THE

SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, June 27, 1990

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, June 27, 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. COMISSIONG;
Senator Mrs. V. C. FRASER, B.S.S., J.P., M.C.F.A.;
Senator Mrs. G. L. EASTMOND;
Senator A. J. N. PHILLIPS;
Senator T. A. PRESCOD;
Senator J. C. W. WICKHAM, M.B.E.;
Senator the Reverend Canon I. McK. JONES;
Senator L. A. WARD, G.C.M.;
Senator C. A. BLACKMAN, Q.C.;
Senator Mrs. P. Y. FORDE;
Senator Dr. L. L. SHOREY;
Senator the Hon. Dr. C. D. CLARKE (Minister of State in the Ministry of Finance and Economic Affairs);
Senator A. W. A. McCLEAN;
Senator Miss V. P. BRATHWAITE;
Senator Dr. F. W. ALLEYNE.

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

PRESENTATION OF PAPERS

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

The Annual Report of the Welfare Department for the year 1987/88.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I would like to move the suspension of Standing Order No. 45(2) to enable the Senate, if time permits, to deal with two Bills which were dealt with in the Other Place yesterday.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, I think basically that in recent time we have been overdoing this matter of setting aside Standing Order 45(2) and sometimes ignoring 45(3).

We can appreciate that when we have matters of urgency before we would need to do this. But it should never become a matter of course that every Bill, every Resolution dealt with in the Other Place on the day before is brought up here and we suspend Standing Order 45(2), ignore Standing Order 45(3) and proceed to deal with that Bill, or those Bills, in all their stages.

I think we need to recognise that these Regulations were formulated for a good purpose and that is to allow the members of the Senate sufficient time for study and reflection on the particular matters that come before us.

I cannot perceive that any harm would be done if the matters referred to in relation to the Land Registration Act and the Property (Miscellaneous) Amendment Bill should be held over until the next sitting to conform with the Standing Orders, and on that basis I think I would like to urge the Minister to give some consideration to that particular point of view.

Again, also, there was a time when I had a general appreciation that it was understood that if Government was minded to rise to get (and I am going back to the time when I was in this Chamber before)... to move for a suspension of a particular Standing order (and this one in particular) the Independent Senators and the Opposition would have been apprised of that beforehand and given some kind of indication as to why they wanted to do it.

It should not be taken for granted that the Leader of Government Business can rise every time and just simply suspend the Standing Order; we have to sit and wait to find out what we are dealing with from day to day and I would like to urge that we do not proceed in that way today. I hope that reason will prevail in this matter.

I thank you.

SENATOR C. A. BLACKMAN: Mr. Deputy President, I wish to support Senator McClean in his observations. I made no preparation to debate these two Bills which are before us today. Occasionally the Clerk would send a letter out giving some intimation that it may be the intention to deal with matters, if time permits, and I think in the circumstances I would ask that these Bills be held over to another time.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, apparently because we had a long sitting last time some people wish to leave early today. I too would like to leave early.

I have no problem with holding the matters over. I am not necessarily persuaded that there is any necessity to urge me to do anything like that. You can ask and I would co-operate. I would consent to the oversight of not drawing it to your attention. I will ensure that that does not recur. I have no problem with that. We should have probably paid you the courtesy of drawing it to your attention and, maybe, you would have cooperated too.

I wish to move, Mr. Deputy President, that for the rest of today's sitting we invite Senator Wickham to perform the duties of Deputy President during consideration of the Bills that are on the Order Paper.

The question was put to the Senate and agreed to.

FIRST READINGS OF BILLS

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

(1) Bill to amend the Land Registration Act Cap. 229;

(2) Bill entitled the Property (Miscellaneous) Amendment Bill, 1990.

PUBLIC BUSINESS

ORDER NO. 1 – CONSTITUTION OF BARBADOS (AMENDMENT) ACT, 1990

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, the Bill before us seeks to amend the Constitution of Barbados in order to make further provision for a Court of Appeal.

This is one of two Bills which are presented almost in tandem. The Constitution of Barbados establishes a Supreme Court consisting of a High Court and a Court of Appeal. However, the present Barbados Court of Appeal does not exist as a separate institution. It is constituted from the complement of judges who also serve in the Supreme Court, and the judges of the Appeal Court sit in rotation in such a way that a judge does not sit in judgment over a matter which had come before him in the first instance.

This present system presents a number of undesirable features, chief among them being, perhaps, the uncomfortable situation in which a trial judge (presently called a Puisne Judge) may have to sit in judgment over matters which had come before the Chief Justice and before judges who may, indeed, be senior to them in service and in experience.
11.25 a.m.

So that decisions originally made by the Chief Justice and other senior judges are liable to be heard in the Court of Appeal by Acting Judges who may, from time to time, constitute part of the Court of Appeal.

In addition, it is recognized that the functions of a trial judge initially and those of an appellate judge are sufficiently different and specialized to justify the establishment of separate courts for these purposes.

It will be necessary, with the establishment of a Court of Appeal to provide for separate accommodation and separate support staff. It is felt that the establishment of a separate Court of Appeal will facilitate the development of higher professional standards, would promote a greater degree of consistency in decisions and, over time, lead to the development of a truly Barbadian jurisprudence.

Quite apart from this, there is no doubt that the establishment of a separate Court of Appeal with its own accommodation and its own judges sitting concurrently with the High Court will have some effect on the existing backlog of cases which have been built up both for the High Court as well as for the Court of Appeal because it will be possible for sittings to run concurrently rather than

consecutively, as at present. I am advised that the volume of work in both of these courts has increased more than 10 fold over the past few years, and 24 years after our independence justifies the establishment of a Court of Appeal.

Passage of this legislation will represent only the first step. When, in addition to this Bill to amend the Constitution, we are able to pass the Supreme Court of Judicature Act, they will form the basis upon which other administrative action will proceed to identify accommodation, to identify support staff, and whatever else is necessary to ensure that the court becomes a functional entity in the short-term.

I believe that this is a measure that is long overdue and will be welcomed not only by the practitioners in the courts but also by those persons who are fortunate or unfortunate to have matters presently delayed before the High Court.

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

Mr. DEPUTY PRESIDENT: Senator Blackman.

SENATOR C. A. BLACKMAN: Mr. Deputy President, this Bill is one that is greatly welcomed by the members of the legal profession. It is a day that we wondered if it would ever come. But the enactment of this measure and the companion Bill, which would be debated next, are not in themselves sufficient to really secure that matters will be dealt with in the timely fashion that the Leader of Government Business has indicated might well be the result. Because unhappily there is no provision in the law that compels a judge to deal with these matters in a timely fashion. A judge of the High Court cannot be the subject of any criticism in Parliament, unless on substantive motion, and therefore one is sometimes precluded from airing the legitimate concerns that beset not only the profession but also litigants who are affected by untimely delays.

A recently appointed judge of two or three years standing has judgments outstanding from the time of his first sitting as a judge, two or three years after he has taken office. This is a matter of grave concern to the profession. And yet, the structure of things is such that the Chief Justice only has a sort of moral suasion with that judge. There is no sanction that can be applied to the judge for sitting down on his judgment.

The circumstances under which the judges work, however, might well contribute to these issues of delay. As is well known, the judges take down evidence in longhand which is a waste of time. After a while they have a problem, probably deciphering their own handwriting. Certainly that is my difficulty and it gets worse and worse the longer I have to go back and read it. The judges have to do their own research.

I should like to suggest to the Administration that, unless the adequate resources are put in place, there will be no improvement in the system. We need to ensure that the judges have competent support staff in the courts. We need to ensure that we go towards the way of providing law clerks to work for the judges; to do the initial outline draft; to research. There is a project currently considered in the OECS states and Belize funded by the University, under the Caribbean Justice Improvement Project of law clerks in those jurisdictions. I think it is something that we could well look at. Certainly if we do not want to do it at the trial court level, at the appeal court level, this system could be put in place.

Mr. Deputy President, my other concern deals with the recruitment of judges. I should like to suggest that there be developed a process of some form of informal consultation between the profession and the administration, in terms of the people to be appointed as judges.

In the American system, the American Bar Association is consulted, as a matter of routine, on persons to be appointed to the Federal Bench and the Supreme Court Bench. As a matter of interest, in the proposals for the establishment of a Caribbean Court of Appeal, it is mooted that there would be a regional judicial services commission which would make the appointment of the Justices of Appeal to the Caribbean Court. The widest level of consultation is going to take place on that, with respect to judges of that court, in terms of finding the proper personnel to serve at that court. If we are going to look at a wide process of consultation for persons to sit at that level, I think the same degree of consultation should apply at the Barbados court level.

I should like to suggest, Mr. President, that we need to look at making it possible for persons from the private sector, with a rounded experience, to be attracted to serve. Right now the composition of the High Court Bench of Barbados is one where all the experience has been gleaned from working for the Crown.
11.35 a.m.

I am not using the word in any pejorative sense, but they have one view of matters. They are always in a prosecutorial role or a defence role. Rarely are they probably acting for a plaintiff, therefore their judgment gets a little obscured. Although this could be overcome in time, I think that it is to the benefit of the profession if arrangements could be made to attract those people at the private Bar, both to the Court of Appeal and to the High Court.

I welcome the provision, Mr. Deputy President, that Judges at the Court of Appeal will now serve until the age

of 70. I think it is a waste of ability and experience to require people to retire at 65. In fact, there might well be an argument to provide that they should go to 75, because at that point their minds are still sharp and they still have something to contribute.

Aside.

SENATOR C. A. BLACKMAN: Some are still sharp. I accept the amendment, but, generally speaking, I think that one can find a rounded experience being brought. On the other hand, senility sets in at 50 for some of us.

Mr. Deputy President, the Leader of the Senate was diffident about indicating what physical arrangements have been concluded in terms of the siting of the court. I know there are plans for the Judicial Centre to be constructed, but so far as I am aware no plans have yet been approved, no tenders have been awarded, so the question arises what arrangements have been made for the court to actually function. It is all very well for us to pass the enabling legislation here, but there must be something more than that. What are we doing in terms of identifying the physical structure in order for the Judges to be able to function and function effectively? To make sure that the Judges have adequate libraries? I do not want to make references to any other arrangements that may be in train unless they have been approved. I have offered a suggestion to the administration and I do not know where that is at, but there are very fine facilities at the Law Library at Cave Hill.

I would like, Sir, to conclude by just reiterating that I would like the administration to do something in terms of making sure that the resources are in place for the courts to function effectively, and that arrangements be made to provide that if members of the private Bar are attracted to serve, then they are given incentives to come in. I think in a contribution made in this Chamber a couple of years ago on a Bill to amend the Supreme Court Act for some other reason, I referred to the fact that the last time a member of the private Bar was appointed was in 1963, when the late Sir Deighton Ward was appointed, and at that time a provision was made in the Act, largely for his benefit, to give him so many years added service so that he could qualify for a respectable pension. You may well need to do that now in order to attract people onto the Bench of the sort of age I think that you need to attract.

If you examine the present composition of the Bench, they are all of the same age, within a difference of a year or two. They are all bunched, and therefore they are all likely to retire at the same age. You therefore need to provide for people in their late forties, no older than probably 55, to provide for continuity so we will not all lose the contribution and experience which would come from having a Bench that can work along with others until they get seasoned and mature in the exercise.

I welcome the Bill and hope that due regard will be made to the proposals which I have suggested to the Honourable Leader.

SENATOR MISS V. P. BRATHWAITE: Mr. Deputy President, in rising also to support the Bill before us, I wish to associate myself with the remarks which both the Leader of Government Business and Senator Blackman have made in their contributions, particularly the matters relating to the physical facilities.

It cannot be denied that the Judges and Magistrates in our courts operate under some difficult circumstances in terms of physical structure and accommodation. I also would like to invite the Leader of Government Business, perhaps when he speaks at a later stage, to indicate to this Honourable Chamber what plans are in train for the establishment of the new law courts and the auxiliary features which will be associated with those courts.

The question also of the Judges having to take their own notes in longhand and having to do their own research is a matter that we must pay close attention to as soon as we may, because it must be an extremely gruelling experience for them. I would not like to sit for a whole day in a court and write down everything that everybody says in longhand. I think the time has come when we must look at a system where some assistance in the area of stenographers and legal clerks must be placed in the courts.Those are the only remarks that I wish to make, Sir, and again I fully support the Bill before us.

