it is that principle that distinguishes credit unions and co-operatives from other kinds of economic or social enterprises.

The founder of the credit union movement in the United States once described a credit union as an organisation that puts into practice from Monday to Saturday what they teach you in church on Sunday.

Mutuality is the cooperation of people in good faith working together towards a single objective for the benefit of all, and this is regarded as one of the tools by which we can, through practical application of christianity, through the principles of brotherly love, bring about an achievement of economic gains for a large group.

Then there is the principle of universality. Since the objective of credit unions is to serve all of their members equally and the principles of the movement include service to members worldwide, workers do not recognise boundaries of race, or class, or religion, or politics. Whereas persons of political persuasion and persons of christian and religious persuasions find it difficult to agree to understand and to co-operate with each other, the worldwide co-operative movement has been able to overcome that barrier.

I am not suggesting for a minute that there is not friction within small segments of the movement from time to time, but all persons participating seriously in co-operatives recognise the economic benefits which accrue from such participation and they are able to sink their differences and come together in groups which see in some areas the necessity for formation of leagues, at another stage for the formation of chapters, at another stage for confederations, and at a wider stage for the world confederation of credit unions in the case of credit unions.

The final principle which I wish to mention is the principle of evolution which is the process of growth and development of the co-operative movement as it has spread in Barbados. The examples which are here for us to see – persons who wish to take note of them – include the growth and development of bodies like the Teachers' Co-operative Credit Union, and the contribution which that has made, the impact which that has made on the lives of persons in the teaching fraternity, and the growth and the development of the Public Workers' Co-operative Credit Union which started in 1970 as a savings society. It has over the years become not only a substantial but a very important

economic contributor to the development of persons in the Public Service who are members of that body.

Outside of those, there are other credit unions like the City of Bridgetown Credit Union and, indeed, the Barbados Workers' Union Credit Union which have made substantial contributions towards the improvement of the economic circumstances of their members.

At a time when in Western Europe there was a fledgling co-operative movement, there was no opportunity for co-operatives in the Caribbean. Indeed, co-operatives did not come to these islands until about 100 years after they had been established in Western Europe.

The co-operative movement in the Caribbean was fostered and encouraged by religious persons. In Jamaica Father John Peter Sullivan was involved and, indeed, he not only laboured in Jamaica but he also carried the spirit of the movement to other parts of the Caribbean including Trinidad and Tobago.

When he died in 1975 he had successfully worked with the group in Trinidad in the early 1940's to get credit unionism off the ground. There are many persons who have served their country subsequently who were involved in the movement there.

One of the countries in the Caribbean which is significant for its growth in the Credit Union Movement is the country of Dominica where between 48% and 49% of the population are members of the co-operative movement. I am told that this is the second largest percentage in terms of membership, credit union-wise, of a population anywhere in the Western World.

Comment was made in the Other Place about taking credit unions into some of the Islands of the Grenadines and backward places. Let me say that the movement is there; it is well and it is strong. We need not have any worry about what the early forefathers of the movement were able to achieve when they took the movement to these various countries.

Indeed, it is worthy of mention that in Dominica a nun who was one of the founders of the movement there was able to encourage persons to get involved in co-operatives and, apart from the credit union activity, to be involved in other co-operatives; and now that she is in her later years, she happens to be Manager of a commercial business activity which sprang out of the earlier efforts of developing the co-operative movement to utilise the forests of Dominica.

I mention these in passing. I could probably go on and talk about the persons who in Barbados were involved in the movement and I speak from personal knowledge of persons like the late Edward Hilton Brathwaite, the late

Lorenzo Lowe, the late Conrad Hill, persons who were involved with the Shamrock Co-operative Society whose base was the St. Patrick's Roman Catholic Church.

There was also a co-operative known as the Enterprise Credit Union which operated in the City of Bridgetown and could well be regarded as the forerunner of what is today the City of Bridgetown Credit Union. Then there are other credit unions based on church activities.
11.50 a.m.

In the Methodist Church, there are the Bethel Circuit Co-operative Credit Union of which I was a founder-member and the James Street Church Co-operative, the James Street Circuit Co-operative Society. But, over and above those, after the early work done in the churches, this movement for co-operative development found itself into the workplace. Places like Cable and Wireless, the Barbados Light and Power, both agencies not only are involved at the level of credit unions, but are also involved or have been involved, at some time, at the level of co-operative societies for the purpose of bringing foodstuffs and other items to their members at prices which are competitive with those of the supermarkets.

Beyond that, Mr. President, within the last 20 years, the movement was adopted by the three leading trade unions in this country, and as I said earlier, those trade unions have been able to encourage their members to become so involved that there is widespread benefit to the members of the Barbados Workers' Union, the Teachers' Union and the Public Workers' Credit Union, as a result of their involvement in co-operatives.

In passing, I would also mention, Mr. President, that the Police, not only were able to form themselves into a credit union, but they have also formed themselves into a co-operative; and they have a supermarket which is run as a co-operative. They not only therefore contribute to the well-being of their members but they contribute towards the reduction of unemployment in this country of ours. So that, nobody could be in any doubt that the co-operatives movement has come, is here to stay, and has made a tremendous contribution to life in this country.

The legislation which is before us, Mr. President, will take into account the need for young persons to be exposed to financial management at a very early age. In this regard, schools, clubs and social and cultural organizations are permitted to establish junior co-operatives, if their members are under the age of 18 and if they wish to take part in this exciting venture. The legislation makes it mandatory for by-laws of each society to provide for certain matters, such as joint membership, shareholding, voting rights, directorships, dissolution of societies, among others. It also provides for regulations governing the name and the seal of co-operative societies. It authorizes a society to adopt pre-registration contracts so that a person who enters into a

written contract in or on behalf of a society before it comes into existence is not personally bound by that contract nor entitled to the benefits of a contract.

It confers on each co-operative society the capacity of a natural person. It provides for persons dealing with a co-operative society to be entitled to assume that its internal procedures have been properly complied with and that there is no need to make enquiries regarding such.

The law now provides and permits the sale of shares to members of a society only but each share must have a par value, fixed in the by-laws. A society which is not a credit union will express its share capital in its by-laws, either as an amount of money divided in a specified number of shares or an amount composed of an unlimited number of shares with a specified par value.

There are several other provisions which provide for the appointment, qualification, and the position of auditors, *vis-a-vis* each individual society.

It provides for the society to provide, by amalgamation, through transfer of assets and liabilities to another society, or for the breakdown or division of one society into two or more societies.

The Act also provides machinery for the purpose of obtaining investigations into the affairs of a society in the event that there is suspicion of misconduct.

It also provides for the settlement of disputes which may relate to the business of the society. It provides powers and authority for the Registrar of Co-operatives to function. It provides for aggrieved members of the society to apply to the court and be not subject to severe legal sanctions or sweeping investigative powers.

The Act also provides, Mr. President, for the proper functioning of credit unions and other types of co-operative societies. The former legislation was very narrow in its provision for societies, other than credit unions. The Act provides for former Act societies, that is, those which presently exist to apply for a Certificate of Continuance within 2 years after the commencement of this proposed legislation.

I believe, Mr. President, that this legislation is so far-reaching in its consequences and it seeks to respond to all of the so far identified needs of the members of the various credit unions and co-operatives. I cannot believe, Mr. President, that anybody in this Chamber will wish not to support the passing of this very important measure.

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

The question was put to the Senate and agreed to.

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

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, I should like to move that we deal with the Bill in parts. I am certain that there are Members of the Senate who wish to make comments on certain provisions in the Bill.

We will take it in parts and we will ensure that we have provided every opportunity for discussion, before moving on to the next part, Sir.

Mr. CHAIRMAN: There being no objection, we shall take it in parts.
12.00 noon.

Clauses 1 to 5 inclusive were called and passed.

Parts I to V inclusive were called and passed.

Part VI was called.

SENATOR THE HON. L. V. H. LEWIS: I beg to move, Mr. Chairman, that Part VI, dealing with Directors, Officers and by-laws stand part.

SENATOR C. A. BLACKMAN: Mr. Chairman, in Part VI, clause 59, I refer to the provision of Directors to have meetings by telephone. This is an innovation which has been borrowed from the Companies Act and while it may be appropriate in the peculiar circumstances of the Companies Act, having regard to the very, may I say, excellent and well informed presentation by the Leader of the Senate as to the principles of the co-operative movement, I wonder if provision for meetings by telephone is appropriate for a society, because the ability to interchange and persuade people in the course of a meeting where everyone is in physical contact with each other is not necessarily achieved by this provision in clause 59.

In fact, when I went through the Bill it became apparent that this Bill is modelled very substantially on the new Companies Act in many of its provisions. While some of those provisions are laudable, I question their relevance to the society and I would think that some of the very things which the Honourable Leader of the Senate adverted to as to the degree of mutuality, incorporation and involvement of members of the society could well be eroded by the retention of clause 59 in the Bill.

SENATOR Dr. F. W. ALLEYNE: Mr. Chairman, this Bill deals with co-operative societies 1990s and beyond. Co-operatives today are no longer little clubs, like friendly societies. In order to succeed they have to be run along some business lines. Many of them have to employ the same corporate practices which are employed by big companies in Barbados. You have, for example, one co-operative which has assets of about \$65 million; so you are not talking about small money.

To make the point that the co-operatives will not find it helpful to employ practices which are very similar to the established corporate practices in this country is really to miss the point. We spent quite a lot of time discussing this particular matter and there is absolutely no reason why the same way the Directors of a business in Barbados hold their meetings occasionally by telephone the co-operative societies should not have the same facility. Given what has happened to co-operative societies in Barbados in the last ten years, there are many co-operative societies in Barbados which are bigger than several of the businesses in Barbados.

SENATOR C. A. BLACKMAN: Mr. Chairman, the Telephone Company provision in the Companies Act was done to avail overseas companies. No local company with which I have been associated has ever had a telephone meeting, and I think other Directors who are familiar with the practice in Bridgetown know that Directors meet around the table and discuss affairs. I have never, in 15 years of being a Director in a company, ever had a telephone meeting. I have always been required to attend that meeting.

I think that this provision which is being introduced to the co-operative movement, may never be used, but it could be the device, which I have seen used by a lot of overseas companies who wish sometimes to avoid the necessity of coming to Barbados. They say two Directors are here, but they are proxy or alternates, and they circumvent the intent of the legislation of having regular meetings held in Barbados. I say from the experience of a corporate practitioner that it may well be self-defeating to retain this provision in clause 59 and I move that it should be struck out.

SENATOR THE HON. L. V. H. LEWIS: I believe the comment made by Senator Alleyne is sufficient response to the question of whether or not the provision should remain. Let me also say, though, that I am aware of local companies that have used the telephone communication, even if you are not aware, in order to get business done. I will not say what the company is, but I am fully aware of at least one company that has used it from the premises of the registered office of the company in relation to getting certain decisions made.

In the case of credit unions and co-operatives, this is an important provision, because like financial institutions,

unlike banks, there are times when it is imperative that certain decisions relating to financial matters be taken. It is imperative that certain types of decisions be taken and not deferred until such time as you can get all the parties to sit at a meeting.

I cannot believe that any company, or even the co-operative societies, would wish to have regular meetings by telephone, but I am certain there are occasions when in order to have a quorum to carry out business which must be conducted forthwith that it will be necessary for them to summon and to have such meetings.

12.10 p.m.

For that reason if for no other reason it may be well a question of continuing an important investment on behalf of the members of the credit union or co-operative society which if not taken on that very day could be a substantial loss to the company, and the fact that all the Directors may not be able to assemble in the same location should not be used as a hindrance to prevent them from carrying out the people's business. That is why the provision is important to remain within the Act.

