
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

THE SENATE

Wednesday, July 24, 1996

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, July 24, 1996, 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 Foreign Trade and International Business)

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

Senator Miss C. Y. FORDE (Parliamentary Secretary, Ministry of Education, Youth Affairs and Culture)

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

Senator Miss O. P. SYMMONDS, G.C.M.,

Senator D. T. GILL

Senator Miss J. C. ODLE

Senator N. P. WELCH

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

Prayers were led by Rev. Fr. Errington Massiah.

Mr. PRESIDENT: The Senate is in session,

PRESENTATION OF PAPERS

SENATOR THE HON. R. R. FARLEY: Mr. President, I am commanded to lay the following:

1. Guarantees granted under the Exempt Insurance Act, Cap. 303 to the following:
 - (1) Alexander Touche Insurance Inc.
 - (2) Barinco Insurance Ltd.
 - (3) Ilona Reinsurance Company Ltd.
 - (4) Monaghan Reinsurance Co. Ltd.
 - (5) Motors Mechanical Reinsurance Co. Ltd.
 - (6) Paragon Indemnity Insurance Co. Ltd.
 - (7) RGA Reinsurance Company (Barbados) Ltd.
 - (8) Sutton Reinsurance Corporation
 - (9) T.T.G. Insurance Company Inc.
2. Report on the Vital Statistics and Registration for the year 1994.
3. Report of the Regional Meeting on Drug Control cooperation in the Caribbean held at Bridgetown, Barbados from May 15 to 17, 1996.
4. The Income Tax (Amendment) Regulations, 1996.

5. The Betting and Gaming Duties (Amendment) Regulations, 1996.
6. The Annual Report of the National Conservation Commission for the financial year April 1, 1992 to March 31, 1993.
7. The Exchange Control (Fees) (Revocation) Order, 1996.
8. Report on the Audit of the Accounts of the National Insurance Fund for the year ended December 31, 1993.
9. Annual Report of the National Productivity Board for the year 1994-95.

MOTIONS RELATING TO THE BUSINESS OR
SITTINGS OF THE SENATE AND
MOVED BY A MINISTER

SENATOR THE HON. R. R. FARLEY: Mr. President, I beg to move that Standing Order 45(2) be suspended for the remainder of today's sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. R. R. FARLEY: Mr. President, I rise to give notice of the following Resolution:

Resolution to approve the sale to Michael Cozier of a parcel of land, together with buildings thereon, at Glendale, St. Thomas.

In addition, I also beg to move that the Bills on the Order Paper be now read a first time.

The question was put to the Senate and agreed to.

CONGRATULATORY SPEECHES

SENATOR THE HON. R. R. FARLEY: Mr. President, before we engage in Public Business for today's sitting, I am sure all Senators are by now aware of the high honour that has been conferred on our esteemed Clerk of Parliament, Mr. George Brancker, who was made a Commander of the Most Excellent Order of the British Empire in the 1996 birthday awards conferred by Her Majesty the Queen.

I want to take this occasion to offer the Senate's congratulations to our dear Clerk on this high honour. George Brancker has been Clerk of Parliament for just over 25 years, having begun service in November, 1970, and he

has served us in the capacity of Deputy Clerk and subsequently Clerk of Parliament continuously from that period.

As you would be aware, Sir, such an honour is by no means a long service award. In fact, as Martin Luther King noted, although longevity has its place, we certainly are convinced that this honour has been conferred on Mr. Brancker based on the quality of his service, and indeed the factor of quantity or length of service is only really a matter of adding to what is already there in terms of the quality of service.

It cannot be denied that our Clerk of Parliament of Barbados has distinguished himself not only here in Barbados but throughout the Commonwealth, and it is by acclamation that I believe he is referred to as no less than the Doyen of Clerks in Parliaments in the Commonwealth.

On reflecting on the honour that has been conferred on him, I thought I would try to understand a bit more about what really is a Clerk of Parliament and in order to do that I had to visit some of the distinguished authorities in this area. For example, Mr. President, Erskine May in commenting on the roles of the Clerk of the House would have noted, amongst other things, the fact that the Clerk is the Chief Permanent Officer of the House of Commons and so on, but in terms of his duties he noted, and I quote:

"The Clerk has the custody of all records or other documents, and is responsible for the conduct of the business of the House in the offices within his department. He assists the Speaker and advise Members in regard to questions of order and the proceedings of the House. He holds the appointments of Accounting Officer for the House of Commons and Chairman of the Board of Management."

Of course, our Parliament is modelled after the British Houses of Parliament and we would have similar features.

In addition, Sir, the Honourable John Fraser, who was the Speaker in the Canadian House of Commons, in a book which he wrote on the House of Commons would have noted some interesting comments concerning the role of the Clerk within the parliamentary system, and he noted that the office of the Clerk is as ancient as Parliament itself and, according to his research, all of the earliest English parliamentary records make reference to a Clerk of the House of Commons. In terms of the profile of the Clerk, Fraser suggested that it varied and I quote here from him, the House of Commons page 68:

"The varied and complex duties that the Clerk must perform demand not only very specific qualification but also uncommon personal qualities."

That I found to be a very interesting comment and I am sure that you will agree that George has some very uncommon, positive, that is, vis-a-vis uncommon as in wayward, characteristics. He went a bit further than May's in seeking to speak to the duties which the Clerk must perform within the context of the parliamentary system which we practise. I quote again from Fraser who said that the Clerk is at the service of the Commons. In other words, all MPs, regardless of affiliation, must be listened to, advised and counseled with utter objectivity without any partisanship. Just as the Speaker, the Clerk must accord equal treatment to every MP in order to preserve a reputation for impartiality.

11.25 a.m.

The Clerk must always be courteous, pleasant, patient, able to joke while keeping a distance compatible with the role of servant of the House. A good memory makes the Clerk's work easier and in fact is an essential tool in a milieu where constant appeals are made to precedent, to parliamentary history and, indeed, to history generally.

I would want to suggest, Mr. President, that based on the description offered for the office of Clerk of Parliament by distinguished writers that our own George Brancker, CBE is a fitting representation of all that is mentioned in this description. Were it not for the fact that these books are dated prior to the service of George, I would have thought that they would have reflected on the role he has performed and the service he rendered over the past 25 years.

We can attest to his knowledge of the Constitution, the Law and the practice of parliaments worldwide. Although much of this would have been obtained in his service over 25 years his preparation for that job also has been a major contributor. He is a Barbados Scholar and a trained attorney-at-law and he, therefore, has had the sound academic background as well as the formal training as would have predisposed him for such a position. I believe that it is the non-academic aspects of his profile to which Fraser referred to, the uncommon personal attributes, which would have resulted in the level of success which our Clerk has had.

In fact, Sir, the reason why I made the point at the beginning of these remarks that this is not a long service award is that we know all too often, unfortunately, that persons who can serve 25 years in a position only have one day's, or if you are a little more generous, one year's actual experience because they simply replicate the first few things that they have learnt day in and day out. In fact, Sir, in spite of the quality of the contributions which have been rendered by George Brancker, our Clerk, I dare to suggest that given his approach to his work that the best is yet to come. He is always looking for ways and means of improving on his level of service and in researching

information and offering advice. In fact, as a person who is into the early days of a session in Parliament, I would say he has functioned more as a beacon or a compass providing a focal point and guidance to us political neophytes sometimes perceived on the rough seas of parliamentary and political life as if you were rudderless ships.

He gives fair and honest advice to all of us and really recognises one of his key roles as being a legal advisor within the parliamentary system. He has proved himself a repository of valuable information on things of parliamentary procedure, precedence and the like.

I want to make mention of something I find distinctive about George Brancker. That is his mastery of language which, I believe, is superlative to many, superlative both in its width and its depth. He is equally as skillful in drafting a parliamentary question, making suggestions concerning other aspects of drafting and he is equally skillful and comfortable in making witty remarks at a luncheon or dinner function or even making comments of a more raunchy nature in the quiet and privacy of the corridors of this Parliament.

His skill, his command of the language, goes beyond question. So, Sir, I would say that we in Barbados have been extremely fortunate to have had the benefit of service of a Clerk of the calibre of George Brancker. In looking at his career and attributes, I am tempted to say that he could have, if he so desired, had a successful career in elective politics. Indeed, he might have been swayed by the view that is sometimes expressed and that is that politicians look to the next elections while statesmen look to the next generation.

He has chosen to go the route of offering service to Parliament and, in that way, by the nature of his contribution, not only acted as a statesman looking towards the next generation but in recognising the critical role which a strong and partial and active parliament plays in our system of democracy, he has, through his contributions, sought to ensure the rights and freedoms of people and the stability of the society for the next generation and many generations to come.

I would say, Sir, that George Brancker is most deserving of the high honour that has been conferred on him by Her Majesty. It is an honour that makes all of Barbados proud, Sir. It is an honour, I am sure, that makes this House proud. It is an honour that makes me proud. I am sure that I speak on behalf of all Members here, Sir, when I offer my heartiest congratulations to George Brancker, CBE. I urge him, in closing, to ensure that as much as possible of the wealth of information which he has locked in that excellent brain of his is transferred to

us, political neophytes, so that in the future we would proceed through these waters as ships with excellent rudders and navigational systems. As I said, some of us enter rather as ships on rough and uncharted seas.
11.35 a.m.

SENATOR Mrs. A. P. THOMPSON: Mr. President, I do not believe that there is much more that I can add to what has already been said. I too, would like on behalf of myself, of Senator Clyde Mascoll and Members of my political organisation, to express my elation at this honour that has been conferred on Mr. Brancker.

I too, admire his love of and use of the English Language. From time to time my colleagues and I would sit and regret that we were not schooled in the classics. One can see from the way he uses the English Language that he has a very great knowledge of Latin and Greek, and he was not just somebody who reads papers and books. He is well structured in the use of the English Language.

I admire most of all his memory. I believe he has a fantastic recall. I do not know how many of us draw on his memory, but from time to time I would call him to try to give me some background information, since we are not in possession of the laws, and I have to draw on the Clerk's experience. Without pulling a book he can offer you a chair and cite a piece of legislation and discuss it with you. He can actually recall and share with you what was said by different Members of Parliament, as that legislation was debated, way back 20 years and more. It is unbelievable but he can actually identify the Members of Parliament, even where they were sitting at the time in Parliament, and what they said.

As he was pulling the information for you, while he was discussing it he would make a copy of it, and when you read the debate you would see it was flowing in the same manner in which the Clerk would have told you it happened. I think that he is really a great asset to this Parliament and to Barbados.

