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# THE SENATE DEBATES

(OFFICIAL REPORT)

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FIRST SESSION 1994 - 99

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## THE SENATE

*Wednesday, March 15, 1995*

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, March 15, 1995, at 11.15 a.m.

### PRESENT

His Honour Senator F. W. GOLLOP (President)

His Honour Senator C. L. BOLDEN (Deputy President)

Senator the Honourable R. R. FARLEY (Minister of Industry, Commerce and Business Development) (Leader of the Senate)

Senator the Honourable P. C. GODDARD (Minister of State, Ministry of Foreign Affairs, Foreign Trade and International Business)

Senator the Hon. G. S. H. MURRAY (Minister of State, Prime Minister's Office)

Senator Miss C. Y. FORDE

Senator T. E. BARKER (Parliamentary Secretary, Ministry of Finance and Economic Affairs)

Senator Miss O. P. SYMMONDS

Senator D. T. GILL

Senator Miss J. C. ODLE

Senator N. A. LYNCH

Senator N. P. WELCH

Senator J. A. WORKMAN

Senator Mrs. P. E. RICKINSON

Senator S. P. BERNSTEIN

Senator C. LeR. TROTMAN

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

Senator C. K. LAURIE;

Senator Mrs. V. J. DAVIS

Senator Mrs. A. P. THOMPSON

Senator C. A. MASCOLL.

Prayers were led by Rev. Errington Massiah.

Mr. PRESIDENT: The Senate is in session.

### MESSAGES FROM HER EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: I have received the following communication from Her Excellency the Governor-General dated March 8, 1995.

"Dear Mr. President:

I shall be away from the Island from March 8 to March 17, 1995 on a visit to Copenhagen and New York.

In accordance with the provisions of section 29(1)(b) of the Constitution, the Honourable Sir Denys A. Williams, K.C.M.G., G.C.M. will perform the functions of the office of Governor-General during my absence.

As the Honourable the Senate will not be meeting prior to my departure, it will not be possible for the usual formal message to be sent down to your Chamber. Will you therefore please bring my absence formally to the attention of the Honourable the Senate when next it meets."

### PRESENTATION OF PAPERS

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I have the honour to lay the following documents:

Estimates 1995-1996;

Schedule of Personnel Emoluments;

The Customs Tariff (Amendment) Order, 1995;

The Duties, Taxes and Other Payments (Exemption) (No. 2) Order, 1995;

The Duties, Taxes and Other Payments (Exemption) Order, 1995;

The Annual Reports of the Public Utilities Board for the years 1992-93; and

Annual Report of the Chief Medical Officer for 1991 and 1992.

#### SUSPENSION OF STANDING ORDERS

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I move that we suspend Standing Order 45(2) for the remainder of today's sitting.

*The question was put and agreed to.*

#### PUBLIC BUSINESS

##### ORDER NO. 1 - SECOND READING OF POLICE (AMENDMENT) BILL, 1995

SENATOR THE HON. G. S. H. MURRAY: Mr. President, this Bill seeks to amend the Police Act Cap 167. It comes against the background of a situation which has accumulated over the years whereby the premises of the various police stations have been despoiled by an accumulation of a vast number of vehicles, particularly bicycles and motorcycles, which have remained on the premises of the various police stations over the years.

You will recall that the Attorney General has made a number of visits to police stations and fire stations and has embarked on a programme of emergency repairs and maintenance of police stations and fire stations. It was therefore felt that to allow the situation, whereby through deficiencies in the law as it stands now, these vehicles were allowed to stay on the premises of the police stations, through no fault of the police - the Police Commissioner has explained that he is unable to dispose of these vehicles because of an existing legal stricture.

Section 58 of the Police Act has proven very cumbersome and unwieldy and unworkable, and since most of these vehicles have come into the possession of the police other than by court proceedings as a result of litigation where, for example, it has been determined that lots of these vehicles have come into the police possession because if a policeman sees somebody acting in a suspicious manner and they are riding a bicycle or a

motorcycle when they see the police they just abandon the vehicle and proceed to leave the property.

As it stands now, the new clause that is being proposed allows the Commissioner to sell the property at auction after the property has been in possession of the Force for one month and has been advertised in the Official Gazette and one issue of the newspaper. As it stands now, the Police Commissioner has found it difficult because of the failure of the Government Auctioneer to function as effectively as that office should have over the years, and this Act really seeks to tidy up the situation and to give the police the flexibility and the power to dispose of the property other than by auction after auction.

The new clause will involve a situation whereby the police themselves can sell the property after a month but that the owner of the property has a right to claim the proceedings of that sale after it has been offset against expenses within a year of the sale. If this claim does not come about in that year the net proceeds of that sale will then go into the Consolidated Fund. It is felt that the change of the law will make the police dispose of the goods through sale.

In addition, there is another section 58(3) which will give the Commissioner authority to dispose of the goods according to his own discretion, whereby if they are not sold through the auctioneer it would prevent and forestall the continued unsatisfactory and unsightly sight of these vehicles accumulating around the police stations. It seeks to both aesthetically improve the police station and to generate some business for some people through the purchase of the vehicles.

Mr. President, I am wondering if there might not be some provision whereby some of these vehicles might be able to be put at the disposal of the Samuel Jackman Prescod Polytechnic whereby they can become vehicles on which aspiring mechanics and electricians might be able to practise their skills and perfect their craft. I see therefore that there is great merit in this Bill and I beg to move that the Bill be read a second time.