SENATOR J. S. GODDARD: Mr. Chairman, like Senator Blackman before me, I am not familiar with local companies conducting Board meetings via means of telephone, but I can support this provision because I see it as a means of facilitating only in very exceptional circumstances. But I would like to think that it would be seldom if ever used because the Directors of the society would be local, and it would require very exceptional circumstances when a meeting would have to be conducted via telephone, but as a facilitating mechanism I can support it, Sir. Thank you.

The question that Part 6 stand part was put to the Senate and agreed to.

Parts 7 to 16 inclusive were called and passed.

Part 17 was called.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, I beg to move that Part 17 stand part.

SENATOR A. W. A. McCLEAN: Mr. Chairman, there are a number of sections in this Part that I would like to direct attention to. I will take them more or less seriatim. The first one is section 193(b) where there is a definition of liquid assets; and it says that "liquid assets" means assets maintained by a credit union to ensure that it can meet its commitments with respect to loans and withdrawals of deposits."

This definition, to my way of thinking, is somewhat inadequate. It provides very little guidance as to what are the characteristics of liquid assets beyond the purpose for

which you seek to hold these assets, and it may be, for instance, that people might hold assets which are not normally very readily disposable, let us say, but are disposable nonetheless, presuming that those are held against some long term contingency relating to having to honour the obligations to their members who have deposited with them and also being in a position to make loans from time to time. It would have been preferable for the section to have given some greater guidance as to what would qualify as a liquid asset and what would not so qualify.

Economists tend to regard liquid assets as assets which you can acquire or dispense with at fairly short notice without suffering any significant capital loss. This section as it stands does not necessarily limit you to any such set of assets, nor indeed is it necessarily evident that all such assets may be deemed to meet the particular purpose, because the assets are defined with respect to intent rather than to the characteristics of the assets. I will stop here.

SENATOR Dr. F. W. ALLEYNE: Mr. Chairman, on this clause 193(b) I can assure you that this Committee was well provided with technical expertise by accountants from the accounting profession, by economists and by people of international repute as far as co-operatives activities are concerned. When we thought of this provision and we speak of liquid assets, we were primarily concerned with the ease with which assets can be converted into cash, and when we say "liquid assets" means assets maintained by a credit union to ensure that it can meet its commitments with respect to loans and withdrawals of deposits", what we are focussing on is meeting the demand for cash. We did not think it was proper to specify in this Bill what should be the specific liquid assets which the society would be required to hold precisely.

12.20 p.m.

This Bill is intended to provide the regulatory equipment for some time and the range of liquid assets will change from time to time. We would not wish to set up a situation where you have to come back here because an additional satisfactory category of liquid assets is available.

Furthermore, the co-operative societies today are very sophisticated in financial management. The larger societies have employed chartered accountants to advise them on these matters. It is not necessary to go into that kind of detail in this Bill.

I think all of us understand what it means by liquid assets. Only somebody who is out of his mind would think in terms of a bond or debenture as a liquid asset. It is something understood as a financial instrument which can be readily converted into cash with the minimum of cost.

SENATOR A. W. A. McCLEAN: Again, Mr. Chairman, this helps to highlight the particular problem because I can conceive of a bond as a liquid asset if the credit union has the assurance that it can rediscount that bond on favourable terms with the Central Bank or any other institution. That is what would convert it into liquid. Any financial asset can be rendered liquid if you have some facility accorded to the institution for rediscounting or selling that particular security. In the context of Barbados if a credit union had the assurance that it could rediscount a long-term bond on as favourable terms as it could rediscount Treasury Bills, the long-term bonds would be as liquid as the Treasury Bills.

Going beyond that, I recognise that the Act could not itself have been so rigid as to preclude any addition to the set of assets that would be regarded as liquid assets. I can see that as probably falling within regulations. But the problem is that what we have purports to be a definition of liquid assets which nowhere approaches an adequate definition, and then when we go to the section dealing with regulation, 269:

"The Minister may make regulations

- (a) defining, enlarging or restricting the meaning of any word used but not defined in this Act."

Liquid assets are defined in the Act, so therefore we cannot enlarge or restrict the meaning of the definition given for "liquid assets." I am suggesting that that is going to put us in a bit of a quandary in terms of specifying the set of assets that are deemed from time to time to qualify as liquid assets. We could have disputes over this particular matter.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Chairman, I really do not understand what the argument is all about because to the accounting profession and in financial circles, the definition of a liquid asset is quite clear.

Aside.

SENATOR THE HON. Dr. C. D. CLARKE: In financial circles. You are not operating in a vacuum.

I think from memory that a liquid asset is one that has been defined as being able to be converted into cash in less than a year. With that understanding and with the calibre of people responsible for administering the portfolios of the co-operatives, then I cannot see the problem beside an academic discussion. Certainly for us to identify each category of liquid assets would only make the legislation somewhat cumbersome and unwieldy. I am sure that the people who deal in the business of financial management clearly understand what a liquid asset is.

SENATOR THE HON. L. V. H. LEWIS: I am certain that the provision in the Act was not only well thought out by the members of that committee.... I am not going down that road. But the intervention of Senator McClean clearly establishes in my mind the divide between the economists and accountants.

The very arguments of Senator McClean are arguments for it to remain as it is so that it provides opportunity and creativity for persons or societies which are sophisticated enough to be able to relate to the Central Bank in terms of a bond to regard a bond as liquid assets and for those societies which are unsophisticated and have voluntary support only to regard liquid assets to mean only cash. As it is it provides the opportunity for various interpretation recognising that it is the society itself which has to come up with the cash to lend or to reimburse the person withdrawing the money that has the burden of the interpretation.

SENATOR A. W. A. McCLEAN: I had indicated that there were other sections I wanted to speak on. Unfortunately, the other ones are – I will identify the items I had marked – 196(1) and 197.

Now, 196, Mr. Chairman, bears on the said matter. It says that every credit union shall maintain liquid assets in the amount and in the form prescribed. It is a part that in reference to prescription means prescribed by the regulations because the regulations, Section 269 under (f) indicates that the Minister may prescribe any other matter or thing required or authorised to be prescribed by the regulations.

Now, here again, we are back with a particular problem. If you have defined the liquid assets and the Minister has no particular guidance by virtue of that definition, as to what is or is not a liquid asset, there will remain that difficulty of deciding whether or not, for instance bonds can properly be prescribed to be held in a particular proportion by the institution or not. If bonds happen to be liquid assets then the Minister can indicate that a society should hold bonds. If it is not a liquid asset, he cannot tell one to hold bonds.

I would suggest that, perhaps, part of the problem should be that an attempt should be made to define liquid assets, rely on that as a well understood term as is indicated by Senator Clarke and then the Minister would have more scope to make such a determination but not as it is now.

SENATOR Dr. F. W. ALLEYNE: Mr. Chairman, I have no difficulty with 196(1). I think the problem is that Senator McClean has not fully grasped how the Minister responsible for Co-operatives relates to the co-operative movement. The Minister or a Minister of Co-operatives does not on his own decide what liquid assets should be prescribed in the regulations. There is a whole process of

consultation with the Registrar who is the principal civil servant responsible for co-operatives and the various representatives of the credit unions and the other co-operative societies, for example, the agriculture co-operative.

12:30 p.m.

It is not a matter of the Minister some morning waking up and saying, "These are the liquid assets which will be prescribed within a certain set of regulations." It is not done in that way. There is consultation, among the societies, with the Registrar and then the Registrar, as a result of that consultation, acts on behalf of the Minister. When it gets to the Minister, it is a matter of a consultative process being completed and the official seal of the Minister goes with it. I have no difficulty with this provision, at all, Mr. Chairman.

SENATOR THE HON. L. V. H. LEWIS: In addition to what Senator Alleyne said, Mr. Chairman, I think that I need also to clarify another aspect of the matter. It is that, even under the present law, every co-operative society and credit union is required to make a monthly return to the Registrar of Co-operatives. It is on the basis of these monthly returns that the Registrar and his staff make an assessment, based on the previous annual report of the society on the quantum of any liquid assets to be determined.

When the matter goes for the Minister to make a decision, it would have been done on the basis of the individual need and requirement of each individual society, rather than a broad-based prescription on what is liquid asset for all societies. So that the small church-based co-operative societies which only have monies in a savings account will have a different sort of prescription from those which not only take deposits from members but also have investments of varying types, including investments in debentures and bonds. There are several societies which have no such investments and will never, ever during their existence reach up to the stage of having them. So a carte blanche prescription cannot be made.

The question that Part XVII of the Bill stand part was put to the Senate and agreed to.

SENATOR A. MORRISON: Sir, before you put the question for Part XVIII, I should like to invite the Senate to revert to Part VII, Clause 97. I should just like to raise a point under Clause 97, the voting procedures:

"97. (1) Subject to the by-laws, members shall vote

(a) by a show of hands, or

(b) where any member entitled to vote at a meeting so demands, by secret ballot.

(2) The chairman of the meeting has the right to vote, and in the event of a tie he is entitled to a second or casting vote."

I take issue with that particular procedure, Sir. I think it is against the spirit of co-operative where a member has one vote, one member one vote and then you allow the chairman the right to a casting vote. I think that defeats the very purpose of the principles of co-operatives.

I think that that should be amended to read:

"where the votes are tied, the motion should be lost"

and not carried by any casting vote of any chairman. You have, in fact, given him two votes. He is not entitled to two votes. I think that we should not allow a chairman to have the right to a casting vote.

Aside.

SENATOR A. MORRISON: In the spirit of the co-operatives, the co-operatives is one man, one vote. Sir, I am thinking about the spirit of co-operatives itself. I do not know if it is an oversight that you allow a chairman to have a casting vote.

I know that, when the votes are tied, the matter should be lost. I feel that it should have read that way. Because if you give a chairman the right to have a casting vote, then you are giving him two votes against the spirit of the very principle of modern thinking where it is, one man one vote.

I do not know if we could look at that again. But I think it might be an oversight on somebody's part.

Mr. CHAIRMAN: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, all I would react to that and say is that there are very well-established principles, in law, wherever there is a tie in voting that there has to be a casting vote. It cannot be a lost vote. It is not so in any part of the world. It never was and never will be.

But, in any event, if Senator Morrison or whoever else wishes to give notice of an idea that they wish me to convey for consideration by the Minister, I will take notice of it. I am not prepared to go further than to take notice of it.

SENATOR THE REV. CANON I. McK. JONES: Mr. Chairman, I would certainly support Senator Morrison on that point. If it is one man one vote, it is one man one vote and not one man two votes.

Mr. CHAIRMAN: Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I think very often, many chairmen who are quite sensitive to certain matters tend to exercise a casting vote, not so much

in accordance with their opinion, but to preserve the status quo.

In the context of this, it may be that the regulations should indicate when there is this equality of votes, the status quo should remain, meaning that the motion which is trying to change something or introduce something should not succeed.

Aside.

SENATOR A. W. A. McCLEAN: Yes. But the point is if he votes to change, it would go against that kind of principle that you should have a majority to change things or to introduce things.

Mr. CHAIRMAN: Senator Alleyne.

SENATOR Dr. F. W. ALLEYNE: Mr. Chairman, I take the position of the Leader of the Senate on this matter which is standard procedure, in relation to management and meetings.

It does not violate the co-operative principle of one man one vote. You have to differentiate between the chairman of the meeting and the general membership of the meeting. The only person who has, in such circumstances, a second vote is the chairman. That is standard procedure.

I really do not see the point of difficulty.