On the last occasion when we had the Commonwealth Parliamentary Association meeting here, I noted the respect and admiration which the members of the other Parliaments in the Commonwealth showed for the work, the knowledge, skills and experience of the Clerk of Parliament.

In the early stages of my appointment to this Senate, I was very apprehensive. I was not sure, at a very early time, I could grasp the Standing Orders and conform with what was expected of me in the House. I remember that the Clerk put us through the paces of this Parliament in a very light-hearted way. Although we were dealing with a very serious matter, in order to properly hold the attention of the younger Members of the Senate, he gave us accounts of instances in other Parliaments when the

Standing Orders were either breached or how Members of Parliament, with their political skills, got around the Standing Orders. I really admired the Clerk for his ability to communicate that kind of information to us.

I believe that 25 years is a long time in the life of any individual. To dedicate that period of time to any service in the country is worthy of note and is worthy of honour. Today I join fellow members in saying how pleased I am and to say that this honour could be conferred on no better person than Mr. George Brancker.

I agree that he shows no partisan political biases at all. This is something which I hope from time to time I can see from a number of other individuals who hold high public office. One could never tell if he supports a particular political party. It does not come over in his conversations, not even in informal dialogue. That is a credit to his love for and respect for the office which he holds. He is a great communicator. I do not think that we can deny that.

I think that one of the hallmarks of communication is the ability to converse at all levels and to get the kind of response one is anticipating. I can say that he has excelled in that area. Without adding much more, I would like to say special congratulations to the Clerk of Parliament on this occasion.

SENATOR Mrs. V. J. DAVIS: Mr. President, I am going to be brief. I suppose we can sit here a whole day and talk about George Brancker. I would just like to say that I do admire not only his erudition, but his anecdotes. When he starts we do not want him to stop and I think he does not want to stop. The more we listen to him the more we learn.

The fact that he has made us all feel so comfortable in such a short time, that we are now, not experts, but at least we know something about parliamentary procedure attests to the fact that he is more than a great communicator, he is a great teacher. So before we go on and on, I would just say how proud I felt, when I heard that he received the honour, almost as though it was personal. I felt as though it was part of my own aggrandizement. That is the way one gets to feel about George Brancker, that he is part of the family. He is part of the family of Commonwealth Clerks and a great man.

I am sure that probably others would like to speak, so on behalf of the Independent Senators, I wish to say congratulations again. God bless you.

Thank you.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Mr. President, I do not think that I

needed to be part of it, but I blame it on Senator Davis. I have to say a few words. I would like, Sir, to associate myself with all the remarks that have been made so far. Speaking, in fact, as the senior Member of the Independent Senators, having been with him longer – this is going into my sixth year, so I think that I am more qualified to speak – I think that Mr. George Brancker would have excelled at anything he sets himself to do. I think that it is particularly significant that he has stayed with Parliament over 25 years, making him one of the Senior Clerks in the whole Commonwealth. In this vein he has demonstrated that whatever the task, one must seize hold of it and perform it, stay with it and see it through. We have so many examples of persons who have tried their hand at almost everything and never stayed long enough to be successful at anything, and this is not the example given by George Brancker.

I remember him speaking with pride at the work of the refurbishment of Parliament several years ago, I think in the late 1980s, almost as though it meant so much to him. He spoke of it as one would speak of accomplishing some structural or architectural feat in one's own home. Such was the pride that he had in what goes on here at Parliament.

I think that all of us can testify to the help we have received over the years, both in terms of the initial preparation which he threw himself into in order to make sure that Honourable Senators were prepared for what we do here; also to continue updating that knowledge and that experience by the kinds of papers which he circulates from time to time.

So, Sir, I am proud to have been associated with George Brancker over these years and I join the Honourable Senators in wishing him all the best in the future and congratulations on this honour.
11.45 a.m.

SENATOR T. E. BARKER: Mr. President, I have the honour of serving well on both sides of the Table and indeed, Sir, I wish to express my thanks to "Commander George", as I call him, for the help he gave me when I was on the other side. The true test of the Clerk's, and for that matter the Deputy Clerks', integrity is how they treat Opposition Senators. To me that is very important because, for obvious reasons, they have to treat Government Senators well.

I am particularly happy during the years 1991 to 1994, I can attest to the fact that I have received tremendous help through "Commander George" in the execution of my duty. It was a terrible time in here because I was new, a bit wet under the ears and around the ears and I had a lot of trouble with the Presiding Officers, through no fault of my own, I might add. Had it not been for Mr. Brancker helping and guiding me I do not know if

I would have been as successful as I probably was. I do not want to dwell too much on that period because I was notorious in that period for not at all times behaving to the best of traditions.

Sir, I want to associate myself very much with what was said before. I am pleased to note that he has received not a Barbados honour but more importantly, a Commonwealth honour which attests to his standing among Commonwealth countries and the tremendous amount of respect they have for him in parliamentary circles. Do not forget that almost all of the Commonwealth countries have a parliamentary system and they all call upon the knowledge of Mr. Brancker in helping solve difficult problems they may have.

It augurs well for Barbados too that we have produced a Clerk of Parliament who is well regarded and respected throughout the whole Commonwealth. Sir, you know that almost a quarter of the nations of the world belongs to the Commonwealth of nations. So, Sir, it is a happy day for Barbados and this Parliament. We only hope that however long he has with us, because I know his hair is getting a bit greyer, that the same quality of service that was so evident in the past 25 years would also be evident in the years to come.

I want Mr. Brancker to know that we appreciate his effort, jokes and anecdotes because they are always helpful, pithy, if that is the word, and we all look forward to many more years of this sort of camaraderie. We can only ask that he pass on a lot of his knowledge and skills to those with whom he works so that the Parliament of Barbados, both Houses, would benefit from his experience and his tremendous skills.

Once again, Sir, I want to join with this Honourable Chamber in offering my congratulations to "Commander George".

Thank you very much.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, in joining to make some contributions to the very worthy encomiums that have been heaped on the Clerk of Parliament, I will take the liberty to try to speak on behalf of the media. When I was a practising journalist, one of the strengths of the media, at least for those who sought to go beyond the mundane and the superficial in covering Parliament or dealing with matters parliamentary, very often had recourse and resort to the skills, expertise and experience of Mr. Brancker. I can say that in keeping with all the traits he has demonstrated, as enunciated by previous speakers, he never once failed to comply with requests from the members or the media. As a matter of fact, he would very often take the initiative and offer

to brief the people of the media on the various aspects of Parliament.

I know that for a long time he has been seeking to institutionalise a practice whereby before Bills are brought to the Chamber, particularly when there are complex matters, that he would on a regular basis brief the media ahead of time so that those who go to cover the proceedings would have a prior understanding of the context in which the measures were being debated and for which decisions were being sought.

Therefore, Sir, I think it is quite significant that we are paying tribute to Mr. Brancker while he is alive here today on the same occasion when, on the Order Paper, is the matter of a new Defamation Bill because I think that was one of the particular strengths of Mr. Brancker where the media is concerned. He was able to guide people and prevent them from succumbing to the pitfalls of libel and indeed slander. I suspect that if he were to try to tally up the potential damages that he saved the newspapers and the media in Barbados he could have a very useful nest egg for his retirement, whenever that comes. He is not of that ilk, Sir. He gave of his training, expertise and experience willingly and freely even to the point where he was prepared to sacrifice the fact that we all like to be off on Saturdays. I remember several occasions when the Barbados Association of Journalists would mount seminars and workshops on various aspects of Parliament, on the law and so on and one of the first people to be there and one of the last to leave was Mr. Brancker, again freely contributing to the development of the media in Barbados.

What I also think significant, Sir, is that in an era when some people have said that Parliament is irrelevant, or is becoming irrelevant, I think Mr. Brancker's tenure and the outstanding work which he has done, given his academic background, given the opportunities that he could have sought out elsewhere, I think the mere fact that he was prepared to devote his skills, training, experience and education to Parliament, has helped to show that seemingly irrelevant institutions were able to attract some of the best brains in Barbados.

I would like to think that a role which for too many people is faceless and very often anonymous, that he has been able to give some stature and status to the role of Clerk of Parliament, not merely as a functionary but as a person of significant status and achievement in his own right.

In closing, I would just like to urge that Mr. Brancker would not allow all of his accumulated intellectual capital over the past 25 years to go abegging. I would very strongly urge on him to, in this day of high tech where it is very easy to type or commit things to paper, or even to

record, and I know he has an excellent recording expertise at his side, that he records for posterity both his recollection, his memories and most importantly his experience and expertise for coming generations.

I thank you, Sir.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, I want to join with all the others in making a statement in appreciation of the honour which is being bestowed on the Clerk of our Parliament. I will not be long because I have known Mr. Brancker for more than 25 years. I have had dealings with him in Parliament when I started in this Chamber as a Member of the Opposition. I have had dealings with him as a Minister of Government. I have had dealings with him as the Deputy Clerk and we worked together throughout all the periods when I was Speaker and now again as a Member of the Senate. But what I can truly say is that Mr. Brancker, I believe, will go down in history as one of the best Clerks that Barbados has ever seen.

11.55 a.m.

We have and we know of many Clerks of this Parliament, we have heard several stories about the Clerks of this Parliament but the only one that can be said about this Clerk of Parliament is that he has acted according to the duties which a Clerk should carry out and he has brought a lot of praise to Barbados and the Parliament of Barbados.

He is very knowledgeable in parliamentary procedure and I know he has been called upon, even quite recently, in a Caribbean matter to give his advice as to how their Parliament should proceed when they were facing certain problems. I can say he also has Barbados at heart and one of the things about the Clerk is that he knows a lot of politics from all sides and all nations which politicians themselves should know but do not know.

I do recall a case in Kenya, that was during the period when we had disturbance in Grenada. I think there were 4 of us in Kenya and those of you who have followed the CPA would know that there is always at every CPA meeting a subject, Security of Small States. Now, when George, as I call him, came to us the night in the hotel room he said, "boy they have a plan for us". I said, "what's that?" I would not call the country, but he said a certain country will move tomorrow on the Sunday evening that they move the topic - Security of Small States - from the Friday up to the first thing to be debated on the Monday after the opening. I could say it was the British delegation because they said Margaret Thatcher had to go to Parliament and would be asked questions about the invasion in Grenada and they were lobbying other Governments to condemn Barbados and Dominica for allowing the Americans to land at Grantley Adams

Airport so they wanted to shift the security of small states up because Kenya is some 11 hours ahead of Great Britain and they thought if they got enough votes to condemn Barbados in particular they would have been able to send the news back so that when their Prime Minister got up in Parliament she could boast what victory they had among CPA members.

