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THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, June 13, 1990

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, June 13, 1990, at 11.15 a.m.

PRESENT

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

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

Senator A. MORRISON;

Senator N. W. BOXILL;

Senator D. A. COMMISSIONG;

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

Senator Mrs. G. L. EASTMOND;

Senator A. J. N. PHILLIPS;

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

Senator the Reverend Canon I. McK. JONES;

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

Senator Mrs. P. Y. FORDE;

Senator Dr. L. L. SHOREY;

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

Senator A. W. A. McCLEAN;

Senator Miss V. P. BRATHWAITE; and

Senator Dr. Frank W. ALLEYNE.

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

Mr. DEPUTY PRESIDENT: The Senate is in session.

MESSAGES FROM HER EXCELLENCY THE GOVERNOR-GENERAL

Mr. DEPUTY PRESIDENT: Following is Message No. 4/1990 from Her Excellency the Governor-General to the Honourable the Senate:

"Her Excellency the Governor-General has the honour to inform the Honourable the Senate that she will be absent from the country during the period 14th to 19th June, 1990, on a visit to Canada and the United States of America.

Her Excellency further has the honour to inform the Honourable the Senate that under the provisions of section 30 of the Constitution, the Governor-General, acting on the advice of the Prime Minister, has designated the Honourable Sir Denys Ambrose Williams, GCM, to be Governor-General's Deputy during the period of her absence."

PRESENTATION OF PAPERS

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

1. The Duties, Taxes and Other Payments (Exemption) Order, 1990.
2. The Guarantees granted under the Exempt Insurance Act, Cap. 308A, Section 32 to the following: –
 1. Essex Loyalty Assurance Ltd.
 2. Meridian Insurance Co. Ltd.
 3. Lancet Indemnity Ltd.

4. CIBC Insurance (B'dos) Ltd.
5. Durarock Underwriters Ltd.
6. Cologne Reinsurance (B'dos) Ltd.
7. Novalta Insurance Ltd.
8. Professional Casualty Insurance INC.
9. Scotia Insurance (B'dos) Ltd.
10. Selkirk Insurance Ltd.
11. U. S. Reinsurance Corporation Ltd.

INTRODUCTION OF BILLS

On motion of SENATOR THE HON. L.V.H. LEWIS the following Bill was read a first time: -

The Bill to amend the Education Act, Cap. 41.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I beg to give notice of a Resolution to approve the compulsory acquisition by the Crown of land at the Glebe in the parish of St. John for the construction of a polyclinic.

Depending on the progress we make today, Sir, I may wish to obtain the Senate's permission to proceed with this Resolution for the acquisition.

PUBLIC BUSINESS

ORDER NO. 1 - THE DRUG ABUSE (PREVENTION AND CONTROL) BILL, 1990.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, this Bill, the Drug Abuse (Prevention and Control) Bill was passed by the House of Assembly and certain amendments to the Bill were done.

In order to refresh members and before I go into detail I propose to draw attention to the amendments which were done there which I believe have been circulated to members.

The first of them is at Clause 2 (i) pages 2 - 6. This insertion should take place at page 5 and it is the definition "of the opium poppy and it should read" 'opium poppy' means a plant of the species *papaver somniferum* L or the species *papaver setigerum* D.C and any plant from which morphine may be produced."

11.25 a.m.

At page 11, Clause 11 (1) the very last line, the words: "or any coca plant"

should be deleted and substituted therefor the words:

"any coca plant or opium poppy".

Then at page 54, which is at Part I of the First Schedule, after the word:

"OPIUM" which is about centre of the page, you notice that nothing is there after "OPIUM". It should read opposite "OPIUM", we should insert in brackets:

"(whether raw, prepared or medicinal) the Opium poppy".

These were circulated, I am informed and some persons have, others do not have. They were circulated about 2 to 3 weeks ago.

Then also at page 54, after the word:

"PERITRAMIDE"

insert in its appropriate place:

"Poppy straw and concentrate of poppy straw."

At the Fourth Schedule, page 72, Section 11(2), we should delete:

"Cultivation of cannabis plant or coca plant"

and substitute:

"Cultivation of cannabis plant, coca plant or opium poppy."

Page 24, Clause 21 (5), in line 3, after "teachers' college" and before "university" insert "Community College".

At page 45, Clause 42 (2), that sub-clause is to be deleted completely and Clause 3 to be renumbered Clause 2.

Those are all of the amendments, Mr. Deputy President, which are formally before us from the Other Place. There are one or two other typist devil errors, I am informed, to which attention has been drawn. It seems wiser to proceed with a Bill and not tamper with those errata and at an appropriate time, we will have them properly amended by the House and also by the Senate. Some of them are clearly typist devils, some of them are matters of syntax and that sort of thing, Sir.

The Drug Abuse (Prevention and Control) Act, 1990, Sir, comes before us as a consequence of widespread international concern about drug trafficking and its implications which were considered of such importance and so pervasive that at the 83rd Inter-Parliamentary Union

Conference held in Nicosia, Cyprus earlier this year, a Resolution addressed the increasing concern at the scale of the international problem of drug abuse and the illicit production and trafficking. The Resolution also was concerned with the threat of drugs to the health of the total world population.

11.35 a.m.

In addition, the problems of drug addiction and trafficking are also linked to the breakdown in agricultural production in some countries. They are often linked to poverty and unemployment, as well as the economic downturn in countries with population problems and the absence of educational opportunities. That Resolution recognised that supply and demand are inseparably linked since demand not only generates supply but also responds to the availability of drugs. Drug traffickers are continually exploiting new transit routes in both large and small countries and the consequences are the upsurge in crime and trading in illicit arms which are often associated with the efforts of those agencies which obtain enormous profits from the illicit drug trade.

There is a U.N. Convention Against Illicit Narcotic Drugs and Psychotropic Substances which was adopted at Vienna in December 1988. It recognised the importance of removing the profits of illicit drug trading by tracing, freezing, and confiscating the proceeds of drug trafficking. It recognised that there was need for international cooperation in order to control, reduce, and eradicate the export of chemical substances used in the manufacture of illicit drugs and psychotropic substances and in several countries around the world that Convention has been recognised and accepted.

It has been argued that success in responding to the worldwide problem of drug misuse will depend on the effectiveness of community participation and indeed total country participation in a comprehensive strategy including efforts to reduce the demand and supply. There will also be need for health education programmes, cooperation between Governments and community agencies, and between Governments and Governments by way of a multilateral approach in pursuance of the global struggle against drugs.

This legislation, Mr. Deputy President, of the Drug Abuse (Prevention and Control) Bill of 1990 and its associated Bill, the Proceeds of Crime Bill, is part of Government's response to the problems of drug trafficking and abuse. The Drug Abuse (Prevention and Control) Bill makes new provision with respect to the control of narcotic drugs and psychotropic substances and other substances known to be used in the manufacture of narcotic drugs and psychotropic substances. It creates new offences with respect to drug trafficking and for purposes connected therewith. The Bill provides for repeal of the Narcotic Drugs Act, Cap. 140A and its replacement by new and

more extensive provisions for controlling drugs. Penalties for offences under the law have been sharply increased. Certain offences relating to drug trafficking are new and offences have been created to respond to the problems of possession of controlled drugs on or within a given radius of school premises. There are also new offences of being in anyway concerned in the unlawful production and also supplying a controlled drug, and of possession with intent unlawfully to supply a controlled drug.

This Bill before us, Mr. Deputy President, contains a number of general restrictions relating to the importation, exportation, production, supply, possession, handling, misuse, and cultivation of controlled drugs and provides for regulations to be made excepting specified controlled drugs from the operation of the Act. It also makes it lawful for specified persons to do things which it would otherwise be unlawful for them to do. The Bill extends provisions with respect to narcotic drugs in transit which are already found in the existing Narcotic Drugs Act. It extends the provisions to psychotropic substances and the precursor chemical which is mentioned in the 1988 Convention as requiring special monitoring.

The Bill provides, as I said earlier, some new offences which carry sharply increased penalties which have been placed in the Bill in order to tackle the problems of possession of controlled drugs on or within a given radius of school premises or the employment, hire, or use of children and young persons in the drug trade, and the supply of controlled drugs to children and young persons. The Bill also provides for setting up of tribunals to look into cases of irresponsible prescribing of drugs by practitioners.

The Bill is set out in 10 Parts. Part 2 of the Bill sets out the restrictions relating to controlled drugs which include importation, exportation, production, supply, possession, handling, misuse, provision of equipment, cultivation as well as the authorisation of activities which would otherwise be unlawful and it sets the punishment to be meted out to occupiers of premises where unlawful activities may take place.

Part 3 of the Bill makes provision for controlled drugs in transit, removal of licenses, for tampering with controlled drugs in transit, and for diversion of controlled drugs.

Part 4 of the Bill sets out provisions for drug trafficking, assisting another person to retain the benefit of drug trafficking and supplying or offering to supply a purported controlled drug.

Part 5 deals with the offences in respect to children and young persons. The powers of the Minister for preventing the misuse of controlled drugs are set out in Part 6. Miscellaneous Offences as well as powers are founded in Part 7 of the Bill. There is provision also for the making of

regulations under Section 10 of the Bill. The regulations are already in draft, Mr. Deputy President, and have been submitted for consideration by the Ministry of Health and by the Barbados Association of Medical Practitioners.

On another occasion, Mr. Deputy President, when consideration was being given to dealing with this matter in this Honourable Senate, attention was drawn to certain concerns expressed by the Barbados Association of Medical Practitioners.

11.45 a.m.

As a consequence, a meeting was held at which the Attorney General and his support personnel, along with the Minister of Health and Chief Medical Officer and other support staff, along with the President, Secretary and other representatives of BAMP, examined the concerns as addressed by the Association of Medical Practitioners, and arising out of those discussions it was recognised that the majority of concerns which were expressed by BAMP were being taken care of in the draft regulations. The consequence of that is that there are no matters which require our immediate consideration, because the Association of Medical Practitioners and the Ministry of Health are satisfied that the concerns raised will be properly addressed in the draft regulations which are already receiving their consideration.

I do not propose to go into any detail on the areas of their concern, except to say that there was concern expressed about midwives – the fact that midwives will be required to handle certain specified controlled substances and that without the regulations they may be exposed to danger under the provisions of the Act.

The regulations which are modelled on those of the United Kingdom already have provision in the draft to cover them. So that there will be no question that notice has not been taken here of them.

Some of the other concerns expressed related to the role of the Minister and after discussion it was recognised that the Minister in matters relating to this legislation will act only on the advice and after consultation with the Pharmaceutical Council. Again they will be taken care of in the regulations and therefore there is no need for any amendment to the legislation before us.

Other questions relating to prescribed authority and prescribed purposes were responded to, and the prescribed authority is the Chief Medical Officer who is also the prescribed authority in the case of notifiable diseases. So that the several concerns which were addressed by correspondence from BAMP to the Attorney General were disposed of during discussions.

Finally, Mr. Deputy President, it should be noted that where a conviction is obtained under the Drug Abuse

(Prevention and Control) Bill of 1990 for any of the offences designated in the Schedule to the Proceeds of Crime Act, this will enable the Director of Public Prosecutions to apply under the Proceeds of Crime Act for a forfeiture or confiscation order to be made against property or benefits derived from those offences. The offences include possession of controlled drugs for the purpose of supply, contrary to section 6 (3) of the Drug Abuse (Prevention and Control) Act, 1990; trafficking in controlled drugs, contrary to section 18 of the Drug Abuse (Prevention and Control) Act, 1990; and assisting another to retain the benefit of drug trafficking, contrary to section 19 of the Drug Abuse (Prevention and Control) Act, 1990.

The Drug Abuse (Prevention and Control) Act, 1990, Mr. Deputy President, and the accompanying Bill, the Proceeds of Crime Bill, 1990, when enacted will be the principal Acts designed to reduce and eliminate the use of illicit drugs and drug trafficking. In preparing the legislation, the Ministry of Legal Affairs consulted and received comments from the Chief Justice, from the Barbados Bar Association, from banks, Trade Unions, attorneys-at-law, from the Faculty of Law of the University of the West Indies, the Ministry of Health, and more recently the Barbados Association of Medical Practitioners.

The Bill before us has therefore been exposed to much public scrutiny and represents a response to a global terror. There may be some imperfections in the Bill, Mr. Deputy President, and it is recognised that these imperfections when discovered will have to be the subject of amendment. The Government believes that all Barbadians would wish to support the effort which is being made to put up some barrier to this very dreadful matter of narcotic drugs which is a worldwide phenomenon.

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

SENATOR MISS V. P. BRATHWAITE: Mr. Deputy President, I rise to give my support to the Bill before us. In doing so, I should give notice of the fact that there are some glaring defects which go beyond the typographical or the grammatical, as the Leader of the Senate explained earlier. There are some glaring defects in the Bill which cause me great concern, and I shall draw this Chamber's attention to those matters at the appropriate time, but in principle I wholeheartedly support the Bill before us.

To my mind, within the bounds of natural justice and observing all the rules of human rights, there is no penalty that can be too harsh for persons who engage in the trafficking of illegal drugs and psychotropic substances. I believe that the time has long been passed when we should send a very strong and clear message to those persons in our midst who defile the bodies of our young persons and prevent them from growing into healthy adults with agile minds because of the use of illegal drugs. Therefore I have no hesitation with the aims and objects of this Bill.

I must also caution, Sir, that this Bill and its sister or brother Bill, which makes provision for the forfeiture and confiscation of the proceeds of trafficking in illegal drugs, will be meaningless unless other things are taken care of in our society. This legislation may be on the statute books of our country for as long as we will, but if we do not pay stern attention to other matters it will all come to naught and our efforts shall be in vain.

I speak, first of all, Sir, in this regard to the question of importation of illegal drugs in Barbados. We must ensure that our methods of surveillance and detection at our ports of entry and all along our coastlines are modernised and well equipped to detect and eradicate the importation of drugs at source.

11.55 a.m.

Our Coast Guard is in dire need of the updating of their methodologies and equipment in many areas. There is a matter, Sir, which relates to the Coast Guard which I shall not now mention, because of my recognition of my public duty, but I shall be quite willing to mention it into the ear of the Leader of the Senate if he so desires.

Immigration authorities at the airport and the seaport must also have their methodologies and equipment updated and be on guard at all times to recognise these substances as persons attempt to bring them into our country. Barbados is not a producing country, Sir, and when drugs are found in our midst, they had to have been brought here by some persons, and it makes no sense waiting until they are let loose on our streets and then as it were trying to catch the horse after it has left the stable. We must catch them at source. We must also educate our law enforcement agencies to be able to recognise these substances. Part II of the Schedule gives in great detail the chemical combinations. These drugs are identified by their chemical formulae. Our policemen, our immigration officers, our coast guard officials would have great difficulty, Sir, in recognising these drugs if they are not first well educated and taught to detect these subjects at source. That is why I say these are some of the matters that we have to address very seriously before we can rest comfortably that we have taken care of the drug problem in our midst. We have to upgrade the testing facilities at the Government's laboratory. Machinery and manpower are in great need, and when these drugs are identified, if, for instance, the police were to arrest a person whom they suspect to be trafficking or supplying a drug which is mentioned in this schedule, it first has to be tested, so that that evidence can be brought before the law courts, and if our Government Laboratories are not equipped to handle that kind of testing, there again the system breaks down. That is another matter we must give serious concern to. We cannot just rest assured that we have placed legislation on our Statute Books which will, we hope, eradicate the drug problem; we have got to deal with it at source. We have got to make sure that our detection

agencies are well equipped, fully manned, and well managed and ready to work.

There are, Sir, some serious omissions which the Bill has not dealt with. We hear all too often on our streets that when persons are caught with illegal drugs that it is not these persons who are caught who are the ones responsible for the importation, but rather we hear about the "big boys" who are involved, and who always go unnamed, unarrested and allowed to remain on our streets perhaps to defile some other persons. I am not satisfied that this legislation deals with that problem. I am not satisfied that the section which could possibly be prayed in aid to assist in that problem goes far enough. I am also not satisfied, Sir, that our law enforcement agencies have been fully equipped to deal with that kind of problem.

The problem, Sir, of the drugs in transit is another part which this legislation does not address, the problem of drugs in the post. I am not speaking about drugs in transit at our airports and seaports; I am talking about drugs in transit in the post. This legislation does not deal with that problem, Sir, and it is matter of great concern, given our recent experience with illegal drugs in the diplomatic bag, and one would have thought that this opportunity would have been taken to address that problem. We have had a recent incident of drugs in the diplomatic bag. Why then was it not addressed?

The Leader of Government Business, Sir, mentioned that there have been some concerns raised by the Barbados Association of Medical Practitioners with regard to certain omissions in the Bill and he mentioned the problems which midwives would face were they not exempted under the draft regulations which are to come. But midwives, Sir, are only a small group of nurses who have to handle drugs and who, if the legislation does not make specific reference to their exemption, would be caught as persons who are not qualified legally to handle those drugs. Nurses have not been taken care of in the legislation, Sir. The group of persons that must be exempted must be wider than midwives.

There are nurses in the Queen Elizabeth Hospital who must handle drugs from the dangerous drugs cupboard. If this legislation does not specifically exempt those persons, then legally they would not be able to handle those drugs any longer. So that the group must be wider than the midwives whom the Leader of the Senate has said the draft regulations will take care of.

Sir, the economic and social consequences of the drug trade have been wreaking havoc on our society recently. I lament the fact though I support the Bill, that it has taken Government so long to bring this matter to the stage at which it is now. Since 1986, Sir, we have heard calls from this Government about its intention to deal with the drug trade, about its intention to deal with the drug problem in

our midst; and it has taken four years to bring this matter to this stage. Not only that, Sir, the delay that accompanied the bringing of this Bill to this Chamber since it passed the Other Place some weeks ago, I am saying that those four years that we let pass could have been four years that we could have been working to reduce the drug menace in our midst. I do not think that we could rest comfortably assured that at last we have brought it. What have we been doing to save those lives that have been lost in the meantime? I think, Sir, that it is a serious indictment on the Government, the delay, the lapse of time, the procrastination that have led, I believe, to a situation which seems to be almost beyond recall.

12.05 p.m.

Another related concern of mine, Sir, is the composition of the Drug Formulary Committee. This is a Committee that is set up under the Drug Service Act and my concern is simply this that the Medical Staff Committee of the Queen Elizabeth Hospital has not been invited to send a representative to sit on the Drug Formulary Committee. This means, Sir, that the doctors in the Hospital do not have a representative on that body. There are, indeed, doctors on that Committee. But as far as the Hospital Medical Staff Committee is concerned, they do not have a representative and I think that is a serious omission which should be addressed.

The requirements, as far as the Drug Service Act is concerned, it provided for these persons to be on the Drug Formulary Committee: the Director of the Drug Service, the Chief Medical Officer and not less than three other persons appointed by the Minister. I think it is a very serious omission that one of those three other persons appointed by the Minister is not representative of the Hospital Medical Staff Committee.

Sir, the Leader of the Senate quite rightly said earlier that the drug problem in Barbados and, indeed, in any other country must be fought on two fronts – the demand and the supply. This legislation, Sir, deals with the supply of illegal drugs. We have to deal also with the demand for those drugs in the area of education and drug rehabilitation.

