Constitution

THE

SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, January 31, 1990

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, January 31, 1990, at 11.15 a.m.

PRESENT

His Honour Senator Sir Frank L. WALCOTT, K.A., O.B.E., LL.D., (President)
His Honour Senator M. deL. JORDAN, (Deputy President)
Senator the Honourable L. V. H. LEWIS, (Minister of State in the Prime Minister's Office) (Leader of the Senate)
Senator the Honourable Sir James TUDOR, K.C.M.G.
Senator A. MORRISON
Senator N. W. BOXILL
Senator D. A. COMISSIONG
Senator Mrs. V. C. FRASER, B.S.S., J.P., M.C.F.A.
Senator Mrs. G. L. EASTMOND
Senator A. J. N. PHILLIPS
Senator T. A. PRESCOD
Senator the Reverend Canon I. McK. JONES
Senator L. A. WARD, G.C.M.
Senator C. A. BLACKMAN, Q.C.
Senator Mrs. P. Y. FORDE
Senator J. S. GODDARD
Senator the Honourable Dr. C. D. CLARKE (Minister of State in the Ministry of Finance and Economic Affairs)
Senator A. W. A. MCClean and
Senator Miss V. P. BRATHWAITE.

Prayers were led by Senator the Rev. Canon I. McK. Jones.

Mr. PRESIDENT: The Senate is in session.

PRESENTATION OF PAPERS

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

The Report on the Registration Office and Supreme Court Registry for the year 1988.

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I wish to give notice of the following Resolutions:

Resolution to approve the compulsory acquisition by the Crown of a parcel of land at Black Rock, St. Michael for the purpose of construction of a new Black Rock Polyclinic. Secondly, a Resolution to approve the borrowing of the sum of U.S. $20 million from Citibank (Channel Islands) Limited for the purpose of assisting in the financing of Government's Capital Works programme and retiring part of the foreign debt.

Thirdly, a Resolution to approve the vesting in the National Housing Corporation of a parcel of land at the Crane, St. Philip.

I will seek permission at a later stage to deal with the first two Resolutions, Sir.

PUBLIC BUSINESS

TITLE DEEDS (RESTORATION) ACT, 1990

Order No. 5 was called – To move the passing of a Bill entitled the Title Deeds (Restoration) Bill, 1990.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill has its genesis in a fire which occurred

during 1983 at the law courts and the Chief Marshal's Office. As a consequence of these losses of title deeds which occurred on October 3, 1983, action commenced in 1985 to give the Registrar of Titles – Registrar of the Supreme Court at the time – authority to use the records of that Department in order to restore the title deeds which had been destroyed.

Subsequently it was recognised that there was a possibility that title deeds could be destroyed by other disasters and the scope of the draft Bill was widened to enable title deeds lost or destroyed because of fire, hurricane, flood, earthquake or civil commotion to be replaced.

The legislation therefore seeks to provide a remedy for such occurrences. It is a fairly simple piece of legislation. I do not think it has any contention about it. I therefore beg to move that the Bill be read a second time.

SENATOR N. W. BOXILL: Before you put the question, Mr. President, ...

Mr. PRESIDENT: Are you seconding the motion?

SENATOR N. W. BOXILL: Does it need seconding? Put the question then. Before you put the question, I wanted to raise something on the issue. I want to draw to the Minister's attention on page 2, the interpretation clause states:

"(1) In this Act

"disaster" includes fire, hurricane, flood, earthquake and civil commotion;

"Registrar" means the Registrar of Titles.

(2) For the purposes of this Act documents or title deeds lost or damaged by disaster shall be deemed to have been destroyed."

What I would like to know from the Minister is what happens if these deeds are stolen. It specifically states here "deeds lost or damaged by disaster shall be deemed to have been destroyed." What happens if these documents are stolen?
11.25 a.m.

Before the Minister answers that, I would like to draw to his attention that clause 5(5) now reads "Where a report is make under subsection (4).." This would have to be "Where a report is made..." I could have done this in Committee, but I think I should draw it to his attention now. That is a correction I should like done before we go into Committee. I would like the Minister to explain this to me, Sir.

Mr. PRESIDENT: I do not know if you all are introducing your own rules. A motion is made for the first reading. It has not been seconded and we seem to be going into questions and answers.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I note the observation made by Senator Boxill and I believe that section 4 of the Bill will probably take some notice of his concerns about a loss if the title deeds are stolen, but I also propose to raise the matter with the Attorney General in the event that there is need for further amendment to cover cases of loss through theft, because I am aware of a specific situation now where I believe it can be shown that the title deeds were lost by that means, and it may well be that the intention was to cover that sort of disaster as well. I believe that should satisfy your concerns and I will take the matter up with the Attorney General.

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

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

On motion of Senator the Hon. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

Clauses 1 to 4 inclusive were called and passed.

Clause 5 was called.

SENATOR N. W. BOXILL: Mr. Chairman, I draw to the attention of the Senate that in Clause 5 (5) the word "make" should be deleted and the word "made" substituted.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, I beg to move that Clause 5 of the Bill stand part, taking note that at section (5) there is a correction of a typist devil.

Mr. CHAIRMAN: I understand that the correction has been made in the official document. I have been so assured by the Clerk.

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

Clauses 6 and 7 were called and passed.

On motion of Senator the Hon. L. V. H. LEWIS, the Senate was resumed and the Bill was reported as having passed the Committee without amendment, Mr. PRESIDENT in the Chair.

On separate motions of Senator the Hon. L. V. H. LEWIS, the Bill was read a third time and passed.

THE COMMUNITY LEGAL SERVICES (AMENDMENT) ACT, 1990.

Order No. 2 was called – To move the second reading of a Bill to amend the Community Legal Services Act, Cap. 112A.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill has come before us in an effort to improve the framework within which the Community Legal Services Act may be administered to make such administration more efficient and effective, and in order to respond to a number of weaknesses which have been observed since the Act came into effect.

The Community Legal Services Commission which is a body corporate established by section 4 of the Act has been responsible for recommending several of the amendments which are contemplated. The first of the amendments which sprang in the legislation relates to the definition of law students and whereas in the past law student meant a person studying law at the UWI, Cave Hill, it is now extended to include persons who having passed through the hallowed walls of Cave Hill proceed to Port-of-Spain in Trinidad or Kingston in Jamaica in order to continue their education for the legal certificate for the Council of Legal Education.

The second amendment, Sir, relates to the receipt by the Commission of sums appropriated by Parliament and the purposes for which those sums may be used in the administration of the Act. There was no provision by which the Commission could receive grants, and an amendment is made to allow them to receive grants for use in the administration of the Commission, to provide services by the Commission.

A third amendment, Sir, relates to the Commission providing assistance by way of means of grants in the programme to any full time undergraduate student of the Council of Legal Education of the Faculty of Law of the University of the West Indies. Because of the amendment to the definition of "law student", it is necessary to delete the reference to the University of the West Indies.
11.35 a.m.

The other section which is considered for amendment relates to utilising the services of law students. It seems that inadvertently such provision was excluded from Section 6 and yet it appeared at another section within the same Act. It is, therefore proposed that that deficiency to be amended.

Section 7 of the Act provides that the Director shall hold office for a term of three years and is eligible for reappointment but may be removed from office by a majority vote of the other members of the Commission. When one reads that one has to come to the conclusion that the Director is a member of the Commission yet neither the other Sections of the Act convey any intention that the Director is a member of the Commission. In fact, he is not. It is therefore, necessary to remove the words "other" from that clause in order to get the message across. The Director meets but he is not a member of the Commission.

Aside.

SENATOR THE HON. L. V. H. LEWIS: Anyhow, the intention is that the Director shall no longer be a member of the Commission.

Section 11 of the Act gives the impression that there is an intention to establish two panels of Attorneys-at-Law to provide services (1) to provide legal services to eligible applicants and another from which a substitute could be assigned for an Attorney- at-Law who had been anointed or selected to provide legal service but who was unwilling to act.

The revised section will now show that the Commission will retain a panel of Attorneys-at-Law who are prepared to undertake the provision of legal services in cases where such services are required.

Section 22 deals with an applicant who is eligible to receive services of an Attorney-at-Law under this Act and it conveys the impression – at least it says that the applicant may select an Attorney-at-Law from the panel to render legal services in respect to which the legal services and certificate relate.

In order to clear any ambiguity, it is proposed to delete the words in respect of which the legal services and certificate relate, Section 22...

Aside.

SENATOR THE HON. L. V. H. LEWIS: Sorry. It is Section 23.

Section 14 of the Act relates to the possibility of a member of the panel declining to provide services in respect of an applicant for whom he was appointed to act. The amended provision now ensures that where a member declines he shall give the reasons in writing for so doing.

Section 15 deals with the services to be provided on appointment and the withdrawal of those services. It was felt that the term "withdrawal" was too vague and the section has, therefore, been redrafted to show that if there is any intention to withdraw services, it must be done in writing by notifying the Chairman or such persons as the Chairman may designate of an intention to withdraw.

Section 21 of the principal Act is also amended by inserting a new subclause 5 which reads:

"Where the person mentioned in subsection (2) is refused a legal aid certificate the person or some other person acting on the person's behalf may appeal to the Commission."

These amendments, Mr. President, have been examined over a lengthy period of time and it is now considered that with the successful completion of these amendments that the Commission will be able to function with somewhat more efficiency than it has been in the recent past.

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

SENATOR C. A. BLACKMAN: Mr. President, the recommendations for changes to this Community Legal Services Act are really over five years old. The report of the Legal Services Commission which was laid in this Honourable Chamber a week ago itself refers to the fact that at page 2 of the Report for 1987/88 that in 1985 the Commission addressed the Ministry of Legal Affairs in which reference was made to minor difficulties which could be surmounted if amendments were effected to the Act. Since that time, Sir, the Bar Association has made a number of recommendations for amendments to the Act so as to broaden the scope of services which may be provided under the Act.

