

C. Sullivan

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, December 12, 1990.

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, December 12, 1990, at 11.15 a.m.

PRESENT

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 A. J. N. PHILLIPS

Senator T. A. PRESCOD

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

Senator the Reverend Canon I. McK. JONES

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

Senator C. A. BLACKMAN, Q.C.

Senator Mrs. P. Y. FORDE

Senator J. S. GODDARD, G.C.M.

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 Miss V. P. BRATHWAITE

Senator Dr. F. W. ALLEYNE

Senator T. C. ESTWICK

Senator Miss Y. V. WALKES.

Prayers were led by Rev. Canon I. McK. JONES.

Mr. DEPUTY PRESIDENT: The Senate is in session.

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

Mr. DEPUTY PRESIDENT: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, before I move the motion, it escaped me, at an earlier occasion, just after prayers, to draw the attention of the Honourable the Senate to the honour which has been conferred on one of our Members and I refer to the award which was bestowed on Senator John Stanley Goddard in the recent Independence Day Honours. I am sure that all of us who have had the privilege of sitting in this Honourable Chamber with Senator Goddard would wish to congratulate him on this well deserved award and wish for him continued success in all of his undertakings.

Senator Goddard is one of those persons who is so candid in his submissions that even when you disagree with the matter that he is presenting, you find it difficult not to talk to him after and even smile with him because one is certain that he is speaking out of his rich experience in the business sector and that his presentations are always intended to assist the cause rather than to destroy it. It is for that reason that I am certain that all Members of this Honourable Chamber, on both sides, would wish to be associated in offering him congratulations on this occasion.

Applause.

Mr. DEPUTY PRESIDENT: Senator McClean.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, I should like to associate the Opposition with the words of congratulations. I am certain that they are entirely well deserved. I am certain that we can look forward, in the future, to an even higher level of performance from our outstanding Senator John Stanley Goddard.

Thank you.

Mr. DEPUTY PRESIDENT: Senator Boxill.

SENATOR N. W. BOXILL: Mr. Deputy President, I too should like to associate myself with these remarks that have just been used by the Leader and the Opposition Members in congratulating Senator Goddard on, as you said, something which he richly deserves. As you have said, Sir, although sometimes he might say things that we do not always agree with, the way in which he says them makes you think at least twice. I am happy to see that in this day and age we have reached the stage where we can pass out these encomiums to our own people and do not have to wait on somebody else to do it for us.

I also should like to wish Senator Goddard a long and successful life – I cannot say in here because I do not know what will happen later on – but in the country that whenever he has something to say or to produce, it will be well received. As we all know, he is capable of taking care of himself.

I too should like to congratulate Senator Goddard and wish him a happy success.

Mr. DEPUTY PRESIDENT: Senator Blackman.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I wish to join the Leader of the Senate and those who have spoken but I wish to go a little further and say that Senator Goddard's contribution to the life of this country has not only been in this Chamber but also outside of this Chamber. I recall in the early seventies his association with the work of the formation of the development arm of the Caribbean Conference of Churches and the Christian Action Development Committee where he sat on one of the first boards appointed by the CCC.

Certainly his contributions in this Chamber, as mentioned by Senator Lewis, have always been tinged with the hallmark of statesmanship. The balanced contributions have been, even though you do not necessarily agree with him, ones that you are obliged to take into account.

It is with much pleasure that I recognize the award and I hope, as Senator Boxill said, that he would have the good fortune to enjoy the distinction for many years to come.

Applause.

Mr. DEPUTY PRESIDENT: Senator Jones.

SENATOR THE REV. CANON I. McK. JONES: Mr. Deputy President, I should also like to add my little

statement to what has been said already about Senator Goddard.

I must say I have been so very impressed with the contributions he has made in this Honourable Chamber. Whenever he has made them, you can see that he is a man who has done quite a lot of research. When he says something you have to go very far to disagree with him because he has done his research very, very thoroughly. As somebody said, he has done it with equanimity, with no kind of bias. He is always out to try to point out to other people what direction he thinks we should be going in. He is never on one side or the other. He always comes straight down the line. I must say that I have gained quite a lot from the presentations that Senator Goddard has made in this Chamber and I join with the others in congratulating him on that high award. I think he richly deserves it.

Thank you.

Mr. DEPUTY PRESIDENT: Senator Clarke.
11.25 a.m.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, I too would like to be associated with the remarks. I think Senator Goddard has earned the honour bestowed upon him and I sincerely hope that it is just the beginning of what is to come his way. I have been particularly impressed with his contribution to the business community in Barbados, the management of his group of companies, and his ability to establish the Goddard group of companies as our first and truly transnational or multinational company. They have now been doing business in other territories in the Caribbean community and they are also conducting business in South America.

Again my congratulations to you, Senator Goddard.

SENATOR L. A. WARD: Mr. Deputy President, I too would like to be associated with the remarks of the previous speakers. I myself was very pleased when I saw that Senator Goddard was so richly honoured for his contribution to this country over the years, Sir. For a Vincentian, Sir, I think he is the most loyal Barbadian that I do know. With those few remarks, Sir, I congratulate him.

SENATOR A. MORRISON: Mr. Deputy President, I too would like to associate my remarks and adopt the remarks made by previous speakers even though I myself do not believe in honours because I prefer to be a living dog than to be a dead "Sir". Yet, I believe that in this regard the honour that has been bestowed on Senator Goddard is very well deserved. I know that he always speak words of soberness and wisdom and for that one attribute I believe that he is entitled to the honour which has been bestowed upon him. I hope that he will just take

that honour in his stride and continue to provide the kind of critical analysis which is so necessary towards the deliberations in this Chamber. I thank you, Sir.

SENATOR J. C. W. WICKHAM: Sir, much has been said about Senator Goddard's contributions in business and in the Senate. I associate myself with those remarks entirely, but my connections and familiarity with Senator Goddard go beyond the Senate. However, his influence in the community goes beyond politics or the economy and I would like to make it very clear that his contribution is an example of those people who have decisions to make or who have the leadership of this country in their hand which is an example of what can be done when people are loyal to their country and true to themselves. Thank you, Sir.

SENATOR Dr. L. L. SHOREY: Mr. Deputy President, like the other persons who have spoken, I just would like to add a few words of support and commendation to Senator Goddard for the award recently made to him. I think, as the others have indicated, that it is very well deserved. My closest contact with him has been in this Honourable Chamber and I have been very impressed by the quality and balance of his contributions to debate in this Chamber. I would like to associate myself to what has been said and to wish him the best in the future.

SENATOR J. S. GODDARD: Mr. Deputy President, I have never had to wait so long to say so little. As a Vincentian by birth and as a Barbadian by descent, it is an honour that has been bestowed on me but it is one that I am happy to share with all those with whom I have worked and still work in the private sector and in this Honourable Chamber and with my family. I do not know that I really deserve all the kind remarks that have been said but I do thank everyone for them. I just hope they will not cramp my style in anything I may have to say later today or on subsequent occasions. Thank you, Sir.

SENATOR THE HON. L. V. H. LEWIS: I am not sure what I am going to say should be necessarily recorded. But I believe that we missed something today. Because if Senator Carmeta Fraser was in her seat she would have spoken and she would have certainly made reference to the National Development Foundation of Barbados. In my comments I did not refer to my earlier association with Senator Goddard. When I left the Public Service and went into the private sector non-profit organizations, Senator Goddard, the Deputy President, Senator Fraser, and myself were closely associated in assisting small business persons in this country. Whereas Senator Goddard is known for his work in big business, I do not think that his contribution as the second President of the National Development Foundation of Barbados is well known, because he was part of the inspiration for that

organization when we got it off the ground in 1984. I have had the last word I hope.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. L. V. H. LEWIS: I turn now to the other business, Mr. Deputy President. I would like to move that we suspend Standing Order 45(2) for the rest of today's sitting to enable us to deal with certain items on the Order Paper in all their stages. This relates to certain Bills.

The question that Standing Order 45(2) be suspended for the rest of today's sitting was put to the Senate and agreed to.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, in addition to the First Reading of certain Bills, I would like to give notice now that we will crave the indulgence of the Honourable Senate to proceed with Order No. 5 on Page 7(a) of the Order Paper. We would wish to deal with this today.

While I am on my feet, Mr. Deputy President, I would like to move that we appoint Senator John Wickham to serve as Acting Deputy President for today's sitting in order to chair the Senate when we go into Committee on the Bills.

The question that Senator John Wickham be appointed to serve as Acting Deputy President for the remainder of today's sitting was put to the Senate and agreed to.

FIRST READING OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Sir, I would like to move the First Reading of a Bill to provide for the protection of children from exploitation by preventing the making of indecent photographs of them and matters related thereto. I also would like to move the First Reading of a Bill to amend the Judges Remuneration and Pensions Act, Cap. 115A.

The question that those two Bills so named be the First Reading of the Bills was put to the Senate and agreed to.

11.35 a.m.

PUBLIC BUSINESS

ORDER NO. 5 – RESOLUTION TO APPROVE THE BORROWING BY GOVERNMENT OF £30 MILLION STERLING FROM BARCLAYS DE ZOETE WEDD

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, in rising to move the passing of this

Resolution, I would like us to go back to the debate at the time of the Appropriation Bill in this Chamber. At that time there was a small surplus on Current Account of \$12,131,269, Capital expenditure totalled \$242,125,868, giving us a sum of \$229,994,599 which was needed to be financed in order to carry out our Capital Works programme. Then in late April/early May the Budget was introduced and at that time no new taxes were introduced and a significant number of concessions were granted to various sectors and individuals within the community.

The net result of all this, existing at a time when we had made the transition from direct taxation to indirect taxation, we found that although imports remained fairly constant, that is, if we compare the second quarter imports at the end of June 1989 with those at the end of June 1990, we find that we were about \$344 million at the end of the second quarter of 1989 compared with \$342 million at the end of the second quarter of 1990. So we have two things here – (1) concessions being granted to various sectors in the community which will result in a loss of revenues, and (2) the Capital Works programmes to be financed, and on top of all this came the wage settlements for the civil servants and their reclassifications. No provision was made in the current revenues for either one because at that time there was no way of knowing what the total cost of those two exercises would have been.

The net result of all this was to aggravate the deficit and worsen Government's cash flow position. The cash flow position received a serious impact when Government elected to extend the period for the payment of consumption taxes from 21 days to 60 days. This enhanced the cash flow position of the private sector but made worse the cash flow position of Government. Because of these actions taken to put more money into the hands of individuals and to stimulate the business sector, borrowing in the absence of any additional taxation became inevitable. The only question was, should we borrow locally or should we borrow on the foreign market? It has been this Government's avowed policy to pursue a judicious mix of local and foreign borrowings, and to this end an amendment was recently introduced in this Chamber to raise the limit under the Local Loans Act. I think it was raised at that time by \$100 million and instruments have been put in place. There is now an issue outstanding for \$10 million, of which I believe about \$5 million has already been subscribed.

Notwithstanding these increases in the local loans limit, it was still necessary to raise funds on the international market for the express purpose of financing the foreign component of our Capital Works programme. It became doubly necessary, because this was all occurring at a time when foreign exchange earnings from visible trade imports, although improving, have not regained the heights reached in the mid 1980s. As a matter of record, the deficit on Current Account, visible trade, for the year 1989 was just under \$1 billion, \$979, 874,000.

In addition to these, we were confronted as a Government with the servicing of the foreign debt. This debt service resulted mainly from the nature of foreign loans obtained, especially over the period 1985 through about 1987 when we went into the market for foreign borrowings but with relatively short maturities, between five and seven years on average. The net result is that we have been faced with a bunching of the repayments of these loans. As a matter of fact, within the last two years there has been a net outflow of capital from Barbados as we proceeded to service these foreign obligations.

I would like to read these figures into the record, Sir. They are taken directly from the debt service profile put out by the Central Bank of Barbados. In 1985 we had a debt service about \$156.3 million with a balance of \$978.2 million. In 1986 it increased to \$187.2 million, with \$1 billion outstanding. In 1987 the debt service was \$269 million and the balance outstanding \$1.18 billion. In 1988 the debt service was \$251.9 million and the balance outstanding, foreign debt, was \$1.15 billion. In 1989, \$210.7 million and the balance outstanding \$1.98 billion. In 1990 the debt service was \$322.2 million and the balance outstanding \$989.9 million, and anticipated debt service in 1991 would be \$260.4 million, with a balance outstanding of \$797 million.

From these figures it can be seen that we have weathered the storm, the high debt service in the period of 1987 through 1990, 1990 being the most severe. In 1990 we have done very little foreign borrowing. As I said earlier, there has been a net outflow of capital from Barbados over the period 1987 to 1990.

11.45 a.m.

There can be no doubt then, that if we are to finance the foreign exchange component of our capital works programme and also to honour our outstanding foreign debt then it is imperative that we borrow in the international market. What is of particular interest – and I would like to remind this Honourable Chamber that this country is facing graduation from the World Bank in 1991. That is the period scheduled for it, which means that in 1991, if that timetable is adhered to, Barbados as a country will be required to find its way and finance its capital works programme in the capital markets of the world. It could no longer resort to finances from such institutions as the World Bank. It is to this country's credit that we are able to go into the capital market of London and obtain a loan for £30 million at this time.

The purposes of the loan have been clearly set out in the Resolution and I don't want to go through that now. What I would like to do at this point is to deal with the salient features of the loan which we are about to draw down. The maturity of this loan is for 25 years. This is one

of the longest maturity periods we have had of any loan at any time in this country. One other period, I think, it was in 1982 when we obtained a loan of £3.3 million for a similar period from Barclays Bank International, that is for 25 years, for the purpose of purchasing the assets of Aeroservices Barbados Limited. This loan was repayable in one instalment – the typical feature of the bullet loan. What this long maturity affords us is an opportunity to phase in our debts, service small debt service payments on an annual basis and the reduction of handling costs of many short term loans. The cost of servicing one twenty-five year loan would be less than say, five five-year loans over a twenty-five year period. So, there is an effective saving of the handling cost of the loan and debt servicing will be reduced and be more manageable over that period.

This loan will be redeemable at par in the year 2015 so the characteristics, the length of it – one of the longest we have ever had – debt servicing will be relatively affordable. We can accommodate this and the cost of one loan over a 25-year period will be much less than 5 short-term loans of 5-year periods. Government does not then have to go into the market as often as it would have, had it received a much shorter loan.

The interest rate is at 13.5%. This will cost us about £4 million a year or BDS\$15.26 million in annual interest payments and will increase our debt servicing to about \$74 million in 1991 up from \$59 million in 1990.

The amortization, that is repayment of principal will be about £1.2 million or BDS\$4.7 million per year. I would like to point out to this Chamber that on information I have that the corresponding cost to the British Government of its long-term, gilt-edged securities maturing in the years 2004 to 2008 is 13½%. I would like to repeat that. The interest rate for this loan is 13.5% and I have been advised that the British Government's gilt-edged security matures in the years 2004 to 2008 also and is also 13.5%.

All the expenses incurred in the arrangements of this loan are to be met by the borrower, which is the Government of Barbados and this is fairly consistent, Mr. Deputy President, in loan arrangements that the borrower normally accepts all of the costs of bringing the loan to book. It is my understanding that the total expenses of this loan will be in the vicinity of £100,000.
11.50 a.m.

The attorneys, not our attorneys – our attorneys are the Attorney General's Chambers – handling this, I have been advised, on behalf of Barclay's Bank, are Evelyn, Gittens and Farmer.

There is also another feature of this and that is the repurchase fund. This feature requires that the Barbados Government establishes a fund to be held in hard currency,

the amount being about 25% of the principal for a period of not less than four years. The main purpose of establishing this fund is to ensure that Barbados' paper in the capital funds market is traded at close to par over time.

We have a requirement in the maturity to redeem the principal as far as the end of 25 years. However, since Barbados' paper is relatively new on the market and since we are facing graduation in 1991, if we have to go back to the market we want to know that Barbados' paper will trade at close to parity. Consequently, in order to guarantee that the bill trade in its early stages pretty close to parity, the proceeds of the repurchase fund will be used to ensure that Barbados' paper in this loan arrangement will trade at close to parity.

I want to emphasise that these funds will be completely under the control of Barbados at all times. Barbados will make the decisions as to where, when and how to invest them.

I should also like to add that this feature is not unique to Barbados. In 1986 when the Inter-American Development Bank went into the same market to raise a loan of 75 million pounds at 9¾%, then the prevailing rate of interest, that loan arrangement also had a repurchase feature.

Another feature of this loan is it will be drawn down in two tranches. The first will take effect on December 14 at which time 30% of the loan or about 9 million pounds will be drawn down. The remaining 70% will be drawn down on March 14, 1991. This was also a feature of the IADB 1986 loan on the same market.

I would hasten to point out at this point that it is conceivable that monies might have been available from the International Monetary Fund at a cheaper rate. Certainly, to go to that venue would have meant that certain conditionalities would have been applied. It would have also entailed a surrender of part of our sovereignty. It is to our good fiscal management that we are able to go into the capital funds market at this point in time and raise funds without having to go cap in hand and loss of face to the IMF to obtain the fundings needed for our capital works programme.