*The question was put and agreed to.*

#### COMMITTEE

*On the motion of Senator the Honourable G. S. H. MURRAY, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, His Honour Senator C.L. BOLDEN in the Chair.*

11.30 a.m.

Mr. CHAIRMAN: The Senate is in committee.

*Clauses 1 and 2 were called and passed.*

*On the motion of SENATOR THE HON. G. S. H. MURRAY, Mr. Chairman reported to His Honour the PRESIDENT, the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported to the Senate accordingly.*

*On the separate motions of Senator the Hon. G. S. H. MURRAY the Bill was read a third time and passed.*

ORDER NO. 2 – RESOLUTION TO APPROVE THE  
DRAFT ELECTORAL AND BOUNDARIES COM-  
MISSION (REVIEW OF BOUNDARIES)  
ORDER, 1995

SENATOR THE HON. G. S. H. MURRAY: Mr. President, this measure is in compliance with the law governing the operations of the Electoral and Boundaries Commission. The law requires that the Commission periodically submits reports on its performance and findings.

Sir, the first report of the Commission was submitted in December 1989. This covered the period from April 1985 to October, 1989. This measure is in compliance with section 41 of the Constitution which sets out various procedures for the review of constituency boundaries. This section of the Constitution states that:-

"The Commission shall review the number and boundaries of the constituencies into which Barbados is divided and submit to the Minister for presentation to each House reports either showing the constituencies into which it recommends that Barbados should be divided or stating that in the opinion of the Commission no alteration is required to the existing number of boundaries of constituencies".

The section further states that reports shall be submitted by the Commission in the case of the first report not less than one or more than five years from the date of appointment of the Commission and in any subsequent report, not less than two or more than five years from the date of the submission of its last report and not later than two months after the Commission has submitted its report.

Sir, this measure was laid in the Senate on Wednesday, January 25, 1995 and therefore we are now falling within the guideline of the requirements of the Act.

This second report deals primarily with the Commission's review of the constituency boundaries carried out in accordance with the Third Schedule of the Constitution which states that the electorate shall as far as is practical in all cases be equal in all constituencies.

There are a number of conclusions reached in the report and perhaps one of the most significant is that the Commission is of the view that the register of electors needs to be purged and updated and therefore considers it necessary that there be an enumeration of the electorate before a conclusion is arrived at, and also the necessity to review the boundaries, the last such exercise having been conducted in 1988.

Sir, I beg to move that the Resolution do now pass.

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

ORDER NO. 3 – THE HEALTH SERVICES  
(AMENDMENT) BILL, 1995

SENATOR THE HON. G. S. H. MURRAY: Mr. President, as we are all aware, Barbados is now embarking on sewerage the South Coast. It is a mammoth multi-million dollar project which will, as is widely accepted, make a great deal of difference to the health and aesthetics of that part of Barbados, the South Coast, both for Barbadians and visitors alike. It is a requirement, I think, of a modern developing society and we are moving fast to effect the project which we would have inherited from our predecessors. We are trying to add our bit to bring it to fruition as quickly as possible.

Part of the requirements of this project is that the Ministry of Housing and Lands should take a number of steps. One would be to seek to secure the easements on the privately owned lands that are required for manholes and the installation of sewer pipe lines. Secondly, to pursue the acquisitions under the Land Acquisition Act of any of the areas required for easements in the event that a landowner objects to granting an easement. The Chief Surveyor has identified that there are approximately 200 easements that will be required for the siting of manholes and the installation of sewer pipelines which pass through privately owned lands and roads.

The IADB with which we are associated in this project has made provision of these easements mandatory and there is no likelihood of their varying this section, so we are fulfilling the requirements of the project.

The Attorney General has certified that the Bill is in order. It seeks to give the Minister or any person authorised by her the power to enter on to private premises for the purpose of laying pipes and connections for attachment to a sewer, and to perform any maintenance or repair to a sewer. It also provides some protection for the property owner in the sense that it makes provision for reasonable compensation to be paid to the affected

landowner for any loss or damage done to the property during the execution of such work. It also provides for the restoration of lands to their original state upon completion of the work.

Sir, the Bill seeks to satisfy the general public good in the sense of trying to effect the beginning and completion of the project and also the individual rights of the property owner which are specifically spelt out and explicitly stated having certain compensatory rights and protective measures to his advantage.

11.40 a.m.

Sir, in those circumstances, 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. G. S. H. MURRAY, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, His Honour Senator C. L. BOLDEN in the Chair.*

#### COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

*Clauses 1 to 5 inclusive were called and passed.*

*On the motion of Senator the Hon. G. S. H. MURRAY, Mr. CHAIRMAN reported to Mr. PRESIDENT*

*the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.*

*On the separate motions of Senator the Hon. G. S. H. MURRAY, the Bill was read a third time and passed.*

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I believe that the easy passage of these measures, apart from the non contentious nature that is inherent in them probably indicates that we are preparing ourselves for a much more strenuous effort in a few days' time.

#### ADJOURNMENT

SENATOR THE HON. G. S. H. MURRAY: In moving the Adjournment of the Senate I should like to advise Honourable Senators that on Monday, March 27 and Tuesday, March 28 with a possibility of going into the 29th, if necessary, we will be devoting much time to the annual examination of the yearly Estimates of Expenditure, 1995-96.

I therefore beg to move that this Senate do now adjourn until Monday, March 27, 1995 at 10.00 a.m.

*The question was put to the Senate and agreed to and Mr. PRESIDENT adjourned the sitting accordingly at 11.48 a.m.*

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