
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1991-96

THE SENATE

Tuesday, July 30, 1991.

The Senate met in the Senate Chamber, Parliament Buildings, on Tuesday, July 30, 1991, at 4.40 p.m.

PRESENT

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

Senator the Honourable L. V. H. LEWIS (Minister of Agriculture, Food and Fisheries) (Leader of the Senate)

Senator A. MORRISON

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

Senator A. J. N. PHILLIPS

Senator the Honourable Dr. C. D. CLARKE (Minister of Trade, Industry and Commerce)

Senator Miss Y. V. WALKES

Senator Mrs. M. BARKER-WELCH

Senator Mrs. Ada STRAUGHN, G.C.M.

Senator W. Leroy INNISS

Senator the Rev. Canon J. L. SPRINGER

Senator J. G. BELLAMY

Senator T. E. BARKER and

Senator Miss M. A. MOTTLEY.

Prayers were led by Senator the Rev. Canon J. L. Springer.

Mr. DEPUTY PRESIDENT: The Senate is in session.

MESSAGES FROM HER EXCELLENCY THE GOVERNOR-GENERAL

Mr. DEPUTY PRESIDENT: I have been commanded to read the following Message from Her Excellency the Governor-General to the Honourable the Senate:

Her Excellency The Governor-General has the honour to inform The Honourable The Senate that, on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, under section 3(1) of the Ombudsman Act, Cap. 8A, she proposes to re-appoint Sir Frank Milton Blackman, KA, KCVO, OBE, J.P., to the Office of Ombudsman established by section 2 of the said Act.

Her Excellency proposes that Sir Frank Milton Blackman, KA, KCVO, OBE, J.P., shall vacate the office of Ombudsman on attaining the age of sixty-seven.

Her Excellency further has the honour to seek the approval of The Honourable The Senate for the proposed re-appointment pursuant to section 3(2) of the said Act.

It was signed by Her Excellency the Governor-General on 29th July, 1991.

PRESENTATION OF PAPERS

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

The Customs Tariff (Amendment) (No. 2) Order, 1991.

The Customs Tariff (Amendment) (No. 3) Order, 1991.

The Customs Tariff (Amendment) (No. 4) Order, 1991.

The Customs Tariff (Amendment) (No. 5) Order, 1991.

The Road Traffic (Amendment) Regulations, 1991.

The Barbados Industrial Development Corporation Report and Statement of Accounts for the period 1st April, 1989 to 31st March, 1990.

The Broadcasting Authority Report 1989-90.

The Barbados Port Authority Annual Report and Financial Statements for the year ended 31st December, 1990.

PUBLIC BUSINESS

Order No. 1 - Resolution that an address be presented to Her Excellency the Governor-General on the re-appointment of the Ombudsman.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, the matter before us relates to the re-appointment to the post of Ombudsman.

The office of Ombudsman was established by an Act of Parliament of Barbados and an appointment was first made to the post in January of 1987. The Ombudsman is required to investigate and report upon allegations of improper, unreasonable or inadequate administrative conduct on the part of a Government Ministry, Department or other Authority subject to the Act. The Act under reference is Cap. 8A of the Laws of Barbados.

The Act provides that the Ombudsman shall not be a Member of the Senate or of the House of Assembly and shall not hold any other office of emolument or engage in any other occupation for reward. It further provides that he should perform his functions in accordance with his own independent judgment and shall be responsible to Parliament for the general discharge of his duties. He is also required, each calendar year, to lay a report before the two Houses of Parliament.

The provision for the appointment is found in section 3(1) of the Act under which the Ombudsman is appointed by the Governor-General by instrument under the Public Seal on the recommendation of the Prime Minister, after consultation with the Leader of the Opposition. Section 3(4) of the said Act further provides that the Ombudsman shall vacate office on reaching the age of 65 years, but may be re-appointed by the Governor-General for a further period not exceeding five years.

The incumbent of the post, and the sole holder of the post since its inception, Sir Frank Blackman, is a distinguished Public Officer who rose through the ranks to become Cabinet Secretary and a year or so after his retirement from the Public Service was invited to serve and was appointed to this position of Ombudsman. Sir Frank reaches the ripe age of 65 years tomorrow and the purpose

of the meeting this afternoon is to facilitate the Message which we heard read to us from the Governor-General seeking approval of the Honourable the Senate for the extension of Sir Frank Blackman's appointment until he reaches the age of 67 years.