It has been said erroneously... I think the whole principle is misunderstood in attempting to compare a country with a hotel chain in the borrowing of funds. I think it has been said somewhere that there is a hotel chain operating out of Barbados now which can go into the market and borrow 75 million pounds without being confronted with the repurchase agreement. I do not know this to be true. But even if it were so, there are some large corporations in the world, like General Motors, that have gross sales that far exceed the GNP of most countries in the world save one or two, in the United States, maybe

Japan and West Germany. To compare the two things really you are comparing like with unlike.

I think we should bear in mind that in the capital markets constant analyses of various countries are undertaken on an ongoing basis. In those markets they are brutally cold. They do not lend you because they happen to like you or that Barbados is a nice place to spend summers but because of the country's own credit worthiness. I do not think there is another country in the Caribbean community at this time that could have gone to that market and obtained funds at even higher rates of interest. It is to our eternal credit, through our management and our fiscal responsibility, proven over years that we are still a credit worthy country.

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

SENATOR A. W. A. McCLEAN: Mr. Deputy President, first of all I would like to ask the Honourable Senator when he speaks again to be a little bit more specific in relation to the nature of the loan which this Chamber is being asked to approve. Reading between the lines it seems to me that we are being asked to approve a situation where Barbados will issue bonds on the London market to an amount of 30 million pounds and that Barclays de Zoete WEDD, a rather boorish sounding name, Afrikaan sounding name, South African sounding name, will underwrite this arrangement.

Aside.

SENATOR A. W. A. McCLEAN: This is what I want to find out. You could tell us about that too; tell us something about the antecedents of this organisation apart from the fact that it is associated with Barclays.

Reading between the lines again, it seems to me as though they have undertaken to buy some of the bonds themselves, perhaps, the 6 million pounds that we can get in December and between December and March they will try, perhaps, to see if they can identify purchasers for the rest if not they will try to sell them later on. I think that is a slightly different arrangement from coming here with a proposal for us to borrow straight out 30 million pounds from a particular bank.

Let me say that I am happy that Government has been able to at last raise a loan in the international market. I would like to believe that they have been trying all year long without any particular success until now. I must indicate that some submissions made from the Other Side in this Chamber would lead one to believe that Government was acting totally within its discretion in timing its entry into the market and identifying the market which it would enter and everything was under control. I do not believe that. But that was submitted that is how

Government was approaching the matter. Nonetheless I am happy that at last Government has come before us with a proposal for a foreign loan which would go somewhere towards financing the 1990/91 fiscal deficit. I will get back to that.

This is very late in the day. It has done untold harm to the reputation of this country making these arrangements so late in the day. Therefore, no one can plead anything other than impossibility as a reasonable excuse. Anything else would be a matter of negligence.

In terms of the terms and conditions associated here, the interest rate first of all 13.5% is a high rate of interest by any standards. It is one of the highest rates of interest attaching to any money ever borrowed by the Government of Barbados.
12.00 noon.

Thirteen point five per cent is usually above the interest rate, the coupon rate on bonds that are issued. We have been told that, at this time, the British Government is experiencing a similar situation where they too have to pay 13.5% on long-term bonds, 25 years, maturing around roughly the same period. But that does not gainsay the fact that this is a particularly high rate and it may be that it is the best that can be obtained in the British market. But to submit that as a reason for agreeing to this arrangement, you have to either tell us that you could not get access to any other market or that the situation there would have been even worse. I do not think the situation would have been worse in certain other markets in the world. It may be that you could not get access to them. But you need to tell us why.

Again, mention was made of the maturity of 25 years and in the other place the Minister of Finance seemed to have pointed to the maturity of the loan to suggest that this is the best loan that the Government of Barbados has ever raised. It is the worst loan. Part of the reason why it is the worst loan is because of the 25 year maturity. You do not borrow for that extended period of time, if you can avoid it, when interest rates are above average. When interest rates are low, you commit yourself long. When interest rates reach anything like 13.5%, there is a reasonable expectation that, within a short period of time, most definitely much shorter than 10 years or 5 years, that situation will... And so, I would think, if you have found it necessary to pay 13.5% in terms of interest on bonds which you want to issue at this point in time, you should go for a shorter maturity, rather than locking yourself in to this 13.5% for such an extended period of time.

So taking the two together, the maturity and the high interest rate, I think it is bad strategy on our part. I do not think that Barclays de Zoete WEDD would have insisted that the maturity be 25 years. I rather think that that

suggestion came from us. It came from us, presumably, because the Minister of Finance believed that with 25 years, the longer the better. The longest loan, the best loan. Very upside down type of economics. Therefore I believe that is partly a self-inflicted wound that we are suffering because of this.

The question of the expenses, we have to bear all of them. We were given a figure which, in the overall circumstances, seems fairly modest, one hundred thousand pounds. But I hope, if they turn out to be 10 times that figure, that this Chamber would be informed that that estimate was entirely off-target and do not leave us to find out for ourselves that it is one million pounds and not one hundred thousand pounds. But the point of the matter is, having to bear all of the expenses, you can use that to adjust the effective rate of interest on the loan upwards.

The repurchase fund. Senator Clarke has put it across almost as though we wanted it, that Barbados wanted the assurance that its bonds would not trade at a severe discount and so on. But I rather think that the purchasers want the assurance that they would not be forced to sell at a severe discount. So that this is a measure intended to indicate that people can venture and the risk be ameliorated by the fact that Barbados has been required to establish a repurchase fund.

You said this fund would be within the discretion of Barbados, as to how to invest it but I should like to hear a bit more about the triggering of the repurchasing. Is it within our discretion too whether you want to repurchase or not or will there be any conditions indicating that, under certain circumstances, we would be expected to repurchase at some price not too different from par. In other words, we need some more details as to the conditions surrounding this repurchase fund. We notice here that it is for at least the first 4 years. But we have heard statements in other places which sound as though it will remain for the life of the bond issue. We need those points clarified also.

But effectively, to the extent that you have to take out as much as one quarter (25%) of the loan and invest it in a repurchase fund means that, effectively, what we are able to borrow for use is three quarters of the loan which is 24 million pounds instead of thirty million pounds. Of course if you get some type of interest on the repurchase fund that needs to be taken into consideration in working out the effective rate of interest. For every 4% you get from that repurchase fund, that would spread over the entire loan to the extent of 1%.

But putting that aside for the time being, I will come back to it, the fact that we are only getting 75% of the amount on which we have to pay 13.5%, you would have to enhance this interest rate by one third. That is another 4.5%. On the funds that we are using abstracting from the

income we will earn on the repurchase fund, it is going to cost us 18% on the funds that we are allowed to use. If you get 8% on the repurchase fund, earn 8% on an average, you divide that 8% by 4 and deduct 2%. That would bring it down to 16%. I am not so sure that Barbados has been all that successful in investing the funds on their own because the last time the Barbados Government had a significant amount of funds to invest on their own, we were told, in this Chamber, that they got 4%. So if they get 4%, that would bring it down from 18% to 17%.

But basically, the point I am making here is that this loan is a particularly expensive loan and there is nothing for Government to feel proud about. There is nothing therefore, in terms of the conditions, that any reasonable person can feel satisfied that Government has done the best, by the country. And therefore, although I am happy that the proposals for a loan is coming here, I am entirely unhappy about the terms and conditions. Balancing those two things, one against the other, it would mean that the best I can do for Government is to abstain in the vote.

I really cannot support the measure because that would be to support the terms and conditions too.

Indeed in announcing this loan among some of the DLP party faithfuls, according to reports in the press, the Prime Minister and Minister of Finance seemed to have given the impression that he was going up to England today or some time fairly shortly to try to negotiate and when he gets back, he will tell them the results of it. Let us hope that, although that was not a true expression of the state of play at the time and should not have been said, in those terms, that he can go out there and negotiate. Because nothing has happened yet. There is still room to negotiate. You can negotiate downwards – maturity.

Aside.

SENATOR A. W. A. McCLEAN: Going to sign. He has already said yes. But I am saying if he has given his word already and sent back the cable saying, "Yes, we accept."... It is now just going through Parliament. But that is too unfortunate. If it is not late for that, we should never have had the type of statement in the Press leading the public to believe that our champion is going forward to look for money and to see if he comes back and tell us that he found it. He should never have sent forward a thing like that. That is not the level of information that we should be conveying to the public in these days. So that basically, Mr. Deputy President, we have before us a loan which speaks in volume about the loss of credit worthiness of the Barbadian economy.
12.10 p.m.

In former times Barbados would have found it entirely easier to raise money on more favourable terms. It

is not so long ago Barclays Bank PLC put together a consortium loan for us. We did not have to rely on whosoever will to come and tender in relation to a bond issue on the open market. A restricted number of financial institutions undertook along with Barclays Bank to lend us an amount not dissimilar from this. It was somewhere in the vicinity, if I remember correctly, of about 27 million pounds on far more favourable terms. The reason why it may have been impossible for Government to have obtained similar terms, and I assume that it had to be impossible, otherwise they should go for them. This should not have been preferred to a loan which you got back in 1987. So I am saying that one has to presume that that was not available to us and this is the best that Barclays could offer us to arrange a bond issue to one of their merchant banking arms.

The reason why that is so is because the international banking community must be looking with a high degree of concern at the performance of the Barbadian economy in the last two to three years and most especially during last year and this year. The thing they will be looking at is the condition of the Central Bank and they will be aware that last year 1989 the Central Bank reported a loss of over \$4 million, an unprecedented situation.

I am saying that that loss was inflicted on the Central Bank by the misguided policies of this present Administration. To be more specific, in 1988 Government came before Parliament for approval to borrow \$160 million in the Japanese market. At the time I could not understand why Government wanted to borrow \$160 million because the gap that they had to finance was in the order of \$80 million. But they went for \$160 million and they got \$80 million and I soon discovered why they wanted \$160 million. I discovered that because of what they did with the \$80 million. Instead of using the \$80 million to finance the 1988-1989 fiscal deficit, Government put it away in a special deposit for almost two years to use it to repay a Japanese bond issue that became due earlier this year. They borrowed in mid-1988 and put the money aside to repay a loan which became due about late February this year. They borrowed somewhere around 7 per cent and redeposited that money at four per cent, which means that almost during that two year period the Government was losing somewhere in the vicinity of about \$2.4 million a year by that arrangement. In putting that money aside and keeping it away from the Central Bank (which was entirely unorthodox at the time by convention if not by law – such sums should be deposited with the Central Bank) Government prevented the Central Bank from making better use of the funds.

The deficit that Parliament gave approval to Government to go to Japan and raise funds for and had then to be financed by borrowing from the Central Bank which caused the Central Bank to lose its reserves. This was in 1988. The Minister of Finance was the same one we

have now, the one and only so bad Minister of Finance that we ever had. That deficit was financed by borrowing from the Central Bank which forced the Central Bank to lose its net available foreign assets and to borrow so that it will have something in the till to honour its day to day obligations at high rates of interest. That is what forced the Central Bank to undertake a loss in 1989.

There are situations which contributed to the loss. You have to go back to the experiences under the former Administration, the CMCF bad debt and the building of the Central Bank building to understand fully why the Central Bank made a loss. But the CMCF bad debt and the Central Bank building merely put the Central Bank in a position where it could not make any significant profits and they did not have any particular capacity to lend to Government. But Government borrowed from it anyhow and forced it to go into a loss position. I have little doubt that this situation is going to repeat itself this year. So when they look again this year they will discover, as we have been told by Honourable Senator Dr. Clarke, that Government has done no foreign borrowing this year. That has resulted in a situation where the net available foreign assets of the Central Bank from the month of August as indicated in the published statistics became negative and have been becoming increasingly negative ever since then. I have been reliably informed that the negativity is well in excess of \$50 million at the moment. If I had to make my own projection as to what I think it would, I would believe that it should be fairly close to \$70 million now. But I have been reliably informed that it is well over \$50 million.

Now that is what those international bankers and so on would have been looking at when they evaluated Barbados. They will be looking and they will see that the Central Bank is deep in the red and is only surviving from a whole set of other institutions including most recently the Central Bank of Trinidad and Tobago. I have also been reliably informed that if you deduct the CMCF balances from the gross foreign assets of the Central Bank around this time they will have less than \$40 million. On the other hand, they are going to have short term liabilities in the international community somewhere pressing up in the vicinity of \$100 million and their overall foreign liabilities would be pressing up towards \$175 to \$180 million by now according to my estimate. No one told me this. This is my estimate based on analysis of last year's account and a determination of trends during the course of this year. So our Central Bank is deep in the red.

You will also have observed that in spite of those difficulties Government has been imposing on the Central Bank to the extent that the short term borrowings on the Ways and Means Account is way over the legal limit. I have been reliably informed that that is well over \$50 million also. I would project now that too should be somewhere in the vicinity of \$70 million over the legal limit of \$100 million. So this is the situation that those

bankers will be looking at when they make a decision to lend to the Barbados Government at this point in time. They will come to one conclusion that lending to Barbados under this present Administration is a risky business because they can see that the condition of the Central Bank and the external position of the country is very bad.
12.20 p.m.

They can see that it is rooted in mismanagement, self inflicted wounds, nothing to do with what is necessary based on the vagaries of the international situation and the knocks that we have to take, it would be entirely a consequence of our very poor level of financial management, and they would be disturbed. They are then going to do two things. The first thing is they are going to charge as high an interest rate as is possible, and secondly, they would try to inflict things like repurchase funds on you to give them some kind of protection from your not being able to honour the obligation.

Notice that the fundamental reason why people may feel that no one might want to buy bonds which carry a coupon rate of 13.5%, that they would have to sell something carrying a coupon rate at 13.5%, which is expected to be high in relation to future market rates, the only reason why they might feel they might not be able to sell it at a premium in a year or two is because the Government may default of the payment of the interest. That is what they would be thinking. They would not be thinking that 13.5% is a low rate of interest and therefore interest rates internationally are going to 20% or 25% and force me into a rediscounting position. They would be thinking that the interest rate would probably go back to 10% or 9% but the Barbados Government could not pay and therefore 13.5% is just on paper, not worth anything, I cannot get my income out of the situation, I cannot get it sold. That is what these people are intending to protect against.

I am saying that this Resolution before us represents the culmination of everything I have been alerting this country to, the culmination of everything that has been wrong in the economic policies of the present administration. Only one thing can put that matter right, a new Government and the Prime Minister should be merciful and call elections as soon as possible, even to give us the inconvenience of elections over Christmas time.

I thank you.

SENATOR J. S. GODDARD: Mr. Deputy President, on October 31, 1990 we debated a Resolution in here to increase the limit of Government's local borrowing capability by some \$100 million. Today, six weeks later, we are debating a Resolution for Government to borrow in the London market £30 million Sterling, roughly equivalent to \$120 million.

I have noted what Senator McClean had to say about the terms and conditions with interest, but I am prepared to concede that the Government negotiated the best possible terms and conditions under prevailing circumstances. I can see that. But the fact that we are looking at another borrowing Resolution again today should really not come as a surprise to those of us who follow the monthly statistics put out by the Central Bank of Barbados. In discussing this loan we are really evaluating an effect, we need to examine the cause or causes, and I can do that very quickly, Sir.

In the first six months of the current fiscal year, April to September, current revenue is down by \$29.8 million on the corresponding period last year, and Senator Clarke in his opening remarks explained some of the reasons for that decline in current revenue. Current expenditure is up by \$35.4 million and Capital expenditure is up by \$11.6 million, compared with the six months of the preceding fiscal year. This means overall Government expenditure is up by some \$47 million for that six-month period.

We find that as at the end of September the fiscal deficit was \$78.9 million higher than it was at the end of September 1989, and it had reached a figure of \$128,000,935. That is the accumulated fiscal deficit for the first six months of the current fiscal year. If you look at the fiscal deficits for every year since 1973, only on two occasions has the fiscal deficit for an entire fiscal year exceeded what the fiscal deficit is for six months in the current fiscal year. I am referring, Sir, to 1981-82 where we had an overall fiscal deficit of \$154.8 million. In 1987-88 we had a fiscal deficit of \$219.6 million. The third highest amount, and I am going back to 1973-74, is the fiscal deficit for the first six months of the current fiscal year which aggregates \$128,000,935. This makes no provision for the repayment of loans; none whatsoever.

I can only repeat, Sir, what I said six weeks ago. There is an urgent and pressing need for Government to revise existing tax legislation and improve tax collection methods. There is an urgent and pressing need for Government to reduce inefficiency and waste which is hidden in the Current Expenditure. There is urgent and pressing need for Government to reduce its Capital Expenditure programme which, according to the Estimates, will be \$242 million in the current fiscal year.

I have heard spokesmen from the Government side comment that revenue is down, therefore Government has to borrow. May I remind them of what every householder knows instinctively, when revenue is down you also have another option, you cut expenditure. I do not know why economists and sophisticated financial people do not understand what the ordinary householder knows

instinctively. Sir, I believe the Government has three options: to start immediately to implement the measures I have outlined and that would require careful explanation to the public as to the state of condition of public finances and the need for revising taxes; the need for better collection; the need for controlling and curtailing expenditure, and that can be done.

12.30 p.m.

Secondly, if that is impractical in the pre-election atmosphere, call an early election so that the next Government regardless of which party wins that election, Sir, would implement these measures which are inescapable. Or, thirdly, Sir, the Government can decide to do nothing for the next few months, no real action, no election. In which case, I believe, it may have to be forced to borrow further either locally or abroad or locally and abroad, and by the time that the election comes around, and I believe, constitutionally it has to be held not later than September 26th, devaluation may no longer be an option, it may almost be a certainty.