We have been told some months ago that the Minister of Health intends to set up a Drug Rehabilitation Unit at the St. Joseph Hospital. We have not since been told the status of that project and when we are likely to know when it will be open to receive its first patients if it has not indeed done so already.

Any serious effort at drug rehabilitation must of necessity involve the equipping of that place where this drug rehabilitation will take place with a Detoxification Unit. I am told on good authority, Sir, that there is no such provision for a Detoxification Unit at the St. Joseph Hospital in the area of drug rehabilitation.

Some patients coming out of dependence on illegal substances require intensive care treatment. It is not simply a matter of having persons staying in an institution for a period of time and hoping that their problem in relation to dependence on drugs will go away. It is not simply a problem of sitting and watching them and hoping that their problems will go away.

We know, Sir, that serious withdrawal symptoms are associated when efforts are made to detoxify patients. These withdrawal symptoms vary in intensity and vary in length, and I would like to inform the Leader of the Senate that he must speak to the appropriate persons and ensure that a Detoxification Unit is installed at the Drug Rehabilitation Unit at the St. Joseph's Hospital.

Sir, the other serious defects which I alluded to earlier I shall speak to those during the Committee stage of the Bill. I think that would be the most appropriate place at which those matters should be addressed.

I just wish to reiterate in closing that if we do not take very serious recognition of the fact that if we do not put other things in place our surveillance methods, methods of detection, education, upgrading our testing facilities, that this legislation will all come to nought and our efforts will all be swept down the drain.

Thanks, Sir.

SENATOR N. K. BOXILL: Mr. Deputy President, I rise to support this Bill before us. Before I swing into action I would like to say how happy I am to see it before us at last and also to say, despite what you have heard previously, that in dealing with drafting of Bills and Resolutions in my time as a Minister and as a Senator, these two pieces of drafting are some of the finest drafting I have ever witnessed. I therefore would like to take this opportunity in commending the draughtsmen for drafting this bit of legislation.

The former speaker before me said that she found some faults apart from grammatical and typographical errors in the Bill. Well, maybe she knows more about drafting than the draughtsmen up there or she knows more about drafting than I have witnessed. But I will say, despite what anybody else says, that this Bill has gone very far and I would have the temerity to state that I do not believe you will find a better piece of drafting any part of the West Indies and any part of the world. You might find as good; but I do not think you would find anything much better than this.

They have covered almost every aspect. It is true that there might be something I might have oversights, as the Senator has just said about the nurses, and the Leader of the Senate pointed out that this has been discussed among the medical people and they are satisfied.

As I have said before, I am not running for any office so when I speak I speak without fear of contradiction, or without fear or hindrance who is not going to speak to me after I have spoken. As for the Senator who just spoke, she has political ideas. But you do not get into the House of Assembly by getting in here and trying to criticise everything. You have to show more sense, more reason, more everything than just coming in here nit-picking because this is bear nit-picking. Anyway, Sir, I am not going to waste much more time with that.

As I said, it is one of the finest piece of drafting I have seen. But there are a few minor things in the legislation which I would like to see changed and I will tell you what they are, Sir.

On page 23, Part V you will see

"Offences in respect of Children and Young Persons

21. (1) Subject to any regulations under section 12, it shall not be lawful for a person to have a controlled drug in his possession in or within a radius of one hundred yards of any school premises.

(2) Subject to section 39, it is an offence for a person to have a controlled drug in his possession in contravention to subsection (1)."

But then it goes on, if you look now at the Schedule for the punishment it says the person can be given, I think, life imprisonment. I really do not support this part that they should be given any life imprisonment. Anybody who is found selling drugs to school children should get hanged. Why are we so afraid? Do not laugh. This is something serious. They are making zombies out of our society. Do not tell me anything about democracy because I have said here before and I am saying again that we are no more democratic than the people in Malaysia, or in Singapore. They belong to the United Nations too.

Aside.

SENATOR N. K. BOXILL: Yes, they have it in possession but what do you think they have it in possession for? You think they are carrying it for weight? They have it in their possession to sell it to school children. If they are not going to sell it you think they are going to give it to the school children because it is a toffee? They are out to make a profit and the enabling Bill when we start to deal with that one on forfeiture there are certain things I want to raise too.

If you also look on page 48, Sir, it says:

"47. (1) Notwithstanding anything in any other Act contained, a court may (whether or not any person has

been convicted of such offence) order to be forfeited to the Crown...."

Now, I would like the word "may" removed and "shall" should be put in there because unless you get serious with these people they are going to seem to think that we are making sport. And when people are out to sell drugs, they have nothing to do with the after effect on the society. They are out to make themselves rich. They do not care about whom they have demoralised, contaminated, set mad or anything like that. 'It could be your child, my child, anybody's child.

They start out with this thing "Try it for once; it does not do you anything". So you are so foolish you go and try it. So you try it once, you try it twice and then the next thing you are hooked.

I am speaking on this in this manner because I know of a man in Canada who was a request worker. When you are a request worker it means that you have been working so good that the employer wants you back. And he was not requested back once or twice. He has been requested over a period of years. And then suddenly the man gave up this job and said he was going home. The employer called me and said the fellow had said he had finished working. I told him to put him on the telephone because he was 245 miles from Toronto. It is no sport driving all of that way to hear a fellow tell you he is finished working.
12.15 p.m.

Now the man... If you go up by Flagstaff by Streat's shop you will see a direlect of a human being because of drugs. This is one reason why I am saying that... I tell people, if you want to see why people should not use drugs, go up there and see this man.

I also want to say this about those who have any idea about dealing in drugs. Let me tell them. I thought that the Leader of the Senate would have mentioned this. I am glad he did not steal my thunder. Let me make it quite plain to them, when you go to prison for this kind of offence, do not think that if you get 10 years that you are getting off any time for good behaviour. It is 10 years you are spending up there. The only regret I have is that we have to feed them. I am serious. I do not see why the taxpayers money should be spent in feeding prisoners. Their families should be made to bring food for them. If the families do not bring food, we should give them a minimum of bread and water. Prison should be made as a deterrent not as a hotel like it is. These people are taking this thing as a joke.

Look at what is happening in Colombia. If they had hanged these people, I am sure that there would not be any revolting as they are revolting against the whole society. They want to frighten a whole government.

Eventually, what is going to happen if you have all zombies in a society? We have 250 000 at this most. If they go on in this kind of fashion, do you realize what would happen to us who are trying to walk the straight and narrow path? Even if we are strong enough to fight against them, what about our children? Are we going to be satisfied to say that because somebody is going to say we are barbaric... These are the quickest words they can use as soon as you start to use the full force of the law on these things. But the fellow who is selling your children drugs, who is corrupting the society, he is not barbaric. He is to go in prison, spend a little time and come back out to continue.

There is another thing I see here which I should like to see stopped. Do not tell me anything about any human rights and that kind of thing because there is not anybody who wants more human rights than me. I do not see why it is to be fair that a man is charged for drugs, he goes before a court and the case is put off for say the next 3 or 4 months and then the man comes out on bail. The bail should be so high that if he manages to raise it, so be it. It should be set in such a way that he should not be able to come out. You are going to tell me that a fellow is innocent until he is proven guilty. I do not subscribe to that. If he is innocent until he is proven guilty, let him go along and tell him come back next year, the case is going to be next year. You make him post bail. Why make him post bail? I see people coming out from drugs posting \$300 bail, \$500 bail. Nonsense! Wasting of the taxpayers time, wasting of my time, as a legislator.

My view is... I do not want to interfere with the courts. But as a legislator I have a right to say and as a Barbadian, one who has spent most of his life here and one who intends to spend the rest of his life here. I am not going anywhere. I am not any canary. This is my country. I have said this before. Why should a fellow be allowed to be charged and then he comes out on a \$300 bail for an offence such as that? The man is going to go back and raise the money. He would say, "If they put on a fine, let me go and get some money." The man should be incarcerated or the bail should be so high... If it is anything like \$6 000 or \$7 000 bail and he could raise that, all well and good. But if he cannot raise it, he should stay there. That would stop them from getting themselves involved in this unsavoury act of selling dope to your child, my child and other people's children.

There are a few other things which I noticed in the Bill that I thought... It is not the draftsmen's fault. But I would say the draftsmen had to produce what the Cabinet wanted. But the Cabinet has to understand that we the people outside of Cabinet also have a share in the pie too. As the Leader of the Senate has said, he is sure that the whole of Barbados will support us on this thing.

I am sure that if we had made it more stringent in areas such as the bail business, it would be supported, even if you are going to get a few people who would criticize us,

naturally. You might get a few lawyers who are going to criticize because if the client is inside he is not going to be able to raise the money to pay them. Do you understand? So you are going to get a few lawyers who are going to criticize too. We know that. But you cannot worry about the minority. You have to think about the majority. Even when the minority is right you have still to give the majority some consideration. The majority in my view would support me on this measure that the bail for these kinds of offences is too light. I laugh sometimes when I see that they put on \$300 or \$500 bail on man for drugs. When the fellow comes out he can make that in one swoop. He comes out with a few foil wraps and he has the money covered. You let him come out to cover the bail. You are not doing him anything. We have to stop it. I might sound jovial but I am very serious about it.

I am going to tell you something. Those who are outside listening and have any ideas about challenging me, tell them to come good, because I know the drug barons feel that they have to do as they please and we do not have a right to criticize them or to say what should be done to them. You know how it is with me already.

I am happy to support this Bill. I was waiting for it. It has me so happy that I cannot find words to express myself in the way I should like to. Because the Bill has taken into consideration... Senator Blackman can vouch for this. When I was reading this, I raised certain things which he told me. I think it is inside there. If you look further down, you will find it. I found it because I read it over and over. I do not want to make any mistakes. As I said, on page 48, I would have liked the part which reads:

"Notwithstanding anything in any other Act contained, a court may"

to be changed to read:

"Notwithstanding anything in any other Act contained, the court shall".

Do not give them any chance to get away. Let them prove their innocence. The court should not have to prove their guilt. They should be made to prove their innocence. That is how I see it.

On page 24, Clause 22 (1) – I have it underlined – reads:

"It shall be unlawful for any person to knowingly and intentionally

(a) employ, hire, use, persuade, induce, entice, or coerce a child or young person to contravene any provision of this Act;

- (b) employ, hire, use, persuade, induce, entice, or coerce a child or a young person to assist in avoiding detection or apprehension for any offence under this Act;".

We are dealing with children here. That is why I have it underlined. The children of today are the men and women of tomorrow. These are the people who have to carry on where we have left off. If we are going to leave a whole nation of zombies, Mr. Deputy President, we will not be having a nation at all. Therefore I should like to see – not that we should change this now because – that this thing be implemented.

12.25 p.m.

Before I sit down, let me say this. I do not want to hear anybody saying or any calypsonian making any song about "anybody's hands are tied". Your hands are free. I do not want also to hear that they were going to make an arrest but they could not make an arrest because the person was "Miss A or Miss B". The point is that if "Miss A or Miss B" is pushing drugs they should suffer the same consequences as the fellow down in the street.

I also want to say this to the Police. Your hands are free to make the arrests that you should have been making before. Do not come up telling me now that you would like to make the arrest but you could not make the arrest. I know we have dishonest people all over the world and the Police Force is no different from anywhere else. The Police are among us. That is what I keep telling people. They did not bring the Police from China or Timbuktu. They are Barbadians like us. You are going to get good people and you are going to get bad people. When you get a collection of people where there are over 1 200, you must have one or two bad eggs. But what I know happens is that when the very Police go in to make certain raids at certain places the persons there have been tipped off before. So when the Police get there, it is clear. But we have to set up special people with special training and you see even with that there are problems. You see the love for money is so great that greed and stupidity cause people who you would least think of to do some very unsavoury things. One of the things in our society that is killing us is because Mr. A built a two-story house, Mr. B feels that he should build a three-story house. He must go one floor higher and Miss C feels that she must go one higher. So she builds a four-story house. I think that this is one of the things that are confusing not only this society but societies in the whole world. When you look around and see some of the people outside of Barbados who have been apprehended in this drug business, you sometimes get shocked. These are people who are well-off and well paid. What they are trying to achieve I do not know. You cannot eat more than one meal at a time. You cannot wear more than one pair of shoes at a time. You cannot drive more than one car or sleep in more than one bedroom at a time. As I said before and I will say again, I have watched some dead people in

coffins and I have never seen a dead person with his or her hand in their pocket. So you cannot carry anything with you. They are rich but they still are not satisfied. They still want to get more. This is the annoying part of it. That is why I am saying it is hard that you get a rich man and you send a rich man up to Glendairy Prison and I, a poor man, will have to feed him. He should be made to be fed out of his money. They got money so spend the money to feed the person. You will say, "Well, we apprehended him. But why should we have to pay for these kind of people. The time has come that we have to take a different look at the penal code. I will say this. I feel within myself that I am one of the penologists we have about here. Penologist – looking for penalties for crime or getting the penalty to suit the crime. That is how I feel about it. This kind of wishy-washy business that we are going on with because we do not want to offend, we cannot go on with all the time. This is a small country with a small economy. If a person went up for selling drugs, that means he had money. Why should we feed him up there and after 10 years he comes out and still has his money to spend. He should be made to be fed out of the money that he acquired illicitly.

With those few words, Mr. Deputy President, I will wholeheartedly support this Bill. The Bill has covered everything that I would have liked to have said and the enabling Bill will add two pieces of the finest drafting that I have witnessed in a long, long time. I thank you, Sir.

I thank you, Sir.

Applause.

SENATOR MRS. V. C. FRASER: Thank you, Mr. Deputy President. I rise to support the Drug Abuse (Prevention and Control) Bill 1990 and I should like while I am doing this to refer to the National Anthem of Barbados. In that Anthem there is a part in it which says that we are to be "strict guardians of our heritage and firm craftsmen of our fate". Sometimes you get these little blocks when you are talking about serious things like drugs and I have had the opportunity to have been on a committee. So when I hear that we are now seemingly looking at these things I am a bit surprised. I know about two or three years ago when the Government first came into power there was a National Committee set up and then there was a sub-committee to look into all the areas and these committees included people from all walks of life – medical, paramedical, teachers, guides, scouts, church, and everybody. Everybody had a special responsibility on that committee to bring to the committee ideas, suggestions, and indeed incidents with which they had come into contact and to draw them to the attention of the Police who did some investigations along with psychiatrists and psychologists. They also made many recommendations to the Police and then the National Committee made recommendations to the Government.

I want to say that when we are talking about this question of drugs and drug addiction we are talking about something that affects the lives of all of us whether we believe it, accept it or not. The question on my mind this morning is: how many of us here as guardians or parents know these dangerous substances? I think that is one of the questions that we should ask ourselves. Because in dealing with school children those of us who sit on boards and things of that sort discovered that a number of parents do not know what these drugs look like. I am addressing the media. The media has a very serious responsibility. Through you, Mr. Deputy President, I am saying that the media has a very serious responsibility to have on the television programmes these substances to show the people of Barbados what they look like. Indeed, you can get all mixed up between epsom salts and some of these things.
12.35 p.m.

Children get away with these things because they do not know. They have not been educated; they have not been shown what they look like; they do not know the names of them; they do not know how they are used, which have been smoked. Recently at a particular school we found on the premises some things looking like pipes and different apparatus, these various test tubes and all manner of things, which meant that these children were well versed. The parents were completely innocent.

The story is told – a very true story – by a psychologist. He left his house one night, leaving his children in the company of neighbours, youngsters like themselves. When he was reaching near his house, he discovered the smell of a particular drug very strongly and he kept on wondering where it could have been coming from. The nearer and nearer he got to his house, he discovered it had to be coming from his patio. When he arrived at his house he discovered that the neighbours' children were smoking a particular drug and trying to entice his children, who said, "No", because he had educated his children on what this drug was about and how dangerous it was.

When he questioned his children they were able to say "Daddy, we told them to go home; it was wrong and that if our father came we would let him call the police." That was because they knew. But there are several other children in this country who, because they have not been educated or exposed to seeing what these drugs look like or how they are used, may very well get into the whole area of drug utilisation because of lack of knowledge. Therefore the whole question of information passing on to every single citizen in this country, and not people saying, "My light does not burn at you; it is not going to happen to my child." Too often I hear people saying, "My child is respectable; my child is decent; my child is this, and my child is that." When your child gets with his or her peers you do not know what your child would do, because your child will follow the peers, and if the peer pressure is strong enough, then

you will find that before long you have a child that is involved in the taking of drugs.

You have had situations where parents have told school teachers, "We do not understand why Johnny is coming in on evenings and not eating dinner." It is only obvious to any of us that growing children like food, and when they come home in the evening the first thing they do is to look for something to eat. They are hungry. They have been playing and what not, and if you see a child coming in every evening and lying down on the carpet and sleeping until 10 o'clock at night, you know something is wrong, and you as a parent should be trying to find out what is wrong with the child. You should be seeking some sort of medical assistance, because something would have to be wrong with that child for it to be sleeping until 10 o'clock and then when that child wakes up it does not want anything to eat.

Such have been some of the situations that have been experienced in schools around here. Some children have left the form rooms and gone outside to fix up situations. There was one case where a youngster who is now 14 reported that he was on drugs since he was age 9, and he was not afraid to say that every evening he used to tell his mother he was going to help his aunt in the bakery. He would go to the bakery first and after the bakery he would leave and via home he would stop by these chaps who got him involved in this drug thing from age 9. He was so involved then that he was sitting in class and shaking; he was cold; he was hot; he was cold; he was hot; and all sorts of things until when they had to get him to the doctor and then he had to be treated and have psychiatric help.

What I am saying is: if you look at the destruction of the lives of our young people – their brains become addled; some brilliant students who have gone to university got involved in the drug habit, and what has happened? Perhaps you may say they should not even have gone to school. A lot of this I feel can be prevented if we take the bull by the horns now.

I am very happy indeed about the legislation. But let us look at our responsibility as citizens of this country. Many, many bits of legislation have been passed throughout the world on many subject areas. But except the citizens of the country realise their commitment to the particular country and realise their commitment to the young people of this nation, then we will get nowhere. We have to be out there as our brother's keeper. The Parent-Teacher Associations have got to invite the persons who know about drug addiction to bring the drugs to them, show them the drugs, explain them to them.

There has to be accompanied with this legislation a serious re-introduction, re-education, comprehensive, sustained educational programme. We must have this more on the visuals, because the impact of visual aids like the

television is far more important and penetrating than writing in a newspaper. People may just look at the paper and they may not read an article with that degree of seriousness, because there has been a lot of talk about drugs.

One of the things I would like also to see, Mr. Deputy President, is that we have some visual aids for the schools. For instance, we could have some slogans on the pencils and exercise books; some stuck up on the boards. Why could we not have some big murals in Broad Street? Why could we not have some film shows in Broad Street and in different parts of the island during the day where people gather, to show people what this person looked like before they took drugs and what they looked like after they took drugs. How miserable that person looked after! What a beautiful man the person was! And after he took drugs how he looked. This could also be on television, and it could also be a man or woman, or boy, or girl, because these are things that will appeal to people. We have to get in a serious programme where we appeal to people. If we do not appeal to them, then I must say that legislation will come and legislation will go; we have to make the legislation work.