SENATOR A. MORRISON: Mr. Deputy President, I rise to support this Bill. Like other speakers, I believe that this amendment would make provision for an Appeal Court on its own foundation and we would like to see that the Government, in providing this new Court of Appeal, would be able to provide the requisite facilities to accommodate Judges in the execution of their duties.
11.45 a.m.

Now what Senator Blackman and Senator Brathwaite have said is very pertinent to the performance of these duties if we are going to have a real execution of justice in this country. The time has long passed when Judges should have to write in longhand. Anybody who has worked with Judges would know that when you ask certain Judges what they wrote, they cannot even decipher their own handwriting when the time comes. It is one of those kinds of occupations which are hazardous I think that we should also in the passing of this amendment let the Government know in no uncertain terms that the support services necessary for the execution of justice in that area should be more than adequate.

We need an independent Registry, more or less, because the Registry as it stands now has such a voluminous amount of work, and when it comes to space it

is almost impossible to find certain things you want in that place. I would expect that before you add more weight on the present Supreme Court Registry I think we should take the chance now to institute an independent Registry for this new Court of Appeal. We would expect that Judges are very comfortable. I can also support the plea by Senator Blackman that we should look more to the Outer Bar, the barristers in private practice, QCs who have a varied experience in litigation in this country to recruit some of our Judges from, because we figure that those from the Crown might be limited in their experience, and barristers working in private practice, QCs of over ten years' experience to my mind would have been exposed to a wide variety of cases in the application of their duties which would more than put them in good stead to be a good High Court Judge. You need that kind of background, Sir, where you have been involved in several matters of litigation of a varied nature, encompassing the whole aspect of human endeavour whereby that fellow I believe would, by the nature of his work and what he has been exposed to as a barrister in private practice, a QC of over ten years' experience, I believe the High Court Bench would benefit from a man of that experience.

Just as we are now getting away from the point where a Judge sits in judgment in an appeal over his own fellow judge, it is even more ridiculous with a Magistrate coming from the magistracy in the Low Court dealing with summary jurisdiction to rise from that level to become a High Court Judge where his experience in Supreme Court work is almost limited, and he has eventually when he is elevated to the High Court Bench to learn the ropes all over again. It does not make for good judgment; so I would think that we should spare no effort to make our Judges as comfortable as ever, salary-wise, pension-wise and in terms of the location in which they carry out their duties, because a Judge is supposed to be a man removed from society in some respects. If he is going to administer justice over his fellowmen, he should lead a kind of more or less private secluded life. If he is supposed to live a life like that (not absolute seclusion, but in a way where access to him should be more or less difficult) and if he is not supposed to mix freely in society as ordinary men do, then it behoves the Government in power or the Executive of this country to make sure that Judges are treated in such a way as would preclude them from being tempted at any time to give biassed judgments, human beings being what they are.

We would think that although we don't want to idolize our Judges, we would tend to think that we should make conditions of service so attractive for them that we would tend to expect, given those conditions, that we can expect nothing but the best of judgments coming from those Judges. Therefore, Sir, I believe that one cannot deny Judges certain kinds of facilities. Right now they enjoy certain rights and privileges. When they go home they are supposed to get the same pension as they were getting in salary when they were working, and this is a very good thing, although I know my friend Senator Blackman has always said that you have encouraged some Judges to go home before their time because they enjoy the same emoluments when in retirement as when they were practising. I think that was done for a different reason, in that we would not want a retired High Court Judge to be out there soliciting cases in order to survive because he is out of pocket. We don't want retired Judges to be out there looking for hire, so therefore we tend to give them the same emoluments when they are in retirement as they had when they were in practice.

On the whole, Sir, I think that our judiciary has served us well both in the Lower Court and in the High Court, and sometimes we do not realise the strain under which Judges operate, or, for that matter, Magistrates. If we argue on the one hand that we should make Judges more comfortable, it is without doubt then that we should go all out to make Magistrates even more comfortable, because they are the ones who do the majority of litigation in this country. When Judges do five hundred cases a year, you find Magistrates have done ten thousand for that particular year. The majority of litigation in this country or any country is performed in the Magistrates' Courts, and that is why we should take some time off and try even to make Magistrates more comfortable and give them better accommodation so that they can discharge of their duties because it is there that the majority of litigation takes place, and we should try to make them comfortable also.

All in all, Sir, I welcome this Court of Appeal, and I believe that given the necessary back-up services we should have a Court of Appeal which would redound to the benefit of Barbadians, and that we should be able to get that backlog of cases which tended to build up over the year cleared. We would get a speedier form of justice, which in turn would redound to the benefit of the man in the street. Justice must not only be served; it must seem to be served, and if it does not seem to be served, then we have no justice. With those remarks, I would like to support the introduction of this new Court of Appeal into our legal system.

Thank you, Sir.

SENATOR N. W. BOXILL: Mr. Deputy President, I rise to support the Bill, but I am taking a slightly different line from the other speakers who have spoken before me. I agree with almost everything that has been said by Senators Blackman, Brathwaite and Morrison. I would like also to say with respect to Judges writing down everything in longhand that it is antiquated. There is a machine that persons talk through where the person who is reporting repeats what the litigant or whoever is saying. The person speaks into this kind of dictaphone and it registers it.
11.55 a.m.

All of this would save so much time and problems for the judges. Because it looks to me that with the majority of judges (who would have qualified became as lawyers and so on) it was because they spoke intelligently that they

passed the examination, not because of what they write, because what they have written people cannot understand.

This happens in general. Some of the worst handwritings I have ever seen come from people supposed to be intelligent people. So it is because they may have spoken intelligently that the invigilator reasoned that this fellow talked, so he must know; but not from what they have written.

If they could get these machines, as I have said (and they are not going to cost a pound and a crown; they are common all in Canada; we used to use them) this would help the judges quite a lot.

I said I would be taking a slightly different line from the other people. What I would like to say here to the judges of the new Court of Appeal, is that lawyers have a tendency to think that they have a God given dispensation on everything and, therefore, they hate to know you have to tell them anything. Well, I want the lawyers to understand that we, the laymen, are the people who make the law. They, the lawyers, are the people who interpret the law – what we want done. So do not let anybody get any bright ideas. I am not saying these things for sensationalism or for any headlines, because, as I said already, I have passed that stage. I have made my name long ago. I do not have to make it now.

What I would like to say to these Court of Appeal Judges which is ridiculous here in this country is: somebody goes before the Court; the Court inflicts a fine or punishment on that person; the lawyers appeal on behalf of the client; they go to the Court of Appeal and the Court of Appeal finds that the Lower Court or the Higher Court was right in their judgment. I do not think it is fair that a fellow should appeal from getting a three month sentence and go to the Court of Appeal, take up our time and our money and then get three months. That is a waste of time.

My view is, if the judges at the Court of Appeal found that the fellows were too harsh and, in their view, they want to reduce it, all right. But if they found that the judges at the Lower Courts were right in administering the fine, he should not tell people, just confirm it. He should get a little more. This would stop a lot of the lawyers from appealing some of these silly cases that they know they do not have a right to appeal, but just for the sake of wasting the people's time, they appeal and go up to the Court of Appeal and then the Court of Appeal Judges administer the same punishment. It is a waste of time.

This would enhance a lot of our cases because people would have a second thought. This is a lot of money we are spending here. I am not looking at it from the point of the money. I am looking at it from the common sense part of it.

Here it is you go before the judge; the judge inflicts a punishment on you, sometimes which in my view is a bit too lenient, but that is my view; I do not have to be right all the time; but you appeal and you go before the Court of Appeal and the Court of Appeal finds that the judgment was fair and the fellow turns around and gets the same thing. Say you get three months down there. You go up to the Court of Appeal and the Court of Appeal gives you three months also. I say, "No". When you go up there you should get six or nine months.

I remember in Guyana a Barbadian was charged for murder and it was reduced to manslaughter, fortunately for him, and he got, I think it was 10 years; and he appealed. The Court of Appeal Judges discovered that he was rude because, as the judge told him, you should have been charged for murder, not manslaughter. You appeal. Well, we will give you what you should have got. I think they gave him the other five.

We have to start dealing with these things. Do not tell me that I am inhuman and that kind of thing. Because I do not think I could be more inhuman than some of the things I see happening with the humanists. I am not being inhuman. But I think the time has come – that is why I said I was taking a slightly different road from Senator Brathwaite and the other speakers – when you have to stop this nonsense where people just waste the Court's time.

If the judges find, as I said, that the penalty was too harsh, they may reduce it, or might even let you go. But if they find that it was in order and you appeal, I think if you have the temerity to appeal, you should have the temerity to pay the penalty. You should get a little more. This would stop a lot of these lawyers too.

I said already and I will say again (I know nobody will agree with me) that a lot of these lawyers who waste the people's time going up there... If a lawyer had three indictable cases and he loses all three, my view is in the third one he should get some of the punishment of the criminal, which would stop them from wasting people's time.

Sometimes when I hear people saying they are appealing – on what grounds are they appealing? You might win a case on a technicality, or on a point of law, or on a point of fact, it all depends. But do not waste the people's time.

When I see people sometimes I wonder because the Magistrates only give them a tickle in the hand. Before he thanked God that he had only got a tickle he goes up there to make you think it is unfair. They should take the hand off; do not tickle it no more; stop them from wasting the taxpayers money and their time.

Now, the two Bills before us Sir, are enabling. One is changing the Constitution for the judges. I am happy to see that there is unanimity in here on the changing of the Constitution, because a lot of people get the misguided idea that the Constitution is so sacrosanct that it cannot be changed.

The Constitution was made by man and, therefore, there are times when we will have to come here and change the Constitution. Do not let us feel that because somebody wants the Constitution changed that they are creating something unsavoury. There are times when the Constitution will have to be changed.
12.05 p.m.

When you go for independence from the British people, the night the flag is coming down the lights go off at midnight 12.00 o'clock. Then the other flag is going up whilst one is coming down. The representative of the Queen puts a piece of paper in the Prime Minister's hand. He does not have time to read that and even if he had time, he could not read all either.

It is then you realize when you go through your Constitution that you see a lot of things in it that you did not agree to. This is what has happened repeatedly. I am therefore saying there is nothing sacrosanct about a Constitution that it cannot be amended in certain ways. I am not saying that you should willy nilly go and change up the Constitution and then you do not have a Constitution, like some countries. I am not talking about that because we are what you call a civilized people. But there are certain things in the Constitution that will have to be changed over a period of time.

With those few words, Mr. Deputy President, I support the amendment wholeheartedly. I am happy to see that we will now have a Court of Appeal where.... I hope the lawyers take advice from what I have just said and do not run up there thinking that because things did not please you down there you go up there and think that if you go up there you might get a little more. I hope the judges take that into consideration.

Aside.

With those few words....

Aside.

SENATOR N. W. BOXILL: I beg your pardon?

Aside.

SENATOR N. W. BOXILL: Change what law? The judge has a right to do that. Change law? Are you making sport? I am sorry to go one side, Sir.

With those few remarks, I beg to support the Bill before us.

Mr. DEPUTY PRESIDENT: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I should like to assure Honourable Members that Government is not unmindful of the need, as expoused, for competent and adequate support staff including, possibly, legal assistants or other assistants. The more so for the Justices of Appeal when they come into being.

We have noted your concerns also about the recruitment of the Justices, that efforts be made to attract persons from the private Bar with the appropriate experience, rather than continuing the one-track of the Ministry of Legal Affairs.

This question, I know, is being pursued as a matter of urgency and I am aware that at least two locations have been identified, other than the one at the University of the West Indies. So that it is very probable that, in the short run, we will hear an announcement about where the location of the Court of Appeal will be.

But the Court of Appeal will not be all. The adequate and appropriate furnishing of the Court of Appeal, the staff that will be necessary to perform the functions of the Registrar, all of these are matters are presently being pursued urgently.

I am sure that all of us will recognize the opportunities which will be available for an inflow of persons to the Bench. We may even attract persons from outside of Barbados in addition to those who are presently on the island and serving within the legal system.