I beg to move, Mr. Deputy President, that the Resolution before us be now passed.

SENATOR Miss M. A. MOTTLEY: Mr. Deputy President, while rising to support the Resolution in principle, I feel constrained however to make one or two points in relation to (1) the manner in which this Resolution was brought and the time at which it was brought; and (2) in relation to Government's policy as to the appointment of people.

In respect of the timing of this Resolution, Sir, this is only another example of this Government's inability to plan properly and to move in accordance with those plans. We have a situation here where we have been summoned this evening to meet; tomorrow, as I am told by the Honourable Minister, is the birthday of Sir Frank Blackman and tomorrow is the deadline, and from 4.30 p.m. till five to 5.00 p.m. we are here to approve a Resolution seeking to extend his appointment for another two years. The Honourable Senator next to me says that the birthday must have been a secret, but I will not go so far. I cannot but stress that this is symptomatic of an inability to plan properly and an inability to execute those plans properly. I believe that it is symptomatic of how this Government has been dealing with other matters.

For example, we were in here a few weeks ago with another matter when it was determined that it had to be dealt with in a rushed manner to be able to fill a void that should have been filled two or three years prior. I hope that Government, having now twice within one month found itself in a position where it is managing by reaction or adhocism as events unfold, will do its best to be able to change the situation, because it does not inspire any confidence in anybody out there. It does not inspire confidence in the people out there to whom Government is saying at this point in time that we have to rally together as one, and that not only do we want consensus leadership but we want a consensus from the whole of Barbados because of the difficulties we are going through now.

When you see somebody behaving in a manner where they do not know their foot from their head - and I am not suggesting that that is the manner in which Government is behaving - but nevertheless, one wonders whether any example can be taken from them. This Government had five years within which they could have brought this, particularly within the last year, particularly within the last six months, particularly within the last two months. But no; we are here at the eleventh hour to try and deal with something. What would have happened, Sir, if the House

of Assembly went on debating this matter until way into the night and the matter could not have come to us before? The Honourable Senator is saying it does not matter. That is an attitude which is symptomatic and it is no wonder we are here this evening.

Sir, I want to move on and I want to be very clear in this point. I believe that the person who is being re-appointed is eminently suited for the job. I also believe that he has made a significant contribution to this country, but I must, as a young person in this country, question the policy that is continually exhibited by this Government of the re-appointment of retired persons, particularly where there are a number of younger people who are finding it difficult to enter the system, and indeed to develop themselves within the system. This is something that is not only evidenced in this Resolution. As I say, I am not reflecting any comments at all on the gentleman involved, but it is a policy and attitude on the part of Government, and if we look at Government's appointments within the diplomatic service, one believes...

Aside.

SENATOR Miss M. A. MOTTLEY: I can call other Departments, Chambers or whatever, where there is a substantial age difference, but the point is that with a population with a high degree of young people who are qualified, very often they become disenchanted because they do not see any movement within the system for themselves, particularly within the Government Service and the diplomatic service. I speak knowing full well how my peers feel, knowing full well what they complain about, when the time comes, as to whether they can get a job in this or that area, and even if they get a job, with the chances of moving up, they have to wait 20 years. One gets the distinct impression...

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order, Mr. Deputy President. I believe we are discussing the appointment of the Ombudsman, which is a specific case. I believe the contribution being made by the Honourable Senator is inconsistent with her assertion that she has high respect for the holder of the office.

SENATOR Miss M. A. MOTTLEY: It is unfortunate that the Honourable Senator does not seem to understand what is being said, but nonetheless there is a distinction between the person who is to occupy the job and the policy of Government for appointing people who have retired, who have served this country well, who have gone beyond the call of duty in serving this country. All we are saying is that those who now want the opportunity to serve this country as well, or better, must be given that opportunity.

Mr. DEPUTY PRESIDENT: Senator Mottley, you are being very repetitious. We have heard that point. I have been very indulgent and I accept your point. Will you please move on?

SENATOR Miss M. A. MOTTLEY: I will move on, Sir, although I wanted to develop it in relation to this point specifically, because this is one instance where it is an appointment which is extremely important within our country's constitutional landscape and it was one of those posts which young Barbadians would wish eventually, Sir, to believe that in the whole context of things they will one day have a chance at. Sir, more often than not it is a reflection of management and perhaps that is the reason why we continue to use what is there.
5.00 p.m.