I thank you, Sir.

SENATOR Dr. L. L. SHOREY: Mr. Deputy President, just a few comments, Sir, to pick up from where Senator Goddard left off to remind this Honourable Chamber that over quite a considerable period of time informed persons in the economic field whose names need not be called here have been very clear in enunciating what Senator Goddard has just said very succinctly. They have done it at greater length but I think he has summed it up in a nutshell very clearly what the options are. What is of concern to me, Sir, and I think to a number of other people is that despite these cautions and warnings from people, which include persons who are not necessarily members of opposition parties, is that the cautions and warnings about the kinds of actions that are needed by Government appear constantly to fall on deaf ears. No less a person than Dr. Delisle Worrell in a recent interview indicated again that some of the problems of countries like ours is that we are unwilling to take steps that are needed until too late and then we find ourselves in the hands of the bankers of last resort, as I think that they are sometimes called, who stipulate then what has to be done. But what has to be done is known now. The question is, and this remains an unanswered question to me, why is Government so unwilling to take the measures? As Senator Goddard indicated 3,4,5,6 months down the line there may in fact be no options. The opportunity for options where choice is involved – clearly there are options, may well have long since passed.

Sir, I would like just to ask two questions of Senator Dr. Clarke. Is Senator Clarke willing or able to state whether attempts were made to secure this loan elsewhere on better terms and attached to that is a subsidiary question and if so, what were the results? If he says that there were

no attempts made to secure the loan that was needed on more favourable terms then, my second question is why not? I am suggesting Sir, that to me those are perfectly legitimate questions and I hope that Senator Clarke will find it possible to answer them.

Thank you.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I listened carefully to the presentation of the Minister and I read purposes for which this loan is before us. However, there has been little reference by the Minister's speech of introduction as to what is the ostensible purpose of the loan of airport development, coastal conservation and road construction. It's in the Resolution, but there is no indication as to this programme that is supposed to be part of the Government's capital works programme.

I wish to say, Mr. Deputy President, that whilst road construction might be a desirable activity there is an occasion for priorities. I have read that the cost of construction of the Horse Hill realignment is of the order of \$6 million. I question this priority in the terms of total contribution to national development, because having expended funds for road construction whether the ABC Highway, the Highway 2A projects and we have legislation in place to recover the cost of the capital improvement for those landowners in the area, then Government takes no action. There is a rent question on the Order Paper in this Chamber for two years and a month where I have asked the question, has Government's policy changed with respect to land development duty, where several million dollars have gone abegging for failing to make a land development duty order on the ABC highway? When we talk about fiscal management, it is a matter of collecting what is due as well and not just letting things go abegging.

The Resolution in terms of the conditions – Senator McClean raised the issue as to whether this loan is a matter of negotiation. It is not. What this Resolution does is to empower the Minister or the representative of the Government of Barbados to sign the loan agreement. There is no question of negotiation at this stage. When these things come to us they are already set and sealed. It is only a matter of signing. There is no negotiation. These terms are all settled. It is only a matter now of going up and signing your name to the actual agreement. What I would say is this: this Chamber should be afforded a copy of the loan agreement. It is never laid. A loan agreement has not been laid in this Chamber for the four and one-half years I have been in this Chamber. The nature of the terms here are more stringent than a lot of other loans which can be negotiated by those in the private sector.

So, the ostensible reason for the Resolution for funds to be committed for airport development in the context, according to a recent report, of falling arrivals. The coastal

conservation programme when there is a programme where you are seeking funding from international agencies for coastal conservation programme for which tenders were invited – my question is, what other coastal conservation projects are in train that are going to require two sets of financing therefor?

I think, Sir, that when we are borrowing to the tune of BDS\$120 million, we have to be mindful of the priorities and use the money wisely and to commit and to saddle children not yet born with the cost of this loan for which they have just rather vague, non-specifics (because the Minister has not given the specifics of this order). I think that more is owed to this Chamber than has been given to it.

12.40 p.m.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, there are just a few comments I would like to make in response to some concerns raised by previous speakers.

Senator McClean expressed his concern about the high rate of interest. In my introduction I was at pains to point out that it was the same rate of interest at which the British Government was borrowing on its gilt edge securities. There was no difference. It is just the market conditions prevailing at this point in time.

Aside.

SENATOR THE HON. Dr. C. D. CLARKE: If you understand about the market you would understand that if you go in the market at this time these are the prevailing rates. This is what you borrow at. You want to write something for yourself?

Mr. Deputy President, in response to Senator Goddard, I thought I suggested to this Chamber when we were discussing raising the limit of the Local Loans Act that Government itself was concerned about the structure of the tax regime in Barbados. We were looking at getting an advisor in to review the entire structure and make recommendations. We are not unmindful of some of the leakages within the tax collection system and the inability to broaden the base.

The question of reduction of expenditures has been coming up over and over again. It has been coming up at the same time that we have been talking about increasing employment for people. We have pointed out in this Chamber at some length that to reduce expenditures imply, of necessity, the reduction of jobs in the public sector.

At the last Budget we met with the private sector preceding the actual formulation and discussed with them

what they needed to improve their operations. Based on the information we got from them concessions were granted. Unfortunately, the private sector has not expanded its output in order to absorb additional labour. Government must stand ready as employer of last resort to give employment to people.

Senator Goddard has requested the call of an early election. I would like to remind him that the calling of an election is entirely and solely within the province of the Prime Minister.

Mr. DEPUTY PRESIDENT: Senator Morrison you are disturbing the concentration of the speaker. Will you please refrain from that.

SENATOR THE HON. Dr. C. D. CLARKE: Senator Blackman raised the question of the coastal programme. Only part of it is being funded by IADB funds. Consequently, it is necessary to raise additional funds to carry out the programme.

I cannot say to Dr. Shorey how many attempts were made in other markets to secure loans but I can answer the other part of your question. I have a document here I was not minded to use. This is a signed document, for the record. I think since the question of the credit-worthiness of Barbados has come up over and over again in here I think I should read the contents. It is a personal letter. I do not want to make it a document of the House.

Aside.

SENATOR THE HON. Dr. C. D. CLARKE: I am not reading. Somebody suggested that Barbados is regarded in the international financial community as a high quality borrower. Thanks to the careful and conservative handling of the economy, I move that this Resolution do now pass.

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

SUSPENSION OF SITTING

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I have three options – either to begin the next item and suspend the sitting midway in it because I suspect we will have some contributions from several persons or I could take an item and after 15 minutes ask for the suspension, or I can suspend the sitting now and go to lunch. I think I will take the latter course.

I move that this sitting be suspended until 1.50 p.m.

Mr. DEPUTY PRESIDENT: I think that is the wisest course. I accept your suggestion, Senator Lewis.

The question that the sitting be suspended until 1.50 p.m. was put to the Senate and agreed to and Mr. DEPUTY PRESIDENT suspended the sitting accordingly.

12.50 p.m.

Mr. DEPUTY PRESIDENT: This sitting is now resumed.

THE PROTECTION OF CHILDREN BILL, 1990

Order No. 1 was called - To move the Second Reading of a Bill to provide for the protection of children from exploitation by preventing the making of indecent photographs of them and matters related thereto.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, the press having had their fill of all that happened this morning, they are no longer interested and we will get through with our business successfully. In future, I will prepare a handout to give to them.

Mr. Deputy President, this Bill seeks to protect children from all those indifferent persons who will seek to exploit them for one reason or another by using them in the production of indecent photographs. The bill seeks to penalize the distributors of such photographs, as well as, the persons who show them for their peculiar pleasure or use them as a basis for advertising them through photographs which will attract persons of minds and intent which are not worthy of emulation.

Clause 1 of the Bill provides the short title to the Bill. Clause 2 defines the child to include all minors. It also defines what an indecent photograph is which will include indecent films. It defines photograph including the negative of a photograph. And it defines premises which may not only be a dwellinghouse or an office building or a school but will include something temporarily constructed like a stall or the back seat of a vehicle.

Aside.

SENATOR THE HON. L. V. H. LEWIS: Yes, there are also front seat operators. I did not remember them.

Clause 3 of the bill sets out the main provision of the Bill making the taking or permitting the taking of photographs to be an indecent act. The distributing or showing of the indecent photograph of a child, all of these become offences. It includes the publication of an advertisement that is likely to be understood as saying that the advertiser distributes or shows or intends to distribute or show indecent photographs. All of these are down as offences.

I believe Senators will be aware of articles in the newspaper which led eventually to the arrest and charge of an individual for some actions at one of our secondary schools. The matter, although subjudice, I am not suggesting anything except that there was, obviously, a gap in the statute law. This Bill seeks to fill that void that existed.

Clause 3 explains the meaning of distributing an indecent photograph. Clause 3 (3) requires the consent of the Director of Public Prosecutions before a prosecution can be instituted, under the provisions of this Act.

Clause 4 states that, on the charge of distributing or showing indecent photographs or possessing them is a defence for the accused to prove that he had a legitimate reason for so doing or that he had not seen the photographs or he did not know nor suspect that they were indecent.

Clause 5 provides that, on the charge of taking or permitting the taking of indecent photographs of a child, the wife or the husband of the accused is a compellable witness.

Clause 6 provides that where a body corporate is guilty of an offence under the Act then an officer of the corporation or director of the corporation is also deemed guilty of the offence, if it can be proved that the offence occurred with the connivance or with the knowledge or the neglect of such director or officer.

Clause 7 deals with entry, search and seizure and confers the power of entry and search of premises, stalls or vehicles and the seizure and removal of such articles.

Clause 8 provides for forfeiture of photographs on the order of the court. There is a proviso that there is a time gap during which the order will not take effect.

Clause 9 sets out the term of imprisonment. Fortunately, the term of imprisonment, the maximum term of imprisonment is a term of 5 years only or on summary conviction to a term of 2 years.

I believe that any of us who pass the way of delinquency, even in matters other than matters of this nature recognize the nasty feeling that one can have, if one is violated, in any way. One can imagine the feelings of parents of children in schools who are likely to or have been exposed to this sort of activity. It is very possible that in these days of drugs that a child may not be willing but may well find himself or herself - indeed there are stories of children going to parties and ending up being drugged and then seeing themselves in indecent positions, exposed

for public view or for sale or whatever, and indeed, for blackmail in some instances.

Aside.

SENATOR THE HON. L. V. H. LEWIS: Whitemail. Mr. Deputy President, this is the sort of legislation which none of us can have any revulsion to and I am sure that all of us will support this Bill.

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

Mr. DEPUTY PRESIDENT: Senator Brathwaite.

SENATOR Miss VERE BRATHWAITE: Mr. Deputy President, I rise to give my wholehearted support to this Bill before us. As the Leader of the Senate mentioned, in introducing this Bill, this should now erase any doubts or uncertainties which had hitherto existed as far as the law's capability, in dealing with instances of this nature.

I wish too to place on record, Mr. Deputy President, my revulsion hearing of stories in which children have been exploited in such circumstances. I believe that this Bill should send a very strong message to the community at large of Government's seriousness and the Opposition's seriousness in dealing with matters of this kind. To my mind, Sir, such behaviour on the part of adults, even when children may be said to be willing partners can never ever be forgiven. It is an exploitation of innocence of a most abominable kind. Persons who might say that a child has consented and therefore is a willing partner forget certain fundamental and underlying truths that placed in such a situation consent can never be legally or morally given.
2.00 p.m.

That is the issue we must always bear in mind that consent can never be legally or morally given to conduct of this nature. As I said earlier, Sir, it is an exploitation of innocence and youth and it is an act which shall eternally redound to the discredit of those persons who would place children in such compromising positions.

I note, Sir, that in Clause 5 of the Bill the husband or wife of the accused can now be called as a witness for either the prosecution or the defense and, if so called, is in fact a compellable witness. This is a significant departure from the letter and the spirit of legal practice, Sir, and to my mind it again sends a very strong message that one cannot hide behind that loophole or any other loophole in bringing certain persons to justice. I just wanted to point that out, Sir. One thing I would like to say, Sir, is that I have a doubt as to whether the penalties prescribed by this Bill are in fact harsh enough. On conviction and indictment, the imprisonment to a term of 5 years or on summary conviction to a term of 2 years, I think that these penalties should be harsher.

Senator Lewis mentioned in his introduction the alleged experience by some young members in our society. Suppose in fact that such did occur? Can you imagine, Sir, not only the parents of those children but the children themselves in later lives they will forever have to go through their lives with that as a part of their history? As I said, Sir, this was conduct which was certainly aimed at the whole integrity of their physical and spiritual beings. For that reason, Sir, I am of the view that the prescribed penalties should in fact be harsher. As I said earlier, Sir, for the reasons stated I wholeheartedly support this Bill.

SENATOR THE REV. CANON I. McK. JONES: Mr. Deputy President, I am very pleased to give my wholehearted support to this Bill too and to reiterate what Senator Brathwaite just said that in my view the punishments are too minimal for things like this.

I really want to talk today about what is happening in our country. I mean this is only part of it and you realize what drugs are doing in our country nowadays. It is creating within those people who take a lot of drugs a disrespect for authority and a contempt for the law. That is why we have so much lawlessness and law breaking about today. Almost every week for the past four or five weeks we have been having murders committed in Barbados. I think that I am right in saying that they have had 28 murders already this year compared to 18 last year and almost every week we are hearing people getting damaged and injured by cutlasses, collins, and knives. Only in Monday's NATION we read of an example where people went to a dance in St. Philip and some dynamite cap was thrown in there and 500 people had to get out of that place. Then gun shots were heard and explosions and the people had to run. People are getting scared to go anywhere now. I have heard, for example, people who hold nightclubs are saying that they are losing a lot of clientele now because people are afraid to come out.

Now what is this lovely island of Barbados coming to? Are we going to stay here and allow this to happen? I am sure there is far less than one per cent of the populace in Barbados that is causing all this stress and trouble. Are we as legislators going to sit idly by and let these people ruin our country and lose the good name of this lovely island of Barbados? What are we doing at all? I feel that dangerous diseases can only be cured by dangerous remedies and we have got to do this. I am one of the people who believe, and I make no kind of apology for saying this, that any person who takes another one's life should be ready to give his own life too. I will never change from that. I do not mind who agrees with me or who does not agree with me, because to me God has given us life and that life is important and sacred. Nobody should be allowed to take our lives and then get away with it. It seems to me that the law is mostly interested in the aggressor and not in the victim. I noticed, Mr. Deputy President, that the punishments that we are meting out here

are too soft and easy. We have got to get much more serious in what we are doing.

I read of an instance in this country where a man admitted to sixty-nine breaking-ins, so the paper said. He was charged with seventy-two but he admitted to sixty-nine and he got three years. What message are you sending to the people when something like that happens? I believe, Sir, that we should reintroduce the "cat-o-nine-tails" and, again, I am not making an apology for that. I am yet to hear of anybody who had two floggings with the "cat-o-nine-tails". You do not get that twice. You get one "cat-o-nine-tails" and that is the end of that. I feel that it is time that we stop monkeying around and fillbustering and have some harsh laws that will make these people realize that this is our country. We have nowhere to run, and we are not going to let anybody run us into the ground. We need to do something to change what is happening in this country. We are going down the slow tradition and we have got to try and save this country from being ruined by what is called "social deviants". There are just few of them and there are many of us and we do not want to lose this country. I thank you.

SENATOR Mrs. P. Y. FORDE: Mr. Deputy President, I will not be too long. I just wanted to give my support to the last two speakers and to say that I support this Bill wholeheartedly. But to my mind, it seems as though we might have another loophole on our hands if the age of consent is sixteen and we are talking about minors under the age of eighteen. Maybe there will be a loophole between 16 and 18. That is what I want to get clarified.

SENATOR N. W. BOXILL: Thank you, Mr. Deputy President. I gave way because I know the other speakers have to go at least my friend, Senator Jones, and I also have to go, so I am going to be very short. But by allowing the other speakers to speak before me, they have stolen my thunder. However, I have to support Senator Brathwaite because what Senator Brathwaite has said is what I am going to raise here. Well, you know how it is with me. I am the "licking" Senator. I am dealing with Section 9 of the Bill which reads as follows:

- "(a) Punishment – a person who is convicted of an offense under this Act is liable to: a. On conviction on indictment to imprisonment for a term of five years or
- (b) On summary conviction to a term of two years." 2.10 p.m.

Are we really serious? I have to keep asking this question. As I said in the lunch room earlier, I have sent a message to Cabinet to let them know that we on this side of the Chamber, on the same side where you are, Sir, are serious and that there is nothing to be afraid of. You cannot pass legislation to suit two or three people, when

the majority of us want it. The reason I am saying what I am saying, Sir, is, how can it be right for a man to get five years after desecrating a child's life? As Senator Brathwaite said, it is a traumatic experience psychologically, physically, mentally and socially. After five years in Glendairy, he is getting fat and coming out as though he went to a university and got a Ph.D. The "Ph.D." does not mean post hole digger this time, Sir, I am talking about a doctor of philosophy.

I would like the message taken to the Cabinet and to the Attorney General that the punishment is too slight for the crime committed in this society. There is no reason why a person who commits an act and is found guilty by his peers, not by me or by somebody who does not like him, the jury, without a shadow of doubt, should be given five years to come back out here to desecrate more young people.