Mr. CHAIRMAN: Senator Clarke.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Chairman, the purpose is to facilitate the business of the co-operative well within the framework of one man one vote. To the extent that one is appointed as chairman, he is elected, I believe, by the other directors. Having received the confidence of the other people – and I think Senator McClean alluded to this a while ago – one would expect that rather than having the vote go automatically as a negative vote, having followed the flow of the arguments presented, he would be in a better position, at that stage, to ensure that the wishes and the purpose of the organization are

Aside.

SENATOR THE HON. Dr. C. D. CLARKE: Let me finish. We are not talking in isolation. The organization is set up to carry out a function. You want to facilitate the business of the organization. To the extent that the chairman is also elected by the other directors then I can have no problem at all with the chairman being in a position to exercise the casting vote.

Mr. CHAIRMAN: Senator Fraser.

SENATOR Mrs. V. C. FRASER: Mr. Chairman, Sir, I do not understand why we are really getting into this. But however, there is a principle which says clearly that a chairman has a casting vote. This is in all the organizations that I can even dream about.

But I know that in the credit union and the co-operative movement, you have also your by-laws and your by-laws will also state that. For as long as I know the co-operatives operating and for as long as I have been involved, I know that the chairman has had a casting vote. It has never interfered and will not now interfere with one man one vote because this will be a special situation. You do not have a casting vote at every meeting. It has to be something special that arises that the chairman has a casting vote. I believe that we are splitting little hairs. That is a non-point, as far as I am concerned.

Thank you, Sir.

The question that Part XVIII of the Bill stand part was put to the Senate and agreed to.
12.40 p.m.

Parts XIX and XX were called and passed.

Part XXI was called.

SENATOR C. A. BLACKMAN: Mr. Chairman, clause 241 provides for a period of one year for continuation. The Leader in his introduction said it was a period of two years, which is supported by the explanatory memorandum, and certainly in the context of the experience of those of us who had to continue Former-Act companies when the external companies were limited to a period of one year, we found that that year went very quickly. In fact, it proved inappropriate and the Companies Act had to be amended to regulate and regularise those continuations.

I have examined the schedule of amendments which were done in the House of Assembly and they do not cover that point. It still reads one year in the amendments that I have seen. I think that "one year" which appears on page 128 should certainly be a minimum of two and, in the light of the experience we had with the Companies Act, at least be three.

I would like the Minister to consider that.

SENATOR THE HON. L. V. H. LEWIS: My response to that, Sir, is that it could well have been an oversight in the Other Place. I will not interfere with it here. What I will do is draw attention to the fact that we will have to come and amend the Act. Indeed, I believe the amendment to the Companies Act was done in such a way that it gives permission to extend even beyond the one year, because there are special circumstances of which I am

aware under the Companies Act that there may well be the necessity to do a further amendment even.

This is always a problem with continuation, where persons through no fault of their own find themselves unable to comply with the law. I remember what happened in the case of the Companies Act. What we had to do was extend it in such a way as to validate certain actions which had taken place after the period of expiry. I think that experience suggests to us that it is going to be necessary to come and amend this Act.

I would not like to interfere with it, because of other circumstances relating to having the Act come into existence within a certain time frame; so I will take notice of the necessity to examine the requirement in the short term for amending this. It may well have to be three years.

You see, there is a little more to it. The Co-operative Societies are not even as sophisticated as companies, and I am aware that there are Co-operative Societies, given the inability of them to recruit staff until this Act comes into existence, where even the period of two years, if the existing procedures are followed of scrutiny by the staff of the Registrar's Department and by auditors, that it will take the 60 or 70 societies even the two years.

SENATOR C. A. BLACKMAN: Mr. Chairman, I do not want to prolong it. I accept the assurance, but one thing I would like to say in relation to Former-Act Societies, and generally in relation to the administration of that Act, is that it would be helpful if those who framed the Act could do as they did in terms of the Companies Act and provide a sort of model form of by-laws which the societies can look at. Could that prove helpful in terms of continuation of Former-Act companies under the Companies Act? If that information is available, I would be grateful for it.

The procedures with the Registrar of Companies require the companies to bring all their back records up to date. People were lax with filing directorships, change of office and the like. The same thing might be true with Co-operatives. That 12 months run so quickly, Sir, that I am sure we are going to have to look at this in a very short time.

SENATOR Dr. F. W. ALLEYNE: Mr. Chairman, I can assure Senator Blackman that the model by-laws will be available.

The question that Part XXI of the Bill stand part was put to the Senate and agreed to.

Parts XXII and XXIII were called and passed.

On the motion of SENATOR THE HON. L. V. H. LEWIS, Mr. CHAIRMAN reported the passing of one Bill in

Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

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

SUSPENSION OF SITTING

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that this sitting be suspended until 2.00 p.m. today.

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

ON RESUMPTION

Mr. PRESIDENT: The Senate is in session.

RESOLUTION TO COMPULSORY ACQUIRE LAND AT CORBIN VILLAGE, ST. ANDREW

Order No. 2 was called - to move the passing of a Resolution to approve the compulsory acquisition by the Crown of land at Corbin Village in the parish of Saint Andrew for the purpose of housing development.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Resolution relates to the acquisition of certain lands at Corbin Village in St. Andrew, which lands are being acquired for the purpose of relocating certain households which have been affected by slippage in the Scotland District. This is one of two areas of land which it is hoped will be used for relocation of the approximately 38 households which have been affected as a result of slippage in this area. We are all familiar, Mr. President, with the problems in that district, and weather such as we are having now will compound the problems which are experienced by the persons who live in that area; so that this Resolution and another one which we will deal with later seek to provide some respite for the persons who are unfortunate enough to wake up and find that part of their house has moved from where it was or that the land where the step was is no longer there.

With those very brief remarks, I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

RESOLUTION TO COMPULSORY ACQUIRE LAND AT WALKERS IN THE PARISH OF ST. ANDREW

Order No. 4 was called - to move the passing of a Resolution to approve the compulsory acquisition of land at

Walkers in the parish of Saint Andrew for housing development.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this is the companion Resolution to the one which we just dealt with, and this seeks to acquire land at Walkers in the said parish of St. Andrew for the purposes mentioned.

I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

RESOLUTION TO VEST LAND IN THE NATIONAL HOUSING CORPORATION

Order No. 3 was called – to move the passing of a Resolution to approve the vesting in the National Housing Corporation of land at Clifton Hall Plantation in the parish of Saint John.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Resolution deals with 32 315 square metres of land at Clifton Hall in the parish of St. John which was purchased by private treaty, and which Government seeks to vest in the National Housing Corporation in pursuance of Government's commitment to provide sites and services for some of the persons in this country who find that they are without suitable house spots. In the parish of St. John there is a problem because certain of the lands fall within the Zone 1 and Zone 2 areas, and this particular spot falls in the Zone 4 area, and those of us who know a little about the parish of St. John will realise that this piece of land falls immediately beyond the Gall Hill complex compound and just before we come to the St. John Parish cemetery. The northern boundary of the lot is the highway which runs in front of the Gall Hill complex and proceeds in the direction of the cemetery. If you turn left you would go to the St. John Parish Church.

I will refrain from talking about any St. John development plan, but those persons who have questioned whether there was a development plan for St. John will recognise that this could well be considered part and parcel of the expansion of the Gall Hill complex which has been developed and which provides for facilities for health care as well as social services and a library in the area.

I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

RESOLUTION TO APPROVE USE OF REMAINDER OF US\$5 806 092 and £1 715 637 STERLING

Order No. 5 was called – to move the passing of a Resolution to approve the use of the remainder, totalling

US\$5 806 092 and Sterling £1 715 637, of a loan which was not fully utilised during the financial year 1989-90 for the purpose of assisting in the purchase of Capital and semi-capital goods for the financial year 1990-91.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, on 20th December, 1989, this Honourable Senate approved Resolution No. 63/1989 which allowed the Government of Barbados to borrow up to US\$5 850 000 and £1 850 000 from the Crown Agents Services Limited with the express purpose of the money being used for the purchase and supply of capital goods and semi-capital goods during the financial year 1989. At the time those funds were approved, sufficient time was not allowed for the full utilisation of the funds in the financial year 1989-90. As a matter of fact, at March 31, 1990 the value of orders placed was US\$43 908 and £134 363. Goods which should have been purchased in 1989-90 but were not must now have the provision provided so that we can make use of the funds available to us. As was pointed out at that point in time with the use of the Crown Agents – and we should bear in mind that this was the second agreement reached with the Crown Agents, there were certain concerns raised with utilising this source of funding.

Some local suppliers expressed concern that by using the Crown Agents (1) they would not have had the opportunity to earn their commission, (2) they might be called upon after the purchases had been executed to service the equipment without the necessary benefits. I am happy to report that these fears turned out to be ill-founded, because I checked before coming to the Chamber with the Chief Supply Officer to find out how this programme has been going the second time around, and I have been assured that there were no major difficulties in the local agents receiving their commissions. There were three instances where there were no local agents; that is the Crown Agents purchased goods for which there were no local agents, and two local companies, Courtesy Garage Limited and Detco Motors assisted in servicing the goods. So the problems and fears expressed after the first agreement was signed as we went into the second agreement, we were able to negotiate such a contract that local suppliers and local agents were not placed at a disadvantage. Of course Government was able to enhance its cash flow position, especially the foreign exchange component of that, through the use of this facility.

I beg to move that this Resolution do now pass.

SENATOR A. W. A. McCLEAN: Mr. President, this Resolution which I support stands as a reminder that Government has not yet put in place the financing arrangements for the projected or indeed for the fiscal deficit – not so much the projected but what will prove to be the fiscal deficit – during the course of this year. There is little doubt that prudent fiscal management would indicate that part of the arrangements therefore for financing the deficit should include foreign borrowing, and unless Government intends to do something rather urgently, there

is no indication yet that Government has intentions of bringing any Resolution to Parliament before the normal time for the recess which is round about now, and I would therefore request that the Minister, Senator Clarke, should apprise this Chamber as to whether or not Government has this matter well in hand, because unless Government has the matter well in hand, the country can find itself severely embarrassed for foreign exchange in the not too distant future.

SENATOR Dr. F. W. ALLEYNE: Mr. President, Senator McClean makes the point about prudent financial management and the necessity for Government to put in place a borrowing programme so as to avoid embarrassment.
2.20 p.m.

However, Sir, I am sure Senator McClean recognises that there are two parties to a transaction – borrowers and lenders, not only borrowers, and that the timing of a borrowing programme depends very much on the willingness of lenders.

I believe all of us know, not so long ago in Japan there was a mini set-back in the capital markets there, and that is where I make reference to Japan because Japan is a major source of funding. I think we have to take into consideration that there is a timing of a borrowing programme where you go to make your placements whether the market is ready.

I happen to be a director of the Central Bank of Barbados and I know from my position in the Central Bank that the Government has all the plans marked out for a borrowing programme but we are aware that timing is critical. You do not go to borrow when you know the other side is not ready; so the claim about whether financial management by the Government is prudent or not, that claim I have to submit, Mr. President, is without foundation.

Thank you, Sir.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, I heard Senator McClean's and Senator Alleyne's comments on the Resolution. All I would like to say to the two Senators is that debt management is an on-going process and I think that Senator Alleyne touched on the point. You go into the market when it is most proficient for you to go into the market; that is, you borrow when the terms and conditions suit you, or are most favourable to you. This Government is not unmindful of its obligation to ensure that there are always adequate levels of foreign exchange and through the Central Bank has been managing this aspect of the economy with better than average results.