12.45 p.m.

Unless we make this legislation work, then all the people who have put all this hard work into this legislation in getting it here will be feeling rather sad that nothing is working. We have got to strengthen our special branches in the police force who deal with drug addiction. There are few; there are some very good ones, we praise them, but there are not enough, and we have got to have more of those people who can go out to the schools or go out to the youth clubs and in the churches. Why can't we have a full Sunday dedicated where every church in Barbados will preach about drug abuse, drug addiction and explain to their congregations, and those who will be recorded or carried live on the radio and television, but that Sunday should be devoted to the abuse of drugs and what programmes you are going to put in train to assist. Why can't we go out there in the youth clubs and get the young people involved? There are many young people, I must say, who are very involved in trying to help the other youngsters. We need to bring those people who are willing, who used to take drugs, and indeed I have heard many testimonies on radio where people have called in and said what a dangerous thing it was for them. We need to record these voices and use them for the benefit of people to hear what a terrible thing this thing has done to them.

When we come to the question of rehabilitation, this is a very serious note, because there are people whom you can catch in the embryonic stages, and I am happy to see, although some people may not have heard or seen, that Government is taking this step to have this kind of rehabilitation unit, because after a person has suffered from drug abuse, it is very difficult to get the person on the

straight and narrow path. I understand from psychologists and psychiatrists that it is very easy for them to go back into the habit, so it needs a whole lot of counselling, involvement, employment, and skills training. You have to find them a skill that gets them very involved so that they are so involved in this skill that they do not have time to get involved with the other people who are continually mixing with drugs.

Then I should also like to see our personnel at our airports and our seaports strengthened, trained and retrained, and go out on various observation courses fairly regularly to see what is happening. This is a scientific age; this is the age of the scientific criminal and the scientific criminal can always outwit you. Do not think that the big drug barons will come here and put a label in front of them marked "I am a drug baron". They come dressed up as a nice tourist, a visitor to your shores. You would not know that because you would not know the person, but they know your country, they have studied it seriously and then they will be moving around; so you have to get people to study the techniques of how they manoeuvre, how they move around. We do have some such people, but as I said, there is a need for more.

The teachers need to be able to recognise some of the problems; they need to be able to recognise some of the things that are associated with the taking of drugs. Many teachers have said that some days some children come to school and all they do is sleep. They refer that to the headteacher. I am happy now that the new Act has given the principals back their power, because that is very important so that they may be able to act. When a child in school is sleeping all the time, they do not have to wait to do this and do that and go through a lot of red tape. What they can do is to probably consult a physician – of course I believe you still have to inform the parent – and have that child checked immediately. You may be saving the life of that child from going further. These may be signs and symptoms of deterioration where the child begins to sleep for an entire day in a classroom, and will not absorb any work in his or her brain, will not eat food, and therefore the child begins to get weaker and weaker.

The community approach; we have the neighbourhood watch, but we also have many churches in every community in this country. I feel seriously that the church has to realise its mission to humanity, and the church has to be in the forefront of this fight against drug addiction. The church has to be out there, not only saying that they are going to save souls to go to heaven. I believe in that; I believe in altar calls and I believe in trying to preach to people to do the things that God would have them to do, but at the same time Jesus Christ came on this earth and he looked after the physical needs of people; he healed many people; he was interested in the life styles of people, and if we are interested as a Christian community, then the church must play a very vital role in trying to divert the attention of

young people from drugs to many meaningful things. In other words the church must not only be concerned with the saving of souls for Christ, but it must be a ministry which is concerned with saving the souls of the future generations of this country, that we will have proper Prime Ministers with good brains. If we do not have future Prime Ministers with brains, but those who have addled brains because of drugs, or we do not have doctors with brains, but those whose brains are addled, we don't have teachers with good brains, what is going to happen to this country? It always hurts my heart to think that some people feel that they should not be involved in this whole question of drugs. People feel that they should not call the police if they know the situation where people are encouraging youngsters to be at a particular house in a village where the whole question of drugs is a big thing and people peddle drugs at this house, and they will tell you "Not me. I am afraid to call the Police." The police have said you do not have to give your name, you don't have to give your phone number, just phone and tell them. If we are responsible citizens, we must do these things. If we don't do these things, then we must hold ourselves responsible for what happens to our youngsters in this society.

We are talking about the youngsters, but let us talk about the older people in this community who have been encouraging many of the younger people to be involved in this state of drugs and telling them that they can get quick money. Don't bother yourself, you can get quick money when you sell drugs. A fellow told me the other day that he had been thinking seriously that it pays you better to go into drugs. I asked "what would make you think of that?", and he said "well, I know of some of my friends who went to school with me who have been involved in drugs and they have got a BMW and I don't have a BMW." I said "what is more important to you, living a wholesome life and your brain is clear and you can think clearly and you are healthy, and you can work and get whatever you want by working hard, whether it is a BMW or not... hard work is very important, do not look at what somebody else has got and how they got it. My grandmother always used to say nobody knew how Tom got his dog. So one has to be very careful.

12.55 p.m.

The things that the older people help to entice these younger people into looking at – what X has and what Y has... As Senator Boxill mentioned, we must not try to be like the Joneses. We have to educate our children that all honest labour is uplifting and stop telling them that if they have a particular skill that that skill is not important and that you do not want them involved in the skill of masonry because they went to a high school because many schools experience this.

When children say they want to do joinery, or carpentry to go to the Polytechnic some of the parents say

"No. I do not want him to do that. He went to high school. He does not have any right doing that". But when they consider the amount of money that a carpenter can make and what is the demand for a carpenter, then they would like the carpenter's money. But they do not want their child to be trained in that particular skill.

I also think, Mr. Deputy President....

Mr. DEPUTY PRESIDENT: Senator Fraser, you have five more minutes.

SENATOR MRS. V. C. FRASER: Thank you very much, Sir, and that is quite a lot of time.

We also have to look, Sir, at this whole question of the way how drugs can come into this country. As I said before we have to look at strengthening the personnel at the seaport and the airport. We have to be very sure, Sir, that we look at the quality personnel that are selected for these particular specialised positions. We have to know that they are well trained and well informed and that they have a special commitment to the country that nobody is able to pass.

Then we have to look at some sophisticated equipment that we may need to detect the drugs carried whether it is in handbags or suitcases. They are getting more and more sophisticated devices in other countries in the world to look at these things and you may not know that they have their eyes on you because of these various pieces of equipment. But the sophisticated equipment is being used. And that is how some people may not be caught in Barbados but they might be caught elsewhere because of this type of equipment.

I think no stone should be left unturned in this area of trying to assist in any way whether it is by the use of equipment or visual aids to have the visual impact, posters, other communication techniques, the strengthening of staff, the training of more staff so that in turn they can train the parents, the teachers and the school children. I think no stone, and I will repeat that, must be left unturned.

When we come as taxpayers we must not be talking any foolishness about spending money for these purposes. These young people are the young people of our nation. If our nation is a nation of drug addicts, then we are all in trouble. Do not say it cannot happen to your child. Ask not for whom the bell tolls. It might be tolling for thee.

Thank you, Mr. Deputy President.

SUSPENSION OF SITTING

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, it is now 1:00 o'clock. I beg to move that this Sitting be suspended until 2:00 p.m.

The question that the Sitting be suspended until 2.00 p.m. was put and resolved in the affirmative without division and Mr. DEPUTY PRESIDENT suspended the Sitting accordingly.
1.00 p.m.

RESUMPTION OF SITTING

SENATOR DR. L. L. SHOREY: Mr. Deputy President, I would like to make a brief contribution to the discussion on the matter before this Honourable Chamber.

Let me say that it is probably one of the measures on which there is going to be unanimity of thought and agreement. I cannot imagine that there would be any member of Parliament in either Chamber who would have any reservations about the desirability of it.

I think it is fair to say that drugs for us in our country, as in other countries, constitute one of the greatest threats to the stability of the country, viewed in the widest sense that it could possibly be. I am certainly among those who would wish to express commendation to Government for the introduction of this measure.

Before I go on I would like to say that even though, as I indicated to Senator Boxill I do not think I could find myself in agreement with the measures he would like to advocate. I certainly thought that he made a very clear, strong and forthright case for stringent measures. I believe that the Honourable Chamber is indebted to him for that clear speaking.

Sir, there are just one or two things I would just like to add. That is I confess that I share some of the concerns expressed by Senator Brathwaite particularly with respect to the need to ensure that the Police Officers receive appropriate training. I have no doubt that Government is aware of the need for this and will set measures in train, if they have not already so set to ensure that officers of the law have as much appropriate and as intensive training as is needed to enable them to cope adequately with their responsibilities.

I would also urge that Government give consideration to her suggestion that specific attention be paid to aspects of legislation needed to deal with the matter of transmission of drugs through the mail, and I thought that that was a point that was worth re-emphasising.

Finally, Sir, I think that it would be but appropriate to express some measure of commendation to the media, in my view, particularly CBC for the programmes which it has repeatedly put on emphasising the adverse effects of involvement in illegal drugs. One would hope that the station would be given every encouragement to continue its presentation of these programmes and, if possible, to increase their frequency.

Let me say that I am among those who believe that in education I see this as an educational component. We have to be more effective in selling our wares. It is an argument I have already advanced in this Honourable Chamber. Just as people sell deodorant, perfumes and so on, quite legitimately, I think we have somehow to have it making much more of a sale of the goods in terms of concepts, ideals and so on in which we believe.

Sir, I would therefore like, once again, to say that I am in full support of this measure.

SENATOR THE REV. CANON I. McK. JONES: Mr. Deputy President, I just would like to add my comments too to what has been said by the other Senators.

First of all I think everybody, even though it is a little late in coming, would be in favour of having some legislation like this put on our books.

I feel, Sir, that, as Senator Brathwaite said, it is all right to have this legislation. But what is more important is not just to have it in printed form but to have it implemented if we can implement it. There is no point having this if, as she said, and I agree with her, we do not see to it that we try to stop the importation of drugs into this country. I think that is where we have to put most of our knowledge and our expertise – at the airport and at the seaport. And also with these little boats that come in and ply all down in St. James and around the countryside dropping off their catches of whatever there might be like cocaine, or marijuana, or whatever it is.

I think that that is the most important part: that we should see to it that our Policemen are thoroughly trained, our Customs Officers are well trained and indoctrinated in this kind of thing both at the seaport and at the airport where we should have a constant watch over the people who are coming in here and bringing these things to destroy our youth. Not only the youth but the not so young too are also falling to this drug menace.

Another thing I think should be emphasised and that is what Senator Fraser said and I agree with her that all of us should have some means of knowing what these drugs look like so that we may be able to save our own children and our own grandchildren from getting into this kind of a drug menace.

I do not think there are many people in Barbados that know what marijuana looks like, I mean parents, teachers and so on. I remember when I was teaching at Harrison's College I asked the Commissioner of Police if he would send one of the members of the Drug Enforcement Association to Harrison's College to let us see what these drugs looked like and that is the first time in my life that I had ever seen what a marijuana plant looked like. Because my fear was this that somebody could easily plant a

marijuana plant in my garden and I would not know what it is; and if it was found there by a policeman, I do not mind what I said, you would be sure you would hear "Canon Jones, he has been planting that ever since. He had marijuana growing there ever since." I would not even know what the marijuana looks like. So it is for that reason that I was very glad that they sent it.

They did not have any cocaine to show us but they showed us some hashish and something else which I thought was very important. As a matter of fact, there were one or two children at the College who knew marijuana even better than the policemen.

I think that is a very extremely important thing that we should, and I agree with her, get put on television where people can see what the marijuana plant looks like, see what the cocaine looks like. They tell me what it looks like but still I would not know if it came into my house or if my child, or my grand child brought some in there, unless I tasted it. Just by looking at it I certainly should not know that it is cocaine.

I would say, Sir, that I agree entirely with what has come out here. I hope that we will be able not only to pass legislation but to see that the legislation is implemented to its fullest.

The third and last thing I would like to say is this. I have heard a lot of talk about all the people who are trying to fight against this drug abuse.
2.10 p.m.

We have had the Barbados Medical Association; we have had the Ministry of Health; we have had policemen, we have had attorneys and so on. But I did not hear much mention of the Church. I really feel that children who have been brought up in a Christian environment are much less susceptible to the taking of drugs than other children. I am convinced of this. Children who go to Sunday school and to church are much less likely to be taken in by people selling drugs and so on.

It is not just a question of education. It is the type of education you get. When we have moral, ethical and spiritual education, it makes all the difference in the child's attitude. I am convinced of this. I know it is true.

What we are finding now is that few people are interested in prayers in schools. They do not want any Scripture taught in schools. Some people do not want to hear of Scripture being taught in schools. They say, "I am not sending my child to school for that." What they do not realize is that by doing this, having scriptural teaching or ethical and moral teaching, you are preparing in those children attitudes that would be able to stand up to all the wiles and assaults of the devil outside.

I am convinced that we need to put more emphasis on what is taught in schools as far as Religious Knowledge and Scripture are concerned, and also to try to encourage parents either to send their children to Sunday school or to some place where they can learn something about ethics, morals and spirituality. I am convinced that that is a much better way of fighting drugs than all the law enforcement that you can bring.

Thank you.

Mr. DEPUTY PRESIDENT: Senator Eastmond.

SENATOR MRS. G. L. EASTMOND: Mr. Deputy President, many able speeches have been made by the others here this afternoon.

As a mother and as a grandmother this Bill means a lot to me and I must compliment the Government. You are never too late to do a good thing. If they are late, I appreciate that. Because here we are today knowing that the Government is here in the interest of the people, especially the children of this country. The time is right now for us to look at our children. In the 70s the drug problem was here. In the 70s people thought, "Okay, that is nothing much to look at." I was in the Ministry of Health at that time and I was aware of it. I was given a course to England and I could not take the things that I saw there in England in the rehab centres and so forth. I cried to see what drugs could do to children.

So many years now have passed and you want to tell me that the parents, the mothers and fathers who had travelled, most of them had travelled widely, they had been reading in the newspapers, they are well read – should not know about the dangers of drugs for their children?

My heart bleeds for these young people. Because when I am told that parents can give children a key around their neck to take to school, come back home, unlock a door and go into that room, they are taking chances with their children.

As mothers of the children, we have to take the greatest responsibility for these children today. We brought them into this world. Do we want to see them just decay in their youth and die or go into a mental hospital or a rehab centre? If you were to see some of those people, I am sure, if you have a heart and if you really care about young people, you would just turn away and weep. Do we want this for our young people?

I am asking this question. What are the mothers doing? What are the parents doing? If the fathers are not there, the mothers have the responsibility. The mother is the bearer of the child. That mother should know when that child is taking some unusual substance. That mother should know the patterns of her children. Do these parents really

realize what is happening to their children? Are they with them? Do they realize what they are thinking, how they are thinking? Do they know if they are doing their homework?

You see, there is too much freeness in Barbados – education free to university level; everything free. The parent has not got the responsibility to say, "I have to put aside so many dollars to pay for your education." I grant you that where parents are disabled and cannot afford it, we should be giving them free education. But it should be done in such a way that the child grows up with dignity and pride. But today everything is free, except drugs.

The parents can give their children money. It is just as well when they give them money. When they give them the money to take to school, what happens? When the children get home, some of them with a key around their necks, they go in. The parents do not observe what is taking place in their homes. They should know their children like clockwork. They should be able to see when they are getting drowsy and know what is happening to them, the change of patterns.

What is going wrong in my country? When we destroy the youth of this country, the generation to come, we the old people cannot keep it. Do we think we are here forever to live? We are not. Today we are here, tomorrow we are gone.

But look how many of them are being destroyed. I have seen in England, young children, children 8 years old, 14 years old and they were just stripping off their clothes. I just could not take it. That was in the 70s. We are in the 90s now. This is 1990 and we have waited.

I am not here to blame any government. I am not here to blame anyone. Thank God this Bill is here before me today. I hope and pray that it will awaken not only the young people and the teachers in the schools and wherever there should be children, but the adults must set the example. We have to look at ourselves and ask ourselves, "Are we doing all there is possible for our children?" Giving them money, giving them big cars, giving them every sort of thing of material quality. Is that all there is today?

When you bring a child into this world, you its mother have a responsibility. The father has one too, you know. They get away with murder. But as a woman... I am speaking today as a woman who loves my children and grandchildren. And I am telling you that I have known of cases where the teachers in the school have given the dope to the children, fed them with it and made them drug addicts.

I know that most of them are getting out and they are getting their treatment and are back where they should be in

the society, at college or at work. They are doing their degrees. We talk about this but this is no light subject.
2.20 p.m.

This is a heavy subject. This entails the future generation. My parents taught me to respect my elders and not to eat from other people. But today everybody is rubbing shoulder to shoulder for a job. You can have a home industry if you have your children still at home. You can have a little something in your house. There is something that you can do, but your children come first. I would like to tell every woman who is the bearer of children that your children come first, not the mother nor the father. Neither one of them is as important. You have brought a life into this world. Make sure that that life which you have brought into the world is worthwhile and comes out to be an example for future generations.

What is this we are seeing? It is serious to think that children at the schools are given ice cream cones and drugs may be involved in them. Their parents must be vigilant. They must look at their children up to the ages of 10 or even 12 years. You should still say that we can bathe together or something like that and eat at breakfast. When you see the eating habits have changed, you must know what is happening.

But praise must go to this Government for this Bill today. We needed it. We needed it years ago because in the 1970's you could not touch certain people. But I pray that the drug lords rot in hell and pray that the fire will burn them because they have lost their souls for the love of money. If they think money matters, you work for it. But today we are not seeing this. We are seeing them outside of the schools and wherever possible. The drugs have them where they want to kill. They want to come into your homes at night and rob you to get the money that is necessary to buy the drugs to keep their drug habit going.

We need more rehabilitation centres and not at hospitals like where people used to call "Jenkins" – the mental hospital. They should be in nice places with nice environment where they can read and be treated and can come back out as good citizens in the community. I pray to God that we can see some action now that this Bill is here. I want to see this Government get at the big lords not just the small people.

Do you want to tell me...? Just recently I saw something in my newspaper about a Customs Officer. I could not believe it. This is not good enough for little Barbados. Barbadians have always held their heads up high. We are a proud people and I think we have waited a bit too late. But I pray to God that we are not too late. I know for a fact that it is in the schools and everyday I tremble for my grandchildren who go to school. I am sure that no one here in this Senate is going to sit idly by. If we have to fight against the drug lords, we are going to fight. I can go

anytime but these young people have not lived yet. So everything that is in the laws which the Government has made I appreciate and I shall appreciate forever. Because if you are not vigilant enough, the children may eventually become sick with drugs.

Mr. Deputy President, I know how you feel because I know that you are a man that will not condone drugs. But they say that money is the root of all evil.

Asides

SENATOR MRS. G. L. EASTMOND: Love! But they are doing it for money not love. Oh! The love of money. It could be either one. But it is the love of money to get the drugs. They are copycats too. They see "X" has worked so hard for just a few hundred dollars a month. They eventually build a house and then your next door neighbours get jealous of what you have. They see their children bringing home money. But do they ask them where they got it from? They are so glad to see the money. They themselves may be involved in it. This is not good enough. The adults must be re-educated and re-educated quickly. Use the school halls. I do not care what you use but let them understand that there is a day of reckoning and each and everyone of us whether we are a mother, father, grandmother, or grandfather must understand that the youth of any nation must be a credit to the nation.