Again, Sir, at page 9 of the Report which was tabled last week, there was reference to the representations made by the Bar Association. If I may make one observation, almost in parenthesis, Mr. President, I wish that reports that come to this Chamber would be a little bit more expansive because the Report is almost terse to the point of non-information.

When it says that during the period under review the Barbados Bar Association made firm recommendations to the Commission regarding the extension of the list of matters to which legal aid should be made available, it says nothing to Members of the Senate, or the House, or to the public, of the areas of concern raised by the Bar Association.

That is something which is limited to the Members of the Bar who have that information and I think a more useful service could be made to the Senate and to the community if the details of the areas for expansion were outlined in somewhat greater detail in the Report.
11.45 a.m.

It is within my knowledge, Mr. President, as a Member of the Council of the Bar Association, in fact a Deputy Chairman of the Commission at its inception, that the areas of concern to the Bar have been:

To provide for applications for habeas corpus.

To provide for personal injury and fatal accident claims.

To provide that aid is given to offences for which are attempts in relation to offences covered by the Legal Aid Act.

All appeals both civil as well as criminal; and further extension of matters under the Family Law Act.

Some of these concerns, Mr. President, have been met by virtue of this Amendment but a great many of them still remain unanswered. The Bar will be pressing for these areas to be expanded.

The provision in the Bill which will expand the ability of the Commission to receive grants made to the Commission is important because there is money available under the Caribbean Justice Improvement Project for legal aid projects within the Caribbean to which Barbados was denied access until this Amendment could be put in place. When the Act first came into force in 1985 there was an American institution called the Inter-American Legal Services Commission which had funds which were available to make a grant to the Commission. The Commission was unable to accept that grant because of the failing to amend the Act in a timely fashion. I believe those funds have now lapsed.

The Act has been working for the last 5 years. It is a matter of regret that, after 5 years, there has been no substantive appointment of a Director of Legal Services under the Act. The Act has no full-time professional officer on its staff. The functions of the Director is performed by the Registrar of the Supreme Court. That officer has other obligations and duties and can only give a sort of cursory supervision to the functions of the Legal Aid Department.

The Act also provides for a General Council. The provision at Section 7 of the Act provides for a Director and appointment of a General Counsel, Sections 7 and 9 respectively. So many years after the Act has been in force nothing has been done to put these appointments in place. More critically, Mr. President, the Senior Executive Officer who performed the business of certifying whether people were suitable applicants for legal aid, the Means Officer, Mr. George Crick died in the latter half of last year and no appointment has been made to replace Mr. Crick. So the department is wallowing in the absence of critical people in place at this time.

The presence of a full-time member, a fully trained legal person in the Community Legal Services Department will do a lot to improve the delivery of legal aid. Because the experience in other countries where there is a legal centre is that, although there is a panel of private practitioners to assist in the work of the legal aid clinic, the

Director will make appearances in court and advise people applying at the clinic. This is really much needed.

The Bill before us, Sir, expands the definition of a law student to clarify that it means a person undergoing a course of study in law at the Faculty of Law at Cave Hill or the Council of Legal Education. During debate in the Other Place when this Bill was first advanced, certain observations groundless, I would urge, in ignorance and lack of knowledge were advanced which were critical of the Hugh Wooding Law School in particular. I, as Chairman of the Council of Legal Education, take exception to the unfounded, malicious remarks which were directed at that institution because if they are left unchallenged they may give the impression that one accepts the criticisms.

The Council of Legal Education, Mr. President, has a responsibility for providing students with exposure to clinical legal education and exposure to legal aid systems as part of that education. As the Council developed, a system was very quickly implemented in Jamaica and the Norman Manley Legal Aid Clinic has progressed very rapidly.

For many years in Trinidad the Law School in Trinidad had no proper home. It was only in 1984 that a suitable building was available for occupation. Around that time as well, in Trinidad, no self-respecting Trinidadian wanted to have anything to do with legal aid. They had money. So nobody wanted to accept legal aid. It was like accepting charity. With the downturn however of the Trinidad economy, the reaction has been a great deal different.

I am prepared to make, as a document of the Senate, the Report of the Legal Aid Clinic of the Law School for the last academic year which illustrates that the service of the clinic over the period has increased several fold over the period of time since the clinics were established. In the period 1987-88 because of certain situations in place, 1 file was shared by as many as 4 students. During the past year things have changed to the extent where each student has more than 6 files to look after. At the end of the academic year 1988-89, 300 persons had sought the services of the clinic, which number approximates the total number for the year 1980-87 because as I said, Mr. President, citizens of Trinidad and Tobago did not feel any need for legal aid.

The areas provided under legal aid are far wider than that which are limited under the Legal Aid Authority Act of Trinidad and Tobago. The clinic can offer services to clients to prepare wills, agreements, conveyances, notice to quit, applications for Probate and Letters of Administration, things which the Legal Aid Authority will not do and things which, with respect, I suggest would be useful adjuncts to the Legal Aid Clinics in Barbados, because there are a lot of things which people need assistance for which are now precluded, under the Act.

There was an allegation, Mr. President, that attendance at the Hugh Wooding Law School was a lost of time. Also there is an Editorial in the Advocate of Sunday that we have had difficulty in recruiting staff, and the curriculum has been a source of continuing controversy.

Let me deal with the matter of staff first, Sir. When we advertised for posts in recent times, we had 9 applicants for 1 post and for another we had 20. We had a short list with the result that we had to carry interviews over a period of 2 days. More than 50% of the staff of the Law School are graduates of the Law School, young dedicated bright people who are interested in enhancing the image of the institution. It does nothing for the good of a Caribbean institution for it to be denigrated under the cover of parliamentary privilege.
11.55 a.m.

You see, Mr. President, we are always very keen to talk about our Caribbean institutions but then we proceed to knock them. The Council of Legal Education in particular has been short-changed by people in influential positions in the Caribbean who on the one hand either as Attorney General, judge, or senior members of the Bar have sat on the Council and on the other hand will send their children to England to qualify under the English system and then would want to criticise the Council for requiring them to attend at the Law School to do a certain period of attachment.

The Council is obliged to accept every graduate from the U.W.I. Law Faculty regardless of what subjects he or she has done. Some subjects, as Senator Comissiong may be able to attest, are ignored. So you go into Law School without a basis of substantive law subjects. This curriculum defect has to be addressed by the tutors.

Other criticisms have been made and this is not a debate on the Council. I have been indulging and I do not want to abuse that. But I want to say this, Mr. President, that the development of law teaching as a technique is new to the Caribbean. The American institutions have been at it for a greater period of time than we have been and they are still experimenting and, in fact, are groping. A couple of years ago I attended a workshop in Albuquerque, New Mexico where they were reviewing what they had done after a period of 20 years of clinical legal education and they are still in the process of testing and refining to get it right.

We had a workshop in Jamaica last month, Mr. President, to look at the teaching techniques and methodologies for the Law School of the Caribbean. It happened to coincide with a strike in Jamaica with the gas people. Nobody attended the workshop in Ocho Rios to cover it and therefore for the Caribbean it may have been a new event. One of the experiences of that workshop which was conducted by people from North America and a Ghanaian was that it was found that whereas every law

student in the Caribbean is exposed to legal aid and clinical legal aid teaching only 10% of those in North America have that experience and opportunity.

There are countries in the region who are seeking affiliation with the Law School. Bermuda is not a natural member of the Caribbean community but Bermuda has expressed an interest in associating with the Law School. Its Permanent Secretary in the Ministry of Education and Culture attended our meeting in Grenada in September last year and has written to say that this was done at the request of Bermudian students who attended the Law School in Trinidad and found it worthwhile and went back to their Government and said "get involved with the law school of the Caribbean." This year from one student we have gone to five. Cayman Islands Law School has also joined in this exercise.

I say this, Mr. President, that if the Barbados community and the Caribbean Community is to have regard and respect for its regional institutions then uninformed mischievous remarks must be dealt with and dealt with firmly. Therefore, I strongly deprecate any attack on this institution which is providing lawyers, judges, magistrates, and in one jurisdiction an Attorney General to serve the region in which we live.

SENATOR D. A. COMISSIONG: Mr. President, I too should like to support this Bill which is as I see it helping to improve the whole management of our system of legal aid in Barbados and helping to secure the role of the Hugh Wooding Law School students within that system. Like Senator Blackman, I too deprecate some of the remarks made in the Lower House last week and in the course of my presentation I intend to touch briefly on that issue.

I would like to begin by perhaps stating the obvious and it is that the whole concept of student involvement in a legal aid programme is an extremely good idea. I can attest to the fact that practical experience is worth perhaps ten times as much as mere theoretical study. As a young lawyer recently qualified, you realize that when you are pitched in to your first case and preparing for that case you will learn more in those short days or weeks than you may perhaps learn in a whole term under the less demanding conditions of academic study.

It is very good that we are seeking more and more to involve our students in the practical experience of assistance in an actual court case. Not only that, but the whole concept of our students giving back something to the society I believe is an idea that we need to promote more and more in Barbados and indeed in the Caribbean. In fact, I would like to see this whole idea that those of us who have been educated by the state have a responsibility to give something back. I would like to see it inculcated even at the secondary level. I do not think we do enough of this in Barbados. Too many of our people come out of the educational institutions and seem to have no belief that they owe a duty to give something back to the society.

This is all very good and perhaps we can even take the concept further. I did hear the Minister of Employment state on at least one occasion that he is considering the idea of having university graduates give of their services to the community as part of a whole system of national service and as part of a requirement for the attainment of their degree, diploma, or what have you. This is an idea that we in Barbados need to look at very seriously and see how we can creatively use it.

Now legal aid. I firmly believe in the value of a comprehensive system of legal aid. I do not think the system we have now goes far enough and I think Senator Blackman was making this point as well. I think that it is essential to the proper development of an independent society made up of secure, self-confident citizens. Citizens: the term would have been understood perhaps in the Athenian democracy or would have been understood by great Republicans like Abraham Lincoln and people who stand erect in the secure knowledge that they possess inalienable rights within a society. I believe that if we want to develop that type of society the provision of comprehensive legal aid to persons who for one reason or another usually because of poverty are unable to secure the private services of a lawyer that these persons be guaranteed by the state legal assistance and legal representation. I say this because I am very conscious of the fact that we are still suffering in Barbados and the Caribbean a number of the emasculating effects of colonialism.

