

Amitha

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1986 – 91

SENATE

Wednesday, March 07, 1990

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, March 07, 1990, at 11.15 a.m.

PRESENT

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

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

Senator the Honourable Sir James TUDOR, K.C.M.G.

Senator A. MORRISON

Senator N. W. BOXILL

Senator D. A. COMMISSIONG

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

Senator A. J. N. PHILLIPS

Senator T. A. PRESCOD

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

Senator the Reverend Canon I. McK. JONES

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

Senator C. A. BLACKMAN, Q.C.

Senator Mrs. P. Y. FORDE

Senator J. S. GODDARD

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

Senator A. W. A. McClean

Senator Miss V. P. BRATHWAITE.

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

Mr. PRESIDENT: The Senate is in session.

ANNOUNCEMENT BY HIS HONOUR THE PRESIDENT

Mr. PRESIDENT: I am to announce the Ombudsman Report for 1989.

PAPERS

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

1. Report by the Three Man Investigating Team appointed to look into the misuse of the Diplomatic Bag from the Barbados Embassy in Caracas on November 24, 1988.
2. The Electoral and Boundaries Commission (Review of Boundaries) Draft Order 1990.
3. The Annual Report and Financial Statements of the Barbados Tourism Investment Corporation for the years 1983, 1984, 1985, and 1986.
4. The Estimates for 1990/91 and the accompanying Schedule of Personal Emoluments.

INTRODUCTION OF BILLS

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I wish to give notice of a Resolution to approve the compulsory acquisition by the Crown of land at Wilcox, Christ Church for the maintenance of the Airport-Approach Lighting System and for agricultural purposes.

PUBLIC BUSINESS

RESOLUTION TO APPROVE THE ELECTORAL
AND BOUNDARIES COMMISSION REVIEW
OF BOUNDARIES AMENDED DRAFT
ORDER 1990

Order No. 1 - to move the passing of a Resolution to approve the Electoral and Boundaries Commission Review of Boundaries Amended Draft Order 1990.

SENATOR THE HON. L. V. H. LEWIS: The report of the Electoral and Boundaries Commission was laid in the Honourable the Senate on January 24, 1990. Since that time discussions have taken place in the Honourable the House of Assembly and as a consequence the Resolution which is now before us seeks approval of the amended Draft Order. The Draft Order is made in accordance with Section 41(d)(1) of the Constitution which accompanied the constituencies as recommended by the Electoral and Boundaries Commission. The original Draft having been unacceptable to the House of Assembly was amended in accordance with the provisions of the Constitution and the Resolution accompanying was recently passed in the House of Assembly. The Schedules to the Order, Mr. President, detail the constituencies as well as the precise boundary limits of the said constituencies. This Senate is invited to approve of the Resolution in order to give effect to the Order which is before us. Much has been said about the Electoral and Boundaries Commission Report. All I would wish to insist is that the procedures which have been followed are in clear and precise consonance with the provisions of the Constitution. There have been two minor alterations done to the report of the Boundaries Commission. That was done in all propriety by the Honourable the House of Assembly in accordance with the provisions of the Constitution and it is now before us for approval.

I beg to move that the Resolution do now pass.
11.25 a.m.

SENATOR MISS V. P. BRATHWAITE: Mr. President, I rise just briefly to state my inability to support the Resolution before this Honourable Chamber this morning, for these two reasons. Firstly, the interests which I represent in this Honourable Chamber believe very firmly that there has been for some time now attempts to move away from the traditional groupings which sought to maintain the character and the integrity of parish boundaries and community boundaries.

In this Resolution before us we see a further attempt to split communities. Just recently in the Investigator newspaper – in a report of perhaps three weeks ago – we saw the members of a particular community in this country, namely the Grazettes Housing Area, lamenting the fact that they have been neglected in terms of political representation

for some time now. I think that is an unfortunate state of affairs that they should feel in order to get somebody's attention they had to speak publicly to the print media in this country.

They have put the blame, Sir, squarely on the shoulders of the three representatives who represent the community. The boundary line passes through the Grazettes Housing Area and as a result persons from one community find their interests represented in the House of Assembly by three different persons. Because the boundaries pass through that particular constituency, they are on the fringe of the three respective constituencies and they feel that their interests have not been properly attended to and represented.

That is not the main aspect of my speech this morning. I am saying that if that situation did not obtain perhaps those persons would not have felt themselves so vulnerable in terms of political representation. As if that were not enough, Sir, we see further attempts in the Resolution before us this morning now to split the community of Whitehall, not very far away from Grazettes. The boundaries have been changed, since this report was laid in the Honourable the House of Assembly, and rejected, to split the community of Whitehall. I think that is a severe dereliction of duty on the part of the Minister and an indifference to the fact that although persons not very far away had drawn it to the attention of the Government via the print media, they could now find themselves in a position where they can split another community.

I wish to remind the Minister also that at this point in time we need as far as possible to maintain and foster community awareness and participation. We need to maintain the integrity and the wholesomeness of communities. We need to make the youth in those communities feel very much a part of those communities, the way that we felt a part of communities when we were growing up, Sir. I wish to question also the political thinking which informed this type of decision, and I would suggest that in future the Minister should be made to give reasons as to why he has seen it necessary to realign parish and constituency boundaries. I did state earlier that my remarks would be brief and I just wish to reiterate that I feel extreme disappointment at the fact that in the St. Michael North area not only has the Minister maintained that split in the Grazettes Housing Area between three different constituencies, but has further gone and split the Whitehall area.

