
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

THE SENATE

Wednesday, March 2, 1994

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, March 2, 1994, at 11.15 a.m.

PRESENT

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

His Honour Senator J. J. PAYNE, (Deputy President)

Senator the Honourable L. V. H. LEWIS (Minister of the Environment, Housing and Lands), (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 State, Ministry of Tourism and Ministry of Economic Affairs), (Deputy Leader of the Senate);

Senator Dr. Frank W. ALLEYNE, G.C.M.;

Senator Miss Y. V. WALKES;

Senator Mrs. M. BARKER-WELCH;

Senator Dr. E. A. SIMMONS;

Senator Mrs. A. STRAUGHN, G.C.M.;

Senator Mrs. M. WALCOTT, S.C.M.;

Senator W. LeR. INNISS;

Senator the Venerable Archdeacon J. L. SPRINGER, G.C.M.;

Senator J. G. BELLAMY;

Senator J. A. F. COLE;

Senator T. E. BARKER;

Senator Miss M. A. MOTTLEY and

Senator T. C. BECKLES.

Prayers were led by Fr. Errington Massiah.

Mr. PRESIDENT: The Senate is in session.

SUSPENSION OF STANDING ORDER

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I beg to move the suspension of Standing Order 45(2) to enable this Honourable Senate to deal with a number of matters which are on the revised Order Paper and which would have been dealt with in the Other Place yesterday.

The question was put to the Senate and agreed to.

BILLS READ A FIRST TIME

SENATOR THE HON. L. V. H. LEWIS: Mr. President, I wish to move the First Reading of a number of Bills:

1. A Bill to grant the sum of \$5 160 994 from the Consolidated Fund and to appropriate the same for the service of Barbados for the year ending 31st March, 1994.
2. The Barbados Foreign Sales Corporation (Amendment) Bill, 1994.
3. The Road Traffic (Amendment) Bill, 1994.
4. The Mercenaries (Convention) Bill, 1994.

I beg to move that these Bills be read a first time.

The question was put to the Senate and agreed to.

PUBLIC BUSINESS

ORDER NO. 1 – THE OFFENCES AGAINST THE PERSON BILL, 1994

SENATOR THE HON. L. V. H. LEWIS: Mr. President, the Offences Against the Person Bill is one of a number of Bills which form part of the comprehensive reform of the criminal law which is currently taking place in Barbados.

This Bill proposes to reform the law with respect to offences against the person, excluding sexual offences which are now provided for in the Sexual Offences Act of 1992. The existing law was enacted in 1868 and since then it has had four amendments. Except for those amendments, the law remains largely unaltered since 1868. The Offences Against the Person Act of 1868 did not create the offence of murder. That offence has always been a common law offence, as distinct from an offence created by an Act of Parliament, but it did provide for the sentence for any person convicted of murder. Any such convicted person would be liable to be sentenced and to suffer death.

The Bill before us, Mr. President, was amended in the Other Place, but I propose today, on the advice of the Attorney General, to introduce additional amendments and I wish to give those amendments at the start. It is proposed that in clause 27 the existing paragraph (b) be deleted, because the offence provided for there is already provided for in the Police Act, Cap. 167, section 62, and as a consequence of that deletion of paragraph (b) paragraphs (c) and (d) are to be renumbered as (b) and (c).

A second amendment is proposed at clause 42. The penultimate and last lines of clause 42 are to be deleted so that the monetary penalty can be provided for. The words to be deleted are: "and is liable on summary conviction to imprisonment for a term of twelve months" and to be substituted therefor the words: "is guilty", so that it now reads: "is guilty of an offence which is triable on indictment or summarily."

Mr. President, in the Bill itself clause 2 provides and retains as punishment for murder the death penalty. Clause 3 abolishes the doctrine of constructive malice under whose application it is murder to cause death by an act of violence done in the course or in furtherance of a felony. This doctrine of constructive malice is also abolished if the killing is done in the course of resisting arrest or escaping from legal custody. Clause 4 makes diminished responsibility a partial defence to a charge of murder. The effect is that the burden of proof that a person is suffering from diminished responsibility is placed on the defence. Where diminished responsibility is proved, the accused is liable to be convicted of manslaughter and not murder. If a defence of insanity or diminished responsibility is raised

at any time during a trial the Court must allow the prosecution to adduce evidence to prove either of those contentions. Where an accused is found to be suffering from diminished responsibility instead of passing the usual sentence the Court may order detention at Her Majesty's pleasure.

11.25 a.m.

Many of the clauses, Mr. President, in this Bill, relate to existing clauses in the legislation which is still in force but there are some new provisions. Clause 13 is one of these new provisions and that clause creates the offence of manslaughter where the survivor or survivors of a suicide pact would under common law be charged with the murder of the deceased. The burden of proof that the accused was acting in pursuance of a suicide pact is a defence. Provision is made therein for definition of suicide pact.

Clause 14 consolidates the offence of infanticide with other offences against the person so that a woman found guilty of the offence is punishable as though she had been guilty of manslaughter of her child.

Clause 15 creates the offence of preventing survival. This offence is wider than the existing provision under section 14 of Cap. 141 which was limited to cases of shipwreck. The maximum penalty for this offence is life imprisonment.

Clause 18 creates an offence of rendering or attempting to render a person incapable of resistance in order to commit an indictable offence. A person found guilty of the offence or an attempt to commit the offence is liable on conviction on indictment to a maximum penalty of imprisonment for life.

Clause 19 is another new provision and it creates an offence of endangering life or safety. A person found guilty of the offence is liable upon conviction or indictment to a maximum penalty of life imprisonment.

Clauses 20 – 26 are existing clauses.

Clause 27 makes punishable specified types of assault. In particular, it creates the offence of assaulting with intent to commit an offence and is punishable on indictment, resisting arrest or obstructing a policeman or any person assisting such person in the execution of his duty. As I said earlier, certain amendments to clause 27 have been requested and I have already given notice of those.

Another new clause is clause 30 which makes provision for the statutory offence of kidnapping and a person found guilty of this offence is liable on conviction on indictment to the maximum penalty of life imprisonment.

Clause 31 creates the offence of wrongfully concealing or confining a kidnapped person and this is punishable in the same manner as the actual kidnapping.

Clause 32 creates the offence of wrongful confinement which is triable on indictment. The offences of defilement and abduction have been re-enacted respectively in the Sexual Offences Act.

Clause 34 creates the offence of unlawful compulsory labour which is triable summarily and punishable by a maximum penalty of 6 months.

Another new clause is 35 which creates and addresses the act of killing of the unborn child. The offence is performed by a person being a person other than the mother of the child who prevents a child from being born alive by act or omission which if the child had been alive and then died the person would be deemed to have unlawfully killed the child.

Clause 39 exempts from criminal responsibility any person who in good faith performs a surgical operation in circumstances where the mother's life is threatened and the performance is reasonable having regard to the patient's state of health at the time and all other relevant circumstances.

Clause 41 is a new clause which creates a second offence of concealment of birth of a child.

Clause 42 makes the commission of indecent acts whether in public or private an offence and the person performing such acts must wilfully and without lawful excuse or must act wilfully with intent to insult or offend another person. The penalty is imprisonment for 12 months.

There is an amendment to clause 42 to which I have given earlier notice.

Clause 44 is another new clause which provides penalties for offences created by this Bill where no other is expressly provided.

Clause 45 provides for aiders and abettors to be tried as a principal offence and Clause 46 for alternative verdicts.

Clause 47 provides for arrests without warrant.

Clause 50 provides for the repeal and amendment of the Act as set out in the Schedule to the Bill.

Mr. President, this piece of legislation has been long in coming but it is the response of the Attorney General's

office to concerns expressed over time about the antiquity of the earlier piece of legislation and the need to upgrade the existing laws in relation to these Offences Against the Person.

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

SENATOR W. LeR. INNISS: Mr. President, I rise to support this Bill. In supporting this Bill I wish to congratulate the Government in having brought this legislation before Parliament.

I am never one to say thank you or to show appreciation because you are late. I am saying that this Bill should have been before Parliament long ago but it is better late than never. This of course is part of the ongoing criminal law reform which has been taking place within recent times. We have seen an Evidence Bill. We have seen the Sexual Offences Bill and now we have the particular one which is before us.

As the Leader of the Senate pointed out this Bill with minor amendments has been in existence for over a century. Now, clearly, time has caught up with us and so many things have happened over the period that this Act has been in existence that certain parts of the present Act really, in a sense, make a mockery.

11.35 a.m.

In the year 1994 and a person – it happens very often especially in domestic situations – is guilty of common assault, lots of emotion around the courts, he is charged \$24 and sent home. It sometimes brings the magisterial system into disrepute because many persons, including some of those who have access to the Press, sometimes interpret this kind of action as: the magistrate has no sense of feeling for women who are beaten up. The magistrate is allowing men to get away with this and get away with that, not knowing that the magistrates' hands are tied because of the antiquity of the legislation and because the magistrate is not empowered to fine more than the law permits. That is just one example of what happens when legislation becomes antiquated. It makes almost a mockery of justice.

Only a few weeks ago we had the headline grabbing article of two persons, I understand there were males, who exhibited themselves in public view for the benefit of those ladies who wanted to pay to see them. After all the excitement and these persons went before the court, they walked away having been convicted, reprimanded and discharged. Some people made a hue and cry at how they went home with this small fine.

I am not dealing today with whether or not they should have been before the courts at all. That is not the point I am dealing with. But having got before the courts, the magistrate had no power in terms of imposing no

more than a \$10 fine on these persons. However the magistrate felt about it, unless he felt like imprisoning a person for a first offence, which one does not normally do except in very extenuating circumstances, the monetary fine which he could have charged is so low that it would have made no difference. Again, this is a result of time catching up with us. I would suggest that while Government is in the process of looking at reforms it does not now sit back on its laurels but continues to keep looking at other Acts.

There is an interesting section, to my mind, of what I believe is in the Police Act of something called "using insulting language to a policeman". That has never ceased to amuse me. Sometimes some people are brought before the courts and the only insulting language they have used is to tell the policeman "you old ugly policeman." In truth and in fact, if it were a case of libel or slander you only had to prove justification because he is really an ugly policeman. You could call the Chief Justice as much ugly as you like, once you did not do it in the face of the court. You can abuse the Governor-General if you want to be so disrespectful, or to any member of the legislature, but if you say a policeman is an ugly policeman, or a foolish policeman, even when he is displaying the greatest act of folly, it is an offence for which you can be brought before the court.

I am suggesting that is unnecessary. You do not need that to protect the policeman because you already have an offence of assaulting a policeman in the execution of his duty and if your behaviour is such as to amount to an assault, or is such as to prevent him from executing his duty, even without an assault, you can be brought before the law courts under that head so I wonder why the policeman needs such protection that you cannot even say he is foolish when he is, or he is ugly if he happens to be.

As you take a closer look, Mr. President, at the legislation before us, it is significant that we have retained in Barbados the death penalty for murder. As was pointed out by the Leader of the Senate, there was never any statutory provision for murder on our law books. It was always a common law offence. But the very fact that the lawmakers have gone to put it in writing and have it put on the statute book shows that the Government of Barbados is still convinced that murder must be met in appropriate circumstances by death. It goes to show that the Government has not been persuaded by Amnesty International or all the other internationals, that in spite of these internationals, Government has been responsive to the gut feeling of most Barbadians, I would suggest, who believe that murder should still be punished by death in this country.

I would say that you have to go a step further. If it is the law of this land, I am one who believes that the law of

this land should be carried out. It is not right to have any statute on the law books, especially if you put it there recently, or you re-enact it, and allow it to remain in abeyance.

If Barbadians believe that the death penalty should be abolished, and the Legislature goes along with that, abolish it. But if it is believed that the death penalty should not be abolished, then persons who are convicted should have the normal penalty carried out. This, of course, is having given them every right of appeal and making sure that their rights are not in any way eroded. It does not take away from the Privy Council the right to review the sentence and make any adjustments that are considered necessary. But, again, it makes a mockery of justice if we put laws on the law book for one reason or another, then we have the power to carry out those laws and we do not carry them out.

But, Mr. President, the reform of our laws is only one aspect of the administration of justice in the country because you can pass all the laws you wish to pass, if you do not have the manpower and the systems in place, then again the passing of the laws is a complete waste of time. For far too long the judiciary has been the "Cinderella" of successive Governments. Some people would suggest that spending money on the judiciary does not capture votes too easily. I would hate to think that is a reason. I am sure there must be some other good reason. But we have to look at the judiciary because if our society disintegrates, all the rest of money we are spending in other area is not being well spent unless we have certain things in place.

When I was a child, Mr. President, a murder used to make the headlines in the newspaper. Nowadays it can be hidden on any page and dismissed in three lines, not because the newspapers have changed, but because there is now nothing newsworthy about a murder. It is just another murder, like the other 10 that we had last month, or the month before, as the case maybe.

People used to line along Coleridge Street for a murder trial. Nowadays a murder trial, except there is something special about it in terms of who the person is, or who the victim was, attracts no more attention than any other trial. The striptease gentlemen attracted far more attention than any murder trial has attracted to this country over several years. The reason for it is because violence has now become an integral part of our society.

While I join with the sociologists in urging Government to find ways and means of dealing with the problem at source, finding out why persons are committing crimes, finding out why some persons are born in crime, and are raised in crime, and not only finding it out but doing all that is possible to ameliorate the conditions of those unfortunate persons. But while you are doing that

those who go afoul of the law must be punished and punished suitably. There is no reason to say that if a person has a contagious disease because you put him away, because you do not want him to feel like an outcast and you are going to put him in a hospital, while you are curing the disease, he has to be removed from society until he is better. I never see it as an either or. It is both. You look at the social evils that not cause crime – because some people would be criminals no matter where they were born or where you put them. If you take some fellows in Heaven they would try to steal St. Peter's shoes. But there are some people who are victims of their circumstances and while we are changing those circumstances we still have to make sure that those who commit crime are punished and punished adequately.

11.45 a.m.

What do we find today when it comes to the administration of justice? Not so long ago when the criminal assizes came around you would have the Assizes 1 month, 4 times a year and 1 judge. Now you have Assizes with 2 judges devoted to doing criminal work, the Assizes run for 2 months at least and at the end of that 2 months' period you find a large number of traversals, in spite of 2 judges sitting for 2 months each, we still cannot handle all the cases on the calendar. That has all kinds of implications and one of the implications is this that persons who live in a society like ours, when you are presumed to be innocent until you are found guilty, remain languishing in prison because for one reason or the other they are not granted bail. Through no fault of their own their case is traversed and they are sent back to Glendairy to await the next Assizes. That is not doing justice to what we profess. It is not doing justice to our constitution. Because I am one who believe in punishment of the unjust but I also believe that no person who has not been found guilty should remain languishing in a prison because of shortfalls in the system. The system must do justice to every citizen of this country.

We need to have more judges in this country and immediately. We cannot say that the price is too high. We cannot afford to ignore the price. I will not even today deal with any civil matters where a civil matter can take 4 or 5 years depending not necessarily because of the fault of anyone but if you set down a case it may take you 6 months before it even comes up, because when the backlog comes up you may find that there are 2 cases set before the same judge the same day – he can only do one, he is only human – and that case is further adjourned another 6 months and just by chance the third time, one person may just happen to be ill and through no fault of anyone a case can go on and on. When it goes to appeal, there is further waiting because the courts have not been equipped with the technological devices which would assist it in speeding up its work. It would seem, Mr. President that the

technological age has bypassed the judicial system in this country. I have said in this Honourable Chamber before that it is a disgrace that a High Court judge is still having a piece of pencil writing down what somebody said. It cannot cost a fortune to put technology at work. The whole system must be slowed down because you have to wait to make sure that the judge has written what was said. You cannot speed up the system. As a result you do probably half of a day's work in a day. With all the best will in the world, with everybody wishing to work you are slowed down.

We pride ourselves to be high up in the information industry. It is the same kind of technology. I am saying that it seems as though we are going to wait until the system breaks down 100% before we pay attention to it. I am not calling for any new hall of justice. I believe I would be wasting time. I am not calling for any appointment of an additional 6 judges. That would be absurd at this stage. I am only saying that even the number of judges that the law provides for should be appointed and that in itself would assist. I am also saying that some money should be spent on technology to assist the administration of justice so that we have a more contented public when they see that their work can be done with despatch instead of people sitting and waiting in anguish not being sure when a day of decision will come and sometimes some persons lives are completely disoriented as a result of a law suit. They do not know if to go forward or move backward. They wish to have that uncertainty from around them.