The provisions of the Bill include certain transitional provisions, so that persons who are presently handling matters in the High Court as Justices of Appeal as members of the Court of Appeal will be permitted to continue them, even when the Court of Appeal comes into existence and to finality, even if they themselves – the persons – are not subsequently appointed as Justices of Appeal.

With those very brief remarks, Mr. President, I beg to move that the Bill be read a second time.

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

On 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.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

SENATOR THE HON. L. V. H. LEWIS: Mr. Chairman, if there is no objection, it is proposed to deal with the Bill as follows: Sections 1 to 5 then 6 to 10 and then 11, Sir.

Clauses I to V were called and passed.

Clauses IV to XI were called and passed.

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

On the separate motions of SENATOR THE HON. L. V. H. LEWIS, the Bill was read a third time, passed and its title read and agreed to, the following Senators voting "Aye":

SENATOR THE HON. L. V. H. LEWIS, SENATOR THE HON. Dr. C. D. CLARKE, SENATOR A. MORRISON, SENATOR MRS. G. L. EASTMOND, SENATOR N. W. BOXILL, SENATOR MRS. V. C. FRASER, SENATOR A. J. N. PHILLIPS, SENATOR Dr. F. W. ALLEYNE, SENATOR T. A. PRESCOD, SENATOR D. A. COMISSIONG, SENATOR J. C. W. WICKHAM, SENATOR THE REV. CANON I. McK. JONES, SENATOR L. A. WARD, SENATOR MRS. P. Y. FORDE, SENATOR Dr. L. L. SHOREY, SENATOR C. A. BLACKMAN, SENATOR MISS V. P. BRATHWAITE and SENATOR A. W. A. McCLEAN.

18 Ayes, no Noes.

SUPREME COURT OF JUDICATURE (AMENDMENT) BILL, 1990

Order No. 2 was called – To move the Second Reading of a Bill to amend the Supreme Court of Judicature Act, Cap. 117A.

Mr. DEPUTY PRESIDENT: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Bill to amend the Supreme Court of Judicature Act, Cap. 117A seeks to make certain amendments, consequent upon the passing of the Constitution (Amendment) Act which we just dealt with.

When the Supreme Court of Judicature Act, Cap. 117A is commenced, together with the proposed amendments contained in the two Bills, it would provide for the abolition of the existing Divisional Court. Let me say, Mr. Deputy President, that the Supreme Court of Judicature Act which was passed in 1981 was never brought into force. The jurisdiction therefore of the Divisional Court to hear and determine appeals from the decisions of magistrates will now vest in the new Court of Appeal which will continue to determine appeals from judgments of the High Court and orders of judges of the High Court and will exercise such jurisdiction as is presently carried out by the existing Court of Appeal.

In addition, by virtue of Section 52 (c) of the Supreme Court of Judicature Act, the new Court of Appeal may exercise such other jurisdiction as conferred on it by that Act or by the Criminal Appeal Act, Cap. 113A or by any other Act.
12.15 p.m.

It will be noted, Mr. Deputy President, that the functions of the Chief Justice and the Justices of Appeal will now be more clearly defined from those of the Judges of the High Court. These amendments stem from the earlier legislation which we dealt with today, but this amendment specifically provides that the Chief Justice shall be the President of the Court of Appeal and that there shall be not less than two and not more than four other Judges who shall be styled "Justices of Appeal".

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

The question was put to the Senate and agreed to.

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

Clauses I to 4 inclusive were called and passed.

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

PRIVATE MEMBERS' BUSINESS

SENATOR A. W. A. McCLEAN: Mr. Deputy President, on the Order Paper the second Item under Private Members' Business is a Resolution standing in my name "to move the passing of a Resolution to annul the General Elections (Allocation of Broadcasting Time) Regulations, 1990."

The Resolution, which has been circulated, reads as follows:

"WHEREAS the Representation of the People Act, Cap. 12 (the Act) provides in section 68(4) that all regulations made under the Act shall be subject to negative resolution.

AND WHEREAS the General Elections (Allocation of Broadcasting Time) Regulations, 1990, were made under the provisions of the Constitution and the Act and laid before the Senate on the 30th day of May, 1990.

AND WHEREAS Section 41(7) of the Interpretation Act, Cap. 1 provides that statutory instruments which are subject to negative resolution:

(1) shall, as soon as may be after they are made, be laid before the Senate and

(2) shall be annulled if the Senate, within the statutory period next after any such instrument has been so laid, resolves that the instrument shall be annulled.

BE IT RESOLVED THAT this House annul the General Elections (Allocation of Broadcasting Time) Regulations, 1990."

Mr. Deputy President, today falls within such statutory period and in accordance with the Notice which I have given in relation to this Resolution, I would want to direct the Senate's attention to the actual Regulations which were tabled, and in particular Regulation 4(2). Regulation 4 in general relates to the allocation of broadcasting time, and 4(2)(a), (b) and (c) indicates the amount of time that will be allocated to the Government, the party which was the Opposition in the last Parliament, and to any other party.

In accordance with these Regulations, it is proposed that the party forming the Government at the time of elections be given one hour, comprising three broadcasts, two of 15 minutes and one of half an hour, the other details relating to when these will occur and so on, but at the moment I am addressing the duration of time; that the Opposition should be accorded 45 minutes broadcast time, comprising two broadcasts, one of 15 minutes and one of half an hour's duration, and that any other party which should qualify should be accorded 15 minutes. To qualify, any other party would have to offer ten candidates to contest the elections.

12.25 p.m.

Now these regulations are essentially similar to regulations which have been in force in previous elections and more specifically in the last general elections. They were no more desirable then than they are now, but the difference between then and now is that the particular unfortunate and undesirable aspect of the Regulations did not come into evidence in any great measure on previous occasions because there was not any other party to qualify for that fifteen minutes. On this occasion we have three parties that we know at the moment, there may be others – Senator Comissiong may very well form a party between now and then or other people; I am sorry about that, I should not have mentioned his name; I did not mean any embarrassment. There could very well be other parties. That is the essential point. Right now we know of three, but this is supposed to be a free democratic society and any collection of citizens could band themselves together and contest elections with a view to forming the next Government, and therefore although it may seem as though we are speaking in the context of three parties, it must be remembered that we are speaking in more general terms than that. I am saying that it has been clearly demonstrated that these Regulations are repugnant to the mores of the people in this country and they are anti-democratic. There can be no good reason under the sun for allocating fifteen minutes to one party which is endeavouring to capture the Government, 45 minutes to another and an hour to a third. The particular principle which I espouse and which I think is abundantly fair is that all parties should have equal time, because we are all endeavouring to do the same thing, to indicate to the electorate that they should be the ones to form the next Government. And the matter of election broadcasts should not be seen from the perspective of the party, but it should be seen from the perspective of the electorate. You should consider yourself as affording the electorate an opportunity to sit in the comfort of their homes and hear from those who are contending to form the next Government. They should have the opportunity of hearing quite fully the proposals of any party, and it should not be that one party should be required to capsule their proposals or whatever they want to say into fifteen minutes, and the Government, of all people, the governing party, will have an hour.

If there can be any justice in according differential time or any principle that would suggest that differential time should be accorded in terms of being fair to the electorate, it would have to be to give the least time to the Government, because you know Government is going to get extra time anyhow; Government is going to use the electronic media in all sorts of ways to inform the public, and they do it on a continuing basis, and they will do it during an election campaign also. So the parties that are fairly well systematically debarred from access to CBC and so on are the ones which the public need to hear from because they don't have any opportunity outside the stipulated times provided there to hear from them in a general way. But we are not making such a proposal. We are saying that one should recognise that the electorate have the same level of interest in hearing from all the parties, because at the end of the day they want to make decisions that are in their own best interest, not in the interest of the DLP or the BLP or the NDP; in their own best interest, and they can only do that if they are given adequate information, and if you are going to stop them from hearing

the Barbados Labour Party and hearing the Democratic Labour Party and they can hear much more about what Government is going to do or what Government is not going to do, what Government can do and what they can't do, then you are loading the dice against the people. You are prejudicing the situation in favour of the Government, and that is entirely an undesirable .....

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order, Mr. Deputy President, it is not the Government that has allocated the broadcasting time; this was allocated by the Boundaries Commission. It is not the Government and I think it is erroneous to imply that the Government is responsible for this.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, I cannot spot that point of order. That sounds as though Senator Clarke has used his time to contribute in this debate already.

Anyway the point of the matter is that I have in no way suggested in my speech that the Government made the Regulations, but what is abundantly clear is that Government has the legal authority to join with me in this Resolution and vote down these iniquitous Regulations. Government cannot be heard to say they did not form the Regulations. The law gives Government recourse in these matters. If the Regulations are seen to be against the mores of the people, are seen to be unfair, Government can join with any Resolution or they can bring one themselves to negate those Regulations, and signal thereby that the Electoral and Boundaries Commission will have to revise them in a way which would be acceptable to Parliament. So it is simply trying to pull wool over people's eyes when Government runs for cover and puts the responsibility on the Electoral and Boundaries Commission. We fully recognise that, but we are here addressing not the question of who did what and who is responsible for the unfortunate situation. We are here addressing the substance of the matter. We recognise that this Chamber alone, not the House of Assembly, they don't have to join us, any one House of Parliament is sufficient. If we pass a negative Resolution in any one House of Parliament, those Regulations fall to the ground and must be re-submitted. And so what I am urging today is not to put any blame on Government, but to afford Government the opportunity to act in accordance with their own point of view when they were not the Government. When they were not the Government they well appreciated that these Regulations were not entirely desirable or indeed fair, and persons who are now Members of the Government at that time would have supported the idea that every party should have equal time, and I do not think that there is any good reason beyond selfishness and self-interest that could have led to a change in that point of view. You see, part of the reason why there is so much cynicism in the country and why people do not take things that parties and politicians tell them seriously is that they know that the old political order has one voice and one position when they are in Opposition and another voice and another position when they form the Government, and as between the BLP and the DLP it makes no difference. The difference between the two of them often is who is the Government and who is the Opposition, so that you have these Regulations which were conceived long ago before you had a Boundaries Commission in terms of differential time to different parties by the Democratic Labour Party, and they would not have been pleasing to the BLP in Opposition. They got the Government and continued with that practice of according differential time, and it was not pleasing to the DLP in Opposition, and they have the Government now and suddenly they are pleased by it. So we have a bunch of people in the BLP and the DLP who when you put them together ....

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order, Senator McClean is drawing certain inferences which I do not think he has the basis for, that the Government is pleased or displeased about something. He does not know this; he is not in a position to state this.

SENATOR A. W. A. McCLEAN: When you put them together the utterances which they make depend on whether they form the Government or not. We have to get beyond that, and I am saying to you now that anything which the National Democratic parliamentarians say in Opposition is something you can hold on to that we would espouse and carry through when it is in Government. We don't have one position when we are in Opposition and another position when we are in Government. Other people in Opposition would have been very pleased with having more time than the other Opposition party, therefore I have an advantage over them and leave it there. We are not operating on that basis.

12.35 p.m.

No. We are not operating on that basis. We are operating entirely on a basis of what is right and what is wrong and that is where you will find us. That is where we will stand on these matters. It is a matter of what is right.

In this Resolution we are not only here inviting the Senate to support us and annul those Regulations. We are signalling to the country that when the National Democratic Party should form the Government, indeed, the next Government, that every party contending to form the Government, every party running a sufficient number of candidates, i.e., more than half the number of candidates sufficient to form a government, will be given equal broadcast time.

We find that this kind of business of playing tricks with the people and one party manoeuvering the other parties out of position on the basis ...

Mr. DEPUTY PRESIDENT: Will you proceed, Senator McClean. Order, please.

SENATOR A. W. A. McCLEAN: You will find that the time for positions of convenience, depending on whether you are Government or Opposition, you have to put an end to that. You have to put an end to the type of situation where when you talk about constitutional amendments one party gets up and criticise them because they know the public did not agree with him, and say call the Elections now, and when you call Elections they conveniently forget all about that and go ahead to exploit the said provisions and you emasculate the Civil Service and so on. That must come to an end.