I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

ORDER NO. 6: RESOLUTION TO APPROVE THE CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) ORDER, 1990

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Resolution covers an Order which allows for the establishment of 25 posts of Constable in the Royal Barbados Police Force, at an estimated cost of \$466 350, per annum. This represents the first phase of the examination which is being carried out by the Ministry of the Civil Service into a request for an increase in the establishment of the Royal Barbados Police Force.

The request covers the provision of Police Constables, clerical officers and special constables. The action plan is to relieve Police Constables of certain non-Police functions which are still carried out by them and replace some of these external to the office situation in the hands of Special Constables and those which fall within the precincts of the office in the hands of clerical staff.

It must be noted, Mr. President, that consequent upon the classification exercise which saw several persons in the Public Service receiving regradings, there was a meeting of the Classification Committee and the Police Association representing certain outstanding concerns. One of these related to the maximum salary of the Police Constable and as a follow-up to that meeting, the Ministry of the Civil Service communicated to the Police Association to the effect that by 1991 adjustment would be made to the maximum salary of the Police Constable to equate with the maximum that the Police Association was requesting.

In addition, there was a submission relating to the minimum salary of the Superintendent and that of the Senior Superintendent that it was too great; and responses have been given in an effort to respond to that by adjusting the final recommendations of the Classification Committee.

It was by memorandum of March 26 that the Association was informed that Cabinet had agreed to certain recommendations which would have varied the earlier communication to them. There had been no response to that letter of March 26 apart from some pronouncements which have appeared in the newspapers.

The concerns of the Police Association relate not only to emoluments but relate to accommodation. I believe that I can boldly say, as I have said in this Chamber before at an earlier stage, that provision is not only made in the Estimates to respond to certain of the inefficiencies in accommodation but actual work has already started in relation to repairs to some of these stations.

I am informed, Mr. President, that certain maintenance has been carried out up to June 1990 to Central Police Station, District "A", District "B", District "E", Oistins and Crab Hill.

We are aware that a capital project is proceeding with regard to accommodation of the Royal Barbados Police Force Band. We are aware that there are problems relating to the District "D" Station all of which are receiving the urgent attention of the Ministry.

We are also aware that provision is made in the Estimates for the Hometown Complex which is another of those areas of activity which is receiving heavy scrutiny of the Barbados National Trust and persons who are involved will be waiting to see pontification.

With those very brief remarks, Mr. President, I wish to move that the Resolution do now pass.

SENATOR N. W. BOXILL: Mr. President, I rise to support this Civil Establishment Order but before I do so, I would like to make some comments which may not meet with the approval of a number of people in this country but which I believe will meet with the approval of more than 248 000 of this country.

I want to start off, and I do not want anyone to think that I am trying to denigrate anybody, or I am trying to look for any fame, fortune or publicity. But, at my age, I feel I have reached a stage where I can say how I feel and what I feel without worrying about looking over my shoulder to see whom I have offended.

Mr. PRESIDENT: As long as it is within the Orders of the Chamber.

SENATOR N. W. BOXILL: It is within the Orders of Parliament, Sir. You should know that I would stick within the Orders of Parliament.

Mr. President, Sir, I will say this in my beginning, that Mr. J. M. G. M. Tom, Manningham Adams – I would say he was not a friend of mine but we were good acquaintances.
2.30 p.m.

We were good acquaintances. You would notice from things that have happened. He meant well in certain aspects to this society. But his exuberance, I think, did a lot of damage to this society. He did a lot of damage to the Civil Service and, as a result, he has created an anomalous situation that we will never ever be able to overcome.

As someone was saying, I am not trying to denigrate Mr. Adams because I have said, repeatedly, that with some of my ideas and his forcefulness, and we were still around, we would have this country like Singapore, if not better.

But, in his exuberance, he did something to this country that I am sure half of the force does not agree to; maybe the other half most likely agrees to it because it suits their purpose. You would notice that, in the police force, he

abolished two stages, Lance Corporal, Corporal and jumped straight from Private to Sergeant. As a result of that, he has created an economic, social, political and what have you, a disorder in the society.

Here it is, years ago, you would know, as well as I would know that policemen used to take policing as a vocation and not as a vacation. I have known policemen who went into the force and came out with the names that if you were to call them, they would get annoyed. So sometimes if you wanted to annoy them, you would say, "You ended up as a full Private." That used to get them annoyed. They went in, as a Private, and worked their way right through and they came out, as Privates.

Today they go in the force and quick so you see a fellow on the beat and next thing you look and see him with three stripes on his arm. They did not have to work their way through, like the old time police. Do not try to tell me that I am trying to set any clock back.

But the moment that you abolished Lance Corporal and Corporal and jumped straight from Private to Sergeant, you have created a situation, in the force, where it makes it now a vacation and not a vocation. They do not have that ardency that they used to have.

You would notice nowadays that if something takes place, in your vicinity and you call the police station, if one turns up, you are lucky. If two turn up, they turn up maybe two or three days after the incident. You sometimes forget about the incident. This is not good enough for our society.

I said, when I started out, I am not denigrating anybody. I am not trying to run anybody down because we are all Barbadians. They did not send to Golgotha, nor Germany, nor Timbuktu to get any police. They are Barbadians like me.

Do not worry to tell me that I am here talking because I do not have to go out on the beat and all of this kind of nonsense. You take the job because you know what it entails. The other day, there was a big argument and one of them had the temerity to say, "Look at the money the Chief Justice is getting." I asked, "But do they have 1 200 Chief Justices in Barbados? There are 1 200 police. Do you expect every police to get the same pay as a Chief Justice?" Some of them are only interested in one thing. Some of them are only interested in the take home pay. Do not let them get any bright ideas about when I go down there any of them can hold on to me telling me about they are arresting me, because it would be a different story. I know that sometimes people can act very spitefully. I am spiteful too.

But the point I am making, Sir, is that from the time you abolished the stages Lance Corporal, Corporal, Sergeant, Crown Sergeant – I do not know where Mr.

Adams got the bright idea from. Maybe in some of the metropolitan countries it might work because they are rich and well off. But it cannot work in a society like Barbados. From the time you had abolished these posts, you created a situation, as I said, where the floodgates opened. You are not going to get them closed again because you cannot get them back to work their way up from Lance Corporal to Corporal and then to Sergeant. Nobody is going back there. They would say you are sending back the clock. But this has created a situation on the Treasury.

There is another thing I want to say here now for the benefit of the Members of this Parliament and the benefit of the members of the society. The Barbadian police are some of the highest paid police in the whole West Indies. They start at something like over \$1 500 a month. Mr. President, how many of us in here started at that? We are not even getting that right now. How many of us in here started at that, as a beginner?

I am not running them down. But people must understand what the country can pay. We cannot go on with this kind of behaviour all the time. The next thing is that we just had regrading. They are discontented about that. Where do they expect this money is coming from? It is not coming out of trees. It is not coming out of the moon or out of the skies. This is their country, as well as it is mine. That is why I am speaking the way I am speaking. I am speaking from inside of here. I know what I am saying. I think the time has come – as I said already, there is nothing we can do but there is nothing to stop me from saying what I have said. I want the whole island to understand that I thought it was wrong then and I still think it is wrong now. There is nothing we can do about it. I accept that. It is what you call a *fait accompli*, gone already. There is nothing you can do about it.

But, at the same time, I am hoping that with this 25 additional police that we, the public of Barbados, will get a quicker response to our complaints and we will stop having this lackadaisical approach when people call into the stations to make complaints. I am not saying that every frivolous complaint... They would not even know if it is frivolous or not. I am not unmindful of the fact either that, if somebody came out there today with a cutlass or a gun, you call on the police. I know that. You call on the police. The police have to come. I appreciate that. As I said, they come from among us. They are not from outside. They are from inside. They are all our people. I accept all of that.

But, at the same time, I do not want any of these people whether they be police, customs officers, teachers or what have you to think that they should take the job which they are doing as a vacation and not as a vocation. I keep using that specifically because I want to stress what I am saying.

I am not going to be too long. Before I sit down, I want it to be said or to be noted that I am not against the police or anybody, for that matter. But I am thoroughly against this anomalous situation that has taken place, in our society. It is one that has gone. As you say, the horse is out of the stable already. You cannot get it back in, so you have to abide by it.

I am hoping to see a more up-to-date approach to the line of policing.

With those few words, Mr. President, I support the resolution for the increase. I am sorry that we are not in a position, if it were possible, to get more.

Let me say this too, before I sit down, and let me say this to the police and all concerned. They cannot relate themselves in the same order as nurses. It takes a nurse 3 years before she comes out to even wrap a band around somebody's hand to take pressure. Three years in a school!

A police goes into a training school for six months. He comes out on the beat. He is a police starting at full pay. 2.40 p.m.

They have to understand these things. This is our country and it is about time that somebody get the courage to tell people where to get off.

With those few words, Sir, I thank you.

SENATOR C. A. BLACKMAN: Mr. President, I have four matters I wish to raise under this Resolution to increase the Establishment by 25, which I want to say at the outset that I support. My concerns go to the general matter which the Police represent – law and order, training, security and pay and allowances.

If I may start with training, Mr. President, in today's paper there is a reference to the fact that three members of the Royal Barbados Police Force have successfully completed their course of study at the University of the West Indies in the Faculty of Law and have obtained the Lower Second Class Honours degree. It is my understanding that these members of the Royal Barbados Police Force have had their applications to proceed to the Trinidad Law School denied by training. I am not saying this out of hearsay, Mr. President, the Police Officers concerned called on me last week themselves to make this observation. Training had advised them that leave to go to the Law School had not been approved although they had been given conditional acceptance by the Law School and they needed to advise them by August 10 if the places had been accepted.

Of course a lot of things have happened since that initial meeting which might make it a moot point whether the Law School is going to be opened for business in

September or not. That is something that time will tell over the next two days or so.

The large issue though, Mr. President, is this, and I put a question to the Minister. What is the position in terms of Government, in terms of leave for policemen who have successfully completed degree programmes? Or for that matter in the Public Service? I am advised that at this time there are no more than ten officers pursuing several degree programmes at Cave Hill and are at varying stages of that programme, and the question has arisen within the ranks of the Force, what is the policy? They were led to believe when they embarked on the programme that they would be allowed to see it through to completion.

In the light of what has happened overall in the community, I think that there is need for an increase in the level of expertise in the Force. It may be that they do not all need to pursue courses in law. I think when we had the debate on the drug legislation a few weeks ago some of us made the point that there is need for some of them to pursue training in accountancy in order to have the skills to deal with the elements of misappropriation and drug laundering that may take place in that system, but there is need for policemen with the sort of academic discipline that attendance at the University exposes them to, to be able to work in the Research Department of the Force, to be available to work as court prosecutors.

We frequently see this incident of police, non-trained lawyers.....

Mr. PRESIDENT: Pardon me, Senator Blackman. The Senator before you had a little latitude, but it seems to me that both of you are following the same course. May I remind you that this is a Resolution to approve the Civil Establishment (General) (Amendment) Order. I note that you are taking a very wide berth. I do not want you to go all over the Atlantic before you can come home on this Resolution. I do not want you to go so wide, if not you will cover everything that a policeman can do in Barbados. This Resolution is not for that purpose, it is a Resolution to approve the Civil Establishment (General)(Amendment) Order, 1990. This is what is before us. Try to confine your debate within that context.

SENATOR C. A. BLACKMAN: Mr. President, with great respect, I appreciate your sentiments. The Honourable Leader of the Senate in his introduction did advert to matters of housing and accommodation, stations and the like. It was not a narrow focus on the matter of increased numbers for the Royal Barbados Police Force. With respect, I submit that.