12.05 p.m.

I see "colonial society" as a hierarchical society in which too many of our people were imbued with a feeling of social deference, a feeling that they did not possess inalienable rights in themselves but that somehow they had to approach the power structure, the institutions in society, as supplicants begging for favours rather than as independent citizens demanding what is rightfully theirs.

I believe that our whole judicial system was instrumental in maintaining that type of ethos in Barbados, and to some extent it still does today. Too often I find, even within our judicial system as it functions now, that persons who come before the courts, even as accused persons, or as defendants or plaintiffs, are not accorded that type of respect and regard that a citizen in possession of rights should be accorded. Too often the attitude seems to be that this person is expected to come as a mere supplicant and is treated in that way. This is particularly so for persons who do not possess legal representation.

The point I am making is that when you have legal representation it makes a whole lot of difference. So I am making a case for the extension of legal aid beyond the

narrow confines of the few criminal offences that it is presently accorded to. Right now I think the offences for which a poor person who is unable to retain a lawyer on his own can apply for legal aid are murder, rape, manslaughter – in other words, the more severe forms of criminal offences – and in certain circumstances, I believe, maintenance and custody as well; but the point is that it is very limited. I believe if we are to create the type of society and the body of citizenry I would like to see developed, I think the provision of legal representation to poor people who cannot on their own afford lawyers in a whole host of criminal and civil matters is necessary. This is the type of position we should try to get to.

For example, I think an area that is crying out for legal aid is the whole area of consumer rights. Quite often poor people find themselves being disadvantaged by either retailers, people who sell commodities, or people who provide services, and find themselves in a position where, because they are unable to afford a lawyer, they are unable to get legal redress for their grievances. This is an area we could be looking at. I do not think Government necessarily has to bear the full brunt of the provision of legal aid in Barbados. I know a number of countries where there are private legal aid schemes funded by private sources of funding. I think Jamaica is an example where in addition to the Government scheme, the Government programme, there is a private programme as well. This is something that perhaps we should be looking at. It is a challenge perhaps for the private sector in Barbados. This is an area in which they can demonstrate some social responsibility by perhaps assisting in providing funds for that type of private legal aid programme.

I know that at least one young attorney-at-law is working on developing such a programme and I do not think he would mind my calling his name, Mr. Francis Belle. I know that he is actively working on developing that type of programme, and it is something that our private sector needs to think about, whether this may not be an avenue in which they can render some assistance to the society.

Mr. PRESIDENT: We are not advertising the names of persons in the debates. Let us stick to the debates. If people want advertisement, let them go elsewhere.

SENATOR D. A. COMISSIONG: People who are doing good work, Mr. President, should be recognised.

Mr. PRESIDENT: We are not here as an advertising agency, we recognise people when we have to recognise them.

SENATOR D. A. COMISSIONG: If they do good work I think they should be recognised.

Mr. PRESIDENT: It is not an agency. We will not be acting as an agency for anybody.

SENATOR D. A. COMISSIONG: I should like just to touch briefly on the Hugh Wooding Law School. I think the amendment is good in that it clarifies that the students of the Hugh Wooding Law School come within the definition of "law student" in the Community Legal Services Act. I am a product of the Hugh Wooding Law School and I am proud of that fact. I believe strongly in this Caribbean region and I believe that if we are to make any progress in the next century we as a people have to build up our Caribbean institutions. Like Senator Blackman, I think it is really a retrograde step for anybody to be indulging in the type of irresponsible and destructive criticism of an important Caribbean institution as emanated from at least two Members of the Other Place last week.

It is sad to say, but too many of us still suffer from that colonial mentality where we find it difficult to see anything good in ourselves. We recently had the comments of, I think, a retired Grenadian Judge or Director of Public Prosecutions who expressed an opinion that the Caribbean was not ready for a Court of Appeal because we had not developed to the extent where we can produce the men and women of integrity and principle that a Court of Appeal required.

Now, I found that quite shocking. If after so many centuries of civilisation in these islands we cannot produce four or five men or women of integrity, I find that quite shocking indeed. I do not believe it. At present our final Court of Appeal is the Privy Council in England and too many of us seem to have this inordinate regard for the English system. They seem to believe that nothing can go wrong in England or with English institutions, and this flies in the face of reality.

We recently had the spectacle of a number of alleged Irish Republican Army men who were sentenced to life imprisonment in the 1970's and spent a number of years in prison in England, and it recently came out that the whole system of British justice had framed these men.
12.15 p.m.

I believe that the tarnish went so far as to the Director of Public Prosecutions and perhaps even to the Judge. But the point is that we seem to have this great regard for English institutions such as opposed to our own institutions such as the Hugh Wooding Law School. I would like to state publicly that I am in favour of a Caribbean Court of Appeal. I think that that is a direction we should have gone in a long time ago, and I think it is ridiculous to state that we are not ready. We are as ready for a Hugh Wooding Law School as we are for a Caribbean Court of Appeal. We are not backward people down here, but this type of mentality is I suppose all part and parcel of that myth that existed for so long that the coloured peoples of the world

were primitive people and had to be schooled by superior persons in all the art of Government and self- Government. I thought we had gone past that stage a long time ago.

I fully support the Hugh Wooding Law School. No doubt there are problems at Hugh Wooding just as there are problems at any other institution. But it is totally misleading to state or to give the impression that nothing or little of value is imparted to the students at Hugh Wooding. As Senator Blackman quite rightly said, there are a number of important subject areas that the law student is exposed to at Hugh Wooding for the very first time; for example, conveyancing, to give a very important example. It is at Hugh Wooding that the student learns the whole art of and the law relating to conveyancing, the law relating to landlord and tenants, insurance law, the whole art and science of civil pleadings and criminal procedure. These are important subjects on the curriculum at Hugh Wooding Law School. So it is very misleading to give the impression that little of value happens there. What we need to be doing is to support and to develop the Hugh Wooding Law School. Unfortunately in a sense we have taken a backward step because at one stage in the Caribbean it used to be mandatory for all recently trained lawyers or recently qualified lawyers to attend the Hugh Wooding Law School before they were allowed to practise in Barbados. You had to attend the Hugh Wooding Law School; that was the position in the 1970s. I am being reminded of the Norman Manley Law School in Jamaica. Even if you had been educated in England and had gone to the Inns of Court and had qualified to practise as a barrister in England, you still had to come back here and go through the Hugh Wooding Law School before you were allowed to practise in Barbados.

Now that to my mind was a good system because it ensured the support and the development of the Hugh Wooding Law School. It meant that everybody had to go there so that everybody would necessarily have an interest in securing its development. But in the early 1980s a change was made in the system going to a position where people who go to England for their legal education and qualified at the Inns of Court are entitled to come back to Barbados and to be admitted to practise law in the courts in Barbados without having gone to the Hugh Wooding Law School.

There are lawyers practising in Barbados today, young lawyers who were trained in England and who did not attend the Law School. Senator Blackman in an aside tells me that those were exceptions. The point is that exceptions were made for certain individuals, and when you look at the individuals you saw quite clearly that they were the children of elite members of the legal fraternity in Barbados.

SENATOR C. A. BLACKMAN: On a point of order.

Mr. PRESIDENT: What is the point of order?

SENATOR C. A. BLACKMAN: The Senator is misleading the Senate.

Mr. PRESIDENT: On what?

SENATOR C. A. BLACKMAN: He is giving information which is not accurate.

Mr. PRESIDENT: What is the information he has given that is not accurate?

SENATOR C. A. BLACKMAN: He is suggesting, Mr. President, that an amendment was done to facilitate certain individuals on a personal basis. That is not the case, Mr. President.

Mr. PRESIDENT: That is stated so you don't have to go through that.

SENATOR D. A. COMISSIONG: Whether an amendment was done or not, the fact is that certain individuals were accommodated, whereas other individuals had to go through the system of the tuition at the Law Schools in the Caribbean. Certain individuals were accommodated for whatever reason in the early 1980s and I am making the point that that was a backward step whatever the reason.

Mr. PRESIDENT: I do not know what you mean by accommodation. Accommodation has its Barbadian common parlance and slang. This is not a place for accommodation. Language can be spoken here in its absolute terms that would have its meaning. I do not know what you mean by accommodation. If you will speak the English language it would be understood clearly. You don't need those kind of phrases.

SENATOR D. A. COMISSIONG: I am stating, Mr. President, that in the early 1980s provision was made however it was done for certain persons who were trained as lawyers in England and who did not go through either the Hugh Wooding Law School or the Norman Manley Law School to be admitted to practise in Barbados. That is all I am stating. Whatever was the reason for it, it was done and I will move on from that point.

Responding again to some of the criticism levelled at the Hugh Wooding Law School, I think I can speak for just about the vast majority of young lawyers in practice in Barbados who went through that system, that we felt very aggrieved at the criticism, because we know that the system of legal education that we have been exposed to both at Cave Hill and at Hugh Wooding is in general a very high quality system. There is no doubt about that. The system of legal training for lawyers in the Caribbean is a very high quality system, and we believe that it is in fact superior to

the system that obtains in England where lawyers go to the Inns of Court for fourteen or eighteen months or whatever and come out and practise. We have a much more comprehensive and detailed system of legal education in the Caribbean and it produces a much better rounded lawyer. And I believe that even some of our senior colleagues who were trained in England would verify that fact. We have a very good system in the Caribbean. This is important because it is these Caribbean-trained persons who will in the coming decades have to assume the leadership of these territories. There is no doubt about it. It is these graduates of the University of the West Indies, of the Hugh Wooding Law School or the Norman Manley Law School, or the University of Guyana who will have to assume the leadership of these territories and will have to take us forward.
12.25 p.m.