Before I sit, Mr. President, I would take this opportunity to make a call for our citizens to pay more attention to their civic rights and their civic duties. We in Barbados like to say the Government, the Government. We never think, as citizens that we have duties to perform. Our country has provided us with a wonderful opportunity to allow many men and women who are ordinary citizens to participate in the administration of justice and, that is, by jury service.

Jury service is a civic duty which every citizen who has the opportunity should be glad to play his part, not run begging for an excuse with little or no reason, not trying to avoid it but recognizing that there are certain things that the ordinary citizen in this society should be glad to do and play his part. Again their civic duty should not make it necessary for any laws to be passed to tell employers that you should not harass your employees when they are summoned to perform their civic duty. There are still some backward employers who threaten to dismiss employees when they are called up to serve this country as Members of the jury.

11.55 a.m.

But the blame is not all on one side. There are also some unreasonable employees who believe that they have an additional 2 months vacation leave with pay and if they are challenged every day or if they never sit on the jury they believe they have a right to sit in a law court and listen to cases and the employer must still put them on the payroll.

This is one of the unfortunate things in our country where there are still some employees who believe they must get as much as they can for doing as little and on the other hand, some employers who feel they must wring as much out of them and give as little as they can give.

We want to have a balance in this country and this is one example of it, where proper employers, without any kind of coercion should understand that one of the prices we pay for success is that we are able to have a business and do something for country, freely allow our workers to do their duty. Those workers must understand that when they are finished doing their duty in a particular day, it does not mean that after you sit on a jury and you go home at 2 o'clock, it means when you are excused at half past nine some go back home and go to the sea. If you are a carpenter, you go and build a private house. You should understand that you should go back to the employer and put in an honest day's work for an honest day's pay.

So, once more, Mr. President, I give my full support to this Bill and I hope that we will have many more like this before us, where we modernise our laws. I hope that my call to modernise the court system, to modernise the recording of evidence, to modernise the reproduction of evidence will not fall on deaf ears and all in all a combination of modern laws, modern technology and proper thinking among those whose duty it is to administer justice, Barbados will continue to be free and the type of country of which we can all be proud. I thank you, Mr. President.

SENATOR Miss M. A. MOTTLEY: If I did not know better, Sir, I would say that the three years that I have been in here and the fact that these boxes have never worked for the Opposition may well be an overall plan to silence us. But nevertheless I know that Your Honour has greater respect for our privileges than that therefore Your Honour will ensure that we have the freedom of speech at all stages in this Chamber.

Sir, I do not wish to make a long speech today. There are just a few points I would like to refer to, we having had a major debate in this Chamber recently on the criminal justice system. The one thing I would like to refer to today having recently called for reform and a comprehensive reform of our penal system, having recently called for a comprehensive reform of the administration of justice almost in like terms that my colleague, Senator Inniss, has just called insofar as the modernising of the

courts and the appointment of the judges as well as calling for the Assizes to be abolished and for there to be 2 judges assigned to the hearing of criminal matters all year round.

Having recently called for the increase provision of equipment as well as men to the Police Department, in particular the Criminal Investigation Department and the Criminal Records Office and to the exhibits room which unfortunately people work under the hardest and harshest of conditions and where the storage and maintenance of exhibits are kept in jeopardy because of the absence of proper conditions.

Having recently called for all of these things, not only two weeks ago, not only last year, not only the year before and the year before that, Sir. I would not bother to repeat that in here because I think the response to the call may well be as empty as it has been today.

I wish, Sir, this morning to focus on the question of people development insofar as the criminal justice system is concerned, because this Bill deals with offences of violence for the most part or the deprivation of liberty as it relates to people. Ultimately, Sir, the persons who are being affected are the victims and the accused. At the end of the day, Sir, unless there is some emphasis on people development within the criminal justice system, whether it is to pay greater attention to compensation for victims through the establishment of a Criminal Injuries Compensation Board, or whether it is to pay greater attention, Sir, to the causes that have led a person to commit a crime of violence against another person, I believe, Sir, our Government must look at the whole question of how do we improve the lot of the persons who have been affected whether they be victim or the accused.

Too often, Sir, we look, and I too in previous speeches have looked at the administrative and the clerical and the clinical setup of how justice works but at the end of the day we are dealing with people. We are dealing with persons who have suffered at the hands of another by way of being a victim whether it is an offence of violence or whether it is an offence of the deprivation of liberty, for example, kidnapping.

Mostly, Sir, that is not an offence that is known to our country although we see just south of us in Trinidad, increasing incidences of kidnapping. Perhaps, Sir, our small size is a blessing in that if you really kidnap somebody you really have to carry them outside of Barbados to keep them hidden for that long without being found.

Insofar as the accused persons are concerned, I have said in here and I repeat today. Last week, Sir, the intake at Glendairy stood at 682 persons. When I spoke in the Evidence Bill that came before this Chamber it was down below 650. Now, Sir, that was only a week's difference

between then and the end of last week. To the best of my knowledge there are 145 cells so you can work out, Sir, the arithmetic of how many people to a cell.

While, Sir, the Criminal Justice system has a duty to punish I believe that all of us will agree that they also have a duty, particularly for those persons who are re-entering society, to deal with some form of rehabilitation in respect of those persons. And more fundamental than that, Sir, to see why it is that those persons, particularly within the 15 to 25 age group, where the largest increase in crime has come recently, to see why these persons are committing crime.

Sir, an examination of the persons inside Glendairy would reveal an extremely high rate of functional illiteracy. While, Sir, I have not done a study and while I have not had the benefit of seeing the study which has been presented to Government by Catherine Miller on the corrective services in this country, although I believe the Shadow Minister in this area for the Opposition has made a request to Government for us to see a copy of that report, but we have yet to be honoured with sight of it. And while, Sir, the Opposition has made a number of calls for the establishment of a non-partisan task force on crime because of the importance which we attach to this area and those calls also, Sir, have had an empty response. When all of all of these things have happened, Sir, my own experience with accused persons would suggest to me that the majority of them not only suffer from the problems of functional illiteracy but indeed, Sir, in a large number of cases there are incidences of psychological problems and in some instances psychiatric problems and very often when one sends the accused person for a psychological examination which, Sir, is very difficult because unfortunately Community Legal Services has not included in its budget on a regular basis, provision for psychological and psychiatric examination although offences of murder and other offences of violence can be excused by defects of the mind by this very Bill. Although that is the case and although while we seek to provide Legal Aid, a lawyer cannot defend that person to the best of his or her ability without the assistance of that psychiatric and psychological evidence in most cases.

Only recently, Sir, we have seen in the Court of Appeal an Order or retrial for an accused person where there was psychological and psychiatric evidence available at the first trial and where the attorney-at-law never called it. The Court of Appeal quite rightly allowed leave to admit new evidence, that being the psychiatric evidence, which would have reduced the offence from murder receiving a sentence of hanging to diminished responsibility and receiving a sentence of imprisonment at Her Majesty's pleasure.

12.05 p.m.

While all of these things are the case, Sir, it is my contention that there are a large number of persons in this society who suffer from these defects and presently the corrective services, whether they be at Glendairy or at Dodds, are not adequately equipped to deal with them. We have also had difficulty in the Law Courts when it comes to the provision of prisoners receiving a condition of their sentence and imprisonment. We have seen a judge of the High Court order that a sentence for a rapist also has attached to it regular psychiatric treatment.

Sir, the new Mental Health Act which was passed a few years ago unfortunately, in my view, is deficient in a number of areas particularly as it relates to prisoners and the ability to treat prisoners for certain things. Sir, I believe as well there should be some provision for treating victims who normally go under extreme psychiatric and psychological trauma as a result of the crime. Too often unless they take their own initiative, which very often a lot of them do not, they continue to live a life scarred by these events and indeed, Sir, that may well affect the development of their children, families or other people they may work with. So that there is a broader interest in ensuring that victims as well have ready access to these services. While they are available through the Barbados Professional Women's Club which has set up the Crisis Centre for rape or at the Psychiatric Hospital, I think that Government has to have a systematic policy within its criminal justice system to ensure that these persons receive the benefit of this treatment as well as the accused persons.

Sir, I am asking, therefore, very briefly this morning that the emphasis in dealing with the criminal justice system include very much so, Sir, a greater consideration for the people in the system whether it is the accused or the victim. I am calling for the systematic establishment of a Criminal Injuries Compensation Board. I think the time has come not to ensure that they get millions of dollars, because that is not the issue, but that there be some form of compensation. Very often where an accused person injures another person in this country he or she is not in a position to compensate that victim, although the victim is entitled to sue for that. Very often, Sir, they are what the law refers to as "men and women of straw" and therefore they cannot receive that compensation. I think that Government needs to look at the establishment of a Criminal Injuries Compensation Board.

I am also calling, Sir, that in the light finally of Government receiving the National Commission On Youth Report in spite of the fact that it was ready for over 10 months, in spite of the fact that we in the Opposition raised it as a matter of utmost urgency since August last year, in spite of the handicap that Commission had to work under never having been given a Secretariat or never having been given funding to carry out the research properly, and in spite of the fact that ultimately they had to rely

on a number of papers which were done by associates, I believe, of Mr. Farley Brathwaite of the University of the West Indies or persons who gratuitously offered their services, what the Report tends to suggest is that there is a serious problem of unemployment among young people in this country particularly among women and particularly among the age group under 21 years.

Indeed, Sir, statistics released by this Government show that six out of every 10 young persons under the age of 21 years are out of work. Something must be done to ensure that these persons have access to some form of supervision, whether it is supervision in a school, in the Skills Training Programme, in the Polytechnic or whether it is supervision in community related programmes, cultural based programmes or sporting programmes. But the important thing, Sir, is that they interact and have supervision coming from other older persons who are capable of enforcing a regime of discipline and creating and inculcating in them a national sense of purpose and a sense of ethics that will lead them on the straight and narrow path as they go through life.
12.10 p.m.

To that extent, Sir, the work of the National Sports Council, the National Cultural Foundation, the Community Development Department and the Barbados Youth Service and other departments that may have some bearing on facilitating this form of supervision for young persons is critical. The study that Government has received that those young persons are indeed in crisis and are crying out for some form of structured activity that would keep them off the streets and keep Family Planning from being as busy as it has been within recent years.

One of the things that has perhaps been the result of structural adjustment, and which I cannot agree with this Government on their policy on it, is that there has been a systematic cut in subventions to a number of Non-Governmental Organisations who assist in this area, whether it be Family Planning Association, PAREDOS, the Red Cross or any of the other organisations that deal in the area of young people, on parenting and other social skills which are required in this society. The sad thing about it is, were Government to try and do the tasks that these Non-Governmental Organisations were doing, they would take up so much money from Government, and I believe that these NGO's are far better placed to carry out these tasks without having the cumbersome bureaucracy of Government, without having sometimes even the jaded perspective of Government, and to cut back on the subventions to these organisations that have provided yeoman service to this country is folly and is being penny wise and pound foolish.

I would therefore hope that Government see the question of the administration of criminal justice not only

in terms of the passing of legislation like this, but that they see it, as I said, heavily people oriented, and that they also see that it is far cheaper to provide funding for the community based programmes for the NCF, for the Sports Council, for the NGO's, to ensure that they play their part to the Barbados Youth Service, to ensure that they play their part in providing the adequate supervision of these young persons' time, given the current level of unemployment among these young persons, or given the current absence of adequate training and provision of skills among these young persons. This is information coming from Government's own study by the National Commission on Youth, and I would call on the Government to act as a matter of the utmost urgency in developing finally a comprehensive youth policy to deal with this issue, given the information which is now at their disposal and which has taken so long to reach here.

In 1991 when the present Minister of Finance set up that Commission he said it was a matter of the utmost urgency, that the youth of this country were in crisis and that Government deemed it so important that they were establishing a commission, they were even inviting the Opposition to put members on the Commission. All of that was done, but three years later there is no action but an increase in the crime rate. Indeed, Sir, 4 000 persons a year come out of school and over 60% of them remain idle. Look at the cumulative effect of that on this country. So I would ask that that youth policy be an integral part and parcel of the fighting of crime in this country.

I would only say in passing, Sir, that the Barbados Labour Party is currently discussing its draft youth policy and it is our intention to issue this policy to the country from the month of April and we will hope to have wide discussions on this policy. We do not expect that all the terms of the policy will be cast in concrete because for the very first time we think that this area is too critical and that we must continue the dialogue. We had a series of youth symposia throughout this country during the months of November and December, and one of the things that pleased us was that there was an extremely wide level of participation by young persons who were at first antagonistic when you went to them, but who subsequently, when they realised that they were being given an opportunity to speak, spoke freely and widely on issues of crime and violence, unemployment, alienation in the society, and we have over 20 hours of tape from which we have drawn a whole host of opinions. That, along with other members who are experts in this field, has given us the core of this draft policy which we are finalising now and hope, as I say, to meet and have wide discussions across this country with community groups, church organisations, schools with Government itself, if necessary, and with the other political parties, because without a non-controversial but serious and comprehensive youth policy in place, Sir, this country's development is

threatened, and that is how seriously we take the whole issue. So much so that we are prepared to put it out there, to have discussions and if we can be convinced of things that need changing, we are not afraid to make the changes.

With those few words, Sir, I would express support for this Bill. There is only one other thing I would like to put on record. I would echo the calls that have been made in the Other Place that the definition of provocation, given the advances that have been made in the case law, Sir, particularly in the case of *Director of Public Prosecutions v. Champlin*, that that really should have been encoded in our law and statute here rather than it just remaining a direction for the Judge to give. I believe New Zealand has taken the lead in that direction and I am sorry that we do not see it in our law here. I would only wish to say that this is the result of the fact that this Bill was originally drafted before 1980 when the Barbados Labour Party was in Government and unfortunately there have been no new adjustments or amendments made to it, but so be it. Perhaps, Sir, we might have the chance to amend it in the future soon.

Thank you, Sir.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Mr. President, I will have no recourse than to support the Bill, and it is not because I am happy with its provisions but because I see it, imperfect as it is, as a reflection of the imperfections in the society. I hope that we will see any laws we make as looking towards the future and not just ends in themselves, but that we work towards the day when there might not be any need for certain provisions that are within our laws. I see this one in the same light.

I would like to make a few specific comments, starting at the end rather than the beginning, Part VIII, dealing with indecency. It is good that we make provisions for this kind of thing. I think that Senator Inniss quite aptly referred to what has to be done in these instances but I would like to draw attention to what is happening on our beaches. It is still the case that there is a lot of exposure on the beaches to the detriment of the tourists we are trying to encourage to come on our shores. In some cases, the tourists themselves are guilty but I think some vigilance by the appropriate authorities on the beaches would help to control this kind of thing. I do not think that it is a good thing for those whom we have invited to our shores to have to complain that they are being threatened or harassed by young men who are making suggestive actions to them while they are trying to relax. So I see a need, not only to pass legislation, but to put in place the necessary personnel to monitor what is happening and then to be able to act upon the legislation we have passed.

12.20 p.m.

There is no point having laws and having them there, many people not even knowing they exist because we have not been very forward in trying to use our legislation as a deterrent by drawing to the attention of those would-be breakers of the law what penalties there might be for them. I said this in here before: that there is a need to use the legislation as deterrents and not simply to wait until something is done and then use them for punitive measures.

Also in this connection with the offences of indecency, there is mention in section 42(b) of persons who are guilty without the intent to insult or offend any person. I feel very sorry for those people and I think we mean here those people who get caught short and have to run behind a building or behind a wall or a tree and then are so unfortunate as to be either arrested – I believe they would be arrested – I am sure I know of at least one unfortunate man whose only offence against the law in his whole lifetime was that he was charged for this offence. I always wonder why we tend to see men more so than women. I do not know if that has something to do with the makeup of men, that they are weaker but I am not sure what is their problem. That would be the only reason I would have for asserting why this thing happens, but I do believe it is not because of any difference between men and women. But most of us see men.

Asides.

I am open to be educated on this matter. It seems that Honourable Members are in the habit of seeing both sexes in these situations.