SENATOR A. MORRISON: Mr. President, while agreeing to support this Resolution, I should like to make a few observations with particular reference to the Christ Church area. Sir, according to the Constitution the adjustments that have been made by the Commission are necessary and are indeed in accordance with the provisions of the Constitution, but I feel that the manner in which the

Christ Church parish has been subdivided into five constituencies leaves a lot to be desired. The Commission has stated in its report that it did not want to create too many adjustments or maladjustments in the whole country of Barbados and it has come up with a minority suggestion which would more or less reduce the number of imbalances and create less confusion in the whole island by coming up with a new constituency for the parish of Christ Church.

I have nothing against that, Sir. But the way how the new constituency has been aligned is what I take issue with. If you look at the Christ Church constituency as a whole, you will discover that now we have East Central and we have West Central, we have Christ Church East and we have Christ Church West and there is a new constituency called Christ Church South. I do not know how you could arrive at an East Central and a West Central without having a Christ Church South Central. Christ Church is located in the south of Barbados, and if there is one area that is more or less well defined and well marked, it would be Christ Church South Central. And you might then from South Central gravitate to the right or to the left and you would end up with East Central or West Central.

Sir, I am saying that the demarcation which has been done in Christ Church was a very unfortunate one, because you would tend to cut off a vital area of Christ Church, notably the whole coastal area, and make that as something by itself in complete separation from the whole of Christ Church, which is supposed to be one complete entity. You could call that a coastal seat and you are separating the coast, the vital part of Christ Church, where all the hotels, the upper middle class and the developments are and you have cordoned off that portion of Christ Church and called it a Christ Church South seat.

To my mind, Sir, if the Commission in its wisdom has kept to the geographical location of Christ Church where the central area in the south... because when you are in the south you are looking north and there is a central; when you go up Oistins Hill that is the Christ Church central area and from that central area we should then get East Central and West Central. The fringes from that main area, which should be an area in its own right, is in its own geographical location. The central part of Christ Church is there for everybody to see, because you are in the south of the island and as you move from Oistins you are going to one central block – the two Gall Hills, Lodge Road, Durants – that is one chunk of a central area. When you deviate from that central chunk, if you deviate to the left you go to Christ Church West Central and to the right is Christ Church East Central. I do not see why the Commission should have to draw a line and come down from the north and have four parallel lines and give each constituency a piece of the coast and keep it as a well intentioned unit in the parish of Christ Church.

11.35 a.m.

When you cut off the coast from Christ Church and call it Christ Church South constituency, to my mind... We have heard arguments in this Parliament and in both Places before about a Minister should not have sufficient power to do this and to do that. But here is it a Commission has come up with a subdivision which would tend to favour either one of the political parties, and it is not supposed to be partisan. But that kind of subdivision, to my mind, would tend to favour either one of the three political parties and you go to a Commission (because people say a Minister should not have that power – they should not be able to do this) and we put our complete trust in a Commission and we expect the Commission to be fair and come up with recommendations which would in due time appear to be fair.

In this constituency, it does not appear to me that that degree of fairness has been characterized in cutting off the whole coastal area in Christ Church and calling it a constituency in the parish of Christ Church and leaving the other part of Christ Church to be divided in four and have that, apart from a little compartment on the coast, to be its own constituency.

Those, Sir, are the reservations I have in my mind because, I believe, the central area of Christ Church is very well defined. Anybody can look at Christ Church Central. As you leave Oistins and you go up the hill, you have a big central block. You go up to Gall Hill on the bend and Church Hill on the right. You go up to Wotton. Wotton Development is a whole big area. You have the Newton Development. These are central areas in the south of the island but we end up today with something called Christ Church East Central, Christ Church West Central, and Christ Church West and Christ Church East; and born out of the whole of Christ Church, two areas called East Central and West Central but there is no centrality in the parish of Christ Church, and the way it has been cut up leaves a lot to be desired.

I would like to place my objection on record for future generations that they would know that I was not standing idly by when Christ Church was being massacred in the manner it has been cut up at this juncture in our history as to alienate a vital area in Christ Church which is supposed to be part of all the whole of Christ Church and call it a particular area of Christ Church South.

I am just making this speech for the benefit of posterity that I was not sleeping when it happened. The Commission had its full powers and it has come up with a Report that as far as the Report goes, they did not want to create too much hardship in the whole Island of Barbados and they were contented to create the hardship in the parish of Christ Church in order to benefit one or either party in this coming elections.

It is a serious thing, Sir, and today we do not have a Christ Church South Central seat but we have a Christ

Church South seat. If you see how the line runs, Sir, if you were to refer to your Schedule you would see how that line runs along the South Coast as to make it almost non-existent in the greater part of Christ Church. It runs on a very thin edge and it is very significant.

One cannot help noticing how the line runs from St. Christopher, you come all down the road and you embrace the whole of Oistins, the whole of Sayes Court, you go around the top of Oistins Hill on the left right down on top of Maxwell Hill, keeping to the left.