In that delegation was Mr. Sandiford, who is now a former Prime Minister of this country. So we sat down to work out a plan and the plan came from none other than the Clerk. He said, the best thing to do is go in there and filibuster until the end of the meeting and they should never get the Resolution passed to change the agenda. And as he said we went into the meeting and we talked and we talked and we talked. When they realised that we had no intention of stopping talking they decided to leave the agenda as is and I will always remember that it was through the fraternity which existed between this Clerk and certain other Clerks of the Table, as they are called in CPA language, that he was able to give us information what was planning against Barbados. He was there helping us to defend the good name of this country.

I have had, as Speaker of the House, to work with George and I have had several difficult times when we have met and discussed solutions and I can safely say that I do not believe anybody during my period as Deputy Speaker or Speaker would complain of any decision which I have made because I have always tried, if I were doubtful of anything, to discuss it with the Clerk who should know and who did know and who always gave good advice.

I am happy that those in authority have seen fit to bestow honour upon him and I hope that he may serve and be with us quite longer so that the younger persons now coming to Parliament will enjoy his knowledge of Parliamentary procedure and that it will go down to the benefit of not only the Parliament of Barbados but Barbados itself.

I know he has gone abroad quite recently as far as India to give of his knowledge in Parliamentary procedure to the young parliamentarians and it shows that he is highly regarded throughout the Commonwealth for this knowledge of Parliament as we know it and I wish him all the best for the future.

SENATOR C. LeR. TROTMAN: Mr. President, I know it is fashionable to want to wait until somebody dies to say all the nice things about them when they cannot hear and cannot appreciate the sentiments. It is therefore a good thing that in this Parliament of Barbados that we do from time to time manage to pay respect and give appreciation and thanks to people who are living and able to hear.

Normally when we stand up in this forum it is for other parliamentarians but I am pleased that on this occasion it is for somebody who though possibly possessed of much more knowledge than the rest of us combined, has not offered, though he would be successful, I am sure, to serve in this forum except in the way that he now does.

I think that those of us who have come into Parliament, either in this place or the other place, may have had our vocabulary and knowledge improved almost immediately and have learnt the understanding of certain important phrases, perhaps the most critical one, and I guess at this time of the day we could think about it, the most critical one being the Order Paper. The Order Paper, Sir, not necessarily being the matter which the Leader of the Senate draws to your attention, but sometimes referring to much more important gastronomic issues which are important to us and from which we benefit from time to time in a way that we do not always manage to enjoy, that other Order Paper over which you preside, Sir. Those of us who would not always understand what was meant by the Order Paper need only to see the menu and understand what the term was supposed to refer to.

The levity aside, Sir, one has to be able properly to appreciate the role of a Parliament in a democracy and one has to recognise the important credit which has been given to our success as a people and as a nation, the credit which goes to the Parliament. One has therefore to be able to recognise the value which attaches to the officers of that Parliament whether it is in this place or in the other place.

Speaking from my perspective as a trade union officer and speaking for the trade union movement of Barbados I would wish to say, Mr. President, that the role of trade unions in such a democracy ought to be properly recognised and enshrined today although it is not necessarily as correct and as properly documented that the role of trade unions within the democracy ought also to be recognised. And for those of us who realise that stakeholders within the community have important roles to play and therefore should be able to play part of that role within the Parliament of the country, since the Parliament after all is the highest forum at which we might be privileged to make observations and seek to influence decision making for our country, those of us who have served at this level and who realise the importance within that democracy of being able to make our contributions would have to respect the fact that George Branker as the leader of the Clerks and the leader of the officers of the Parliament, has played a significant role in upholding the ideals of that Parliament, upholding the ideals of the Senate within the Parliament and of being able to give us significant guidance and support in our effort to ensure that our contribution to nation building was a worthwhile and a valuable one.

12.05 p.m.

I would wish to let him know that we sincerely appreciate that help, that guidance, the calmness and the equanimity with which he has been able to give that guidance, the reassurances which from time to time he has been able to give when sometimes we have felt ourselves lost because we have not been able to get our point of view across as well as we would like, and the earthiness, the guidance and the advice which though always seeking to be impartial has been able at the same time to cause others to recognise that in this life, as indeed in all other aspects of life, one must not always expect that one's point of view will prevail, but one must always endeavour to ensure that that point of view is set down and recorded if for no other reason than the fact that posterity must be able to know how we felt as stakeholders on important issues.

I would wish, Sir, not to stretch the matter out, to let George know that I share with the others who have spoken in his moment of honour and I hope that the reflected glory which should come from this honour would not only be one which he himself gets, because he is a humble person, notwithstanding his illustrious academic career, but I would hope that the reflected glory will also be one from which his colleagues at all levels within the Office of Parliament will benefit and that they will see in the honour bestowed on him a further example of what they too can achieve by honourable and dedicated service.

Mr. PRESIDENT: It is for me a great pleasure to join with other Senators in congratulating our distinguished Clerk, Mr. George Eustace Theodore Brancker, on the award of the CBE by Her Majesty the Queen. It is an honour that is well deserved.

Mr. Brancker has thus far given 25 of his best years to the service of this Parliament. He is, of course, the adviser to the Presiding Officer on procedural matters, but certainly from the remarks made on both sides of the Table he has given advice and counsel to Members on all sides without fear or favour, and I think that is a tremendous mark of the level of professionalism which Mr. Brancker has brought to the job of Clerk of Parliament, born I think of his mastery of the intricacies of parliamentary practice and procedure, his wide knowledge and his commitment to the job in hand.

He is, of course, as has been said, well recognised in the Parliaments of the region and indeed in the Commonwealth, and his advice is always sought and indeed always given. I am told that Mr. Brancker is to be found in his office in this building in the far reaches of the night and I believe in a sense he has become a part of the fabric of this place, again a tribute to his tremendous commitment.

I have had the good fortune of having known Mr. Brancker at a personal level for about three and a half

decades and I was long ago able to form a judgment on the quality of his mind.

But there is of course another side to Mr. Brancker. Senator Trotman spoke of his mastery of gastronomic issues and I would not wish to contradict the distinguished Senator, but certainly when the parliamentary robes are off Mr. Brancker has the capacity to bring life to many a dull situation and his culinary skill and his epicurean tastes are legendary.

Mention has been made of the fact that Mr. Brancker won a Barbados Scholarship. I need hardly add that English was one of the subjects in which he received a distinction. He was, too, President of the Guild of Undergraduates at Liverpool University and I know for a fact that he was one of the best known student leaders of his time. In London, after being called to the Bar by the Middle Temple, he lectured in law for a number of years.

I would like to expand just a little on a point made by the Honourable Leader of the Senate in expressing the hope that in the years ahead Mr. Brancker will find time to record some of his experiences for the benefit of those who come after us.

He has been an active observer of the great public issues of the last quarter of a century under successive Governments. He has the literary skill and certainly he has the knowledge and he would bring a certain unique perspective to the events of his time.

To many people Parliament is still a remote place and I think Mr. Brancker in the future can help change that. His contribution, I think, would fill a tremendous void in the history of Parliament, its procedures, its people, the decision making process, the behind the scenes activity, the memorable debates, Parliament's high points and its low.

As I have said, this honour is richly deserved. Mr. Brancker, the whole Senate congratulates and salutes you.

PUBLIC BUSINESS

ORDER NO. 1 – THE DEFAMATION BILL, 1996

SENATOR THE HON. R. R. FARLEY: Mr. President, I rise to move the Second Reading of the Defamation Bill, 1996.

This Bill is proposed to revise the law relating to defamation, malicious falsehood and criminal libel and to provide for related matters. This Bill is intended to replace the 1906 Defamation Act and it will also make some amendments to a number of other bits of legislation as listed in the First Schedule to the Bill.

The guarantee of free speech, Sir, is one of the fundamental rights which is made available to persons who reside in countries that practise democracy, and as in the case of Barbados that fundamental right is enshrined in the Constitution. In fact, Sir, the framers of the Constitution recognise the need to guarantee that right, but they also quite rightly recognised that the rights of individuals must be counterbalanced against the rights of other individuals and generally in the public interest. Whilst the Constitution in Section 11 guarantees the fundamental rights and freedoms of individuals, it also subjects those rights and freedoms to limitations concerning what might be in the public interest. Sir, section 20, for example, of the Constitution is speaking of freedom of expression and seeks to give some indication of what that freedom would be. It relates in that section to freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference, freedom from interference with correspondence and other means of communication.

12.15 p.m.

Section 20 embodies what would be the derogation clause which, basically, in terms of what is in the section, indicates that nothing done under the authority of any law shall be held to be inconsistent with the earlier part of the section. Section 22 contains a derogation clause. Section 21 outlines the whole notion of freedom of expression.

Within the Constitution was the freedom of rights and freedom of expression is one of the guaranteed rights and freedoms of the individual. It is also recognised that one of the fundamental rules of the State is to ensure that the public's interest is also protected. The law relating to defamation is one of those laws which would seek to impose some limitations against the guarantees of rights and freedoms and this is done in accordance with Section 22 of the Constitution.

Why would one need to have a law of defamation of any kind? The history of this matter of defamation goes a long way back. So, perhaps, I will start by seeking to make mention of what has been generally accepted to be an acceptable definition of defamation.

One of the commonly accepted ones evolves out of a case *Sim vs. Stretch* and the definition of it which the judge accepted was that a statement is defamatory if it tends to lower the plaintiff in the estimation of right thinking members of society generally. That, I believe to be a reasonable definition of defamation and one which is spoken to through the provisions of this Bill. The recognition of the need to protect persons from defamation was recognised even as far back as the Bible. I believe, Sir, in Leviticus the statement is made admonishing individuals

and I will quote, Sir: "Thou shalt not go up and down as a talebearer among thy people."

Sir, along with that kind of injunction as with principles arising out of Roman law and Anglo Saxon law has emerged over the years various bits of legislation going back in time to the early 1700s and so on which spoke to the issue of defamation. In Barbados we have incorporated a lot of that historical development of the business of defamation in our particular legislation which, as I said, is basically a 1906 Defamation Act.

As we know, Sir, this bit of legislation as with other types of legislation created under the common law outlines the basic framework arrangements and over a period of time judgments of various cases are used to augment and clarify various aspects of the law. It would further imply therefore that from time to time changes in the legislation would be required to recognise the difficulties that have been identified as a result of judgments which have been given or changes to reflect the changing values within a society. It is quite clear that the Defamation Act in Barbados has over the years become deficient and therefore has been in need of organisation for some time.