What I would like to say, Sir, is that rather than putting up a penalty for people who have to respond to the call of nature we might need to look at the placement of our washroom facilities around the villages and especially around town and place them in such a position that they can be easily found. Some people do not know where to find conveniences in town. They are not very visible in terms of signs and whatever, so that is something we might need to do.

As I said in here before, Mr. President, I think that as a tourist oriented country we need to insist that the businesses which benefit so much from the presence of tourists and from local people shopping of course, must provide washroom facilities that are available to all so that persons, because they are identified as being local, will not have to run somewhere to find a convenience. It should be the law that such places should provide these facilities, have them displayed or advertised so that they can be found fairly easily and then after all of this when our people continue to break the law then you can deal with them according to the provisions of the law. But we must do something first before you can decide to find a person guilty of an offence if he cannot help himself.

My second comment is on part VI section 36(3)(b) which refers to the time that must elapse before someone can assume that the partner is no longer alive or around or available. I think this is a little inconsiderate because many people in my experience have found some difficulty and have experienced much inconvenience in trying to determine that the partner was not alive and it states here "and has not been known by such person to be living within that time."

It seems to me that if somebody has abandoned their family or their partner over a period of time – 7 years is a long time and perhaps too long – but even if we accept 7 years then that partner should not have the burden of trying to prove that the person is no longer living. This is abandonment of a family, and much of this has happened, has brought a lot of pain and heartache to our people and some are not aware as to what process they have to go through to bring the former marriage to an end.

At times we have had the difficulty of people waiting for a period of time because they understand that you must wait for 7 years or whatever it used to be and then go into another union without having gone through the process of divorce. And there are several people in Barbados who are in that category and it is very unfortunate because in due course you could have some problems – I am sure the lawyers will agree – in terms of inheritance and rights of children.

I believe that there needs to be something here in this provision which makes it shorter and easier for the dissolution so long as there can be the proof that the marriage has broken down due to the absence of a partner. That is one of the questions I have.

My other comment, Sir, has to do with the provision for capital punishment. At the very opening of the proposed legislation Part I Section 2 says:

"Any person convicted of murder shall be sentenced to, and suffer, death."

I say that I will support the proposed legislation and I will do so because I see it as it were, as a way station, an instrument to try to preserve order in our society but that it is not the ultimate because for me, any taking of a human life is repulsive and I would go so far as to say it is contrary to Christianity. We will have to determine what basic code, political code or organisation, we have in which we base our laws. They are not to be seen in a vacuum and we see that in that context there are other models. Ours is not the ultimate.

For example, Sir, I am aware of a model discovered or researched by Roger Turnbull some time in the 60's based on a society in the Congo and the work was called the Pygmies of the Congo or the Bambuti peoples and it

was an attempt to show that a so-called primitive society could be more forward looking than these very developed societies in which we live in that there were no prisons and there were no penalties prescribed in this way. Whenever someone broke the law, quote unquote "law", so to speak, that person was isolated by family and friends and had to eke out his own existence somewhere regardless of his age. 12.30 p.m.

In other words, we would say in Barbados that men who were guilty got chased away by their wives and that was deemed to be the worst kind of punishment that a person could receive. Now, I am saying that a primitive society discovered that this was a way of doing things. The emphasis in this case was not on the punitive but on rehabilitation. For, the moment that the person admitted the error of his ways and was prepared to come back and beg forgiveness and make amends, the first thing they would do is have a party and give him food, feed him and reintegrate him into the society. It apparently has been working in this society and therefore capital punishment in unknown among the Pygmies of the Congo.

Now, that is one model. We might tend to base ours on other models. For example, I hear people on the call-in programmes arguing about an eye for an eye and a tooth for a tooth. What they do not seem to realise is that christian theology says that is wrong. It does not accept that. That is Jewish-Hebrew theology, Old Testament theology where Moses apparently, because of their imperfection and hardness of heart, as Jesus said, allowed this kind of thing to happen. So an eye for an eye and a tooth for a tooth was what they did. But Jesus himself says, love your enemies as the answer to it. If you want to see what is the Law of Moses read St. Matthew Chapters 5, 6 and 7 known as the Sermon on the Mount in which all of that Old Testament theology had been overturned and the basis is love. Now, I say you might say this is just theorizing; yet, it might well be that but we need to work towards what a christian setting demands of us, imperfect as we are at the moment, rather than deciding that another society says that someone has killed therefore you kill that person, somebody has lost an eye and you take his eye – for this is the sort of thing that also obtains in the Islamic society. Islamic law demands that people be stoned to death on the spot.

Now, we came close to that in the law of the Wild West, the law of the jungle where people would react and the lynching mobs would take over. What we have now is a progression out of that state and I hope we are continuing to progress and will never accept that it is right for any human being to kill another.

Sir, whenever I hear that somebody has committed an atrocious crime that takes the life of another I am

driven to tears from time to time. I find it a very painful thing and I know some of my friends and relatives have had some traumatic experiences as a result of crime around our small society. But whenever I hear that someone is going to the gallows I am equally driven to tears because I cannot see how it could be right for the taking of a life to be all right in one instance and to be wrong in the other. For me this is a dilemma and because of the imperfections, I am able to accept that we have to do something to curb the situation and try to move on. That is the problem that I am having with this kind of perpetuation of this legislation.

I do hope that while having the penalty and calling for the fairly quick death of people who are guilty under the law – and the law must be obeyed – that we would be doing everything in our power, and I would like to throw this out as a call, not just to Members present in this august Chamber or to legislators, but mainly to citizens and Christians out there who I hope will hear my message, that all of us have something to do to bring the brother and sister to the level of maturity and the level to accept the sanctity of life that we will be able to remove these atrocious crimes from society. This might well be a voice crying in the wilderness, but I think that in our small society much more can be done to bring us closer to the ideal situation.

Meanwhile, Sir, I have to agree with Senator Mottley in her call. I had made a note myself on compensation. I would simply, at the risk of even possibly touching on what she has already mentioned, say that when there is some criminal activity, a whole lot of people are affected, of course, the criminal as well, but moreso those who have been the objects of the crime, there is usually some traumatic experience where there are partners in a family and children whose households are involved. If there is, for example, a murder the loss of a loved one there is the loss of income. There is the loss of the family security. There is sometimes the loss of proper housing because they cannot any longer continue the mortgage arrangements. Just to say that the way to deal with this is to take the murderer and hang him and leave the other people there to me is totally unacceptable in civilised society. We must have some form of responsibility to those who have been affected by the trauma as part and parcel of the whole settlement of the affair. There must be that.

I would like, Sir, to add to that too, those who have been wronged by wrongful arrest or wrongful conviction and then have been found so to be, that compensation for them should also be adequate. It cannot be fair that a person can be incarcerated for a period of time and then one day to be told, sorry we have made a mistake and you let the person go. That is not fair so we need, I agree with

Senator Mottley, to look at all the other areas of compensation to ensure that what we stand for is justice.

I would close, Sir, by saying two things. One is that I am sure that there is no civilised way to kill anybody. There is no Christian way to do it. Secondly, today that because we are imperfect human beings, and in the interest of law to maintain security in our society for the time being I would have to support the legislation.

Thank you, Sir.

SENATOR Mrs. V. C. FRASER: Mr. President, in supporting the legislation, I would just like to look at it broadly and pick out specific things. However, the first thing I would like to say is that I hope that this bit of legislation will be widely discussed and people would be able to understand it. Now, I am not going to put the responsibility at the Government because too often we believe that when things are to be discussed in this society the only people to discuss them are Government officials. I do not believe in that.

I believe that copies could be sent to the PTAs, the Mothers' Unions and to all the various churches and church groups so that they get a clear understanding because over the months you have been hearing people blaming this particular Bill. It has not been passed yet. This has not been done. We do not have these laws on our Statute book and therefore it is extremely essential for the public to be aware of what is there and what is not there. People make a number of mistakes then to find out that the law to back up their mistakes is nowhere there on the statute book. On the other hand, some people are doing the right thing but yet there is no law there to back them up.
12.40 p.m.

In recent times we have been hearing a lot of this where even with the case of people who were stripping, they did not have the laws to back up certain situations. I think that people should be made aware of whatever are the consequences they will suffer as a result of breaking the law and under which Bill or Act it falls.

I am concerned like quite a few people in our society for the young offenders who have not yet gone to prison or may have gone to prison for a short time and come under the fold of those people with whom they might be sharing cells. I think this is something that we need to look at very seriously and perhaps we could have a place for young offenders but they must work. If there are chairs to be built for this Chamber, they must be taught how to do them and produce these things.

I think we have too many people in prison who are sitting down in prison eating and drinking and not doing any valuable work, coming back into the society. We have a lot of things that schools have to employ extra

people and have a burden to pay them because sometimes you do not have the money passed anywhere. You cannot look anywhere in the Budget and find that money.

I feel that the young offenders can be put in a different setting but a setting where they have to go out there and do public duty. I also feel that way about those who are presently in prison.

I cannot agree with some of the things that were said about people committing serious crimes killing people and then they should live. I do not think there is any Biblical foundation for that. Because as you read through the Bible clearly you can see that when people performed wicked deeds Jesus destroyed cities, he destroyed people because of the wickedness. He never made any fun. I remember when he told Paul in Apollo shake the dust off your feet and go along, I am going to deal with those people. The next thing you know many of those people were dead. If people are saying as in the days of Noah so shall it be, Jesus decided I am going to destroy them, go ahead Noah and build the Ark. I cannot understand how you want people now in this modern day society...

Aside.

SENATOR Mrs. V. C. FRASER: God. He was not born yet. We know that. But I am saying that in this society if we are basing it on the Bible we must look at what happened in the Bible in order to answer our queries and questions about the way that the society operated against criminals of that time. It is vitally important. If you look at what I think Senator Mottley mentioned – and I am concerned about that – the overcrowded prison we have here in Barbados and how that can affect the justice system...I mentioned just now the question of work. I feel that these people will have to go out to do certain jobs. They would not be in there making mischief to other people and also teaching other people how to make mischief.

There are a lot of things in the society that we can save money on. Whenever we talk about employment and unemployment, there is a lot that we can do within these systems to get some employment for these same young people who are first offenders and whatever to prevent them from going back into the same state. I do not feel the place for those young people is Glendairy. I feel we need a home for these young people where they can learn to sustain themselves. There is a lot of talk about self sustainability and so on where they would grow their own food, they will build their own houses, they will do everything that they are able to do to maintain themselves. I think this is the kind of thing we have to look at. We will have people going and lecturing to them about character

building and development and helping them along the way. But as I said, Mr. President, I would like to see the Bill explained completely to every single Barbadian. I do not want people to put the onus on the Government and let it sit down there. We have a serious responsibility to our own country through the many and varying organizations in Barbados. I think we are always talking that the Government would not give this person this and the next and the third.

There are people in this Senate who can attest to the fact. The Central Council of Day Nurseries in this country ran with little money. I with my little self used to go walking around collecting money and selling tickets. May Hall and people like that keeping their Spring and Contemplation Concerts. They ran day nurseries and took care of people's children. They ran feeding centres. It is only now that some of these organizations are getting subventions from Government. They have not grown up being accustomed to any subvention. I thought that when they were not receiving subventions, they worked much better.

I know when the Girls' Industrial Union was not receiving a subvention from Government everybody used to teach. From the time you entered Mrs. Simmons would say: "Look I want you to teach this class next term for free." People taught as a joy. But from the time the Government started giving a little subvention everybody would jump in and say: "I want to teach this class" because they were being paid a little subvention. I think sometimes this subvention spoils people and they do not move the way they should. I cannot say that we get any subvention in the National Development Foundation. We have to work for what we want. If we borrow money from other sources we have to pay it back. But it makes us a more independent people. It makes the people who borrow the money understand that they have to pay back that money, if you want to help other members of your society.

I think we need to look back again at this. Stop talking about the subventions and let us look and see what Barbados wants me to do for it. Ask yourself that question: What can I do? Am I a joiner? Am I a carpenter? Am I a mason? Will I go and offer some assistance in some area? Mr. President, I think that is the way we should go. But I must stress the point that this Bill is so important to the society that it must be widely voiced, discussed and people should be able to ask questions and even give some comment on it. It is that important.

Thank you very much, Mr. President.

Mr. PRESIDENT: Senator Cole.

SENATOR J. A. F. COLE: Mr. President, it goes without saying that I rise to support this Bill. I under-

stand and I see it very plainly that this is just one part of our ongoing effort to become a perfect society.

Senator Archdeacon Springer is concerned about the fact that taking a life for any reason is not a perfect situation and I think we all agree with this. But I think we are at a certain point of our development and we must recognize where we are. As time goes on, we will take a step further and we will have different laws then but for the time being let us not get into too many complications and let the true meaning of our laws be easily understood. After all I think we are still on earth and we are going to be here for a little time and it is a long process – as a people – getting where we would like to be.

We have heard some very good presentations along the line but I would like to highlight a few. Perhaps this is a precis of what many people said this morning but we have to invest more in our justice system. That is a very broad statement but I cannot help feeling that a lot of people see justice in Barbados and the carrying out of justice and all the rest with it as words and words and just words. It has to be more than words.

12.50 p.m.

This violence which would include murder or taking a knife or a gun to someone is almost becoming a cultural thing. It is accepted. It is no big thing. This act of taking a dangerous weapon to someone has to be seen as a horrendous crime because the other step of murder is just a flash away. Taking a knife or gun or dangerous weapon to someone is a major crime and it has to be dealt with firmly in court.

The message of the court must be clear and well publicized. We cannot print brochures and send them all over the island telling people what are the laws of Barbados. Ignorance of the law is no excuse for a crime but someone has to send a clear message when serious crimes are committed. We cannot always rely on the newspapers to do this because in the newspapers sometimes the criminal is portrayed as a champion and a hero. So the courts will have to take over the job of sending clear messages, and we have to help them by keeping our laws up-to-date, and let them see that we are investing in the whole justice system.

I think it is not clearly understood by many people in Barbados that while we are not going to talk about taking an eye for an eye that the punishments which the courts mete out will bear some relation to the gravity of the crime.

Now, as you say, many of these laws are updates of what was considered suitable punishment of 100 years ago.

This is how it should be. The world has changed. The laws now have to be updated and to be seen to reflect what is happening in today's world.

The Bill starts with punishment for murder. If we have the guts to acknowledge that murder must be punished severely and we have the guts to draft and put into law certain sentences, we have to have the guts to carry out these sentences otherwise they are seen to be just so many words. We have become a sophisticated and complicated society characterised by words, not actions. If we have the guts to put these laws on the Statute Books then we have to have the resolve to carry them out and be seen to be carrying them out. What is another old adage? "Justice delayed is justice denied". It is the same today. This is no new ground I am breaking here.

We have to have the good sense to realise that a lot of people are disadvantaged now and some of the disadvantaging is not of their doing. They are out of work. They are unemployed. They have been trained to high levels in school and now they have no areas to expend their energy and time on a daily basis they will get into trouble. We have to recognise this situation and we have to spend and invest in this area.

There is no doubt in my mind that the services offered at Glendairy Prison are more comfortable and more rewarding than some of the services offered at many of the homes of some of the inmates of that institution. It cannot go on that way, Sir. When you go to Glendairy you should have a problem and it is not now seen in that light by many of the people who inhabit that institution.

Sir, I do not have much more to say except that we are trying to remove crime from our midst and we have to have tools to do it and this bit of legislation is a tool. I want us to take the tool box to work and not leave it there unopened. These laws go to a great deal of effort to explain how, if you kill someone, you are not necessarily guilty of murder. However, when you are found guilty of murder the law's instruction is clear and we have to have the guts and we have to put those people in place who will see that these instructions are carried out. Thank you, Sir.

Mr. PRESIDENT: Senator Barker.

SENATOR T. E. BARKER: Thank you, Mr. President. I just want to make a short intervention here. First of all I support this Bill and I support the Bill in its entirety. I support the second clause which says that any person convicted of murder shall be sentenced to and suffer death. I support that because I consider it my christian duty so to do. I am very clear on this. It is my christian duty to uphold God's law and it is now Moses' law because, Sir, the first instance we see where the death penalty is

prescribed for murder was after the flood in Noah's time. It had nothing to do with Moses. This was God himself after the flood, in prescribing order in society, said that if you take a life, by man shall your life be also taken. That is a biblical principle which has nothing to do with Moses but it was God's law because He realised that when a man takes a life he is polluting the land and the land will remain polluted unless retribution... And retribution is important. If you wilfully take another man's life, God, not society, God himself demands that the rest of society collectively decide to take your life because you have no right taking away that which you cannot give in the first place. I am clear on that and to go other than that is, in my view, to go against God's law and I will not go against God's law.