It is one of these areas that looks like a lion running around a menagerie. This is how it is. It is one of those areas that you are looking at the map and it does not represent a composite constituency and for that I am very sorry that the Commission did not use its time to adjust... As far as numbers are concerned, the whole island should be adjusted. That is my contention, Sir. I do not care about the trouble involved but they had time to do their work and they should have looked at greater Barbados and where there should have been adjustments, they should have made them on a parish-wide basis, keeping in mind parish boundaries and where that was not possible, try to cut it in such a way as not to alienate people from their own roots and surroundings and come up with some kind of proportionate thing which would be, to my mind, more amenable to my way of thinking.

Following the line of least resistance, and putting the onus on the parish of Christ Church in the way it has been done to my mind is not fair and I figure that Christ Church is desirable of five seats; but my contention is, Sir, that it should not be cut up in the manner to arrive at the fifth seat in the way it has been done. It tends to cut off the coast from the rest of Christ Church in that respect and I do not think that that was so well done in my mind.

Sir, with those few remarks and to reiterate again my objection to the way in which Christ Church has been demarcated, I would like to let my submission rest and at the same time I support the Resolution.

Thank you, Sir.

SENATOR N. W. BOXILL: Mr. President, I start by saying "man will appoint but God generally disappoints." I cannot see how a little country like Barbados, 166 square miles – 167, grant you – can afford to have 28 seats in Parliament. I thought 24 was quite enough; but for some misguided idea, some people came up with the idea that we should have had 36. The 30 was cut down to 27, now we are getting a next one which will make it 28.

What is the great magic, Mr. President, of a constituency having between 5 000 and 7 000 people? The people overseas must be laughing their heads off at us when

you look and see the amount of constituencies that people in England have to contend with.

11.45 a.m.

You would not have an influx of people moving from one area into the next to the tune of over 10 000. Why should it not be at least 15 000 people? It is not more than 15 000 in a constituency. But why should it be between 5 000 and as soon as it goes over 7 000, you are cutting it up? When the population grows say, in the next 15 years or so, that means you have to look for more seats because you are going to have more people in a constituency. It does not make sense to me. With an economy as small as the one which we have – we are complaining all the time about the economic situation in the country – how can we afford this sort of largesse, as I would call it? I think it is unfair; it is unreasonable and it does not make sense. There is no great magic.

All of us in here have to be blamed, and all of us on the other side have to be blamed. Because my view is that the Constitution wants changing. There is nothing so sacred about a Constitution that you cannot change it if you see that the changing would suit the situation in which we live. The Constitution was changed and I feel it wants changing again because there are lots of things.... You start with a Constitution to start off with something. But after a while you go on, you discover, "Look, this does not suit the present time." So you make changes in the Constitution. It is not that you are going to interfere with the Constitution and you are going to interfere with somebody's rights.

I feel strongly about this – that the Constitution should have been changed in order that, instead of it going between 4 000 to 7 000, a constituency should comprise of not less than.... He is saying 10 000, I am saying 15 000 because you would not get that influx of people moving from one area. You are not going to get people moving out of St. Michael going into Christ Church, or from Christ Church going into St. Michael or St. James, or whatever the case may be. But you should put it as a thing where it will take a period of years, if it ever has to be changed. But no, we are running willy nilly because they had the majority at the time, and you change it now.

I represented a constituency at one time with the whole of St. Thomas. I am surprised that that did not get cut up. But I was never in favour of St. Thomas splitting into two. I can understand St. Michael. But let us look back and see that St. Michael was represented by two people. All of the years we went through, it was represented by two people, until we had a single member constituency. We accept single member constituency.

But I am convinced that there was no need and there is no need – not only that there was none – there is no need right now that a constituency should be changed because it

has an influx of 7 000 or more people. What kind of thing is that?

The people outside must laugh at us when we go to these lending agencies to borrow money. To borrow money to pay who – politicians? You know how people feel about politicians in the first place? Everybody feels that a politician, for some reason or another, is somebody from Mars or something. They do not seem to understand that the politicians come from among us. They are the same people. We have not brought anybody from Mars or Golgotha to be politicians here. They are from among us. There is absolutely no justifiable reason.

I feel that we here in the Senate, as well as the people in the Lower House, should have got together and decided, instead of making it from 4 000 to 7 000 to make a constituency, we should make it wider, make a constituency anything like between 10 000 to 15 000. That should constitute a constituency.

But here it is now, and the way...

Mr. PRESIDENT: Senator Boxill, I do not want you to go off into those things. The Laws already state what the constituency should be. You are now dealing with an Amendment. I do not want you to go on because other people may want to follow you too, and I do not want people to be following that rambling argument.

You are asked to speak under this measure to deal with the Electoral and Boundaries Commission which has the powers to deal with this matter which is under a specific Act of Parliament. Speak to that.

SENATOR N. W. BOXILL: But, Mr. President, you said that the Law did this. The Law has now come here before us. We are dealing with the law now.

Mr. PRESIDENT: No, no, no. The debate is before me. I have to control the debate. You cannot go all over the country to debate a matter. You have to stick to what is before us. You have to come within the ambit of the debate.

We are dealing with something which has come before us. If not, I will have to introduce you to the Rules that govern the debate. You are dealing with a specific matter that is before you.