The country must be able to take politicians seriously whether they are in Government or in Opposition and I am saying that Governments should take the electorate seriously and be respectful towards them and any Government which has the involvement in the question of broadcast time you have that involvement because the law says it is subject to negative Resolution. It has to be tabled in Parliament. You have to take notice of it and make up your mind whether you like it or if you do not like it. If you do not like it, you bring in a Resolution to annul it. If you like it you remain silent but you cannot run around and pretend – blow hot and cold at the same time.

I am indicating that this Regulation is totally iniquitous and this Resolution here, if adopted by the Senate, would signal to the Electoral and Boundaries Commission that they should revise that provision.

Mr. Deputy President, I now beg to move that this Resolution do now pass.

SENATOR MISS V. P. BRATHWAITE: Mr. Deputy President, I beg to second the Resolution and reserve my right to speak.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, having listened to the fervour of the evangelical preacher, I do believe that were it not for the usurpation of the role of the legitimate Opposition, the question would not have arisen. I do believe that the attempt by Senator McClean to imply that it is this Government that set up these Regulations that that just is not so.

The Regulations which are currently in place were Regulations which were amended by the Barbados Labour Party and the last Election was fought under these Regulations. This Government did not make the Regulations. They were, indeed, made by the Electoral and Boundaries Commission and if the Barbados Labour Party has now met its poetic justice by changing the Regulations. Because the Regulations which existed prior to these Regulations which we have before us would have made provision for a third party in the system. But if it has come upon its poetic justice, that is the way it is.

Thank you.

SENATOR C. A. BLACKMAN: Mr. Deputy President, Paragraph 15 of the Regulations which is the subject of debate refer to the fact that the General Elections (Allocation of Broadcasting Time) Regulations 1990, Statutory Instrument No. 68 of 1986 are hereby revoked.

When we examine Statutory Instrument No. 68 of 1986 made on the 1st day of May 1986 by the Governor-General acting on the advice of the Electoral and Boundaries Commission (because all the other parameters were not in place for the Regulations to be made by the Commission at that time) one would find when we examine paragraph 4 of the Rules made in 1986, that they are identical with the Rules made in 1990 by the Electoral and Boundaries Commission.

I must say I agree with Senator Clarke that these Rules which are being put before Parliament to regulate Elections whenever they are called, 1990/1991, are the same Rules that were promulgated in 1986 with the support of the then Administration.

Indeed, these Regulations are being made by an Electoral and Boundaries Commission which was controlled by that Administration who retained a majority membership of that Commission and I do not like people to play ducks and drakes with serious issues or approbate and reprobate in one and the same breadth, because when these Regulations were tabled in 1986, and at that time the mover of the Regulations was a Member of this Honourable Chamber, was a Resolution brought to annul the Regulations?

If we are talking about principle, the issue arises, because there was no Resolution brought in 1986 to annul the Regulations which are now before us because they are in identical terms. The only difference that is raised is that there is a paragraph 16 in the present one which was not there in 1986 and in all conscience, Mr. Deputy President, I really find it difficult to understand the point of principle that we are being asked to deal with.

The political directorate as it then was had found it acceptable to have a formula that suited them and it was their persons on the Electoral and Boundaries Commission who repeated what was in place in 1986.

Now, I think it is recognised and I have seen the Broadcasting Rules, not only for Barbados, but for other jurisdictions. There is no way that in the United Kingdom, that the Social Democratic Party which is a Minority Opposition Party, gets the same time as the ruling Conservative Party. They are given time in proportion to what their membership is. It has nothing to do with who is offering the number of persons per seats to run for office.

So I do not think we should suggest that what is being done is totally out of line with what is practised elsewhere.
12.45 p.m.

Even in the system of the Presidential debates that take place in the United States, when John Anderson was running as an independent candidate, he did not get across the equal access to TV time that the major candidates of the Republicans and the Democrats had. We ought to see these things in context. We cannot take this thing in isolation and suggest that some monstrous imposition is being placed upon the people of Barbados, in the Regulations which are before us.

I cannot support the Resolution.

Mr. DEPUTY PRESIDENT: Senator Jones.

SENATOR THE REV. CANON I. McK. JONES: Mr. Deputy President, I have not got all the legal knowledge behind me that Senator Chris Blackman has but I must say I cannot agree that because something has been done by one administration and it has been proven now, in the eyes of people, that it has not been the right thing that has been done, the fact that it was done by one administration as against another, in my humble opinion is *non ad rem.* That is not the point.

The point, as I see it, is this; that when Parliament is dissolved and when parties are running for election, there is no government as such now. Everybody is on the same level, more or less.

Aside.

SENATOR THE REV. CANON I. McK. JONES: Yes, except something happens that the Prime Minister has to come into it but when you are dissolved, you are dissolved. In other words, what I am trying to get across, is that in my opinion, the Government then does not have the tremendous power it had before Parliament has been dissolved. That is how I see it.

I personally feel, Sir, that if you have an electorate of thousands of people having to vote, they have a right to hear what the various parties are putting forward, to see what is the philosophy of the party and what they want. I cannot see how any party that can field as many members as there are for constituencies... If there are to be 28 and a party has 28 members for constituents, and if another party has, say 17 or 18, I do not see how anybody with any sense of fairness could say, "Give the governing party 60 minutes, give the other one 45 and give the other 15." I cannot see that to be right. I do not care who sees it; Ivor Jones does not see that one.

Aside.

SENATOR THE REV. CANON I. McK. JONES: But even so. No. What may have happened was this....

Mr. DEPUTY PRESIDENT: Order, please.

SENATOR THE REV. CANON I. McK. JONES: Mr. Deputy President...

Asides.

Mr. DEPUTY PRESIDENT: Order, please.

SENATOR THE REV. CANON I. McK. JONES: In those days there were not three parties anyhow. There are three parties now.

But the point that I am making is that I feel, and I do not mind who agrees with me.... I can stand alone. I say what I feel I should say.

Mr. DEPUTY PRESIDENT: Senator Morrison.

SENATOR THE REV. CANON I. McK. JONES: All I am saying is that if a party has 28 members and another one has 28 members and third one has 18 or something, no one of those peoples should be subjected to 15 minutes, as against one hour. I cannot agree with that and I will never agree with that, Mr. Deputy President.

Mr. DEPUTY PRESIDENT: Senator Fraser.

SENATOR MRS. V. C. FRASER: Thank you, Mr. Deputy President. I rise not to support the Resolution.

First of all, I should like to say that I do not understand how two of the former Senators who have spoken were in here at the time. They were members of this Honourable Senate at the time when that Bill came. I am wondering sometimes if we pay attention to what is going on in Parliament when we are here. Because we come back with something completely different.

The whole question.... I have heard a lot of talk about having political broadcasts and getting across to the electorate. Tell me the truth. Do you mean that all a candidate is going to depend on is political broadcasts? I thought you get out there and do your work among the people and you have the various political meetings and so on. I do not know that you depend on a political broadcast to put you in a Parliament. To me that sounds like a really ridiculous argument.

And then, on the other side of it, we must realize – and I agree with Senator Blackman wholeheartedly – that as we move around and as we learn and as we observe, we must look at what happens in other places too in the Commonwealth. Are we just going to say that because one person feels that something should be done, we must

change laws. We have not. We have no power at this stage to change the Electoral and Boundaries Commission or to make them do what we feel like. A government does not do that. You do not just go and tell people, "You do what I say because I want it changed or somebody else wants it changed." There are rules, the Act and the laws, and we must obey those. If we do not want to obey them, then we should opt out and not talk just for talking sake.

I have found that people refer to legislation as iniquitous. If they made it iniquitous and they were part of the iniquitous legislation, that is a matter for them.

Aside.

SENATOR MRS. V. C. FRASER: That is indeed a very strong word. I agree with you. A very, very strong word, Mr. Deputy President. You should not come here to claim that people have done things that they have not done.

The Government did not make that Regulation. Therefore it is a Regulation. People have inherited it. They used it before. I think they should be satisfied and they should use it now. Therefore I do not believe that because one person is out of power now and they want to get something their way because they are out of power that people should lean to them. If we are talking about democracy... Somebody mentioned about the party having access to the media – I saw an Opposition party branch meeting on CBC television. Why do you not talk about that? Nobody is talking about that. There was an Opposition member speaking all over the place. There was nothing wrong with that. I do not agree that anything is wrong with it, personally. That is democracy. That is where the Government has exercised democracy. You have not heard anybody from the Government party come out and say it was wrong to have that person on. It was not wrong to have the person on. The person is a member of the Opposition. Nobody from the Government party criticized that person. There have been no Government party branch meetings on any television programmes that you have seen on CBC. I challenge you with the branch meetings, an ordinary branch meeting.

Mr. Deputy President, I think that we must look carefully when we begin to criticize. If you are talking about election, I do not understand why we are talking, quarrelling and quibbling over broadcasting time. It is not the thing that candidates should worry about. The Public Order Act covers them having it in meetings. Everybody is free to meet and talk.

When people talk about coming into the comfort of your homes, let them understand that all the sort of trash that people get up and speak in some areas and all the kind of talking about disgusting behaviour – name calling, that comes into the comfort of your homes too you know. You are in your home sitting down comfortably, somebody has a meeting up the road and they are talking about everybody and making all sorts of disparaging remarks. Young people are hearing it and they are befouling the midnight air with their disgusting behaviour. This is the sort of thing that is ridiculous. But a lot of people do not think about those things. But they are quibbling over 15 minutes or 45 minutes or whatever it is. Let us get down to the seriousness of it.

In this society, we are democratic about holding your meeting, going out there and canvassing. Nobody prevents anybody from doing that. There is no law, in Barbados, on the Statute Book which says that a candidate cannot go out there and canvass. Have your meetings and finish at any time in the morning. Talk your talk, as much as you want to talk. These are the things that you talk about when you talk about freedom and democracy. You are free to do all these things.

You are free also to pay for time and get all kinds of things come on the radio. You are free also to call in on call in programmes and speak as you like, as disparagingly about the Government of the day. You are free to do that. That is democracy.

Nobody from the Government has tried to stop any radio station in this country from allowing people to call in and speak as they like. Indeed you call in on the Government radio station too and you say all sorts of things about the Government. Nobody has attempted to stop the call in programmes. Why? I agree with that, I agree with people giving their opinions on anything happening in the society. Because I do not agree with it, I do not want you to give an opinion? Let them give it freely. People will know what you have to say and what you want to say, and you are free to say it.
12.55 p.m.

When people talk about the Government and this iniquitous this and the next, you must understand what you are saying and you must try and get a realism in your mind. If you want to speak the truth, speak it now and speak it ever. Do not talk about democracy when in fact you have all your democratic rights in this society, Barbados, to do a number of things that even in some of our smaller islands we do not have the democratic right to do.

Mr. Deputy President, I will not support the Resolution, and I thank you.

SENATOR Dr. L. L. SHOREY: Mr. Deputy President, I rise to support the Resolution and I do so unhesitatingly.

I think that we need to be very clear about what the Resolution is saying and the context in which it is brought before this Honourable Chamber. The matter before us is one which is subject to negative resolution. That means that

unless there is a motion to the contrary, it will become law. I am sure that if my statements are incorrect I will be immediately corrected. I have checked and this is my understanding.

It also means, quite logically, that it is perfectly in order for the provisions recommended to be challenged. There is nothing inappropriate, there is nothing unwise, there is nothing injudicious in bringing a motion of this sort. It is not by any means *ultra vires*. Parliament has a duty and a responsibility to examine very carefully and very clearly all matters which are enshrined in legislation, and this matter is as important as any other in its own context.

Reference has been made, here and elsewhere, to what occurred in the past. Like Senator Jones, I remain completely unimpressed by those arguments. In fact, I do not think that they carry any weight whatsoever. What we are being asked to do now is to examine the proposals and to decide in 1990 whether those proposals are right and just. Inappropriate, injudicious, incorrect, bad legislation, whatever you want to call it, in the past is no excuse for a continuation of legislation which is wrong, which is injudicious, which is unjust, and what is being argued here – and I thought that Senator McClean put the case very clearly, very cogently and I entirely support the arguments – is that the provisions as proposed in this new instrument are manifestly unjust. What is being asked for is a modification of those to, let us say, move closer to justice. In my view, justice would be that all parties would have equal time. Since we live in the real world, that is perhaps a little bit too much to ask, and one could therefore accept, I think, and I would certainly be quite willing to accept the situation in which Government had an hour and other parties meeting specified requirements for a given number of candidates, all had 45 minutes each, but I find it totally unacceptable, unreasonable and in my view it would be irresponsible on our part as legislators to support what now exists in terms of the provisions recommended for the allocation of time.