Aside.

SENATOR T. E. BARKER: Yes, I am and proud of it too.

Sir, the death penalty is not only about vengeance it is also about prevention. Sir, a few years ago, I think this was the late eighties, because of our signature to a convention a law was passed in Barbados which basically meant that any person who kills and is under 18 years old, will not suffer the death penalty. Sir, it is no coincidence that as soon as that law was passed we had about a dozen under eighteens who killed. Is that a coincidence? I do not think it is a coincidence but it can be checked. I am sure it is about a dozen. As soon as that convention was ratified by our Parliaments it seemed to give a licence to kill. Sir, as I said it might be a coincidence, I do not know. I am just stating a fact. The message was sent, Sir, that we no longer think that murder, the taking of a life, is so serious a crime as to warrant the ultimate in penalty.

Sir, I am told that whenever there is hanging or threats of hanging the criminals in Barbados all keep quiet because, Sir, nobody wants to lose his life that is why God in his ultimate wisdom decided that if you take a life you have to forfeit yours. It is prevention. I am saying, Sir, that like Senator Springer, I feel strongly when a life is taken. A couple of years ago when it was decided to hang a few murderers in Barbados although that was aborted the Sunday I felt extremely hurt. I felt the pain even although they had committed the crime because like John Dunn, Sir, every man's death diminishes me so I am involved in mankind.

1.00 p.m.

Sir, the pain was even more acute because I happen to know one of the murderers and I know his family because they came up in a village which was not far from Mahaica where I was born. I felt very, very badly that here were three young men who were about to lose their life. I

imagine how worse the victims of that crime would have felt when their father, grandfather, uncle or whoever suffered through no fault of his own. He just happened to be at a certain place and out of the blue some young man came and killed him. I can imagine how they must have felt. While I felt for the murderer and I must because I am still a human being and every life is important, I recognize that we have to make sure that other young boys and girls will get the message that society abhors violence and will use every legal and Christian means to ensure that violence is eradicated from our society. I feel very strongly about it because I do not like to hear that a murderer is being hung. Nobody takes pleasure in that. Who takes pleasure at another human being losing his or her life? You cannot take pleasure in it, but at the same time God knew what he was doing when he said that if you take a life you have to forfeit yours. He knew what he was doing and we are seeing the evidence of man trying to change God's laws. All the crime we see today is in some measure or a direct result of man trying to say that God did not know what he was doing. I know better so therefore I will change God's laws to suit my own thinking. But God's laws, Sir, must be supreme.

Sir, I want to touch on another point. It has been stated that three quarters of the violent crime are committed either by family members against one another or by people who know one another. I have not checked the accuracy of that claim. Sir, we know that there is a lot of violence in the home among friends and we see evidence of it in the Law Courts day in and day out. Not too many strangers kill one another. It does happen but not too many. The bulk of murders is committed by people who knew one another. They were either friendly or related in some way before the incident took place. We have to look at the root causes of this violence in our society.

Sir, we know that the Bill cannot really prevent that sort of thing, but this is where the church comes in. The church has to go about now seeking to preach a message against violence in any form. This has got to be our calling because our society is too violent. At the first case of any disagreement, one says I am going to stab you and do this or that without reasonably understanding that there is going to be conflict among brothers or sisters. We must find ways of dealing with this conflict without resort to violence and killing and so on. This is our biggest challenge how to get across to people that conflicts can be tackled without resort to knives and to guns and these sort of things. Sir, they should come in here and see that we have conflicts.

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order, Sir. I do not have any conflicts in here. I believe that Senator Barker should speak for himself.

SENATOR T. E. BARKER: Sir, I mean political conflicts. We argue about things and we disagree on things but at the end of the day we recognize that we have a

difference of opinion and we will settle it as friends and human beings should. We can agree to disagree.

Sir, we have got to pass the message on to the society that just because you have a disagreement that you do not have to look for a big rock or knife or whatever. We have got to settle our conflicts differently. That is why we have the penalties here. It is all right to say that you are going for a rock or whatever, but you are going to have to pay for your action. In almost all cases, the murderer is extremely sorry for what he or she has done because in most cases it was someone that he cared for in some way or another. We have got to spread the message of prevention. I think, Sir, our sociologists now need to give us some more research into the reasons for this violence. Because I cannot really understand the sociological conditions which are giving rise to this violence.

Sir, Barbadians was much poorer before but people did not resort to these sorts of things. I do not believe 100 per cent that crime is rooted in unemployment. I do not really believe that. I believe that it is something more fundamental in the way how we view human life. It just came to me, Sir, that in the late 1970's I was just driving along and I blew my horn and the persons in front of me ignored me completely. Here I am driving my car and I blew my horn because they were walking in the road and they ignored me totally. The person sitting next to me gave me some very pathetic words. He said that the same way that they do not regard their own life, they would readily take somebody else's life. They had no regard for their life because I was driving a car which can injure or kill them. So I am saying that the words of the person came back to me that because they do not view their life with any seriousness, they would at the drop of a hat take someone's life. That is why I said before that we have to make sure that the death penalty remains on the statute books by implementing it in a just and timely fashion. We must send the message that we cannot wilfully take a person's life just like that and just escape the penalty, not that the state subscribes, but God himself has subscribed.

Sir, one last point. Since I am all for capital punishment unashameably, I want the Police Force to use better methods when it comes to detecting crime. I am a bit annoyed that in too many cases the only evidence that the Police has is a confession and every time in Court we hear that the criminal has a standard defence that the Police beat me and made me signed. In some cases it may be true. I do not know. But the point is that we have got to get better policing methods so that there is other evidence on which they can convict the individual rather than just relying on a signed confession. I am not sure what the problems are, but I am a little bit apprehensive when I read that the only evidence they have in most cases is a confession. Maybe the Police need better equipment. I do not know. Sir, I noticed in another Bill which we will discuss later that we

are putting more money in for police services. Probably we can discuss that then.

Sir, with those few words, I want to support this Bill. Thank you.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, so much has been said that I believe that all I am required to do now is to move that this Bill as amended be read a second time.

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

SUSPENSION

SENATOR THE HON. L. V. H. LEWIS: Sir, I beg to move that this sitting be now suspended until 2.25 p.m.

The question that this sitting be now suspended until 2.25 p.m. was put to the Senate and agreed to and Mr. PRESIDENT accordingly suspended the sitting.
1.12 p.m

RESUMPTION

Mr. PRESIDENT: This sitting is now resumed.

On the motion of SENATOR THE HON. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, His Honour SENATOR J. J. PAYNE in the Chair.

Mr. CHAIRMAN: The Senate is in Committee.

Parts I and II were called and passed.

Part III as amended was called and passed.

Parts IV to IX inclusive were called and passed.

Clause 1 was called and passed.

The Schedule was called.

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

The question was put to the Senate and agreed to.

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

On the motion of SENATOR THE HON. L. V. H. LEWIS, the Bill was read a third time.

SENATOR THE HON. L. V. H. LEWIS: I beg to move that the Bill be now passed. In passing, Sir, I think we need to note that the Bill will be returned to the Other House because of the two amendments made here. I beg to move that the Bill be passed and be cited as the Offences Against the Person Act, 1994.

The question was put to the Senate and agreed to.

ORDER NO. 2 – THE APPROPRIATION (NO. 3)
BILL, 1994

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, this Bill seeks to grant the sum of \$5 160 994 out of the Consolidated Fund and to appropriate the same for the service of Barbados for the rest of the financial year ending March 31, 1994.

This is the third supplementary provision being sought this year. As I have been saying during the debate on the other two appropriations which preceded it this year, these funds do not represent additional expenditures, that is, the total figure will not be improved, but rather savings will be effected from other Heads so that these monies can be expended under the following Heads and in the following amounts:

Head 25 – Ministry of Agriculture, Food and Fisheries	\$1 373 522
Head 28 – Ministry of Justice and Public Safety	1 950 763
Head 36 – Ministry of Health	1 000 000
Head 37 – Ministry of Housing, Lands, Community Development and Culture	806 828
Head 42 – Ministry of Public Works, Communications and Transportation	29 881

The breakdown, based on functional titles, Personal Emoluments will account for \$222 269, Goods and Services \$1 037 328, Current Transfers, which include grants to non-profit agencies, Subscriptions and Contributions \$834 100 and Capital Formation \$3 067 297.

Mr. President, I have said during earlier presentations of supplementary requests that the Financial Rules need to be revised. We have taken the first major step to ensure that we have more timely debate rather than awaiting the Final Appropriation Bill at the end of the year, as promised during the debate on the Estimates last year. However, when we consider the cost involved with the supplementary provisions which are being requested on an ongoing basis,

I believe that in the reforms now being considered by the Ministry of Finance we could even improve the system of accountability and reporting if certain steps were taken.

In the last classification of the expenditures we discovered that Capital Formation will account for well over 60% of the total requests being made, \$5.2 million, which is close to 60% of the requests. I have said this in here before. This would have been treated as an asset and not as an expenditure during the time, because the life of the items here will far exceed one year. The only part of this which will be a true expense will be that part which is expended during this coming year, so in reality this would be a saving, that is, funds already appropriated for expenditures not being used for expenditures as such, although outflows, but rather being used to increase the asset base of the country.
2.35 p.m.

In addition there are some other areas if we are to reduce the cost of administering the budget and reduce Government's cost while at the same time ensuring that there will be greater efficiency in Government those people in trust, the consultants who are now looking at this I understand will be given consideration into matters such as allowing the respective Ministries to have some sort of latitude between 10% and 15% of their budget to move funds around – I believe that under other systems it is called Virement – to allow savings – any savings effected during a given year, to be carried forward.

What happens currently, Mr. President, is that come March, the last month of the financial year, there is a mad scramble to spend all the monies allocated because for the next year when you get to the Estimates Committee you hear that you had x amount of dollars last year and you did not spend all therefore let's start with what you spent. As a result, there is a lot of unnecessary expenditures taking place in the first year and I do believe that if a department is allowed to keep the savings which it has generated in a given year we could have more effective use of Government's monies.

In addition, I do believe the Minister of Finance should be empowered to allow a department to vary its expenditure by as much as 20% without having recourse to Parliament as long as that expenditure takes place within the total funds allocated for expenditure in the year by Parliament. That is, it will not be an increase in expenditure for the given year but rather changes taking place from one Ministry to another – intra-Ministries rather than inter-Ministries. Intra-Ministries should be allowed to change their allocations up to about 10% to 15% but inter-Ministries should take place with the approval only of the Ministry of Finance up to about 20%. Any

overall increase in total allocations should then find their way to Parliament for parliamentary approval.

Finally, I believe that we should take recognition of and give effect to the treatment of capital expenditure not as expenditures during the period but only using that part of the life used up or the depreciation on those capital estimates should be taken into expenditures during the year. Failing to do that, tends to overstate expenditures in any given year and also leads to certain carelessness in accounting for Government's assets because you have already treated it as an expenditure and whether a normal life of 5 years now disappears in one year there is no need to go back and check. On the other hand, if there is a given life stated and it is used up in that life or you have to replace then of course there is greater care and accountability.

These are just some suggestions which I hope the accountants and consultants who are looking at the review of the financial rules will consider because they can save money and lead over time to much greater efficiency in Government expenditures.

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

SENATOR Miss M. A. MOTTLEY: Mr. President, there are 2 areas in particular which I wish to raise in respect of this Supplementary Appropriation Bill but before I do so to say at the outset that it is perhaps strange that Government should be coming this close to the end of the financial year for a supplementary appropriation in the sums which we see here. I believe that Senator Barker will deal adequately particularly with the large sum that is being requested by the Ministry of Agriculture for the Barbados Agricultural Development Corporation.

I want to raise one or 2 administrative things before I start. There is a sum here for \$806 828 for the Ministry of Culture and it is under the Head as stated for promotion and grants to non-profit agencies. Now Sir, the major non-profit agency in culture development in Barbados is the National Cultural Foundation and it is a source of great concern especially since the National Cultural Foundation continues to breach the laws every year by failing to produce to Parliament a report showing the sums of money that it has received, that it has spent and generally being accountable to Parliament for the sums it has received from Parliament.

But what is a source of concern and I hope that Government can do something about it in the preparation of Estimates even if it is not done for this financial year is that no where do we know specifically how much money is ever granted to the National Cultural Foundation on a yearly basis and I believe, Sir, for an agency that is critical

to this country's development as the NCF that there should be a specific provision for the sum that is granted to the NCF because the grants to non-profit agencies include other agencies as well not only the NCF. If in fact it is Government's practise as it has been with subventions to other Non-Governmental Organisations to exclude subventions to them then that therefore is all the more reason why object No. 315 should be amended to read grants to the National Cultural Foundation.

But the point I am making is that this Parliament is unaware of the specific amount that is granted to the National Cultural Foundation on a yearly basis. This is confounded by the failure of the NCF to comply with the Act which establishes the NCF to lay reports.

Now, Sir, I am not seeking to place blame on anybody. I am just asking for it to be remedied because you cannot have a statutory organisation receiving money from Parliament. Indeed, I would venture to say that the NCF receives more than a million dollars a year, receiving that on a regular basis and nobody knows how much they get and indeed, Sir, I wonder if the people at the NCF know how much they get and how much they spend as well, especially listening to the former Minister of Culture yesterday who has clearly articulated that the National Cultural Foundation has been the subject of some of the worst management of any statutory organisation in the history of this country.

Now, Sir, Parliament cannot continue to finance that, if that is the case. I would say, Sir, that it is my understanding that the first 2 reports were prepared before the Barbados Labour Party left office. The reports were actually finished and have never been laid. I would also say that I believe and I really don't want to apportion blame to anybody but I believe that the time has come to ensure particularly given the type of speech and the warnings from the former Minister of Culture... It is a pity that he is no longer a Minister, because if his speech was any indication of what he was trying to do it is a pity. One would hope that these reports reach Parliament before the end of the next financial year and I would venture to say in the absence of that perhaps some sort of stringent measures eventually have to be taken.

It is true, however, that I understand that for the last 2 years the Government of Barbados and in particular the Ministry and Minister of Finance has exhibited the clear lack of confidence in the National Cultural Foundation by ensuring that the National Cultural Foundation receives no other money in the Estimates last year other than for the Statutory Personal Emoluments, and other than for wages of persons employed. Now, Sir, from an agency that is charged with the cultural development of this country, that is charged with ensuring that developmental programmes

are placed throughout this country on a community level, on the level of schools, it is seriously handicapped when it has no operating budget to handle any of those things.
2.45 p.m.

This year I understand that we are to see salaries plus utilities. The reason, I believe, and I would venture to suggest is, because a new board is in place and it therefore may be that there is no confidence in the new Board because the new Board has just come on last week or week before. I would venture to suggest that the only common factor between last year and this year that remains is the Director himself. I would venture to suggest that where two Boards have allegedly reported a lack of confidence in the Director and his management practices, where the former Minister can clearly state the poor and inefficient management practices occurring there, that a Government must seriously question itself whether it is prepared to continue to condone that inefficiency by ensuring that the Chief Executive Officer of that organisation remains in place or is it that this Government is prepared to say that there is nothing wrong with that continuing inefficiency.

We heard, Sir, the former Minister of Culture also state publicly, although it is true that the Barbados Labour Party did release that to the public a few weeks ago, that in spite of the fact that the National Cultural Foundation sold off the rights for Cohoblopot for \$15 000, that it lost money on the event. Why have they lost money? Because they agreed when they sold the rights to the persons who made a fantastic profit, a profit estimated by the same Minister yesterday to be in the region of \$250 000 or more, one never seen by the NCF at Cohoblopot, but they agreed when they sold these private persons the rights to the Cohoblopot that the NCF would still pay for the cost of the stage, that the NCF would still pay for the cost of lighting, chairs and security. Now could Lord, Sir, what kind of negotiating could you do with your own bill coming up to more than the \$15 000 that you are asking for the sale of the rights for the show? That is the kind of management you have down at the National Cultural Foundation.