First, I am advocating that he should be flogged – I do not mind what anybody says – not with a tamarind rod, you flog school children with tamarind rods, you cannot flog a criminal with a tamarind rod too. Are you making sport? And do not tell me you cannot find anybody to flog him, I am willing, I am offering my services now. For a crime like this you should get between 15 years to life. Do you realise the lives he has taken? Generally when they go into these pornographic pictures it is not one person involved, you are desecrating the lives of a lot of young people, and here it is we are making sport by giving the man five years, and a little later on, two years, to get fat and come back out here to commit a similar offence.

My view is, and I would like the Cabinet and the Attorney General to know, that he should be flogged, as I have been saying all the time, not at Glendairy where nobody would know, or in town to cause congestion, the Garrison pasture is there for that. Flog them publicly. You do not have to flog three and four people, from the time you flog the first two the rest will fall in line.

Let me give you an instance before I sit down, Mr. Deputy President. I remember some years ago there was a gang about here called the pick pocket gang, the bounce and draw gang, and they bounced a friend of mine, as it was alleged. They went before the Chief Justice, who was then Sir Allan Collymore, and Sir Allan hit the first fellow with 12 years. He said, "Mercy, O God." The judge said, "Mercy? You did not have any mercy when you were picking the man's pocket." Quick so that went through the eddoes, there was no more bounce and draw gang.

As Senator Jones just said, drastic measures need drastic remedies, and if a fellow is going to commit these kinds of offences and you are only going to give him five years, that is a short time. If you want to know how short five years is, study that four years have gone since we

have been in here, so you see how quick it is going to be? Not five years for a crime like this! It should be at least 15 years to life. Do not forget, you must give him a flogging so that he will remember what he has done. Somebody told me they do not have a cat-o-nine-tails. I will buy one for them, but we have to be serious about this. That is why I waited to deal with this. I support all the other measures, but the only part of this I cannot support is the punishment. The punishment does not fit the crime.

I will die and say that I am one of the greatest penologists they have around here. I might be wrong. A penologist is someone who supplies the punishment to suit the crime. You know, from "pen", "penitentiary". You will hear a lot of people agreeing with me. Earlier this year when I mentioned about flogging and hanging the 18 year olds for murder, a lot of people did not like it, and I said I would give them till December to call on the call-in programmes and agree with me. Do you see what is happening now? I am even getting the priests to agree with me. The time has come, the time is now that we have to stop this nonsense.

It is all right for people to say you are barbarous, but who is more barbarous than a man who arms himself with a knife and come into your house at 1 o'clock in the morning? Do you think he is coming to peel an orange or a piece of cane? He is coming with murder aforethought, he has come to kill you. You get out of your bed without knowing that the scamp is in there.

As I said already, let us look at Singapore. Singapore was one of the worst run down countries in the world. Today Singapore is a model. Why can't Barbados be a model? This is one of the sweetest countries in the world. Climatically we are good, we have some of the best sea bathing, we have some of the most friendly people. Are we going to allow just a few scamps to run our society down because somebody will say you are barbarous? Who is more barbarous than a man who arms himself with a knife, or who encourages little children to smoke dope and then take pictures in this pornographic style? Who could be more barbarous than they? All of us in here have children or grandchildren or something like that. Are we going to sit here, because we are afraid of two or three people? If the law is there, it is there. People will either fall in line with it, or else.

You will be amazed to see, if we start lashing people on the Garrison pasture, how many old people will be trying to get up there early to see the lashing. You only have to do it once or twice and the rest will fall in line. This is our society. I am speaking from inside here because I do not want to see this society going any further down.

I heard a story not long ago - I believe you heard it too - where there was a search at a school and they found school children with knives, scissors and those kinds of

things. When I was going to school you could not even take a razor blade to school to sharpen your pencil. Why should these children be allowed to get away with this? What are we trying to prove? That we can be more acceptable to violence than anybody else? Violent measures need violent remedies and I am therefore sending a strong message to my colleagues. They know that I am always with them, but in this case I will support the Bill but I will have to tell you to do the right thing. My view is that the punishment wants changing. All the other clauses seem very good to me, but the punishment is the part I am worried about.

It is hard that the Police Force must work day and night trying to get these matters solved and then when they get the accused, the culprits, before the judges, they are being let off because of the law.

Another thing I would like to say before I sit down, Sir, is that these things like using the cat should be mandatory, so that the judge can only say "if I did not have to do it I would give you a chance, but the law says I must do it, therefore you should get flogged," and you would be surprised to see how our country would come back. You would not have to flog 18 people, the first two or three on the Garrison pasture and everybody will walk the straight and narrow path.

With those few words, Sir, I beg to support this Bill wholeheartedly.

SENATOR Mrs. V. C. FRASER: Mr. Deputy President, I should like to support this Bill wholeheartedly and to make it quite clear that this is something we have been advocating as women's organisations for some time. I am glad that I am present in the Senate when it has reached us. Mr. Deputy President for everything there is a reason. I think that we need to look more seriously than just to the punishment of the persons who have caused these young people to be involved in these particular exercises. I agree that people who commit crimes must be and should be punished. If we do not obey Jesus Christ, we will be punished. So I believe that people should be punished. At the same time, I think we need to ask ourselves in this society the question, why have many of the things that are happening now happening? What is the reason?

2.20 p.m.

Only this morning, I was astounded to hear that some teachers at a particular school were against having worship. I have been one of the people calling for a long time for worship to be brought back in the schools on mornings. I do not think that anybody in this world who feels that he or she is greater than God will ever be able to get anywhere. They may think they are succeeding but they will not. I believe that the home is almost like the radius of a man's life which depends upon its centre and

the home is the centre. All of these breakdowns and so on in the society that we see, Mr. Deputy President, the signals are clearly coming from the broken down homes and the broken down family structures. The reason is clear. Parents and children are not communicating. Therefore, children are communicating with their peers. They get involved with many other people who do not have their best wishes at heart. They are only thinking about making money and exploiting the young people of this nation.

My call today is that we, the senior people in this community as adults, have got to stop this foolishness of pretending that we did not see, we did not hear and we cannot speak to children. We cannot complain to headmasters or headmistresses; we cannot complain to parents. I don't know what has suddenly happened that there is this fear running through our society to talk to young children. If you do not train up children in the way that they should go, well, they are going to depart from it very soon, because they have no training from a very early age.

Mr. Deputy President, I say this because we are coming across some very young children roaming rum-shops at night and I do recall the criticism that was received by the Police Force when they threw some of those young children from Baxter's Road into the police van. Even some of the lawyers in our society who were politicians were saying that they had no right to do it. What they were in fact doing was trying to protect those children who were very young. No child six and seven years old has any right in any rum-shop. What right has a child to be out of its parents' house at that time of the evening? I think that if we do not understand that a society will continue to deteriorate if the home is not the centre then we are sadly lacking in our thinking. A society that seems to be putting all kinds of material things first and putting God last. Because when you are saying that you must not have worship at schools, you are saying that you are not to train up the children with anything good in their minds. You are not reminding them that there is a Creator who has helped you to bring them up during all the difficult circumstances in life.

Also, Mr. Deputy President, when we do not send the children even to Sunday School. There are many people in this society who seem to feel very fancy and fussy about leaving God from their homes and tell you, "My son is 17 and he never went to Sunday School". This is absolutely ridiculous in a society where we claim to be Christian people, if a child seventeen has never gone to a church door and you don't care about going to church and hearing about God. Apart from God we are exposed to all kinds of danger. Mr. Deputy President, many are the stories, which are very sad with respect to this pornographic literature, films and all sorts of things, and many are the young victims. I would like to interject here that I would like to see those who have got into trouble already that when

these cases are being tried, that they are tried in camera because despite the fact that, "Ask not for whom the bells toll, it might be tolling for thee", there are still a number of people who will go down by the court and be criticising and forgetting that it can happen to their Johnny or their Mary or their Susan. I really would like to see these rape cases tried in camera. I have been saying this for a number of years and I hope the day will come because usually the victim becomes the villain. That is the unkind way people continue to have and these poor victims never seem to be able to live it down. Sometimes they end up in a mental institution because of the way they have been treated by their own society.

Instead of dwelling on the problems, let us do something now. Let us look at the home; let us look at parenting; let us do some positive things in the Parent Teacher Association; let us do some positive things from the pulpits of this country; let us do some positive things by us the citizens talking to the young people and let us identify the culprits if we know. What is the point of people saying, "I know something but I have nothing to say because I am frightened. I don't want my house bombed." This is the attitude and regardless of how much legislation we pass and people continue with this attitude that they know something and they will not reveal it to the police, the parents, the teacher nor anybody, it will continue because the villain will continue to operate with all his pornography because nobody is telling anybody what is going on and our children will continue to be victims.

Let us rededicate ourselves to this country, Barbados. It is everybody's business.

When children are behaving bad on the street, it is our business. If we hear something suspicious we are to report it to the Police. It is our business. You don't know if it may be your child next. If you hear that somebody is going to encourage your child or somebody's else to do something, don't say that it isn't my child so I don't care. We have this tendency nowadays. Why have we become like this? We need to examine very carefully the reason behind this whole concept that we must keep everything to ourselves and we must never part with information when that information is needed so that we can bring these villains to justice.

Mr. Deputy President, I also believe that in this country in some cases we have some very young parents who themselves lack a lot of guidance. They don't know in many cases what is right from what is wrong.
2.30 p.m.

I think we need to have many adult courses in parenting and invite many of these young parents to these courses. It can be done. We have many institutions in

this country that are open in the evening and they can be helped through these institutions. Also in the church groups a very active role can be played to help these parents. They need help. Some of them do things because of ignorance. Some of them believe because somebody else's child – they are watching the Jones – has a pair of shoes for \$200 they do not have the money their child must have it. The way their child might go to get that might be the way of destruction.

Let us teach our young people what is important for living. Let us teach them the greater sense of values. What are the things that they really need and the things that they will have to learn to work for that they can get later on? Do not accept the fact that because they see something on television that is the thing for Barbados.

I would like to say to the parents of this country that it hurts my heart how much the children can talk about getting these videos. I recently heard about one that was called "Mary Had A Little Lamb" but that was only the name. I heard it was one of the most vulgar and obscene video tapes that you could ever have imagined. The name was concealed as a nursery rhyme but the actual thing was really horrible. You had children watching that.

These are some of the things that we must be very careful about. If you are a parent you have to watch what your children are doing. You have to watch their peers and the friends they keep. You have to also be very careful with where they are going, at what times in the evening they are going and what times during the day. You have to also help the schools by not allowing your children to leave school during the day except they have a letter where it is properly signed by the parent. I know of some schools where the headteachers will call the parents to find out if it is authentic because some of these children are very smart. They will bring a letter and they will get another friend to sign it so that the teacher will not recognise their signature. We have also to be very careful.

Mr. Deputy President, it means that parents and children have to have a proper rapport. They have to be friends. They have to be able to sit down and talk with that child and the child telling you everything that is going on. If you establish that kind of rapport with the child, it means that you will know when the child is going to the ugly. There is something called the good and the ugly. You would know if that child is getting involved in the ugly things of life.

I know there is another Bill but we need to look seriously at what sort of videos are coming into this country. We also have, in addition to the video machines in the homes, things coming via satellite. We have dishes. We need, perhaps, to look at this. Perhaps the board that is responsible for examining the various films, that law needs

to be extended so that they can even look at the films which the broadcasting stations are going to use.

Aside.

SENATOR Mrs. V. C. FRASER: Well, get full-time people. That is my view because if you are going to protect your children for the future, I do not see there is any money that is too much to be spent on the young people of this nation. If it is a full-time job we have qualified people who can be put in the places. They are all children. This is our nation and we do not want to have a nation of criminals.

We do not want to have a nation of children that have been assaulted at an early age and then their minds become warped later, therefore, they do not want to see a partner. When people undergo such kinds of experiences it is difficult for them later in life to settle down. If we do not want that to continue to happen, I would recommend we strongly look at having worship in all the schools, having some sort of disciplinary body whether it is going to be called a junior defence force or something where our young people should go into after school to get some sort of discipline. I think this is very important.

I am just bringing this into the picture because I think this will help with the discipline of a lot of our young people. I am not putting the blame fully and squarely on the young people. I am putting the blame on the double standards that we tend to have. I am putting the blame on those persons who do not want any kind of Christianity, any kind of Christ taught to their children, any kind of religious knowledge or behaviour even simply fed to their children. They are against that.

Again, I should like to repeat that we need all the citizens to be involved in this exercise, not only the police. It is a question for the leaders in the community. It is a question for all of us to speak to the children when we see them doing things that are not worthy. We have to talk to them. Stop the fear syndrome. If everyone would see children as their business, see that this community belongs to Barbados and to all of us, and stop this foolishness about "your light does not burn at me" because it may not burn at you tonight but it might at you tomorrow night. The bell may not toll at you today but it may toll at you tomorrow. Then you are caught up running all around and you want everybody to help you.

Let us now band ourselves together as citizens. Let us give the children the necessary training and teaching in the youth clubs, the schools, the churches. Let us talk to the parents in the community centres, at the health centres, wherever we can meet them, let it be the dialogue.

Mr. Deputy President I have great pleasure in giving all my support to this Bill. Thank you.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I will not be long. I was Chairman of the Legislation Sub-Committee of the Child Care Board which looked at this legislation. It was a result of the recommendation of that Committee that this Bill was put in a form by itself and not incorporated in a Sexual Offences Bill which is still to be brought before Parliament. In fact, I hope that trinity of legislation which is being considered by that Committee, Domestic Violence and Sexual Offences, will all be put before Parliament very shortly. In fact, that last one will provide for the hearing of cases in camera where minors are concerned.

I support the legislation. I think it is overdue. It is an indication that we are, in some sense, a crisis community that this legislation was only considered necessary in the light of certain revelations earlier this year.
2.40 p.m.

The concerns that have been expressed in terms of the level of punishment are well taken. When matters of this kind are being considered by Government, I think that the contribution from the community at large should be taken into account by the publication of these Bills some time in advance of their introduction to Parliament, so as to get the sort of comments and feedback as was available last year when consideration was given to the drug Bills; which were passed by Parliament earlier this year. I think Parliament would benefit from having the inputs of the several different institutions and organizations to matters like this Bill, the Domestic Violence Bill which is in contemplation and the Sexual Offences Bill. So that you would not have to come back, after the passing in this Chamber, to take into account comments by way of amendments. These comments can be incorporated in the legislation when it is being considered in Parliament.

The provision at Clause 5 of the Bill, about someone being a compellable witness, as Senator Brathwaite indicated is of significance, because there are too many cases where people hid behind the old defence of a spouse who could not be a compellable witness to make it possible for someone who knew what was happening to avoid giving evidence. The effect of this really is that if the person does not co-operate he can be treated by way of contempt of court and subject to the sanctions of the court. I think that this was a very, very important point. There are too many cases where the police's time is wasted by being asked to undertake enquiries and then, at the critical point when the matter comes before the court, people say, "I am not offering any evidence" even where their own children are concerned. I think that the provision in Clause 5 in this Bill is of some significance and should be highlighted.

I have much pleasure in supporting the legislation.

Mr. DEPUTY PRESIDENT: Senator Prescod.

SENATOR T. A. PRESCOD: Mr. Deputy President, I am happy to participate in a debate of this kind. I certainly want to give my full support to Government for introducing this matter before this Chamber. I hope that this particular punishment will serve to curb some of the deviance that we are experiencing.

However I am going to give a very cursory view of what I have observed from looking at the piece of legislation. But I want to say that we cannot just look at the penalties alone that are going to be used to curb certain criminal activities in this country. I believe we have a responsibility to use a more theoretical analysis of the problems that are occurring, at present, within the system.

Senator Fraser and, to some extent, Senator Blackman have touched on some of the issues asking a broad question, "Why?" whilst other persons just stated "What!" which in my view is just a narrative of what we are experiencing.

We need people to give a more in-depth analysis of what is happening within the society. I believe we are not here to just come and pass legislation without giving an explanation and without allowing the public to know that we have done a thorough analysis of the present crisis within the system. Neither do we have to wait until it has reached such a point that we have to summons another commission from England like we had in the 1930s, 1939, Lord Maughan to come down here and examine what the crisis was within Barbados or any other part of the Caribbean and then make recommendations to solve these problems. We have a fundamental duty to the citizens, as legislators, to set the ground work at least as intelligent people to show the society the kind of direction that we ought to go in.

Whether we take a functionalist analysis of this situation or look at it from the Marxist perspective and ground it in the moulds of production, or the functionalist perspective in examining the institutions, what we are actually witnessing in Barbados is a number of institutions such as the church in conflict, priests in the courts against each other, we are witnessing problems within the Judiciary, we are witnessing problems within the schools in our country, whether the teacher should do this or that, whether we can handle the children. The reality of this is that the norms and values of the society are influenced by the institutions within that society. If we examine the institutions and discover that there is crisis in the institutions then we have to start examining how we are going to correct the problems that are lying there.

So we have a wide duty to see what we can do within the schools of Barbados to establish that harmony among teacher and student once more. We have a responsibility to examine what is happening within the families of Barbados. The extended families are in shambles in Barbados at present. I do not know if it is because of the economic circumstances but that is a question we have to give to the sociologists to examine and at least respect their profession.