Let us not forget, Sir, that we are talking about a station which is funded from the public purse, not from Government's purse. I think that this really is a crucial matter that we need to take into account, that coming up to elections all parties need to have equal access to the very important media, since it is very well recognised that the media constitute an excellent means by which to project a party's policy and proposals and so on.

Mr. Deputy President, I would like to suggest that we ought to remember that part of our responsibility here is to act in a statesmanlike manner. I recognise that there are political considerations which will inevitably influence the thinking of persons, but surely on matters at least of this sort we can make a reasonable effort to look at it objectively. What went on in the past, I am suggesting again, Sir, is not what we have to be concerned with here, the question this Honourable body has to ask itself this afternoon is whether or not the provisions recommended in that document we are considering are just. I am suggesting that in 1990 any reasonable answer would be that those recommendations are unjust and are unfair.

On those grounds I wish to support the Resolution.

SENATOR J. C. W. WICKHAM: Mr. Deputy President, I really had no intention of speaking on this Resolution. The first thing is, I want to make it clear that there seems to be a general tendency in the Senate, and outside too, to suggest that Independent Members, that is, Members appointed by the Governor-General in her own discretion, are Members of a party. They are not, they are individually independent. They are not independent because there is a party called an Independent Party. I am an independent Member in the sense that I have my own individual opinion which may differ from everybody else and I have no party loyalty to attend to.

Senator Clarke, in speaking, suggests that the present Opposition is illegitimate. I find that an unfortunate word to use, as unfortunate as iniquitous. It is legitimate, because four Members crossed the Floor and they became the majority and they are the Opposition, the legitimate Opposition. What however does not satisfy me that all other things are equal is that these Regulations apportion time on the condition which qualifies the political party which commanded the support of the majority of the Opposition membership in the House of Assembly immediately prior to the last dissolution of Parliament. These are the Regulations.
1.05 p.m.

By those Regulations the present legitimate Opposition would not be entitled, but the Opposition which existed at the time immediately prior to the change of Opposition status. The suggestion here is that that is unfair because the situation now does not represent the true state of the country, so to speak, but that is not the point. This present Opposition does not owe its "oppositionness", if you want to say, to any act of election or expression of democratic will, and therefore it seems to me that the present Regulations, the Regulations which we now have before us are tenable, because although the party is legitimate in the sense that having crossed the Floor they have become the legal Opposition, they do not in fact represent the democratic will of the people, and therefore I am not going to support the Resolution.

SENATOR L. A. WARD: Mr. Deputy President, I rise to support this Resolution. I feel, Sir, and I will be very brief, that this Resolution before this Honourable Chamber today is giving equal right to every party or should give right to every party to explain to the electorate of the country, and I feel, Sir, that the electorate in any country has every right to hear the views of every political party. If

it is a small differential of fifteen minutes, the other people may be able to get over their programme to the electorate, but to give a person fifteen minutes I think is completely unfair, and for those reasons, Sir, briefly, I will support the Resolution.

SENATOR MISS V. P. BRATHWAITE: Mr. Deputy President, I rise to support the Resolution wholeheartedly, and before certain Senators who spoke before had actually done so, I would not have felt it necessary to engage in a discussion of certain matters had they not been raised. Let me say first of all, Sir, that I find it extremely unfortunate from persons who should know better that in dealing with matters which come before this Honourable Chamber, and this is not the first time, Sir, I have noticed it, some Members particularly those who support the present Government seem to think that many matters can be debated and resolved on the basis of blameworthiness, on the basis of whose fault it was or whose fault it is. That is unfortunate, Sir.

Senator Clarke and Senator Fraser both spoke in terms of, well if it was happening before it could happen now; if you didn't do it, we shouldn't do it either, and if you did it, we can do it too. One would have thought, Sir, that these two Honourable persons would have used the opportunity provided them in this Honourable Chamber to look at issues...

SENATOR MRS. V. C. FRASER: On a point of order, Sir, I think that Senator Brathwaite should listen carefully to what people say. I never said if you didn't do it, or whatever else it is she said. I never said that, and I am sure that Hansard would record that I did not state that.

SENATOR MRS. V. P. BRATHWAITE: Mr. Deputy President, Senator Fraser and those persons who would have listened to me carefully would have heard me say and would have understood me to say that that would seem to be the basis on which their contributions were founded, not that they said it. I said that not only this particular matter before us now, but certain matters which have come before us before, that seems to be the attitude. If it was not done before, it does not need to be done now, and if it was done before there is no reason why we should not do it. This issue of blameworthiness.

Before I was interrupted, Sir, I was making the point that I would have thought that Honourable persons like Senator Clarke and Senator Fraser would have taken the opportunity afforded them to look at issues dispassionately now that they are before us, so that when we speak in terms of who should not have equal broadcast time and whether or not this equality or inequality of broadcast time should remain, it is not what happened in the past, it is not who placed those Regulations there in terms of the fact that they operated in 1986 and might operate again in 1996. The fact is that this Honourable Chamber now has an opportunity to decide whether or not in the interest of justice and fair play they are appropriate.

Let me also say, Sir, I have heard the criticism levelled against Senator McClean that he was here in the Senate before and he did not speak about it then. They cannot level that criticism against me, Sir, and I am supporting the Resolution. So therefore they will have to find another criticism. I was not here before; I am here now, and I am supporting the Resolution, so what is the answer? The fact is that this matter is before us now, and according to section 68 of the Representation of the People Act, it is subject to negative Resolution. That means that although the Electoral and Boundaries Commission acting in accordance with the powers bestowed upon it under the Constitution may in fact make Regulations for the proper conduct of electoral activity, those Regulations, if the Government and the Opposition so desire, may not stand; so it is also no excuse to say that we did not make them, they were made by the Electoral and Boundaries Commission. The fact is that if you do not agree with it, in the interest of justice and fair play, you have the prerogative to say so. Whether or not you made them is still no answer to the issue.

Senator Clarke, Sir, made what I may call very unfortunate remarks when he spoke about the usurpation of the role of the legitimate Opposition. One would have thought that Senator Clarke, having realised the heavy mantle of responsibility that is placed upon him by being a Member of this Honourable Chamber, would have acquainted himself with the provisions of the Constitution of this country which provides in no uncertain terms the conditions which must prevail for the establishment of the office of Leader of the Opposition, and therefore his comments are quite unfortunate. I would not expect somebody like Senator Clarke to be speaking in those terms. It is indeed very saddening, because other persons out there who look to persons like Senator Clarke for leadership and advice would be bound to be getting the wrong message.

1.15 p.m.

There is no question of usurpation of the Office of Leader of the Opposition. We have a Constitution in this country under which your Government was elected. So it cannot be good for one purpose and no good for the other. It must either all stand or all fall and if it is good for determining who holds the Office of Prime Minister, it must also be good for determining who holds the Office of Leader of the Opposition.

If you have a problem with the Constitution, and the method by which a person holds the office of Leader of the Opposition, change it but the fact is it remains a sacred document as far as this country is concerned and suggestions that it has been usurped and that the present

Leader of the Opposition should not hold that role are suggestions that the Constitution of this country should not be followed. So that must be understood, Sir.

As I said when I rose, it is quite unfortunate that I should have to deal with this particular matter, the question of the Office of Leader of the Opposition.

Mr. Deputy President, this particular Regulation, the Allocation of Broadcast time, is unfair for a number of reasons.

First of all, Sir, Regulation 4(2)(a) speaks in terms of a political party which commands the support of the majority of the membership of the House of Assembly immediately prior to the last dissolution of Parliament. There is no such entity, Sir, in this country, Sir, according to the Constitution of Barbados. There is no such entity as a political party which commands the support of the majority of the House of Assembly because, Sir, the Constitution at Clause 65 speaks in terms of a person, the Prime Minister who commands the majority so that the Regulation itself is defective in terms...

Aside.

SENATOR MISS V. P. BRATHWAITE: I mentioned earlier, Sir, that persons who have assumed this responsibility must acquaint themselves with the Laws that govern us. Clause 65 subclause (i) enables the Governor-General to appoint a Prime Minister, whom, acting in his discretion he shall appoint as being the person best able to command the confidence of a majority of the Members of the House.

There is no mention whatsoever of a political party. So that this Clause is defective in terms. So that even if the Government were to allow it to stand, they would still have to look in terms of amending that Clause.

There is no political party which commands the majority of the House of Assembly because that entity is non-existent as far as the Constitution of this country is concerned. Similarly, there is no political party which commands the majority of Opposition Members because, again, the Constitution does not speak about political parties in that context.

The only way you will find mention of the words "political party", Sir, is in Section 42, subsection (iii) of the Constitution and those are the Clauses, Sir, which enable the Electoral and Boundaries Commission to allocate broadcast time. But, political parties there must be seen in a reference to political activity after the dissolution of Parliament. You cannot speak of political parties commanding a majority of members in a House of Assembly.

Persons are only recognised according to the Constitution as political parties during the electioneering period after the dissolution of Parliament and before the next Parliament as far as the Constitution of this country goes. On that basis, Sir, after the dissolution of Parliament, all persons are equal before the electorate.

Persons who aspire to be members of a House of Assembly enjoy equality before the electorate. They may band themselves together and call themselves political parties but the fact is, when they are elected to the House of Assembly they are elected as individuals in their own right. So that must be understood.

Because of that equality before the electorate, Sir, to seek to impose on a group of those individuals conditions which are unequal, must be unfair. That is the point that must be made; not whether the Barbados Labour Party made these Regulations or the Democratic Labour Party made these Regulations. What must be seen and what must be appreciated is that persons are equal before the electorate and, therefore, it is unfair to impose conditions which make them unequal in the eyes of the electorate.

Finally, Sir, these Regulations, if the persons who form the Government before the dissolution of the last Parliament found themselves at a disadvantage politically in terms of having equality of broadcast time, the Regulations provide them some measure of security in the fact that they can have the last word.

They have the option to choose the first and the last broadcast time, not the first or the last, the first and the last. So if the Government felt that they wanted to have the last word, they may do so according to these Regulations. If they felt that they needed some condition which allowed them to give a rebuttal of what was said, or to clarify some statements that were made, or to be the last faces seen by the electorate, the Regulations afford them that opportunity. So then, what is the problem?

We see, Sir, firstly as I said, the charge that certain persons were in the Senate before and, therefore, they should not criticise things that stood on the Statute Books before, cannot stand. The charge that it was done before and, therefore, it can be done now also cannot stand because of the reasons I have given.

The fact that the present Leader of the Opposition enjoys that position according to the Constitution of this country and, therefore, it does not become any person in this country, especially persons in this Honourable Chamber who should know better, to state that that position should be otherwise. That charge also cannot stand. So then what is the Government's problem?

As I have noted, the Regulations give them an opportunity to come back, to be the first faces that the

electorate sees and the last faces that the electorate sees, if they so desire. On the basis of what I have said, Sir, I am sure that with dispassionate and apolitical viewing of these matters it will be seen that the Regulations as they presently stand must be unfair to all persons who seek membership to the House of Assembly.

With those words, Sir, I wholeheartedly support the Resolution.
1.25 p.m.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I am not rising to debate this matter. The Government's position is well known. I do not have to debate this.

SUSPENSION OF SITTING

SENATOR THE HON. L. V. H. LEWIS: I beg to move that this sitting be now suspended for one hour until 2.30 p.m.

The question was put to the Senate and agreed to and Mr. DEPUTY PRESIDENT suspended the sitting accordingly at 1.28 p.m.

ON RESUMPTION

Mr. DEPUTY PRESIDENT: This sitting is now resumed. Senator Alleyne.

SENATOR Dr. F. W. ALLEYNE: Mr. Deputy President, I am unable to support the Resolution which is before this Chamber.