The National Cultural Foundation has seen the demise of the Esso Festival of the Arts, has seen the demise of the Guitar Festival, has seen the demise of the Jazz Festival know as the Barbados Jazz Festival, a Festival which had prime place in such international publications such as "Down Beat" and other major jazz international publications.

Aside.

SENATOR Miss M. A. MOTTLEY: "Down Beat" which is an international jazz publication was praising Barbados for the festival because Barbados took a position that while we were having a jazz festival that our

Caribbean Jazz Festival was primarily to portray Caribbean jazz artists which is the difference between the Barbados Jazz Festival and the St. Lucian one, because the St. Lucian one primarily portrays international artists. We felt that the regional artists needed the boost and that therefore there had to be some sort of outlet for them and the Barbados Jazz Festival became this. Then all of a sudden, three years ago, no Jazz Festival after 1991.

It is interesting, however, Sir, that there was a festival in January this year, also using the phrase "the Barbados Jazz Festival" and I would like the Honourable Minister who is introducing this Bill to find out for us whether the National Cultural Foundation has taken any steps to protect the phrase "Barbados Jazz Festival" and the goodwill that is attached to it over the many years that they ran that festival, or whether the persons who used the name "Barbados Jazz Festival" in January used it without fear of any suit in that they were not infringing anybody's rights because the NCF had failed to protect the name to which had been attached a considerable amount of goodwill.

But it is interesting, Sir, that the person up front with the Barbados Jazz Festival as it was called in January of this year, was the Deputy Chairman of the NCF Board as it was then constituted. While I have no difficulty with persons participating in business, I would just like the Honourable Minister to assure me that there is no possibility, or there was any possibility, or in fact, any conflict of interest in the staging of that festival given the involvement of the Deputy Chairman of the Board and given the fact that the National Cultural Foundation used to have and own the rights in a festival called "the Barbados Jazz Festival" which was held annually during Memorial Day weekend in order to get the tourists down from North America. I would like to be assured that before we rise from here today.

I would also like to be assured, Sir, that given – I am instructed the other areas of business involvement of certain members of the Board, particularly the past Board, I believe that Deputy Chairman is still there and entities such as WWB productions – whether the NCF has attempted, or the Ministry, or the Ministry of Finance, to ensure that there are clear rules being articulated to members of statutory boards, whether it is the NCF or other board as they relate to conflict of interest. There is nothing wrong with a board member carrying on business in the same activity. I just want to be assured that there are clear rules being articulated to them as to conflict of interest because it is important that the public not lose confidence in these persons in their capacity when serving in these boards.

Sir, I would like also to deal with the whole issue of what is Government proposing to do to rectify the

position that has been articulated by the former Minister of Culture in the Other Place yesterday. Now, if the former Minister of Culture has labelled it the worst management he has seen in a statutory board, I want to know what is the proposal of this Government to ensure that that situation of inefficiency and poor management does not continue.

I would like to be told, as a matter of urgency, because what we have seen in the last 3 to 4 years has been the total emasculation of the National Cultural Foundation – I have just cited a whole host of festivals that no longer exist but more fundamental than that is the fact that the developmental programmes that were carried on at the community level and the workshops no longer exist. If these no longer exist, it portends for the future because it means that we will not have the abundance of musicians, dancers, writers and actors that we have had in the last 10 to 15 years which resulted from constant and consistent developmental programmes and workshops being implemented.

Indeed, members of the NCF themselves are deploring the fact that the standard at NIFCA last year was one of the worse standards for many years, particularly in the area of drama. Why? Because there is no training being done. We have had copious statements being made about the need for training and how important cultural development is to this country and all sorts of things. All of this is in the context of what I pointed out as 6 out of 10 young people out of work under the age of 21.
2.55 p.m.

We all know, Sir, that the area of cultural development where it constitutes employment, to a large extent, provides a lot of youth employment. But yet, Sir, we are not hearing specifically what is being done within the cultural industries to help create this employment.

Yesterday I heard the Minister of Finance in the Other Place say that for all intents and purposes as far as he was concerned the National Cultural Foundation could be abolished. A lot of what was being done could be done by the private sector agencies and private sector bodies. All I have to say about that is that it is clear that the Honourable Minister of Finance has been bitten by some bug called private sectoritis. Because when he talked about agriculture he used to talk about land reform now he talks only in terms of Barbados Agricultural Management Corporation and other sorts of things like that. When he talks about the economy doing well as he did at the end of last year he talks purely in terms of corporate Bridgetown doing well and not about the fact that unemployment in this country continues to remain at 35 000 and that the levels of inflation still continue to make life hard for persons.

Mr. PRESIDENT: Senator Clarke.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, on a point of order. I really hate to interrupt the Honourable Senator. But it seems to me that the Honourable Senator is debating statements made by the Minister of Finance in the Other Place and not here. I do not think that that is appropriate.

SENATOR Miss M. A. MOTTLEY: Sir, I have referred to the fact that it was mooted that the NCF be abolished. I am not debating it. I am telling you my views on whether the NCF can be abolished or not especially since \$806 000 of our money is now going to it. I am merely saying, Sir, that those of us in this country who, all of a sudden, feel that every evil and every wrong can be righted by the private sector in this country had better go back and remember where they started 5 and 6 years ago. That is all I am saying.

It is like transportation policy, honestly. There are certain areas in a developing country that are so critical to a nation's development that they cannot be left to chance and cultural development is one of those areas. We cannot sit back and wait and hope that a few private sector bodies will participate in the business of the arts. Of course they will. But the question is, will they also participate in the developmental aspect of the arts. The NCF has a broader charge than just dealing with the arts. It deals with cultural development which is how we walk, how we talk, how we behave and the whole issue of productivity that has been so much in the forefront within the last year or two must also be the concern of the NCF because our cultural morass effects how we can improve our productivity, how we move, how we talk, how we deal in our daily lives.

Anybody who feels that the NCF can be abolished and we can leave this to chance really has to look and remember where they started a few years ago. It is important that they are being exposed to all of this alien thinking from all sorts of institutions across the world whose sole view in my view is to recolonise again, Sir. That is another area of discussion.

Getting back to the NCF simpliciter I want also to deal with the question of posts at the Foundation itself. We have seen a number of Cultural Officers leave the National Cultural Foundation with responsibility for various areas of the arts and, unfortunately we have not seen over the last few years the replacement of the majority of them. I would like the Minister to tell us when this Government is going to ensure that those posts of those Cultural Officers will be filled again. Because those are the ones who would and should be ensuring that every week, in every district, in every part around this country there are cultural

programmes going along so that all of those young persons who are out there from the age of 5 right back up can benefit.

We know – and I know that the Honourable Minister who introduced this Bill has joined with me on many occasions in applauding the potential of the arts in earning foreign exchange for this country. I have gone further and said that I genuinely believe that with proper management, proper legislation and proper fiscal incentives in place that the business of the arts can become one of the largest foreign exchange earning sectors in this country, not only from our own creative potential but if we set ourselves up as a centre for the arts in the region and in the hemisphere we can stand to gain a lot more from that.

And then we look at the indirect gains that come towards us in tourism through the arts. The ex-Minister of Culture yesterday gave a figure of \$50 million to \$60 million generated in the economy during crop over. That is no figure to be laughed at or to be trifled with nor the fact that over 40 000 visitors now come in the island in the month of July for Crop Over. If we were to improve our marketing of Crop Over, if we were to improve the administration of Crop Over and more so, Sir, if we were to ensure that Crop Over or a compilation video, or broadcast, or whatever as is being shown of Parliament tomorrow night on CBC television or Friday night is shown throughout North America and Europe that that eventually – because you do not go into millions of markets the first year you show it, but you start gradually and you build an audience – but if we can ensure that that is eventually done that would be one of your biggest marketing tools for Crop Over.

Aside.

SENATOR Miss M. A. MOTTLEY: I agree. The same thing that is being done with the Gold Cup being shown across North America. Of course they market it. Because the NCF foolishly believe that they could give CBC all the rights as if the rights did not belong to the NCF in the first place.

I am saying today that it is a fact that the NCF still cannot tell this country how much money they made or lost from that video last year. Why? Because CBC managed it. The NCF does not know one thing about it. That is part and parcel of the poor management and inefficiency going on at the Foundation. That other thing that we have to look at is that the NCF is a gold mine in this country. The NCF has no right losing money. The NCF should be making money lock, stock and barrel. Because one of the biggest growing areas in any economy is the rights of intellectual property. What is significant is that in the recently concluded talks on GATT there have been provisions put in place and we in Barbados like other developing

countries have a timetable to comply with, to ensure that our intellectual property rights are such that they reach the international standards. Not only that because unlike the Berne Convention and the Universal Copyright Convention which are the two general Conventions as it relates to copyright where there is no enforcement body, no body to apply sanctions when you breach articles of the Convention. It is expected that in GATT there will be such an enforcement body. What is also significant is that the developed countries of the world are also making intellectual property compliance a pre-condition to any form of investment or assistance in terms of aid. Only 3 or 4 weeks ago in Jamaica when the Jamaican Government signed a Bilateral Investment Treaty with the United States Government they ensured that there was a bilateral treaty on intellectual property as well, basically ensuring that there was reciprocity for enforcement of breaches of copyright.

Sir, Barbados has had basic copyright protection since 1981. But we have not ensured that our legislation has been kept up-to-date with the rapid technological advancements whether it be in software in computers – because our constitution does not protect that now, whether it be in cable and satellite because we do not effectively protect that, or whether it is ensuring that we have all the terms that are protected, for example, what is constituted as moral rights. Right now we do not have a right to privacy as individuals in this country. So that to a large extent persons who have received fame out of their skills are unable to protect the use of their name in relation to certain products. All of these things are deficient. If we have updated copyright legislation it will ensure that there is protection for these areas of activity. I am calling on the new Minister of Culture to ensure that a new Copyright Act is brought into this country as a matter of urgency if we are going to make the best of trying to turn Barbados into a centre of the arts in the region and in the hemisphere.
3:05 p.m.

I am also calling for fiscal incentives to be put in place. Now, currently there are certain tax allowances that are available to businessmen in this country under the Income Tax Act and essentially, Sir, the way it works is that if you earn more than a certain percentage of foreign exchange you get a certain rebate in terms of a tax allowance. One of the areas that is blatantly absent, yes it is true that you can argue that you can apply to the Minister of Finance to exercise his discretion, but we have learned in the past that apply to the Minister is a process that cannot be completed in under a year more often than not when it relates to cultural activities.

I know what I am saying, I can give chapter and verse on it. I am saying that as a matter of urgency there must be some legislative provision under the Income Tax Act to ensure that artists earning foreign exchange

are entitled to the same tax allowances that accountants get, that persons involved in the data processing industry get, and I am saying that people earning foreign exchange from sports must be entitled to those same tax allowances, Sir. We cannot be mouthing off speech after speech that we are prepared to give all of this to artists and when the day comes, Sir, still end up giving them nothing.

Sir, under the legislation there is a Bill to protect the cultural heritage of this country which is prepared and is still to come to Parliament. And I would like the Minister to tell us how soon, or whether it is a priority of this Government to bring that Bill to Parliament to ensure that persons do not come in and take up things out of various settlements that have been found here, whether they are Arawaks settlements or slave settlements or whatever, but a Bill to protect generally the cultural heritage of this country.

I would also like for this Government to state clearly what is its commitment to the Barbados Museum and Historical Society. It is a shame that the Barbados Museum and Historical Society is currently fighting month after month, year after year, to meet its obligations in the manner in which it is doing so. Yet still they are providing a necessary and valuable service to the Government of Barbados in protecting the heritage of this country. And, were the Government charged with the responsibility of so doing that itself, I am sure the Government would have to spend far more money to do that than what the Barbados Museum and Historical Society is spending now, Sir.

I am also saying, Sir, that if Government does not want to take money out of its pocket directly and increase the subvention to the Museum, Sir, then Government should use all the moral suasion in its power, and should have used it, to ensure that the Barbados Museum and Historical Society would have enjoyed a proper place in the new Port Facilities instead of just having a bread cart to sell its stuff from; instead of ensuring that the same tourist could probably go from the private sector companies who are selling a lot of the same things and who have big shops. At some stage, Sir, Government must protect its own interest too and it must be an interest of Government to ensure that the Barbados Museum and Historical Society, not just survives, but thrives because it has been doing an excellent job over the years in preserving the cultural heritage of this country. We see now that there has been a move by them to ensure that they are trying to popularise the museum so to speak, so that it is not just that weird place that a few people go to every so often.

I believe, Sir, however that CBC can play a valid role in popularising the museum as well for the benefit of the general public.

Sir, I would also like to know ...

Aside.

SENATOR Miss M. A. MOTTLEY: CBC should not be losing money either. CBC can make a whole host of money in the pursuit of its intellectual property rights as well and not only the NCF. But I want to make a point in relation to this year's crop over. They have a new Board, Sir. And Senator Inniss, who is on that Board, I am sure will ensure that this new Board does not behave like the last Board, even if only, Sir, in the protection of its intellectual property rights. I have that confidence. I am making the point, Sir, that you cannot assume, in my view, that the Caribbean Broadcasting Corporation is the only entity in this country that is capable of filming events at crop over and I believe that as a matter of policy, all lighting, all sound and technical services and all film recording services must be sent out for tender because the NCF, for argument sake, can still have a private firm come in and video the events and if CBC does not want to buy the programme from them the NCF, like any other body, can purchase time for the CBC and show it – bring their own advertising and purchase the time from CBC. So you cannot assume that the Caribbean Broadcasting Corporation is the only entity in this country capable of providing that service. Therefore to that extent, Sir, I believe that the time has come to give a fillip to those businessmen who are also in this area of video and film production and ensure that those services go out to tender.

Similarly, Sir, as I said with the lighting and the sound services and the technical stage management services because we do not want to hear allegations of monopoly or monopolistic treatment in these areas any further. If only, Sir, for the appearance of fairness. It may well be all the same people who will get it again but there must be an appearance of fairness because they may well be the best people capable of doing the job but you must do things properly.

I want to state, Sir, the commitment of the Barbados Labour Party towards the cultural industry and the tourist culture as a developmental tool. As I said, we see culture much broader than just the arts of itself. Culture affects the way we walk, the way we talk, our ability, Sir, to be productive, the reason why we do things in certain ways and not others. It would be our signature in so far as this part of the world is concerned.

Sir, it is imperative that in assessing any part of a country's development, you are prepared to assert and peg to a certain level the importance of its cultural development. I am not satisfied that this Government has been doing so within recent times because to remove the whole developmental budget from the NCF, to ensure that there are only two persons in the Ministry actively working on culture, who are overworked, that cannot be placing

any emphasis on cultural development in this country. Indeed, Sir, when you talk to certain Ministers they will tell you the only thing that the NCF needs money for is severance. That is generally stated, Sir. But I am saying, Sir, that there must be a broader commitment than that. There must be a commitment commensurate with what was stated ...

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, I have the responsibility for piloting this Bill and nowhere in my introduction did I indicate, or nowhere has it been said so far in this Chamber that the only reason why NCF needs money is for severance and I would ask that it be stricken from the record.

SENATOR Miss M. A. MOTTLEY: Sir, I wonder if I said that part of the \$804 000 was to pay Attorneys-at-Law fees whether that would be stricken from the record too because that is what is partially for too, or whether it is to pay for police services and other debts over the years if that will be stricken from the record too. Sir, do you see what is going on?
3.15 p.m.

Sir, this Government promised that it would create a National Art Gallery. To date, Sir, we have not seen any policy implementing that promise. Indeed, we have buildings all about Bridgetown that have fallen down that can be renovated and which can ensure that there is a home for the National Art Foundation or generally, Sir, if the NCF wants to run it themselves, to ensure that there is a home for the treasures of art that we have in this country. In fact, Sir, I would venture to suggest that the old Town Hall is a perfect place. The Barbados Labour Party in its plan for the re-development of Bridgetown had a Centre of Performing Arts from Church Village back up to Queens Park where you have the Frank Collymore Hall. Then there was to be the construction of an open-air theatre. Then you had the Queen's Park Steel Shed and the Queen's Park Theatre. That was supposed to be the Centre of Performing Arts. Down by the Town Hall you would have had the Cheapside Market, Post Office Complex and behind there where Musson Building is now there was supposed to be the reclamation of land behind the old Fish Market where you would have had an open-air gazebo plus a whole series of craft stalls for the cruise ship business.