SENATOR N. W. BOXILL: I am dealing with the specific matter. They asked me to vote whether we approve this or not. It has not been approved yet.

Mr. PRESIDENT: The Electoral and Boundaries Commission, you are dealing with the matter under the Constitution that is submitted to this Parliament to deal with that. So do not say that you should have the powers to do something that you do not have the powers to deal with.

You do not have those powers. You only have the powers that confine to what the legislation has already given the Members. You do not have unlimited powers. So do not go off into powers that you would like to have. You would like to have these powers. You do not have them.

SENATOR N. W. BOXILL: Mr. President, you have me at a loss.

Mr. PRESIDENT: I am sorry if I have you at a loss. I would like you to come back to the matter that we are dealing with.

SENATOR N. W. BOXILL: But I am dealing with this. I have not gone out of it.

Mr. PRESIDENT: But do not go off into what you would like this Act to deal with, outside the ambit of what is before us. Kindly speak to that, if not I will have to draw the Rules of the debate to you.

SENATOR N. W. BOXILL: You really have me at a loss because I really do not know what more I can say. I do not intend to sit down right away because I have not finished my speech.

Mr. PRESIDENT: I have not called upon you to sit. When the time comes for me to call on you to sit, I will do so.

SENATOR N. W. BOXILL: The point I am making...

Aside.

SENATOR N. W. BOXILL: Pardon?

Aside.

SENATOR N. W. BOXILL: But I am going on with the debate.

Mr. PRESIDENT: Do not argue with the Chair, if not I will then call on you to sit.

SENATOR N. W. BOXILL: The point I am making and which I will continue to make is that I do not agree that a constituency should comprise of between 4 000 to 7 000 people. I made that point clear.

Mr. PRESIDENT: That is understood. You do not have to repeat that.

Aside.

SENATOR N. W. BOXILL: No. But this is a serious matter. This is a very serious matter because I am emphasizing my right and I am told that I am rambling all over the place. I am not rambling all over any place.

Mr. PRESIDENT: You are rambling now, Senator Boxill. Get to the point. You have not debated in the matter. Get to the debate we are dealing with. It is time. You have to get to the debate. I am serious about that.

SENATOR N. W. BOXILL: This is no laughing matter.

Mr. PRESIDENT: I am not laughing. I am very serious.

SENATOR N. W. BOXILL: Neither am I, Sir.

Mr. PRESIDENT: I do not know why you used the word laughing because I am not laughing.

SENATOR N. W. BOXILL: Because I hear laughing down here.

Mr. PRESIDENT: But I am not laughing. I am the only person speaking. Your reply is to me. You cannot be replying to somebody else when I am addressing. I am the only person speaking.

SENATOR N. W. BOXILL: I am finished.

Mr. PRESIDENT: Senator Goddard.

SENATOR J. S. GODDARD: Mr. President, I rise to express my admiration of the knowledge displayed by Senator Morrison on Christ Church and the constituency boundaries. He amazed me and I really should like to compliment him on that. I do not have a similar knowledge so I am not going to debate the issue.

However I should not like any of us in here to interpret what he said as an attack on the integrity of the Boundaries Commission. I do not think he means that at all. But I should not like that to be interpreted in that light.

Mr. PRESIDENT: I would have been the first to stop it, if it were against the integrity of the Boundaries Commission.

SENATOR J. S. GODDARD: Thank you, Sir. I think they have done a very fine job. I think they should be complimented for the work they have done.

I believe they have stuck to what was required of them and I am reading Section 7, on page 3 under the Constitutional provisions for the review of the constituency boundaries which says that:

"The electorate shall, as far as practicable, be equal in all constituencies, provided that the electorate in any constituency shall, so far as practicable, not exceed 110% or be less than 90% of the total electorate divided by the number of constituencies thereon.

Natural boundaries such as highways and rivers shall be used wherever possible."

From my reading of the Report, and from my limited knowledge of the constituency boundaries, I believe the Boundaries Commission has discharged its responsibility and I think we are indebted to them.

Thank you, Sir.

SENATOR A. W. A. McCLEAN: Mr. President, this is the first occasion that we have proposals from the Boundaries Commission in relation to the Amendment of the constituency boundaries. I think therefore that what is done in Parliament on this occasion must be seen in some sense as setting a precedent. That does not mean that it would necessarily influence the behaviour of subsequent Parliaments. But yet for all that we need to carry on our deliberations in the spirit that we appreciate that what we do or say on this occasion may be considered as setting if not a precedent, an example.

11.55 a.m.

There are a few aspects of the proceedings today which I think we should identify and hope that they will not be considered as setting any precedent. I would like to go back to some of the activities in the Other Place relating to the rejection of the proposals submitted by the Boundaries Commission. As far as I can perceive, there was no clear cut reason stated by the Government benches for rejecting those proposals. At one stage it seemed as though there was disagreement with the number of constituencies to increase from 27 to 28. Indeed, at one stage it seemed as though there was a view that there should be 24 rather than 27 or 28. Before the end of that debate, we discovered that that would not be the basis on which the proposals would be rejected. I am unaware of any clear cut statement as to what was found to be at fault with the proposals of the Boundaries Commission which wanted rejection.