There is another aspect of it that I am very concerned with. I cannot be very extensive on these matters at present because I do not want to be too superficial on them. But I believe we have to look at the question of status. In this society, many young people are leaving school with qualifications six and seven "O" Levels, some going into university and coming out with qualifications, degrees and so on and they have to accept jobs not on par with their academic achievements. It is stifling the ambition of young people. Those who want to adhere to a system which was enunciated by Michael Young based on meritocracy and want to honour areas of credit have decided to do what is necessary and adhere to the requests of society in having a sound education, respecting the morals in the society. But then when you come out, there are problems in the business sector. How can they get up to a certain standard? They see other people who did not achieve anything, in terms of academic development, but their status is ascribed because of their family relationships, because of their socialization with friends and so on. They are having frustration at a certain level. People with great ambitions in this country cannot find themselves moving vertically up the hierarchical arrangement. We are having frustration at a certain level. Therefore these obstacles stay in the way of the youth. We must expect some kind of reaction.

I personally believe that we should examine these problems within that context and see if we can establish those common bonds in the area of consensus which is required for forming an equilibrium for stability within a society. Religion plays a very vital role. I believe that Senator Fraser has touched on that element. We must understand that the family plays a very vital role. I just want to touch on certain areas because my role in this particular debate is to see if I can stimulate some kind of public discourse, some type of public dialogue on these matters. I believe that we in the Senate are coming up here dealing with simple arithmetic whether we should reduce expenditure or increase revenue without giving any details on how these things should happen. I can come in here and say that I believe we should have equity in the system. I can start to talk about an egalitarian state without telling people what are the mechanisms or the provision that are required to bring about this transition that they are talking about. If we are going to come here and speak, in general terms, with no clear views on how we can achieve these ends, I believe that we are just wasting time and just

repeating the things that we heard other people repeating outside. The society is crying out for answers.

I believe it is the responsibility of this Legislature to look at things in a more in-depth and scientific manner and bring solutions to the general public so that when we offer a course which might be called an austerity course by the youth. When we talk about hanging people or Cat-O-Nine-Tails or any kind of austerity course in curbing crime, we should be able to justify it, in the minds of the public and those people within the community that we know exactly what we are doing. To tell a man you are going to cut off his head, if he commits a crime does not prevent the man from committing the crime because, on the spur of the moment, it is almost a spontaneous reaction. A man is in conflict with his girlfriend, it is a spontaneous reaction when he takes up a knife. You have to inculcate values, you have to inculcate norms early within that individual. When a man is down in the street, an ordinary man in the street exposed to all types of lawlessness. It usually happens among the working class people, in certain areas, because of the pressures of poverty. There are lots of negative spin-offs from poverty. I believe we have to examine it in that context.

I do not want to be too long on this matter but all I am urging the Government to do, in the present circumstances, is to respect that we have professional people within this society that can examine these problems within our society and to commission the sociologists of this country who profess that they understand the problems within it, at least to give us a thorough report, a sensible comprehensive report that all of us can examine. I think that we have reached that stage, as a developing society. We had in the 1930s to wait until the British sent down Lord Maughan to examine the crisis in this country.

Now we have a University here in Barbados, another wing of it in Trinidad, Jamaica and, to some extent, the one in Guyana and so on. I believe that we have competent people within the Caribbean who can examine the present problems, within the society and at least make a recommendation to us and let us examine it or probably institute some of the recommendations.

2.50 p.m.

It is on those grounds that I want to give my support not only to this legislation but to the Government in general for taking at least some segment of the present state of deviance within the society in trying to do something to curb the ills in Barbados. Thank you very much.

SENATOR A. MORRISON: Mr. Deputy President, I rise to give support to this Bill with respect of children. When one thinks of children and what they are exposed to, one must come to a very irresistible conclusion that any Government of the day must do something very urgently in

order to protect our children. I do not think that in a debate of this nature, Sir, we can go into the causes of what make children behave as they do because the causes might be legend. They might be sins of omission. They might be sins of commission and the advocates of the rich might have their own idea about their children and the advocates of the poor will have their own ideas about their children. But Sir, we cannot blame the rich for doing certain things for their children nor can we condemn the poor because their children might be exposed to certain deficiencies which the psychologist will tell you make them act a certain way.

Therefore, I would say attitude of praise or of blame on either side if they are to be assumed must rest on a scale of values and cannot be extracted by history alone, because history is not a hanging judge. What we should seek from history is like a muse and we should seek inspiration from history in order to arrive at our solutions of today's problems. We cannot just blame any particular sector of the community when we come to the deficiencies which we find today in our children. But one thing that is clear to me, Sir, is that I believe that children should be protected in such a way that adults should never be able to have any contact or influence on people's children. It is when adults get into the picture like in one of those Shakespeare plays about words of strong endearment. If boys and girls come together, there is no problem. But it is when the adult who seeks out that girl at a very tender age with all of the kinds of promises and gifts is when the trouble arises. I can only come to one conclusion, Sir, that when adults mingle with children you get this kind of situation. I believe that we as Members of the Senate should come down very strong in that area because if my child of school age gets involved with a boy of school age, I can sympathize. But when a hard-backed old man has the access to my child, that is where the trouble comes from and this should be condemned in society. It is a very terrible thing, Sir, and I am very serious.

I believe even in this respect I can think of our transportation problems in Barbados. We hear about the minibuses and playing dub. I believe that we should have a system of busing for school children for the Transport Board buses where they would be compelled to subsidize the buses in such a way that school children should not mix with adults on the buses in this country. We find that children in this country competing with people who leave work after a hard day's work. They leave school early but they are at the bus stands on the evening at 6 o'clock and they are competing with people who want to get home on the same buses. They should get to school very early and get back off the road at 2.30 p.m. or 3 o'clock and do not compete with hard working people when the day comes in order to get back home. It is this intermixing of the youth with the adults that expose some people to the danger of trying to be involved with our school children. You have to remove the little temptation from the adult person in order

to save your children. But I believe, Sir, that that is an aspect that I will never condone. The adults should never be able to trouble people's children.

Sir, this thing about "blue movies" is an unfortunate situation in this country. There are some children who go to school and hear other children talking about certain things and eventually when their parents go out they have a chance to go home at a friend's parent and they see the movies. The exposure in having money at a very young age is another temptation. But I believe that we should get together. This legislation is the first start. In the first place, condemn older people for having that free access among our school children. If we can control that in the first instance, we can start a trend where we send a message to the ones in society. Every district has an older man who likes to interfere with people's young children. That is so in every district in Barbados. Every little village has that old time child trainer. That has been part of our heritage but it is now gone to the fact where people are making films with young people. We have graduated from the child trainer to the fellow who is now able to make money out of the situation. But I think we should try to preserve our children by legislation from mixing too freely with the adults.

I know in my day growing up when you were around big men they would say, "Little boy try and get home". When they were going to talk anything that was out of the way, they would say try and get home, or they would hollow for your mother. But it does not happen anymore. They encourage the children to come around them. My point is that whilst the young people are mixing up with the big people anything could happen. But we should condemn any adult who gets involved with people at school and we cannot condone that kind of behaviour.

Sir, with those remarks, I would like to give my support to this Bill and I hope that when we get the Sexual Offences coming on later that I will be able to say a lot more. We welcome at this stage something in a small way to give the warning to the people out there not to interfere with our children because they are precious. They are the leaders of tomorrow and we do not want to have them being disgraced in a certain way before they have become of full age. Thank you, Sir.

SENATOR T. C. ESTWICK: Thank you, Mr. Deputy President. I will be extremely short and brief, Sir, and take a view which I do not think has been taken by anybody before. I have listened attentively to all that has been said and what is coming across to me is that it is accepted that children "do things". Let me put it this way, euphemistically children get involved. I have said in another place that if we are so convinced that children do things, children get involved, some have guns and all of

that, why are we so removed from believing that children can be willing participants in such an activity?
3.00 p.m.

I am one of those people who believe that once a child, irrespective of age – when I say "child" I do not mean an infant – but if a 14 year old is involved in an offence with the full and clear understanding that it is an offence, and that person knows right from wrong, that person ought to be punished like anybody else. This is the point I think Senator Forde was making. I do not think it makes much sense to believe that culpability is based on age any longer, because if you are going to accept the fact that people learn things a lot quicker, people understand things a lot quicker, then it seems to me that to stop a willing participant is one thing, but to stop somebody who is doing it is another thing, because in truth and in fact you never really get into the root of the problem. There will always be willing participants.

Throughout America nowadays the majority of States have gone back to condemning 14 year olds to the death sentence, because it has to come across to legislators that young people today are fully seised of the majority of their actions, and I believe that if they are so fully seised then they ought to be punished accordingly. I think that is one of the fundamental mistakes we are making in Barbados in believing – I am speaking as a lawyer/ politician and I believe somebody with good sense – that this question of culpability does not necessarily apply to young persons. If a 12 year old child can take a knife to school and stab somebody, that child has to be treated, not like a 12 year old, but like a seasoned person who understands the act he has committed. It is on that that I will stop.

I see nowhere in this Bill where it provides that a child who willingly participates in an act, . . . because the point Senator Forde made was that at 16 years one can give consent to have sex, but if you can give consent to have sex how come that at 16 years you cannot give consent to have a movie taken of you? That is where the problem will always come as far as this Bill is concerned.

The other point I want to make, Sir, speaking as a lawyer, clause 7 of the Bill speaks about a member of the Police Force stating before a magistrate on oath that he has reason to believe certain things are happening in a particular house. I hope that that is taken out, or that this particular section is dealt with by magistrates according to the letter of the law. It is all well and good for us to stand here and say "punish", "punish", "punish", but it is also easy for people to say things in Barbados without the slightest bit of foundation as to truth or otherwise where there are concerned, and I think that at least this measure

goes a tremendous way in protecting the rights of citizens if it is carried out properly and effectively.

I am glad that it does not refer to Justices of the Peace, but I hope honestly that it will be carried out according to the letter of the law, because I think the enforcement of the law, the protection of the citizen or the protection of a person who is likely to be abused by this Act have to be balanced off against the protection of the citizen in the wider community.

My friend, Senator Prescod, went down the road mentioning about why. Some Senators spoke of the what, some Senators spoke of the why. That is a fact, but at the end of the day there is a problem which has to be solved and a solution has to be got. I go back to the point. It seems to me that the solution here is somewhat one-sided. A penalty, a censorship of some sort should also be provided for the willing child.

I thank you, Sir.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I beg 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. DEPUTY PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR J. C. W. WICKHAM in the Chair.

Clauses 1 to 9 inclusive 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. DEPUTY PRESIDENT resumed the Chair and reported accordingly.
3.10 p.m.

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

ORDER NO. 2 – RESOLUTION TO APPROVE THE
COMPULSORY ACQUISITION OF LAND TO
RESITE RESIDENTS AFFECTED BY THE
SEWERAGE TREATMENT PLANT AT
EMMERTON LANE IN THE CITY
OF BRIDGETOWN

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, the Resolution relates to the acquisition of 10,327 sq. metres of land owned by different persons at Bartlett's Tenantry in Christ Church. These five parcels of land are being acquired for relocation of 20 residents of

Emmertan Lane in the City of Bridgetown who are affected by the Sewerage Treatment Plant.

Mr. Deputy President, it is the policy of the Ministry of Housing wherever possible to relocate householders within proximity of existing location when there is need for such location as a means of keeping the communities together. In this instance it was not possible to find a location which could accommodate all twenty of the families to be located within the city and its heavily populated environs. Therefore, the Ministry of Housing after doing a search of some five sites came up with the proposal which is acceptable to the Town and Country Planning Department that the lands at Bartlett's Tenantry would be suitable for development of housing and for relocation of these persons from Emmerton Lane.

This area is in the vicinity of the new ABC highway and it is within fairly close proximity to Wildey and the Sargeants Village area.

I beg to move that this Resolution be passed.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, I recall some time ago when the Sewerage Plant was in the planning stage that we were told by one of the officers involved in the planning of that plant that stench would not be a problem. If I remember correctly, he even suggested that it might even be possible to have picnics under the trees surrounding the plant. It is quite evident to us that stench is indeed from time to time a very severe problem and I am happy for these residents who are being removed from that particular problem. But the problem is wider than one pertaining to residence in the area. It is a problem of the entire city of Bridgetown. It is a problem for Barbados. I presume that the earlier information that we had that stench would never be a problem was based on some misunderstanding as to how the plant was supposed to function and I am wondering whether there is an awareness as to what is the problem and what is causing the severe stench from time to time and whether or not it is correctable, because indeed the level of the stench is not at all desirable in the context of a city in a country centered on tourism and in an area sensitive to such. Therefore I am reminding the authorities that they had promised us a stench-free plant and that right now the situation is far from that and I am wondering whether they can inform us of any possibility of doing anything to correct the existing problem. I thank you.

SENATOR J. C. W. WICKHAM: This is a small matter. In introducing the Bill, Senator Lewis referred to the Sewerage Treatment Plant, which I believe is actually what it should be but the text of this Order Paper we have before us refers to it as the Sewerage Plant. In the various dealings it is going to get confused and people will be quoting the wrong thing.

SENATOR Miss V. P. BRATHWAITE: Mr. Deputy President, just one matter that concerns me and perhaps the Leader might for the benefit of myself and other Senators provide the information when he speaks again.

In his introduction, Senator Lewis stated that the Bill relates to the resiting of twenty residents who are affected. My understanding is, Sir, that this is in fact four households. My question is, are there not other persons being affected and if so, what measures have been taken or what measures does Government intend to take as a matter of addressing this problem with the urgency that it requires. This is a matter that has been ongoing for some time now and the residents in the immediate vicinity of the Sewerage Treatment Plant have been complaining bitterly now for an extended period of time. I am happy that Government has at long last turned its attention to this problem but the fundamental question that I raised earlier still has to be addressed. Are all of those persons being affected now being taken into consideration and if not, would Government please turn its attention as a matter of urgency to alleviating the plight that those persons find themselves in.

SENATOR THE HON. L. V. H. LEWIS: I believe I said twenty houses. Okay, well, a slip of the tongue. Twenty householders I may have said. I meant twenty houses. I should probably have said households but the intention is to relocate twenty houses.

The other question relates to the whole functioning of the treatment plant. My understanding is that the treatment plant when constructed was constructed to have a throughput of sufficient effluent from households and business places that would make whatever went into the plant easily processed and pumped away. With the delay in attaching households and business places to the system, the old arrangement of carrying sewage to the sewerage plant was continued and as a result there was more solid for the plant to deal with than liquid. More septic than sewerage, and this meant that the plant malfunctioned, hence the stench which has affected people in the area and until such time as the plant's capacity is responded to with water to make it easy for the processing to be properly done, then it is likely that from time to time there will be this stench. Even so, at this stage I think that Government will have to look at the alternate remedies which may have to be necessary if there is no change in that problem because it is a problem.

3.20 p.m.

You are quite correct in saying that there were assurances given that there would be no problem with this stench but it has turned out to be a problem. I suspect that this is another of those situations where when one is going into a project that regardless of all the assurances given and all of the arrangements made to prevent something

improper from happening the improper does sometimes occur after a while. I can assure you that the matter is not resting idly and that it is being seriously examined with a view of causing a remedy.

I beg to move that the Resolution do now pass.

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

JUDGES REMUNERATION AND PENSIONS (AMENDMENT) BILL, 1990

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, this Bill which seeks to amend the Judges Remuneration and Pensions Act chiefly seeks to provide for Justices of Appeal and Judges of the High Court to be substituted for the Puisne Judge. Also, it makes provision by Statute, although the provision already exists under other Pensions Acts. But it specifically now includes provision that where a judge dies in office the Governor-General may grant to the legal personal representative a gratuity equal to the annual pensionable emoluments of gratuity referred to in section 11 (1).

The question has been raised officially as to whether the reading should be that the Governor-General "may" grant or whether the Governor-General "shall" grant. In certain other comparable legislation such as the legislation relating to the Prime Minister and the Governor-General, the word "shall" is used. In the legislation relating to public officers, the word "may" is used. Those persons who wish, therefore, to take issue as to whether it should read "may" or "shall" can, indeed, take issue if they will. The fact is I do not see any Government whatsoever could treat its high judicial officers any differently than it treats its public servants or it treats the Governor-General or the Prime Minister. Although notice is taken of the desire to insert the word "shall" for the time being I am advised by my colleagues and by the Attorney General that we should allow it to remain as "may". At any subsequent time when it is necessary the word "shall" shall be inserted instead of "may". I wonder if the opportunity will also be taken although I hold no brief of public officers having passed that road already whether they may not now agitate that theirs should read "shall" rather than "may".

Those are the principal points in this piece of legislation. I think it is really a tidying up act. There is a Schedule which relates to the annual salaries which are payable to the holders of the office of Chief Justice, Justice of Appeal and Judge of the High Court. There is provision for the commencement of the parts of the Bill provided that section 5 will come into operation on the date of the publication of the Act. Section 5 is the one dealing with gratuity. The other parts of the Bill will come into effect the day that the Supreme Court of Judicature Act comes into operation.

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

SENATOR Dr. L. L. SHOREY: Mr. Deputy President, the importance of the judiciary in countries such as ours needs little attempt at justification. An impartial judiciary in fact constitutes, in my view, the major bulwark of protection for any citizen against what one might call possible ravages of any Government. This has nothing to do with the incumbent Government of Barbados. I refer in that statement to preceding Governments in Barbados, to future Governments in the country, to Governments all over the world.