Thank you, Sir.

Applause.

Mr. DEPUTY PRESIDENT: Senator Forde.

SENATOR MRS. P. Y. FORDE: Thank you, Mr. Deputy President. I rise to support this Bill in the fight against this evil which is having a serious effect on the young people in our country. I commend the Government in its efforts on this new piece of legislation. After all, I think the last four debates we have had on the Estimates I have mentioned about drugs and I am very pleased to see that something has been done. There is a lot more to be done. We have only scratched the surface and I am happy to see that everyone around this table has been together on this particular subject. We have to go further as I have said in the matter of dealing with the pushers, dealers, *et cetera*. But we have to think further about rehabilitation.

I am told, I understand, and I have read in the media that a rehabilitation centre is supposed to be part of the St. Joseph Hospital. But I will be bold to say that we need not only one but we need more than that. I know that we have agencies among us who are interested in helping as far as rehabilitation is concerned and the Salvation Army is one of these agencies. I think, if you will remember, they have been collecting at Christmas time from the Red Seal Appeal towards this rehabilitation centre. It took a long time getting

off the ground because we were waiting for the Government to lease us some land in the Reed Street area. I think that is now settled for the time being. But they have not got all of the money at the moment.
2.30 p.m.

It would be a good gesture, I think, if Government can help financially in the bricks and mortar to help us off the ground. I think that is another thing they can think about. And therefore if we have one rehabilitation centre at St. Joseph in the north of the country, in the City which I think is the most important area to have such a centre, you can think about joining with an agency to have such a centre in the City. Everyone knows that part of the City and you can expect to find everything happening in the City in that area. The rehabilitation centre will not only be for drug users, it will also be for alcoholics, *et cetera*.

At this stage I think I would like to give the Army a further plug, in that everyone knows the good social work that they have done and are doing, and I think they are going from strength to strength. I think in this effort, dealing with drugs, we should all go forward in a national appeal to the rest of the community to do what we can, along with the agencies who will help us.

As I said, Mr. Deputy President, I support the Bill and I agree with most of what the former speakers have said.

I thank you.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, I rise to support this Bill and to express my agreement with everything most of the other Senators have said. I do not exactly agree with the idea of capital punishment, but apart from the question of capital punishment I agree with most of what Senator Boxill has said.

I think basically we must note, however, that this Bill provides us with a better legislative framework for dealing with drug abuse and drug trafficking. In particular it should assist us in dealing with the problem from the supply side. At the same time, however, it merely provides a better legislative framework and therefore it is left to the human element, together with the equipment which is placed at the disposal of the law enforcement agencies, to eventually determine how successful we are in this particular fight.

Beyond that, however, I want to indicate that we cannot win the war against drugs mainly by focussing on the supply side, because for as long as there is demand for drugs there will be people who will find ways and means to try to meet that demand by supplying the drugs for the people who want them. Therefore, our greatest effort, or the effort which will eventually be more successful in eradicating the scourge of drugs from Barbados, the effort on the demand side, where we have been able to raise the

consciousness and the intellectual, moral and psychological strength of all Barbadians to the point where most, if not all, of us can resist the temptation of drugs.

This would imply action at two levels. Already we have addicts and we will need to try to rehabilitate those. To do this we must have the adequate level of resources, including detoxification centres, to be able to be successful in rehabilitating people who become addicted. Beyond this, however, we must endeavour to prevent people who are not now addicted from falling victim to drugs. We know the greatest danger is in the area of young people. They are predominantly the ones who fall victim to drugs, and because of this I think the agencies that deal with young people ought to be in the vanguard of such a fight against drugs, and, in particular, I am thinking about schools, including our primary schools. The idea of drug education, the development of an awareness of the dangers of drugs and also inculcating within young people attitudes which would make it less easy for people to lead them astray in those areas, that type of activity, that type of education must become one of the central preoccupations of our schools, secondary and primary.

We know already that there are many students of school age who are already addicted and those must be identified as early as possible on all occasions, and immediate efforts should be put in place to rehabilitate those. But beyond that we must find ways of reaching out to young people to get them to appreciate that there is nothing good in terms of giving in to the blandishment of drugs. This is not an easy thing. This is something which will call for the research or the input of psychiatrists, psychologists, social psychologists and other professionals to assist us in formulating the best type of strategy, but first and foremost we need the will; we need to determine that that is where we are going to put our particular effort, that alongside of ensuring that our young people learn to read, write and reason. We now have to ensure that they are alerted to this major pitfall which can befall them and be given techniques to cope in terms of avoiding the particular pitfall.

We therefore have to find ways of involving all of the teachers in this particular undertaking. Undoubtedly we know those people who are involved in drug trafficking and so on seek to corrupt whomsoever they can, from the highest to the lowest, people in every area who can be of assistance to them in one way or the other. There can be little doubt that they will reach people in schools, people in the law enforcement agencies and so on. But the rest of us who have not so been reached must develop ways of identifying those who have fallen by the wayside and we must develop techniques of trying to bring them back into the fold, techniques which sometimes would involve the use of legislation which we are about to pass, but techniques which might go outside of that framework also. I think that, basically, is a challenge to our nation at this time.

Getting back to the focus of the legislation, which as I said has to do with interdiction, detection and other matters related to preventing drug traffickers from operating, and people from abusing drugs and so on, the points about what has to be put in place at our airport and sea ports are very well taken and I entirely support that. We also have to develop an ability to maintain 24 hour surveillance on our total coastline. That should not be too difficult for a country the size of Barbados and given the technology that exists in the world today. We should be able in more ways than one to maintain 24 hour surveillance so that any vessel approaching our waters would be detected, big or small.
2.40 p.m.

If it cannot explain its presence, we can investigate its presence. We need to be able to do that and we need to do it. In terms of the law enforcement agencies, we have to redouble our efforts in terms of instituting special arrangements and implementing special strategies and establishing special units to deal with these matters. We know that those people who have been corrupted quite clearly would have to be but a small minority of our citizens, but the problem is that we may have an idea who some of the people are, but we will never very easily know who all of the people are. Therefore although we should quite reasonably make the presumption that the other guy out there is not involved until we are able to determine it, at the same time we have to proceed on the basis that we may be wrong in that presumption, and therefore have arrangements which would be such that if we are wrong we would in the fullness of time discover that we were wrong in presuming that he was not involved. I am saying this not in relation so much to the average man in the street, but to the people who are most closely involved in the matter of drug enforcement. That is where we have to be absolutely sure that if not today some time in the future everyone involved at a certain level is 100 per cent trustworthy, because it takes one person or two people to be able to undermine all of the efforts of the others. Therefore I am saying that we must develop strategies and proceed in a way where we have checks and balances and different levels of scrutiny and so on that our efforts cannot be easily frustrated by the drug lords infiltrating our arrangements and winning over one or two people to their side. I think that is absolutely important if we are going to be successful. One or two people at the very highest level must take the kind of ultimate responsibility for organising these systems and ensuring that we have in place systems for scrutinising and double checking leakages and information and various means of finding out when things are going wrong and being able to trace down the source of malfunctioning.

I think basically however we have all supported this particular legislation and I want to express the hope that it will not simply just go on the books and business will go forward as usual from this day forth such as it was before. We know we have been making our efforts; we also know our efforts have not been adequate. I am saying therefore

this legislation is one acknowledgement of that failure, but it is not the total answer to rising above our present shortcomings. We need to relate some of the ideas which I have sought to throw out here today.

I thank you.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, there are just a couple of words I would like to say in support of this legislation. I am happy to see that Senator Eastmond and Senator McClean addressed the demand side of the problem. If indeed we are to eradicate the scourge of drugs from our society, while it is a necessary condition that Government puts in place the necessary legislation to slow down the flow of such drugs, we will hardly make a dent in the control and eradication until such time as we can develop greater prevention of use of the drug and provide rehabilitation for those people already involved in the drug. That is, one blade of the scissors will not cut. Government has put in place now enabling legislation which will control the supply. Now it is incumbent on us as citizens to look at how best we in our individual and respective ways can control the demand for these drugs. Here we have to begin with each one of us. What contribution can we make to dampen the need and desire for the drugs in our society? Parents too must play their role in preventing their children. I think it was Senator Jones who touched upon the values taught in churches and the various religious institutions which will act as preventatives, if you will, and deterrents to youngsters who might be so taken in with experimenting with these drugs.

Also we must again find the spirit of neighbourhood where we once more become our neighbours' keepers. When we begin to see strangers in our neighbourhoods and our own children and our neighbours' children fraternising and in the company of strangers to the neighbourhood, these acts in themselves should alert us to potential danger areas. The schools also have a role to play in the school effort. I know that given the changing nature of our society, greater burdens are being placed on the teacher as both parents go out to work. That role the teachers must of necessity accept, and do all in their power through their own vigilance to ensure that their charges do not become contaminated.

Community groups like the Scouts, the Girl Guides and all those other community groups must again unite and cooperate in the effort to fight the scourge. It is a battle that will not be won by Government instituting more and more legislation. It will only be won when the entire community recognises that it is our individual and respective problem and that we are prepared to unite and cooperate in finding a solution to it.

I was heartened to hear that Senator Brathwaite found it in her heart to support the legislation, but even in her attempt to support it there were certain comments made.

She said in her presentation that she hoped that we would upgrade the facilities at the Government Lab. I believe it was during the presentation of the Estimates under the Head of Agriculture where a significant expenditure was being made for some equipment for the Lab and at that time I was at pains to point out that it would have been used also to analyse some of these foreign substances finding their way into the society.

On the question of the length of time which it took to get the legislation before this Chamber, and in spite of that passage of time which was occasioned by the need for consultation with all parties concerned, we are still hearing that consultation is still on-going. At this point in time there are certain further recommendations made by the Barbados Association of Medical Practitioners which will not only include midwives but also nurses as well; but the consultative process does take time and it is better to consult in order that all parties concerned will have a chance to make their input.

On the question of resurrecting the question of the dope in the diplomatic bag, we came to this Chamber and I think it was Senator Brathwaite who raised that again, and we made it quite clear at that point in time that shortly after the problem was discovered corrective action was put in place by the administration in the Ministry of Foreign Affairs to ensure that there would not be a recurrence of such an incident; so although Senator Brathwaite was supporting the Bill, I thought it was somewhat unfortunate that she decided to use the opportunity to deal with matters which already had been aired in this Chamber and pretty well addressed.

I just wanted to reinforce what Senator Eastmond and Senator McClean said, that we will never control the scourge of drugs until we control demand for the drugs, and that demand begins in the house and the homes of each one of us.

2.50 p.m.

Government itself cannot control drugs. We can put all the legislation in the books but if the will is not there and if the demand is still there there will always be a way to get around it and we ourselves must look out and take a fresh look and see what we can do, each and every one of us, to control the demand for these psychotropic and other mind altering drugs.

SENATOR A. MORRISON: Mr. Deputy President, nothing is so well known to a society in these days as the scourge and damage done to human beings by the use of drugs. In this debate I believe that all political parties are *ad idem* in the approach and have at some time or the other expressed their disgust with the proliferation of drugs in the society. And I think it is one occasion where we can bury the political hatchet and work together in one harmonious effort in order to rid this society of this scourge of drugs.

Sir, we have had the occasion to try to control drugs. I do not want to blame one or other political party. I feel that attitudes of blame or praise, if they are to be assumed, must rest on a certain scale of values and cannot be extracted from the bare narrative of the historical advent of drugs into this country.

What we must seek from the history of drugs in this country is inspiration before verdicts. Sir, on that note I would like to implore all political parties to join with the Government in helping to rid this country of that most iniquitous scourge which has descended on our young people.

Sir, I do not know much about the dealers. But I would just like to issue a few of my own rudimentary enquiries into how dealings might take place in these things called crack, heroine, angel dust and other illegal drugs.

Sir, I hear about hawking cocaine. We have heard about young people and people walking about with two hypodermic needles in a wrapper trying to further propagate the trade. We have heard about kids who support their parents by the selling of drugs.

Aside.

SENATOR A. MORRISON: I am speaking about in general. I do not know if it happens in Barbados yet but we have heard in a pejorative way about kids who actually support their parents by the hawking of drugs.

What I would like to implore, Sir, in dealing with this is that I think that it is time that somebody, any institution, whether it is the Police, the Customs, Immigration or all combined together... There should be a study of the habits of drug dealers.

I would like to see a study done on how drug dealers actually perform their tasks in order to get into the people, in order to carry on this particular drug trade which has caused such havoc. So that is the first question I would ask myself – to have a study done on how drug dealers actually carry out their trade in a particular way. I have noticed, reading internationally, that drugs have become a very major part of some economies of some countries. This is a very serious thing, Sir, even countries have depended on drugs in order to boost their economy.

Another question I would like to ask is how much drug money changes hands in a country on a particular day? These are very vital questions. We should know the amount of drug money which changes hands in a particular country on a particular day. This is very necessary in order to arrive at some kind of way of how to deal with the situations.

I have been told that there are certain ground rules which apply to drug dealers in which there are no names.

No names are called. Those are the ground rules which I understand they adopt. But there must be someone who is very big outside the whole operation who provides the first capital outlay, Sir, and who does not form part of the whole operation. He, I suppose, is who puts up the money.

Then we have something, I am told, called "the carriers" who actually makes the buy. Then I am told there is something called "a runner" who actually brings the stuff to the user to the particular location, into the house, the school, or in the neighbourhood and he gives it to something called "the pitcher" who actually sells it.

I am also told that there are about 20 different brands of crack which operate in a country at any particular time and these things are very disconcerting to me, Sir.

I am also told that there are some dealers who try to break into other businesses of other dealers and then we have drug wars as a result because of the underselling which creates very terrible competition and then we have murder. They then kill to preserve their own territories.

I am told that the effect of all these drugs is that people who are actually the victims of the drug deal become fearless and they are unpredictable so we have fear, crime and violence. They all go with drugs. That is the situation which I understand obtains in certain drug countries.

The major part of my speech, Sir, I should like to make a plea to Government and to the people of Barbados – I am not concerned about dealers at all. I am concerned about the rehabilitation centres which should be provided in this country if we are going to make a real indent into the drug trade. I know there are a lot of young people who would like to get off the crack but they cannot do it by themselves and it is incumbent on Government, all other authorities to make as many drug rehabilitation centres available as possible in order to fight this. The more people we can reclaim... I am not concerned about the drug dealers. I am concerned about the people that we can rescue. If we can rescue the young people who are there crying out for help and who cannot do it all alone by themselves, if we can provide those centres and have them equipped properly, then we can try to make an input which would, in years to come, make even drug pushing become meaningless. That is the big thing. I want to push from that angle.

I cannot fight with the dealers. I do not even know how they operate. My point is that it behoves Government and all these organisations wherever possible, to teach the young people about it. We know that life is hard. Life is tough for some young people and nothing comes easy in society. But we should make them aware of being proud of what they are no matter what their circumstances might be.

That is a duty that society owes to young people in Barbados that we should make them become proud like in

the day gone by when people even though they were poor they were proud. Even though they were hungry they were not starving and people became proud because they could hold their heads high in the air. We must instil that in our young people if we are to fight this menace. We must coach those people. They must go to church. They must go back to the schools. We must coach them into an era of self-respect that no matter how things might be in their homes that they should be proud and that they too can make good men and women in society. That is the message that we should send to our young people. That is the message that we should send our youngsters.

3.00 p.m.

I know the measures in the legislation are very good for punishment. But I should like to see more money being put on rehabilitation centres in order to fight the scourge of drugs in this country. If we do it that way, while they are working on the other front, we would still be able to reduce the incidents of drug addiction in this country. And after a number of years, it would be meaningless to try to push drugs among our young people. That is the kind of message I want to send to the people of Barbados.

I want the organization to be aware and I want that we from now on put money there and have not one rehabilitation centre. We want several rehabilitation centres, if we are going to make any indent at all in this most pernicious kind of offence that is happening in this country.

Nobody would ever know the untold misery and suffering that has been suffered by parents who have had children who have been hooked. I discovered only yesterday that there was a fifth former at one of the Government's schools sending little notes to a young girl aged 12 to 13. And when the mother felt that he was trying to make passes at her daughter and wanted to know why he would want to talk to her daughter at night on the telephone, when they did investigate, he was trying to get drugs to her. When they were putting one kind of impact, it was the other thing. The mother could not believe it. Those are the things that you have to fight against.

But if we could educate our young people to be reliable and if he can provide... Because as I said, Sir, there are a lot of young people out there who have been hooked and who are crying out for help. They want to get back to the normal true and straight path but they cannot do it alone. They need the centres all over Barbados and the equipment. If we can save some, then we would be on the road to eradicating the scourge of drugs in this country.

Thank you, Sir.

Applause.

Mr. DEPUTY PRESIDENT: Senator Alleyne.

SENATOR F. W. ALLEYNE: Mr. Deputy President, I have heard some fine contributions today on this Drug Abuse (Prevention and Control) Act. I think it would be remiss of me to try to single out any particular contribution, although I cannot forget the contribution of Senator Boxill who spoke with much passion on this matter. I agree with much of what he said, although I do not agree, I cannot support the capital punishment aspect of it.

Sir, from time to time, the Government has been criticized for inactivity in bringing legislation to Parliament. I have to admit as I look at the substance or lack of substance on this charge, that it is without good foundation. It is without good foundation for two reasons:

- (1) Legislation has to be relevant to the society. It does not make sense taking legislation off of other people's Statute Books and bringing it here. Legislation has to be founded in a social context. I have no doubt that this Bill passes the test in that respect.
- (2) I am informed that it is difficult to attract good draftsmen and that the Attorney-General's department is under a lot of pressure to get a whole complement of staff.

I think the Attorney-General and his staff must be richly complimented for bringing this Bill to this Parliament as well as keeping up with the pressure of legislation which they have to deal with.

I want to underscore the comments of Senator Boxill when he spoke in glowing terms of the work of the draftsmen. I am not a draftsman but I know when something makes sense.

I want to support fully the call by Senator Forde for more resources into the drug rehabilitation centres. I believe that I am second guessing the Government that, if and then the money has been seized from the drug dealers, that money will be channelled, redirected into supporting the rehabilitation centres. I hope that that is what will happen – redirect the resources away from them into recapturing some of those whom we have lost.

I wish to direct the main thrust of my comments to dealing with strengthening of our frontline defences in Barbados. I believe that in a small society like Barbados, it is possible to lick this drug menace. It is a small country you are talking about. You do not talk about the United States of America. But in order to be victorious, we have to be careful in choosing our frontline defences. In the frontline defences, I refer specifically to our – police, our immigration, our customs, our Coast Guard services and our security guards.

I believe that, in Barbados, we have not paid enough attention to psychological testing and evaluation before we choose persons for these positions. These are very vital positions when we think in terms of the security of this country. Somehow we feel that if you have 5 subjects at the Ordinary Level, you have some "A" Levels and you are tall enough... Although nowadays when I look I have to ask these questions, if the minimum height is being stuck to. I understand it used to be 5ft. 8 ins. I see some fellow just over 5ft.