Let us understand that all of us have a great stake in the development of our Caribbean educational institutions. And it is on that note that I wish to end once again by congratulating this Government for seeing the usefulness of legal aid and at long last taking the steps that seem to have been recommended by the Commission some five years ago to improve the management of our legal aid system in Barbados and for the foresight in recognizing and acknowledging that the students at our Hugh Wooding Law School, and, indeed, at the Faculty of Law at the Cave Hill Campus are and must be an integral part of that whole system of legal aid.

Thank you, Mr. President.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, I think that Members of the Senate will, certainly, be glad for the two interventions which have been made by the two Senators of this matter and speaking for myself I believe this must be so in respect of all of us.

I have received a good all-round general education on a subject to which I knew very little and because of what I have heard from the two Senators who have addressed this Chamber, I feel able now to add some contributions of my own or cover certain aspects of the problems as they came into my mind listening to them.

I think that we have to establish a general principle that legal aid is not a charity but a constitutional device for the extension of the rights of the individual and we should look at it I think, in much the same aspects as you look at medical assistance for those who cannot afford it for themselves.

In fact, in respect of medical assistance the principle is that if treatment cannot be given here in our own institutions, we pay to send patients abroad so that they can receive the highest and most skillful treatment available in the particular field.

I would not myself say that I am the poorest of citizens in Barbados. But I enjoyed that entitlement a few weeks ago as because I have a right to the health facilities of my country as anybody else should have, and, therefore, on the principle that we are all equal before the law, it is right and proper that when a citizen suffers in any disability and the remedy for that disability cannot be provided in the country, wherever it can be provided for him it should be provided.

The principle is already accepted in matters of health, and in matters of human rights and legal representation we only need, I think, to carry that principle a bit further.

I think, for instance, that the defect in the legal aid happens to be just here. We think that because poor people, generally speaking, tend to commit murder more often than the better off ones, and it is the poor people who cannot pay lawyers and who, therefore, need representation now, that may be true but there are areas outside of murder and there are other serious criminal offences for which people may need the best quality legal advice.

There are people who have problems with the Income Tax Department, not through any criminality of their own but merely because the Inland Revenue Regulations are so complicated that ordinary citizens cannot always grasp them in their full range or in any range at all and, therefore, go to some difficulty in explaining themselves and vindicating their own positions.

I think that that is an area in which our citizens in the country should be able to call on our Community Legal Services to explain to them, if necessary, and to defend them, again, if necessary, from the assaults of the Inland Revenue Department when those assaults are not warranted.

I think also again on the same principle of fairness, if a citizen has a right to a fair trial, it ought to be an inescapable condition of fairness that his poverty, or his lack of resources, should not be a hindrance to equal treatment before the law.

This brings me to another point which arises from the one I just made. On the same principle that you pay doctors for whatever is required in the pursuit of health, on that same principle you ought to pay lawyers who defend people who cannot afford to pay for themselves.

I will imagine, I do not know this to be the case but it seems to me a reasonable presumption, that if a case has to be done seriously, no matter who the client is, any lawyer has to do a considerable amount of research if he is to be thorough in the presentation of the case before the Courts.

I believe that a lot of research involves sending people around looking sometimes for evidence as well as looking at the law and all of this costs money and if you give people

what used to be called a "dok brief" in the old days, and you ask them to defend someone charged for murder or for any other serious offence, it is going to require some considerable outlay of time, energy and, perhaps, expense on the part of the person defending the poor person to be able to mount a creditable defence. And, therefore, I see no reason why a more remunerative fee should not be paid to somebody defending a poor person for murder on the grounds that if you pay him $1 500 that is enough for him because the State is paying it and that he must not think that he is being ill-served because the lawyer who is defending him is only paid $1 500.

I do not mean to say, of course, not at all, Sir, that a good and conscientious attorney would not properly defend a client at the command of the state for little or nothing. I am only saying that because he is a good and conscientious attorney he ought not to be penalized by reason of being asked to defend somebody who cannot pay for himself.

Research and preparation of a case cost money and it ought to be taken into account when a legal aid lawyer is commissioned, that he too has to prepare a case as well and as conscientiously as the one who is privately asked and that, therefore, something more considerable ought to be given him for his services.

I just take a slight difference here with my colleague on my left about the English judicial system. I think the fact that he was able to use the case of the Irishman is evidence, at least, for me that the system is a good one.

It was the Lord Chief Justice himself in the House of Lords who said, "Let them go". He did not say the learned trial Judge was a villain. He merely said he misdirected himself, subject to all the human frailties.

I cannot quarrel with my colleagues while I am standing on my feet. I know that he believes in capital punishment.

Aside.

12.35 p.m.

But this is an aside, Sir, for which I apologise. The point I am making is that the English judicial system has considerable merit. I do not say this with any feeling of condescension; I say this because the same judicial system is the one which finds out, punishes and corrects misdirections of the law and even breaches of it whenever these occur. It is only a good system which can discover its own shortcomings.

As a matter of fact the landmark case in British law and probably the best example of the quality of British jurisprudence I think is the famous Mansfield Judgment of 1772 which established that a black person could not be a slave on British soil. This was at a time – it only shows you how things can be – when Englishmen outside of Britain were having slaves. But the Lord Chief Justice in 1772 said, you have to let go that black man because he is in England. If you put him on a ship and you take him to wherever else, you may make him a slave but you cannot make him a slave in England because this is a country where free people live. I think you have to give the English judicial system some credit for its purity and its fair-mindedness.

Of course there is always the other case – before I sit down, this has just come into my mind – which perhaps may establish some of the contention made by the Senate after I left, the case in which a Judge was summing up in an English court and what was before him was one of these cases where you break into a dwellinghouse after 9.00 o'clock – I do not know if this is still the law that relates to a series of things, you could do it at a quarter to nine I expect but not at 9.00 or after – and in his summing up to the jury he thought that he would use sarcasm as a weapon. He said:

> "Gentlemen if you think that the accused entered the dwellinghouse at 9.20 motivated as his counsel says by a kindly interest to see that all was well and if you think that his being found in a closed basket indicated his desire for fresh air, you may acquit him."
>
> And, of course, they did.

SENATOR Mrs. V. C. FRASER: Mr. President, I rise to congratulate the Government for presenting this particular Bill to us at this time but there are about two things I should like to see included. I hope it would not be far long before these are included because I think that in Barbados one of the most controversial areas of law is property law. There are so many people who get into fights and maybe get into the same criminal courts because of the area of property; people trying to find out whether it belongs to this person or the other. Many houses are dilapidated because one child would not move forward to assist because they do not have that kind of money to pay the lawyers and they do not have the means of understanding what their rights are.

I should like to see also that there be a sustained programme of publicity about this whole legal aid system. Many people do not understand what legal aid is. Many people do not understand that legal aid is available to them. I think that we should have that known to the citizen. Also I must support Senator Comissiong in asking for the whole question of consumer law to be included. Many consumers lose much money, lose their rights and all manner of things happen in this society, especially in the area of hire purchase as well because they do not know their rights, or there is nobody to represent them, or they do not know of any system of representation.

I also should like to make a point on the question of the holding high of our regional institutions. I think we always tend to decry our regional institutions, when some of the same products of our region have been trained abroad, are the lecturers, they have been fully qualified and have produced some excellent students in this Caribbean region. We always tend to believe that somebody that comes from over and away or abroad that comes with a brief-case knows more than our own people in the region who we have tested and tried over the years.

I think it is time we stop looking at that kind of what I would call archaic behaviour and look at the quality of education that is being produced in this region. We are turning out all sorts of different lawyers, people who are qualified in many areas of law in this region. I think that when we open our mouths we should be praising what is ours and not decrying what is ours because we are decrying ourselves. We are people of this same region. Too often we tend to decry ourselves without realizing that we are doing that. Any person who tries to decry himself or herself is foolish in trying to do this.

While we are looking at some of the good things that the English system has produced... I agree that they produce many good things but there is one thing that I do not quite understand and, that is, the Sus Law where citizens are taken up on suspicion. I do recall an incident of a particular Barbadian who was taken up in England while he was a student, a medical student. He has come back here and is making a valuable contribution. I should like to see that even the Legal Aid System goes a little further to represent some of our students that might be abroad who would not have the money – since now you can receive grants and so on – when they get into problems, where it is a clear cut case, that somebody could travel to assist them in that particular area so that that person could be well represented and understand that somebody in your country cares for you.

Mr. President, without any further ado, I welcome this. But as I said and I will reiterate, I should like to see it extended into the areas of property law because this causes a lot of people to go to jail. People will cut off your head and people will burn down your houses. They will do all manner of things if you try to rob them out of property, and especially, if they know that they do not have the money to pay. I think this has to be looked after in this community.

Thank you, Mr. President.

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

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

COMMITTEE

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, I propose if there is no objection to move that all of the clauses of the Bill stand part at one time.

Mr. CHAIRMAN: If there are no objections, all the clauses of this Bill will be taken simultaneously.

Clauses 1 through 11 were called and passed.

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

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

DENTAL REGISTRATION (AMENDMENT) ACT

Order No. 3 was called – A Bill to amend the Dental Registration Act.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, this Bill and its companion Bill propose to make provision for the payment of fees for the temporary registration of Dental Practitioners. In fact, it is not a revenue raising measure but rather a control and regulatory arrangement. Under the existing Act, there is a fee for registration as Dental Practitioner, Dental Hygienist, and Dental Technician. These fees are found under Sections 4 and 5 of the Profession, Trade, and Business Registration Act, Cap. 373.

The fees are as follows:

Dental Practitioner	–	$500.00
Dental Hygienist	–	$50.00
Dental Technician	–	$50.00

In order to remove the anomaly between the dental profession and the medical profession, it is proposed now to introduce the following fees for temporary registration.