The citizen as an individual is powerless against the pressures and might of the Government of a country. It is only the legislation justly interpreted by the courts which protects the citizen. I am saying this in terms of the rights of the individual because in a recent matter something has happened which gives me cause for not so much concern but as alarm. I refer to a matter before the Supreme Court of this country.

I am prepared to put in evidence as a document of this Honourable House a copy of an affidavit signed by Mr. Colin Anthony Williams, Attorney-at-Law, and I crave your indulgence to read two paragraphs that concern me.

SENATOR A. MORRISON: On a point of order, Sir. May I enquire. Is this affidavit something to do with the Judges pensions or anything like that?

Mr. DEPUTY PRESIDENT: I shall hear, Senator Morrison. Thank you.

SENATOR A. MORRISON: I hear about an affidavit, Sir, about one C. A. Williams which he wants to read and make a document of the House but in what respect, Sir?

Mr. DEPUTY PRESIDENT: Senator Morrison, I shall so enquire if I find it necessary. Thank you.

You may proceed Senator Shorey.
3.30 p.m.

Certain remarks made by SENATOR Dr. L. L. SHOREY were ordered, by Mr. DEPUTY PRESIDENT, to be expunged from the Record.

Mr. DEPUTY PRESIDENT: Senator Shorey, you may proceed.

SENATOR Dr. L. L. SHOREY: Yes, Sir. Therefore, in the light of the importance of a Judiciary, I wish to lend my support to the provisions envisaged in the Bill for amending the Remuneration and Pensions Act.

Mr. DEPUTY PRESIDENT: Senator Blackman.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I am on record, in this Chamber, for the provision of a separate Court of Appeal for Barbados for the duration of my time in this Chamber and I welcome the provision of the legislation which makes it possible for Justices of Appeal to be appointed. In this connection, Mr. Deputy President, I wish to say that the collective view of the Barbados Bar Association on this matter is that we look forward to the appointment of judges to that court who will inspire confidence and enrich the jurisprudence of this country. In the context that we have waited for 24 years for the provision of a dedicated Court of Appeal for this country, I would wish that, now we are on this track, we make every attempt to get it right and that the court should not come into operation until all the infrastructure and parameters are in place to ensure that the court can sit in proper circumstances.

We are unaware, in the profession, as to how the judges are going to be accommodated. We are unaware as to what provision is being made for the Justices of Appeal to have Chambers. Rumour is that the robing room outside No. 1 Supreme Court where the profession assemble to wait for their matters to be heard is to be subdivided and used as the Chambers for the two Justices of Appeal and the rooms currently used as security...

Mr. DEPUTY PRESIDENT: Senator Clarke.

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order, Sir. There is nothing introduced in the motion before this Chamber talking about accommodation. I think it is completely out of order to delay this Chamber to consider rumours, at this time.

Mr. DEPUTY PRESIDENT: Yes. Suppose we forget the rumours, Senator Blackman, and proceed.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I did not want to be more direct in terms of talking to you, by the use of the word "rumours". If the Minister would provoke me, I would avoid being provoked.

The fact is that it is being stated, not rumoured, that the robing room where the profession meet is to be subdivided to be used as Chambers and that the area used where the security people meet is going to be used as additional Chambers. Quite calmly those rooms are less spacious than the one which Your Honour occupies and that is no suitable area for any court to have as a chamber.

What I am saying, Mr. Deputy President, is that while we look forward to an Act to bring into force a Court of Appeal, there should not be such haste to bring it in just to accommodate – and I am probably going to be offensive

in saying this – political obligations by bringing this Act into force before all the parameters are ready.

When you appoint a Court of Appeal – this must be taken into account – with the bringing of the Court of Appeal into force, the Chief Justice is going to be the President of the Court and will not be able to sit at first instance. So when the Judges of Appeal are appointed, you must have in train the machinery to appoint High Court judges immediately. Because the minute any existing High Court Judges are appointed to the Court of Appeal, they are not going to be appointed to sit in the High Court, thereafter.

3.40 p.m.

We must ensure that the machinery is in place to make it function. We want to ensure, Sir, and would like to suggest that the Court be provided by its own Registrar or Temporary Registrar to take care of the appeals. We want to ensure that the Justices of Appeal when they sit will have the facilities which we have called for in this Chamber. We would not want the Justices of Appeal to go back to the old fashioned methods of reducing everything to long hand when people are arguing matters before them. You do not have to wait for a new building for that. The use of the kind of steno-typists that you have in this Chamber to take down the records or arguments in the Court of Appeal should be put in place at least at that level. We need to provide for the Justices of Appeal as they have done in Jamaica and Bahamas with legally trained Clerks to assist them in terms of the research and doing their judgments. Unless we are going to make these things available at the inception of the Court, we will be perpetuating the old system into a new arrangement. A lot of us are familiar with the experience of sometimes we move into the house before it is ready to get the carpenter out. But you never ever get the house finished because you never get back to have the house completed. You have sometimes to make sure you have it right and, if not, you will never get it right.

SENATOR J. C. W. WICKHAM: My point is a textual point, Mr. Deputy President. In Clause 5A of the Bill, there is a Subsection 11(a) which reads: "Where the holder of a judicial office dies while he is in office, the Governor-General may grant to his legal personal representative...". I am not sure that this covers all the possibilities of the sexes available for appointment to these posts.

SENATOR A. MORRISON: Mr. Deputy President, Sir, in rising to support this Amendment to this Bill, I did not expect to hear from Senator Blackman about the fears in proceeding too quickly when for all the years we have been hearing that we need a separate Court of Appeal and that they were committing incest for all these years in the Supreme Court among themselves. Now we have got the Court of Appeal on schedule we are hearing that we are

moving too fast. I get the impression, Sir, from the Honourable Senator that we should not be too much in a hurry to provide a place for the Court of Appeal to function until we get more or less modern Chambers for these Court of Appeal judges. But I would have thought, Sir, that with the kind of tenacity which I have heard displayed in this House over the years by Senator Blackman about this new Court of Appeal and that they sit in judgment for the past years on each other's judgment and that that was a very undesirable thing, he would now be complimenting the Government on moving with great speed at this time to get that Court of Appeal functioning and get the judges in office no matter what we have to do to provide the kind of accommodation which they deserve. We are doing that with the full assistance of the Chief Justice who is the President of that Court of Appeal and nothing will be done for those judges who will be appointed to the Court of Appeal without the consent and approval of the President who himself would see to it that his judges are properly accommodated. I do not want you to prejudge us on this side or to anticipate for that matter that they will not be properly accommodated. You must wait first and see how they are accommodated before you comment that you may not go there or do this. You are not going to cross the Tiber. We are going to cross the Tiber and we are going to introduce the Court of Appeal with all the speed we can and it has nothing to do with anything political or otherwise, because judges cannot be removed from office. They enjoy immunity from prosecution and they can only be removed from office by both Houses of this Parliament and by a two-thirds majority of Members from both Houses sitting at the same time. So they do not have any problem about judges being appointed or anything like that. They are not political at all for that matter. We would have thought that when we appointed judges that we would have been activated from the highest motives and that they would have such characters that they would stand out very prominently in their society from which they come and would dispense justice like Solon in the days of Greece.

Sir, I do not understand the concerns of my colleagues and we would hope that in this Amendment that all things will work out to the satisfaction of all parties concerned and that the Bar will be able to make their comments after we have put it in place and they will come to a successful agreement in what we have been doing. I thank you, Mr. Deputy President.

SENATOR Miss V. P. BRATHWAITE: Mr. Deputy President, in rising to give my support to this Bill, I just wish to again query if it is thought necessary, and I am referring to Clause 5, Subsection A, to substitute the word "may" with the word "shall", why then should there be this haste to pass this piece of legislation without putting in the appropriate word. This is not the first occasion that those persons introducing measures into this Honourable Chamber have openly and publicly recognized that there

might indeed be cause for changes in the legislation that they are seeking to pilot through this Chamber but yet express the desire that it goes through in the hope that later on when other Amendments are being put in place the offending part as determined at this point would be corrected. My view is that if there is a problem with this legislation correct it now. The problem has been determined before it is passed. Why wait until another occasion? When will that other occasion be? In the meantime, if there be circumstances which call into operation this provision, what happens before the amendment can be put into place?

The second point to which I wish to turn my attention, Sir, has to do with a situation which has occurred quite recently which has caused me and a lot of citizens in this country great alarm and it is to do, Sir, with the use of the Barbados Defense Force in defiance of an Order of the High Court of this country.

Mr. DEPUTY PRESIDENT: Senator Brathwaite, what is the relevance between that and this Bill?

SENATOR Miss V. P. BRATHWAITE: Mr. Deputy President, I am speaking to this Bill before me which deals with judges remunerations and pensions in order to provide for the offices of Judge of the High Court and I am speaking specifically, Sir, to an Order that was given to such an officer of the Courts of this land.

Mr. DEPUTY PRESIDENT: I do not see the relevance between the two, Senator Brathwaite. I see absolutely no relevance in this case none whatsoever. You may proceed but you will not continue in the same vain because there is nothing relevant there at all.

SENATOR Miss V. P. BRATHWAITE: What I wish, Sir, to say in this regard is that at all times the Government of this country must ensure that it guarantees the impartiality and the respectability of the judiciary of this land. In doing so, it must be careful that it by itself or any of its agents does not act in contravention...

SENATOR A. MORRISON: On a point of order, Sir. I do not know that the Government has ever in its existence interfered with the judiciary. So how can she say that we interfered with the judiciary? We have never done that in all of our existence as the Government in this country. We cannot have that kind of statement in here.

Mr. DEPUTY PRESIDENT: Thank you, Senator Morrison. Senator Brathwaite, proceed.

SENATOR Miss V. P. BRATHWAITE: Yes, Mr. Deputy President. I shall continue that statement by saying that the Government by itself or its agents must at all times

act so as not to compromise or act in contravention of an Order of the judiciary of this land.
3.50 p.m.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, for the Honourable Senator to proceed down that line without knowing the facts will land her in a lot of trouble. There has been no action whatever in contravention of that court order. Indeed, the action taken was in accordance with the court order, which has up to now not been altered. In fact, somebody is going to get into serious trouble when you go out into the public domain and make those statements.

SENATOR Miss V. P. BRATHWAITE: It seems, Sir, that the Honourable Minister knows what I am speaking about, because I did not point to any particular court order or any particular instance of this conduct. It seems as though the Government has linen hung out to dry. The Government need not get so hot under the collar and so defensive. The fact is that though earlier comments and references to this matter might have been expunged from the record, it cannot be expunged from the collective psyche of the citizens of this country.

Mr. DEPUTY PRESIDENT: You have not really said anything. What cannot be expunged, Senator Brathwaite?

SENATOR Miss V. P. BRATHWAITE: Mr. Deputy President, as I said already, and I shall repeat, the Government by itself or by its agents must be careful not to use the Barbados Defence Force...

Mr. DEPUTY PRESIDENT: Senator Brathwaite, I repeat this has nothing to do with the Barbados Defence Force. You will desist from that reference. You may proceed.

SENATOR Miss V. P. BRATHWAITE: I had not understood, Sir, that you were objecting to my reference to the Defence Force.

Mr. DEPUTY PRESIDENT: Well, you now understand. Thank you.

SENATOR Miss V. P. BRATHWAITE: Well, Sir, if that is your ruling, I shall take my seat.

SENATOR THE HON. L. V. H. LEWIS: I had hoped that when we are dealing with judges that we will behave like them and allow the matter to be out of politics and certainly not involved in any matters which would cause us to get hot under the collar. The Government has no dirty linen, as far as I am aware, to hide or hang out in relation to judges' remuneration or pensions. The pensions may be granted to them in the same way that they may be granted to public officers. I anticipated Senator Blackman's

intervention about "shall" and I conceded that if the word "shall" was used in all Pensions Acts, then it would be stronger and I am sure the trade unionists in our midst would agree with us with that. By the same token, persons in the legal profession tell me that "may" is interpreted as "shall", so I do not understand what they are worried about.

What I also said was that no elected Government whatsoever would permit the Prime Minister, who has direct dealings with the Judiciary in matters of this nature, to hinder the payment of a gratuity to the legal representative of any person who dies in office. Therefore, for me there is no controversy, there is no question as to whether the word "may" is strong enough in force to do what is intended.

I did not think it was the usual style of Senator Blackman to really go into an area which is really that of partisan political persons to seek to reap up something about accommodation and persons sleeping in their accommodation, because that is how we interpreted what he was saying as an Aside, which I always listen to as well, Mr. Deputy President, because it is the Asides often that tell us what is in the mind of the individual.

What I would give assurance of is that just as the Government has moved to ensure that after 24 years of its existence that if a Court of Appeal does come on stream in year 25 – because it is unlikely that it can come between now and the end of this year – it will come during the year that Barbados will be celebrating its 25th anniversary, and I think that is an appropriate time to prevent the "incest" that is alleged to have taken place in the past. The matter of accommodation is one which is ferreted out between the Attorney General and Minister of Legal Affairs and the Chief Justice as the chief administrator of the law courts, and I am certain that together they will come up with whatever is satisfactory to the two of them in terms of accommodation and in terms of support services. No amount of urgings from another quarter will assist them, because they know what they want and I believe they are proceeding in that direction. Indeed, I am also certain that the Attorney General has been quizzed in the same terms that Senator Blackman has raised his questions and that the matter is being addressed.

I do not know if Senator Blackman holds any special brief, but all I would say to him, if he has a special brief he needs to do some more searches in order to discover the truth and not be misled down the path of rumour.

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

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. L. V. H. LEWIS, Mr. DEPUTY PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR J. C. W. WICKHAM in the Chair.

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

Clauses 3 and 4 were called and passed.

Clause 5 was called.

SENATOR THE HON. L. V. H. LEWIS: I would like to move that Clause 5 of the Bill stand part.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, I propose that in relation to clause 5 reading under section 11(a), fourth line down, "the Governor-General may" that the word "may" be omitted from the question and "shall" substituted therefor. The reason for it is that the independence of the judiciary should be ensured in all aspects of legislation. Here we have a situation where we are giving some discretionary authority presumably to the executive because the Governor-General will only act on some type of instruction rather than on its own initiative in a matter relating to certain benefits attached to the post of Judge. The substitution of the word "shall" will remove any possibility of anyone conceiving of the executive arm having some lever that can be used against judges and if at any time at this time in our history, we especially need to ensure the independence of the judiciary because it has already been indicated here this evening that there are certain indications that some lines of authority are beginning to be crossed. I thank you.

Mr. CHAIRMAN: This is not a Government motion so it has to be seconded.

SENATOR Miss V. P. BRATHWAITE: Mr. Chairman, I beg to second that motion.

The question that the word 'may' be replaced by the word 'shall' was put to the Senate and agreed to.

SENATOR C. A. BLACKMAN: Mr. Chairman, with respect to Senator McClean. I don't think that that amendment deals with the issue. I think that substituting the word 'shall' in bringing the matter to the Governor General is right formulation. If he will accept the amendment, he should delete the words "the Governor General may grant" and substitute "there shall be paid". That language is consistent with the language in the Pensions (Prime Minister) Act, Cap. 11 and also it is on Cap. 6 The Governor General (Condition of Service) Act.

Mr. CHAIRMAN: Are you moving an amendment to an amendment?

SENATOR C. A. BLACKMAN: Yes.

Mr. CHAIRMAN: Will somebody second Senator Blackman's amendment to this amendment?

SENATOR A. W. A. McCLEAN: I would be supportive of that amendment to the proposed amendment. I second it.

Mr. CHAIRMAN: Will you repeat that language please.

SENATOR C. A. BLACKMAN: It shall delete the words "the Governor General may grant " and substitute "there shall be paid" to his personal representative etc.

While I am on my feet, Sir, there is a typographical error in the section pensionable emoluments.

SENATOR A. MORRISON: Sir, if I may speak to the amendments as proposed. Senator McClean in making his submission about an amendment cited a reason to which I must object to because he is saying that the independence of the judiciary seems to be threatened. I do not know, Sir, anywhere in this country....

SENATOR A. W. A. McCLEAN: On a point of explanation, I think that that is an extreme interpretation. I was putting the point in a more positive line that in trimming the legislation that you should so structure it that the independence of the judiciary is clear and definite.

Mr. CHAIRMAN: The point is taken.

SENATOR A. MORRISON: The words about lines of authority being crossed - I interpret in my own way that he was saying in no uncertain terms that there seems to be that in effect the judiciary is being threatened and I must respond to that, Sir. I cannot sit down here and hear remarks to that effect where nothing has been done by this Government whether by act, deed or even impliedly so to suggest to anybody in Barbados that our judiciary is not independent. The Government has never yet interfered with the judiciary. They dispense justice on their own and as a matter of fact, if you look at all the decisions which have come down throughout all the years when the Democratic Labour Party as a party has been in power. We have had some of the most terrible decisions against the Government and we have accepted them in good faith; so if anybody talks about the judiciary, we have been the victims in most cases of the judiciary doing their work as they should do it. We have never yet complained. We appeal, and when the appeal is finished, we accept the decision of the Appeal Court. It is ridiculous for a Senator to even suggest that the independence of the judiciary could be threatened at this time of our history. The Government, Sir, is not in any litigation with anybody in Barbados at this stage. The Barbados Government is not in

litigation in the Courts of this island. So all these thought-up things that come in here now about the judiciary and changing of a word... A word being changed, Sir, from 'may' to 'shall' does not mean that by doing that you are ensuring the independence of the judiciary. This is something to do with judges personally, yet you bring in that kind of import.