Sir, in respect to the post of Ombudsman, I wish to make one other point. An examination of the reports reveal that, although a new concept to Barbados, it has started to have some effect. But I do not think that the effect and reaction of Barbadians have been as widespread as originally thought when the post was implemented. One ventures to suggest, Sir, that perhaps one of the major reasons is the call-in programmes in terms of people seeking to make their complaints known and indeed have redress to their complaints which are made in public.

There is a feeling that the report made through the media results in a greater action on the part of those officials who are publicly accountable and who would not like embarrassment. Whether that is true or not, that is the perception of the person who will pick up that telephone instead of writing that complaint as is required under the legislation. Sir, we are talking about people who come from an oral structure who want that kind of redress. In a lot of instances, a lot of them cannot articulate in the manner in which they would like and, therefore, they resort to the call-in programmes.

I hope, Sir, that we as a country whose interest is the general development of this country will bear in mind the role which seems to be superseded by the programmes. Therefore, we should look at effecting systems to suit the type of jobs so that we do not have to rely just on written reports but also look for the feasibility of allowing for certain oral reports to be made from those who are aggrieved. Certain administrative arms or whatever should be put in place for those who wish to have some redress.

I generally support the Resolution. But let us consider some young people to give them some chance of participation so that we can stop hearing about the disillusionment. The time has also come that 4 or 5 years of service of the Ombudsman to review how effective the functioning of the post has been.

With those few remarks, I support the Resolution.

SENATOR W. L. INNIS: Mr. Deputy President, I rise to support the Resolution. I do have some sympathy with Senator Mottley about her concern about the late hour at which this matter has been brought. I cannot go as far, however, as to say that it means ineptness on the part of

the Government or anyone else. The reason is that we do not know what were the reasons for the delay and what was the consultation; and we do not know who else was interested or not interested. There are so many factors which could have interfered with the lateness; but we have to go a bit deeper. I do not share the concern but we must have these matters brought in a timely manner.

To go beyond the point of the manner of appointment, the position of Ombudsman is quite new to Barbados. In other countries, it is under various names and has served a useful purpose. I believe that it can be more useful if that office is given a bit more staff to do some of its work. I say that from this point of view because Senator Mottley has said that there are many Barbadians who will not write to the Ombudsman. Yet, you cannot expect every Tom, Dick, or Harry to come in. But with a properly staffed office he could have support staff there at a senior level who could put the ideas, complaints, and problems of the average man on the street into written form. In other words, you have your complaint and you speak to someone. Then it goes to the Ombudsman in written form.

I have read the Report of the Ombudsman and I have listened to him from time to time and it is clear that if the matter is not fully clear he would still render some kind of assistance to get some kind of redress. We have a system where too many persons in public office believe that they are like asbestos. Therefore, you try to take the public and turn them into fools. If you go into a store in Broad Street and you do not like the treatment, you will leave. But if one goes to the Registration or Customs Offices and do not get the kind of treatment one would expect, there is no other office you can turn to.
5.10 p.m.

Indeed, sometimes persons who at a professional level have to communicate with certain Government Departments wonder if the mail service in Barbados does not work because for months you cannot get the courtesy of a reply. I know that there are times when persons threaten Departments to report the matter to the Ombudsman if there is no reply within a given time, and even sometimes that has no effect.

I am saying that these are things that do not happen overnight. We have to give the Ombudsman a little more staff that he can function more effectively and efficiently. We have to encourage our people to voice their concerns and not believe that they will be victimised, that they will not get a licence they are complaining about or that they will not get their passport on time or will not get this or will not get that, because only if the people come forward can the Ombudsman be as effective as he is supposed to be.

On the question of the appointment, it seems to me as though Senator Mottley is suggesting that you should make

way for these young people to get these posts. Quite frankly, I do not believe that the position of Ombudsman is a position for a little boy or little girl.

SENATOR Miss M. A. MOTTLEY: On a point of order, Sir. The Honourable Senator is misrepresenting what I said. I never said you should move away people and make room at the top for little boys and little girls. I think that is a misrepresentation of the point that was being made.