Mr. PRESIDENT: But you are not going to chastise me. I am drawing to your attention what the Resolution is to deal with. The Leader of the Senate cannot tell me what I am to do. The Leader of the Senate has to abide by my

ruling the same way as you or any of the other Members, so do not make reference to the Leader of the Senate to me. I am not guided by the Leader of the Senate, I am guided by the rules of the Senate. The Leader of the Senate does not dictate the rules to me.

SENATOR C. A. BLACKMAN: Mr. President, I understand your ruling. The Order makes provision for 25 additional Constables to be added to the Royal Barbados Police Force, an increase in the Establishment from 809 Constables to 834. There is an item in the Resolution that makes reference to what that cost will be to the Establishment. It is within the framework of dealing with the issue of the increase in the Establishment and the cost of the Establishment that I raised the issue of the manpower of the Force, whether some members of that Force will be granted time to pursue what leave is due in terms of further study.

The other aspects of the Resolution to which I wish to advert in terms of the Police Establishment is the matter of two related ones, security and law and order, in terms of the Constables being available to provide that role. I see it in this context, Mr. President, that it seems to me that there is need for an additional deployment of Constables on the street to avoid the frequent acts of lawlessness that we observe on our highway.

I see in Bridgetown blockages of traffic because minibus drivers, maxi taxis and Z vans and whatever you like manoeuvring around Bridgetown without any police in sight in any way to call them to order for using the highway as if it is a parking lot, and I would like to draw this to the attention of the police.

There is a common saying in Barbados that things cannot happen here, as if we think the God Almighty is going to exempt Barbados from our own carelessness. There are things happening outside of Barbados of which we should take note, and I now bring the matter of security where people park vehicles in the environs of Parliament and leave them all day long without anybody checking on them. There is nothing to stop somebody one day to take a leaf out of the book of what happened in Trinidad last Friday and park a vehicle with a loaded bomb outside these Chambers to go off at a given time. I think that the issue of security, the issue of law and order, must be one that must be looked at by the police so that it is not just a question of shrugging our shoulders saying it cannot happen here.

Senator Boxill in his contribution made an observation that perhaps people in the Police Force start off at relatively better paid salaries than most other people, say nurses, in the Public Service.
2.50 p.m.

I am not going to debate the merits or demerits of that one. What I want to say however is that in the context of

policing and also for the avenues that there are for advancement in the force, it may be that there is not going to be room to provide promotion from Constable to a higher rank, but people have acquired skills, skills which are badly needed in the Force, and I repeat a call I made here in this Chamber a couple of months ago, that a mechanism be found within the framework of the Police Service Commission Regulations for the payment of a skills allowance to Police Officers to keep them in the Force at the level which the establishment calls for. If there are only 834 Constables and 14 Superintendents and they are all filled, you can't appoint a man to the fifteenth post as a Superintendent, but you may be able to find a framework of paying him the allowance to enable that man to stay in the Force so that the Force would not lose the skills that the taxpayers have underwritten over the years. A lot of good Police Officers at the rank of Constable leave the Force because their skills are not compensated for adequately during their time in the Force, and I think, Sir, that we need to take heed of these things; we need to assist the Force. Not that we must give them the key to the Treasury to have all that they are asking for, but their reasonable legitimate expectations should be dealt with so that we do not have any concern as to the *bona fides* and the morale of the Force at a time when they are called upon to support the administration if there is a break down in law and order.

With these sentiments, Mr. President, I support the Resolution.

SENATOR Dr. L. L. SHOREY: Mr. President, like the Honourable Senators before me, I wish to support the Resolution before this Chamber. However, Sir, there are a number of matters on which I should wish to make some comment. I think it is fair to say that the provision for an increase in the number of officers in the Royal Barbados Police Force cannot reasonably be considered other than in the context of the society in which those persons are going to be expected to work to make a contribution. I think it follows then that we need to look at our society in this particular instance with respect to the provisions which have to be made for the maintenance of law and order in our community and for ensuring the reasonable security and protection of citizens and the rights to which they are entitled under our Constitution.

In doing that, Sir, I have great cause for concern which I think I should express in this Chamber, and I have a feeling that it is a concern which is shared by all Members. That concern generally, and I shall give one or two specific examples afterwards, is that there is, I think, increasing unquestionable evidence that there is growing disregard for the rules and regulations under which we have to live. The Senator who preceded me, Senator Blackman, gave some examples of what I was just referring to, and I would like to give one or two others.

Recently, Sir, there was a report of an incident which took place I think in Montgomery where the Police were called in to permit the Church ...

Mr. PRESIDENT: Montgomery where? You just can't say Montgomery.

SENATOR Dr. L. L. SHOREY: At Cave Hill, Sir. ...to remove a tree, and the report is that the Police were hampered in securing the execution of the work that was to have been done by persons who drove them away by physically hurling things at them. I have two concerns in that matter; one is that such an event should not at all have taken place because I think it signals to us a disregard for the representatives of the law which I think must cause us all concern. The other is my understanding that there has been no follow up on this matter, and that leaves me just as worried.

The second matter to which I wish to refer, Sir, is one that has been brought to my attention, that on Six Men's Plantation in St. Peter on land owned by a Mr. Cameron Broome, during the attempted exercise to clear a portion of the land which he owned for purposes of his own, this was apparently resented by squatters on the land, and certainly the information I have is that those persons, let us say for whatever reasons, damaged his vehicle. This was reported to the Police and my understanding is that as of the present moment, certainly up to yesterday, there had been no charges brought against the persons concerned. This too worries me.

A third matter to which I wish to refer, Sir, is the report which to my knowledge has not been contradicted that at a recent event in Farley Hill, a number of unquestionably dangerous weapons, instruments of potential damage, were found on the persons of some individuals attempting to enter, and that subsequently a number of similar weapons were found, having apparently been discarded by persons when such persons presumably learned that precautions were being taken and that had they attempted to enter the premises with these on their persons, they might have been apprehended.

3.00 p.m.

I am suggesting, Sir, that when one takes note of these incidents, I do not think that anyone in this Honourable Chamber believes that what I have just said constitutes a total statement of such things. We have grave cause for concern about the quality and nature of a society in which we are now living.

I think, unfortunately, Sir, that it is not only because of the problems which, for one reason or another, the Police have, that they have perhaps been less successful than one might have expected and, hopefully, the additional posts provided for will constitute a sufficiently added boost to

enable them to function more effectively. But, this is certainly desirable.

Sir, I wish to put before this Honourable Chamber the point that the work of the Police Force is being hampered, certainly it is being facilitated by what I think can reasonably be described as the wrong signals being sent. I will give one or two examples.

We have a situation, Sir, and this is dealing with the matter of law and order in our community, in which a number of persons have set up their premises in a Zone 1 water area where housing is prescribed and is not permitted under the law.

SENATOR THE HON Dr. C. D. CLARKE: On a point of order, Sir.

The Resolution deals with the establishment of the Police and we are dealing with housing and other Ministries completely. I would just like to draw it to your attention.

Mr. PRESIDENT: I was listening to what Senator Shorey was developing. It was a long discussion that all of you were going for. It is a quiet afternoon and really a pleasant one so the Chair is in a good mood. Continue Senator Shorey.

SENATOR Dr. L. L. SHOREY: Mr. President, I am talking at the moment in connection with the provisions for posts in the Police Department. I am speaking, Sir, in connection with the context of the society in which the Police operate. I am drawing attention to ways in which the laws of the country are being contravened and I am merely making the statements of fact. I have referred to one already. I wish to give another one.

Just a little distance away from us there are people squatting in Swan Street. What comes through to persons if no swift action is taken and if the political directorate does not take appropriate action, what gets across to persons is that practically anything would be allowed.

I am particularly concerned because the impression is increasingly given that the "small man" can do practically anything. It is my view that every facility needs to be given to every citizen in the country within the available resources of the country and within the existing provisions of the law.

It is also my view (and I have expressed this very forcefully in this Chamber before) that no one citizen, or group of citizens, can have rights greater than those that are available to other citizens in the same context. I am, therefore, saying, Sir, that our failure to act swiftly in connection with just the two matters that I have referred to and others could be referred to as well, have sent and are

sending wrong signals to the country at large and are, therefore, making the task of the Police Department increasingly difficult because there is as a result, as I said, of the failure, in my view, of the political directorate to ensure that appropriate action is taken, people are being led to believe that they can get away with contravening the law. I think this has inevitable consequences requiring placing a heavier burden than is necessary on our Police Force.

Let me, Sir, give an example of the way in which - I am choosing my words very carefully.

Mr. PRESIDENT: I am very patient but I do ask you not to let us all lose it.
3.10 p.m.

SENATOR Dr. L. L. SHOREY: Mr. President, I am speaking on the matter of additional posts for the police department and I am referring to matters affecting the maintenance of law and order in our community. With due respect, Sir, there is nothing that I have spoken this afternoon that does not bear directly on that matter.

Mr. PRESIDENT: I have to bring law and order within the debates too. If you all do not confine yourselves to the threads of the debate, it will run away.

I have to try to bring you all within the context of what it is. We cannot debate everything under the sun in Barbados. You have to know what line you are taking. It is not a lecture room. It is what you want to convey to the Chair.

You are speaking on this resolution here but I cannot really follow what it is you want to convey to me. After all, I am presiding over the Chair. I want to get the point that you are making.

SENATOR Dr. L. L. SHOREY: Mr. President, as I was saying, we are I think sending wrong signals to the citizens of the country.

Mr. PRESIDENT: I have heard that already. What are these bad signals that we are sending to the citizens? What are they conveying? What are the bad signals you are talking about? I want to get the point you are making within the debate. We cannot go on sitting down here taking the whole evening to get to the point you want to make.

Go ahead. make the point that you want to make. But do not hold us up the whole evening. We cannot have those kinds of delaying tactics in a debate like this. I have been very patient.

SENATOR Dr. L. L. SHOREY: Yes, Sir, as I was saying. We have to note the public statements that are being made and the extent to which those give confidence to citizens in the country or whether they do not. For example,

Sir, there has, I think, long been no doubt that gangs have been operating in our country. And yet, the Minister responsible for law and order, the Honourable the Attorney-General, in that context, made a statement to the effect that there were no gangs in Barbados.

I am suggesting that when things like that happen, the citizenry who are well aware of what has happened are forced to lose credence in the administration. Therefore the credibility, if I may rephrase that statement, of the present Administration is legitimately called into question.

Let me repeat again my conclusion that I am fully in support of the measures being proposed. Like Senator Blackman, I merely wonder whether these are sufficient, in terms of numbers, but certainly I have no hesitation whatsoever in giving my unqualified support to those measures.

I wish also to reiterate that there are events taking place in our country that are cause for grievous concern and I must also express my very great concern that the Administration is not, in my view, taking the necessary steps to deal adequately with the dangerous situations which are existing.

SENATOR A. W. A. McCLEAN: Mr. President, I rise to support this resolution which seeks to approve the Civil Establishment (General) (Amendment) Order, 1990 which Order provides for 25 additional posts of Constable in the Police Department.

Quite evidently, there is a reason behind this additional provision and it would have to do with enabling the Police Force to better fulfil its role of maintaining law and order in this society. We have heard pleas from the Commissioner to the effect that the force has been undermanned. Quite clearly, this provision would go somewhere towards alleviating that particular problem.

Quite clearly, there are other dimensions to the matter of successful policing and the maintenance of law and order. There is the question of equipment and there is the question of technique and so on, proficiency, among the members of the force. We would hope that this is an indication, not only of a mere provision of additional bodies in the force but of a concerted effort to address the overall business of the efficiency of the police force.