You import that kind of situation into a matter that judges should have the right if they die in office that their spouses should be able to draw their gratuities. If you don't do that, does that mean that you are trying to make the judiciary not independent any more? Judges are human beings and they function under a system. You function, Sir, in your particular category, judges also function in their particular category. People have pension rights and so do judges. Judges enjoy the right that when they go home on retirement they get the same money as pensioners as when they were working. Nobody denies them that right, Sir. And now we are saying that when judges die in office that their people will get the money. I don't see any kind of problems with that kind of arrangement. It is a very useful arrangement. It says what it means and I don't see any judge being put out in any way because it has 'may' and not 'shall'. That is not subject to any whims and fancies of any executive that may be in power at the time. I don't see any Government in power at the time denying any person who is a judge who dies in office the spouse's right to draw the money. It is mere semantics. Thank you, Sir.

The question that the words proposed to be inserted was put to the Senate and resolved in the negative, the Senate dividing as follows:-
4.10 p.m.

Noes: SENATORS THE HON L. V. H. LEWIS, HON. Dr. C. D. CLARKE, A. MORRISON, Dr. F. W. ALLEYNE, Mrs. V. C. FRASER, T. A. PRESCOD, A. J. N. PHILLIPS, Miss Y. V. WALKES and T. C. ESTWICK - 9.

Ayes: SENATORS A. W. A. McCLEAN, Miss V. P. BRATHWAITE, J. S. GODDARD, Mrs. P. Y. FORDE, C. A. BLACKMAN and L. A. WARD - 6

Mr. DEPUTY PRESIDENT: In the light of that count the "Noes" have it. The text remains as it is.

Clause 6 was called and passed.

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

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT BRIDGETOWN, ST. MICHAEL FOR THE EXTENSION OF THE SWAN STREET MALL

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, the Resolution seeks to acquire two parcels of land in the City of Bridgetown. As a consequence of fires which occurred in the City of Bridgetown there are two properties one facing Palmetto Street and another one on the corner of High Street/Roebuck Street which have become vacant and which are presently used for car parking.

During consideration of the proposals of Government to provide more adequate facilities for itinerant vendors in the City of Bridgetown, this area was identified as one on which there could be constructed permanent facilities for vendors at more than one level in order to take the pressure off the Swan Street area where vendors are presently located.

It is part and parcel of the plan to provide opportunities for this type of business person in the City of Bridgetown. It is linked with the arrangements which have been debated inside and outside of this Chamber for provision to facilitate vendors.

Let me say at the outset that from time to time contrary views are expressed. It amazes me that responsible organisations like the Barbados National Trust rushing to print through their administrative staff to publish matters and to contradict statements made, which statements are not contradicted by the elected officials of that organisation when they have the opportunity to contradict them.

The enhancements which are supposed to take place around this building provide for the relocation of vendors on the corner of this building and on Wilson's corner, so-called. The provision of this mall facility which will relieve the pressure on Swan Street is also intended to provide another area in Palmetto Square where vendors may use demountable booths and store them at a centralised location at nights. It will tidy up the arrangements.

Aside.

SENATOR THE HON. L. V. H. LEWIS: You want to see the plan? Everybody knows. Anybody who goes into Bridgetown knows the two lots we are talking about. If we have plans I will pass them to you. The two lots adjoining the property of Naime on Palmetto Square and the burnt-out building that was pushed down. It is the property that was burnt about three years ago, the former Central Agency on High Street. You can walk behind the Olympic Cinema and go through there.

You will be able to walk through from Swan Street through the mall into – it says Fuller's Alley one place and then on to the other area which is the one fronting on Palmetto Street. There are two maps which you will have to look at the same time. A lot of people did not know that there is a place called Fuller's Alley that goes between but it is Fuller's Alley that connects the two.
4.20 p.m.

Aside.

SENATOR THE HON. L. V. H. LEWIS: Abandon what? Because the buildings will go right across Fullers Alley.

Aside.

SENATOR THE HON. L. V. H. LEWIS: Pardon Me? It goes right up to... Yes. Behind Cottle Catford.

Mr. Deputy President, the whole point is that the Government is very concerned about the obvious encroachment of the itinerant vendors on Swan Street. Discussions were held by the Swan Street Store Owners Association and the Ministry of Transport and Works. The arrangements for this shopping arcade were presented to these vendors, in the presence of the National Trust, in the presence of the Swan Street vendors representative, in the presence of the representatives of the Taxis Association, at the same time we were discussing the relocation of Lord Nelson and the beautification of Trafalgar Square. So that this plan was well known.

What we are seeking to do now is to acquire the lands so that the action plan may proceed to develop facilities at two levels, as I said earlier, which will accommodate the persons who are selected by way of their trade, the sort of selling that they do go on the upper floor or the lower floor.

There are other areas in Bridgetown which are being examined to try to ensure that adequate marketplaces are developed. Included is a plan to redesign the surroundings of the Cheapside Market in order to more adequately provide for the vendors in that area. Also included is the relocation of the Fairchild Street Market and to merge it with the Cheapside Market and to provide an extension to the bus terminus at Fairchild Street and, at the same time, to provide more shops at Fairchild Street similar to those presently available to vendors. When the total plan is in place, we believe that, if not all, the large majority of the vendors who are presently found in places where they are said to be a nuisance that we would be able to eliminate that.

But over and above that, the plan also provides for chemical toilet facilities to be made available in the Swan Street area and other areas where permanent facilities

cannot be provided. In this particular location, there will be permanent facilities available not only for the vendors but for persons who happen to be doing business with the vendors and may have a sudden call to make use of those services.

I beg to move that the resolution be passed.

Mr. DEPUTY PRESIDENT: Senator Prescod.

SENATOR T. A. PRESCOD: Mr. Deputy President, I just want to add a couple words to what the Leader of the Senate has offered us. I want to say that this is a clear indication of the philosophical divide of the political parties in this country. What you have seen and what you have heard here today, by the Leader of the Senate with regard to the assistance of small vendors in this country is a clear indication of the position which the Democratic Labour Party holds in this country at all times and it falls within the framework of its humanitarian philosophy.

It is clear to me that when we are speaking in this country about small businessmen, you hear very few voices. When you are talking about big conglomerates and other enterprise in this country, people speak even beyond the time limit, if the Senate gives them the opportunity. But you would not hear those voices today in this Chamber because it has nothing to do with their personal interest.

The truth is these people called the small vendors are almost synonymous with working class black people. Whenever you talk about small vendors in Barbados, you are not talking about people with white pigmentation. You are not talking about Indians. In reality, you are talking about black people. People would like to call this racism. Whenever they call it racism, it puts the black man who is there to defend the cause of the black people on the retreat. I am not on the retreat today.

I am fully supportive of this Government for giving a great opportunity to black people to be able to establish small businesses in a central location within the heart of the city. They are not under little tents any more. We are going to provide very dignified facilities for them, very sophisticated and in fact with what we consider to be contemporary steps. I do not believe an opportunity like this should pass without me, of all people, airing my voice on this matter because I am one of those persons who had to fight in this country extremely hard and I have even been a victim of a member of this Senate on one occasion, in the light that she has referred to me in some very disparaging terms. I would not mention her on this occasion.

I want to give the assurance to this country that when I made the decision to join together with this Party it was on the basis of the egalitarian spirit which I saw radiating

from the corridors of Parliament represented by the people in the Democratic Labour Party.

On the last occasion when the vendors in this country were looking forward for some assistance from a political organization what we saw is the typical behaviour of the Opposition parties in this country. They were relegated and rejected into a corner on the periphery on the city. Those were the vendors who used to operate between Rockers Alley.

The people of Barbados, at this time, have a Party in the name of the Democratic Labour Party. That Party will continue to represent the interest of the small man in this country. They might not appear, on the surface, to be saying anything different from the other organizations, as some people think. But the truth is when you remove the facade and the false curtains, what you see behind is a party of a social conscience.

This piece of arrangement, in acquiring that land, is a clear indication of the spirit of the Democratic Labour Party. I think I had to make this contribution today. It is imperative of me to make this contribution because I perceive myself to be one of those persons who had to fight extremely hard to see that justice is done for ordinary people in this country.

Thank you very much.

MR. DEPUTY PRESIDENT: Senator Alleyne.

SENATOR Dr. F. W. ALLEYNE: Mr. Deputy President, I am happy to lend my support to this resolution. I am particularly happy to see that small traders can again return to Bridgetown working in congenial conditions.

I think this Government recognizes that there are few instances in which businessmen start out as big businessmen. Today, in Barbados, we have one of the most respected corporate structures which, I am told, started off very small. One of the representatives of that corporate structure is with us today. I am proud, as a Barbadian, of that particular firm because I hold the view that it is one of the most efficient corporate entities in this country.

Applause.

SENATOR Dr. F. W. ALLEYNE: It has opened up and it has led the way in opening up opportunities to talented people of all colours. That is why I have high regard for that business.

I think it is wise, on the part of the Government, to recognize that, by creating opportunities for small business persons, that out of this opportunity some very successful enterprises might develop in the future. I think we would be missing a great opportunity, in Barbados, to let this

upsurge in the search for self-employment go to nothing. I think what we have noticed in Barbados in the last couple of years, among our young people is a thrust for self-employment.

4.30 p.m.

I think what we have noticed in Barbados within the past couple of years among our young people is a thrust for self employment and the Government must be complimented in trying to buttress the efforts of these people. What we have suffered in Barbados within the last couple of years is in my view an attempt to subvert certain institutions. Some of them are non-Governmental organizations. That subversion has seen itself slandering the small vendors in Bridgetown. As often as you listen to some of the call-in programmes, you are hearing these vendors being referred to as if they are "pimps" and "thugs" around Bridgetown. The fact of the matter is that the vast majority of these small businessmen are seeking an honest and decent living. I would wish that when these facilities are put in place that the appropriate measures are provided for to restrict the presence of hangers-on who create problems in those areas.

I think we have to recognize that the people who invest their money in order to make a living have no interest in creating trouble in Bridgetown. Their interest is in a peaceful place of trade where they can ply their business. That is why I would strongly urge to Government to ensure that adequate personnel are put in place to restrict the presence of loiterers in these areas.

When I was a little fellow, I remember there was a businessman called Pickering and I used to hear about 5 and 10. This was right in the heart of Bridgetown. When I go into Bridgetown today, you can hardly find any of those persons. I know, Mr. Deputy President. You were in Bridgetown as well. I am happy of that. But the point is, Mr. Deputy President, I am happy to be associated with a party and a Government at this time which recognizes that social peace and advancement for all requires that we provide opportunities for all persons and particularly those who are disadvantaged. We know of the discrimination. We see what small persons' experience when they go to institutions to borrow money. We know of it. I remember some years ago I took a small business person to a bank to borrow \$4 500 and that person had \$7 500 in his savings account in the bank, and I was very sure that the bank would have loaned that person the \$4 500. When the manager had listened to me very patiently, then he said, "Mr. Alleyne, we do not lend people at that wage level money. Let him go and make some sugar cakes and fish cakes to make up the money." That was an education for me. I am saying that since there is that type of institutionalized discrimination against small business that Government has to fill the gap. I am very happy that I am part of a party which is in Government which recognizes

its mandate to the upliftment of these small business people and small persons in Barbados in its overall thrust to uplift the country.

Mr. Deputy President, I support this Resolution.

SENATOR Mrs. V. C. FRASER: Thank you, Mr. Deputy President. I am very happy to support this Resolution as one who has been involved with small business people and one who has come through the ranks and being educated and assisted by my mother and grandmother who themselves have been small business people. I am also happy because I am associated with an organization, the National Development Foundation. I am sorry that Frank did not remember that this organization if it were in existence at that time could have assisted that man that he took to the bank. He would not have had to go to the bank. He could have come to the National Development Foundation.

Asides.

SENATOR Mrs. V. C. FRASER: Well, that is what I am saying that if the NDF were in existence that he would have come to the NDF. We are happy now that we have the National Development Foundation and that this Government has seen it fit to assist the Foundation by giving us money for on-lending. I want to make that point very clear. They did not give us money to give away neither did they give us a gift. They gave us money for on-lending, that is a loan, at a small interest rate where more small business people can be assisted.

What we do not seem to realize in the Caribbean region sometimes is the contribution that small business people have made to the development of contemporary Caribbean society. Indeed, it is the small business people of the traders who have built up this Caribbean region and they have still continued because there is not everyone who will become an economist or a blue or white collar worker. There has always been people who have been providing for themselves whether it has been making sugar cakes or selling fruits, pepper sauce, or whatever. They have been in the majority. When you look at the total savings of those people, they are the people who are educating the people, running the hospitals, and the institutions in this Barbados and, therefore, they need the respect of us the people. We are happy that we have such a Government to see to it that the standard of their operation of these particular small business people will be raised to a height that can be considered appropriate for them to operate at a real business level by putting them in this sort of congenial environment which is necessary to good business practice.

I am particularly happy too that we are going to prepare and place the facilities for sanitation and health. I am also glad to hear from one of the Senators that we will

have guards who will keep away those persons who want to be disgusting and malicious and cause trouble. We do not want to see those people annoying those small business people or hanging around. We want to see the people getting on with their business because we know that they are interested in making money. We know that they are interested in uplifting themselves and their families. Therefore, if every Barbadian thinks about uplifting himself and his family, he is uplifting Barbados in turn. They are not thieves going out there stealing. They are working.

Some years ago I had to get myself involved because I was very concerned about this whole question of vendors in another where everybody thought they must have all sorts of licenses, certificate of character, and this and that. We were having itinerant vendors going into people's houses and they were not asked to get all of these various things. I wonder why sometimes some of the people in our society have this disposition that they do not remember that they were small too or that their parents were small too. We have to creep before we walk and it is a blessing when you see people trying to make ends meet by working hard rather than doing something that is going to affect this society and give it a bad name.

I want to say to people who have talked all over their faces that all over the world you have small vendors and some of them are not placed in any particular situation. They come to you at your hotel. They are all over the place and you buy their ware. They do not create any trouble for anybody. But suddenly the moment we are talking about small people we hear, "Oh, they are going to crush down Bridgetown. They are going to destroy. They should not be there. They should not be here." They are Barbadians too. I want you to remember that fact. They are Barbadians and they are loyal citizens of this country and they have a right to work. If they have a right to work, the Government of the day has seen it possible to assist them and give them the proper facilities for storage of their vegetables, fruits, and things of this sort. The only thing I would like to say is that I would like to see them selling more local fruits and local foods such as nuts packaged, dried banana, banana chips, sweet potato chips, and things of that sort.
4.40 p.m.

A lot of these vendors would do well and they make money at these things, which are simple things to do. We have any amount of sweet potatoes in this country and if they were to sell some sweet potato chips they would make a lot of money. I am seeing peppermint creams coming here from another island. We have had a candy making course here co-sponsored by the National Development Foundation, and I wonder why peppermint creams are coming in. I want to see some of our small business people selling peppermint creams and jube-jubes and we stop bringing them in here, because we have the skills and we have trained a lot of these people.

Aside.

SENATOR Mrs. V. C. FRASER: You should know what jube-jubes are. They are nice gelatin sweets that you go into the drug stores and pay a lot of money for. We have women here with those skills who sell them to the supermarkets. They can sell them for themselves, avoid paying 26% to the supermarkets for the use of the shelves, because that is a lot of money. If you are selling for yourself, the 26% would become yours. We have to think seriously about this. They have to have a living too. I have nothing against those people who can afford to pay the 26%.

I know Senator Goddard is very serious about helping small business people, because he was my predecessor as Chairman of the National Development Foundation and he did an excellent job. Our present Deputy President is also what we consider a big pappy in that Foundation. The Leader of Government Business was our first Executive Director, and I refer to Senator Harcourt Lewis, so in this Chamber we have people who understand what small business people require and how we can help them.

I want to see all the nut sellers and people like that adding to nuts and selling these same sweets. I want to see them involved in courses of training, in etiquette and all the things that would help to enhance them as small business people. This is very important. We must not say that we have business clubs for business and professional people. The nut seller is a business woman. The woman who sells the sweets and has that beautifully decorated tray is a business woman. I have always remembered a woman, in an area where Senator Lewis and I had the honour to be born, who wrote on her house "Who thought it? Fish and float bought it." She built a house out of selling fish cakes and bread and I am saying that these small business people will one day become like all the big enterprises we have been talking about. If they continue to aspire, to learn and to receive training, I can assure you that we will do all in our power as a Foundation to set everything in train for them to get the kind of simple training that they need to help them on their way. They are always welcome to our training courses when they come to borrow money.

Again I welcome this Bill, support it wholeheartedly, and I sincerely hope now that all those persons who were against the move will go wholeheartedly and support these people by buying all their fruits from the small business people of Bridgetown and helping them to become big business people.

Thank you very much, Mr. Deputy President.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, in rising to support the Bill I want to indicate that the idea of using those locations for small business

persons did not originate with this Government. It is one which many people in Barbados, including Members on this side of the Table, share and we are especially pleased to see that Government is taking the necessary action to provide a proper location for some more of the vendors in the City.

However, we do not see this as a matter of advancing the cause of black people *vis-a-vis* the cause of white people or anything like that. We had an earlier intervention which went very much along those lines and I am entirely sorry that the person is not here to defend himself. I do not really what to go down that particular line.