As I heard the mover of this Resolution speak, I am reminded of "Different Strokes for different folks." I would tell you why. I am indebted to Senator Chris Blackman for reminding me as well as informing me of the situation which existed in 1986: that there were certain Senators who are in this Chamber today who were in this Chamber in 1986, albeit in different capacities.

I have checked the Record. In 1986, there was no negative Resolution before the Chamber because everybody was happy with that situation. However I am not going to argue. But because the Members were happy with the situation in 1986, that is enough ground for me to express satisfaction with it today.

I think that the framers of these Regulations in 1986 countenanced the existence of a normal political situation in the country where there would be some relationship in normal times there would be some relationship between the political support on the ground as reflected in an election a general election and the composition of the House. It is true that this did not happen. I am trying to recall that period when the Barbados National Party formed the... 1961...the aftermath of the 1961 election when there was some kind of accommodation and the Labour Party became the minority Opposition.

As I try to understand these Regulations, they countenanced a situation in which the majority Party in the House, the Government and the Official Opposition comprises the majority of those persons who are opposed to the Government, and there is an assumption that there is some relationship between the larger number of persons opposed to the Government and the political support on the ground in the country. That is how I understand normality. And then you can have any other number of parties because the Regulations speak, in Regulation 2 (c) of:

> "One broadcast of not more than 15 minutes duration to any other political party which qualifies for an allocation under paragraph (1) of this regulation."

But in (d) the Regulation speaks of:

> "One broadcast of not more than 15 minutes duration and a second and final broadcast of not more than 30 minutes duration to the political party which qualifies for an allocation under paragraph (l) of this Regulation and which commanded the support of the majority of the opposition membership of the House of Assembly, immediately prior to the last dissolution of Parliament."

"the majority of the opposition membership of the House of Assembly".

I am saying that this Regulation assumes a certain normalcy political normalcy in the country. The fact of the matter is that since 1988 we are not in an area of political normalcy. We are not into that, much to the chagrin of the members of the NDP. I am no Constitutional Lawyer and I am not going to pretend to be one. I thought today I was going to hear a rather erudite constitutional presentation by Senator Brathwaite; but I waited in vain.

The fact of the matter is that since 1988 we are not in a period of political normalcy in the country. I prefer to see an Opposition, an Official Opposition which is constituted on the basis of the outcome of a General Election. I despise a situation in which the country has to deal with an Official Opposition as a result of the outcome of stealth. That is the reality and I dare anybody to point out any constitutional document to me.

SENATOR A. W. A. McCLEAN: Mr. Deputy Speaker, on a point of order. The Senator is indicating that the Official Opposition is the Official Opposition because of some act of stealth involving the parties presumably who form that Opposition.

I think this is misleading this Chamber and I think it might be also infringing the Rules of this Chamber.

Mr. DEPUTY PRESIDENT: Leave the Rules to me. All right. Senator Alleyne.

SENATOR Dr. F. W. ALLEYNE: Mr. Deputy President, I would withdraw that. But what I wish to say is that I am unhappy with a situation in which there is no relationship between those who constitute the Official Opposition in this country and the voting strength. It is a matter of manipulation where you have one plus three, and that is how you get an Opposition in the country. That is where this confusion arises today.

I hope in the very near future a situation of political normalcy would return to this country where the people of this country would have the opportunity to purge the mavericks from the political life of this country.

I do not have a difficulty in understanding why is it that different amounts of time should be allocated to the Government Party, the Official Opposition and the Minority Opposition, under normal circumstances. And it is important to understand, under normal circumstances.

The Government has a record to defend and it has a programme to present. I do not expect Senator Brathwaite to understand these points. People who like to talk about amoeba and so on, rather than address serious points, you have to recommend that mentally, they represent amoeba.

I also cannot understand why is it that the Official Opposition, in normal circumstances, should have more time than other Opposition parties. Because in normal circumstances, there is that relationship between the size of the membership and the voting power on the ground. We have to understand the content of political reality.

I heard Senator Brathwaite speak in here today and in my view, Mr. Deputy President, it is a good 15 or 20 minutes which was wasted. Not a single point of substance. I hope the time would soon come when we can avoid this time wasting in this place. We have to put up with it because it is legal. But I hope the electors would deal with it.

I am not going to support this notion that "ding ding" can bring a party and he should have equal time with other people. The fact of the matter is that in 1986 there were more than 3 political parties in Barbados. The Barbados Labour Party formed the Government at the time just before the election; there was the Democratic Labour Party; there was the People's Pressure Movement; there was the Workers' Party of Barbados.

Aside.

SENATOR Dr. F. W. ALLEYNE: No. The PPM went out of business before that time.

So all I am saying is that there was a number of parties, and the Regulation speaks to that. It said, "The Government, the Official Opposition and other opposition parties."

Senator Brathwaite speaks today and says that she is not satisfied with a position which says that somebody else did it so that is enough justification to do it now. What she does not understand is the value of history. History has a way of teaching lessons, Mr. Deputy President. Things do not happen by chance. You have to try to understand underlying circumstances to appreciate why things happen at a particular point in time. I would strongly advise her to take a little time out from her practice and get some lessons from history.

2.40 p.m.

I do not find it difficult in historical context to appreciate why in 1986 the Barbados Labour Party was happy with this situation and why the Democratic Labour Party was unhappy, and why in 1990 the NDP is in a position to say "we have never been the Government before, so our hands are clean and we can start from scratch." The fact of the matter is that after the electors of this country have spoken the NDP will still be at scratch. They have to recognise that.

The annoying circumstance which I have to face today is that you have today in Barbados, when I refer to political abnormalcy, a situation in which a party, as far as known political support on the ground is concerned, which in the last election had some 40% of the support on the ground does not have representation on many of the major committees in the Houses of Parliament. I am saying something is wrong with that situation, and something has to be wrong with the consciences of the Ns who can feel satisfied with that.

I am firmly convinced, Mr. Deputy President, that we are in a very abnormal period of political history in Barbados. As I said earlier, it is abnormal because you have an Official Opposition which has never been voted for.

Aside.

SENATOR Dr. F. W. ALLEYNE: You people deal in the theory, I deal with the substance of political reality. Mr. Deputy President, I deal with the content of political reality, I do not deal with empty theory, because theory is to help you to understand reality. The fact of the matter is that whether it is written in the Constitution or not, a country which is run along the party system, whether you have parties mentioned in the Constitution or not, where a

country is organised along political party lines, parties are implicitly recognised in that Constitution. I do not expect you to understand that point.

Mr. Deputy President, I am convinced that if I were to support this Resolution I would be setting a bad precedent, because I do not think it is proper for any Member of either Chamber to get up on the spur of the moment and attempt to make legislation. I believe that is bad. You have committees of both Houses which deal with the Regulations of the House, and I am convinced that if at all I was going to be persuaded to support this move, that proposal would have to come from the Committee which looks after Regulations. I have never subscribed to bush justice. I do not believe in ambushing people, so if you want my support, I say to the mover of the Resolution, put it through the Committee on Regulations where sober judgment can be given to it and then you can bring it here and I can talk with you. I do not expect that kind of procedure to be subscribed to by everybody.

On this matter of consistency in the application of a principle, I need to touch on it. A common thing nowadays in Barbados is to hear people mouth about their attachment to morality and integrity and high principle. It is very easy to say that. Mr. Deputy President, a man of your experience would know, and I know very well, that it is one thing to say it, it is another thing to live it out. I started by saying I am indebted to Senator Blackman, because I did not cast my mind back that far to recognise that Senator McClean had an opportunity in 1986 to bring a negative motion against this Resolution. He was a Member of this Chamber in a different capacity. He was an independent Senator at that time. He was happy with it in 1986, but he is not happy with it in 1990. I detest that type of inconsistency. I cannot support this matter of blowing hot and blowing cold.

Mr. Deputy President, I believe that we should not try to score cheap political points on this matter to give the public the impression that the Government is taking advantage of anybody. As Senator Fraser said, I cannot recall, certainly in the last 30 years or more, a Government which has been as democratic and as tolerant as the Sandiford administration. Every day there is a radio campaign and a newspaper campaign against Mr. Sandiford and his administration and he has never attempted to interfere with anybody. The days when you spoke against the Government and you got into your work place and your boss would call you up and tell you, "Look, I cannot keep you any more because if I keep you my business will be closed down", are over for the time being. That will not happen under a Sandiford administration.

I heard the Moderator of a programme recently carrying on in a way in which he was inciting the public to civil disruption, and at one stage he used the words, "My head is so hot, let me go and get a cup of water to cool it down". Nobody has interfered with him, so every day there is a campaign against the Government, whether it is on the radio, whether it is in a campaign by public releases, and so on, and I have no doubt that in time the ordinary people who do not hog these shows and so on will speak.

Mr. Deputy President, nobody can stop a private radio station in Barbados from allowing myself or any other person to address the country on political matters. It is a private station. You can go and bring in Ding-Ding, you can go and bring Senator Boxill, Senator Shorey or any other person and they can speak on political matters. Just last week, I think it was Friday, I heard one of the most prominent political personalities on Voice of Barbados speaking on advancement for women, and he had about an hour and a half on the programme. That is a political broadcast. You cannot trouble him, you cannot close down the radio station because of that. I support that, so what is all this fuss being made about? That the Government is unfairing somebody? You cannot tell the owners of Rediffusion who to bring on that programme. The only people who can do that are the Directors, unless the Government would move to revoke the licence, and a Government which is as tolerant as the Sandiford administration would not move to revoke that licence unless there was very good reason from the point of view of the public interest. As far as I know in Barbados nobody has ever moved to interfere with anybody's licence, so when we get up in here and start to talk about who is unfairing whom, let us be realistic. The Government has a responsibility, it has a programme to defend. When it goes into an election campaign it is more than selling a programme for the nineties and beyond, it has a record to defend.

2.50 p.m.

The Opposition just has a programme to put, but I am saying that on this matter we have to expose inconsistency and lack of principle for what it is, and that is what has informed this motion by Senator McClean. It is informed by sheer lack of principle. The same Regulations were good in 1986, but they are not good in 1990. I am saying we have to distinguish between political parties and Regulations. These Regulations promulgated in 1986 were competent to deal with any number of parties, so don't bring the story to me that in 1986 you only had two parties in the House. It is not true; look at the Regulations. Forget the party thing. Any number of parties these Regulations are competent to deal with; so I am going to dismiss out of hand this motion by Senator McClean. I don't have anything to dismiss which Senator Brathwaite submitted because in my humble submission, Mr. Deputy President, the goodly Senator submitted nothing.

Mr. Deputy President, thank you.

SENATOR MRS. G. L. EASTMOND: Mr. Deputy President, quite a bit has been said here this afternoon, and I thought perhaps that I would just like to say a few words

because this is my feeling on the whole matter. If I am wrong, God will know and say I am wrong, but as far as I am concerned, I know that if there is one hour for the Government, 45 minutes for the Leader of the Official Opposition and 15 minutes for the other Opposition, my feeling on this matter is that for the Official Opposition 45 minutes is all right and there is nothing wrong with that, but for the other Opposition... instead of talking about Opposition, I think we should talk about parties, because when the House is prorogued you have parties that you are dealing with, maybe the PPP or whatever it may be, but for the ones who have been in Parliament I feel strongly that that party should have thirty minutes. If I am wrong, God forgive me; but it is not fair. We have to deal with fairness here.

There may be other parties who were not in Parliament, and those should have fifteen minutes. Perhaps some may have faced the electorate but they were not in the last sitting of the House before it was prorogued. I cannot understand for the life of me what is wrong with some of us. Sometimes we seem to be fighting against each other. Why are we this way? Soon from now, who knows, we could be in Opposition. If we are in Opposition, would we like something like this to happen? We have to ask ourselves what we want? When we are in power we should like to know that when we are not in power we still have a reasonably good chance, and these are things that we must take note of. That is how I feel and everybody has his own opinion. I have mine because I like people and I feel that every leader of a party that is coming forward for election should have some time, but let me tell you this: the television media can be a cruel thing; you can have 60 minutes; you can have 45 minutes, and if you don't use the 60 or 45 or 30 or five minutes effectively, it is no use to you. Even if we had to give those who had never been into Parliament fifteen minutes, I can tell you that those people might use it far more effectively than people who had been into Parliament when it was prorogued.