SENATOR W. L. INNIS: There are some things that the very experience of life is important in itself. Academic brilliance is important, courage is important, but there are some things that you get only one way and that is by living, life. I have nothing at all against young people. As a matter of fact, I like to pride myself as still being a young person, but we have to be very careful that we do not think that as soon as a person becomes 60 the person now is completely useless.

I would say that a civil servant or anyone else who has led a life in public or in private and has contributed to this country, we should be glad to get that type of person to continue rendering some service to the community. If you go to some countries, you find people entering universities at age 70. They are not too old to go to university, and we must learn to benefit from the experience of persons. We must have a balance, but while we give the young every chance to proceed, we must, as our African brothers would say, respect our elders. As I go through the country, some of the wisest things I have learnt in this country I have learnt from what you call the uneducated Barbadian. The wisdom that can be found in the countryside from people out of their experience of life can give a lot of us food for thought.

I have no particular comment to make one way or another on the person who is being appointed, except to say that from all reports, including what I have read from his own reports, he has served the country well, he has carried the particular position with dignity, and one of the things that I find so lacking in so many Barbadians, he has done it fearlessly. There are statements that the Ombudsman has made that if he was concerned about whether he would or would not be re-appointed, when one knows the way you are appointed, according to the Constitution and according to the Act which set it up, you would say sometimes he does not want to be re-appointed. But that is the kind of person we want in this country, someone who will speak up and say what he wants to say, and if the people who want to recommend you and support you for appointment are so thin-skinned, so lacking in courage themselves, let them be the persons to bring Barbados down to suffering as opposed to you because you are strong and you call a spade a spade.

I have great pleasure in supporting this Resolution, Mr. Deputy President, because I am a strong and firm believer that there is room for an Ombudsman in this country. I would like to see him expand some more and given the tools for expansion. I would like to see our young people have doors opened to them, but we have to remember there is room for those who are not quite so young, who still have the brilliance, the brains and the ability and the welfare of this country at heart to continue to give of their services, their wisdom and their expertise for the benefit of the country.

SENATOR A. MORRISON: Mr. Deputy President, I do not think I can add very much more to what has been said by Senator Inniss, but I should just like to respond, on behalf of the Government, to the allegation made by Senator Mottley about this administration employing old people, that it seems to be a policy of this Government to employ people well beyond their years. I do not know that that is so. The established Civil Servant still goes home at 60 years of age, except for the Auditor General who goes at 62 because of certain administrative arrangements. Many appointments in the diplomatic service - Ambassadors - have been well established over the years, but that does not involve employing old people. As a matter of fact, I do not believe that when the Labour Party appointed Moseley they were appointing an old man, and I do not believe that when appointments are made from time to time in the diplomatic service that we should regard that as the employment of old people, because they are all people who have made their contributions in various walks of life and according to the exigencies of the diplomatic posting at the time people have been given appointments.

It is not to say that we want an old man for a particular job. That is not the criterion at all. I believe when people are appointed to posts abroad, many more things are taken into consideration than the fact that they are old people or people who have retired. It is not true that we as a Government have a policy of employing old people. The Regulations forbid that, and except for Judges who go to 65 years of age... I believe that as the Judges become more and more in time to come, more people who have already made their contributions at the Bar and come into the twilight of their legal service would be eligible to enter on the Bench. When that time comes, I do not think that Senator Mottley will be saying that when certain people have been elevated to the Bench that we will be employing old Judges. If she thinks that, in the case of the Ombudsman, he is too old, all she needs to do is to send him a challenge.

SENATOR Miss M. A. MOTTLEY: On a point of order, Sir. Once again, I did not make any specific reference to the particular person who was appointed. What I questioned was a policy of Government for re-appointing retired persons. The use of the word "old" seems to have replaced the use of my word "retired".

SENATOR A. MORRISON: You not only said so, but you said anybody above 50. You do not seem to see that that is past the age of the present incumbent, that it is far lower. You have increased the whole width and breadth of what is "old" nowadays. I can only interpret your remarks in the context that over 50 years you are old and therefore, with all due respect to our elders, including your elders, we are all in one old basket ready to be dumped in the sea.

Be that as it may, Sir, I think that from her remarks alone she has had very high praise for the present incumbent, so I do not see the argument at all about retired men, when she has already said in here that Sir Frank Blackman is a very able person, that he has discharged his duties with a certain amount of fairness and integrity. He has even, as Senator Inniss has said, made certain remarks in his reports which would tend to suggest that he is a fearless operator, that he is not constrained by the political directorate at all, so I think a man with that kind of character is very suited to continue for two more years.