Essentially, what I want to say, however, is that there are other areas in which the small business community in Barbados is in need of assistance. There are many other areas in which persons can operate as small business men and women and we need to identify those areas, identify the levels of assistance which they require and ensure that it is forthcoming. That assistance includes financial assistance.

We know that the National Development Foundation makes a contribution in that area, but its resources are limited and the financial requirement is far beyond the capability of this institution. We therefore need to do two things, put more funds at the disposal of that organisation and similar organisations, make sure that the small business windows of the Development Bank function adequately and also make sure that small people can once again go to commercial banks and borrow money. We heard some time ago that the commercial banks said they were not lending any money to small people. I am certain that some of the banks have come a long way from that, but even with the best intentions in the world they cannot do it now, and we need to put them back into a position where they can start lending money.

I thank you.

SENATOR J. S. GODDARD: Mr. Deputy President, I want to assure you, Sir, and all the other Senators in this Honourable Chamber that I support this Resolution as enthusiastically as anyone else, but I would also like to say that I never was in agreement with placing the vendors in Swan Street. I think it was unfair to the customers that they should have to shop in those conditions. I think it was unfair to the store owners to have the entrances to their stores quite often cluttered up, and finally, I think it was unfair to the vendors themselves. I think they deserve better. They are aspiring small business people and through diligence, thrift and service some of them will be able to save and enlarge their businesses and employ more people in time.

4.50 p.m.

Some will say that is the name of the game of business, but some of them will succeed and grow and prosper. Only yesterday, I took a walk up Swan Street again and I can assure Senator Fraser that there is a wide variety of local fruit and imported fruit, vegetables and ground provisions, leather goods, plastic toys, Christmas cards, just to name a few of the items. I have also walked up Swan Street early in the morning when it is very clean, morning up to noon time. It is clean, it is orderly, it is busy, it is bustling. But by the very nature of the lack of facilities, by late afternoon, Sir, it is filthy with broken or torn cardboard cartons which are used in the main to bring the fruit and vegetables there and there is no proper means of discarding and disposing of those cartons. So, I am not blaming the vendors for this. It is just the lack of facilities and I do have to give the Sanitation Department credit that by late evening and early next morning, it has been cleaned up. They can deservedly take credit for that.

I am supporting this Resolution, Sir, because I think better facilities are needed. I think these vendors deserve them. Their customers deserve them. By extension, I can find no good reason either from the point of view of aesthetics, sanitation or road safety to justify putting another vendors mall or bazaar, whatever you choose to call it, Sir, on the north side of the Inner Basin of the Careenage. The intention is good. I am not questioning the intention. Nevertheless, in the same way that you have this litter, this mess, these torn cardboard containers in Swan Street every afternoon that I have been through there, I expect the same thing would happen there which is a more focal point of the city. Swan Street is relatively hidden. That's not to discount its value or its worth, but right next to the inner basin of the Careenage it is there for all to see, Barbadians and visitors alike. I find a certain irony in the fact that we have turned around the statue of Lord Nelson and allow him to gaze in perpetuity on a beautiful garden yet we are going to ask Barbadians and visitors to gaze at and endure the refuse of the adjacent bazaar. I would ask Government to reconsider siting those vendors on the northern side of the inner basin if it is not too late. I thank you Sir.

SENATOR A. J. N. PHILLIPS: Mr. Deputy President I rise, Sir, to support this Resolution. I was very surprised just now when I heard Senator McClean mentioning something about his party having a look at this same area because I have been listening to the NDP as they have been going around in their political campaign and never once, Sir, have I heard any mention at all made of this location or anything like that, so I am now wondering why it has come to his mind today.

Be that as it may, Sir, I concern myself with the development of the location. I do not know what plans Government has for the development of the area. I know that the area is ideal. In other words, you have entrance from one street and you have an exit on the other street. I

would like to see this area developed in a colourful way. In other words, make it attractive and bright, the sort of facility that would encourage both locals and visitors alike to want to shop there.

I believe, Sir, that this area could be used in a very innovative manner. Innovative from the point of view that it will not only assist those persons occupying the shops, but if properly used, locals could make use of this facility on a day to day basis. This includes Sundays. Businesses are allowed to open on Sundays right now provided there is a tourist ship in the harbour. Tourist ships have been visiting Barbados on Sundays on a regular basis and there is nothing to indicate that this will not continue. I believe that we could have the ideal facility there where tourists would love to come. Maybe in this compound we could probably provide small facilities for snacking and if this whole thing is done it could really prove to be an exceptional facility for this island. I believe too, Sir that persons trading have a substantial advantage on a number of other persons involved in small business because although it is called small business other small businesses of a bigger nature have needs for a number of support staff, some of them expensive staff like accountants, financial comptrollers and they need computers and a whole lot of other expenses that would not be related to this kind of small business. It is for this reason, Sir, that I would be very optimistic that almost all the businesses that are located in this facility will succeed. I believe institutions such as BNB and BDB should be glad to see persons who will be occupying this business area come to see them in relation to loans, because I am sure that they will be getting themselves some reliable customers. I believe, Sir, that Government must be congratulated on having the wisdom and having the vision to see that these two burnt-out areas – and indeed this is one time that the fires were a blessing in disguise because the two areas have now worked out. They are adjacent to each other. They run from street to street and indeed, Sir, I would like to congratulate Government on this particular decision. Thank you, Sir.

SENATOR Miss V. P. BRATHWAITE: Mr. Deputy President, I am happy that Government has seen the need to provide facilities for small businesspersons in our midst. I wish, Sir, to associate myself with the remarks made earlier by those Senators who recognize the very important role that small businesspersons have made in the historical development of this country and continue to play. I am also of the view that they need to be taken a step further to allow persons who have a legitimate right and a legitimate claim but who may not be accommodated because of space in the physical provisions that are here envisaged, that such should be taken into account and that moves be put in train at the earliest opportunity to accommodate such persons. We recognise, Sir, that there is a growing number of persons in our midst who wish to become employed in such a manner. It is in fact a very noble pursuit to be self-employed and these persons have decided not to be

hangers-on, not to wait around for hand-outs, not to wait until conditions should become better but to actually put themselves in a position where they can employ themselves and provide for their families. I think they should be commended, Sir and that Government should do all in its power to encourage and assist them in their pursuits.

I wish, Sir, also to register my concern like Senator Goddard with regard to the plans or intentions to site a mall somewhere near the northern end of the Careenage basin. I speak under correction as I know that there is some plan to place such a mall in that general vicinity. I wish to urge Government to take account of not only sentiments expressed in here earlier by Senator Goddard but in the wider community. There has been a general public outcry against such a move by Barbadians generally, not only those who have banded themselves together in an organization such as the National Trust, but anyone who is keenly sensitive to the wishes of the community should by now have become aware of the fact that there is a general disagreement with that proposal by Government. I wish that Government would publish its plans in that regard.
5.00 p.m.

Earlier I said I understand there is a plan to place a mall in that general vicinity and that is because I myself am not aware of what Government's plans are specifically. I think it is time Government should take the public into its confidence. If there is such an intention let the public know what its intentions are, where the mall will, in fact, be sited, how will it be structured and what are the general provisions to be put in force to ensure the cleanliness and integrity of this area.

With those remarks, as I said earlier, I fully support the move to assist the small business persons in our midst.

There is one other thing, Sir. I think also that Government's view should be of a more comprehensive nature, not stop gap when a problem is created to only devise measures to immediately remedy that situation. I would like to see the development of an area such as the old Marshall Hall Building, for example, where small vendors can ply their trade not only in provisions of food but also an arts and crafts market.

Senator Phillips spoke earlier about the arrival of tourist ships here. I think that such a facility can, in fact, attract visitors and foreign exchange if we were to put our wares on show not only in terms of what we eat but in terms of what we make in the area of arts and craft. I would encourage Government to take a more long-term view of the whole question of vendors and their place in the economic and cultural development of the country.

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

SENATOR Miss Y. V. WALKES: Mr. Deputy President, in supporting this Bill I am just going to make a few short remarks. I am a bit concerned that as we talk about small business people in this country you hear all kinds of remarks and concerns about cleanliness, integrity and words of that nature. That concerns me because it sends a message sometimes to my mind of the kind of behaviour we expect from what I call small people. There have been a number of malls and big buildings placed in this country without the question of cleanliness brought into it or integrity of the businesses.

My other concern is this. Why does not the private sector – I have raised this question in the Honourable Chamber already – take on some of the responsibility of assisting in areas of development in this country? The question of the cleaning up of the streets in the afternoon the private sector can offer bins, disposable containers for this kind of matter. Furthermore, they can offer suggestions, ways and means of assisting the small people in preparing for this role that they are going to perform in that area. The concern is more because there is always that question whenever small people are placed in areas that people think are very posh or in some areas that there are certain people who should not operate in those areas. I think that is mainly my concern.

I am saying that the private sector – I am constantly saying this – has a very important role in this country to play that they are not playing. Furthermore, the credit squeeze that has been talked about in here today in terms of people not getting money is not really true. There are sectors out there that are still getting money and maybe three times as much as they used to get. It is just that some areas are suffering. Therefore, it is not a matter that this Government is not prepared to attend to the people in this country but that certain areas feel it is necessary that they be propped and be given the preference rather than giving it to an overall amount of the people of this country and giving an equal distribution to the kind of wealth and status that is in this country.

I support this Bill wholeheartedly. I thank you.

SENATOR T. C. ESTWICK: Mr. Deputy President, I will not be too long. It is unfortunate that a Senator can rise to speak of a plan of this nature and seek to castigate Government for not being comprehensive in its approach to matters of this type when at the very outset the introducer of the Bill spoke about an action plan for the entire City along with what can only be called aspects of urban renewal that the Government is very serious and concerned about.

I would just open by saying what I am going to say by that. I think it is very unfortunate. A matter of this type which goes towards encouraging persons to be self-employed, to participate in the economics of their country

and to enhance their well-being, ought not to be politicised. It is wrong to do that.

If I remember, Sir, some time ago when I first came in this Honourable Chamber plans of what was going to be done with the Inner Basin were handed around to all of us. We have a very good idea of exactly what is going to be out there. I do not see it turning into anything that is envisaged by Senator Goddard or by Senator Brathwaite. Really, I think the place is going to be one of the most beautiful deconcretised parts of Barbados. Let me put it that way. I see nothing wrong with putting some little trees out there, as the plan is with benches and all of that. It is going to be an adequate facility with a little place of rest in otherwise a very concretised city.

Now, Sir, this Government, as Senator Dr. Alleyne said earlier, is extremely happy and interested to provide facilities for the thrust of self-employment for persons in this country. Along with that, a thrust for self-employment must necessarily go hand in hand, as I said earlier, with a thrust for participation and participation in what? At the end of the day it is participation in the democracy that we all hold so dear. If you will bear with me you will see how I link participation in terms of the economics with participation in the democracy in the wellbeing of a country even from a small beginning like a vendor.

The thrust of participation by the small man necessarily provides him with a job, with some money, with some self respect and with a sense of identity. Those will go along, as Senator Fraser mentioned, with money and all these things towards a decent home and decent provision for the family. Out of that will come a sense of community spirit which can only go towards ensuring a better Barbados because it must all start small. We hear that time and time again you start small. You creep before you walk. Education, in addition to all of the things I have mentioned before, indicates one thing that this Government is interested in making sure that every single sector in this country has control over its – let me put it this way – segmented destiny and can participate in the overall destiny of this country.

I find it strikingly unfortunate and mischievous that anybody can seek to politicise an issue where the Government is saying to small people here we are providing facilities for you, get involved, participate in the economics of yourself, in the economics of the country, and in the democracy which we all hold so dear.

5.10 p.m.

Before I sit, Sir, I just want to cement the point that effective citizen participation is an affirmation in the democracy that we all believe in and hold so dear. My good friend Senator Prescod is not in his seat but I am certain he would like to hear, in all our views I believe, it eliminates the withdrawal that we all criticize and say is responsible

for social dissidence and anti-social behaviour and it also helps to eliminate the hostility of which some of us are so much afraid.

Measures like this can only go towards the benefit of the country and to the undying credit of a committed Government that is committed to the small man, the middle man, the big man and this entire country.

Thank you, Sir.

Mr. DEPUTY PRESIDENT: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I thank the last speaker, Senator Estwick for reminding the Senate that I had attempted an outline to suggest that we had an action plan for the total city. It may well be that I should have gone into somewhat greater detail and said that, among other things, when the Cheapside Market is extended and refurbished not only will the persons presently there who had been moved from Rockers Alley be accommodated in a better location; that the bus terminus which is next to the persons who grow long hair in that area will also be relocated a little further down, below the Post Office; and that the old City Council building, the adjoining building will be taken down and that will be turned into appropriate facilities which may either be available for arts and craft or the Arts Council; that the Marshall Hall building which is presently the property of the BDB is being taken over by Government for the purpose of providing facilities and opportunities for small business activity and artisans, among other things; that, in terms of the connections in Bridgetown and Swan Street that the Swan Street Mall will have specifically identified locations on which the demountable booths will be placed every day and on evenings they will be moved from those demountable locations back to an area where they can be secured in terms of this mall which is being constructed. This will facilitate the cleaning up, if much is needed, of Swan Street. But there will be much less to do because there will not be as many. The locations were the subject of discussion with the shop owners on Swan Street.

In addition, there were at least two occasions, when presentations were made to John Public at Queen's Park on Sunday mornings. On one occasion, I was present and the National Trust President and its Executive Director were present when a member of the public got up and said that he had taken a decision that morning to become a member of the National Trust, because up to that morning, he had heard the Trust persons say, on more than one occasion that Government was putting the vendors on Trafalgar Square. When the presentations were made and when he saw the drawings of what was to happen, he realized that he had to become a member of the Trust, if for no other purpose but to ensure that, in future, they will not get up and voice untruths when they were part and parcel of the plan.

The problem with the Trust is that they wanted the mall placed in Independence Square and because the Government took a contrary position, they became an active political, partisan group for the purpose of obtaining signatories.

That gentleman went further, and I could call his name. He is a former member of the House of Assembly.

I could go further and say that the Trust was fully aware and saw the plans that there would be demountable booths which could be wheeled away every night; that security was to be provided; that bins were to be provided on carts to be taken so that the Sanitation people could remove the litter, if they wanted, more than once a day, that a screen would be placed along the edge of the Careenage so that the question of tossing things into the careenage to make that nasty was not going to happen, that there would be lavatory facilities, under what is known as the Swing Bridge. All of this was made known, as the plan of the Government. That far from lessening the area where traffic passed, it would now be wider because, as you have seen already, the shed where passengers waited to get on the buses has been removed and it has therefore widened the road. All of this was well known several months ago to the Trust. Yet they chose to pursue what they want to pursue.

I have no problem with a non-profit organization galvanizing its members into action for what they believe to be right. But then they must not come in the marketplace and publish information which they must know is not true. That is my difficulty with the Barbados National Trust.

As to Government's continued plan and to Senator Goddard's plea, I believe that Government, in its wisdom, will although it has taken a previous decision certainly reflect upon the signatories and the wishes of the Trust and try to ensure that if the mall or facilities which are to be placed there are placed there that the barrier which separates that area from the vehicular traffic will allow for persons to walk along the booths without interfering with the traffic flows and they will certainly ensure that there is no litter whatsoever, at the end of the day.

I should also like to take the opportunity, Mr. Deputy President, to assure Members of the Senate that the extension of the Fairchild Street Bus Terminus and the other facilities which are to be made there similar to the ones which presently exist for small business people are all part and parcel of the total plan for the area.

The other matter, Mr. Deputy President, which I crave your indulgence to mention is that earlier this year by

Statutory Instrument No. 79 of 1990, the 20th March, 1990 was declared to be a date on which fresh valuations would be made in accordance with the Land Valuation Act. That Instrument which came into operation provided for issuing of new Notices of land valuations which were despatched several months ago, about two months ago, to persons. Following that, the Minister responsible for Valuations has signed and issued the appropriate Order in relation to new valuations. This Order was made on December 7; it was Gazetted on December 10 and I believe that Notices of new valuations have already been sent out to householders.

The point I am making, Mr. Deputy President, is that these new valuations are a reduction on the previous valuations. The reason I am making this point is that negotiations had been going on for some time with the owners of the two properties which are being acquired, but the Government will certainly not be aiming to use the fact of reduced assessments as a means for trying to push the price of the lands which are being acquired down, because those lands will have to be subject to the prevailing market prices for land which is in the city area.

I mention this because the matter has been going on for more than six months between the owners of the land and the Crown, in its right of Government and I would certainly not wish, by mentioning the Land Valuation Order for the owners to believe that because new Valuations Notices have been issued which show a reduction in the assessed value of land for it to be interpreted that Government is trying to devalue their properties, in any way.

Thank you, Mr. Deputy President. I now beg to move that the resolution be passed.

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

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, that takes care of Public Business today and I beg to move that this Senate be now adjourned until Wednesday, December 19, 1990 when we hope to be able to enjoy or announce that we will be having a break for the Christmas recess.

The question that the Senate be now adjourned until Wednesday, December 19, 1990 at 11 a.m. was put to the Senate and agreed to, and Mr. DEPUTY PRESIDENT adjourned the sitting accordingly.
5.24 p.m.

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