When we examine the amendments that have been brought in relation to the proposals, I am still at a loss. I think basically as parliamentarians we should take the spirit of the law quite seriously. I think the intention behind the Boundaries Commission is to create a situation where politician will divorce themselves as far as possible from the determination of constituency boundaries. Of course, quite clearly, Parliament must have final authority in such a matter. But I think that final authority is there in anticipation of an eventuality which we hope will never occur when it stands patently clear that the Boundaries Commission recommendation was undesirable for whatever reason. In those circumstances, a debate should focus around the deficiencies in the Boundaries Commission recommendation, identify them clearly, and reject them on a clearly understood basis. Thereafter, the Government in its wisdom should seek to rectify those deficiencies, identify them and debate them in Parliament. I do not think

we should have a situation where no such deficiencies are identified and just as a matter of whim and fancy reject those proposals but invite people to submit ideas as to how we should change them and come back with other proposals. That basically is not enough. That tends to undermine the integrity of the entire exercise. I would say when we consider the debate in the Other Place and the amendments that were made that they fall short of any good reason for rejecting the Boundaries Commission's proposals. This is not to say that it was not without fault. But the comments on those proposals suggest that we have only been engaging in an unreasonable exercise. That really is not good enough.

Within our debate here we have had certain submissions. And I understand that Senator Morrison disagrees in the way in which the Christ Church constituency has been carved up. Such an exercise is entirely legitimate, but I would suggest that it should not form the basis for the rejection of the recommendation. The Boundaries Commission may see the wisdom of such a point of view. But clearly, that kind of situation should not be the basis for rejecting the Electoral and Boundaries Commission Report because somebody has to make the decision for carving it up and such erratic views are not sufficient. You should take views relating to other things and so on and points of principle which can be identified and agreed to generally, not about I like it this way versus your liking it that way. So I do not think that holds to the point.

Senator Boxill also made a quite reasonable observation that 28 seats are too many and somehow put the fault of this at the door of the Constitution. The Constitution does not impose any maximum amount of seats. It only imposes the condition as to the relevant size of seats of constituencies. And, if per chance the Boundaries Commission in trying to steer to the views of parliamentarians and of the Government of the day, should choose to recommend 20 seats instead of 28 next time, the Constitution does not preclude that. All that is required under the Constitution is that the seats should have a certain size of not more than 10% above or below the average of the Island. But the Constitution is entirely silent on the number of seats you must have.

I presume, however, that the Boundaries Commission would have sounded out Government if they were acting responsibly (and I have no doubt they acted responsibly) if they had a feeling that they were doing something which goes entirely against the grain when they recommended an increase to 28. I would think so because that is an area you can see where those types of considerations of the views of the Government and so on should come into play. You cannot have an official formal sounding out but you listen to what is being said and you analyze statements over the years and current statements to draw their own views as to how people think about it. I am certain that they would have

joined the view that it would not have gone down very well for Government to reduce the seats to 26 or 24. But it may have also drawn the view that 28 posed no problem because numbers even larger than 28 have been mentioned from time to time.

What I am saying here, however, is that the Boundaries Commission is capable of recommending greater or lesser seats. And if parliamentarians have a view on that they should speak out loud and clear so that next time the Boundaries Commission will be listening that we do not want 28, 30, or 27 but we want 24. I am certain if the Boundaries Commission in trying to monitor public opinion and opinion among parliamentarians and Governmental opinion and heard all of that, a reasonable man will lend a ear to it not by way of taking instructions from anybody but by doing something which is consistent with the sentiments in the country.

So I find some difficulty in understanding why it is that the particular changes have come. I cannot identify any guiding principle whatsoever which has been applied consistently to generate these changes and to me they become a mere matter of tinkering. You should let the signal go out loud and clear that that kind of thing should really not have happened and it should not happen in the future.

In relation to the underlying principle, the National Democratic Party has indicated that it supports the idea that we should try to maintain the integrity of parish boundaries. In a way by naming the constituencies, we call them Christ Church something, St. Michael something, and St. James something and so on. Right. So even in the naming, they name along the line of parishes. Being faithful to that type of naming, it is buried in the idea that you should adhere to parish boundaries except perhaps if it can be so clearly seen that the parish boundary is a nonsense boundary because they cut canes into parish boundaries too.

12.05 p.m.

If you put a parish boundary, say, through Whitehall, we might not want to adhere to that, but we would hope you would not fix our parish boundaries that way. The parish boundaries should be realistic boundaries based on history and on more recent geographic, demographic and other developments that make sense in terms of delineating an area as a parish distinct from another parish. If we have that type of delineation of parishes, the idea of adhering to those boundaries would make a lot of sense. Of course that cannot be done now under the existing Constitution, unless you are going to put some people into St. Andrew; and it would only be in that exceptional case that you would have to infringe the boundary. Of course, there is another solution. You would have to have enough seats to make St. Andrew come up to the average. But we do not want that, as we have been hearing.

There is a possibility of having a formula, which would necessitate some amendment to the Constitution or the Schedule thereto, that would cover that. And if you want to adhere to parish boundaries the formula would have to indicate that the average number of constituents in a given constituency should be as close as possible to the national average. If you add one seat, or subtract one seat, you have to make a check and do your arithmetic over again which one of those two situations will bring you closer to the national average, and you would choose the situation that brings you closer to the national average.