But the point which I am making is that we have to be more careful in scrutinizing the persons we select for these very sensitive roles. I recall, I think it is about 2, 3 years ago about 2 or 3 police officers were apprehended for transporting marijuana from the Grantley Adams International Airport. I do not recall what has become of the case. But I know they were charged. This is a very serious offence. Likewise the case of an Immigration Officer who is now on remand in the United Kingdom. I feel very saddened when these things happen. Quite recently, you heard of the use of a prison van to pick up drugs somewhere in the city. I feel very disturbed when these things happen because what it is telling me is that the frontline defences of the country have been breached. I think that we will have to think very carefully again about the type of persons we recruit into our security services.

I recall in the old days, I grew up in a house with a police father. I knew what it was to live the life of a policeman in those old days. I am not convinced that in terms of the quality of personality which we are attracting into the force today, that we are as successful today as we have been, let us say 30 or 40 years ago. We have more people with sophistication in the force today, but in terms of the quality of the human personality, I think we have fallen down.

I have to say, Mr. Deputy President, that we have moved into what we call the modern age. In this modern age, this movement in this modern age, we have taken upon ourselves some things which will destroy us. I am convinced, as I look at Barbados that we have managed to rewrite the Commandments. I refer to a particular Commandment, the eighth Commandment which says, "Thou shalt not steal." We have rewritten it to say, "Thou shalt not be caught." We have also put on an eleventh Commandment which says, "There is nothing wrong with lying, but you must lie with finesse."

In short, what I am saying, Mr. Deputy President, is that the values in this society have broken down, and that has set the scene for the onslaught of drugs which we are witnessing in this society today.
3.10 p.m.

I have to make contact with something that Canon Jones said and I agree with him. Until we not only go back

to church but start to live the life of Christians...It is one thing to go to church. Some people go to church on a Sunday and as soon as they are out of church they put the church aside. I am saying that, as long as we neglect to take a serious look at the values we hold in this society and move back to the Christian ethic, I do not care how much money this Government puts into dealing with drugs we will be forever fighting a losing battle.

I believe, Mr. Deputy President, and would recommend quite strongly to the Government, that we seriously consider putting in place measures to provide for random mandatory drug testing of the work force in the public sector. This is something we consider. I believe that many Mondays are lost and the taxpayers have to pay for it because people are calling in and saying they are sick, that they are high on drugs. This is not always the case, but sometimes it is the case. I can tell you that in 1989 compared with 1988 there was about a 40 per cent increase in sickness claims in Barbados. I believe that this not only affects the public sector but it affects the private sector as well. I am suggesting this, Mr. Deputy President, because I think in Barbados we have reached a crisis on this matter of drugs. It is not a matter of fooling around with it any longer. I am also concerned too, Mr. Deputy President, that so far the war on drugs has tended to be one sided. The people whom I see dragged into the Courts are people from the lower socio-economic bracket when in fact a lot of activity in the area of drugs takes place in high society parties. And I will not be happy until I see the day when drug pushers from all strata of this society are brought before the Courts and dealt with soundly.

I wish to say, Mr. Deputy President, that there can be no justification, religious or otherwise, for the abuse of narcotic drugs. I know in Barbados there is a particular religious sect which will seek to justify the use of marijuana. I do not belong to that religious sect but I have read a little on the effects of marijuana on the mind. I am persuaded that the effects are of an adverse nature and it is for that reason that I cannot support the breaking of the law by this particular sect. I think that the leadership in that sect should try to see the light of day and advise its following that it is not in their interest to fool themselves that marijuana is a sacrament. As I understand it, a sacrament is something good. It does not only give you a temporary high. It gives you a permanent high. So I cannot support this argument that marijuana is a sacrament and therefore it should be outside of the law.

In closing, Mr. Deputy President, let me say how much I appreciated the unanimity which I saw here in this debate today. I would like to think that it is a sign of things to come, as the country moves forward in fighting this drug menace which is a threat to the survival of this society, not to the survival of any Party. If the young generation is lost, Barbados is lost. All of us have to understand that, because it is a relay race. I have to run my leg of the race and,

when my time is up, I have to hand over the baton. If there is nobody to take over the baton, it is going to drop on the ground and we will end there as a people. We have to understand that. I will again echo the plea of Senator Morrison that we all go forward on this business of drugs in a united way. Let us try to educate so that we can cut down the demand. But let us also in legal terms cut off the hands of those who seek to supply.

Thank you, Mr. Deputy President.

Applause.

SENATOR D. A. COMMISSIONG: Mr. Deputy President, I believe that this sitting of the Senate today is perhaps the most important one that we have engaged in since we were appointed. Two matters down for debate today are two Bills that will fundamentally reshape our present societal arrangements. I am speaking about the Drug Abuse (Prevention and Control) Bill and the Proceeds of Crime Bill. I disagree with Senator Brathwaite when she made the point that she did not think that enough powers had been given to deal with suppliers and financiers. I think that when both Bills are read together that the powers given to the law enforcement agencies in Barbados are indeed very, very significant to say the least. Indeed, one of my concerns is that it is so fundamental a reform in our criminal justice system particularly where the Proceeds of Crime Bill is concerned. I know that we are not dealing with that now but the two things really go hand in hand and it is very difficult to deal with one adequately without mentioning the other. Some of the powers given in the Proceeds of Crime Bill to the Police Force so far as powers of search, tracing money and materials, and some of the presumptions of guilt in some of the offences are really significant in our development in the criminal justice system. My only concern, as I said in respect of that, is that I believe perhaps we could have had some more discussion on it. I believe that in matters where we are going to be making fundamental changes such as this that perhaps we could look at a process of a Select Committee really analyzing it. I am not saying that I am in any way against the measures of the Proceeds of Crime Bill. Let us get that clear. These may well be measures that we desperately need in Barbados to deal with a lot of the criminal activity that we are presently experiencing. But it is a fundamental reform and any lawyer will tell you that. Indeed, in countries like Trinidad, these things were agonized over. Special committees were set up and they were agonized over and I do not even think that it has gotten through the House of Assembly in Trinidad yet. I know that we did have some processes of consultation. For example, I know that the Bar Association was asked to submit its opinions on these Bills. But my understanding of what the Bar Association did was to contract an academic from Cave Hill to look at the Bills for them and to give them an opinion on it and I do not think that they have really done their duty. I think that senior practitioners in Barbados should have

examined these Bills closely and made their inputs. Speaking from personal experience, I know that a number of our senior practitioners do not even know what these Bills contain. I have personally asked a number of them if they are aware of the contents of the Bills before the Senate. A number of them tell me that they have copies of the Bills but have not read them. That sort of attitude disturbs me in Barbados: that fundamental developments or changes can be made in this society and people who should be leaders in this society and taking an active interest and making an input at present are not living up to that responsibility that they have to the people of Barbados.
3.20 p.m.

Do not get me wrong, I am not saying that I am against the measures in the Proceeds of Crime Bill or whatever, all I am saying is that I personally, when we are dealing with such a fundamental restructuring of something as important as the criminal justice system, would like to see some more discussion and some more analysis of it. Perhaps – and I have mentioned this to the Leader of Government Business privately – in matters of this nature it would not be a bad idea to have Select Committees of both Houses look at it and give their reports to the two legislative bodies, or a joint Select Committee of both Houses.

To deal more specifically with the Bill before us today, the Drug Abuse (Prevention and Control) Bill, this whole question of illegal drugs in Barbados is something that has concerned me for some time now, and I have given quite a bit of thought to it. I would like to say at the outset that it is an issue, that it is not as clear cut as black and white as some of us would like to believe. It is not by any means a simple issue to deal with and it will not be a simple problem to solve. For example, there is an aspect of the whole drug problem in Barbados that I do not think we have touched on seriously enough in our debate so far, and that is the class dimensions of the drug issue.

The point I am making is that the motivations and the circumstances in which a person from what I choose to call the under class in Barbados, a person from depressed, deprived communities, communities starved of resources in Barbados, the motivation and circumstances under which that person may abuse drugs are very different from the motivation and the circumstances under which a privileged person from the middle, or upper middle, or higher class in Barbados may get involved in drug activity. This is something we need to look at very carefully.

For my own part I have a great interest in the deprived communities of Barbados and the way in which the scourge of illegal drugs is impacting on those communities. I believe that a lot more research needs to be done in Barbados, and I think one or two Senators have made that point today. I am not convinced that we have done enough research on this problem. In fact, in my meetings with some

of our so called experts in Barbados I have come to the conclusion that many of them are not experts at all, that many of them merely have smatterings of some of the empirical information and knowledge emanating from the United States of America and seek to apply that wholesale, and sometimes willy-nilly, to the circumstances in Barbados. I am saying that with a problem as fundamental as this one there is a crying need for social scientists to research this issue thoroughly. Let us understand what is really happening in our communities in Barbados. It is not good enough just to pull something from some study done in the United States of America and treat it as if it is Holy Writ. I think that this really needs to be done in Barbados.

As I said, Mr. Deputy President, it is not an easy problem we are dealing with here and it will not be solved very easily. I take note of the fact that this piece of legislation has gone the route of harsher penalties; it has gone the route of the big stick. I believe that it is long overdue that we take out the big stick, particularly where the financiers, the suppliers and the facilitators of the drug trade in Barbados are concerned. This has been long overdue. Prior to this Bill our law basically only made provision for the possession of illegal drugs, and in some instances the importation of illegal drugs. But now for the first time we will have statutory provisions that will enable our law enforcement agency to deal with the financiers, the money launderers, the people who assist drug sellers and drug pushers in making good their ill gotten gains. This is something that has been lacking for some time, so I have no problem with that at all. I think that the harshest measures could be justifiably applied to these people. My only concern is that, based on the performance of our law enforcement agency to date, given the fact I agree that they have had limited legislative support, but in spite of that, their performance to date, so far as dealing with what we colloquially call the "big boys", the people who finance, the people who control and organise the drug trade, has been less than impressive to say the least. I would need to see a new commitment on the part of our Police Force to deal with people at that level of the drug trade before I will be convinced that the passage of this Act will have any effect, so far as these so called "big boys" are concerned.

Let us not fool ourselves, we know that there are big people involved in the drug trade in Barbados; we know that there are business people involved. The signs have been there for some time now and the Police must have known it all along. I am not satisfied that the commitment has been there.

I also have another concern with the Act before us today. As I say, in relation to the financiers the Act is right on point and it is something that has been lacking and sorely needed. My concern, however, with the quantum leap in terms of the penalties that will be imposed and the big stick approach is that clearly this Act will be sending a message to the Police Force and to the Judiciary in

Barbados that anybody brought into contact with our criminal justice system charged with any of these offences must be dealt with very harshly. It will send a message to the Police Force that they are to upgrade the punitive measures against people involved in the whole drug trade.
3.30 p.m.

My concern, Mr. Deputy President, and I hope that I am being correct in having these fears and this concern, is that the most vulnerable persons may turn out to be treated as scapegoats in the whole exercise. I am concerned that with the quantum leap in the penalties that can be imposed, we may find that it is the little rastafarian with the dreadlocks on his head or the young man from one of our more depressed communities that will really feel the full weight of these measures, and that the bigger people, the people who control and who finance it will continue to escape these very harsh penalties. That is my only concern. I believe Senator Boxill is saying this is my concern because I am a lawyer.

Asides.

Mr. DEPUTY PRESIDENT: Please do not listen to asides.

SENATOR D. A. COMMISSIONG: Sir, we have had in the past quite a number of raids by the police officers in certain communities, but in many cases those raids have been counter-productive because what had been done in some circumstances was that rather than make distinctions between the people who actually live in the particular community, the communities have been raided willy-nilly and whole scale and many persons have been picked up and treated like criminals who are not tainted by this type of activity, and exclusively these raids and this type of police activity has been directed at depressed poor working class communities.

As Senator Alleyne said, although we know that a lot of this drug activity is carried on at the social gatherings and parties by middle-class people in Barbados, we are yet to see the raids in the Heights and the Parks and the Gardens. We only see the raids in the poor depressed areas of Barbados. This is my only concern. If we have a law, it should be a law for one and for all, and if we are taking out the big stick, the big stick should be used for one and for all. My only fear, knowing how our society operates and how we have been going in the past, is that the easiest people, the most vulnerable people will be the ones singled out for the big stick treatment and they will be treated as scapegoats. I am hoping that it does not happen. If it is not to happen it will call for sensitivity on the part of the police force and our judiciary, and for the impartial administration of the system of justice; and indeed if it is not to happen it will call for changed attitudes on the part of our law enforcement agencies in Barbados, because right now that prejudice is there. Do not let us get away from it. That

prejudice against the small person is there and this is my concern.

This concern, Mr. Deputy President, about the big-stick approach relates particularly to the drug user. Now I think that we need at all times to make a distinction between the pusher, the seller, the supplier and the user, because I have been concerned for some time as to what is the proper psychological approach we should adopt to the drug user. When we do not make this distinction, we tend to treat everybody as criminals. It does seem to me that with many drug users, these people are more victims than they are criminals. Many people who abuse drugs, many people who find themselves addicted to drugs should be seen as victims rather than criminals. I have no difficulty with seeing the pusher and the supplier as a criminal; he is engaged in an activity which is destroying others; but some of these miserable people who find themselves in the clutches of drug addiction, if we simply take the approach to them that these people are criminals and simply need the big stick treatment, a harsh prison sentence, a harsh fine; then I think that we may end up doing more harm than good, because rather than having that sort of treatment, some of these people need understanding and sympathetic treatment, and this is something that has concerned me, because as a lawyer practising in the courts of law, you cannot help but notice the fact that we are at present criminalising a large number of young people because of drugs. You cannot help but notice that fact, that a lot of our young people are ending up at Glendairy Prison among common criminals, are ending up with prison sentences that could dog them for the rest of their lives, because they were found with a marijuana cigarette or with a vial of cocaine, crack of whatever it is.

Again I want to stress the point that I am referring to the users as opposed to the sellers and the pushers; and it causes me some concern because sometimes I wonder if the across-the-board method of dealing with these people, simply sending them to Glendairy Prison is the best method. Sometimes sending a person with a drug addiction problem to prison works out for the good of that person, because sometimes the person is sent up there and as a result he is away from the drug taking environment. I have known of one of two cases where persons have admitted to me that they were lucky that they went to prison for a period of time and were able to stay away from drugs and were able to kick the habit, but the point I am making is that normally these persons are sent there sometimes not even because they come before the court on a drug charge, but in order to support their habit they may have gone and stolen something, shop lifted or be charged for larceny from the person or something, and they come before the court and the court without delving into whether they have a drug problem or not happens to give that person the right sentence to help them with their problem. In other words, it is a question of hit or miss. Some people are just lucky that they get the right sentence at the right time to help them

with their drug problem, but as I say, it is a hit and miss method, and it is a hit and miss method that although we may find that there are one or two individuals who profit from it, there are many many more who do not profit from it. There are many more for whom the whole experience in prison rather than helping them only helps to sink them further, to give them a low self-esteem and to make their drug problem worse when they come back out.

So the point I want to make from all this is that I think we need to have a totally different system for dealing with drug users. We need to have a totally different system if we are going to charge these people with offences, we need to have a totally different system, I would not say of punishing them, I would say of dealing with them. I don't think a place like Glendairy Prison is often the best place for a lot of these people, and I think we need some sort of intermediate penal institution. I do take note of the fact that there is a hint of this in the Drug Abuse and Prevention Bill, in that some provision is made for the Minister to make regulations to provide for an intermediate type resolution. 3.40 p.m.

But we need to look at this much more carefully. We do not want just a hint. We need to examine this much more carefully and to have some precise details about it. This is my concern.

If we are going to be dealing with drug users and drug mis-users, let us understand that a lot of these people are not criminals as we understand the term "criminal". Indeed, 100 years ago the law would not even have considered that it was the rightful place of the law to even concern itself with the activities of these people.

In the past the law has based itself on the great and historic moral wrongs: "Thou shalt not steal; Thou shalt not kill." And it is only in comparatively recent times that the law has taken on a more paternalistic attitude where the law says it is part of our duty as well to help save you from yourself. So in terms of our legal system, our historic understanding of what a criminal is, many of these people would fit into a category of being victims rather than criminals.

I would like to see some more flexibility in our whole system in terms of how we deal with these people because at the end of the day what I want to see is these people being helped, not these people simply being brutalised and, perhaps, their condition being made even worse. I want to see them being helped at the end of the day.

I also want to make a few points in relation to the psychology of people who sell drugs because I think this is something we need to understand – the psychology of people who sell drugs. As I said, I have been concerning myself with this problem for a little time now and I have tried to talk to some of these people to try to find out some

of the motivations and, basically, this whole thing comes down to our value system.

Mr. Deputy President, do you know that there are young people in particular who engage themselves in selling drugs in Barbados and are not aware that they are doing anything wrong? There are people who engage themselves in selling drugs in Barbados and are not aware that they are doing anything wrong. As far as they are concerned, at least they are not stealing. They are not breaking into anybody's house.

That sounds amazing but there are people who will tell you they are making something to live with and at least they are not stealing from anybody. I am not breaking anybody's house. I would never stoop to that level. They are people who will tell you this. They will never stoop to the level of stealing from somebody or breaking their house. They prefer to sell drugs. This is the psychology, I am not saying of all the people, but I am particularly talking now of young people, young misguided, perhaps, yes, the young people.

It has a lot to do with our value system in Barbados. There are young people who live in very poor circumstances, in very depressed neighbourhoods who have been so captivated by the new materialistic value system that we have been inculcating in Barbados, who cannot imagine an acceptable existence unless they are wearing the latest clothes, \$200 shirts, and \$100 software shoes and this type of thing, youngsters who have a value system that is radically different from that many, perhaps, in our generations gone by have had. But who is to blame for these value systems? These young people then wake up one day and decide that they were going to become crassly materialistic and this is a point that I keep on coming back to.

The people who are to blame for a lot of this falling away or decay are members of our establishment in Barbados, our business establishment, our big society establishment, the people who encourage crass materialism in Barbados and who encourage our young people to believe that they are not living an acceptable existence unless they can enjoy the latest and the most expensive in the fashion coming out of the United States, or whatever. Those people are our business establishment.

The point I am making is that you have persons who may come out of a very deprived background, who have been given this new value system, who are unemployed, living in poor circumstances, and who in order to reach that type of lifestyle will go the route of selling drugs. So I just thought that I would mention some of these matters because I think it is important that we understand the psychology that we are dealing with. If we do not understand some of the motivations and the thinking behind the whole problem then we will not know how to solve the problem.

Again, I want to make the point that I am not dealing so much with the cynical drug barons, the people who organise this trade and what have you, many of whom are just out and out crass businessmen. I am dealing with the people who I think can be saved, the people who are misguided, the young people who can be saved and who we should really be concerned about.

Mr. DEPUTY PRESIDENT: Senator Comissiong, you have five more minutes.

SENATOR D. A. COMMISSIONG: Another point I want to make, Mr. Deputy President, is that if we are going to deal with this drug problem in Barbados, I think that we should be dealing with it – I want to agree with some of the comments made that even though it is all well and good to have your big stick legislation in place that that in itself is not going to deal with the problem. We are not going to deal with this problem until we are able to reform a lot of the values that we have existing today and to mobilise a lot of our people especially our young people behind a new set of values. I want to get a little closer to what exactly it is I am getting at.