Recently, we have had an indication which sent a signal to the community that the Police Force seems to have a major problem in relation to the maintenance of law and order, at least in situations where you have large gatherings of young people. I am referring to the Farley Hill incident.

The National Democratic Party cautioned that it is not the best thing to associate the army or to involve the army

in such matter – ordinary day to day law and order matters which are normally left to the police.

I think, basically, that that is part of the tradition of our society, that we have identified clear and distinct roles for the army and for the police with the full understanding that one can support the other in situations of emergency when the capabilities of the one are not adequate for whatever is required.

But to have it as a matter of routine, in anticipation of we know not what, some level of disorder at a public event is particularly disturbing. I am not saying that the authorities who took that step did not have good and sufficient reasons to feel that, in the circumstances, it was justified. All I would say is that, so far, the public has not been apprised. The public.....

Mr. President, I do not know if I can crave your indulgence since you talk about law and order, to indicate what is on the paper that is going to come around to you, namely, that Abu Bakr has surrendered.

Mr. PRESIDENT: I guessed it was that. That appeals to people you know.

SENATOR A. W. A. McCLEAN: Getting back to the point I was making which is that no information has been made public as to the particular emergency that led to that but it would have to be some considerable emergency which has not made itself, in any way, evident.

But beyond that, two points seem to have been coming out of the discussion that arose out of that submission. One is that some people seem to think that there is nothing particularly wrong with involving the army in this way. I would caution that that view is a particularly short-sighted view.

What we need to do is to be assured or to equip the police in such a way that they can maintain law and order, can police ordinary events such as a dub session or an activity at the Stadium or whatever else is around and about in the country, the normal policing duties, the requirements of the country, the Police Force should be adequate for that. If it is at all perceived that law and order have deteriorated to the level where we need the army to support the police on a routine basis, you can be assured that the experiences from other countries would indicate that, as a short step from that, the army deciding, "You might need us too to run the Government." You have to be particularly aware of the dangers of that type of situation.

In relation to the question of the establishment of the police and training and so on, I entirely take the point that we must ensure that the Police Force has members with an

adequate range of skills to cope with the sophistication of criminals in today's world.
3.20 p.m.

I also take the point that this will probably entail the training of very junior officers, exposing them to high levels of training and the acquisition of skills which would bring them far more outside of the Police Force than a Private or even Sergeant would normally expect to obtain. I entirely support the point made by Senator Blackman that in those circumstances there may be a need to introduce some type of skills allowance.

As an extension of that point, what I would indicate is that if you are going to do it, it should not be just a skills allowance by virtue of having a given skill, no matter what rank you are. You would have to associate that with some notion as to the appropriate skill level, let us say, for a particular rank within the Police Force. In other words, the Commissioner should never get a skills allowance; he should have any amount of skills. Likewise, the skills allowance for which a Private should qualify a Superintendent should not necessarily qualify, because that should be a skill a Superintendent should have. It would probably mean that you might have to associate skills with different ranks; and if a person has the skill but not the rank he gets some type of proportion of differential between what he is working for and what that skill relates to in terms of rank.

It is necessary that we must find some way that when someone qualifies as an accountant or a lawyer and finds that he cannot go from Private to an Inspector or what have you, he can still feel comfortable remaining within the Police Force until such time as he can be promoted to those particular ranks.

More generally, I want to suggest that the question of the maintenance of law and order is not only a problem of ensuring that the Police Force and the Army, if you want to involve the Army, are capable of coping with difficult situations. We have to try to predispose our society to adhering to the laws of the country, and two things are required in that regard. The laws themselves have to be distinctly reasonable, having regard to the values of the society and so on, and secondly, we must have our various institutions, opinion leaders, role models and everyone else to whom people look for example, setting the right example and sending the correct signals.

This, unfortunately, has not always been so in recent times in this country. We have had all too often incidents, some of them going back quite a few years now, when a Minister indicated to people in the Transport Board that they can ignore the policemen and drive the buses that are not licensed, and things like that. Those types of signals are particularly damaging and I would think that we need to get back to a stage where the majority of our citizens are

predisposed to obey the law and predisposed to be charitable towards one another. We as opinion leaders in the society have to find ways of imparting this attitude to the people in the country.

I thank you.

SENATOR THE REV. CANON I. McK. JONES: Mr. President, I really did not intend to speak on this, but I am in full support of the Resolution for the increase of the Constabulary. I do not agree with the last speaker in saying that those people who say we are short sighted about the Barbados Defence Force being brought in to assist the Police. I think we are being very realistic. That is my personal view.

It is all right talking all these grandiloquent things, but in the light of what happened at Farley Hill recently, people go to listen to music and people can take collins, cutlasses and scissors – and not scissors to clip anybody's hair, because one fellow had one piece of a scissors and you cannot clip hair with one piece of a scissors – so they must have gone there for some other reason than just listening to music. I am saying that if they did not have the metal detectors there, we would have had a lot of blood being shed at Farley Hill.

In the light of that, with people coming over here in hundreds for Crop-Over, I am thoroughly 100% behind the idea of getting the Barbados Defence Force to support the Police, especially at this time. I agree with the Senator that it is not something that should be routine; but dangerous remedies can only be healed by dangerous solutions, and you have to have them. You have to have those people in place. If they did not have the metal detectors, you would not have seen all those cutlasses and so, they would have been used. You do not know how many they are going to have here over Crop-Over, so with the Defence Force along with the Police I think we are on the right track, and, as I say, I am 100% behind that.

SENATOR A. MORRISON: Mr. President, I just rise to support this Resolution and to make the point that we have been hearing from several Senators about sending the wrong signals to the police. I want to say that those signals are not coming from the Government as a Government. As a matter of fact, by the very nature of this Resolution we are attempting to make the police more adequate. We are giving them 25 more officers as part of a continuing idea to increase the numbers of the Force. Any signals which have been given to the public would have to be coming from other sources than the Government.

Ever since we became the Government of this country we have been trying our best to deal with things in a realistic manner, with everything in Government, including the police. We have tried to upgrade police stations; we are working on Hometown Station.

We hear about accommodation for the police. This we inherited as a Government. That station was in disrepair and was not well kept. It looks as if nothing has ever been done to the other stations... We have had in the space of the last three years in a spasmodic way wherever police stations have been allowed to run down. We have now had to provide the kind of accommodation that is befitting members of a modern Police Force. Not only police stations, a number of Departments have been allowed to run down too, but all our efforts as a Government have been in the positive direction to make the Police Force more meaningful and more realistic for the members of the public.

If signals have been given, they certainly did not come from this administration. We have been out there trying to encourage people to assist the police. We have never yet interfered with the police in the execution of their duties. Nobody can accuse this Government of giving the Commissioner of Police orders to do this or not to do that. As a matter of fact, the police are so much in control that I know a Senator who has been reported for parking in the Public Buildings yard and brought before the courts, so there is no question of the Government giving anybody directions to do this or do that. I think we should be complimented for the efforts that the Government continues to make to make life more meaningful for the police.

We at all times would like to feel that the police are happy to fulfil their duties to the public, being the watchdogs of the public, and I would not want a situation to develop in Barbados where the police become so disgruntled as to allow the normal course of law and order to go without doing something about it.
3.30 p.m.

We should never try to court the Police in a political fashion. I detest any political party which would try to make statements which might tend to favour the Police in one instance because you are trying to court votes. We should tell the Police very squarely and fairly if they are wrong where to get off at by way of a political debate, or we should be bold enough to compliment the Police when they have carried out their duties in a very businesslike manner. As a matter of fact, we should try to encourage the Police in their efforts to fight the crime which we have to fight in these days, and of all things, Sir, we should never try to interfere as a political party or a Government with the running of a Police Force. We should only give broad directives as far as policy is concerned, but the Commissioner of Police is in sole control of his Force; he has his men to order; he has his men to allocate to different posts, and if he needs any help, whether by the Defence Force or what have you, it is because that plea for help has come from the Police themselves; it is nothing that has been imposed on the Police Force. When the Commissioner of Police sees the need for assistance and asks for it, then no

reasonable Government that is worth its salt, after taking everything into consideration, and weighing the consequences as described at Farley Hill by Senator Jones, could refuse to give the Police the type of assistance which is needed in those circumstances. It is not a question of anybody just trying to have a short term thing by putting the Defence Force on anybody; it is not like that at all. When the Commissioner of Police himself sees the need for a reinforcement of people, realising that there is a difficult situation and that things can go amok, then it is better to be wise before the event than to be foolish after the event. Nobody is saying that the Defence Force should supplement the work of the Police. There is no such thing at all. It is a question of taking a commonsense look at what is happening around you, and in the eyes of the debate so far, we heard Senator Shorey giving a litany of examples - and these examples he was giving, some might not concern the Police fair and square, because the one with the squatters at the Belle does not concern the Police at all; that is a matter for the Town Planner who allocates who has been wrongly in Zone 1, and the Waterworks Department. And the fact that we have brought this measure to increase the Force temporarily, because this is not the final amount, is tantamount to the fact that the Government is concerned, and we try at all times to make the Police Force a happy Police Force so that they can carry out the job they are required to do. We are alive to these kinds of things that have been happening in this society, and the Government is not tardy or privy to what is happening out there, and as a matter of fact we are fighting to combat any such misdoings and invite other organisations to assist in so doing.

It is a very difficult thing in these days to control people as has been seen in the whole Caribbean. It is not an easy matter to control the movement of people. People have been on the up-rise from different angles. We have the drug problem, we have this and we have that; people have become more sophisticated, parents are giving their children more things to play with and things like that, and people become uncontrollable. But we have to keep our eyes open, and the best way to keep our eyes open and keep things going level in this country is to give the Police the respect they deserve and encourage them to be on the look out so that things will not get out of hand in this country. If we have to use the Defence Force at some time as has been said, by all means we should do it, and we should be glad that we have such disciplined Forces in this country that we can fight our own battles when the time comes. I thank you.

SENATOR J. S. GODDARD: Mr. President, like the Senators who have spoken before me, I too am very happy to support this Resolution. I think it is extremely timely for two reasons; first of all the shortcomings within our own society to which reference has already been made. I believe there is a general feeling that there has been an increase in crime, no doubt aided and abetted by the increase in the use

of illegal drugs, and to confirm this, the very fact that the Government had to see it necessary to use the Defence Force to assist the Police seems to support that point.

Secondly, Sir, we should learn from the experience of others. Less than 200 miles from here in our sister country of Trinidad and Tobago, there has been a traumatic experience within the last week, and therefore we must do all that we can to preserve the stability and good name and law and order within our society. I know right now we are being pre-occupied with regional security, and I support that, but not at the expense of local security, and I hope that the powers that be will have a thorough review of the various security measures that presently obtain in this Island and let us not be smug and complacent and believe that it cannot happen here. I do not wish it, none of us wish it, but let us not assume Therefore if we are wise, let us review and make sure that we control the fanatic elements who could cause trouble. In Trinidad that is only a small group of fanatics, well armed, disciplined and well financed. We are a much smaller community and it would be a much easier job to make sure that we analyse our situation. We are responsible for our security, our safety and that of 250 000 Barbadians. I thank you, Sir. I support this Resolution.

SENATOR Mrs. G. L. EASTMOND: Mr. President, many good things have been said here this afternoon in regard to this Civil Establishment Order. I want to say a few words because I know that for the number of years I have been here on this earth, I can recommend highly that were it not for the Police Force and the type of Policemen that we have here in Barbados, this country could not have the peace that we are having and we could not live under the conditions that we have. I think that we as a West Indian Island and a small place we are lucky that some of us sometimes do not have our heads cut off or something like that.