Dental Practitioner from 1 to 3 months	–	$125
Dental Practitioners from 1 to 6 months	–	$250
Dental Hygienist from 1 to 3 months	–	$12.50
Dental Technician from 1 to 6 months	–	$25.00

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

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

On the motion of SENATOR THE HON. Dr. C. D. CLARKE, Mr. PRESIDENT left the Chair and the Senate resolved itself into Committee on the Bill, SENATOR M. deL. JORDAN in the Chair.

COMMITTEE

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Chairman, if there are no objections, I propose to move that all the clauses be called at one time.

Mr. CHAIRMAN: There being no objections, you may take Clauses 1 through 3.

Clauses 1 through 3 were called and passed.

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

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

PROFESSION, TRADE AND BUSINESS REGISTRATION (AMENDMENT) ACT, 1990

Order No. 4 was called – A Bill to amend the Profession, Trade and Business Registration Act, Cap. 373

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, in moving the second reading of this Bill, this is the companion Bill to the Dental Registration Act. It is a natural consequence of the Dental Registration Act that we now amend this to give effect and to reflect the changes within the Schedule of the Profession, Trade, and Business Registration Act, Cap. 373. Mr. President,I move that this Bill be now read a second time.

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

On the motion of SENATOR THE HON. Dr. C. D. CLARKE, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Senator M. deL. JORDAN in the Chair.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Chairman, if there are no objections, I would suggest that we call all the clauses at once.

Clauses 1 to 5 inclusive were called and passed.

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

On the separate motions of SENATOR THE HON. Dr. C. D. CLARKE, the Bill was read a third time and passed and cited as the Profession, Trade and Business Registration (Amendment) Act, 1990.

SUSPENSION OF SITTING

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

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

RESUMPTION

Mr. PRESIDENT: The Senate is in session.

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION BY THE CROWN OF A PARCEL OF LAND AT BLACK ROCK, ST. MICHAEL FOR THE PURPOSE OF THE CONSTRUCTION OF THE NEW BLACK ROCK POLYCLINIC

Order No. 5 – Resolution to approve the compulsory acquisition by the Crown of a parcel of land at Black Rock, St. Michael for the purpose of the construction of the new Black Rock Polyclinic.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the proposal to acquire certain lands at Black Rock for the construction of a polyclinic will enable the Ministry of Health to provide more adequate facilities than those which presently exist at a polyclinic which has since 1978 been located in what was formerly the Out-Patients Clinic at the Psychiatric Hospital.

This present location has become inadequate to meet the needs of the population in the catchment area of Black Rock, Deacons Road, Grazettes and surrounding areas. As a consequence, a portion of land at the corner of Washington Avenue and the Black Rock main road was identified and negotiations started between the Government's representative and the owner of the property. The matter has not reached conclusion between them and Government moved, after some time, to acquire the property.

In pursuit of its plans to provide better health care facilities for the population of this island, the Ministry of Health sought approval and obtained Cabinet's consent so that the Ministry of Housing and Lands has been pursuing the acquisition. Plans are now already drawn to enable the

the acquisition. Plans are now already drawn to enable the Ministry to proceed with the construction of this polyclinic.

I beg to move that the Resolution do now pass.

SENATOR Miss V. P. BRATHWAITE: Mr. President, I rise to support the Resolution before this Honourable Chamber today. I wish to draw the attention of the Honourable Leader of the Senate to the fact that the information which he has provided with regard to this compulsory acquisition of land and the uses to which it is to be put is very scanty indeed. We are not told the facilities which will be put in place, we are not told the size of the building to be constructed, we are also not told how it relates to the old Black Rock Polyclinic presently housed in the yard of the Psychiatric Hospital.

I would wish, Sir, to respectfully suggest to the Honourable Leader that perhaps in his closing remarks he might provide us with some more detailed information, because certainly what he has given us to go on is nothing at all.

In principle I support the Resolution. There is a glaring need for the health services and the total delivery of health care in the island to be rationalised, and it is my sincere belief and hope that the Resolution before us is part of a comprehensive system for the delivery of health care in the island.

I wish also to be informed by the Honourable Leader of the Senate as to the uses to which the old polyclinic will be put. Not very long ago that polyclinic was constructed. If I recall correctly, it was some time during the mid 1970's and we have seen in the short space of approximately ten years that Government has determined that that particular polyclinic has outlived its usefulness, has become obsolete and Government should bear in mind that fact in planning for the future.

Sir, I wish to turn my attention very briefly now to the question of the status of the workers at polyclinics and elsewhere in the health care system, the nurses who have given of their time and energies, sometimes for almost nothing, who retire and who wish to make some contribution still in the health care service in the island. I think that their intentions and their efforts should be lauded in this area. It is desirable to encourage the retired nurses from the polyclinics, the district hospitals, the Queen Elizabeth Hospital to play the vitally important role which they can in health care at the community level. They engage themselves in such activities as the taking of blood pressures, testing urine, providing advice on diets, testing blood sugars and work at the broad based community level. 2.10 p.m.

The work which they provide, Sir, is extremely meaningful to us, and we need very quickly to diversify our health care system and to include persons at all levels of the community and those who retire (and most of them do give of their work voluntarily) should be given every encouragement that we can afford. They assist us in the area of preventative health care and they assist in maintaining proper health standards. These nurses, Sir, are required to pay an annual registration fee if they desire to continue working at the community level after retirement of $100 a year. The coincidence of the debate today, Sir, cannot be missed as it is by January 31 that these registration fees must be paid or else the fees are doubled, that is, if they do not pay by January 31, they then are required to pay $200.

During the time when they are employed in the Government service, before retirement that is, the nurses are not required to pay registration fees, and the anomaly of the situation is that while they are engaged in gainful employment they are exempt from the payment of registration fees. But when they retire and they wish still to give of their services, most of the time freely, they are required to pay a registration fee. Most of them, Sir, are not quite in positions where they can afford it; a lot of them have been working in the Government service for many years, their pensions are relatively small and they find that the requirement of the registration fee works a significant hardship on their meagre resources.

I understand, Sir, that they have made representation to the appropriate authorities for an exemption or a reduction in the level of registration fees which they are required to pay, and I wish, Sir, to lend my voice in support of their representation and to urge those responsible to take into consideration the factors which I have mentioned, take into consideration also the fact that these retired nurses still wish to contribute to our country, and that they do so mainly on a voluntary basis, although some of them do engage in private cases whether at the hospital or in other areas of the country. And I wish, Sir, to wholeheartedly support their efforts for a reduction or an exemption in the registration fees which they have to pay after retirement and to urge upon those in the appropriate Ministry to do all in their power to assist these persons who have given of their blood, their sweat and their tears to maintain proper health care standards in this country. I thank you.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Black Rock Polyclinic is one of two polyclinics which the Government proposes to construct during the period of its Development Plan 1988-1993. As I said before, this polyclinic will replace the existing one within the compound of the Psychiatric Hospital. The building originally in the compound which was converted in 1978 is one of the smallest of the polyclinics and has outgrown its ability to service the area. In 1983, some five years after it was constructed or altered, there were some 1 658 patients who attended 3 585 times at the polyclinic. By 1987 the patients had increased to 8 128. Indeed in 1986

they had even gone up to 9 286, so that the figure is in the vicinity now of 10 000 patients to be catered to. The attendances are in excess of 23 000 in any year, and this sort of statistic can justify the cause and provide a rationale for a new facility.

The size of the catchment area now is in excess of 28 000 persons, and whereas the provision of a psychiatric out-patients, maternal and health care patients, and provision for general practice service would now overflow the areas, my understanding is that when the new polyclinic comes into existence that the existing buildings will revert to the responsibility of the Psychiatric Hospital. In addition to the family planning clinic which is provided, there is a pharmacy attached to this polyclinic. There is not much privacy for the persons who go there for treatment, and these are the pressures which are forcing Government to move as speedily as possible to try and develop this facility.

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.

RESOLUTION TO APPROVE THE BORROWING OF US$20 MILLION FROM CITIBANK (CHANNEL ISLANDS) LTD.

Order No. 6 was called – To move the passing of a Resolution to approve the borrowing of the sum of US$20 million from Citibank (Channel Islands) Ltd. for the purpose of assisting in the financing of Government's capital works programme and retiring part of the foreign debt.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, this loan is to be used for debt service and to finance capital works. The terms and conditions are as follows: There will be a maturity of seven years with the option by the lender to call for repayment in full or part on the fifth anniversary of the loan. Amortisation shall be in five equal semi-annual payments, starting on the fifth anniversary of the loan if the option is not exercised. Interest shall be at the rate of the six month London Inter Bank Offering Rate or LIBOR plus 1.0 per cent per annum payable half yearly based on a 360 day year. There shall also be a commission fee of 1.0 per cent on the amount disbursed.

Under the Special Loans Act there is a limit to such borrowing, and that limit is $500 million. With the placing of this loan it will not cause the limit to be exceeded but will take the total amount of loans outstanding under the Special Loans Act to $374.3 million.

Perhaps what I think we need to look at at this point in time is the debt profile of this country over the years, say, 1985 to 1991, to give a feel for the foreign debt obligations that this Government is called upon to meet. The annual projections of external debt service payments (and this document is the National Debt and Debt Service) put out by the Central Bank of Barbados, the Statistical Section, Version 16, December 14, 1989, are as follows. In 1985 amortisation and interest, total debt service was $156.3 million; in 1986 it was $187.2 million; in 1987 it was $269 million; in 1988 it was $251.9 million; in 1989 it was $211.1 million; in 1990, this calendar year, it is $309.9 million, declining in 1991 to $267.9 million and declining further yet in 1992 to $193.5 million.
2.20 p.m.

I read those figures to indicate to this Honourable Chamber the pressures under which the economy will be placed in order to acquire the necessary foreign exchange to service these obligations as they fall due.

Now, given the obligations as they now stand, the areas through which we acquire foreign exchange are by earnings, that is, through the sectors such as tourism, manufacturing and agriculture. Within the recent past there has only been one major sector firing, if you will, and that has been the tourism sector.

Manufacturing is getting back on track but, certainly, has not approached the area or, at least, the performance which we hoped for it, and agriculture has not yet made the contribution that it has made in the past and we would like to see it make at this point.