What is intended therefore Sir, is to amend the relevant legislation so as to provide greater scope for the guarantee of freedom of expression, particularly recognising some of the newer forms of information dissemination in the media and elsewhere. Also recognising, Sir, some of the new difficulties which arise as far as the adoption of new methods of information dissemination. On the one hand, freedoms are being expanded by virtue of this new Bill which we are debating today Sir, as well as new safeguards are being included in one of the areas. Generally, the legislation is seeking to modernise and remove some of the anomalies which have existed.

Sir, if you look at the existing Bill which we are seeking to amend, traditionally the law relating to defamation has become compartmentalised into libel and slander. In this new arrangement, there will be no separate definitions of distinctions between libel and slander. There will be one action and that will be for defamation. As you know, Sir, in the existing 1906 arrangement, libel consists of defamatory matter in what is considered a permanent form as the written form whereas slander is considered to be defamation in a transient form, the spoken word.

Sir, the anomaly does not stop there. There were different requirements of proof required for libel and slander, however, the impact of one or the other could be equally disastrous. Of course, part of the difficulty that has arisen has arisen because of the change in technology, the emergence of television. Is television permanent or temporary? The availability of electronic recording and

so on, does that make the spoken word transient because you have permanent spoken words?
12.25 p.m.

There have been a number of technological changes, Sir, which have made a bit of nonsense of some of the particular legal arrangements that have been in place for some time. One of the anomalies, for example, as I mentioned, having the distinction between libel and slander, has been that a person who is libelled does not have to prove special damage, but the person who is slandered must do that, except in specific cases, the exception being, Sir, where the word imputes a contagious or infectious disease, where the words impute unchastity or adultery to a woman. Where the words impute the commission of an offence punishable with imprisonment, and where the words are calculated to disparage a person in his professional calling, his trained business.

The basic point, Sir, was that generally speaking special damages were not required to be proved for libel whereas they were required to be proved for slander. They are removing the distinction between libel and slander in this particular Bill.

Also, Sir, in terms of the existing legal arrangements, it is clear that the proof of the defences which are guaranteed under the law, for justification and fair comment are basically too strict and technical. I should mention, Sir, that part of the existing legislation as would be in the Bill which we are debating, Sir, would include certain defences where an action of libel or slander, or the new arrangement, an action of defamation, is lodged against an individual, there are a number of defences. Again, the fundamental concept is that the right of the individual, the freedom of expression must be protected as far as possible. What the legislation seeks to do is to protect the right of the person who is spoken of. So these defences are built into the legislation. It is felt that in the existing legislation the proof required for defences or justification and fair comment were too strict and too technical.

The other point, Sir, which has become an issue relating to society outlook in this particular period of time, is that greater effort had to be made to ensure the freedom of the Press, and that the nature of certain aspects of the existing 1906 Defamation Act really placed undue hardship on the Press. We recognise, and it is accepted in modern democracy, that the Press really ends up maintaining the balance of power because it is people's right to information, the fact that people have information available to them that really allows them to participate fully in democracy. If we are to give full effect to the democratic rights and freedoms of individuals in society, then we must ensure that the Press has adequate freedom and scope to pursue their craft.

The other difficulty, Sir, again is one that has arisen because of the changes in society's requirements and society's expectations, with respect to democracy in the modern period. It is that the existing legislation makes it rather difficult to go the route of full parliamentary broadcasting. It does not lend itself easily for the broadcast of political debate because of questions of privilege. For example, the debate in Parliament. Members when they are speaking in parliamentary debates have absolute privilege. That privilege is not passed on to broadcasting stations, radio or television, which broadcast live debates.

In addition, Sir, there is nothing built into the existing legislation concerning a methodology for offering amends to an individual who has been defamed. As the new legislation seeks to build that into the process, by means of offering amends, the need to go the route of full court action could be averted.

The other difficulty that has been identified and which has prompted the decision to seek to have a Defamation Bill 1996, is that the existing legislation visits some particular hardships on persons who have been described as merely conduits for defamatory information. For example, the particular difficulty faced by printers are separate and distinct from the publishers. The printers really and truly are not responsible for the content of books and other material which they publish. In truth and in fact, under the existing legislation, they are called to be parties to the action of defamation.

In addition to that, Sir, the growth and the changes in technology has really created some new challenges as far as publication is concerned. Is the printing of material on paper today any different from the transmission via telecommunication lines of information via the computer, whether it be on the Internet or by other media?

So, those are some of the issues, Mr. President, which would have informed the decision to seek to have the new Defamation Bill. In seeking to do this, Sir, all of the relevant precedents, legislation which has been in use for some time in other jurisdictions have been examined. I must, Sir, make mention of the fact that the Law Reform Committee has been instrumental in seeking to assist in that particular aspect of developing the legislation. In addition, the legislation would have been circulated to the Bar Association and within the various media houses for their comments.

Having taken the comments of those entities that I mentioned into account, as well as having the benefit of the extensive research which has been conducted by the staff of the Attorney General's office and the Law Reform Committee, we are satisfied that we have in place, in this Defamation Bill 1996, a modern piece of legislation

which will adequately address the shortcomings which I have identified earlier.

So what are the main features of this Defamation Bill 1996? First of all, as indicated earlier, Sir, the distinction between libel and slander would be abolished and there will be a single action for defamation, and the requirement for the proof of special damages will not be required as contained in Clause 3.

The opportunity, Sir, has been taken as well to make some clarifications. For example, to separate causes of action which rely, Sir, on words in their natural and ordinary meaning as well as legal innuendo. In fact, Clause 4 states that:

"a claim in defamation based on a single publication and relying both on the natural and ordinary meaning of words and on a legal innuendo shall constitute separate causes of action."

Sir, that clarification, Sir, should make the process work a bit more smoothly.

With respect to the whole matter of legal innuendo, Sir, this is a situation in which a statement because of its ordinary meaning may not be defamatory, but it becomes so by reason of special facts concerning the plaintiff and not stating in words, but which, Sir, are known to certain persons to whom the matter is published. This is a separate area, Sir, and the action shall continue as separate causes of action concerning the natural and ordinary meaning of the word, as well as the legal innuendo, Sir.

Now let us look at some of the defences that have been built into the new legislation. There is the new defence, the defence of triviality. What that means, Sir, is that a defendant can show that having regard to the publication the person who is defamed was not likely to suffer harm. That basically is meant to avoid the situation in which there are frivolous claims for damages on the slightest of errors.

12.35 p.m.

Basically, Sir, the section will not admit an action in cases where there is not likely to be any harm to the reputation of the individual involved. Again, it is part of the society's clamouring for the right of free speech and fair comment.

Now, Sir, the other defence which was termed defence of fair comment in the earlier legislation is being changed to become the defence of comment. Basically, the major change is that under the existing legislation the defendant is required to prove the truth of every relevant assertion of fact which was required in the formulation of

an opinion but under the change the court will take into account the words and statements based on all of the circumstances. In the existing arrangement, Sir, the defence of fair comment included a need to separately identify the assertions and to prove the veracity of each and every component thereof.

Another change, Sir, which has been made, is that any fair and accurate reports of proceedings in court are now granted absolute privilege. That is in addition, so that once the reporting coming out of the court proceedings fairly and accurately represents what transpired, then the publication of those matters is protected by absolute privilege.

Now, as far as parliamentary proceedings is concerned, Clause 10 of the Defamation Bill, 1996, provides again absolute privilege to debates in Parliament and where there is a live broadcast of those debates absolute privilege applies as well. However, where the broadcast is not live, qualified privilege is granted. The reason for that is that it is recognised that in the context of a live debate there is no opportunity for the broadcaster to exercise any discretion as to what goes on the air or for the newspaper to edit what is actually printed. However, it is recognised that in the context of the debate not being live, that the broadcaster or the newspaper publisher must not be completely absorbed from his responsibility to do his editing. We have absolute privilege for live debates and qualified privilege for debates which are not live.

In addition, Sir, while I am on the subject of absolute and qualified privilege, there are also some activities which are listed in the First Schedule of Special Categories of Reports and Statements having Qualified Privilege. It gives a listing of these reports: a fair and accurate report of proceedings in public of the legislature of any Commonwealth country, and it goes on and on. So that an attempt is being made, Sir, for there to be absolute clarity up front in terms of what general categories of information one can repeat by way of broadcast, by way of publication and enjoy full privilege or qualified privilege.

Now, Sir, on the point of privilege, there is a provision that privilege can be defeated on the proof of malice and that particular action has been maintained in the 1996 amendment and that is important. For example, with respect to those times in the First Schedule, there might be reports, documents and proceedings of commissions of enquiry, and other public proceedings which have a judicial nature. Where the information that is produced is not necessarily of wide public interest, or where the individual who is involved in disseminating that information where it can be proved that he had some particular motive other than acting in the public interest and the general dissemination of information, where appropriate proof

can be made that malice was intended in the circulation of some of this material, then the matter of qualified privilege can be defeated.

Now, Sir, in Clause 15 of the Bill is one of the new aspects while the additions which are in the 1996 Defamation Act would not have been in the 1906 model. This basically provides a defence of innocent dissemination of information. That basically makes provision for libraries, booksellers, news vendors, *et cetera* not to be joined as part of a defamation action.

It is basically a little bit ludicrous, Sir, for a newspaper vendor to be joined in an action of defamation brought against the author and publisher of a particular defamatory story in the newspaper just as it would be ridiculous for a bookseller who regularly sells books, or any other publisher who is innocently selling these books to be joined as an action in a proper defamation action brought against the author and publisher who are the ones who are properly liable for the particular content.

Now, Sir, the other matter which I want to raise in relation to this new Bill is the matter of damages. There are some new provisions in the Bill in the case where damages are to be assessed which gives the judge the right to direct the jury in general terms as to the matter of the level of damages which should be awarded where the directions given can be that the award could be nominal, moderate or substantial. Those are the three main categories.

What is important, as well, Sir, is that modern judicial practice has resulted in a linkage of a level of awards in defamation cases to the level of awards in personal injury cases. You will find evolving, which has already evolved over time, that awards for damage to a person's character tend to bear some linkage to the awards which would have been granted in the event of some action resulting in personal injury. Judges within the Commonwealth have been doing that for some time and seeking to direct the jury to compensate for defamation based on the relative seriousness of the defamation as compared with the severity of a personal injury.