The Police have never been armed; they have done their job single-handedly. They have helped this country and have done a lot, but I would like to see an increase in their salaries so that they and their families are well compensated. I would like to see more perks given to them and their families so that they will always be able to raise their heads high and protect not only the Government of the day, but protect the citizens whom they have been protecting all their lives. Their lives have been in danger most of the time. At this period in time the youngsters are restless. We have seen on the television and in the newspapers pictures of the various things that were found at Farley Hill. I know for a fact from where I am living at Collymore Rock that the youngsters are restless. They are breaking bottles all over the road. You call the Police and they respond. Sometimes they will need help and I think since the Defence Force is there that they should assist the Police when we have large crowds such as at Crop Over,

and I see nothing wrong with that, because human beings must be protected. The Defence Force is armed while the Policemen are not armed. If a Policeman's life is lost, do you know what it means to a family? That Policeman would not have had a chance against these young criminals, and heaven help us if we continue to sit around tables as we sit here and not realise that things are changing worldwide, not only in the West Indies, and we have to face the facts and decide that where certain Policemen have to protect the nation and the nation's people, especially the Governor-General and people like that, they should have something with which to defend themselves.

3.40 p.m.

We definitely have to look and see that certain Policemen should have something that they can defend themselves. What are they going to defend themselves with? If they are not going to defend themselves, then put a Defence Force man beside them.

I have been to other countries and I have seen it done. I have asked reasons and I was surprised at what I was told. I do not want to see what happened a few miles from us happen here in this country. It may be worse than what it is there now and I pray for the politicians and I hope that they will come out of it with more experience.

I want to see that the Police of this country are tops, that they do not have to beg. They do not have to stoop to low things. There may still be other people who may do it but if you give people good salaries and if you realise and you show them that you appreciate the work that they are doing and you compensate them to suit, I am sure that they would risk their lives for us.

Thank you, Sir.

SENATOR MRS. V. C. FRASER: Mr. President, I rise to support the Resolution. I wish to say that I support a lot of what many of the Senators have said here this evening which I need not go over.

I want to say that we in Barbados can be justly proud of our Police Force. They have worked under some conditions that are not always the best conditions. One of the examples is that citizens have not always given them background and evidence of things that have taken place. I think this is one of the most difficult aspects of policing where you are searching for evidence. People want to be protected, but yet they do not want to give you information.

I would like to call on citizens, if they want to see the Police Force break through on many of the ills that are besetting our society, for goodness sake, give them the information. They have set up various hot lines that people can filter information without giving their names. It is alright when it does not happen to you personally but when it happens to you, then you realise how difficult it is if there

is no-one to give any information or evidence about yourself.

I think this is one of the areas that we as Barbadians need to examine ourselves about to see if we are really in touch with reality when it comes to the whole question of supporting the policemen. Several people will say, "okay, we have a good Police Force. The police have not done this. We have waited for a long time to get the police to reach our homes." Do not forget that there are people out there giving hoax calls and all kinds of foolishness. There are people doing some unlawful things and nobody would state anything. People would be there but they would not say that they have seen it or they are going to give the evidence to help solve the situation. No, they would run away but when it is them, they want the same policemen to come and watch around them all night.

We must learn that we are our brother's keeper and if we are withholding evidence and we do not pass on information to the police, as I said, they have particularly told you in their Public Relations Programme that you do not have to give your name. But in talking to some policemen, in mixing with them in different committees, this is one of the things...

Mr. PRESIDENT: Alright. Let us get to the Resolution. Do not go to what is said in those programmes.

SENATOR MRS. V. C. FRASER: Sorry, Mr. President. I am just saying that this is one of the problems that beset the policemen. I am happy to see that we are increasing the staff, not that because we are increasing the Force by 25 persons that we will necessarily change the attitudes of people towards the giving of information to the police.

I, like one of the other Senators would like to see the best kinds of services, perks and all the things that go with making people happy because we are dealing with a group of people who have to look after law and order of a country. It has always been said that if people are not happy in their surroundings, they are not going to produce as well as they ought to.

I am also happy with the fact that we are upgrading the Police Stations. I am also happy with the fact that we are seeking to train more and more policemen. I too, like some of the other Senators, would like to see some of the Constables trained in special skills and, perhaps, the Government could look at that very seriously and see how we could remunerate these people for their special skills.

I think in many areas we do not have enough policemen in the areas dealing with drugs. I think that is an area that we really need a lot more policemen. In certain areas of investigation, we really need a lot more policemen there and, perhaps, we could look at training some of these

Constables in these particular areas because some of them have some good basic qualifications and you have to get these basic qualifications to enter the Police Force.

I again, Mr. President, would like to see that we as Barbadians realise that we are very fortunate in this community, not to have been run down like some other communities because of the total negligence and disgust of the Police Force. We must not for one moment think that we must say this, say that, and say everything is wrong with the Police Force and expect people not to have feelings because they are human beings like anybody else. They have hearts, they have minds and they have souls.

Therefore, I think we should look and focus our attention on what is the problem and see how we as citizens could assist the police in helping to assist us because this is our society, this is our country and if we want law and order maintained, then we have to support the people who are going to be out there at night, in the wee hours in the morning, in the canefield, all around trying to protect us, even losing their own lives.

I thank you, Mr. President.

SENATOR A. J. N. PHILLIPS: Mr. President, I rise to support the Resolution before this Honourable Chamber. I did not intend to speak this evening but after listening to what I consider to be a very mature and reasoned debate by the other Senators, I thought I would make a few observations and say a few words on the subject. Obviously, Sir, what transpired here this evening does not jive very well with what transpired in the Other Place when they debated this same Resolution. The Government side and the Barbados Labour Party side apparently gave a very reasoned debate on the subject. The same cannot be said for the National Democratic Party, hence we cannot really put much confidence in their judgement.

It was reported in the Press that the Leader of the Opposition made a call for 300 additional policemen. Now, Sir, that is a wild call when compared with what we are hearing now and when one listens to the reasoning that has been given for the additional 25 persons, one wonders how a person aspiring to be the leader of this country could, against the background of this Resolution make such a wild call.

3.50 p.m.

Sir, I know that we like other countries are having problems with our youth. A number of negative comments have been made about the youth of Barbados. I know that there are problems with some of the youth but there is a large quantity of good young persons out there.

What I feel is that that call that was made for 300 additional policemen could very well have been made for

300 additional guidance counsellors who could go out there and talk to the young people. If, Sir, you ever have a chance to talk to some of the young people, you will realize that they are not as difficult as they look. Some of them look more difficult because of the way they dress and hence, Sir, they give the impression that you want to stay away from them. But if you have a chance to talk to some of them, you will realize that they really need talking to. I believe, Sir, that a call for 300 guidance counsellors who could go out there and talk to them may very well bring a level of reasoning, among young people, and may make them better citizens of Barbados. I believe that some effort should be made in this direction.

I believe that the church, unfortunately, has not acted in as responsible a way as the church should act. I knew when I was a boy which was quite long ago, that the church used to go out there in the vineyard, as they call it, and minister to people. The priest would go out there and he would see groups chatting and he would stop and talk to them. The attitude for that whole thing now has gone. The church now feel that once they get into their building and they preach their sermons that people gravitate with the church, particularly people who want to donate to the church. But the church has a duty to go out there, that is, the priests, the pastors and the lay readers and whatever and do some social work and try to impress on these young persons as to a responsible approach that person should take, towards life.

I believe, Sir, that if an exercise like this is done, if the Government could look at having some guidance counsellors, not necessarily 300, attached either to the police or to the department of education or whatever, that an exercise like that would assist a great deal in getting some maturity in young persons who now seem to lack direction.

Thank you, Mr. President.

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION BY THE CROWN OF LAND AT HOWELLS CROSS ROAD IN THE PARISH OF ST. MICHAEL FOR THE PROVISION OF ADDITIONAL CAR PARKING FACILITIES AT THE BARBADOS COMMUNITY COLLEGE

Order No. 7 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Howells Cross Road in the parish of St. Michael for the provision of additional car parking facilities at the Barbados Community College.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Barbados Community College is presently undergoing expansion. In order to facilitate this expansion, it is necessary to utilize part of an area presently used as car parking facilities. Thirty-five car parking spaces on the Erie Campus which is used by staff and students will have to be used for other purposes. In order, to accommodate the number of vehicles which presently use the compound on a daily basis, it is necessary to acquire adjoining lands.

It is most important that these car parking facilities are not totally lost, that they be replaced. To this end, the Ministry of Housing and Lands is in the process of seeking to acquire 1109.5 square metres of land at Howells Cross Road on a property adjacent to the existing site of the Community College.

In addition to being used for car parking, it will also provide an alternate access and exit for the Community College. It is a natural extension, Mr. President, to the existing land area of the Community College.

I beg to move, Mr. President, that the resolution do now pass.

SENATOR A. W. A. McCLEAN: Mr. President, I was hoping to have had a chance to observe where the particular car park was in relation to the other lands which have been previously acquired. I think also it would have helped if we had been brought up-to-date, in terms of how much car parking facilities would now be available overall, having regard to the other acquisitions and the other land previously available and an indication as to whether there will be any parking problem remaining in the area when we have an occasion when that facility is fully used for a conference or what have you.

It would also have assisted us, if we had received some progress report, in relation to the present state of completion of the building and so on. On the last occasion, when I spoke about this, I had raised certain queries which were not particularly responded to. The answer which I got was that those questions were raised before. But on that occasion there was one question which I did not raise before and which was not answered and it relates to information which recently has come available that you had already installed in the building, before its completion, certain electronic equipment. I was asking for an explanation as to why this was done. Since then there are other rumours going around that that equipment might be coming out and so on.

I should like to request that the Minister should bring us up-to-date on the present state of the project.

Thank you, Sir.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I cannot deal in rumours. I am completely at sea as to what the rumours are since I have not even heard them myself.

What I can confirm, in relation to the resolution before us, is that the acquisition of this land in question which is on Howells Cross Road, adjacent to the existing lands as shown on the drawing provides a second access and exit from Howells Cross Road. It will facilitate traffic flows into and out of the College. It will more than cover the loss of parking spaces. It is more than the area which is being given up for the expansion of the building.

As the equipment in the building which is the subject of some rumour, I really do not know what the answer is. Indeed, unless it is more than a rumour, I do not see why I should pursue it.

I beg to move that the resolution do now pass.

The question was put to the Senate and agreed to.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, there is one other item on the Order Paper. My information is that, after consultation with members of the other side, no objection has been raised to proceeding with it.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. L. V. H. LEWIS: I therefore beg to move that we suspend; Standing Order 45 (2) to enable us to proceed with item 8.

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

STAMP DUTY (AMENDMENT) ACT, 1990

Order No. 8 was called - To move the Second reading of a Bill to amend the Stamp Duty Act, Cap. 91.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, this Bill before us seeks to bring into effect certain provisions made during the last Budget.

Within the benefits which this Bill seeks to address are the areas of manufacturing, agriculture. It also seeks to further strengthen and demonstrate our good faith within the CARICOM Community by removing certain Stamp Duties on a unilateral basis between the territories of Belize and St. Kitts.
4.00 p.m.

In the 1989-90 budgetary proposals certain concessions were granted to the manufacturing and agricultural sectors. In the budgetary proposals of 1990-91

this Government, in its effort to further stimulate the manufacturing and other productive sectors, such as agriculture, went further and seeks now to grant the duty free exemption on spare parts for use in agriculture and fisheries, and also for those spare parts used in manufacturing to be imported free of customs duty and consumption tax. Stamp duty on all extra-regional imports on those items will remain at the 15% rate.