Therefore there is no point flaring up, there is no point getting hot. We are Barbadians, and we must remember that tables can turn and what we like for ourselves, some day we may not be in the position that we are in today and we may be in another position, therefore we have to look and see that if we got into that other position, we would like to know that we are taken care of. Therefore I would like to see fairness done, and when I say this I mean fairness to all parties. I feel that they should have a chance on television and that the unofficial Opposition that is now in Parliament should have more time than just fifteen minutes. That is just not enough time for that Opposition. I would ask kindly that the Government or the Electoral Boundaries Commission look at this in a more serious way and remember that only God knows who is going to win the election. Nobody knows. I would like to see fairness done to everyone, the Government, the Official Opposition, the unofficial Opposition and to other leaders of parties who will be going into the arena whether for the first, second or third time, but I feel those people too should have an advantage and be given some time on TV where they can put their case ever so simple or ever so elaborate to the electorate.

Thank you.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, I am only speaking to make it abundantly clear that the Government has no intention whatever in supporting this Resolution. The Resolution allows the status quo to remain, and for all those persons who shout "equality", opportunity of equality is presented in that very measure in accordance with the eyes who want to see equality in it. That this matter should have caused so much debate is obviously due to a few self-serving interests who wish to have the newspapers say that they represented a cause, because there is absolutely no cause in this. I therefore only wish to repeat that the Government cannot support this.

SENATOR A. MORRISON: Mr. Deputy President, I shall not be long. I just want to state, Sir, that the Regulations as they stand are very adequate and are as a result of detailed thinking on the part of the last administration. There were Regulations in force before the 1986 Regulations, which to my mind would tend to even give a broader view of parties as they are, but in 1986 the Regulations were done and were in operation and as the Leader of the Senate has said, they have not been changed. I would like to say, Sir, that I don't see any political party in power giving as many parties as there are possible or any combination of parties in any country the right to have equal time in any broadcast as any Government. It would be sheer madness. You are asking for equal time. I don't see how you could ask for equal time for every party in a particular country. There is nowhere in the world where a party in power would give all the other parties the same amount of time that it has when it comes to radio broadcasts. This is even more generous than obtains in other countries I know about, and there is no party that has a mandate to rule a country that is going to tell you that the Opposition must be on all fours with them when it comes to the administration of any country, and that is why we have parties who aspire to win a Government and to run a country.

3.00 p.m.

And just as we have had Regulations under the Democratic Labour Party up to 1976 which were changed in 1986 by the Labour Party, all the NDP has to do when they win the Government, is to bring in their own Regulations in order to fulfil the things that they want to see happen in these Regulations.

We abide by what has been done in 1986 by the Regulations and there were former Attorneys-General in the Lower House who sat down in detail and agreed to these

Regulations. If they do not fall on all fours with the new political party, all they have to do is to bring their voice to bear when they become the Government of the country to bring Regulations in line with what they feel they should be as has been espoused in the Resolution by Senator McClean.

As far as I am concerned, whether you have political broadcasts or not, there is information in this country which goes around which no political party can stop. You cannot stop the house to house talk. I remember Milton in his Areopagitica talking about unlicensed printing. He said you want to licence printing but how could you stop the house to house talk? You cannot stop the black newspaper then in Barbados from talking what they want to talk and what they want to publish information on and decide it on matters of great pith and moment which tends to have an effect on who should be here or who should be there.

That is the prerogative of the people of Barbados and no amount of political broadcast or political posturing on T.V. could change the right of the people to decide in their minds who should become the Government of this country and who should rule the country.

You cannot expect that in a place like this a private member could bring a Resolution which would tend to pass laws in this country that the Cabinet of Barbados cannot do. They have no mandate. They have no right at all even to suggest in a place like this that they would like to influence the legislation of a country to rule the whole country when they have no right at all by way of the mandate of the people to put forward that point of view. This is the whole point, Sir. It is ridiculous to ask a Senate to Okay a Resolution like that.

Governments are formed because of political mandates and you have to represent the interests of the whole country. How could a bi-partisan Private Members Bill tend to impose legislation on a country when you had no right at all to bring it to the House. It is against the whole system of parliamentary democracy.

If the Regulations tended to work hardship on the people which it is supposed to rule, then we would have the right to examine those things in the light of the Regulations Committee.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, on a point of order.

Senator Morrison seems to be saying that this Resolution is *ultra vires* and I would like you to take notice of that.

SENATOR A. MORRISON: Sir, I did not say so. If he is saying so now that is his business. I did not make such a statement. All I am saying is that private members have the right to bring Resolutions, but they do not have the right to bring something which would intend to change a law which has not been studied by anybody, and that kind of piece-meal approach to the idea of Government, to my mind, is, according to his own words, inimical to the whole process of parliamentary democracy.

We, as legislators, assist private members with forming companies and things like that. But you cannot bring something which would tend to impose a charge on the financial aspect of the country. You can bring a Resolution which would tend to impose on people a law which has not been thought out, because that is the right of the Government in power to bring matters into Parliament which would tend to govern the people of the country. Regulations, which we call subsidiary legislation, which is done by ministerial proclamation, is one aspect that we assist in the legislative process.

I am saying there might be instances where we might pass Regulations and negative Resolution might have to be looked at very carefully. I believe that is the purpose of the Regulations Committee in this Senate. But this is not one of those Resolutions which we can just look at like that and pass, because it would tend to defeat the whole purpose of the whole process.

I would like to urge Members that, based on that, we cannot come overnight and try to change something which is common knowledge among the political parties at that time and there is no reason to say that there would not be other political parties in the future. If you have 100 political parties in Barbados, Mr. Deputy President, are you going to tell me that as many as there are parties we must give them all equal time?

It does not happen in the United Kingdom. You are telling me that all the parties in the United Kingdom must have equal time with the ruling party in Britain? You would be reducing Government to a farce in that you have been given a mandate to govern but you are telling everybody. Well, come and let us govern together, and you have the same right as I have when you have been given the right to run the country then you tell the Opposition. Whoever they are, or other parties, come and help me do this; help me do that when you are supposed to be the one to carry out the programme which you have set about to do under your Manifesto and to introduce measures which would tend to bring a certain amount of help and stability to a country which you are supposed to govern.

I could not, in the name of anything at all, support a Resolution of this order and we must understand that in these things, you have to keep a cool head. There is no kind of justification at all, to my mind, for this. When they get in power, they would see the common sense in what I am talking about.There is no party in power who would give

any Opposition the same time they have on any electoral broadcasts. It is just not possible. But it has been allocated by some kind of methods. I do not know what formula they used at the time, but the formula seemed to have worked where we were the minority party at the time in the last Elections and despite all the things that were invoked, there was a terrific defeat of the ruling party, almost complete rout at the time despite their having the advantage, as they would say, with the electoral broadcasts. That does not solve anything.

People react to developments affecting them in a political situation the way how they see it. And if they see it in a political way, no matter how much political posturing that goes on on T.V., it cannot change the people's mind and eventually the truth will come out and the truth always comes out.

All I would have to urge the Honourable Members to do is try to win the next Election and then impose their kind of Regulations on the people of Barbados that you see fit now in this Resolution.

I thank you, Sir.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, it seems as though certain Senators have been labouring under some severe misconceptions as to the import and significance of this particular Resolution. Let me start by making a contact with certain submissions made by Senator Morrison and Senator Alleyne who both made essentially the same point about making Regulations and Law on the spur of the moment and so on.

This Resolution does not seek to make any Regulations. All it does is to nullify Regulations which have been made and tabled here. The only person competent to make Regulations for broadcasting is the Electoral and Boundaries Commission. But Parliament is required to take notice of these Regulations as they are made from time to time and make a determination as to whether they find favour with Parliament or not.

If Parliament is in agreement with the Regulations, remain silent on the matter but if we disagree we have to take action to bring a Resolution to nullify those Regulations. Then the ball is back in the court of the Electoral and Boundaries Commission who then will take all the time, or as little time, or as much time as they need to amend those Regulations in accordance with the types of sentiments which would have been expressed here so as to remove the offending sections and come forward with something which is generally acceptable.

3.10 p.m.

So I am not in here drafting legislation on my feet. The Senate is not here now taking any spur of the moment decisions. The Senate is being called upon to annul regulations which were tabled in this Chamber on the 30th May. We had a week's notice of this particular resolution. And the matter has been widely debated throughout the country. So one cannot plead ignorance as to the full significance of what we are talking about. Indeed you can, but it would be more of a reflection on your abilities than on the circumstances of the situation.

Senator Wickham , I think, also.... I am sorry he is not in his place, so I will probably reserve that until he comes. But I think he has....

Aside.

SENATOR A. W. A. McCLEAN: Oh, he is not coming back? Oh. I see. Senator Wickham was under a misconception that the regulations that are under consideration would confer 15 minutes on the National Democratic Party. That is not so. He misconstrued the section about the last Parliament. Those regulations will come in force when elections are announced. Now the 1990, 1991 elections. The debate is whether it will be this year or next year. By that time, this Parliament will be the last Parliament. If we interpret the Regulations in accordance with Senator Wickham's interpretation, it is the DLP that would get the 45 and the BLP that would get the hour. That is not the case. The DLP is getting the hour, the BLP 15 minutes and the NDP will get the 45 minutes, unless something should happen between now and then to upset the balance of Opposition forces in the House of Assembly. That was a misconception. It is important that I clarify that because I am not here engaging in any special pleading for the National Democratic Party. The party that is disadvantaged by these regulations, at the moment, is the Barbados Labour Party. The next party to be disadvantaged, if the regulations should go over for another general elections could very well be the Democratic Labour Party.

The only way the Democratic Labour Party could save that embarrassment is perhaps if a party that is committed to falling through on the things that they say in opposition that they would implement when they get the Government, if such a party should win the government, then the third party, the party bringing up the hindmost, in terms of membership in the House of Assembly will get the same time as everybody else. But unless that should happen, 15 minutes for somebody next time and it could very well be the DLP again or the BLP. Of course we know that on that occasion, if the DLP should bring up the hindmost, all the people who are saying all of these things now would be singing a different tune.

I could well appreciate the point made by Senator Blackman, insofar as his talking about principles of convenience and so on. But that point must stand

subordinated to the idea of what is the true principle in the situation. You can abhor this convenient posturing that comes from the BLP and the DLP and that has come from them over the years. Yes, you can abhor that. But at the same time, you should not stay there and ignore the fact that we have an injustice which is being perpetrated not so much on the Barbados Labour Party but on the people of Barbados. If you, for one moment believe, that the Barbados Labour Party, fundamentally, will suffer because they are given 15 minutes, you are wrong. All you are doing is creating sympathy for them. You are creating sympathy for them and you are preventing them from, perhaps, exposing that they do not have much of a programme. Because they can probably say,, "We did not have time to tell you. So we tell you what we have time to tell you."

That is not my consideration. I am not thinking of whether they are advantaged or disadvantaged. All I am saying is that we have an inequitable situation. We have a situation which goes against the mores of the community. People in Barbados do not like it. It should be changed. I am not engaging in any particular special feeling. Because on the one hand, the Barbados Labour Party will have a little bit of time. On the other hand, the Democratic Labour Party is going to get the blame for giving them that little bit of time. We will have a fair amount of time. So that is not our position.

The point was made about persons who were in the Senate in 1986 and I was specifically identified as being a member of the Senate in 1986. It was suggested that I did not in my capacity as an independent member of the Senate introduce negative resolution on that occasion and therefore, I am, in some sense, devoid of morals because I seek to introduce one on this occasion. That argument is empty and I really need not bother myself about replying to it.

But just in case the people who said that really believe they were talking sense, I will spend a little time on that. Again the first argument against that is that you cannot try to avoid doing what is right by adverting to previous wrongdoing. If it can be established that I had, in my individual capacity as an independent member of the Senate a responsibility, along with all the other independent members of the Senate to introduce such a negative resolution, if I feel that the regulation was not as it ought to be, well let that stand there. I would not want to dispute that. I know that that does not make much sense. Because the responsibilities of an independent Senator do not extend to that. Indeed, Senator Morrison would say that it would be impertinent of an independent Senator. It would not be so impertinent of the Official Opposition of the country. Because the Official Opposition of the country has a responsibility, not to the people who have voted for them but to the total country. Our role as Official Opposition is one which extends to being concerned with the business of each and everyone to the same extent of the Government.