Another feature of the Bill which I need to make mention of, Sir, is that the Bill has revolutionized the law in respect to death and defamation. The new Bill basically reverses what existed in the old Bill. In the old Bill an action of defamation died with the person. Provision is made however that an action can be instituted on behalf of the deceased by relatives and relatives specify being the parents, spouse, brothers and sisters for up to a period of 3 years after the death the period being counted from the date of the death. The other aspect of that changing the law with respect to death and defamation is that an action which was taken before the death of the individual can

continue and if damages and costs are included, be adjudged against the estate of the individual again for the 3-year period.
12.45 p.m.

The other change, Sir, which I would want to make reference to as far as the new Bill is concerned, Sir, is the matter of criminal libel. Basically, Sir, criminal libel is that form of libel which is generally blasphemous, seditious or obscene and the difference is that in criminal libel the action is normally taken by the State so it is usually the State, acting in public interest on these matters.

The penalty which has included in this Bill in terms of the penalty for criminal libel is a fine of some \$2 000 or one year imprisonment or both. What is important, Sir, is that provisions have been included within the 1996 Bill that action for criminal libel can only be undertaken with the consent of the Director of Public Prosecutions and this is again meant to eliminate any issues relating to triviality or multiple actions in respect of that particular activity.

We are satisfied, Sir, that those changes which are the major ones which I have identified will result in ensuring that the basic objectives of ensuring freedom of expression as enshrined in the Constitution are equally balanced with the other aspect of the Constitution which seeks to ensure that the individual's right to free expression does not infringe on the rights of other individuals in the society or does not run counter to the public good. I am pleased therefore, Sir, to commend this Defamation Act 1996 to this Honourable Senate and I beg to move, Sir, that this Bill be read a second time.

SUSPENSION OF SITTING

SENATOR THE HON. R. R. FARLEY: Mr. President, I beg to move that this sitting be suspended until 2.00 p.m. today.

The question was put to the SENATE and agreed to and Mr. PRESIDENT, suspended the sitting accordingly.

RESUMPTION

Mr. PRESIDENT: This sitting is resumed.

SENATOR Mrs. A. P. THOMPSON: Mr. President, I believe the Leader of Government Business has given us the details. He has been quite clear on the areas of this Bill which need special attention and as I looked at an Act which is about 90 years old I wondered whether there is still a need for a Defamation Act at all because in trying to trace its history I discovered that it came about to grant special protection to special people in the society so I have to ask myself whether we still have those special people today.

I am also very cognizant of the fact that we are told even in the Bible in Proverbs that a good name is better than gold and therefore there is the necessity to make sure that individuals who cherish their reputation and their integrity have protection in the law. Therefore as we debate this Bill today I think we need to look to see how much has been achieved since the introduction of the Defamation Act and whether we are by way of these changes in what we consider to be a very democratic society, whether we are really bringing major changes to cope with our situation today.

I am also taking note that defamation touches on freedom of speech which is enshrined in the Constitution and I am wondering if as we go about trying to protect the rights and privileges of others if we are going to be infringing on the rights and the privileges of others, freedom to express their opinions from time to time.

I note that individuals who have used this area of law over time have been people in public office and a concern to me is that we seem to want to have the elevation to public office but we seem not to want to be scrutinised by those individuals who have put us in such lofty positions and I am very pleased to see that we recognise that it is important from time to time that people who serve in public office can be open to the concerns and the scrutiny of those individuals who have given them such high office. I think in this legislation we are seeking to do so.

Now, I am not a legal person at heart but in looking at the positive features in the Bill let me state from the outset that the Bill has the support of the Opposition. The positive areas would be those dealing with the defense of triviality. I agree that unless you are really materially affected by information which is in print or whatever form that one should not be able to pursue such a matter, sometimes at high costs to individuals who set out to try to prove that they meant no harm. I believe that this area of defense of triviality would help to remove some of these matters which would come before the court of law.

Also the area on comment instead of fair comment. I am not a legal person but to me that was a very subjective area. What is fair and how do you determine that a comment is fair. I agree that individuals must be able to pass their opinion from time to time on matters of public interest and providing the evidence is there that these individuals really intend no harm, they need only to find out exactly what is going on that they should not be subject to any penalty of law or otherwise.

The other area that got my attention is live debates of Parliament. I know that Members of Parliament would not be so irresponsible as to abuse this area in coming live. That Members of Parliament would not seek to pass

comments on the reputation and integrity of others because they have the forum from which to do this and the protection of law. I hope that in the same way that we seek to protect others that we, the privileged ones, would not abuse this particular area of the law.

I am very concerned about that. There are fair and accurate reports from the court. I think people in the public should be able to find out what is going on from time to time although I still have a concern about evidence given in camera especially as we deal with rape cases and some of those cases in which the victims are made to feel that they are actually the perpetrators. I would like to think that even as we attempt to make sure that provided the report is fair and accurate that we would take into account that there is some very sensitive areas which should not be reported on particularly as we deal with those cases which deal with rape. I am hoping that someday in Barbados it would be possible for us to conduct rape cases in camera where women can freely speak of their experiences and not be made to feel that they are the ones who have actually committed these crimes.

In seeking to grant greater freedom to the Press, because I think this is basically what this Bill is all about, that is granting greater freedom to the Press, although other areas have been addressed. I think this is a time for every one in Parliament and out of Parliament to appeal to members of the Press in Barbados. I think we recognise that they need to be given the opportunity to carry out their professions in a competent and professional manner and that areas of the law which shackle them so to speak affect their level of professionalism.

2.05 p.m.

I hope and I pray that after this becomes law the quality of journalism and reporting in Barbados will improve significantly. Sometimes as I take up a newspaper and read a report on something I have said in Parliament I have to ask myself constantly: "Did I say that?" Or: "Was I so incoherent?" It is unbelievable and I really hope that in the same way Members of Parliament have sought to meet the members of the media halfway, I think they can ask for no more. The Members of the Parliament of Barbados are reaching out and giving them assistance for them to conduct their work in a free, fair and competent way that they, as they go about their duties, will feel a sense of responsibility to do their reporting fairly, accurately and competently.

I do not intend to attack the Press on this matter, but I feel that in granting privileges and freedoms and all these things, which are necessary in a democracy, we also have to talk about responsibility, the responsible behaviour which we expect of individuals. I don't think we can leave the Press out at this time. There is no need for any Press to be biased in Barbados. It is a small society and

we become very aware of what is happening to everybody else. The news gets around very fast.

I believe the role of the Press is to educate, to inform, to stimulate discussion and to give fair and accurate feedback on such matters. From time to time one feels that there is a slant and biases coming out in the Press and we hope we can really improve in this area, that all individuals who comment from time to time on matters of public interest would be granted the same hearing and the same attention and bold headlines, front page or wherever, as other individuals who do likewise.

There is a belief that in a small society it is easy to defame an individual. I do not agree with that. I do not believe it is easy to defame somebody in Barbados, because people will always say this is not the man or woman I know. I think that if you have a good reputation, if you are an individual of integrity and of good character, even where other individuals would from time to time attempt to reduce you in the eyes of others, there are people in this society who can stand up and say this is not the man or woman I know, and in the end good will win, it will stand out. So although I agree that it is necessary to protect people's reputation, I believe at the end of the day the onus is also on us to make sure as Barbadians that we have that reputation which we seek to have protected in the law.

So, Mr. President, I do not believe I have much more to say on this matter other than to say that the Opposition supports the Bill. We believe it is a progressive piece of legislation in that it seeks to deal with contemporary ways of communication, it recognises that no longer is the message spread by print but by way of electronics and the wide screen and other media, and I look forward to the improvement in the quality and standard of journalism as this Bill is enacted.

Thank you, Sir.

SENATOR Miss O. P. SYMMONDS: Mr. President, in May, 1789 Louis XVI of France summoned a full meeting of the Estates General. The First Estate comprised 300 nobles, the Second Estate consisted of 300 clergy and the Third Estate was comprised of 600 commoners. About 40 years later Lord McCaulay – I have not got to explain, everybody would know who I mean – said the Gallery in which the reporters sit has become a fourth estate of this realm. Today freedom of the Press is very important and in constitutions freedom has become a constitutional right. I think our Leader mentioned that.

Mr. President, this enlightened piece of legislation will increase the power of the Press, therefore giving them a heavy responsibility and, contrary to what my friend and former pupil has said, I feel that in a small community no

one is anonymous. I agree with her that it is the duty of the Press primarily to educate and inform, but the exposure of every truth and, further, the exposure of every fact must be subject to good taste, national security and good judgment. Thus there will be even more need for editors to read their articles very carefully and study very carefully what columnists are writing. They should also be conscious of the fact, as I said just now, that Barbados is a tiny society and act to suit.

Mr. President, the law of defamation has always given the publisher a bit more width when speaking of people in the public eye, but the law of definition interpreted that principle more rigidly when it came to private individuals. Now the same scope will be extended to the private individuals thereby making the individual, in my opinion, increasingly vulnerable.

A welcome and commendable extension in the provision which has been made for suits to be brought by relatives of a deceased person is something to be lauded. The right of speech must be for ever cherished, but I emphasise that media responsibility must always be encouraged. But I have no fear, Mr. President, I put my trust in a strong Press Council and in the judgement of experienced, wise and intelligent journalists which Barbados has in plenty.

I am pleased to support this Bill and congratulate the Government on its introduction.

I thank you, Mr. President.
2.15 p.m.

SENATOR THE HON. P. C. GODDARD: Mr. President, I rise to support this Bill and to congratulate the last speaker for the extreme clarity with which she addressed the issue. While we have been focussing on the Press, I would also like to take this opportunity to say that as we debate publicly the issues of the day I hope that we will take on board the admonition to stick to issues rather than involve ourselves in character assassination.

I think that we have now reached a level of political maturity in this country where we need to focus on issues. We need to understand what it is that will propel this country forward. I think this legislation will enable us to seize this initiative to further our maturity and to start to focus on the issues that confront us in society, in economics, in science and technology and in political activity. These are the areas of debate that are crucial to the development of this country in the future and if the Press in the past has involved itself in reporting to the base instincts of people who like scandal and who like gossip or who revel in the misfortunes of their fellow men, perhaps we ourselves have set some of that example in our public debates where we have not stuck to the issues and dealt with the problems of the day.

I think this legislation will encourage a much more responsible interaction and a much more responsible reporting but I also hope that it will lead to much more responsible verbal debate within our society. Thank you, Mr. President.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I rise to support this Defamation Bill and I would like to add a few comments to it. I would like to see the public educated thoroughly about this Bill and one of the best places to do that is through the electronic and print media.

I have been calling for public education on a large number of issues and I have noticed that the Government Information Service is fully overloaded. Because of this, I would like to see licences issued to other private agencies so that they can assist with educating the public more widely, sharing information and debating the issues that need to be debated.