Local photographers have long been complaining that they were not in a position to compete on orders for the making of catalogues used in the hotel industry, because they themselves have had to pay duty, consumption tax and stamp duty on the equipment used in the manufacture of these various brochures. Consequently, when they bid on a project, the award of the bid or contract generally went overseas. They are not many in number, in terms of professional photographers in Barbados. However, in an attempt to make our local photographers competitive, not only in Barbados but also within CARICOM, the Government thought it fit to remove the customs duty and stamp duty on photographic equipment.

The professional photographers are not large in number, consequently it cannot be viewed as any attempt to gain political mileage, but rather to strengthen the competitive position of our local photographers.

In our continuing effort to demonstrate good faith to the Treaty of Chaguarmas, there were stamp duties which remained in effect against imports coming from Belize and St. Kitts. These remained in effect long after the stamp duty was removed on items coming from other CARICOM countries, because it was agreed that such imposts would have been removed on a reciprocal basis. At the time of the budgetary proposals Belize and St. Kitts still had their stamp duties in effect. This Government, in a demonstration of good faith and firm commitment to CARICOM, unilaterally removed the stamp duties.

Finally, Mr. President, the Government at that time, during the budgetary proposals, thought that it was giving further concessions to the beverage industry and it was stated then that effective 1st June bottles, cans, lids and crowns from extra-regional or regional sources would be allowed in free of consumption tax and stamp duty. It was subsequently brought to the attention of the Government that the removal of stamp duty was granted in the 1989-90 budgetary proposals. This Government, in a further attempt to give redress and to improve the competitive advantage of the beverage industry in Barbados, allowed them to import refined sugar from extra-regional sources. The net effect of this would be to reduce the cost of production of their final product and to make them more competitive, not only in Barbados but also in other CARICOM territories.

I will repeat that, because I have heard it said that nothing has been done for the local beverage manufacturers in this year's budget, because what was purported to have been done was already done in the year before, 1989-90. What I am saying, although it was not done in the budgetary proposals, Government, in its commitment to further offer assistance to the industry, has granted them a quota to bring refined sugar into Barbados. The net effect of this is that sugar is obtained at a cheaper price and they do not have to process it quite as much to get the final product. So they have benefited on two counts. We have not seen a reduction in the price of the finished product, in spite of the two benefits and concessions granted to the industry.

This Government again, just to recap, in this Bill before us is seeking to give effect and benefits to the manufacturing sector, the agricultural sector, the limited few professional photographers within Barbados and to honour our commitment to the spirit of CARICOM.

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

SENATOR A. W. A. McCLEAN: Mr. President, now that Senator Clarke put the Bill in its context, as the first Bill to be introduced into this Chamber as a result of the budgetary proposals of 1990, I think in examining this Bill the first thing to note is that in quantitative terms it makes little or no change to the provisions in relation to stamp duty as far as revenue from that source is concerned. It probably makes a big difference for one or two professional photographers on occasions when they are importing equipment, but as far as its overall impact on the country is concerned, that is going to be essentially trivial, if not non-existent. Indeed, I note that the Minister of Finance in his presentation did not even quantify the financial impact of this particular proposal and so therefore we should observe that the adjustments to the stamp duty, like all of the other proposals in the 1990 budget, were essentially trivial and cannot be regarded as constituting any real change or any new development. There is no credit to be taken for anything of an innovative nature or any relief to anybody in the context of this Bill in the context of the 1990 budgetary proposals.
4.10 p.m.

All of the over taxation which existed prior to the 1990 Budget is still with us and remains with us even after we should pass this Bill. However, Mr. President, I want to comment on the Bill at a different level. The Stamp Duty Act or stamp duties of the type to which these relate, stamp duties on imported goods and so on, this really and truly constitutes a way of circumventing the agreed common tariff arrangements for the region. We have been hearing a lot of talk about common external tariff and many persons have gone on record as indicating that we should without further delay try and implement a common external tariff structure.

What I want to say is that to the extent that we maintain a system of imposing stamp duties on imported goods and other types of arrangements, this is a tariff by another name; a stamp duty on extra CARICOM goods is a tariff or customs duty by another name. You can't call it a customs duty because we have agreed to enter into an arrangement to in some sense harmonise or equalise those with our CARICOM trading partners. But to the extent that we have stamp duties and other countries do not have and if we both have we have a different structure of stamp duties that we are free to impose as we like, what we are in effect doing is moving away from the notion of a common external tariff arrangement. If this is what we feel we have to do, we should face it up front and accept perhaps that the notion of a common external tariff is not one that we are ready for as yet. If we feel that we are ready for that notion, we cannot at the same time then have parallel another system of impositions on the imported goods. A dollar paid in stamp duty and a dollar paid in customs duty is the same dollar paid on the goods imported, and therefore what we have to address is the over-all impost on imported goods of particular types. When we get to that, we notice that there is no need to have a plethora of different imposts, stamp duties and all these things that complicate the calculation but makes no difference later on to the fact that you have to pay these imposts, and to try and simplify the system and just get back to a kind of singular tariff on the imported goods so to speak, except perhaps where you want to complicate it in the way that it has been complicated by the consumption tax which also applies to locally produced goods; but we have something which is going to be specifically reserved only for imported goods. There is no need to have two or three different names of imposts that you will put on it.

I am saying therefore that we need to really examine the question of the common external tariff and decide quite clearly in our minds whether we want it or not. It does not make sense to be clamouring and saying we want a common external tariff, but we are going to put on another set of imposts which will nullify the effect of that tariff. If it is that we feel that it is not appropriate for us, then do not go for a common external tariff; approach the question of protection from regional industry in a different way on a case by case basis by way of specific agreement as to the level of tariffs that will be imposed on specific things.

Again if you want a more general tariff wall and you still feel that you cannot live with that as the only imposition on the imports, you should go for a minimal external tariff, and every country then should be free to adjust it upwards but not downwards. But don't say this is our customs duty and you can't touch that, but we could stick on any amount of stamp duty. You are only trying to fool yourself. I don't know who else you are trying to fool, but you are by some subterfuge getting away from the common external tariff; so you will only be paying lip

service to it and maybe impressing people who do not understand that a tax by any name is still a tax.

I think therefore that we need to examine the reason behind this stamp duty imposition. I am fairly certain that it was introduced by the last Government as a way around our agreements as far as the customs duties are concerned in the CARICOM arrangements, and for as long as it persists it could only have justification in some similar motivation, and it not good to be talking about going in a given direction while at the same time you are going in the opposite direction. So we should be honest and up front and get back to a system where there is no need to split your customs duty in two – call one customs duty and call one stamp duty; but you define the whole thing again and determine whether or not we want to have discretion over the upper limit that we impose on imported goods by way of customs duty, or whether we want to surrender that into a common CARICOM arrangement and have a common external tariff. I thank you.

SENATOR L. A. WARD: Mr. President, I rise to support the Bill, but I notice that Senator Dr. Clarke in introducing the Bill stated that there were two concessions being given to the manufacturing sector, one of which is a concession taken from the sugar industry by giving them the permission to import sugar at a cheaper rate than we were supplying the manufacturers at.

The second thing I would like to say, Sir – I have not had the experience myself, but I have been told – is that it is extremely difficult to agree with the Customs on what is duty free and what is not duty free, so they have been told that you must pay the duty and then you must reclaim it, and they would then have time to process it and see whether it was duty free or not. This, Sir, can put a hardship on people who are importing things that they have been told are duty free and they have not made arrangements to finance the duty, and when it comes they have to finance the duty and perhaps wait a year before they can get it back and they tell you that it is being processed during the time. Well, Sir, if it could be made clear what is duty free and what is not, and when you bring an item in you say this one is duty free and therefore you don't have to pay on it, you can go further in manufacturing or agriculture and you can go into tourism, and in tourism you are encouraged to upgrade your plant and so on, and when you go and do this and think that the items that you are bringing in are duty free, when you get there you are told that you have to pay the duty on them to get them and reclaim it. It is a hardship; it is either duty free or it is not duty free; but it should be agreed what is duty free and what is not duty free.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, I think Senator McClean confused a few things in response to my presentation of this measure. Barbados is the first signatory, I think, to the common external tariff. Barbados is firmly committed to this, and I believe when

we brought the measure before this Chamber earlier this year, we were facing a deadline of January 1991. There is no attempt on Barbados' part to use any subterfuge to get around the common external tariff. Barbados is the first country in CARICOM to honour it and to pass legislation to give effect to it.

4.20 p.m.

I think it is somewhat misleading, at best, to give the impression that we are trying to toy with this or to use some other attempt to get around this concept. We are on record as the first country to give effect to this.

Secondly, on the question of stamp duty, as it stands now I believe the duty was on 20% of our manufacturing, 20% on extra-regional imports of equipment and spare parts. This has now been reduced to 15%.

You stated that this was not quantified. This is a matter for the importers when they want to import, whether they are choosing to upgrade their equipment and, of course, the figure would not have been available to Government. They could have come up with an estimate, a guesstimate at best and then we would have heard it was too high or too low.

The removal of the stamp duties by Barbados on goods coming from Belize and St. Kitts, this was unilateral action taken. It was a clear understanding that it would not have been removed unless the other countries decided to reciprocate. You would remember the long debate that we had in the case of Trinidad who held on to their own imposts similar to our stamp duty quite a while. Then they removed theirs and we then went ahead.

Within CARICOM these were the only two territories in which they still maintained their own stamp duty, if you will, and Barbados went ahead unilaterally in the hope that they too would see the light. So I think Barbados has been in the vanguard of honouring its commitment and even taking action unilaterally to further the case of CARICOM in spirit and in law.

Turning to Senator Ward, I agree and I share your concern with the question of rebates that it should be clear to the Customs on what items we have granted concessions. I believe in the case of tourism that if you set out, based on your pro forma invoice items that you intend to import, the cost and the source, you can send it to the Ministry of Finance where the items are evaluated and approved on a case by case basis. We look through them and we tell you in advance with a letter what items are allowed in duty free. There is no room for confusion once this letter is issued once you tell us in advance.

Now, if you take it upon yourself to go ahead and import and then ask us, well then – but the procedure is quite clear that you spell out, based on your pro forma

invoice what items you want to import, the quantities and the amount and we will tell you, item by item. So I think it is somewhat misleading to say to the Chamber that we go ahead and we do not know. We are not playing Russian roulette. We understand the problems with cash flow and we try to facilitate your cash flow.

Aside.

SENATOR THE HON. Dr. C. D. CLARKE: But we are talking about now, Sir.

Aside.

SENATOR THE HON. Dr. C. D. CLARKE: No, No. This has been in effect for some time. Just write to us first, set out what you want based on your pro forma invoice and we will react to that. This is quite clear. This has been in effect since 1987. So tourism is getting theirs on an ongoing basis and has been getting theirs on an ongoing basis.

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

The question was put to the Senate and agreed to.

On motion of SENATOR THE HON. Dr. C. D. CLARKE, Mr. PRESIDENT left the Chair and the Senate

went into Committee on the Bill, SENATOR M. deL. JORDAN in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 – 3 inclusive were called and passed.

On motion of SENATOR THE HON. Dr. C. D. CLARKE, Mr. CHAIRMAN reported to His Honour, Mr. PRESIDENT the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. Dr. C. D. CLARKE, the Bill was read a third time and passed.

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, having completed the business of the day, I beg to move that the Senate be now adjourned *sine die*.

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

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