We are not here representing the people who voted for the NDP parliamentarians or anything like that. We are here discharging a function as the Official Opposition of this country. That is the basis on which I am proceeding.

It was suggested by Senator Fraser that Government has no power to make the Electoral and Boundaries Commission do what Government feels they should be doing. That is not the point at all. We are not talking about generally intruding into the affairs of the Electoral and Boundaries Commission and trying to get them to fashion the Regulations in every detail the way Government wants, directing them on what they should do. That is not the thing.

The Constitution places on Parliament a responsibility to take notice of these particular Regulations. They must be tabled here and we must take seriously and determine whether or not it is appropriate to bring a negative resolution. The Constitution provides that we can strike down the Regulations by a negative resolution. It gives that authority not to the joint Houses of Parliament but to any single Chamber. That is important to note: any single Chamber. Other types of legislation, we pass it here, then it has to be passed in the Other Place and assented to by the Governor-General and so on, if we want to pass laws. We are not passing any laws here. We are just saying, "Hey, this law is defective. We are striking it down. Come again." They will have to come again, under the Constitution, to do what they are mandated to do.

Basically, we are not here challenging the power of the EBC or interfering in the ordinary working of the EBC or anything like that. We are just living up to our responsibility. This is a responsibility which has been placed on the shoulders of each and every member of this Chamber, be it independent Senator, Opposition or Government. We well recognize that people will want to toe the party line and, in spite of everything that has been said, in earlier time, about Government not being involved or interested in these things, we now see that Government likes the Regulations very much to the extent that they claim they will not be supporting the negative resolution. We will see what we will see when the time comes for voting. I do not know if they will have a change of heart between now and then.

I think Senator Eastmond made, to my way of thinking, a very important contribution, a very instructive contribution. She has appealed to everyone and I believe she was probably more addressing her side than the other, because they are the ones who have shown these kinds of negative attitudes.
3.20 p.m.

Think in terms of the Golden Rule and do to the other parties what you would like them to do to you if you were in their position. She recognises that the Democratic Labour

Party, if perchance they were in the minority position in Parliament, would not like 15 minutes imposed upon them. She knows that, they know that too, and she is suggesting you should not impose it on other people then.

The idea of giving the minority party in the House of Assembly, the Barbados Labour Party, a half an hour, the Opposition 45 minutes and Government the hour is even an improvement of what is happening here. Even if you subscribe to differential time, this particular allocation of time is not in the least reasonable. For that reason alone, even if you still subscribe to differential time, if you agree entirely with Senator Eastmond, you will still have to support this Resolution, because that is the way to implement the proposals which she was putting.

I myself do not subscribe to that. My position is equal time for all parties, because this is an exercise involving the future, not the past. What we are talking about in an election campaign is not so much about who voted how five years ago, but about who should vote and how this time around, five days from now or whatever number of days counting down to elections. That is what we are talking about. We are trying to give people information which should inform the way in which they will vote a few days down the line, a few weeks down the line.

That exercise is only remotely related to how they voted last time. People vote one way one time and another way another time, otherwise Governments would not change with such frequency and to such extremes. A lot of the people who voted for the Democratic Labour Party last time will not vote for them this time. If they want to dispute that, they can. A lot of people who ran for them last time will not run for them this time. The National Democratic Party has among its members people who contested elections for the Democratic Labour Party last time, and it has among its members people who contested elections for the Barbados Labour Party last time, not to mention its members on the basis of who voted for whom last time.

The whole notion about the National Democratic Party not being an Opposition which is expressive of people's sentiments in terms of the polls, again that is a very weak point. The first thing is that people vote essentially for a Government. That is the orientation that people have when they vote. Going beyond that, you have to respect our Constitution when you are relating to these points. Our Constitution, for very good reason, has set up a situation which indicates that under the circumstances which obtained in Barbados and the events which came to pass in Barbados in recent times, the party that shall form the Official Opposition is the National Democratic Party.

That Constitution was not formulated by blind and ignorant people. When it was formulated people were fully aware that persons can cross the Floor, and it was formulated to accommodate crossing the Floor. There is a very good and fundamental reason for that, because in so doing it is trying to maintain Barbados as a parliamentary democracy. If we ever change our Constitution and introduce a situation where Members from the governing party are not free to leave that party in any particular numbers and cross the Floor and participate in the activities of the House on the same basis as if they were elected there originally in a similar situation, you are sowing the seeds of parliamentary dictatorship.

Already what we see here in this Chamber and what obtains in Barbados all the time is a situation where in spite of the best intentions of our Constitution, Barbados is not far removed from a parliamentary dictatorship. Do you know why? Because of the authority of the leadership of the Prime Minister in terms of his dominance of the parliamentary situation. If one man does not want the Regulation nullified.....

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order. I believe Senator McClean is winding up the debate. It seems to me as though he is introducing another Resolution, and based on what I am hearing, it has nothing to do with the Resolution before us. The Prime Minister is not involved in any Resolution before us.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, if the Prime Minister is not in agreement, the way our system works now, the other parliamentarians are not going to break ranks and vote against him. Basically, then, our whole parliamentary situation can be dominated by the opinion of one man. It is only when you have people within parties that do not accept that and will get up and express their views and vote against the party....

Mr. DEPUTY PRESIDENT: Senator McClean, will you confine your debate to the subject matter in hand?

SENATOR A. W. A. McCLEAN: Yes, Mr. Deputy President. I am confining very much to the thing, I am responding to points made against the Resolution about the status of the NDP, about the question of people crossing the Floor, and so on. I am just trying to indicate that it is not only legitimate in terms of what the Constitution now provides, but I am going further to indicate that this is no accident. It did not happen by chance that this is a loophole in the Constitution that can happen. The Constitution was so structured to give effect to this type of situation, and I am explaining why the Constitution was so structured.

It was so structured because the framers of our Constitution wanted Barbados to be a parliamentary democracy. I am saying if you ever change the Constitution to make it illegal for members of the ruling party to realign, to cross the Floor so to speak, to regroup and recognise a different leader, that you will be strait-jacketing parliamentarians and making it virtually impossible for

them to express opinions strongly contrary to the leadership of their party, and indeed vote against that party.

The situation in Barbados is unfortunate to the extent that when you do that you have but little option than to leave the party. It should not be so. You should be able to criticise your party and vote against it.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, with due respect, the Member is not only given more latitude than is reasonable, but he is now rambling all around the place about the Prime Minister and about political parties. What he is saying has absolutely nothing to do with the Resolution before us, which he introduced, so he ought to know what the subject matter is.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, I do not have to repeat myself. We are talking about allocating time to parties and so on. We are also talking about when is it right. We had a long discourse from Senator Alleyne about what is normal. We are not now in normal times. I am merely indicating that we are in normal times as far as relationships between parties in Parliament are concerned.
3.30 p.m.

What is abnormal is the performance of Government. We have never had a Government which has performed so badly.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. Deputy President, I don't understand.

Mr. DEPUTY PRESIDENT: Senator McClean, will you confine yourself to the matter in hand. You may proceed, but you must confine yourself to the matter which we are debating.

SENATOR A. W. A. McCLEAN: Mr. Deputy President, here I have in my notes arguments against the Resolution; the NDP in terms of being the official Opposition is not an expression of the will of the people. We have heard talk about abnormal times and so on, and Senator after Senator addressed what I am addressing now, and I would want to suggest that I have the right of reply to them.

Mr. DEPUTY PRESIDENT: You have the right of reply, but there is no need to refer to the Prime Minister in that manner in your reply.

SENATOR A. W. A. McCLEAN: Again, Mr. Deputy President, I am not referring to the Prime Minister; I am referring to the position of Prime Minister. My comments do not go to the present incumbent. I am speaking about the office and what obtains. I am making a more subtle point about the workings of our political process. I am not at all making any specific comment on the behaviour or the point of view or the views of any particular Prime Minister.

Basically, Mr. Deputy President, it all boils down to this that we have Regulations which are essentially the same as 1986. I said that in my opening submission, and certain Senators would speak as though I concealed that point from the Chamber. I indicated quite clearly that they have been unchanged since 1986. I even went further back and indicated that for as long as we have Regulations on broadcasting time they provided for differential amounts of time; they were different from what we have now, but there was never a time when the Regulations provided for equal time. The only time that these Regulations now become manifestly different from those we had in earliest times is because of the three parties in Parliament, but the operational significance of these Regulations and 1986 was the same as prior to 1981.

Mr. DEPUTY PRESIDENT: Senator McClean, please.

SENATOR A. W. A. McCLEAN: The operational significance of these said Regulations when they were operated in 1986 were essentially the same as when different Regulations operated prior to 1981 and that is because they had the same provision for Government and official Opposition, and those were the only people really involved prior to now, but it is now on this occasion that the defect is becoming quite evident, and the extreme injustice of the situation is becoming quite stark. If it is that the Official Opposition in 1986 which was the Democratic Labour Party chose not to move a negative Resolution, it is because they were satisfied with the 45 minutes *vis-a-vis* the 60, and that they had no other party whose cause you would want to champion. You did not have to speak to the wider issues because they did not arise in the context of 1986. Undoubtedly I am certain that if certain other parties were the Official Opposition, they too might have expressed satisfaction with what they were getting and laughed at the party that was getting the 15 minutes. That is not the style of the National Democratic Party.

We represent ourselves as bringing a new political order, as bringing honesty and integrity into Government. That offends those people who are against honesty and integrity. The people who are against principle and can blow hot one time and cold another time, and can blow hot and cold at the same time don't like that. I know some people who can blow hot and cold at the same time; they have this ability of the ventriloquist; they have three voices at the same time. They wouldn't like that kind of thing, but the National Democratic Party stands for other principles, and we recognise that it is unfair to have one party with 15 minutes, and although we are not in that disadvantaged position, we are standing in support of that position. What I can assure you and assure the country is that whether or not Government should support this Resolution, the time will come that under a National Democratic Party Government,

even if the DLP is in the position for the 15 minutes, we will not say as they have said, "It is your fault, you could have changed it when you had a chance". We will change it and give them the same hour as everybody else or the same time, whatever is appropriate at that time, because as we go on, an hour may become too short, too long, dependent on how people relate to TV time.

Mr. DEPUTY PRESIDENT: Senator McClean, you have two more minutes.

SENATOR A. W. A. McCLEAN: So with those remarks, Mr. Deputy President, I would hope that those persons whether independent Senators or whoever who base their initial positions on misconceptions of what was going on, or on arguments which were otherwise flawed and shown to be flawed, would recognise their responsibility to the country, recognise their responsibility to the people, and put such responsibility above other baser concerns, and vote in support of this Resolution so that the Electoral and Boundaries Commission would have the opportunity or would be required to come back to us with Regulations which are more reasonable and which are fair. I thank you, Mr. Deputy President.

The question that the Resolution do now pass was put to the Senate and resolved in the negative the Senate dividing as follows:

NOES: SENATOR THE HON. L. V. H. LEWIS; SENATOR THE HON. Dr. C. D. CLARKE; SENATOR A. MORRISON; SENATOR Mrs. G. L. EASTMOND; SENATOR N. W. BOXILL; SENATOR Mrs. V. C. FRASER; SENATOR A. J. N. PHILLIPS; SENATOR Dr. F. W. ALLEYNE; SENATOR T. A. PRESCOD; SENATOR D. A. COMISSIONG and SENATOR C. A. BLACKMAN – 11.

AYES: SENATOR THE REV. CANON I. McK. JONES; SENATOR L. A. WARD; SENATOR Dr. L. L. SHOREY; SENATOR Mrs. V. P. BRATHWAITE and SENATOR A. W. A. McCLEAN – 5.

ABSTENTION: SENATOR Mrs. P.Y. FORDE – 1.

THE ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, now that we have disposed of that Resolution, I beg to move that this Senate do now adjourn until Wednesday, 11th July, at 11.00 a.m. o'clock.

The question was put to the Senate and agreed to, and Mr. DEPUTY PRESIDENT adjourned the sitting accordingly.

3.40 p.m.

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