If you look, Sir, in the 1986 manifesto of the Barbados Labour Party on Pages 2 and 3, you would clearly see a photograph of the model of that complex. Sir, insofar as that is concerned, the renovation and use of the Town Hall to the National Art Gallery is nothing new that is being suggested by myself. That is something that has been contemplated and, in fact, it was initially raised around 1985 or 1986. I would hope that both parties would stop putting it in its manifesto every five years that they

are going to have a home for the National Art Gallery and that they are going to renovate the Empire Theatre and nothing is done. This Government in its last manifesto who made a pledge to renovate the Empire Theatre. They also made a pledge to set up a School of the Performing Arts.

SENATOR THE HON. L. V. H. LEWIS: On a point of order, Sir. To make a blank statement that nothing has been done and if the Honourable Member would inquire, she would be aware that something has been done. But to make a blank statement that nothing has been done, you mean as far as you are aware. Certainly, something has been done about the Empire Cinema.

SENATOR Miss M. A. MOTTLEY: Sir, the point still is that unless this Government is governing for the few Members in Cabinet, and it seems so because we had two resignations last weekend, nothing has been done.

Sir, before I leave the area of cultural development, I want to say one other thing. The Opposition agreed to sit on the Foreign Exchange Committee on cultural development as a business. We were mandated as a committee to report back by the end of January 1993. There was impressed upon us a certain urgency for us to do so. Believing and wanting to ensure that cultural development is a priority in this country and in particularly the business of the art, we agreed so to do. Some 13 months later, Sir, we still have not heard what is the state of those recommendations which have been made to ensure that the business of the arts takes off in this country. Indeed, Sir, rather than see anything being done in that vain, I believe that what has been happening at the NCF will also ensure that it is more difficult to implement those proposals unless you get your institutional arrangements correct and unless you get your legislative provisions in place, that specifically being the new Copyright Act and the Cultural Heritage Protection legislation, and unless you begin to sensitize the private sector as well. The private financial community in this country must of necessity be sensitized to the potential of the arts if the arts are going to operate as a viable business entity and to provide employment for this country. Already the music industry in this country provides employment for well over 250 young persons. That is a fact, Sir, throughout the hotels, clubs, *et cetera*. We see bands moving in and out of Carnivals and all over the South American Continent.

Sir, one of the things that we want this Government to examine is the whole question of the need and the requirement for Work Permits for Caribbean citizens to perform in this country. Trinidad, Jamaica and Grenada have all removed the requirement for CARICOM artistes to receive Work Permits when they are performing in those countries. Barbados cannot become a Centre of Performing Arts in the region if it continues to place in the way

of most artistes considerable bureaucratic difficulty in being able to perform. There is another reason for doing it, Sir. At the end of the day, you will find that artistic entities have a specific life span. Unless you provide the ability for them to travel and have new audiences, they will fall quickly. I am saying, Sir, that if you are to ensure that these entities can remain and be around for ten to 20 years, you have to ensure that there is that freedom of movement in the arts and that there be no restrictions in the freedom of movement or the capacity to be able to work in the various countries throughout the region. If our commitment to CARICOM is as great as we say it is, then we should not be dilly-dallying on a fundamental issue such as that to ensure that there should be no Work Permit requirement for CARICOM artists. I am calling on Government to examine that as a matter of urgency as well.

Sir, the other thing that I want Government to examine is the twenty per cent Entertainment Tax which is extremely burdensome on artistes who, like everybody else in the whole process of structural adjustment, have seen their business cut back considerably. At this stage, all I will say is that Government really needs to look into that factor.

On the other area, Sir, and I want to be very specific, this Head 37 comes under the Ministry of Housing, Lands and Community Development. I said that I wanted to deal with two areas. I have dealt with Culture, but I want to raise another matter for the Minister of Housing, Lands and the Environment, I believe he is, or the Environment, Housing and Lands. It seems as though Government's priority has at last changed. It is to ask the Minister specifically: What environmental programme does he have in place to deal with the malodorous effluvia and other noxious substances coming out of the Green Hill and Codrington Hill area, North Friendship, Lowland Terrace and Mahaica areas? In broad and plain terms, Sir, the dust and most recently the smells and insanitary air coming from, I believe, a fish processing plant in the area as well.

Mr. PRESIDENT: Senator Mottley, are you tabling a question at this time?

SENATOR Miss M. A. MOTTLEY: No, I am not tabling a question. I am raising, Sir, concerns. I have given notice of a question to the Clerk. This has nothing to do with what I am asking the Honourable Minister now, Sir.

Mr. PRESIDENT: All right. Proceed.

SENATOR Miss M. A. MOTTLEY: I would like, Sir, that if this Government is as committed to the environmental protection of Barbados as it says that it is

and for us to articulate as a matter of urgency given the concerns of the residents of Mahaica, Green Hill and Codrington Hill in particular but also the adjoining districts, what environmental management programme does it have in place? I also want to know whether this Government's policy as it relates to the commercialization of that area is going to continue or whether this Government is going to review any further commercialization of that area given the complaints, not only of the residents but of the workers. I know of instances of businesses that have opened and having opened, Sir, have since moved shop to another district because the workers could not breathe when the day comes, Sir. Unfortunately, a lot of people who live there do not have the capacity to move like that.

3.25 p.m.

I want to know whether any investigations have been done by any government agencies whether it is the Environmental Health Unit, whether it is the Chief Town Planner, whether it be the Chief Medical Officer to deal with this problem. In the same way that I see this Government has moved with such despatch to deal with the problems of garbage – and I applaud it – only recently after the Honourable Member for St. Thomas threatened to boycott the Global Conference. But I would want to see the same urgency and the same concern for the residents of Green Hill and Mahaica and the adjoining areas and the persons at the workplace in that area because they have been dealing with it for too long.

I would like the Honourable Minister of the Environment, Housing and Lands to please reassure the residents and workers that Government has in place an environmental management programme for that district and that Government is certain to ensure that compensation comes to them for what they have been suffering over the years. I would want to hear his voice on this matter if Government of course deems that these persons' problems are worth any thing at all. If we hear nothing then we will have to deal with it in a different manner.

With those few words, I hope something will be done to ensure more information coming to Parliament on the National Cultural Foundation. There has been nothing over the years and we would like to end that, whether it is in knowing how much money they get when the Estimates come or whether it is in knowing how much money they spend at the end of the year, woefully lacking over the years.

I trust that since the Honourable Minister who introduced this Bill has a capable and keen appreciation for the need to tell us all about financial rules and practices will ensure that this defect will be remedied in the coming years in the preparation of the Estimates.

SENATOR THE HON. L. V. H. LEWIS: Just to respond promptly to a question that was just raised. I think that the Honourable Senator if she looked at her notes, the heading says Ministry of Housing, Lands, Community Development and Culture. I am not going to question anything relating to Housing, Lands, Community Development and Culture but the question relating to the Environment matter is a question properly addressed to the Ministry of Health and even when the question which I have seen comes I will ask the Clerk to direct it to the appropriate Minister because the questions are all environmental health matters and although the Ministry of the Environment is concerned with health aspects of the environment the questions raised are all within the purview of the Ministry of Health.

The answers will be provided as the answers are available.

Aside.

SENATOR THE HON. L. V. H. LEWIS: Well, if they come in a year they will come.

Mr. PRESIDENT: Will you proceed.

SENATOR THE HON. L. V. H. LEWIS: There are times when it is better not to hear some things, Sir. Some people like to think that they are in the limelight and will use any means whatsoever.

The particular matter before us under the Appropriation Bill that was to be debated relating to Archives. I do not know how these other matters crept into it but a note will show that it related to Special Service, Archives and Culture. Those are the specific matters under this Head 37. What the heading says is anybody's guess.

I am not here to do anything but to get the matters passed. That is the reason why I am here. The other matter – and I am responding to a comment which was made that there is going to be debate about something under the Ministry of Agriculture – a gentle reading of the note would see that this is expenditure which will not go into the hands of the ADC but will provide for payment for outstanding debts due to the National Insurance Department and the Commissioner of Inland Revenue.

I would think that Senators would applaud the Government that takes the opportunity to ensure that any Statutory Board meets its responsibilities which are responsibilities due on behalf of the workers. These are payments made to ensure that the income tax and the national insurance contributions on behalf of these employees are properly settled before the end of the financial year. That is all I have to say on this.

SENATOR T. E. BARKER: The Honourable Member does not want us to deal with Agriculture but I have every intention of debating Agriculture because in the note I was given under head 25 the Ministry of Agriculture is requesting a sum of \$1.373 million and Parliament including the Senate is requested to accede to this request. The note says, Sir, that this money is for support of BADC which is then as we all know since the merger is now BADMC. So, Sir, I am taking the liberty with your permission to talk about the BADMC given that it is the successor to the ADC.

Sir, I have the view that any money that is spent on agriculture especially if it is wisely spent would undoubtedly redound to the benefit of the country as a whole. I believe that while we can never be self-sufficient in food...

Mr. PRESIDENT: Will you address the Chair, Senator Barker.

SENATOR T. E. BARKER: Sir, I am not addressing anybody. I am just pausing.

Mr. PRESIDENT: Well, that is why I am telling you to continue.

SENATOR T. E. BARKER: Sir, any measure which improves agriculture will have my support because I believe that while the idea of food security is not on for Barbados we have to expand agriculture and produce to the maximum. That must be our goal.

Sir, while we are congratulating BADC on paying its debts we have to focus on its other role because it should be coming to us for more money and that is my personal view in order to fulfil their mandate because as we look around the country we see agriculture in total disarray and looking at the figures that were given to us in the Economic Report in March this year a bleak picture of the performance of the agricultural sector is noted.

For example, Sir, – I am quoting from the Economic Report that was laid in Parliament in March, 1993.

SENATOR THE HON. Dr. C. D. CLARKE: On a point of order, Mr. President, I would ask the Honourable Senator Barker to indicate the publication from which he is reading and give us the page from which he is quoting.

SENATOR T. E. BARKER: Thank you, Mr. President. I am reading from the Economic Report of 1992 which was laid in this Chamber in March 1993 and I am reading from page 56 of that same report, Table 24: "Estimates of Real Gross Domestic Product, 1975-1992". It shows, Sir, an interesting fact that output in the agricultural sector both sugar and non-sugar for 1992

– I stress 1992 – was the lowest I have on record and these records go back to 1975. Sir, the output in agriculture in 1992 was lower in real terms than in 1975. It means that while other areas of activity, even manufacturing had increased over that period – tourism had doubled in that period – agriculture had declined. It is the only sector which has showed this phenomenon. All the other sectors have experienced growth. Transport, construction, all of them have experienced growth over that period and it is only agriculture that had declined over that period.
3.35 p.m.

Sir, I want to say in case Members on the other side wants to know who is responsible, when they took office in 1986, the output of agriculture was very high. In 1986, according to the same table, real output was at \$78.8 million for the agricultural sector, only bettered by the 1980 figure. In 7 years output on agriculture went from \$78.8 million to \$61.4 million in 1992. That is an indictment on the agricultural policies of the Democratic Labour Party. They took agriculture from a reasonably high level and by their lack of cohesive policies have reduced agriculture now to where the level of output is less than that which obtained in 1975. When now they are coming for money for agriculture, I have to be half-way glad because it shows us that they are awakening to the fact that agriculture can, and must play an important role if the economy is to get back on a sound footing. That is a truth which cannot be really controverted.

Sir, the thinking of the Democratic Labour Party in spite of one or two signs, they still have a backward view on agriculture. I am going to read from the Development Plan which was laid in this Honourable Chamber last week. This is the Development Plan for 1993 to the year 2000. On page 46 under the topic "TARGETS – Real Output," this is what they said:

"It is expected that during this period some declines in output will be experienced in non-sugar agriculture, manufacturing and Government services."

That is a direct quotation from the Development Plan, that it is expected that during this period some declines in output will be experienced in non-sugar agriculture, manufacturing and Government services. Here it is we have...

Mr. PRESIDENT: Are you saying non-sugar agriculture manufacturing?

SENATOR T. E. BARKER: No. Non-sugar agriculture, manufacturing and Government services. What we are having now is that this is Government's plan from 1993 to 2000 and they are saying that during the structural adjustment programme period which they envisage to run until 1996, that in that period we are going to have further

declines in non-sugar agriculture. That, Sir, is what Government has said in their Development Plan. That is their target. They are targeting further declines and they are planning for further declines in output in relation to non-sugar agriculture. That has to be folly and, if I may say so, Sir, utmost stupidity. That has to be wrong. That is their target. They are saying that we are going to see further declines. Do not forget I just pointed out that agricultural output in 1992 was the lowest in 1975. That is what the figures are showing but yet this Government is saying look for further declines. That is what they are saying that you can expect further declines in an already depressed situation. They have no plan for this country. If they are going to project the decline in output in non-sugar agriculture and manufacturing, their heads need examining. On the contrary, we should be now bringing in a lot of the idle land, especially those owned by BADC...

Aside.

SENATOR T. E. BARKER: I am talking about the Belle. I pass across there almost every day, and other places like down Bawdens, the River and all of them. A lot of the land in Barbados is owned by the BADC and its successor companies. But they are projecting declines instead of trying to bring these lands back into production, and we are talking about good lands. The land at the Belle is good with reasonably good rainfall and good, deep soil. That should be producing. But instead of trying to get this land back into production they are projecting further declines in non-sugar agriculture.

Sir, this Government like they want to carry us further and further down the road to ruin and degradation. I am only hoping that before the period is out we have a change in Government and we can get a Government which puts agriculture back on the front burner because I am convinced that it is the way to go. I know that the thinking of some of the international organisations is that any help we give to agriculture and manufacturing will hurt the service sectors. I have seen that in a document. If that is the thinking of the international organisations, the sooner we get out of their hands, the better because that is stupid thinking.

We should be using the tourist industry, with 400 000 tourists or so coming every year. We should be making sure that the agricultural sector is expanding fast enough so that the benefits from tourism would be felt right through the economy because then the food that the tourists consume, we have to make sure, as far as possible that it is locally produced. We have to ensure that. But if you are saying that any help you give to these sectors would hurt the tourism and the service sectors then I am saying that they do not understand the linkages that exist within the Barbados economy.

Sir, I am also glad that the BADC is getting some money because I am going to read from the Development Plan. There is not everything in the Plan that I disagree with. There are some things in the Plan that are positive. My only concern is that the Government will not have enough will to carry out the provisions of the Plan.

Sir, again I am reading from the Development Plan. I am on page 194 now. Under "Agricultural Institution" it says that the recently formed BADMC – it has the whole meaning –
3.45 p.m.

Sir, again I am reading from the Development Plan and I am on page 194. Under "AGRICULTURAL INSTITUTIONS" it says:

"The recently formed Barbados Agricultural Development and Marketing Corporation (BADMC) will play a major role in implementing Government's policy or providing landless farmers with acres to land."

I am very glad to see that the Government is minded to ensure that BADMC plays this role. But I am worried because there is another sentence that has me utterly confused and dumbfounded. It says I am going on to read from the same page and the same paragraph:

"In this connection, it will develop lands by establishing viable agricultural enterprises on them before handing them over to interested farmers on a leasehold basis."

This is why I am worried. It is saying that before the landless farmers get the land that the BADMC will establish viable agricultural enterprises. The BMC has a history of not doing anything right. If we wait for the BADMC to get a viable enterprise going before turning over the land to the landless farmers by the year 2010 the landless farmers will still have no land. Because the BADMC and its forerunners have never been noted for doing anything properly. Look at the Belle.

I am saying that probably what we should do is do it the other way. Give the lands to the landless farmers and they will see viable agricultural enterprises out of them. But if you ever go the other road and wait for the BADMC to establish viable agricultural enterprises we would never get the land going to landless farmers. The year 2000 would come and go and we would have two things. We would have landless farmers and we would still have land owned by the BADMC which is not producing anything of value. I am sure that Members on the other side agree with me that if you want to get landless farmers properly accommodated, give them the land first, as was done down

Spring Hall. Down Spring Hall the Government of the day did not develop it and they give it to the farmers. A lot of them have done very well down Spring Hall. I am saying that if you do the same thing at Bawdens, at River or any of those places, give the farmers the land, make sure that they have the necessary access to capital and knowledge and you will see that in a few years' time they will have viable enterprises going on them.