Again, the idea of restrictions on variations in size would then have to be shifted to the parish base where you would say that constituencies within a parish should not deviate one from the other by more than a certain percentage; but that is a far way from what we have now. Quite clearly, under the present Constitution, St. Andrew will be too small to have a constituency by itself in the context of the 27 or 28 seats. If you had 30, maybe. I am not too sure, I did not do the arithmetic.

I think, basically, if we are generally feeling that the present arrangements have deficiencies of one type or another, what we should be doing is discussing and articulating those to guide the Electoral and Boundaries Commission in the future. But we should not keep these views to ourselves and develop them in the context of a party, allow the Electoral and Boundaries Commission to operate on the basis of its present mandate and restrictions as given by the Constitution, and then seek to impose personal views or party views on what the Commission has done.

I thank you.

SENATOR THE HON. SIR JAMES TUDOR: Mr. President, you and I are perhaps the oldest at this thing, at least in respect of understanding of electoral politics. We have heard this sort of debate many times in the course of our careers. It is safe to say that this kind of debate will never cease.

Usually, if someone is making his speech he should put his best points at the end, but for fear that I may run foul of your jurisdiction, I want to come first of all to some suggestions which I personally would like to see made for the improvement of the electoral system. They are not all of a kind, they deal with various levels of electoral activity, supervision and service, but I think that they are important in a developing constitutional democracy.

I feel first, Sir, that there should be a law passed requiring the source and amount of expenditure by political parties to be declared; certainly expenditure not only in respect of elections, that is already the case, but in competitive constitutional societies an election may, and frequently does, start almost from the end of one. As soon

as the poll is declared in one election, the next general election campaign starts, and political parties in a well institutionalised system must gear themselves for a subsequent election as soon as they finish one, and the expenditure of money begins.

I think therefore that there should be some regulatory system which deals with the source and amount of expenditure by political parties to have that expenditure declared and to be taken into account for the whole of an electoral period, which is not the same as an election period.

I think also, in respect of candidates, that the deposit should be raised. This is necessary, not only because people are better off now than they used to be, but also because a certain amount of seriousness should be required and has always been required of people offering themselves for election. I think therefore one element of seriousness would be in what it should cost a candidate to take himself seriously enough to present himself to the electorate. I think, therefore, that I would be in favour – I speak for myself personally here – in raising the deposit.

I also think that a lower proportion of votes cast should be enough to secure the return of the deposit. Because you cannot raise it on the one hand and at the same time make it necessary for him to have an unconscionable number of votes merely to save his deposit. His seriousness is determined by what he puts into the kitty, but there should be an idea of fairness in what you require him to get in terms of votes.

I think also that nomination papers should be signed by a larger number of the electorate. The point I am here making is this, that we customarily look around a day or two before an election and we find whatever the number is, two to nominate, two to assent to the nomination, and in most cases the level of responsibility. . . .

SENATOR THE REV. CANON I. McK. JONES: Excuse me, Mr. President, on a point of order. I must confess I am lost as to what Senator Tudor is dealing with, because it does not seem to me that what he is saying has any bearing whatever on what we are called upon to discuss and I would like him to elucidate it. I do not understand what he is saying.
12.15 p.m.

Mr. PRESIDENT: I will see after that.

SENATOR THE HON. SIR JAMES TUDOR: It will have a bearing because Senator Jones is one of these people who believe that politicians cannot do anything sensibly and that, therefore, they should rely on an independent constitutional authority to do it for them. And I agree with that in part and the part that I agree with I am suggesting should be within the province of the Boundaries

Commission when they start on the second round of their duties.

These are matters which should come within the purview of the Boundaries Commission if you do not want always to have a situation where you criticize them, as we appear to be doing, in some respects.

I also believe, Sir, that the Boundaries Commission responsibility should include a scrutiny of candidates expenditure exclusive of deposits and this is the point. I believe that the expenditures of candidates for elections should be met from public funds. Those are some of the ways in which I think, Sir, that the Boundaries Commission could function more properly as a constitutional authority.

I have one criticism to make of the Boundaries Commission's attitude in respect of what they have done. I join with almost everybody else who has praised them. I think they have done very well and the service they have rendered to the country in this first venture is a service which, quite frankly, politicians could not have rendered for themselves.

There is a lot of hard backbreaking work in making the electoral system work. You have to have people who are not under pressure from politicians who can do it in a harmonious and sensible way. But, of course, it must come back to politicians at the end because the constitutional system requires that elected representatives should have the last word before something like this becomes law but I do think, therefore, if I wanted to make one criticism of the Boundaries Commission it would be that, perhaps, not quite understanding the constitutional system in which they operate, when they say, as appeared in the papers a few weeks ago, "we have done a lot of good work and it is a pity that politicians are now getting into the act". Politicians, I am afraid, must always get into the act at some level or the other; but how they get into it makes a lot of difference.

Now, I think it has to be understood that it will not greatly matter in the long run what we say about the number of seats there should be in a Parliament. I am not one of those who would be prepared to set an arbitrary limit to 23, 24, 28, 29 or 30.