There are also other areas that we need to look at in terms of increasing our foreign reserves in the areas of capital inflows and these have fallen off in the past. We relied quite a bit on the invitation of foreign companies to set up manufacturing plants in Barbados under the Fiscal Incentives legislation.

Barbados has lost its advantages as a location for foot loose industries. The electronics industry has suffered some setback in North America. As a matter of fact, I think, Japan has taken over as the leading manufacturer of electronics. Our capital inflows have not been what we had been hoping for in the past. As a result we have been forced to rely on borrowings to sustain the standard of living as we know it today.

The major areas of capital outflows have been in consumption and in this area there are two major types. We have viewed the outfitting of houses and homes as consumption expenditures and we lump that together with other types of consumption such as food, clothing, et cetera.

I would like to strike a difference between housing and other types of consumption and importation of consumer items. I have always held housing to be a very good one that should be encouraged and I view it as a national investment increasing the capital stock to the

extent that we have to borrow to facilitate this. I am not too upset about it.

On the other hand, to that extent we are using scarce foreign reserves, scarce from the point of view that we have not been earning as much as we should to import things like pet feed, dog feeds, cat feeds and other consumable items such as peas and other food products that we hear Senator Carmeta Fraser talking about from time to time.

I think that we need to take a harder look at those items and we might need to go further, perhaps, and maybe look at areas in which we can promote even further import substitutions and here I am thinking in terms of garments, furniture and many other household items. I know there are a few companies making sinks and a few other things for the housing market.

As a developing country we are now beginning to find ourselves in the position where, rather than having capital inflows, we are beginning to have capital outflows and this has become necessary as we are called upon to service outstanding obligations incurred in other areas.

It has been suggested in the Press (and from time to time in this very Chamber we hear utterances suggesting) that there is a lack or might be a lack of confidence in the local currency. For one thing, the mere idea that this Government can go to the private capital market in Japan and raise the funds is the measure of the confidence which is reposed in this country and its ability to service its obligations.

Furthermore, and not too far afield, if we go to Miami today the Barbados currency is not a convertible currency. However, you can walk up to a bank (bureau de change) and request Barbadian dollars to be converted into U.S. dollars, no questions asked, at a conversion rate of Bds $2.15 to U.S. $1. The official rate in Barbados is Bds $2.04 to U.S. $1 but all sorts of questions are asked.

Two things are clear here and these are (1) the confidence reposed in the currency and (2) there is a demand for the Barbados dollar outside of Barbados.

I have had experience with another currency which I acquired, got to the airport fairly late and could not spend it at any duty-free shops at the airport. I came to Barbados with it about eight years ago and I am still the holder of the currency because no part of the world could I get the currency converted. As a matter of fact, I now view it as a high fire risk because there is so much of it. But I still have it stored in the hope that some day I will be able to redeem it.

The point I am making here is that there is still confidence in the Barbados currency outside of Barbados in as much as we can borrow on the international markets and that commercial endeavours free of any Government interference or guarantees will be willing to convert Barbados currency into U.S. dollars.

2.30 p.m.

There has been a question raised recently – and it seems to me to be an either/or situation – that is, that we maintain the foreign reserves of this country but we may only do so at the expense of jobs. Reading in a local newspaper on Sunday a noted columnist commented in this same vein as follows, that this administration has adopted a Development Plan which has made no provision for reduction in the number of persons who are unemployed. It has also been pursuing fiscal and monetary policies which have destroyed much of the economy's capability to create new jobs.

For the record, Mr. President, and with your indulgence, I should like to turn to page 57 I believe of the Development Plan of Barbados 1988-93 which reads as follows:

> "The number of persons who will be employed during the planned period and hence the annual rate of unemployment depend upon the level of real growth in the economy. The projected 2.5% annual average growth in real GDP will generate a 1.6% per annum expansion in the working population. Given the size of the labour force projected to increase from 119 300 in 1987 to 126 100 in 1992 the rate of unemployment will decline from 17.9% recorded in 1987 to 15.8% in 1992. The number of persons employed will increase from 97 900 in 1987 to 106 100 by 1992. The number of persons unemployed will fall to 20 000 by 1992 from 21 400 in 1987."

This states in no uncertain terms that there was full recognition and provision made for the reduction in unemployment and the creation of jobs. I will just give you some figures as to what has actually transpired between 1985 and the first quarter of 1989. In 1985 there were 95 500 people employed with an unemployment rate of 17.4%. This could be found at Table 15, page 87 of the Economic and Financial Statistics December, 1989. Nineteen eighty-six 98 500 were employed and 15.6% unemployed, 1987, 99 800 employed, 15.1% unemployed, 1988, 100 000 employed, this is at the first quarter figures, 16.3% of the labour force unemployed, 1989 100 600 people employed, an unemployment rate of 16.5%.

From those figures it becomes quite clear that over the period I have just identified more people are employed now; there are more people in the work force and working now in 1989 at the first quarter than there were at any other time during the period. The unemployment rate has been reduced from its highest level in that period of 17.4% to 16.5%. These figures would indicate that not only are we creating more jobs but there are more and more people

coming into the work force. Government is committed, based on my citation from the Development Plan, to find jobs for those people.

On the question of foreign reserves, the foreign reserves – (and these are just for comparative purposes) again these are found at page 64 in the same document I mentioned, 1987 – at the end of the first quarter, there were foreign reserves of $314.8 million; 1988 there were $305.4 million; 1989 at the 29th January $233.5 million, the figure listed in the Economic and Financial Statistics $356.6 million; and at the 29th January, 1990 the reserves stood at $205.7 million.

I have gone through these detailed bits of information to indicate that this Government is not prepared to sacrifice employment generation on the altar of foreign reserves. We need not make the sacrifice at this point in time. The Government is fully cognisant that, from time to time, the objectives come in conflict and it would hope that there would be a policy instrument or two to direct and attach to each goal that it is pursuing.

But based on what I have outlined here, we found two things to be happening, that we have been able to maintain a not unsatisfactory level of foreign reserves and at the same time we have been able to generate more jobs while adding to the housing stock within the country.

We are committed, as the Government to the improvement in the quality of life for all our citizens. We are prepared to assist all the entrepreneurs and the business sector to move in and fill the void not only fill the void but avoid the importation of non-essential imports by manufacturing such imports or such products locally.

Mr. President, this Government has been borrowing, not by as much as its predecessor, in the international market. We are under the limit. The terms are quite favourable. We are not seeking a bullet loan.

I beg to move, Sir, that this Resolution do now pass.

Mr. PRESIDENT: The question is that this Resolution do now pass.

SENATOR A. W. A. McCLEAN: Mr. President, in rising to support the loan, I should like first to indicate that the loan is necessary having regard to the circumstances of the country's foreign exchange. I also want to suggest that the present condition of the country's foreign exchange is entirely different from what it ought to be and it is so largely because of the policy deficiencies of the Government and the absence of fiscal restraint on the part of the Government.

Regarding the character of the loan, it is not entirely true to say that it does not have the aspect of a bullet loan, that means a loan which can be required for repayment or which is due for repayment in one lump sum. Because the lender has the option to require full repayment in one lump sum in 5 years. So whether or not it turns out to be a bullet is entirely within the discretion of the lender and not the borrower. If you want to make a distinction between this loan and other bullet loans where there was no option to the lender to give you new arrangements as part and parcel of the initial agreement, it is that with the other bullet loans you know for sure that you had to pay them back on a certain day.
2.40 p.m.

You had better prepare to pay it back on that certain date. Otherwise, you run the risk of being shot in the back by the bullet. That is the only difference. We have to treat it to all intents and purposes like a bullet loan.

I notice that the present Administration talks a lot about bullet loans and so on as though a bullet loan is something which is necessarily good or necessarily bad. This is not so at all. Once you are aware of your financial requirements from time to time and you take the appropriate action to deal with that a bullet loan need not be any problem. You may find it strategic to go for that type of loan because all the other terms and conditions may be better than other arrangements which you can get. So we should not simply talk about one Government borrowing a loan which is a bullet and another Government avoiding bullet loans and so on. That is an entirely simplistic way of looking at the whole matter of debt management for Government.

Now going beyond that, I want to say that in terms of the presentation of the Resolution and so on it would have been helpful if we could see how this loan fits into an overall scheme for financing the overall Government deficit for the fiscal year 1988/1989. Up to now three months away from the end of the financial year – less than that. It is only two months now because January is gone – Government has not given any clear indication as to its overall financing package for the deficit. If I may remind you in relation to what was before us in the Estimates of last year, we were presented with a situation where the financing gap was $243.9 million. This gap is defined in terms of not the overall deficit but the deficit minus loan agreements already entered into by way of project loans and so on that Government anticipate to draw down during the course of the year.

The project loans that Government anticipated that they would have been able to draw down during the year amounted to $7 million or thereabouts from such sources as the Caribbean Development Bank, Inter-American Development Bank, World Bank, People's Republic of China, Venezuela Investment Fund, and others in relation to the total deficit of $300.6 million. Since then we would have had two types of adjustments. We would have had the

Budget, increase in taxation, and we would have had the Supplementaries increasing expenditure. The Supplementaries are not brought here so we are not supposed to know what they are, presumably because it seems to be none of our business. But they anticipate the Supplementaries will be more than the increases in taxation as estimated. The financing gap may prove to be larger than is indicated here except for one thing. The Government second time around, that is in the 1989 Budget and Estimates, severely underestimated the revenue which it would have collected without any change in taxation.

It is quite clear now that the amount of revenue that Government collects will exceed the amount projected by Government including the tax adjustment by the Budget by an amount more than the estimated increases imposed by the Budget. This means that if Government had done a better job of estimating revenue it would have found that the revenue which it would have collected is more than the revenue which it had planned to collect and there would have been no need to increase taxes if Government was targeting for that level of revenue. That happened in 1988 and it is in the process of happening again in 1989/1990.