I agree with this Defamation Bill, but I find that the media is too streamlined and I do not think that it has been able to debate the issues, the various economic, social, political, religious issues that affect the very fabric of our society as fully as they should be debated and come to some conclusion and give guidance both to the very young, the adolescent, the middle aged, the aged, which would improve the level of life and the quality of living. There are a lot of health issues that could be debated not only in this Honourable Chamber live but also via television and via radio but the present radio and television stations are too occupied with their present programmes so therefore we do need to liberalise the media much more. I am saying this because it has worked in other countries where licence has been given to the media and the public has demanded accountability from the various professions and the various citizens via radio talk shows in particular.

I am very pleased Mr. President, that this Bill will allow for debates in the Senate to be broadcast live not only via the radio but also via the television. Mr. President, I am not concerned about members of this Chamber behaving... Well, if they have absolute privilege I guess they cannot defame a person but I am confident that any member who gets up to debate a matter of issue live will stick to the facts as much as possible. We must remember that we have to live in this society. After one leaves this Chamber, one still has to go back into the society and mix with the very people that we are talking and debating about.

So I am sure that everyone will be very careful what is said. The Chair also tells us how far we can go.
2.25 p.m.

Mr. President, I would also like to see an extension of this Chamber in the matter of debates and investigations

in the form of Select Committees that could also look at issues in the society, so that the members of the public have a better understanding about what is happening.

I look forward to the time when this Chamber could use various topics. For example, one topical area is health. What is happening in health? It is one area where the general population tend to get very nervous if they feel that their health needs cannot be met or not being met. These are areas that we need to talk about, debate, and see what is the best way forward, not only for the providers of health care but also for the consumers of health in this country.

Mr. President, I would like to raise a query about Clause 26 of the Bill. That is only just a query because it talks about the defamation of the dead, "...within a period of 3 years beginning with the date of death of the deceased be entitled to bring proceedings...."

It crossed my mind, innocently, what happens after 4 years? Can you bring something or is that the statute of limitations and the cut off point?

Asides.

SENATOR Mrs. P. E. RICKINSON: So, it means that if you can defame the dead after 4 years?

Asides.

SENATOR Mrs. P. E. RICKINSON: You cannot defame the dead but you can speak evil about the dead. Then it would not be defamation, in other words.

Mr. President, I do not know how one could educate the public, but I think that we need education about telephone conversations. I do not know if there is a law which one can bring to govern defamation via the telephone. We really need to educate the public about the use of the phone and the use of rumour and rumourmongering, which could lead to all sorts of trauma on behalf of...

Mr. PRESIDENT: Order, please. Order.

SENATOR Mrs. P. E. RICKINSON: the person concerned. Yet, according to the Bill, that person who is aggrieved cannot bring any case against the wrongs they have received.

One way around that, I think, Mr. President, is again through wide public education, in particular through radio talk-shows. As I said, the radio stations are limited. We need more of them so that we can have more talk-shows. The more the merrier.

Mr. President, there is one small area that is not covered in this Bill I would like to touch on briefly. That is photographic pictures, Mr. President. I remember, Mr. President, when I was Health Education Officer and I went to take somebody's picture, I used to travel with a slip and if I wanted to take pictures I used to ask that it be signed, giving me permission to take their picture.

I feel, somehow, that if it is a crowd it is okay, but if you are on your own I do not think that people should be able to come and take your picture singularly, especially if you are not dressed in the way that you would like your public to see you dressed.

Asides.

SENATOR Mrs. P. E. RICKINSON: Or in a what? Or in a compromising position. Those are the English words.

I feel that maybe we would think in terms of looking at that aspect of the Bill and see if one could introduce an item whereby if people want to take your picture and you do not want your picture taken, you should be able to bring a law suit against them for taking your picture, especially in an uncompromising position. Against your wishes.

SENATOR THE HON. R. R. FARLEY: Mr. President, I just rise on a point of elucidation, if the Honorable Senator will give way.

The matter of photographs is indeed dealt with within the legislation. However, I will want to point out that the legislation dealing with defamation would obviously speak to the issue of photographs being used for defamatory purposes. Inconvenience is not necessarily defamation. So that if I would rather be seen in a three-piece suit at all times but I was photographed in a pants and shirt. Just to indicate that in the definitions, photographs are mentioned under the matter where the matter refers to words in subsection 1 and subsection 2, "images" or "sounds" or a combination of them, but also in defining words in the sections on definitions photographs are mentioned to have the same impact as words.

So I am saying that by the way of elucidation the matter of photographs is captured in the Bill but only in so far as it relates to defamation, which relates to impugning the character of the individual, not necessarily minor inconvenience.

SENATOR Mrs. P. E. RICKINSON: Thank you. Mr. President, I would like us to get the media to widely educate our people about that so that they would know under what conditions they could bring a suit against anyone who takes a photograph in a way they are not supposed to take the photograph.

Mr. PRESIDENT: Senator Rickinson, I think that Senator Farley did make that point there.

SENATOR Mrs. P. E. RICKINSON: Thank you, Mr. President. I am just asking for public education, and I thank Senator Farley for making that observation from which I have been enlightened.

Mr. President, as far as the other comments are concerned, in particular the Leader of the Government Business, I did support what he was saying about the Bill, and with this I will again say that I lend my support.

Thank you.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Mr. President, somewhere in the Good Book I remember reading of an occasion when there was a great crowd thronging around Jesus, and there was a man, I think Zaccheus, who could not get close, and the gospel writer commented in the following way. He said: "They could not get to Jesus because of the press."

Asides.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Sir, I have always thought that it was capable of one interpretation, now I am sure it is capable of two.

While I support the new Defamation Bill, particularly it seems from the distinction between slander and libel and the other important points I would not go into now, I glanced through the document myself and I can and will support it. But, Sir, I have to say that there will always be a distinction between what is the law and what is morally good or right and until we make that distinction we would have moved nowhere because we have dealt with the legal aspects of it providing a document that is a bit more fair to everybody concerned, something that we can all now live with, but it is now going to be left to the Press to demonstrate the other aspect.
2.35 p.m.

It was another part of the Good Book where Paul writing on these matters said "All things are lawful but all things are not expedient." We have dealt with the legal. We now have to deal with the expedient. I hope that this debate would be a warning to the Press that the time must come, and I would like to say has come, for morality in journalism where journalism is taken to a higher plain, not just to fulfil the dictates of any legislation, but always bearing in mind what the reported word or published word does to the individual in society. The question must always be, how much good have I have been able to do, or how much hurt have I caused as a result of the publishing of the particular bit of information? There are ways of

getting around all items to be published and publishing in such a way that even though one cannot be faulted legally, there is enough distortion to make a person very uncomfortable.

I remember, Sir, some time ago a leading paper with a front page article quoting me and in quotation marks saying what I had said. I had never been interviewed by any journalists. I have met some other people who have had the experience. Now, that is something that must not happen in our papers. Then you get another kind of example where once I saw a picture in the paper and there was a headline in close proximity. The headline was saying: "Criminal sent up for 10 years" and the picture next to it was a picture of a good friend of mine who became very uncomfortable because a lot of people without reading the article called up to say: "What has happened? I did not know you had done this thing." That might be a simplistic kind of example but you can get all kinds of twists of pen and rearrangement in such a way that an undesired effect in terms of the subject being reported about or reported on will be put in a news item.

I will reiterate what Senator Rickinson said about photo journalism. Photo journalism is very important today, perhaps more so than in the past. We like to say that one picture is worth more than 1 000 words and that is true. If photographs are taken of people in situations that are not complimentary, one would wish to know that there is some redress in these cases.

I end the way I began, Sir, by saying that when all is said and done we will need to rely on the morals and good sense of judgment and the good sense to do the right thing on the part of the journalist.

Thank you, Sir.

SENATOR C. LeR. TROTMAN: Mr. President, I believe that this particular Bill before the Senate gives us an opportunity to revisit the truth that, and I quote: "To whom much is given, from him much is required." I would wish as the basis for my contribution in supporting this bit of legislation to use that quotation because I believe it is at the centre of the philosophical construct which should inform our thinking in this matter and our behaviour as a people.

Our people, Barbados, as indeed all the peoples everywhere, are concerned about speaking to their freedoms. I have no doubt that when Louis XVI called together his estates of the people that they were meeting with him because they were concerned about the freedoms of the French people, not only the bread of the people, but the freedoms which they had and the equality which they were looking for. When Lord McCaulay spoke to the

Fourth Estate that was created, I am equally well satisfied that he was concerned about the freedoms which there were, and which they have to be.

Mr. President, you and I and all of us are very concerned about ensuring that in this society we are fully equipped with a satisfactory level of freedom so that we could pursue our individual and our collective interest without undue let or hindrance. Regrettably, however, Mr. President, there is not a concomitant realization that those freedoms carry with them an equal amount of responsibilities. Unfortunately, as a people we have grown to speak only of what we want and not enough about what we have to give and what is expected of us.

It would be my wish that there would be sufficient debate and consultation in this matter, not only about how much we can get when we sue somebody when we bring them before the courts and we get a piece of change, but rather that there would be enough debate about this matter so that we would more than we used to do before recognise that each of us has a responsibility to our neighbour for the way we behave toward our neighbour and that it is still as true today as it was before that if we want something for ourselves we must be careful to ensure that our neighbour gets it for himself or herself. The Golden Rule, in short, must come back to the centre of our thinking. To whom much is given from him – and because we are no longer in a sexist community, let me say from him and from her – much is required.

It is really not going to be what will take us forward as a people if we seek to cultivate in this country more of the philosophy that we should take what we have and grab what we can. As we become more and more materialistic, more and more concerned with how we can by shortcuts get where we are going, and by shortcuts get beyond where we need to go, if we continue to concentrate on that as a people, then I am afraid that the society which we complain and say is not satisfactorily treating our citizens is going to become much worse as a community.

I am pleased, Sir, that we have recognised that we have to come to grips more fully with the question of the Defamation Bill looking at the previous positions of slander and libel, but I am equally well aware that there will be several among us who will look to other jurisdictions and who will recognise that there are certain kinds of freedoms which will allow, for example, in the United States for people to make very critical statements about people who already have been cleared by the Courts.