I believe that we need to mobilise particularly our young people around a national democratic programme. I believe we need to use a national democratic motivation and sometimes even a racial motivation. I saw Dr. Bradley Niles trying to do this recently with some young people when he was telling them "You are letting down your race when you indulge in drug abuse and this type of activity. You are letting down your people".

The point I want to make, Mr. Deputy President, I believe that our leaders have to try to mobilise our young people behind national democratic goals in Barbados. We have to be telling them "Drug activity is bad for you, not simply because it is bad for your health or not simply using the American slogan of saying "No" to drugs but because in getting involved in this type of activity you are taking away from the central thrust of our people towards progress for ourselves as a people and for ourselves as a race."
3.50 p.m.

You may say that this is far-fetched, Mr. Deputy President. You cannot really mobilize people that way because these goals are too abstract, too idealistic. But I have seen the people of Barbados mobilized behind national democratic programmes in Barbados. I am talking about the year 1986. In the year 1986, this country was mobilized behind a strong, nationalist and in terms of our race, a strong black programme in Barbados.

I am making the point that if in 1986 you had people like the late Errol Barrow, Dr. Don Blackman, Mr. Taitt and Dr. Haynes at that time having brought... we will be fair in how we speak about matters. If at that time, with the type of mobilization that has gone on in Barbados around the type

of issues that this mobilization has gone on – nationalist issues, bringing our people forward, taking our people forward – if at that time, those four men, Mr. Barrow, Dr. Blackman, Dr. Haynes and Mr. Taitt had said to the young people of Barbados, "Look, this drug thing is nonsense. We are moving this country in a different direction, that is backwardness and holding us down and taking us back", I am saying to you, Mr. Deputy President, that based on the atmosphere that was present in Barbados at that time, that would have had a tremendous impact on our young people. And not only making those goals known but following up...

Mr. DEPUTY PRESIDENT: Your time has expired, Senator Comissiong.

SENATOR D. A. COMISSIONG: Just to wind up in one sentence, Mr. Deputy President. That enunciation of that broad programme with a real programme of community development and upliftment, particularly in our deprived communities, putting real resources into those communities and mobilizing our business sector for drugs for the young people in those communities, mobilizing community development, the National Assistance Board, all of the welfare and community development agencies in Barbados to put real resources behind our young people, our Skills Training Programme and what have you that that is how we will finally deal with this drug problem in Barbados. If we do not do that, we would pass all the legislation that we have, we will use all the police forces and what have you, we will never eradicate this problem. That is what we need in this country, to mobilize particularly our young people behind a broad nationalistic and democratic programme.

Thank you, Mr. Deputy President.

Mr. DEPUTY PRESIDENT: Senator Blackman.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I am in agreement with all that has been said by all the other speakers very eloquently, very forcefully and with a great deal of passion. And I should like to join with Senator Comissiong in noting that we have to be concerned or be aware that this legislation does not end up being used as a tool of oppression against the underprivileged in this country.

A couple of months ago, I was passing through Los Angeles and saw this headline which I thought that with the change of a few words perhaps could have relevance to Barbados. It went thus:

"BLACKS FEEL THE BRUNT OF DRUG WAR

About 80% of users are white, experts say, but the majority of those arrested are black. Those on the frontline of enforcement wonder whether its strategy has gone aright and drug Tzar William Bennett said,

"The typical cocaine user is white, male, a high school graduate, employed full-time and living in a small metropolitan area of suburb."

Forget the issue of colour. Deal with the fact of social classes and origins in Barbados and you could probably find that that statement is true of Barbados.

I should like, Sir, to focus my contribution to this debate on the matter of treatment. I think it is all very well for us to put stiff and Draconian laws on the Statute Book. But I think it is of far more value to try to get the drug addicted people off the habit and to that extent, I support what Senator Comissiong and other speakers have said in terms that treatment must be the focus.

It is in that connection that I am a little concerned, Sir, that a provision of the Bill cuts across that emphasis, in that there is a provision in the Bill at Clause 24 that will tend to drive those people who should be treated underground. There is a provision in the Bill that is going to make it mandatory for doctors to report persons with suspected drug addiction making it a notifiable disease. Am I advised by medical persons that the health care profession has, for many decades, avoided making diseases which bear social stigmata, such as sexually transmitted diseases, notifiable and for a very good reason?

SENATOR THE HON. L. V. H. LEWIS: On a point of order, Sir. It may be that I should have said this: This was one of the points raised by the medical practitioners. And the position was made very clear that in reporting that no names of individuals involved would be used or addresses. So that notification, as is done in certain medical instances, in case of diseases like gonorrhea and syphilis, would be made, but that the name and the address of the person affected would not be communicated; but that, for statistical purposes, the information would be supplied in order to be able to trace and determine the numbers of persons who are involved in these drug situations; and that there will be a strict doctor/patient relationship which would relate to these matters, rather than for the names of the individuals to be communicated.

SENATOR C. A. BLACKMAN: Mr. President, I am obliged to the Honourable Leader. He should have probably said that in his introduction.

However the way in which the section is worded, it does not exclude the matter of the details which he said. It talks about – pages 26 and 27 – to furnish to the prescribed authority such particulars in respect to that person, as may be prescribed. I suppose you would say, under the regulations you would then say that you would just say that you attended a male person without saying who that male person may be.

I think it is important if you wish to get people treated that you do not create a climate that they will go underground or think that they need not go to a doctor because they would become part of a bureaucracy. They are people who might well decide, "Look, I am on this habit; I want to get rid of it; I am going to go and get treatment". But they do not want it to be put into a general file where everybody is going to say, "I know that Chris Blackman is coming for treatment" and will pass it all around. People are not as responsible as we would like them to be.

The other point I wish to make in respect of the legislation is this: we are providing a number of things in the Bill... monitoring. But I am not so sure that you have all of the facilities to make it as effective as we would like.

I should like to support what Senator Alleyne said about random drug testing. I think that there are certain occupations, almost as a matter of need which should be looked at because of the areas in which they are involved. I think people involved in the transport industry... I am convinced that the way in which some of the people drive the minibuses (rock them and drive them) that they must be on drugs.
4.00 p.m.

I think that people engaged in the teaching process should be exposed to random testing because there are too many instances of allegations of teachers being the offenders within the school system. I think that people in the Health Services, where it is so easy to pass things in that environment, should be subject to random testing.

Now in the United States where this is concerned it would be challenged on the grounds of constitutionality. We may well try the same in this country regarding the invasion of privacy. I think too, Sir, I would like to make the point that we have to look at the means by which some of these matters are dealt with in the Court system. I repeat a call I made in respect of another matter some while ago and that is that in terms of the prosecution of these serious drug offences in the Lower Courts it should not be left in the hands of the Police prosecutors. It is not fair always to put a Police Sargeant up against, for instance, the skills of Senator Comissiong or Senator Brathwaite or all the others out there making a name. I think that the Director of Public Prosecutions should be provided with staff to enable him to provide assistance to the Police in respect of these matters. The other thing too is this: the Court system must be looked at in terms of dealing with them in a timely fashion. I see adjournments recorded of a matter set down for September and October.

Asides.

SENATOR C. A. BLACKMAN: All of this has to do with the Drug Abuse Bill and it is a matter of bringing these matters before the Court. We also need to look in terms of

using mechanisms of existing legislation to deal with the matter of control of drugs and examine the lifestyles of persons in the community who have no identifiable means of income.

Asides.

SENATOR C. A. BLACKMAN: You dealt with the Bill adequately. I think that we need to harness agencies of Government which have a contribution to make and have a review mechanism that one can look at people who have no identifiable source of income but who maintain a good lifestyle. They drive a substantial vehicle, live in a big house, and yet they seem to pay no income taxes. You must look at them and ask why and how?

But touching on the point raised by Senator Comissiong in terms of the Police action and communities that are depressed, the community sometimes encourages the Police to flood them with big numbers. Police raided and caught twelve people and they seem to think they have done something. All you have done is just squashed twelve ants. It is better policing to watch the twelve ants and eventually you pick up the large operator who has not ever been caught up in the net.

Asides.

SENATOR C. A. BLACKMAN: I always hear people making these *sotto voce* remarks. No name has yet ever been given to me. If I ever would know a name that I am confident about, I will call it in this House and furthermore I will call it outside of this House and let him sue me for defamation. That is what we need to do. Lash them out into the open. If you cannot get them by one means, get them by another, because that is what you have to do with some of them. If they have a reputation to protect, then they can issue the writ. Name them! I do not think that you should have to name them in here and do it under parliamentary privilege. Name them wherever you want to name and let them do what they have to do, because there are too many people who are ruining this country.

I support and I welcome the observations made by Senator Clarke that they are going to improve the forensic laboratory at the Ministry of Agriculture because a matter was adjourned for a week in the Assizes since the report was not there to be handed in. If these matters are to be dealt with in a timely fashion, then the resources must be put.

I just want to make one final observation before I sit. There were some negative comments with respect to the time it took to review this legislation. About three years ago the Ministry of Legal Affairs sent a Bill out for comment and I do not want to offend anybody, but it was a poor Bill. It was a Bill that was not worth the several sheets of paper on which it was written. They did a new Bill in recent time

and the Attorney General not only made the Bill available for comment but convened a committee of his Department and representatives of U.W.I. and the Bar Association which sat several days in October through January. Sometimes they started as early as 1 o'clock and sat until 4 or 5 o'clock to consider the legislation. The benefit of the legislation on the books in Bermuda and the United States...the provisions in the Act to deal with the controlled substances in relation to schools were borrowed from the Controlled Substances Act 1988 of the United States. They have benefited from the update of legislation in the United Kingdom and elsewhere. By taking time on it, they have come with an improved product composed with what was offered three years ago about which the Bar Association told the Government, - "Sorry, come back".

I think, therefore, the Bill is by no means perfect. It will not get a 100 per cent pass. You will get probably 85 to 90. No, that is too generous. But it is certainly a Bill that will be the model to look at. Certainly, it is not having the trouble that the one in Trinidad is having and to that extent I think we have benefited from the mistakes of others.

Mr. Deputy President, I think we need to put the emphasis on treatment. I think that the treatment of drug abusers must go hand in hand with the incarceration of the drug dealer. For the benefit of Senator Boxill in particular, Mr. Deputy President, studies have shown that it is cheaper to treat drug addicts than to lock them up. You have got to feed a prisoner because that is what it is. You feed a prisoner. He is human.
4.10 p.m.

It is cheaper to treat than to lock up, and perhaps the court system might have to think in terms of putting people on probation or a suspended sentence, subject to treatment, rather than an automatic term of imprisonment. The calling for a probation report must be looked at in terms of deciding what is the appropriate sentence for the offence. It is not just enough always to say go up. I am talking particularly of the person who has that little amount of drugs for his own purposes. As far as the pusher, the dealer, is concerned, I share all the comments in terms of throwing the book at them, except that I do not go as far as Senator Boxill for the death penalty.

Mr. Deputy President, with those observations I support the Bill.

SENATOR A. J. N. PHILLIPS: Mr. Deputy President, from the time I entered this Chamber until now I believe I am correct in saying that this debate is probably the best I have heard in this Honourable Chamber. I believe it is very difficult to separate any particular person's contribution with any degree of certainty in making a determination as to who made the best contribution or otherwise. However, in saying that too I believe that it is often difficult to look back on debates that may have taken place years ago and actually

come up with any particular determination as to whether this debate was the best or not.

Coming out of this debate, Sir, there is one thing that comes home to me very clearly. It is that all Senators seem to support very strongly that the Government should spend a substantial amount of money more on the rehabilitation of persons involved with drugs. This gives me great heart. I know people do not like to blow their own trumpets, so I will blow Senator Blackman's. I believe some years ago an organisation to which Senator Blackman belonged - I think he was the President of the organisation - talked about having a halfway house in St. George. And I recall that on that occasion many of the political people made a hullabaloo about it and thought that to have a halfway house in that part of St. George was a way of degenerating that area of St. George. As a matter of fact, much influence was brought to bear on the inhabitants of that particular area of St. George insisting that they reject the idea of having a halfway house there.

I feel that after hearing this debate today where the conscience is such that it appears to me that all political parties are on the same level as far as drug rehabilitation and so on is concerned. I now feel that those political persons who were inspiring persons in the wrong direction should now obviously have a change of heart. Obviously the use of illicit drugs is a national concern and I am heartened to see that politicians on all sides are giving such full support to the Government in this Bill and commend the efforts the Government will be making in trying to get useful persons back into the society.

However, Sir, I must join with Senator Comissiong in his concern over the emphasis of persons in the drug trade being those persons in the less fortunate areas who are the less fortunate in the society. Persons in the middle class and upper middle class are glossed over and not much thought is given to them and what they do. One of the fortunes that the middle class and upper middle class have is that they have enough money that if their children get into problems they banish them to other places; they forget all about the children as though that is the responsibility of a parent to a child. This is very unfortunate, I must say, and I do hope that persons will look rather more sympathetically on drug users, because for one reason or another they may have been involved in drugs. Some may have started it probably as fun and got caught on it; some may have had a problem which they were unable to discuss with their parents; or other persons may have seen this as a way out and may have started it. But thanks to the efforts of this Government there seems to be some hope for some persons being brought back into the society.

Sir, in an age where AIDS and drugs seem to be the two greatest scourges of today's world, these two scourges have relegated into a bad second place other heinous crimes such as murder, rape, incest and armed robbery. As a matter

of fact, it does seem that those heinous crimes I mentioned last seem to have a very strong relationship to the use of illicit drugs. This seemed to have been proved by the medical people; and also legal evidence led in court has shown that they have been directly related to drugs.

One thing we have to be very careful about in this community, Sir, is the element of exaggeration that seems to pervade the community in a number of areas. I would like to draw a reference to a couple of areas recently which seem to have caught the imagination of the society. It appears to me that in Barbados there are a few imaginative minds at work. In recent times we have heard about pornography in secondary schools, arms landing on the east coast, businessmen caught with large sums of U.S. currency taking out of the country, and a planned gaolbreak associated with some speed boat that was some part of Barbados.

I feel it is all right for journalists to become excited and to produce these sorts of headlines which in truth and in fact create a great deal of excitement in the society. But when it is looked on and you ask people who are in charge, whether it be Ministers or not, these appear to be merely statements to create imagination. But there does not seem to be any truth or validity in a number of these headlines which you see from time to time or in a number of the stories which appear under the headlines. This I find to be quite unfortunate. I believe that our newspapers should be very careful about highlighting this sort of thing.

Quite recently we had the case of Dr. Shlosberg who spoke on AIDS. His forecast is as such that all reasonable Barbadians have not accepted it, they have seen it as an exaggeration. But what they did say is that he has done the society a good in that because of the exaggeration persons will now be doubly careful.

We would not like to see this happening in the area of drugs, where the whole drug situation is exaggerated to the point where the outside world feels that Barbados is strictly a drug society; also, that we may be so deeply associated with AIDS that half the population would be wiped out by the year 2010 or whenever it is. I feel that we as legislators also have to be very careful as to how we go about making these statements about our own country, because quite frankly all it does is give us a bad image in the outside world.

I feel that although we must give the necessary attention to the problems which we have as far as illicit drugs are concerned, yet we must not over exaggerate it to the point that persons in the outside world will feel that Barbados has become a drug society and that we do not have any meaningful goals and objectives other than the use of illicit drugs.

4.20 p.m.

Mr. Chairman, in closing I would like to congratulate the Government on bringing what I consider to be a very worthwhile piece of legislation, and indeed, Sir, for our session I believe it is quite fair to say that this has been the most symbolic piece of legislation brought to the Chamber during the last four years. Thank you, Mr. Deputy President.

SENATOR J. C. W. WICKHAM: Mr. Deputy President, I had not intended at all to speak because there was such unanimity on both sides that there was no need for me to inflict a speech on any of my colleagues. However, one of the things that has struck me about the speeches and about the whole debate is that at last we have some official recognition that drugs represent a problem in Barbados. Not so long ago we used to see a big notice up at the airport saying that we have no drugs here and we were free. We were only burying our heads in the sand, and now at least we have on the Statute Books something which says that we have drugs here and it is a serious problem. No political party can now say it is you, it is you and not me. Drugs are part of our society.

The second thing is of course that Barbados need not be ashamed of it. Drugs are a worldwide problem and I just want to draw attention to that recognition as well on page 34, paragraph 32 which says: "A person is guilty of an offence if in Barbados he assists in or induces the commission in any place outside Barbados of an offence punishable under the provisions of a corresponding law in force in that place." It seems to me that that is one of the most admirable parts of the legislation — the recognition that we are part of a whole worldwide, universal scourge, and that we are taking our share of the responsibility for getting rid of it. Thank you, Mr. Chairman.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, for once the Senate is almost united in its determination to approve of a measure for the good of all Barbados, and I would therefore have little to reply to except to assure Members on the other side that many of the points which they have made in relation to rehabilitation will be faithfully communicated to the appropriate persons, and that in the case of the Regulations the matters raised by them and which I mentioned will be examined, will be dealt with in the Regulations.

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

The question was put to the Senate and agreed to.

SENATOR THE HON. L. V. H. LEWIS: For today's session, Sir, we have to appoint an acting Deputy President. I beg to move that Senator Wickham be invited to perform this function.

Mr. DEPUTY PRESIDENT: There being no dissenting voices, we have pleasure in naming Senator Wickham as the acting Deputy President for today's sitting.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I beg to move that the Senate go into Committee on this Bill.

The question was put to the Senate and agreed to, and Mr. DEPUTY PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR J. C. W. WICKHAM in the Chair.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, for the convenience of speedily dealing with the matter, it is proposed to deal with the Bill in parts.

Mr. CHAIRMAN: Mr. Clerk, will you call the Bill therefore in Parts, and noting that at the end you would have to call the Schedules.

Part I was called and passed.

Part II was called.

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

SENATOR MISS V. P. BRATHWAITE: Mr. Chairman, section 9, subsections (1) and (2): "It shall not be lawful for any person to have in his possession any pipe, equipment or apparatus fit and intended for use ..."

The phrase "pipe, equipment and apparatus" is repeated in subsection (2) of that section.

Now, Sir, what concerns me about this particular section is that there is no clear indication here given to our law enforcement agencies or indeed to the courts as to what pipe, equipment or apparatus fit and intended for use might be. Let me explain, Sir. In law there is a rule called the *eiusdem generis* rule. That law means simply that things of a kind should be, as it were, construed in like manner, and words following those specifications should also be construed in like manner. So that if we have pipes, that is pretty well understandable, but equipment and apparatus intended for use is not clear enough to the judges and magistrates. It is a question of interpretation of legislation, Sir, and the general convention that has been followed in legal drafting for the *eiusdem generis* rule to apply is for three items to be physically mentioned and then you can have the general words coming after, the general words here being "equipment or apparatus", so that it would be difficult in terms of legal interpretation to determine what equipment or apparatus fit and intended for use are, because you have only got one word of a genus coming before which is "pipe" and I think, Sir, that that could cause some

confusion in legal interpretation as far as enforcement of this section is concerned.

I would very seriously suggest that the drafters look at that again.