Government has got to rethink on this particular plan. Yes, we want farmers to get land but for Heaven's sake do not wait on the BADMC because the way how Government goes you would never get anything done. On the same page it talked about the BADMC providing services that were previously done by the BMC. All I would say is that we hope that they will do it better than the BMC has done it in its history because the BMC does not have a history of doing anything properly.

Aside.

SENATOR T. E. BARKER: Making money by importing chicken and onions is not the important thing. The important thing is that the farmers of this country have enough faith in the Corporation so that when the Corporation says plant cucumbers, they are going to plant cucumbers. But right now if the Corporation says plant cucumbers, farmers do not take them on because they know that what is going to happen next 6 weeks when the cucumbers are ripe and ready for market that the BADMC is going to have some excuse for not taking the people's cucumbers. It must be a question of faith. The people must have faith in this new organization so that when they say plant crop "A" they will say, yes we will plant crop "A" because we know that next 6 weeks when it is ready for harvesting we have a ready market for it. So while the BADMC which you are giving money to, while they are performing this function we hope, Sir, that they perform it much better than their predecessors.

Another function which needs examination is the cultivation services that the old BADC used to give farmers, I hope that in the coming year that we will see a dramatic improvement in the delivery of these cultivation services. Because right now, people do not even bother to access the ADC for this service primarily because the history has been such that sometimes when they go and have to pay their money and so on, they hear a lot of excuses that it happened in the past. The excuse which was heard in the past was that the Corporation did not have any money to buy diesel. That is a fact, that people pay for services and they hear "we cannot come and till the land because we do not have money to buy diesel." That is a fact, Sir I know of instances where that happened. While Members on the other side are making jokes about these things, the farmers are not making jokes because

they cannot start to work unless they have the cultivations services done. The delays that they were experiencing were obviously hurting them in the pocket, all because the corporation did not have the money to buy diesel for the tractors and ploughs. I am saying that we have got to do a lot better than that.

We have got to ensure that if we want agriculture to improve that the services because most farmers would not be able to neither would it be advisable for them to have their own tractor. They must depend upon these services. Agriculture is such that if the land needs ploughing this week, next week might be too late because the rain might come in and whatever and the poor farmer is set back.

Aside.

SENATOR T. E. BARKER: I am glad, Sir, that a former Minister of Agriculture is agreeing with me.

While we are glad that money is going to the BADC, we would just want to make sure that they BADC gets its house in order so that it is better able to perform its mandate both under its own act and according to the provision of the Development Plan which gives a very important role, a pivotal role in Government's overall economic policy. But I would ask Government to look again at this Development Plan because we must ensure that agriculture which, at one time, according to my records in 1975 was contributing over 10% to GDP. By 1986 it was down to 9.5%. Because of the shortsighted policy of this Administration it is now down to 7.5%.

We notice that there has been a decline in real output. You had a decline in real output and at the same time you see that the decline is mainly in the area of agricultural activity. I am saying that if we want to reduce unemployment which must be a goal of any Government, if we want to increase output then agriculture must be given both the funds and the wherewithal to play the role that it should be playing in economic development. While I am glad that BADC is getting money, I am not happy that either BADC or Government is putting enough importance on this vital sector. The Barbados economy cannot stand alone on the service sector we must make sure that both the manufacturing and the agricultural sector are also moving otherwise what we gain in the service sector we would lose in the productive sectors. If you are talking about foreign exchange earnings and foreign exchange savings agriculture must be the way to go both in terms of saving foreign exchange by reducing the high food import bill and at the same time earning foreign exchange through the export of sugar and other agricultural activities. So I am distressed, Sir, to note that non-sugar is set for more years of decline. I am distressed and I hope, Sir, that Government will look again at its development plan, look

again at how they want to develop Barbados, and put in place measures to ensure that agriculture grows in the medium as well in the long-term. Thank you.
3.55 p.m.

Mr. PRESIDENT: Senator Fraser.

SENATOR Mrs. V. C. FRASER: Mr. President, I also want to make a few remarks under the Head - Services, and the amount of money that has been given for the paying of the bills and this is under the heading of Agriculture, Food and Fisheries. I have listened very carefully to the last Senator. Mr. President, as we are aware, and I do not think there is anybody in Barbados who does not believe that a thriving agricultural sector means a thriving economy.

We must also be aware of the difficulties that we have with human beings. This is a sector where we are dealing with a number of human beings. We talk about things might decline and we hear all sorts of things. I want to say that if the statement here that has been argued about agricultural institutions, the recently formed Barbados Agricultural Development and Marketing Corporation will play a major role in implementing Government's policy and providing landless farmers with access to land. In this connection it will develop by establishing visible agricultural enterprises on them before handing them over to the interested farmers.

Now, if you have an experience with something and you have found that if you do not give all of the attention and you sit down and talk with the farmers and you get the drip irrigation and all the necessary things for the farmers to put in, and you just give them a piece of land and leave them with it, you will find that you will have a problem. My understanding is that the BADMC is going to be the agency and it has started already earmarking lands for farmers to plant certain crops in given areas.

Now, if you have made mistakes in the past with a project like that, you are not going to go through and make the same mistakes again. You are going to ensure that your tractor cultivation system, your drip irrigation and other type of irrigation, the proper types of seedlings, weedicides, pesticides, and the personnel who are going to assist in this area are in place. Therefore the Barbados Agricultural Development Marketing Corporation now has a good group of extension officers once more which is very important. They know of building up and they are building up a young cadre of extension officers who will service the needs of people who are involved in agriculture and especially the small farmers.

There are other institutions in Barbados that are private and are working along with the BADMC assisting these agencies. For instance one is the National

Development Foundation. We are training persons and this is from funding money. I am hearing that you cannot attract funding money. I laugh at that. Because we have attracted the funding money and we are continuing to train the small agriculturist.

We have now entered into a programme with the BADMC to grow peppers, okras, all of these crops that we are exporting every single week out of this country. We are growing them on contract so that when the farmer takes his produce to the pack house at the Airport he is going to receive his money in cash as long as he meets the required standards. Sometimes people have to turn back with rejects. There are on-going field programmes to teach the farmer how to select their fruits, how to select their vegetables. Then when they get to the pack house they are properly packed. If when they get there and the sweet potatoes, whatever, are rejected they are sent back. So those will not go abroad to give Barbados a bad name because we want to earn good foreign exchange. These are some of the programmes that have been implemented in the BADMC.

I know that the tractor scheme has been improved and I know there is now a central workshop with qualified agricultural engineers who are there to assist in looking at the equipment. This is very important because if the farmers are going to need equipment then they must have people who understand agricultural equipment to deal with the equipment. This is another aspect which is good.

The BADMC also has different groups in different areas. There are farmers who are working in St. Philip. There are groups of farmers who are growing specialised crops where other farmers in other areas cannot grow and they are looking at Congor Road where they are growing a lot of vegetables. Some are for the local and export market. Some of them are growing vegetables under drip irrigation and some are using the heavy irrigation scheme.

The Spring Hall land lease has also, in collaboration with the National Development Foundation, been assisting with the drip irrigation system. The farmers have now been able to assist in improving their outputs.

Mr. President, I should like to say that one of the problems in Barbados with agriculture is not the question of what we can send abroad, or the question is not finding markets, the question is production. People want to get into something but then they want to be absentee farmers. They do not want to see it as a strong business where they have to get up from six in the morning until six in the evening and except we put our hands to the plough and we understand that agriculture is a business where you can be respected for producing food to feed your people and to export to earn foreign exchange then we are not going to get anywhere. So this is one of the reasons why the

BADMC is looking at this because we want full time farmers. We do not want absentee farmers, farmers who are going to go to a job in Bridgetown and leave somebody at home to look after the area spasmodically. As a result they are unable to pay their bills, they run into trouble with their crops, the quality is not kept up to standard. Therefore, you have to agree to give the right people the land in order that they may produce successfully on that land. I feel that is a very good thing.

4.05 p.m.

Also, a lot of people are not aware that before we had the BADMC the BMC has been doing a very successful programme with the cows and Barbados is now producing quite a bit of its own beef. Our little farmers are going down to the BMC sometimes twice a week and they are receiving their money. This meat is distributed to various distributors who in turn will buy that meat and sell it in the supermarkets and so on. You can get some of the best cuts. There are trained people at the BMC who have gone abroad and spent the same years as anybody else. If you see it at the various exhibitions, a lot of people could not imagine it. The boxes are fantastic that are sent to the hotels. This is part of a simple project which your humble servant have been involved in at some point in time, but it is working very well. They are hoping now to look at black belly sheep because we have got to cut down on this food import bill. In cutting down on it, we have to look at the changing of the attitudes of Barbadians to the growing and utilization of their own food. This is why we have to put so many people out there in the field to see that things are being done properly. As we say, it must go from the field to the table. If it does not go from the field to the table and we miss anything in between there, our farmers will not make a success.

Sir, we know that in many areas we are going to have to look seriously at non-sugar agriculture. The thing is that whenever people think of non-sugar agriculture they do not remember fish. They do not remember the flowers. We are exporting flowers. There are many people in Germany, England and Texas, U.S.A. who want our flowers but we are not producing enough. There are many people who want our herbs but we are not producing enough. There are many people who want our christophenes. Yet we are not producing enough. The markets are there wide open waiting for us. We are allowing individuals to be very successful, but most of these individuals have gone and worked hard on their own. I think that we must commend those people.

Now we must also have a group of people who are going to put their hands to that plough and say look, this is my thing agriculture. I am going to grow flowers, herbs, vegetables or exotic fruit and I am going to sell them to the BADMC, because I am assured that when I take my

produce that I will get my money. This is very important because sometimes when they take them to other places they do not always get their money. They get it within 30 days and some within 90 days. But when they take it to the BADMC, they get their money immediately. That is a system of a Government who is thinking about the small farmer that has developed and is continuing to develop. It is now focusing on many of the young successful agriculturists who are beginning to come back. They are seeing the light.

Mr. President, I agree with Senator Barker on this. As far as I am concerned, there is never too much money spent in agriculture. But I do not think that you can just pick up money and spend it like that. If you are talking about production, you have to see that people are producing and producing properly. But there are lots of people in Barbados who have not got any money from Government to produce anything. They started planting two little things and selling them. That brought in the money and they started with something else. I know a whole lot of people in this country who have done it. But we always think that the Government must do every single thing. If there are 26,000 small farmers out there, do you think that Government could really go at everybody. You are not going to find some of them who want to get into any programme. Some are going to be contented with where they started. Because, if you look at Old Mayers in St. John, they started off growing and grew successfully. Now they are able to market through Halton Plantation and other supermarkets and so on. But they never started off with Government giving them money. They grew their own things.

Mr. President, I want to say that agriculture is key and one of the great answers to the development of this economy, but we have to take it very seriously and we have to preach it morning, noon and night. We have to make sure that we spend money in the area of promotion. I would like Senator Barker to say that you must spend a lot in promotion of agriculture in the same way that these other people who are importing things into this country spent a lot of money on promotion and advertising. We are going to have to stop talking. But I hope that I will not hear Senator Barker when we come in here for some money to really move it along and to go on some trade missions and so on to benefit this country saying that we are spending too much money. Because he said that you can never spend too much money on agriculture and, Senator Barker, I am going to hold you to your words.

SENATOR T. E. BARKER: On a point of order, Sir. That is not a direct quote I hope. I did not really say that. What I said was that I am glad that money is spent on agriculture. I did not say that you cannot spend too much money.

SENATOR Mrs. V. C. FRASER: Senator Barker, I do not believe that my ears are bad. I know you said that and I am holding you to your words that you cannot spend too much money in agriculture, it is a good thing, and so on and so forth. I know that you are a good man and I know that you are an agriculturist. So when we start to ask money to go, you are going to support and you are not going to talk all around the place either. You are going to really support the thing in its proper perspective. Mr. President, Senator Barker is going to assist in every way possible in piloting that Bill or whatever it is through this Chamber.

Thank you very much, Mr. President.

Mr. PRESIDENT: Senator Bellamy.

SENATOR J. G. BELLAMY: Thank you, Mr. President. Just a couple of comments because a lot has been said. I feel as though we have started the debate on the Estimates. In respect of the particular Heads before us since we have seen the generosity of latitude extended, I just thought that I would stand and make a couple of points perhaps in the same vein. Agriculture and culture have been dealt with in length. The first thing I want to touch on is to say how pleased I am to see that the vast majority of money under the Ministry of Health is going to the Sanitation Service Authority which hopefully will go a long way towards improving the garbage situation in Barbados because I for one do not like to hear people referring to anything in Barbados as "stinkeroo" or anything like that. It really is not good for our image and we need to be very conscious of our image particularly because of the importance of our image to tourism and our tourist industry. I am pleased to see that going there.

Sir, I do not have as much detail on some of the other Heads as I perhaps would like to have, but I am just going to make three other points. I think there is a small amount of money \$29 800 roughly being allocated to the Ministry of Public Works and, to some extent, I am actually sorry that I do not see more money being allocated to the Ministry of Public Works. To some extent, I am actually sorry that I don't see more money being allocated to the Ministry of Public Works because I think all Barbadians must be very concerned about the situation that seems to be taking place with our water supply and we need to seriously address this matter.

4.15 p.m.

Just last night on the local news there was an educational programme attempting to explain to the people of Barbados how the water levels go up and down and how they adjust and I heard a statement to the effect that many people in Barbados appear to be drawing off more water

than they really need in the evening because they don't know for sure that they are going to get water the next day. So they are stocking up.

There are several areas in Barbados where the water supply is non-existent except by way of tankers and we are hearing the pipes are old; but water is one thing that we cannot live without. It is affecting our manufacturing industries which in some cases are located in areas suffering from water shortages and some of those industries need water for the type of process they are involved in and if that is not forthcoming it may very well contribute to further problems for some of the manufacturing industries and in itself contribute to further unemployment.

I think it is a pity that we do not see more money being allocated if it is being used to improve that situation. I know it is not something that can be solved overnight, but it is something we must be concerned about and I am sure a lot more will be said about it during the upcoming debate on the Estimates.

The other thing that I wanted to mention under the Ministry of Public Works is that some months ago... I am sure all business people in Bridgetown were very pleased to see what I believe was referred to as a clean-up campaign in some of the streets of Bridgetown. Unfortunately, I do not believe that the intention of this clean-up campaign was to dirty up businesses but some of the streets that were cleared and resurfaced were resurfaced with a top that is comprised of marl stone and marl dust and when it is dried the marl dust creates a dustbowl. But even more annoying is when it is wet. It creates a sort of sludge which is picked up on people's shoes and transported into the business houses. These are side streets in Bridgetown that are traversed by pedestrians and therefore this sludge and mess is brought into business houses.

I note that the street that runs between Barclays Bank and what used to be Knights Limited and is now Columbian Emeralds has been nicely resurfaced with tarmac. One would hope that in due course for these other side streets like Middle Street and Bolton Lane that some attention will be paid to surfacing as it really is creating a mess and since we are very conscious of our environment I think it is something that should be looked at.

The last point I wanted to mention here is that earlier this morning when we were debating this matter we heard some very eloquent pleas for the upgrading technologically of the judicial system and under the Ministry of Justice and Public Safety I would like to see included in that call which I support an upgrading of the technology available to the police.

It was during the year last year that some companies in the private sector raised some money and donated it to the Police Force to be used to buy mobile transmitters and all of us in here, and I am sure most of the nation of Barbados, have heard an eloquent plea from the Commissioner himself about the need for improved technology, particularly in the area of computerisation. I sincerely hope that it will be forthcoming as well because the police need all the support we can give them again in the interests of protecting our very desirable tourist industry, the life blood to our economy. The crime situation continues to be a concern and therefore any opportunity that is available to me to put in a plug for the upgrading of the facilities given to the police I will utilise, particularly from that standpoint.

SENATOR Dr. F. W. ALLEYNE: Mr. President, this is a supplementary of just over \$5 million in a budget of about close to \$1 billion. It is really infinitesimal and I shall be mercifully brief. I am very glad that this supplementary has come here because a substantial portion of it is to pay the National Insurance Contributions. Mr. President, I am very hopeful that once the green light is given to the supplementary the BADMC will pass on the money to the National Insurance Department for which we shall be eternally grateful.