The O. J. Simpson episode, I believe, is very clear in our minds even as I speak to you, Mr. President. We do not follow that particular jurisdiction and we have a different approach to the concepts that relate to how

we may speak and when we may speak. I would think that this is an occasion for us to remind all and sundry that it is necessary for us to be able to address that matter in such a form that we do not only have the benefit as individuals of seeing this piece of legislation on the statute book, but we would more than have the benefit of believing that our people will progress because we, as the legislators of the country, have started a debate which will catch roots not only in Parliament, not only in the call-in programmes, but in the schools, and yes, I say in the churches, particularly after the morning service. I am sorry if my dear Archdeacon friend did not catch that one and I do mean the churches at which he preaches where he is involved but I believe that all parishioners and all churches are involved in the after church discussions which might on some occasions go beyond the thin line.

2.45 p.m.

I wish as well, Mr. President, to speak to those areas where, because we are clever and because as Bajans we are very smart and we know where the thin line is and how to walk on the other side we as a people in the Press and by our words deliberately belittle other persons. In short defame them, reduce them in the eyes of their peers while hiding behind the thin line that separates and thereby avoiding our legal requirements.

In that case I believe, Mr. President, that Senator Archdeacon Springer is absolutely correct. Those who live by the sword will die by the sword and those who believe that they are smart enough and they will avoid dealing with the realities of this society purely by seeking to avoid their legal responsibility you will find that one day something will catch up with them. The order by which we have to function and live has to be a higher order and I support my friend and my cleric's view that the moral responsibility is much higher. I speak about that with a certain passion having myself suffered at the hands of one such person who, however high he becomes elevated in this country, will still always be remembered by me for that specific example being where in writing about the 8% cut in salaries, when I stood up on the Floor of the other place and openly criticised it and voted against it and it had become front page material, that the person was able to say that in that 8% particular case rather than representing the workers of Barbados Trotman stood with the DLP, knowing it to be an absolute untruth and when challenged interpreted that to say that he meant that although Trotman voted against the DLP his heart was still with the DLP. Well that person was able to read hearts as I thought only Jesus was able to do.

Aside.

SENATOR C. LeR. TROTMAN: Oh yes, you must forgive all people, Mr. President, I never hold anything

against anybody beyond that because he who would never forgive is not in a position properly to ask for forgiveness. Am I speaking correctly, Archdeacon? So I say, Sir, that we have to be able to recognise the higher moral planes by which this matter has to be addressed. In the same way Mr. President, that we must find a way, indeed there has to be a way in dealing with those hoity-toity whom there may be among us, who use rakes and other persons without substance to do their nasty work of defaming others while they hide behind a veneer of social acceptability and never come forward to challenge the individuals against whom they have grievances. And there are some such among us. Not in this Honourable Chamber, Sir, because this is not a place for the dishonourable. I refer only to the society at large. I say only that we have to move beyond the legal framework on to the moral framework of which the Senator has spoken and we have to use this occasion to get the debate to understand that the country which is going to move forward is a country where we do not only take from within that society.

I think it was put by a President of the United States, although I do not like to quote from that distinguished country, I think we have more examples of our own but he is an exception and therefore I quote from him – Ask not what Barbados can give to you, he said, but ask rather what you can give to Barbados – a distortion of President Kennedy. This particular piece of legislation, Sir, provides that occasion for us.

I do not think I would wish to move beyond the presentation of the Leader of the Senate in which he explained how the Defamation Bill encapsulates previous bits of legislation, nor do I believe that the excellent comments of previous speakers need to be gilded by any other speaker. I merely wish to use the occasion to say that the debate provides the excellent platform to which I spoke and to make reference to one technical matter which might speak to my own ignorance or if I am correct may speak to a matter that is a pure technicality and could be addressed.

On page 13 of the text, paragraph listed 15, there is a subparagraph (1), (2), (3) and (3). It seems to me here that it may be necessary for us to refer to that as paragraphs (1), (2), (3) and (4) and then in the paragraph which speaks to (4) on page 14 that may have to be looked at as paragraph 5 and then I would want to rest my final comment in looking at what is now called paragraph 15(4)(d) & (e) but which may in essence, the Leader of the House may tell us, be paragraphs 15 (5) (d) & (e) where it says that the broadcaster of an unrecorded defamatory statement made by a person for whose acts the broadcaster is not responsible that such a person shall not be regarded for the purposes of this section as primarily responsible for the publication of a defamatory statement.

I am not too sure how we are supposed to read that, Mr. President, but I would wish to spend some time in visiting this because if we are using broadcaster to refer to an institution, say a radio station or a television station, and we are saying that the broadcaster of an unrecorded defamatory statement which is made by a person for whose act the broadcaster is not responsible, shall not be regarded for the purposes of this section as primarily responsible for the publication of a defamatory statement, it may be then that in all cases where a person calls in to a programme or speaks on a radio or indeed on a television that that broadcaster, if broadcaster means institution, might be excused when in fact that may not be the original intention of the legislation. I would think that it is necessary for that matter either to be clarified by the interpretation or to be reworded in such a way that there is no confusion for I am sure that the drafters would not have intended the interpretation I am drawing from it. I thank you, Mr. President.

On the motion of SENATOR THE HONOURABLE R. R. FARLEY the Defamation Bill 1996 was read a second time and agreed to.

On the motion of SENATOR THE HONOURABLE R. R. FARLEY, Mr. PRESIDENT left the Chair and the SENATE went into Committee on the Bill, SENATOR Miss O. P. SYMONDS in the Chair.
2.55 p.m.

Madam CHAIRMAN: The Senate is now in Committee.

Clauses 1 to 40 inclusive were called and passed.

The First Schedule was called.

SENATOR THE HON. R. R. FARLEY: I beg to move that the First Schedule becomes the First Schedule to the Bill.

The question was put to the Senate and agreed to.

The Second Schedule was called.

SENATOR THE HON. R. R. FARLEY: I beg to move that the Second Schedule becomes the Second Schedule to the Bill.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. R. R. FARLEY, Madam CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. R. R. FARLEY, the Bill was read a third time and passed.

THE PREVENTION OF FLOODS (AMENDMENT) BILL, 1996

SENATOR THE HON. R. R. FARLEY: Mr. President, I rise to move the Second Reading of this Bill, a Bill which seeks to amend the Prevention of Floods Act.

The main provision contained in the amendments would be the provision to change the term "Chief Technical Director" to that of "Chief Technical Officer", which is the 1996 description of the particular officer within the Ministry with responsibility for executing Government's maintenance and other activities.
3.05 p.m.

This Bill will seek to redefine the flood area and flood works as defined in the original Bill and will also seek to make some corrections with respect to the procedure for having the area designated as a flood area. Perhaps chief among the provisions will be to allow the Ministry of Public Works to enter legally on private lands for the purpose of engaging in work associated with the prevention of floods. Those works may include the cleaning and sinking of wells and the canalisation of water courses and the cleaning of water courses and other related action.

Sir, perhaps it would be useful at the start of this debate to examine the wider importance of this particular action that is taking place. There can be no denying that this issue of damage caused by floods must be one of concern to us in Barbados. In fact, it is only but fitting that this debate and the Prevention of Floods Act, 1996 and these amendments should take place in weather such as this. I believe that part of the difficulty we experience in Barbados is that we are not usually prone to adverse weather conditions, whether by way of floods or hurricanes, and we have not had any serious seismic activity of any sort. As a result, we tend to concentrate on this matter of flooding only once in every several years when there is some localised or on the few occasions generalised flooding in the island.

As a result, there has been considerable neglect in terms of a focus on this activity both at the level of Government in terms of its general maintenance activities but very importantly, Sir, on the side of the private landowners, within that sub-grouping of landowners within the area of private developers of lands. In fact, Sir, I am sure that all members of this Chamber would have had the experience of seeing over the years many areas which were known to be water courses become luxurious housing developments and you observe persons who would have a house constructed with a lovely basement not knowing that the only reason why he is so fortunate as he would say to have a basement is that he is really building out of the water course trying to reach ground level. The

resulting situation is that when once every 15 or 20 years there is flood level rainfall then that individual finds himself in some peculiar and particular difficulties.

So, Sir, I believe that it is important for us to recognise the wider significance of this particular Bill which we are debating today and the fact that the Government has a responsibility to take action relating both to the general planning of developments as well as the execution of certain maintenance activities preferably of a preventative nature so as to ensure that the wider public good is protected.

Sir, part of the difficulty we have and part of the urgency with which this matter has to be treated relates to a number of things that have happened over time as well as the level of our development. The experts will tell us that the rainfall which we receive in Barbados which, generally speaking, does not vary too far from an average of 60" plus or minus 10% but on exceptional years one will obtain higher or lower rainfall. That rainfall, Sir, either disappears by way of evaporation, absorption or runoff. Evaporation would not have changed too much during this century because the temperature has not changed that much, however, the reason why we have more flooding is that there is increased surface runoff as a result of a reduction in absorption.

At the turn of the century, for example, some 80% or so of Barbados would have been arable land and under agricultural cultivation of some sort. Today, that figure which would be under arable land would probably be more in the 30% to 40% region. Some may even argue 25%. But without getting into the specifics of the figure it is quite clear that the percentage of Barbados which is under development is greater than it was at the turn of the century. Along with this development consisting of an intricate network of highways, more buildings, more paved car parking space and paved yards has resulted in a reduction of the absorption capacity of the 166 square miles which has not changed as far as I am aware in terms of the land area that is available.

If we want to be able to handle the same level of rainfall without incurring an increased level of run-off we have to take steps to increase the rate of absorption. It would also be noted that comparing the turn of the century with 1996 and even if we were to go as close as the 1950s and 1960s we would realise that the level of acreage under sugar cane and the general level of lands in Barbados under plantation control would be considerably less now than it was then.

One of the features of the land in those days was the natural existence and maintenance, I should add, of the natural water courses as a means of draining the

agricultural lands. There was also the existence of, and maintenance of a vast number of wells and those wells contributed to the greater absorption capacity of the lands of Barbados. The result of the neglect of those particular means of absorption has really been a major contributor to the increased surface run-off and hence the amount of flooding.

In fact, from my own experience growing up in one of the rural parishes of Barbados, I have seen areas that used to be wells in a plantation field either being pushed over or levelled in order to facilitate mechanised agriculture. I have also seen a particular field or two where there used to be a 6-foot drop from the road into the agricultural land and upwards is now levelled and ready for house construction. The well is no longer there. I have seen other areas where there used to be a well where through lack of maintenance a small mango or plum seed or apple seed has now grown into a used tree and therefore no longer a well functioning in that area.

3.15 p.m.

So I am laying that background, Sir, to indicate that the problems that we have had with flooding, for example on August 3 last year, were not only acts of God. The rain might have been an act of nature but certainly it is up to man to seek to so manage his affairs as to ensure that he does not suffer any negative impact from these natural occurrences.