Mr. CHAIRMAN: Excuse me, Senator Brathwaite, for my own elucidation, you said intended for use, but you stopped there, but it goes on to say "in connection with the misuse of a controlled drug or the preparation of any such drug for misuse". Is that not a qualification of that?

SENATOR MISS V. P. BRATHWAITE: No, it cannot. All that comes after the word "pipe" does not and cannot qualify "pipe". As I have explained to you, the convention in legal circles is that three specific kinds of words of the same genus should be used in order to enable the court to interpret what comes after that, and I believe that Senator Blackman would probably bear me out on this.

SENATOR THE HON. L. V. H. LEWIS: All I would say to that, Mr. Chairman, is that it may well become a field day for persons of that profession, but the judges are there to interpret the law and the Chief Justice having perused this and found no fault with it then, they may well find that it is a matter for further consideration and the appropriate amendments will follow if it becomes necessary. In the meantime the "pipe, equipment and apparatus" may well be the three things of a similar nature.

SENATOR MISS V. P. BRATHWAITE: Mr. Chairman, I am not sure how I should proceed.

Mr. CHAIRMAN: If you have more to say on Part II, please continue.

SENATOR MISS V. P. BRATHWAITE: Sir, I should make it known at the outset that my intervention is not a matter of gloating over or nit-picking as some Members on the other side of the House seem to think, not only in their verbal contributions, but in their body language and other signs. It is meant purely as a matter of assistance.
4.30 p.m.

Thank you, Senator Lewis. I am glad you take the point.

Section 10, Sir, Page 11: "It shall not be lawful for any person to do any act preparatory to the commission of an offence". It is my submission that the two words "act preparatory" are too widely drafted. The question is, when does an act stop being an act preparatory?

The section there speaks to the offence under Section 4 (3) or 5(3). Let us look at Section 4(3), for example, on page 8. Section 4(3) makes it an offence subject to section 39 an offence under subsection (i); so let us look at section 4, subsection (1). Section 4 (3) makes it an offence to

import a controlled drug. Now, what is the act that you have to do that is preparatory to importing a controlled drug?

I writing a letter ordering a drug, for instance, an act preparatory to the commission of the offence such that it would be caught or do you have to wait until the drug is actually landed at the Port for it to be an act preparatory; or do you have to wait, for instance, until the importer actually attempts to clear Customs for it to be an act preparatory? There are certain difficulties that would be presented by the inclusion of that word "preparatory".

Now, my suggestion is this, Sir. In law the word "attempt" is a legal terminology that is acceptable to the Courts and my submission is that you delete the word "preparatory" and insert therefor the words "attempt to commit the offence under Section 4(3) or 5(3)". That makes it easier for the Courts to interpret rather than an act preparatory, because there is no way that unless you can have differing opinions as to when an act is preparatory and when it is not. It is a question of when do you stop? At what stage is it not an act preparatory and at what stage does it start to be an act preparatory?

Section 12, Sir. Earlier I made mention of what, to my mind, was a serious omission of the legislation to exempt nurses under this section. I am aware that the Leader of the Senate has stated that the Attorney General or one of his nominees has met with persons in the medical profession and they have, as it were, worked out a Memorandum of Understanding between themselves whether or not it has been so termed.

My concern is, Sir, that we have not been privy to those discussions between the Attorney General and these other concerned bodies, the Barbados Association of Medical Practitioners and so on. We can only concern ourselves with what is before this Honourable Chamber today and it is this Bill that is here and no other discussions that other persons might be having and I would still seriously submit that nurses should be exempted under this enabling legislation.

Not only that, Sir. After this Bill becomes law, after it is passed, there will be a period of time between the passage of this Bill and the making of those Regulations under the Act. What happens to those persons in the interim? We know not how long the Regulations will take and they are subjected to affirmative Resolution which means that they have to come back to this Honourable Chamber. We know not how long that would be and these persons will therefore be hanging in limbo, not having been exempted under this legislation and I would strongly urge for those two reasons that the nurses be specifically exempted under Section 12 as are pharmacists and legal practitioners.

Those are my contributions for Part II.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I support the observations made by Senator Brathwaite in so far as they go to the exclusion of members of the nursing profession from the section and, in fact, I go one stage further.

I have a little difficulty as to whether we can confer a benefit in the Regulations which I think would come into force contemporaneous with the bringing of the Act into force when the principal Act does not confer the protection. I think the protection should flow from the principal Act and not within the Regulations.

SENATOR THE HON. L. V. H. LEWIS: All I would answer the two questions and say is that the points made by Senator Brathwaite we will take note of. We will do nothing to agree to amend anything here. I can say that up front so that Senator Blackman would understand that I certainly will not agree with what he is suggesting.

In my presence the Attorney General, the Chief Parliamentary Council, the President of BAMP and the Secretary of BAMP, the Minister of Health and others all clearly understood that in the same way that the United Kingdom Regulations make provision for other persons that provision can be made in the Regulations which are already in draft and there is no need to amend this Act to make such provision, that the Regulations can be so worded that it takes into account those other persons and there are others besides the nurses and the midwives who could be similarly affected.

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

Part III of the Bill was called.

SENATOR MISS V. P. BRATHWAITE: Sir, Section 17.

MR. CHAIRMAN: Senator Brathwaite it would be useful if you mention the page. It helps.

SENATOR MISS V. P. BRATHWAITE: Page 18, Section 17 subsection 4. This section deals with the diversion certificates and diversion certificates are issued for drugs which have been imported into Barbados and for whatever reason in the Minister's discretion it is felt that they should be sent elsewhere other than the country for which they were originally intended.

Subsection (4) provides that this diversion certificate should be issued in duplicate. One copy should be sent with the drug when it is exported from Barbados and the other copy to be sent to the country to which the drug is diverted and I think that the country from which it has been exported should be informed of the whereabouts of those drugs. These drugs are very important substances and I think that

when a drug has been exported from a country intended to be imported into another and via Barbados it is determined here that the drug instead of going to the original country of destination is sent somewhere else that the country from whence it came should be informed of the whereabouts and the fact that it has been diverted, and, perhaps, why. And it is for that reason, Sir, I would suggest that this diversion certificate should be issued in triplicate and not duplicate. One copy, as is said here, to be sent to the country to which it is being diverted, one copy to be sent to the country where it should have gone, the country of its original destination, and the third copy to be sent to the country from whence it was exported.

4.40 p.m.

SENATOR THE HON. L. V. H. LEWIS: You see, Mr. Chairman, it is one thing to read one section. You have to read all the clauses together. If you read all the clauses together you will discover that the diversion can only take place if the country of original origin requests it. Read the whole thing. I am not here to interpret for you what you may have overlooked. But if you read clause 3, you will realize that clause 3 hinges on clause 2, and and that clause 5 seeks to provide the remedy for what you find fault with in clause 4. If you read clause 4 alone, there appears to be a problem.

The other thing is that, in spite of my understanding of the hinging of the 4 clauses, I am quite prepared to make a note and to ask the Attorney-General to have a look at it again because it may well make sense to have the triplicate, even although the intention is that one of these be sent back to the country from which the drug came, in the first instance.

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

Part IV was called and passed.

Part V was called.

SENATOR THE HON. L. V. H. LEWIS: I beg to move, Sir, that Part V stand part of the Bill.

Mr. CHAIRMAN: It is proposed that Part V of the Bill stand part. Senator Brathwaite.

SENATOR MISS V. P. BRATHWAITE: Mr. Chairman, Section 23, on page 25. This Section 23, Sir, seeks, subject to Section 39 to make it an offence for any person who contravenes Section 22 (1) by knowingly supplying a controlled drug to a child or young person, *et cetera*.

Sir, I believe it must have been a typographical error, as far as Section 22 (1) is concerned because Section 22 (1) does not create an offence of supplying. Section 22 (1)

creates the offence of employing, hiring, using, persuading, enticing, enticing or coercing. Therefore it does not create an offence of supplying a controlled drug. So that, Section 23 is meaningless.

SENATOR THE HON. L. V. H. LEWIS: This, Mr. Chairman, is another of the dangers of attempting to stand on your feet to draft or even to interpret legislation without having all the relevant portions before you.

The reference to 22 (1) relates to intentionally or knowingly hiring, employing, *et cetera, et cetera*, coercing, enticing. And I would think that Section 39 has to be read before you even turn to that. Section 39 relates to various offences in relation to a controlled drug.

If you employ or hire a young person to handle a controlled drug in any way, my understanding is that Section 23 is the one which makes the action under Section 22 (1) a contravention of Section 5 (1) and that is what makes it the offence.

Again I will take notice of it, as a concern expressed and draw it to the attention of the Attorney-General. It may well end up as being an amendment, a correction to be made. I do not know. But I do not anticipate that either one of the persons who are *sotto voce* making remarks is in a better position than I am to explain it.

Mr. CHAIRMAN: Senator Brathwaite, is that the extent of your interest in Part V?

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

Part VI was called.

SENATOR THE HON. L. V. H. LEWIS: I beg to move, Sir, that Part VI of the Bill stand part.

Mr. CHAIRMAN: It is proposed that Part VI of the Bill stand part. Senator Brathwaite.

SENATOR MISS V. P. BRATHWAITE: Sir, these are concerns that have been expressed already by Senator Blackman. Pages 26 and 27, Section 24, subsections (1) and (2). In my earlier intervention, I made mention of some parts of the Act that are causing me great concern. At that time, the Leader of the Senate had not made known that this is also one of the sections that was raised by the members of the medical fraternity.

4.50 p.m.

For the reasons that were expressed earlier by Senator Blackman, I would suggest that Subsection (h) could be amended to read that the identity of the persons shall not be revealed or else that it should be deleted. Sir, this Subsection gives the Minister the power in his absolute

discretion as far as this legislation is concerned to determine whether or not a doctor who attends a person whom he considers or has reasonable grounds to suspect is addicted to controlled drugs should furnish such particulars with respect to that person as may be prescribed.

Now the Leader of the Senate, Sir, in seeking to explain this matter in reply to Senator Blackman's contribution stated that it has been understood by members of the medical fraternity and the Minister that the name or the address of the person so suspected should not be revealed. As I said earlier, Sir, we cannot concern ourselves with private discussions between authorities which would have led to any understanding to which we are not privy. We have got to deal with the matter before us. Not only that, Subsection (h) specifically empowers the Minister to seek such particulars with respect to that person. It is not saying such particulars with respect to that disease or that particular drug. So that the Minister in his absolute discretion may require the identity of the person.

SENATOR THE HON. L. V. H. LEWIS: That is not true. That is a misinterpretation of the section. It is the prescribed authority who happens as in identifiable diseases to be the Chief Medical Officer who requires the information. It is the same section that you are reading, Section 24(2)(h). There is nothing in 24(2) which speaks of any Minister doing anything. The Regulations which I have seen in draft will provide for the prescribed authority who is the Chief Medical Officer to invite certain information to be supplied. I have already said that that information will not show the name or address of the individual. What it does go on to say (and that is the next subsection) is that the information which is lodged with the prescribed authority shall be used only for prescribed purposes under the direction of the Minister. But the information supplied to the prescribed authority will not contain the name in the Regulation.

SENATOR MISS V. P. BRATHWAITE: Mr. Chairman, if I may conclude my contribution on this matter. I thought the Leader of the Senate had risen on a point of order, but apparently he rose to give his speech while I was giving mine. Mr. Chairman, Section 24(2)(h) speaks of the powers of the Minister in preventing the misuse of controlled drugs. Section 24 on Page 25 states that the Minister may by Regulations make such provision as appears to him to be necessary. Subsection 2 on the same Page 25 states that these Regulations may in particular make provision (h) on Page 26 for requiring any doctor who attends a person whom he considers or has reasonable grounds to suspect is addicted within the meaning of the Regulations to controlled drugs of any description and to furnish to the prescribed authority such particulars with respect to that person as may be prescribed. It is not the prescribed authority who determines when this information should be furnished. It is the Minister in his absolute discretion who determines when this particular information

should be furnished. I am saying for the reasons that were advanced earlier by Senator Blackman including the fact, Sir, as I mentioned earlier that grave diseases such as AIDS, Hepatitis B, and such socially debilitating diseases are not notifiable for the reasons that the medical fraternity has always sought to weigh the benefits to society against the cost to the individual and the cost to the individual might be that these individuals might not seek treatment or might be driven underground, and where the identity is disclosed might suffer grave social injustices. For those reasons, Sir, I would suggest either an amendment to Subsection (h) to provide that the identity of the person shall not be disclosed or revealed or that the section be deleted.

SENATOR THE HON. DR. C. D. CLARKE: Mr. Deputy President, what is suggested here is that the Minister is requiring the attending physician to make the name of the patient known to the Minister and this is misleading the Senate. It is not being made available to the Minister...

SENATOR MISS V. P. BRATHWAITE: On a point of order, Sir. There is no way in my presentation that I stated that these particulars should be furnished to the Minister. I said that the identity of the person should not be revealed and it is misleading the House to suggest that I have been misleading the House in that particular aspect.

SENATOR D. A. COMMISSIONG: Sir, maybe I can be of help. My understanding of what Senator Lewis has said is that the Minister has already made draft Regulations and in those Regulations the Minister is not requiring the name or address of the patient to be revealed. Senator Brathwaite, I think you are making the point that under the section as it is now worded the Minister always has the power. But the other point that could be made is that the Regulations have to come here. In other words, the Regulations are subject to an assent in Parliament. So therefore, if we have the assurance of the Leader of Government Business that that is in fact what the draft Regulation is...

Asides.

SENATOR D. A. COMMISSIONG: Now hold on. If something different comes before the Chamber, at that stage we will have a chance to deal with it. So if a different type of Regulation comes for example that calls for the identity of the person to be revealed, at that stage we will have a chance not to pass that Regulation. Sir, I do not know if that helps.

SENATOR N. W. BOXILL: Sir, if you read Section 27 (3): "All records, reports, particulars and other information supplied in pursuance of the provision of Regulations made under this section shall be treated as confidential information by the prescribed authority and shall be used only for prescribed purposes under the direction of the Minister."

I do not see what is the problem. I think that sets it out very clearly, Sir.

SENATOR THE HON. L. V. H. LEWIS: All I will say is that the Barbados Association of Medical Practitioners felt even more strongly than Senator Brathwaite on the matter and they clearly understood that an assurance had been given to them that the Regulations would be handled in the same fashion, which Regulations they themselves already have a copy of and are vetted. So if the Minister or anybody that was so foolhardy to attempt to bring Regulations for affirmative approval knowing that all of the medical practitioners and representative bodies are against providing such vital information which will be a breach of the patient-doctor relationship, then I do not have any problems. I do not think any of us in the Senate should have any problem because it is in very good hands.

Parts VI and VII were called and passed.
5.00 p.m.

Part VIII was called.

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

SENATOR MISS V. P. BRATHWAITE: Mr. Chairman, subsection (2) of clause 39 provides for a defence for an accused to prove that he neither knew nor suspected nor had any reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted. To my mind, Sir, this presents a loophole for persons who might ordinarily have been caught by the Act, to escape.

The words "some fact alleged by the prosecution" and "it shall be a defence for an accused to prove that he neither knew nor suspected..." So that in relation, let us say, to offences regarding children, which section 39 also speaks to, that an accused shall not have a controlled drug within 100 yards of a school, if he proves that he neither knew it was 100 yards, or he had no reason to suspect it was 100 yards, that provides him with a defence. I am wondering why it was thought necessary to provide this, as it were, escape hatch for persons that we are really very serious about catching.

Let us look at section 21(1) on page 23. For a person to be convicted under that section, first of all the prosecution must prove that it was a controlled drug; secondly, the prosecution must prove that it was in the person's possession; thirdly, the prosecution must prove that it was a controlled drug in the accused's possession within a radius of 100 yards of any school premises. Those are three facts that must be proved by the prosecution and section 39 gives the accused the defence of proving that he neither knew nor had reason to suspect any of those three

things. Similarly with the other offences that are created by section 39.

I am concerned that this section creates a weakness in the Act that could be tightened up.

SENATOR N. W. BOXILL: Mr. Chairman, I beg to share Senator Brathwaite's views on this. As I told you, I read this a couple of times, and I found this a bit strange that this section should allow for the person to say they did not know. This is like somebody saying I did not see and you cannot prove that I saw. I agree with Senator Brathwaite on this one, that this really puts – she really said a loophole – but I say a big gap in the whole thing where the person can say he did not know he was within the radius of a school.

I am not going to vote against it, but I would like the Honourable Leader of the Senate to draw this to the attention of the Attorney General and the drafting people. I am not a legal luminary and therefore I looked at it; I had my doubts about it and I am glad that she raised it. Let them explain it to us. I would be happy to hear, because it looks to me like if with all the things we have to catch these people we have now gone and set a little trap where the fellow can get away.

SENATOR MISS V. P. BRATHWAITE: Mr. Chairman, section 37 subsection (5) on page 39. This gives the court the power, in addition to imposing any sentence or in lieu of imposing a sentence on a person convicted of an offence under section 5, 6, 7 or 8, to also impose a condition on the convicted person to be detained for the purpose of care and treatment for such period not exceeding six months.

My concern with this, Sir, is that it places on the court an unfair responsibility, because the section provides "if it appears to the court that the person is addicted to or dependent upon or is likely to become addicted to or become dependent upon any controlled drug." Our Magistrates and our Judges, with respect, do not have the expertise to determine in medical terms whether a person is addicted, dependent upon or likely to be addicted or to be dependent upon.

5.10 p.m.

I would urge, Sir, an amendment in terms of what we find later in the section, that if after that initial period the court is still satisfied on the recommendation of a doctor that the convicted person should benefit from a further period of detention, then the court can order a further period of detention for care and treatment for six months. I would like to see the imposition of the recommendation of a doctor earlier in the section to take the onus off our magistrates and judges to determine when a person appears to be addicted or dependent upon, and suggest that the court be made to rely on the recommendation of a doctor in both

instances. The anomaly is, Sir, that the court can exercise its own judgment in imposing a condition for detention for care and treatment, but after that first period of detention, it can only act on the recommendation of a doctor. I urge, Sir, that the recommendation of the doctor be sought in both instances before the imposition of the first period of cure and detention and also in the second.

SENATOR THE HON. L. V. H. LEWIS: I do not consider that that is necessary because any wise judge or magistrate, never mind the comments about foolish magistrates which were made, would not wish to take this sort of decision unless he obtained assistance. He would obtain, as you say, a probation report or some other means for taking such a decision, but in any case you cannot expect the law to make provision for every one of our own peculiar understanding of how the Act reads.

SENATOR A. W. A. McCLEAN: Mr. Chairman, I think I have to express my disappointment in that last contribution by Senator Lewis. I think basically in framing legislation we should be concerned with framing legislation which is appropriate even when we take into consideration that from time to time the persons who have to administer some provision therein may not be wise. We need to take all necessary precaution to prevent such things as we can foresee that could happen that we do not want ever to occur. If it is suggested that a judge or a magistrate should always act on the advice of a competent person before directing that someone should be confined for treatment, then that is the type of thing that should be included in the legislation. You should not say that you will presume that judges will always act reasonably and therefore there is no need for the legislation to be reasonably constructed, that they would interpret weak legislation in a reasonable way.