Once you take the principle that it is the representation of the people you are looking after and looking into, it is inevitable that from time to time there will be more constituencies, or less as the case may be. This is a matter of demography and common sense and I do not know that you can really sensibly set arbitrary limits to the number of people who should be elected representatives in a particular country.

I, therefore, have no quarrel with the 28th constituency. I do not even know that Mr. St. John will win

it. Mr. St. John's record in the Elections is even handed, I put it no higher than that. It is not possible for me to say that he will win it because I do not know what will or will not happen.

Furthermore, Sir, I do not even know that if I were Mr. St. John and I had to make that decision about choosing a constituency that I would choose that one.

My judgement is that given BLP politics and given everything else, it might not come to the point where Mr. St. John will choose that as a constituency. So I think we ought not to see this in terms of a BLP seat or getting a seat for somebody or not getting one. We should see it that sooner or later they would have to have been a re-organisation of the Christ Church electorate and if another constituency comes out of it, well, there it is.

In any case, repeated experience has shown in this country and in other democratic countries that boundaries do not win elections. It is politicians that win them or lose them and it is ordinary people that vote.

There are a lot of issues going around the country now. I am not a betting person. But I would be astonished if any of the issues which are now current form any part of the electoral campaigns. Electoral campaigns have a momentum of their own and one never knows as far back as now whether at a given three or four week period what is being talked now will be talked then. And, therefore, it really does not matter where the political boundaries are. It matters greatly how the people feel at a given moment and you have to have elections because you do not know who will win them and fortune telling is still a misdemeanour under Barbadian Law and I do not propose to prophesy.

Sir, it is the representation of the people we are concerned with and, therefore, adjustments will have to be made to the electoral system from time to time. It is best and more sensible to have an independent body doing most of the work and breaking the back of it. But you cannot exclude the House of Representatives from having the last say in it. That is how this system works. And I would like to tell Senator McClean this that if the composition of the Other Place were different from what it is now, perhaps, some of us on this side would be taking the points he has made and be running with them – an unlikely prospect – but, at the same time, a possibility.

Let me now, without wearying the Senate, give Senators a familial sketch of why we have reached this situation which is not a bad situation in bringing some sort of tidiness to the system. There is a lot which has gone on which has caused us to reach this situation.

First of all, interest of this depth in electoral politics in Barbados started with the results of the 1976 Election. The election was a free and fair one in our terms. But it was

discovered (and the Democratic Labour Party was in power, therefore, and we cannot do other than accept responsibility for that) that somehow or the other there had been some irregularities with the management of the Election. But the election was a close one in terms of votes cast. But the closeness was not reflected in the distribution of the seats.

For instance, if 230 people in about seven constituencies had changed their voting patterns, instead of having a 17-7 majority in favour of the Labour Party you could easily have had a 13-11 House out of 24. From that time on, not only political parties but the population at large started to take an interest in the management of elections.
12:25 p.m.

In order perhaps to redress some of the discrepancies of the 1976 election, the Government who ran the 1981 election embarked on a different path. They sensibly saw that adjustments would have to be made to the number of constituencies. So they created 3 more constituencies. But as I just said boundaries do not bring you seats. So although we went from 24 to 27 in the 1981 election, the Barbados Labour Party did not profit from that attempt because there was a swing of opinion within the country. So of the three new constituencies, I do not think they got any of them, or may only have got one.

Again from that experience, there was a wider agitation for doing something about a system which was causing all political parties some disquiet, Sir. All of this contention came to a head with the first by-election in St. Peter. I do not want to have to recount all the events of that particular night but people stood in their homes listening to the radio and heard the Prime Minister of the country, who had no reason to be where ballots were being counted, except perhaps to accompany a winning candidate when such was declared. We heard him over the radio and we heard other politicians, Opposition politicians from our side arguing with him.

It turned out that the election was a close one; but the results were accompanied by charge and counter charge. The results of the election actually ended up in the Supreme Court. The election was held over with a much better handling and management at that time, aided of course from the point of view of the Barbados Labour Party by a flood in St. Peter. That is an act of God. If we lost the election because people lost fridges and beds that they may not have had, that is the will of God.

So we reached the point, Sir, where, by common consent, everybody thought it was best to put this matter in the hands of the Electoral and Boundaries Commission. I now come to a very important aspect of this because in this country we tend to be very *ad hoc* in our attitudes to these things and we do not think that we need to sit down and deal with possible situations before they occur.

In accordance with the complexion of Parliament, at a certain time, we set up the Boundaries Commission and it consisted of 5 persons: the governing party had 3, the Opposition party 2. But it was an inescapable part of the arrangement that it was the law that the life of the Commission should be 5 years. It was certain therefore to all concerned then that the 5 year period, the 5 year span would outlive the normal electoral span and that the time to change the composition of the Boundaries Commission would come long before an election was constitutionally due.

You have a situation here where a Boundaries Commission, a new one, has to be appointed. If we work it as we have been working it, these will have.... I am sorry, Sir. I do not mean it in any derogatory way; I mean their party will have to be represented on the Commission. It is inescapable.

Aside.

SENATOR THE HON. SIR JAMES TUDOR: I beg your pardon? The NDP will have to be represented if we go by the old formula. But suppose the general election comes now and the NDP is not in the Assembly or not in the House. You would have then had a Boundaries Commission appointed for 5 years with NDP representation and BLP representation not possible.