Just one other comment. I think my friend, the Honourable Senator Barker took out of context that section of the Development Plan – I don't want to debate the Plan as I do not think it is relevant to this debate – when Mentor Barker was speaking about declines in non-sugar agriculture, manufacturing and government services he failed to put it in a proper context. What the Plan is saying is that some areas of manufacturing, government services, and non-sugar agriculture output will decline under the structural adjustment programme and that is to be expected. If you are downsizing government, it follows. During the last 3-4 years calls were made to cut Government expenditure. You cannot cut Government expenditure unless you downsize Government services. I do not see anything wrong with cutting some of those services. I think that some of them should be given to the private sector and I have said this time and time again. If Government does not have the capability to manage it properly, it should not take it on. Government should challenge the private sector to provide services abandoned by the public sector. I see nothing wrong with the structural adjustment because a fundamental aspect of structural adjustment is the rationalisation of public sector activities, and in that rationalisation process the public sector will have to shed certain tasks it is now doing which in a restructured economy it should not be doing. There is nothing wrong with a reduction in government services.

Also in manufacturing any relevant structural adjustment in this economy has to result in the

elimination of certain manufacturing activities because they are not internationally competitive. If they are not internationally competitive they cannot survive so those areas have to go.

Likewise I must submit, Mr. President, there are some areas of non-sugar agriculture where we have not done well but I will not go down the road Senator Barker did and blame the Government for that. I know Senator Barker skillfully picked up the 1993 Economic Report and called it the 1992 statistics. I am sure Senator Barker knows that you cannot attribute blame to any government, this government or his government for the performance of agriculture.

For one, the Government does not own the resources in the agricultural sector. The Government owns about 4 000 acres of land and it is not prime agricultural land. Government's main input in agriculture is by way of policy. I am sure the Senator knows this. I am in no doubt about this at all: The fact of the matter is that the Government can bring down policies but there are so many factors beyond the control of Government and beyond the control of farmers themselves that at the end of the day whatever out-turn you get you cannot blame the farmers and say they are inefficient and that is why they are not doing better or that Government should be doing better. I am sure the Senator knows this and I think that the Senator should be careful making these kinds of points. I think however to be fair – as I said I don't want to get into the Plan as the time will come when we will debate it – the Plan sets out clearly what are the Government's targets and what are the Government's perspectives on Agriculture.
4.25 p.m.

In closing just let me say, Mr. President, that my understanding is that this administration clearly sets out its policy position on agriculture in Barbados. There was a policy on diversification around sugar and diversification with the emphasis on exportables. That was the thrust of the policy and it made sense. The fact of the matter is that that policy ran into difficulties when the cotton industry ran into difficulties because cotton was the major thrust of the drive in non-sugar agriculture, certainly, in this administration since 1986. We all know the difficulties which beset cotton.

I think Senator Barker, certainly for the record, should recognise that the Government has a policy on agriculture. He should also recognise too that the major initiative of Government in reforming and restructuring agriculture does not come via the budget. At present it is coming through the Barbados Agricultural Credit Trust and the Barbados Agricultural Management Company. The plan is, over the next couple of years, to inject some \$60 million into restructuring the agricultural sector, restructuring at the

level of production and restructuring at the level of technology, training and so on in the agricultural sector.

I do not think it is making a balanced submission, when one looks at the budget and tries to find Government wanting because there are not substantial sums of money in the budget through Government. I think we all have to recognise that the two major institutions now charged with changing the direction of agriculture in Barbados are the Barbados Agricultural Management Company and the Barbados Agricultural and Credit Trust.

Mr. President, I support this supplementary.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, there is not too much I would like to say in terms of winding up this debate. However, I believe it was Senator Mottley who inquired about the legislation that is in place to protect artifacts and antiques from unlawful and undesirable exportation. I believe it is under the Customs Act, 1962-18, as amended, the Third Schedule. There is a list of prohibited articles of antiques and artifacts for which licences must be obtained before exportation can take place.

In addition, under the Archives legislation, manuscripts, publications, *et cetera* are also prohibited from exportation unless permission is required.

I notice that Senator Mottley also talked about keeping staff on at the National Cultural Foundation. As she so rightfully said, there is a new Board in place at the National Cultural Foundation and I would wish that it be left to the new Board to determine what staff is necessary to carry out the policies which that Board itself would be instituting.

On the question of conflict of interest, this Government, beginning with Cabinet itself, is quite clear to indicate that members serving at Board level should avoid any conflicts of interest and should they arise, they should be at pains to point out that there is a potential conflict of interest and have it read into the record so that we could have the total transparency in the dealings of the respective organisations.

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

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

SENATOR THE HON. Dr. C. D. CLARKE: This has been certified, Mr. President, as a money Bill. I therefore beg to move that this Bill be read a third time.

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

ORDER NO. 3 – BARBADOS FOREIGN SALES CORPORATION (AMENDMENT) BILL, 1994.

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, this Government is committed to making Barbados a centre for international business companies. In its efforts to make Barbados more attractive as a location for offshore companies, this amendment is before us. The current legislation as it now stands, prohibits the inclusion of sales to persons living in the CARICOM area.

Most of our foreign sales corporations are US companies which are free to set up foreign sales corporations in either Puerto Rico, and/or the Virgin Islands. From those two areas which are well within the Caribbean they are able to export to Barbados. The legislation as it stands, therefore, makes Barbados less competitive as it seeks to attract foreign sales corporations from North America into Barbados. This amendment will seek to correct this.

Unfortunately, the current legislation was modelled after the Fiscal Incentives Act but that dealt primarily with manufacturing in that it was indicated that if you manufactured in Barbados and you were identified as an enclave enterprise therefore you had to sell your output outside of the CARICOM area. The Foreign Sales Corporations are not manufacturing concerns and, therefore, this type of problem envisaged under the Fiscal Incentives Act will not occur under the Foreign Sales Corporation Act.

Now, the benefit to be derived from the Foreign Sales Corporations first of all, to date, there are about 926 Foreign Sales Corporations which are established in Barbados. Up to February 24, 1994, an additional 50 have been set up. The large Foreign Sales Corporations pay about \$2 000 per company to incorporate. The small ones pay about \$1 000. The direct revenue deriving from the presence of these Foreign Sales Corporations in Barbados last year, 1993, was a sum of about \$1 350 000. These are direct revenues but there are also indirect benefits which accrue primarily to professional firms such as accountants and also to the utilities companies, the Telephone Co., *et cetera*.

In terms of earnings, it is important to us as we seek to increase our foreign exchange earnings and to provide employment, especially at the upper end of the employment scale, that we continue to seek to make our legislation sufficiently attractive so that we are able to entice and lure Foreign Sales Corporations to Barbados in addition to

which we expect that with changes occurring in the US Virgin Islands, that some Foreign Sales Corporations now domicile in that area will be looking for new homes. This change at this time would make Barbados sufficiently attractive to entice them to come here. What it is really doing is saying, basically, that the Foreign Sales Corporation can now if it locates in Barbados be allowed to sell to other countries within CARICOM but Barbados would still be excluded. It seeks to make Barbados competitive with Foreign Sales Corporations which might have been established in either the US Virgin Islands or Puerto Rico and which could have sold to CARICOM including Barbados. So Barbados was still excluded. Out of this we have seen the direct benefits. In the past we have had, out of Foreign Sales Corporations new companies actually setting up in Barbados to make the products which were hitherto importing from North America and selling in Barbados. It is a source of potential additional industries in the manufacturing sector, foreign exchange earnings, and employment generation at the higher end of the employment scale.

4.35 p.m.

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

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. Dr. C. D. CLARKE the question was put that the Senate goes into Committee on the Bill.

APPOINTMENT OF ACTING DEPUTY PRESIDENT

SENATOR THE HON. Dr. C. D. CLARKE: Mr. President, before the Senate goes into Committee, I beg to move that Senator Straughn be designated as the Acting Deputy President for the remainder of the day's sitting.

The question was put to the Senate and agreed to. Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill.

COMMITTEE

Madam CHAIRMAN: The Senate is now in Committee.

SENATOR THE HON. Dr. C. D. CLARKE: Madam Chairman, since there has been no debate and the Chamber is of one mind, on this Bill, I beg to move that clauses 1, 2, 3, 4, 5, 6, 7 and 8 stand part.

The question that Clauses 1, 2, 3, 4, 5, 6, 7 and 8 stand part was put to the Senate and agreed to.

On the motion of SENATOR THE HON. Dr. C. D. CLARKE the Senate was resumed and the passing of one Bill in Committee, without amendment, was reported. Mr. PRESIDENT resumed the Chair and reportedly accordingly.

ROAD TRAFFIC (AMENDMENT) BILL, 1994

Order No. 4 was called – To move the Second Reading of the Road Traffic (Amendment) Bill, 1994.

Mr. PRESIDENT: Senator Lewis.

SENATOR THE HON. L. V. H. LEWIS: Mr. President, this Bill which seeks to amend the principal Act namely the Road Traffic Act, Cap. 295 makes provision in Clause 2 for the Licencing Authority to refund, remit or waive monies paid or payable in respect of the registration of motor vehicles and in respect of road tax in cases where it is proven that such vehicles were either not used, were not kept for use, or allowed to be kept for use by their owners during the period in which the taxes were paid or were payable. Clause 22 (a) deals with refund of taxes and 22 (b) with waiver and refund of those taxes.

Clause 3 provides for amendments to section 121 of the principal Act which relates to the enforcement and administration of traffic laws. Section 121 was previously amended by the Road Traffic (Amendment) Act, 1992 – 2 in order to increase the list of offences to which the fixed penalty system could be applied. However on reflection the Attorney General has advised that the Amendment done in 1992 was incomplete. It is now proposed that certain words be added to Section 2, the words being:

"but does not operate in respect of any area or place unless the Minister by order published in the Official Gazette so declares."

These were apparently inadvertently omitted from the earlier Amendment. It is now proposed to correct that omission. An opportunity is also taken to include in the list of offences which may be governed by fixed penalty the stopping of public service vehicles such as motor omnibus, minibus or route taxi at a place other than a place appointed for such purposes. This was also overlooked in the 1992 Amendment. A further provision is made to correct Section 10(a) of Section 121, subsection 10(a) because it appeared ambiguous and the police have been prevented from enforcing measures prescribed in that Amendment. Two new subsections have been provided to be included in the Bill to remove the ambiguity. This is Section 10 (a) which relates to a fixed penalty for carrying up to 5 passengers in excess of the authorized number and for carrying 6 or more passengers in excess of the

authorized number. In addition to the penalty provided by paragraph (a) a further twenty-five dollars is provided in respect of every passenger carried in excess. So that it substantially increases the penalty to \$50. These are the amendments contemplated in the Bill before us. I beg to move that this Bill be read a second time.
4.45 p.m.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. L. V. H. LEWIS, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR Mrs. A. STRAUGHN in the Chair.

Madam CHAIRMAN: The Senate is in Committee

Clauses 1, 2, 3 and 4 inclusive were called and passed.

On the motion of SENATOR THE HON. L. V. H. LEWIS, Madam CHAIRMAN reported the passing of one Bill in Committee without amendments, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. L. V. H. LEWIS, the Bill was read a third time and passed and cited The Road Traffic (Amendment) Act, 1994.

ORDER NO. 5 – THE MERCENARIES (CONVENTION) BILL, 1994

SENATOR THE HON. L. V. H. LEWIS: The Bill before us proposes to implement the International convention against the recruitment, use, financing and training of mercenaries. The convention was adopted by the United Nations General Assembly on December 4, 1989 and is appended to the Bill as its First Schedule. It provides for definition of convention and of mercenary. It provides for persons who recruit and use or finance or train mercenaries to be guilty of an offence. It describes a mercenary as one who participates directly in hostilities or in acts of violence. It provides that persons who aid or abet or counsel or procure the commission of any of the offences is also guilty of the offence. That offences include such acts committed in Barbados on board registered aircraft in Barbados or outside Barbados who may be citizens of Barbados or persons other than citizens of Barbados who may be in Barbados at a given point in time.

As a Commonwealth country, Barbados would be designated but it relates to the provisions for extradition to and from countries which are designated under the

Extradition Act and for penalties and for prosecution of offences.

The convention aims to ensure respect for the sovereignty of states, the self determination of peoples, their territorial integrity and the stability of Governments. 4.55 p.m.

It is of particular relevance to Small Island Developing States like Barbados which are often vulnerable to external attack due to inadequate security arrangements. Barbados agreed to accede to the Convention in March 1992 and in fact acceded to the instrument of accession and was deposited with the United Nations on June 22, 1992. This Bill before us now seeks to approve of the Convention formally and 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. PRESIDENT left the Chair and the Senate went into Committee on the Bill, SENATOR Mrs. A. STRAUGHN in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is in Committee.

Clauses 1 to 12 inclusive were called and passed.

First Schedule and Second Schedule were called and passed.

On the motion of SENATOR THE HON. L. V. H. LEWIS, Madam CHAIRMAN reported the passing of one Bill in Committee without amendments and Mr. PRESIDENT resumed the Chair and reported accordingly.

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

ADJOURNMENT

SENATOR THE HON. L. V. H. LEWIS: Mr. President, we have now completed the Items on the Order Paper. I beg to move that this Senate be now adjourned *sine die*.

The question that the Senate be now adjourned sine die was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Sitting accordingly.
5.02 p.m.

CONTENTS

SUSPENSION OF STANDING ORDER

SENATOR THE HON L. V. H. LEWIS 1644

Suspension of Standing Order 45(2) for the remainder of the sitting.

BILLS READ A FIRST TIME

SENATOR THE HON L. V. H. LEWIS 1644

1. A Bill to grant the sum of \$5 160 994 from the Consolidated Fund and to appropriate the same for the service of Barbados for the year ending 31st March, 1994.
2. The Barbados Foreign Sales Corporation (Amendment) Bill, 1994.
3. The Road Traffic (Amendment) Bill, 1994.
4. The Mercenaries (Convention) Bill, 1994.

PUBLIC BUSINESS

ORDER NO. 1 – THE OFFENCES AGAINST THE PERSON BILL, 1994 1645

Senator the Hon. L. V. H. Lewis, 1645; Senator W. LeR. Inniss, 1646; Senator Miss M. A. Mottley, 1649; Senator the Venerable Archdeacon J. L. Springer, 1652; Senator Mrs. V. C. Fraser, 1654, 1655; Senator J. A. F. Cole, 1655; Senator T. E. Barker, 1656, 1657.

RESUMPTION

ORDER NO. 1 (Resumed)

Senator the Hon. L. V. H. Lewis, 1659.

ORDER NO. 2 – THE SUPPLEMENTARY APPROPRIATION (NO. 3) BILL, 1994 1659

Senator the Hon. Dr. C. D. Clarke, 1659, 1674; Senator Miss M. A. Mottley, 1660, 1661, 1662, 1665, 1666; Senator the Hon. L. V. H. Lewis, 1667; Senator T. E. Barker, 1667, 1668, 1669; Senator Mrs. V. C. Fraser, 1670; Senator J. G. Bellamy, 1672; Senator Dr. F. W. Alleyne, 1673.

ORDER NO. 3 – THE BARBADOS FOREIGN SALES CORPORATION (AMENDMENT) BILL, 1994 1675

Senator the Hon. Dr. C. D. Clarke, 1675.

ORDER NO. 4 – THE ROAD TRAFFIC (AMENDMENT) BILL, 1994 1676

Senator the Hon. L. V. H. Lewis, 1676.

ORDER NO. 5 – THE MERCENARIES (CONVENTION) BILL, 1994 1676

Senator the Hon. L. V. H. Lewis, 1676.

SUSPENSION 1658

ADJOURNMENT 1677

Senator the Hon. L. V. H. Lewis, 1677.

SPEAKERS IN THIS ISSUE

ALLEYNE, Senator Dr. F. W.
BARKER, Senator T. E.
BELLAMY, Senator J. G.
CLARKE, Senator the Hon. Dr. C. D.
COLE, Senator J. A. F.
FRASER, Senator Mrs. V. C.
INNISS, Senator W. LeR.
LEWIS, Senator the Hon. L. V. H.
MOTTLEY, Senator Miss M. A.
SPRINGER, Senator the Venerable Archdeacon J. L.