SENATOR D. A. COMMISSIONG: Mr. Chairman, I tend to have some sympathy for the view put forward by the Opposition. Someone may say this is because I am a practising lawyer, but as a practising lawyer I suppose we have a bias towards the interest of our client, but clearly the average judge or the average magistrate does not have the training to make that sort of determination without some assistance from a qualified practitioner in the field. The other thing is that the section speaks about the person being sent to a treatment and rehabilitation centre established by Regulations made under section 34. Now when I spoke in my earlier speech about a hint of a rehabilitation centre that would not be like the penal institution, this was the hint that I was speaking about, but we don't have enough details. No details are given as to what this centre would be like, how penal an institution it would be as opposed to how medical an institution, so it really makes it very difficult for you to make a proper judgment on the particular Regulation. But I would have to err on the side of caution and err on the side of the defence of the rights of the individual. Based on what I know of how courts tend to operate, I would believe that it would be wise not simply to have a magistrate or judge

make this determination themselves, but that it would be wise to have some input from some qualified person.

SENATOR C. A. BLACKMAN: Mr. Chairman, I think that this is a role where defence counsels' skills come to the fore. If someone comes before the court for sentencing in this respect, it is the role of defence counsel to ask that before the judge passes sentence that a probation report is sought, and there are lots of other pieces of legislation where this sort of intermediate application is made before the sentence is inflicted. I think that the section 37 subsection 5 is fairly detailed as to the matters which are to guide the court, and I don't know if we need actually to interpose qualifying words before the second one. For the first occasion I think a probation report is what will be sought; the second one is where after the first period of treatment it is clear that perhaps further treatment is required; then the professional opinion of the medical experts is sought. I think the provisions as contained herein are adequate for the purposes intended.

SENATOR THE HON DR. C. D. CLARKE: Mr. Chairman, I think as we go through the consideration of this Bill in Committee we should do well to bear in mind that this Bill in the Other Place had the benefit of the thoughts of three former Attorneys-General and one Attorney General. We talked about the length of time it took in getting here. They had wide consultation with the Bar Association, and I am hard put to add that collective wisdom and experience against the inputs here in asking us when most senior attorneys will tell you that it is inadvisable to attempt to draft legislation on your feet. I would think that any comments you care to make we will take them and we will put them before the Attorney General, but to even suggest that we are prepared to make amendments here when this Bill has gone through the scrutiny that it has, is really stretching it.

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

Part IX was called and passed.

Part X was called and passed.

Schedules I - V inclusive were called.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, I beg to move that Schedules I - V of the Bill, as amended, stand part.

Mr. CHAIRMAN: I think it is only fair for me to say what the First Schedule is and read out the titles. The First Schedule is a list of narcotic drugs under control; Part II, list of psychotropic substances under control; Part III, list of substances under control; Part IV, meaning of certain expressions used in this Schedule. The Second Schedule is trafficable quantities of specified controlled drugs; the

Third Schedule is Tribunals; the Fourth Schedule is Offences, and the Fifth Schedule is Conventions.

The question that Schedules I – V stand part of the Bill was put to the Senate and agreed to.
5.20 p.m.

On motion of SENATOR THE HON. L. V. H. LEWIS Mr. DEPUTY PRESIDENT resumed the Chair and the Bill was reported as having passed Committee and Mr. DEPUTY PRESIDENT reported accordingly.

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

ORDER NO. 2 – PROCEEDS OF CRIME BILL, 1990

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, the two Bills, the Bill which we just completed and the Proceeds of Crime Bill have been dealt with together because they have a strong relationship. They are designed to impose penalties greater than those which now exist for narcotics crimes and other certain crimes.

The main objectives of the Proceeds of Crime Bill are:

- (a) to provide for the forfeiture to the Crown of property used in or in connection with, or for the purpose of facilitating the commission of certain offences;
- (b) to provide for the forfeiture to the Crown of property derived, obtained or realised directly or indirectly from the commission of certain offences;
- (c) to deprive persons of the proceeds of property derived, obtained or realised directly or indirectly from the commission of certain offences;
- (d) to provide for the making of tracing orders and confiscation orders in respect of property showed to have been derived, obtained or realised by a person directly or indirectly from the commission of certain offences;
- (e) to enable law enforcement authorities to deal effectively and to trace such proceeds, benefits and property.

The existing Narcotics Drugs Act will be the subject of a comprehensive review after consultation with the Ministries of Health and Education. So this Proceeds of Crime Bill is really a companion Bill to the Drug Abuse (Prevention and Control) Act which we just passed.

I do not propose, Mr. Deputy President, to go into a lot of detail in submitting this Bill but simply to move that this Bill be read a second time.

SENATOR C. A. BLACKMAN: Mr. Deputy President, a lot of the observations made in respect of the first Bill have some application and bearing on this Bill and I will therefore limit my remarks essentially to the resources for making this Bill effectual and I am going to target the matter of the Police in particular.

The Bill is going to put a strain on the resources of the police in terms of having the necessary manpower to do the sort of investigations that they are going to be called upon to do in the tracing of assets that is envisaged under this legislation, and the manpower of the Police Force is going to have to be looked at in terms of the retention of qualified and skilled personnel like accountants, lawyers, scientists, chemists and the like.

Now, it may be, Mr. Deputy President, that there are not enough ranks in the Police Force to promote persons in accordance with the qualification or skill at which they have obtained but they may well have the sort of skill that is necessary for the good management of the Force. I would like to urge for the consideration of the appropriate authorities that where an officer has the skill that is necessary but is probably not in the rank that is commensurate to give him the pay that that skill merits, that consideration be given to providing a skills allowance methodology of reimbursement or remuneration in order to keep the officer in the Police Force.

A lot of money is wasted in Barbados in respect of training in that people are trained and then promoted out of the area for which they are trained in order that they can get the advantage of the promotion. People are trained in drug detection and then they are transferred to the motor branch. They are trained in dog handling with the same drug issue and then they are transferred to other areas.

5.30 p.m.

We would need services in the skills in the Police Force. The Act puts a heavy onus in terms of the banking system to keep records. I think the accountants and trained people in finance could be much required.

The experience, Mr. Deputy President when legislation of a comparable sort was introduced in Australia a couple years ago was that it had a price tag of close to several hundred million dollars to make it effective. It would mean employing additional staff and resources or contracting. But in the contracting you may have to exercise care in ensuring that those whom you contract have the necessary screens and mechanisms to ensure that they are not got at.

The other aspect of the legislation that I am concerned about, Sir, is this: it is whether the machinery is going to be in place to monitor the large deposits of cash that may take place. I think the Act speaks of amounts of \$5 000 or more. I think one might say that that sum of money is small or it should be provided that the sum be increased from time to time, by order.

What you may have also to monitor is what is known as serial laundering. One institution would put in \$5 000 to institution A, then go around the corner and do it to institution B and do it all around in the same day.

As far as the record goes you only deposited \$5 000 at that bank. But really the models I have seen speak of a series of activity and whether you are going to have a chance of monitoring all of that money moving around.

You may also need to look at the general law in terms of large quantities of cash being used to effect certain transactions. What is happening in this community, in some respects, is that large quantities of cash are being really laundered into the system and becoming clean by use in certain institutions that have large turnovers of cash. Whether they get into the distributive trade and recycle or what have you, the super market industry, the hotels, there are laundering processes ongoing.

We need, Sir, to look at the other areas in the law to make it obligatory for persons coming into Barbados, as happens in the United States and other places, to make a declaration of whether you are carrying more than a certain amount. Do not ask how much you have. Just ask, "Do you have more than US\$10 000 on you?" It is not an offence to take more than \$10 000 to the United States. All that is required is for you to declare it. If you say, "No" and in fact you have it, you are guilty of an offence and subject to the sanctions of their law. But certainly you are put on enquiry if a man says, "I have \$50 000 in cash on me." Why? It might be that you are going to buy a car or you are going to help put someone in school. But you are put on notice.

I see there is a matter pending before the court with somebody charged with dealing in transit in Barbados with large sums of money. I would not offer my opinion on it. But I think the law might well be deficient in that there is no obligation on people who are transiting Barbados or coming into Barbados – we are talking about those Barbadians who are leaving – with sums of money on them to make any declarations to the authorities.

In general, Mr. Deputy President, I think this is legislation that commends itself. There are one or two typographical errors in the legislation that Senator Boxill whose thunder I would not dare to steal would draw to your attention in due course.

But the other thing, Sir, which I want to raise on the legislation is this: the Bill puts obligations on the staff of the Public Trustee. I raise the issue as to whether the resources are going to be given to the Public Trustee in order to effectively deal with the increased responsibility which is going to be imposed upon him, under the Act. Traditionally the public trustee carried out the functions of the Crown Solicitor or they were exercised by the Crown Solicitor, looking after the distribution of small estates, custodian trustee, judicial trustee in terms of bankruptcy.

My experience of dealing with the Public Trustee or the officer in the Solicitor-General's office in charge of that responsibility is like pulling teeth without any benefit of anaesthetic. It is an undermanned department with a quirky public officer who sometimes functions and who sometimes does not function. It depends on which side of the bed he gets up on mornings. The Permanent Secretary is in the Chamber and will take judicial notice of that. But it is a fact.

We are putting increased powers on this department and unless the Public Trustee is given the resources, you may have problems. Because the Act recognizes, Mr. Deputy President, that if the Government makes a mistake in terms of confiscating or forfeiting the assets of someone, then they are liable for compensation.

There is also a whole series of processes that are going to be put in place in terms of what must be done to keep records and administer the thing. We must be sure that the powers and duties of the trustee can accommodate the burden placed on that officer, by the Act.

There is need, Mr. Deputy President, to put the necessary machinery in place in the Central Bank to effectively monitor, supervise and regulate commercial banks and institutions, so far as those financial records are necessary under this Bill. Because there are sanctions in the Act for disclosure of information. But that is, in itself, not enough. We need to have the effective machinery in place in order to make it possible that you could really monitor it.

This legislation is really *avante guard* and makes a statement of what we want. But unless we put teeth behind it, put machinery behind it it is only a lot of window dressing. I do not think the Chamber or this country should be engaged in window dressing. We should make it possible that it really has teeth to effectively monitor it.

There are going to be obligations, Mr. Deputy President, which I am going to say now insofar as my profession is concerned. The legal profession is going to have an obligation as well to monitor the legislation and not be used, as conduits, for effecting the ungodly to do their affairs then.

I am told that in one of the Commonwealth countries of the Caribbean to the far North practitioners do very well because of the drug trade, that they encourage people, they are paying bail for people and post bail in large sums in the full and certain knowledge that they will not be coming back. They usually negotiate with the court to take a lesser amount than the sum which has been requested and they pocket the remainder. They send down \$¹/₂ million, deposit \$¹/₄ million and the other \$¹/₂ million is their fee.

We do not want that here. I give the undertaking and the assurance that the Bar Association will do what has to be done, in terms of regulating its own structures to ensure that the disciplinary code will apply to persons who, in any way, undercut and interfere with the processes of this legislation.

I commend the Bill. I commend the Government for bringing it, although it has been long in coming. Like the other Bill, the first drafting attempt was somewhat of a disaster. The Bar Association commissioned a report with the assistance of Dr. Kenny Anthony, a Lecturer in Law at Cave Hill, which will be made available to the Attorney-General and as a result of which, it was substantially redrafted to reflect the concerns which the Bar had made through the agency of Dr. Anthony.

Again, I happened to serve on that Committee and a number of pieces of legislation that I was able to identify in the USA during my visit there in October last year was made available to the Committee and the Attorney-General adopted those which he would have thought were appropriate in our circumstances. I am not speaking of any blowing trumpet. I am just saying that there was a general consultative process where there was a sharing of minds and ideas on the thing to benefit and improve the system. But until we match it – and this is the kernel of my speech – the machinery and the resources, we would have done nothing.

Mr. DEPUTY PRESIDENT: Senator Boxill.

SENATOR N. W. BOXILL: I would not be long, Mr. Deputy President, Sir.

Let me say again, as I said earlier, that the drafting of these two pieces of legislation I thought is very, very good. But there are just two small items, before I start to mention what I want to mention.

On page 3 – I do not know if I am right here – on page 3 (b):

"Any property or benefits derived, obtained or realized directly or indirectly by any person from any act or omission"

I am wondering if it is omission or commission.
5.40 p.m.

Asides.

SENATOR N. W. BOXILL: It is "omission"? All right and then on Page 25 (e) they have "commingle". It is "commingle".

Asides.

SENATOR N. W. BOXILL: Yes Sir, Mr. Deputy President, I am grateful to Senator Wickham if he is right and I am wrong. In dealing with the Bill before us, Senator Blackman has said almost everything I could have said and a lot more too. But before I sit down, I would like to say that not only the dope pushers should be investigated. I see a lot of people in this society that do not show any means of working and yet still some of them are running about with two big new cars and some of them are building some very big expensive houses. I think these people also should be investigated. I think the time has come when we have got to have a good look at what is going on in this society. Further on, I would like also to say that the banks of Barbados (I am sorry it is not in this part of the Bill) should also be made to report any amount of money deposited over \$10,000. These are things that they should do, because as Senator Blackman pointed out the fellows can in laundering their money put a \$5,000 here and a \$5,000 there and a \$5,000 in another place and they can put something down in their wife's name and so on. But with good monitoring, I think we might be able to catch quite a few of the fellows who are trying to launder their dirty money in the society. This would be very good if we could have this in the legislation that anything over \$10,000 irrespective of who it is coming from should be notified to the authorities so that it can be investigated.

Mr. DEPUTY PRESIDENT: Senator Boxill, are you referring to individual or commercial accounts when you say over \$10,000?

SENATOR N. W. BOXILL: I am speaking about individual accounts. But the commercials should be investigated too. Do not let us think that commercial business has got any more right here than anybody else because it is there where the laundering is being done. What these people do is to invest their money into the commercial business and this has not just now started. This started with Frank Costello in the days of "Little Al Capone" of getting themselves into legitimate business and turning themselves in and this is what we have to watch. Because these people will come in here, get their money invested into legitimate businesses, and carry out the clean money and leave the dirty money in here for us to clean. These are things that we have to keep our eyes open for. As Senator Blackman has said, if we do not set up the necessary machinery to keep an

eye on this thing, we will only be doing a lot of window dressing and we will have wasted our time.

I am one of these people who are completely upset over the way people have been floating around here without any signs of investments or anything like this and yet still you see how they live. I remember not so long ago out there by St. Ambrose Church a youngster got killed. I do not think anybody has been apprehended for it. In fact, one of the eye witnesses who saw the body told me that the fellow had on this big set of gold around his neck and by the time the Police got there not only the gold had gone but the money too. These are things...I think the Police should have the authority to investigate these people when you see them running around here and fishing around this big set of money. That is why I said earlier too about the bail business going on here. Senator Blackman just mentioned something about this bail business and I am convinced that the law controlling the bail needs to be looked at again. I would like the Senator to draw it to the Attorney General's Chambers. The Permanent Secretary is here and I hope he is hearing what I am saying because I am not satisfied with these people committing these offences and going before the Court and they are only slapping on a \$200 or \$300 bail on people who are exploiting the society.

Unless we are prepared to take the bull by the horn in these cases, we are wasting our time. As Senator Blackman has said, we will only be doing a lot of window dressing. I am not prepared to go into this window dressing. We must get some results. We will get some results by checking up on some of these so called overnight millionaires. I am sure that some of them will be trembling in their boots when they hear that this legislation has been passed. But this does not mean that you are going to start a police state in running everybody down and so on. I can understand why you, Mr. Deputy President, had asked me if I was talking about an individual or a commercial business. I did not really mean people like you, Sir, because we are not talking about the millionaire-type fellow but the ordinary fellow like me so or what we call the "parvenus" that spring up suddenly without any real means of support.

With these few words, Sir, I beg to support this Bill 100 per cent. Thank you, Sir.

SENATOR MRS. V. C. FRASER: In supporting this Bill, there are just two things that I would like to support and that was Senator Blackman's call. I do not think we can be strong enough on that particular call for filling out a document declaring how much money you are bringing into this country. I know that whenever we are going to American ports regardless of how comfortable we are or not on the aircraft we have to fill out all of those documents. Even in a place like Colombia, it is amazing although you hear about all this drug dealing you have to fill out some 37 questions and you are filling them out while you are trying to get in the line at the airport. It is

really fascinating. I do not know if I am quite correct but I have been hearing for a long time that people can come to Barbados even on a driver's license. I would like to find out from Senator Morrison. He was around just now but I would like him to enlighten me on that. I understand that it is true. But I would really like to see this really checked on and I would like to see people entering here on the same requirements that we Barbadians have got to enter other countries. We have to be very serious. If we are talking about all of this drug addiction and we are just letting people come in here casually, then we are really not serious and that has to be looked at. I think that ought to be looked at very seriously the question of how people come in here to this country and what legitimate business they come in for. That is another thing.

5.50 p.m.

I feel people just state "business" but I know although you state "business" and you go to certain American ports and state "business" they still ask you what kind of business. They ask you if it is a conference; you have to state exactly the conference; where the conference is going to be held and for how long it is going to be held. As a matter of fact, I have known people whose photographs in their passports did not look like them and they were held up for hours until proper identity could be established. I have never heard of that happening here.

Sometimes you hear about people coming around and they have so many different kinds of passports and things like that. I think we need to tighten up in these areas. This is going to add to the goodwill that we have for Barbadians, because we must not say Barbadians must have one thing and other people can come here anyhow in the name of tourism and that we are ready to take every and anybody in the country. We must be sure that people conform to international standards when they are coming to this country.

Thank you, Mr. Deputy President.

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

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

Parts I to V, inclusive, were called and passed.

The Schedule was called.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, I beg to move that the Schedule be the Schedule to the Bill.

The question was put to the Senate and agreed to.

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

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

ORDER NO. 3 - RESOLUTION TO APPROVE
THE COMPULSORY ACQUISITION BY THE
CROWN OF LAND AT THE GLEBE IN
THE PARISH OF ST. JOHN FOR
THE CONSTRUCTION OF A
POLYCLINIC

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, this Resolution deals with the acquisition of land at the Glebe, St. John measuring 4 460 square metres on which it is proposed to build a new St. John polyclinic to replace the existing St. John Out-Patient Clinic, whose layout and size are inadequate to meet the demands of the population in that catchment area.

The existing Out-Patient Clinic is situated at Gail Hill and it has traditionally provided services for the elderly through a District Medical Officer service.

When the polyclinic services were introduced a few years ago, additional services were offered at St. John, but by 1958 the attendances at the clinic had escalated to the point where it rose from 4 000 in 1979 to over 15 000 in 1986, and by 1987 it had increased to over 19 900 persons. It is proposed to build the polyclinic on these lands at the Glebe in order to relieve the pressure for the facilities in that catchment area. All of the services which are presently provided are provided in circumstances which are inadequate for the needs of the community there.

I beg to move that the Resolution be now passed.

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, we have had, for the Senate any how, a fairly long day. I beg to move that the Senate be adjourned until Wednesday, June 20, at 11.00 a.m.

The question was put to the Senate and agreed to and accordingly.
Mr. DEPUTY PRESIDENT adjourned the Senate 6.00 p.m.

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