There therefore has to be a formula which anticipates the sort of thing I am drawing to Your Honour's attention which would make it possible for there to be changes in the composition of the Boundaries Commission, according to electoral changes, at a given time. If you do not have it that way, you are liable to run into the problem where a political party... It could even be ours; it does not matter; the principle has to be established, you cannot deal with what is here present. But you have a situation in which a political party would not be represented in Parliament but would have a percentage representation among the electorate and still not be represented on the Boundaries Commission.

I am one of these people who believe that while everything that should have been done was properly done when the composition in the Opposition changed, I still feel that the Barbados Labour Party represented or had representation of some 40% of the electorate and that a formula should be found for enlarging the Senate in order for them to keep their representation while the other lot who were constitutionally due to come in should have it. You cannot run a constitutional system if every time something peculiar happens, somebody gets hurt. It cannot be that, Sir. That is by the way. We have to be fair in these things.

The whole purpose of running a democratic society, Sir, even apart from elections is to make it certain that there is no occasion for grievance within the society. It is more important in the composition of the Electoral and

Boundaries Commission to have some arrangement made where political parties who have faced the electorate – if they have faced it – and who therefore can claim some legitimate representation in the society, can participate in the work of the Boundaries Commission.

We must not allow ourselves to be fooled, Sir, by the magic of figures. There is nothing sacrosanct about having 7 or 8 people on a Boundaries Commission. It does not always have to be 5. The three, two arrangement may not be the most sensible for us and we have to look at it.
12.35 p.m.

But Sir, generally speaking I am not one to quarrel with what the Commission has done. I think that politicians ought to be glad that this kind of back-breaking work in keeping an electoral system efficient and workable is done by an authority that does not have to look over its shoulder. It is a sensible arrangement. We ought to keep to it, but we should not put them into strait jackets and make it impossible for them to turn the system into the best it can be.

One final point which has just come into my head. If you are dealing with the representation of the people, you should not again let money frighten you. I cannot see why we have stopped having a monthly publication of the electors in favour of an annual one. An election in a constitutional system ought to be possible at anytime. If you talk about a preliminary list when Parliament is dissolved, a list of six months old cannot in any sense be a preliminary one and should not be used. There are more shifts of population in a six months period than there would be in a three or four week period. Therefore, there ought always at the end of every month to be a publication register and the expenditure on that situation should never be regretted.

Thank you, Sir.

Mr. PRESIDENT: The question is.....

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Electoral and Boundaries Commission had a specific role to play in accordance with the Constitution. It played that role. The report was communicated to both Houses and having played its role it will sooner or later come to an end in its life and will be followed by a new Commission. Comments made here today may well be guidelines for that new Commission. What has concerned some of us however, Sir, were certain comments alleged to have been made by a member of the Commission regarding the role of Parliament. Now the Commission has its role and so does the House of Assembly have a role to play. Members on the other side blow hot and cold. They want to return to parish boundaries yet they claim that the return of Kendal to St. John is interfering with boundaries. They call it tinkering. So they see through the eyes what they want to see. The fact is that the House has passed it and so will we.

They need however to make up their minds whether they want parish boundaries and they need to remember that it is this Government that has now recognized the absence of the Parish Boundaries Law and has made the Parish Boundaries Act and passed it, and that should soon be proclaimed.

The position then, Sir, is that the Electoral and Boundaries Commission having acted within its own right, the House acted within its own right and rejected the report, appropriate action was taken by the Minister responsible for the Electoral Affairs. The report having been returned approved by the House is now before us, and I move that the Resolution be passed.

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION BY THE CROWN OF LAND AT WILCOX, CHRIST CHURCH

Order No. 2 was called – To move the passing of a Resolution that the Senate approve the compulsory acquisition by the Crown of land at Wilcox, Christ Church for the Maintenance of the Airport-approach Lighting System and for agricultural purposes.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Resolution relates to the acquisition of land at Wilcox in the parish of Christ Church. Sometime in 1974 the Government extended the Airport-approach Lighting System by installing three poles on certain lands owned by a Mr. Marshall at Wilcox. This encroachment was subsequently discovered and in 1983 negotiations commenced with the owner of the land to be compensated by way of purchase. During the negotiations it was discovered that the land owner did not have title which would make it possible for Government to purchase the land by private treaty. In addition, although the land is a fairly sizable area, it is not suitable for housing development because it is within the approach zone for aircraft. Government decided to proceed with acquisition of the land of some 30,351 square metres in order to ensure the purity of the approach area to the airport. So that the lands will be used for those purposes and some of the lands will be used for agricultural purposes because it cannot be used for housing.

I beg to move that the Resolution be now passed.

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

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move that the Senate be now adjourned *sine die*. I am adjourning the Senate *sine die* although I am

aware that it is our wish to meet again in order to debate the Appropriation Bill, Sir, which will give the life to the Estimates. We hope to be able to debate the Appropriation Bill, Sir, on March 26 and 27 and this Bill will be circulated to Members early. The Estimates which were laid today will also be made available to those Members who have not yet received them.

I, therefore, beg to move that the sitting be now adjourned *sine die*.

The question that this sitting be adjourned sine die was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the sitting accordingly.
12.44 p.m.

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