There are certain jobs in this country which must be held by people with experience. In this day and age when everything seems to be breaking down around us, the amount of violence there is in the society, we hear that the old axiom should come into play, that we need to go back to our first principles, the church to do its own part again in this society and the kind of instruction we received when we were children should now come into being so that people like Senator Mottley, who is still young, and who would not have been subjected to the kind of discipline which we would have had in our day...

5.20 p.m.

SENATOR MISS M. A. MOTTLEY: What kind of discipline were they subjected to?

SENATOR A. MORRISON: All kinds of disciplines. You are of a modern society where things have been flowing freely. They criticise anything. They can talk back to their elders and they can decide the powers that be.

Sir, I think that in conclusion the Governor-General has the right to inform this Honourable Chamber as soon as she had word that there was consultation with the Prime Minister and probably this is why we have this matter before us today. We would like to apologize for any tardiness and, in the meantime, no harm was intended.

With those few remarks, I would like to support this Resolution.

SENATOR Mrs. V. C. FRASER: Mr. Deputy President, I rise to support this Resolution. As I said, I am extremely happy that we are finding it possible to give our senior citizens who have served us well this opportunity. We must have a good mixture for this country to succeed.

I have nothing against the youth of the country. But I want the youth to understand that there are many people who have contributed to their upliftment because of their integrity and they do not wish to push the youth aside.

I have seen the post of Ombudsman, like Senator Inniss, as being one for a person of impeccable character and understanding in examining the situation. In other parts of the world, people are beginning to get senior citizens to assist in various areas where they cannot find young people. For example, in Canada, they have a group called the Grey Panthers. Some of these people are qualified accountants, lawyers, and in all fields of endeavours. But nevertheless their objective is to sit quietly and help the country go forward. I think we should be happy that this post can attract this kind of person.

I should like to make another point. I think the call-in programme's host can advise people how they can reach the Ombudsman. I think this is very important. I think it is very necessary if you are going to educate and communicate effectively that you should tell people how you can do something. It is time in this country that people come down from their ivory tower rather than criticise because our country has to go forward and it must go forward. It can only go forward if all the citizens realize that they have a serious duty not to pull down their country so that other Caribbean countries can hear that they are pulling it down.

The post of Ombudsman lends itself to particular complaints. I, like Senator Inniss, would like to see the staff expanded. I know it takes money. But nevertheless, I think that we need a little more tuning. In other words, I feel that there should be some programme dealing with various aspects of what the Ombudsman deals with so that the public is completely aware and will know how they can benefit as members of the public. I would like to see within the next two years that this service is better utilized and

people understand what their rights are. I hope the call-in programme hosts will advise the public to take their problems to the Ombudsman. There is no use in having this service if you are not guiding the person in the right way. I want to see the young people out there working with the Ombudsman so that everybody can make Barbados better.

Mr. Deputy President, it gives me great pleasure to support this Resolution wholeheartedly.

SENATOR THE HON. L. V. H. LEWIS: Mr. Deputy President, all I wish to say is that I believe that all Members of the Senate will respond and join with the Governor-General to appoint Sir Frank as Ombudsman. I listened to some of the complaints made and I certainly would not like to associate us with those remarks. I certainly will not equate that with the role of the Ombudsman. Even in the cases where they call in, one has to question whether the moderator has the competence as that of the Ombudsman. So to put them on parallel is another matter. There are Ministers and Ministers. There are ambassadors and ambassadors and there are good parents and bad parents, or neither good nor bad. I think that all of us will support this Resolution never mind the comments which were made.

We anticipated the little "digs" and say, "Better late than never". The fact that the matter arrived today and we have been appointed to this Honourable Senate is good enough reason for us to attend here. I beg to move that this Resolution do now pass.

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: I beg to move that the Senate do adjourn until Wednesday, July 31, 1991 at 11:00 a.m.

The question that the Senate adjourn was put to the Senate and agreed to.
5.30 p.m.

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7. The Broadcasting Authority Report, 1989-90.

8. The Barbados Port Authority Annual Report and Financial Statements for the year ended December 31, 1990.

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