This Government, and I include the technicians in the Ministry, also the Minister of Finance should be able to make judgments about Estimates and question the technicians as to what they are doing and why they are doing it. If they are not doing something that is sensible, he should be in a position to tell them that and insist that they do something sensible in terms of the estimation procedures and so on. Unless Government gets its act together in terms of developing the capability to estimate revenue correctly, the situation will repeat itself in the future.

Getting back however to the financing gap of $243.9 million, I would hope that Honourable Senator Clarke will be able to give us some insight as to whether Government had any early plans in relation to the method of financing that gap and whether they have been able to adhere to those plans or revise them, and what the present plans are for financing that gap. I can tell you what has happened for the most part definitely right up to the end of September and continuing right through to now. Government has mainly relied upon the printing of money to finance this gap and that should not be the case. Almost dollar for dollar when Government borrows from the Central Bank to finance its deficit we are going to lose foreign reserves. Based on what has unfolded before us today, Government's predominant strategy for financing this mammoth gap brought about by inordinately high Government expenditure has been to print money and that really is altogether poor strategy.

From the table we had distributed to us today of the Accounts and Statements prepared by the Accountant General for the month of November 1989, we have a chance to look at the Capital Revenue for the period. We notice that Government in accordance with the Estimates identified about $54.9 million as agreed sources, so to speak, of project funding in relation to the programme that they were planning to carry through. Of course, this is in relation to a capital programme of $220.6 million plus Supplementaries.

This is, therefore, an inordinately proportion of project funding. One would have presumed that Government may have been trying to improve on that but that is the figure. You will notice that out of that amount, based on the analysis of the Accountant General's Statement, by November, less than $16 million of that sum had been drawn down. The other sources of funding reflected here as capital revenue would have been the Samuel Montagu Loan and a number of other things here like debentures and the Barbados Government Savings Bonds and tax certificates, and Barbados Treasury Notes which were not included in the Estimates as identified sources of financing.

The question that I would like to direct to Honourable Senator Clarke is to explain why the draw down so late in the year. It is so small – $15.9 million in relation to $54.9 million in terms of those identified sources from the World Bank, Inter-American Development, Caribbean Development, et cetera.

2.50 p.m.

The second thing related to that is whether they expect to draw down the full amount in relation to the Capital programme for fiscal 1988-89. Beyond that we notice that Government came here with the Samuel Montagu Resolution, $50 million, the current one, $40 million, which is $90 million and sundry other small change things – $2 million here, $1 million there and $5 million somewhere else – which I have not taken the time to add up, but they could not add up to very much. Perhaps Senator Clarke can save me the trouble of adding them up, he should have added them up, and he can tell me therefore what would have been the total foreign borrowing of the Government, including the planned borrowing we are talking about, for this fiscal year. He can also tell us whether Government plans to return within the next month or two with another Resolution to raise the money from overseas.

So we have about $90 million plus some small ones, call it $100 million, that Government would have endeavoured to borrow on the markets overseas, plus about $15 million they have drawn down in project loans, or even if, let us say, they draw down the full amount in project loans, another $54 million, which I do not think they would draw down, totalling somewhere in the vicinity of $150 million.

If you look at the Estimates you will notice that amortisation alone in this fiscal year on foreign loans was projected at $129.7 million, and if you add to that the foreign exchange component of a Capital Works programme of $220 million, any realistic figure would

indicate to you that between amortisation and the foreign exchange component of the Capital programme, Government would be using up well over $150 million in foreign exchange for those two purposes, Capital projects alone and amortisation, so Government would have been borrowing rather less than it is using in those areas.

We are told that private capital inflows dried up and indeed have become, or are threatening to become, negative. It means therefore that if that is the case, and if at the same time we are projecting a deficit on the Current Account of the balance of payments, a policy on the part of Government to borrow less from overseas than it will be using up in a rather direct way in amortisation and in relation to Capital projects, it is a policy designed to deplete the foreign reserves of the country. Indeed, it is a policy which has depleted the foreign reserves of the country.

If you want an explanation as to why the foreign reserves are as they are, that is the central element of the explanation there. In that context, therefore, it is wrong for Government to latch on to the private sector, to people building houses and so on, and tell them if you plan to build a house, don't, or to tell them worse, even if you do not want to desist we will make sure that you cannot get any money to build a house, to tell them that housing and employment must go on the back burner.

I note that Senator Clarke denied that his Government is putting employment on the back burner, but that denial is a mere matter of words. When the Governor of the Central Bank said what he said, that was basically a statement which is derived logically from what the Central Bank has been doing, from what Government has been doing. Government is fully aware that the high interest rate policy and the restrictive credit policy will have but one effect, it will slow down activity throughout the economy especially in areas such as construction and will throw people out of work. If you are pursuing such a policy, you are pursuing a policy that is throwing people out of work; you are pursuing a policy that is putting employment on the back burner. And the Governor, fully mindful of the need to maintain his credibility, admitted to the consequences of that policy. It is all right for the politicians to get up and deny it, but the fact of the matter is that that is the substance of Government's policy and if a Minister of Government can get up at a political meeting or in this Honourable Chamber or anywhere and say that his Government is not pursuing such a policy, the most I can say is that taking that comment in good faith he does not understand what his Government is doing. That is the nature of the situation.

The problem, however, is that there is absolutely no need to put housing and employment on the back burner in order to deal with the foreign exchange problem. All that is required is, in the first instance, for Government to engage in fiscal restraint as far as expenditure is concerned, and secondly, to pursue an enlightened debt management policy. There is no point pretending that you can borrow less from overseas than another Government to presume that you can get up on TV and tell the country *ipso facto* you have performed better than the other Government. Because the extent to which we as a country would have to borrow from overseas is not determined by Resolutions that are brought in here to raise money from overseas. It is determined by our expenditure patterns on Current Account and capital outflows and so on or on Capital Account. To try to avoid up front putting that situation on a proper basis, and borrowing in a long term situation, is only to lean on the Central Bank and use up our foreign reserves.

When you deplete the foreign reserves by $100 million, that is exactly equivalent to increasing your borrowing by $100 million from overseas, because it is a matter of lending to the rest of the world. You are holding obligations against the rest of the world and the rest of the world has obligations against you. Your net foreign position would be the obligations the rest of the world has against you, minus those you have against the rest of the world mainly in the form of foreign reserves – maybe other forms too – but for a small country like ours, foreign reserves. So to borrow $50 million overseas by Government entering into a long term contract with somebody, or to go and borrow from the Central Bank and run down the foreign reserves by $50 million is to do the same thing to our net foreign position.

3.00 p.m.

That net foreign position is determined by the underlying economic factors pertaining to income and expenditure in the country, pertaining in the first instance to a current account position, and secondly to the capital account. We have a built-in problem on the capital account for some years now, such that even if you had a current account balance or small surplus, Government would still have been required to borrow on capital account overseas to stop our resources from declining. And it is because the private sector has gone into a mode of capital outflows, paying off Light and Power and other people, paying off previous loans, Telephone Company, paying off previous foreign loans and nobody bringing in any new money. So we are into that mode, and that alone would have required Government to do what Government in a structured way has been doing now for the past three, four or five years, that is, borrowing to keep the reserves particularly buoyant, but not borrowing willy-nilly, borrowing against Government's expenditure plans and so on, in the context of that.

Now beyond that the reason why we will have a current account deficit of some magnitude this year is because Government together with the private sector are spending more than the total income which we are receiving or earning within the country, income which we

are earning by providing services to ourselves and by providing services to the rest of the world. Our overall gross domestic product or our national product would be somewhat less than the overall level of expenditure thereon, and the reason why this is so is because Government has sought for the last two years going three now to increase Government expenditure rather faster than the economy is growing, and at the same time endeavouring to increase taxation in the same way, rather faster than the economy is growing. In the year 1989 the Central Bank has reported that Government's revenue for the year 1989 grew by 23 per cent in relation to 1988. The Central Bank is also estimating that the gross domestic product value at current prices would have increased in 1989 by 10 per cent over 1988. The year 1988 saw Government appropriating unto itself an amount somewhat in excess of 31 per cent of the GDP in revenues. If you take 31 per cent and you multiply that by the 23 per cent you will get a figure slightly over 7 per cent. So that Government tax revenue this year has grown by 7 per cent of 1988's gross domestic product, and the gross domestic product in 1989 grew by 10 per cent in nominal terms. This by interpretation means that in the year 1989 Government taxed away seventy cents out of every dollar of additional gross domestic product in nominal terms, just the value you put on it, not the quantum of goods produced, but the value you put on it in nominal terms, leaving 30 percent.

The rate of inflation is projected at somewhere in the vicinity of 6 per cent, which is twice as much as that 3 per cent left in the hands of the private sector. This by interpretation means that the money which Government left at the disposal of the private sector, households and firms after taxing them directly and indirectly declined in real terms by about 3 per cent. The real disposable income available to the private sector measured in constant prices available to households and the firms would have declined by 3 per cent during 1989. Now the firms had their investment loans that they could not just drop by the wayside, and the householders have the habitual standards of living that they are not going to abandon overnight. If they have to abandon it in the long run they will. But they are going to hold strain for as long as they have savings in the hope that things will turn around, in the hope that the Government will change. So what has happened therefore is that the levels of expenditure of the private sector would have risen at a faster rate than the rise in the money incomes. This translates into a decline in savings, and that is why the commercial banks have discovered that in 1989 whereas in previous years deposits would grow by $150 million and $200 million, they grew maybe by somewhat less than $50 million. I am speaking from memory, but figures in that general area grew by one-third or one quarter what it would have grown by in the previous two to three years. That is why the savings declined – because the people found it necessary to spend more of their income to maintain their accustomed life style.

The reason the loans (demand for loans from commercial banks) went up is because the firms were faced with a tightening cash flow position, a worsening working capital position, and having undertaken the investment plans which were set in train (some of them all the way back in 1986, 1987) they had no option but to try and borrow from the banks to the extent that the Central Bank would allow them to borrow from the banks, and that is the reason why the commercial bank loans increased, and between those things that is the reason for the tight liquidity situation in the country. Now all of that would have been well and good if Government on the other hand was filling the breach in relation to savings, where the private sector now and the householders in particular are becoming what in economics we call deficit spending units, that is, you start to spend more money than you earn in a given period, or more of them are becoming that way. The Government should endeavour to reduce the extent to which it is a deficit spender, and it had every opportunity to do that. It has happened involuntarily to some extent because the revenues were even more buoyant than Government had planned for. Government has gone ahead and increased the expenditures. When you abstract from amortisation by 13.5 per cent which is faster than the nominal rate of growth of the economy, and when you include amortisation at an even faster rate still, that is why we have a current account problem.

Now nothing that the Central Bank has done in terms of raising interest rates, imposing credit restrictions on the personal and distributive sectors will reverse anything which I just explained. That is there and it cannot be touched by those types of measures. So in that context the responsibility fell clearly on Government. If it is going to do all of those things, if it is not going to cut back its expenditure, it had to make sure that the capital inflows were adequate to counter-balance the deficit on current account.

3.10 p.m.

The Government has gone about contributing to the capital outflows because you are paying off more money than you are borrowing. At least, that is what, up to now, they are endeavouring to do or they have been endeavouring to do and I think unless they come back here again this year, Government would have been in a situation where they would have contributed to capital outflows on capital account too, not to mention the substantial capital outflows on current account as a result of the inordinate Government expenditures. Some of those inordinate expenditures have a very high foreign exchange component like the travelling of Ministers.

One of the Resolutions that did not come for additional money was one to replenish a particular vote, I think it was in the Cabinet Office or somewhere in the Prime Minister's portfolio, to deal with such expenses and so on and they had another one to deal with Conferences

and we know the Conferences entailed the buying of buses from overseas.

If you examine the activities of Government carefully, and you estimate the foreign exchange component in Government expenditure, Government was far and away the biggest culprit when it comes to the use of foreign exchange and it therefore does not behove Government to try to stop people from building houses because we need to accord the highest priority to the improvement of our housing stock.

The conditions in which people live constitute a major determinant of the way in which people behave. If you force people to live in substandard conditions, very likely their behaviour would be substandard too; not entirely so because they are some people who are perfectly capable of rising above their circumstances, but most people adjust to their circumstances and behave in accordance with their environment. They find it easier that way than trying to kick against the pricks. So we really need to try and upgrade the quality of housing in the country, not only for that reason but because we are all deserving of proper housing. Therefore, the last thing that Government should contemplate is the putting in place of measures which would inhibit such improvement in the housing stock.

The unemployment situation is even more urgent because we know this is very much bound up with the problem with drugs and lawlessness in other areas. Apart from drugs and unless we find a fairly speedy solution to it, there is no telling what could happen in Barbados. So that that must be treated as a matter of urgency.

It may be true that Government has not as a result of the foreign exchange position placed employment on the back burner because it may have had it on the back burner long before that.

The Honourable Senator Clarke quoted from a rather familiar sounding passage to me and it seems as though he was trying to say that there is some kind of imprecision somewhere along the line. But I would like to remind Senator Clarke that in the Annual Statistical Digest for 1989 we have a series pertaining to the labour force and employment. There are various tables. You have one at Page 185 where you have details of the labour force and employment by sex going back from 1977, and you have 1988 which I think is the beginning of a planning period – the Development Plan is 1988 – 1993.

In the first quarter of 1988 the labour force was 119.5 and 100 000 people were employed, 19.5 thousand unemployed. A Development Plan formulated with respect to this period says in 1993 over 20 000 will be unemployed. I call that making no provision for reduction in the number of people who are unemployed. If you want to tell me that the Development Plan was prepared prior to 1988 and you should look at an earlier period, 1988 would have been a projection at that time. The situation is roughly the same.

In January 1987 the labour force was 117.7 thousand and the number of persons employed were 99.5 thousand making a total of 18.2 thousand people unemployed and your Plan is going to tell us that we are planning to have over 20 000 unemployed in 1993. That is unacceptable. You are saying that you are planning to have 15% unemployment. That too is unacceptable.

We on this side are saying that given the chance we will bring that down to 5%. We are planning to have 5% unemployment five years after we assume office. That is acceptable. We too are planning to have housing for all by the year 2 000. We are not putting any houses on the back burner. That too is acceptable.

Basically, what Government needs to understand is that it must identify its priorities rather clearly and if something is a No. 1 priority, it cannot be sacrificed to anything under the sun or ought not to be. Because if you do that you would change your priorities; so it is a sacrifice, employment and housing, to a situation where Government can go on its merry way, spending money at Sherbourne, buying luxury buses, holding conference after conference. I even hear they are going to have the CARICOM Parliamentary Session here. Ministers are travelling hither, thither and yon. You do not know when they are in the Island or not.

At some stage I am going to ask a question to find out how many days out of last year and the year before the Hon. Philip Greaves acted as Prime Minister and the days when he did not act when he was effectively in charge.

Mr. PRESIDENT: That is irrelevant.

SENATOR A. W. A. McCLEAN: We are talking about spending money. Anyway, let me get back on the track. I will not worry with that point.

The basic point of the matter is that there are all sorts of areas that you can look to and cut back on expenditures and minimize the need to lean on the Central Bank for financing the Government deficit to improve the balance of payments situation that does not reach to the point of putting people out of work and stopping people from building houses. And what is more, those measures would be rather more effective.

What we are engaging in is a misplaced activity which will lead to a situation just as bad as before. It will continue to deteriorate for as long as Government continues with its fiscal indiscretion and I stand here and predict that for the past six months or so I have been telling Government what to do and they have not done it yet. If they do not do it, they will have eventually to call in the IMF to tell them to do a

lot of other things which will be highly damaging to this economy so they had better listen to me now before they have to listen to the IMF.

I thank you.

SENATOR D. A. COMISSIONG: Mr. President, I rise to make a short intervention. I support the Resolution before the Senate this afternoon because I think it is a necessary loan and Government really has no choice in the matter.

I was happy to hear Senator Clarke distancing Government from the sentiments expressed by the Governor of the Central Bank in relation to putting housing and employment on the back burner and concentrating on saving foreign exchange.

I am utterly opposed to that sentiment or to any such policy. I see, certainly, unemployment as the Number One priority for any Government in Barbados and I could not countenance any view that unemployment could or should be put on a back burner. Unemployment is really the foundation of the vast majority of social ills that we see in Barbados today.
3.20 p.m.

Similarly housing. Housing is extremely important. I must confess that I am opposed to some of the castles and palaces that one tends to see being erected in Barbados by certain people. But certainly for the masses of Barbadians, people at the lower end of the socio-economic ladder, housing is a dire necessity and certainly not a luxury. So as I said, I repeat, I am utterly opposed to that type of sentiment.

I have listened to the contribution of Senator McClean and indeed of Senator Clarke. Much of what Senator McClean had to say was based on the need for Government to sustain a more healthy balance of payments, a more healthy foreign exchange base. The Honourable Senator has put out the idea that the key or certainly one of the keys to all this is Government restricting its expenditure, holding back on expenditure.

What I as a young man find distressing is that when I hear these discussions I very rarely hear anybody stating that one of the ways to solve the problem of balance of payments, solve the problem of a scarcity of foreign exchange is for Government to come up with some bold initiative in one of the productive sectors of our economy. I believe that this is what has to happen in Barbados now. Tourism has gone so far and I do not know how much further it can go. Senator Ward is saying, up and down.

Mr. PRESIDENT: He has not said anything. You say that he said something. I have not heard him.

SENATOR D. A. COMISSIONG: You are cutting my stride, Sir.

Mr. PRESIDENT: No, Sir. I have not heard him address this Chamber. So do not bring people into the debate who have not entered it.

SENATOR D. A. COMISSIONG: Perhaps I can move on. I am a Democratic Socialist and I firmly believe that Government has to play a leading role in the economy, not that it necessarily has to own or manage... Well own the major share or the preponderant share of the economy but that it has to take the initiative and set the lead.

The point I was making earlier is that I think the time has come where we need some new bold initiative to take us forward. I am wondering whether in the whole area of agriculture, the area of fisheries for example, we tend to spend quite a bit of our capital on productive buildings and roads. Suppose the $25 million that we are presently spending on a building were put into some new initiative in the fishing industry, can we conceive what could be some of the benefits of that, in terms of import substitution, in terms of cutting down on our food import bill and in terms of acquiring a product that could earn for us some foreign exchange? Similarly in agriculture. I note that there are countries such as Dominica, for example, where 60% as I understand it, of their agricultural sector is comprised of co-operatives run by groupings of "small people" and making a great contribution to the food production sector and no doubt the earning of foreign exchange as well. Is this not an area that we could think sensibly about in Barbados and look towards putting some real resources in these directions?

I believe that we need to be a little bolder and more creative in our thinking and policy formulation. Whilst the restriction of Government expenditure is theoretically a policy that could help in preserving a more secure foreign exchange stock, yet I think that the more likely or the more feasible alternative is to really move into some productive sector of the economy and make a quantum leap in terms of the development of that sector. These are the types of things I would wish to see us thinking more seriously about because I do think the time has come where, as Senator Clarke said earlier in his presentation, of the 3 major sectors the only one firing in the past few years has been tourism. This is unacceptable. How long can we go on at that rate? We must be realistic. We cannot go on at that rate. So if we cannot go on at that rate then let us make the conscious political decision that we are going to create something different in our economic structure. Let us make that conscious political decision and then let us go after it. Yes, we need the political will to do it.
3.30 p.m.

But I would hope that in the future when we speak about these matters that these will be some of the

considerations that we will be looking at very, very seriously.

I thank you, Mr. President.

Applause.

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

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that this Senate be now adjourned until Wednesday, February 7, 1990 at 11:00 a.m.

The question that the Senate adjourn until Wednesday, February 7, 1990 at 11:00 a.m. was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the Senate accordingly.

3.35 p.m.

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