So, Sir, what is being proposed is in response to recognition of Government's responsibility to take such actions as would be necessary to prevent this occurrence. I want to indicate, for example, that Weston is only but one of a number of areas that would have been affected during last year's activity, which is an indication of the fact that the task which faces us in seeking to rectify this problem is of no small magnitude.

For example, Sir, some of the areas which are reported to have been affected would have been Woodbourne, where in some areas the water was as high as six feet over the surface level. That is an area which would have been known many, many years ago as Woodbourne Bottom. It is now a very lovely residential development. Again, we have to ask ourselves the question whether we are considering the natural topography of the island in seeking a planned development, and if we are going to go against the propensity of certain areas to flood, should we not take certain additional actions, Sir?

Also, there was flooding in Graeme Hall, just off Highway 7, Parkinson Field, Wildey, Meadow Vale Heights and Clermont area, Ruby, Charles Rowe Bridge, and of course in Bridgetown in the region of the Pump House, Haggatt Hall, Holetown, St. Barnabas,

Wotton, Dover, Bank Hall, Bush Hall, and Featherbed Lane. Areas all around the island were at the mercy of this particular system.

So, Sir, what this Bill seeks to do would be to empower the Minister responsible for Public Works to designate certain areas as flood areas. By doing that, Sir, by following the procedures laid out in the Bill and designating certain areas as flood areas, it would ensure that certain works are done. More importantly, this designation would form part and parcel of the considerations which would be used by the Chief Town Planner in deciding on the nature and scope of developments to take place in certain areas.

So that an area which is identified as being part of the natural water course and which provides a method of run-off, or is a collection area of water and declared a flood area in accordance with provisions of the Act, there would either be a prohibition or restriction, or certain strict conditionalities attached to developments in those areas.

Part of the problem, as you would have been aware, Sir, I am sure, is that even in areas where it is common knowledge that the areas are prone to flooding, and even where the authorities by reason of their action in creating certain drains and paying particular attention to these areas, given that there is no legally binding restriction which can be placed on the area, we have had a situation in which persons have sited their houses, for example, in some areas of Bank Hall, just off Garden Land and Headley Land, Sir, where the area has been canalised. Usually with these canals there is also a requirement to have a reserved area. That area, for those persons who know the area, would have been a long standing natural water course. The building of the canals and so on would have restricted the extent to which flooding occurs spontaneously. It would have had, apparently, made certain larger areas accessible. Individuals having placed their houses in those locations, however, would be subject to the overflow in the event of higher than normal levels of rainfall.

So, Sir, the capacity of the Minister to designate certain areas as flood areas would enable restrictions to be placed on developments in those areas, as well as empower the Ministry to undertake certain flood works in those particular areas.

Sir, another action which is going to be taken by this Government recognises that simply passing legislation to identify and designate the areas subject to damage by flood will not be enough, Sir. It is that a Drainage Unit has been established within the Ministry of Public Works, and that

has been established out of recognition, as I mentioned earlier, of the magnitude of the task with which we are faced, Sir.

Now, Sir, that Unit has been established to carry out a number of functions. These include for example, Sir, digging, cleaning, covering, casing and otherwise securing suckwells in Barbados to ensure that they function efficiently and effectively. I should tell you that on the issue of suckwells there are about 7 500 suckwells in Barbados, according to estimates. It is estimated that there are some 2 500 wells which are maintained by the Ministry of Public Works. These are wells that would have been associated with Government's road works and things of that nature. Then there are also wells on private properties, private residential developments, schools and industrial premises and so on. It is estimated that in addition to the 2 500 which are currently on the list of the Ministry of Transport and Works, that there are perhaps another 5 000 wells in existence.

What is being proposed, both by way of the powers in the legislation as well as creating the administrative machinery for implementation, is that those wells would have been maintained in a condition fit for the purpose for which they have been designated. Not only will the Government be in a better position to clean and clear its own wells, but also will have the legislative power to ensure that individual property owners clean and maintain the wells on their premises. Failing which, the legislation will provide for the Government to have the wells cleaned and to charge the land owners for the cost of the cleaning.

In addition, Sir, there are a number of water courses, most of which run through private property. Now it is well known that part of the difficulties with some of these floods that occur, particularly in downstream areas, is that there are sometimes blockages in water courses upstream. The effects of those blockages would be the creation of a dam, and when that dam bursts the damage which is suffered further downstream relates more to the large volume of water passing through at a single point in time, as well as the force of the debris which is carried by that water, than the level of rainfall which had actually occurred. If those water courses were clear, then the rainfall would have been able to run off at its accustomed rate and not create the level of damage.

Sir, the legislation empowers the Chief Technical Officer and his staff to enter unto premises to clean and clear private water courses, and to canalise those water courses where appropriate and execute other works as might be required. All in the public interest, Sir. We have also, Sir, through the establishment of the Drainage Unit within the Ministry provided a Unit which can engage in those works.

3.25 p.m.

In addition, Sir, there are a number of pumps and sluice gates and so on which are there to manage the level of surface runoff particularly those of particular importance being the pumps at the Pelican Village area. There is one as well somewhere in the region of the Bayland and the Alexandra School. There is also a gate controlling the Graeme Hall Swamp. It is important that those be adequately maintained. In fact, persons who are familiar with the City will know of the grievous difficulties which the City faces flood-wise if the pump at the Princess Alice Highway is not properly functioning. That also falls within the responsibility of the Drainage Unit.

Sir, the regular cleaning and clearing of bridges and culverts is another function of the Drainage Unit. In fact, Sir, a survey which was done indicated the vast number of water courses, culverts and drains which are located in Barbados, again not only associated with our general roadworks but also in private property.

Sir, I hope I have painted a picture of the magnitude of the issue with which we have to deal and the fact that we cannot take the accustomed approach of only focussing on this crucial area after the fact. The cost of seeking to minimize the dislocation which is faced by the people of Barbados who are affected by floods, is too high for us to consider that we can avoid the cost which will be associated with ongoing preventive maintenance programmes. We are satisfied that through the Drainage Unit we will be able to execute appropriate preventative maintenance activities in the areas of management of our water courses, drains, wells and other infrastructure.

Now, Sir, too look a bit more closely at the amendments which we are proposing to the Prevention of Floods Act, as I mentioned, one of the first obvious amendments is the amendment to delete the words "Chief Technical Director" which was in the 1951 version of this Act and change that to "Chief Technical Officer".

The other issue relates to replacing section 2A which makes reference to the Minister making an order under section 2 declaring an area a flood area. There is however, under the existing section 2 no provision which directly authorises the Minister to make an order. The new section 2A will do that.

Also, Sir, there is the provision whereby deleting the existing section 5 and replacing it with a new section 5 gives in more readily defined terms the power to the Chief Technical Officer to enter onto premises to carry out flood works. It also specifies what type of notice must be given in order for the Chief Technical Officer to do this.

It also includes in a section 5A the powers of the Chief Technical Officer to forgo the period of notice in

order to execute what are considered urgent flood works. This obviously would be to facilitate his necessary actions in the public interest in the event of there being immediate danger of flooding.

There is also, Sir, the insertion of a section 6A which will provide for the execution of work for the protection of persons and lands from floods and inundations. It also then in connection with those works that must be done, makes provision in section 6B for the landowner or occupier to be liable to pay for the execution of flood works caused by his action. Of course, there will be the appropriate penalties with respect to recovery of costs of the various actions.

Sir, I am pleased to commend this particular bit of legislation to this Honourable Senate. It really speaks to the Government's recognition of its responsibility to look after the welfare of its citizens by preventing where possible and otherwise mitigating the effects of natural phenomena such as flooding. We are satisfied that between the amendments which we are making to this Prevention of Floods Act and the strong and resolute action which we have taken in the establishment of this Drainage Unit, which is up and functioning extremely well, that we should be able over a period of time when we have been able to at least do the first phase of our work throughout the island, to be able to minimize the impact of flooding in Barbados.

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

SENATOR Mrs. A. P. THOMPSON: Mr. President, I rise in support of the Bill. I believe it was around this same time last year that we were jolted by the news of not only serious flooding in Weston but the death of one of our calypsonians whom we all loved dearly, the late Carew. I think it must be regarded as very appropriate that we can bring this legislation at this time. I wish we had managed to bring it before. It would show to the people of Barbados that the problem of flooding is a serious concern to their representatives in both Houses of Parliament.

Sir, I would like to call at this time for a sites audit by the Town and Country Planning Department. I think there is a need for the Town and Country Planning Department of Barbados to move around this island and look at all those open areas, areas on which there is no building constructed and they would note all the peculiar information relevant to these areas, not only from records of Government but from the folk who have lived in these areas for a very long time because I think that is a problem we have. The people who have lived in the country districts know much more about these areas than the special engineers and the technical people in Government Departments. I think the time has come for us in Barbados to respect that indigenous knowledge and make it part of our information gathering for national planning.

There is a reality which we must come to grips with in this country, the challenge of providing housing for our people and the fact that we are limited in size. I know this is something we are going to have to deal with on a regular basis as we debate legislation, not only dealing with housing, flooding, agriculture and tourism because we are faced with this serious problem that we have to make decisions on allocation of land, how we are going to deal with it but it is a real challenge. I think Parliaments of the future of this country would have a serious and difficult time on their hands in trying to determine how to allocate the resources of land in Barbados while taking into account the necessity to prevent things like flooding and to make provision for the construction of wells and all the proper areas for drainage.

Sir, we should not continue in our rush to be one of the best tourist resort in the Caribbean and probably around the world and take up land and use it for the construction of massive buildings to house others who would want to visit our shores without regard to the fact that some of these areas should be kept open for proper drainage that in the event we have rainfall of greater intensity than we have had in the past that Barbadians would not be threatened life and limb. That is a decision we have to make and I constantly fear that as we go about talking so much about tourism we need to think about Barbados and Barbadians first and that is one area which I hope that as we debate the Prevention of Floods Act we would think about.

I also feel that we need to monitor our developers carefully. As I walk around in certain areas in which I moved from the time when I was a child I am appalled when I see that an area which we used to call a pond, I can see very attractive houses constructed in those areas and all the developers have done with that is to fill it in with marl fill and that kind of thing and have brought it up to a level and these beautiful houses worth hundreds of thousands of dollars are constructed in these areas.

When I pass across Haggatt Hall, that is another area that I am looking at because when I was younger I heard people talk about this area around the Bird Hill, how it used to be so flooded and I see roads going in. I see lots are up for sale and I wonder what is going to happen a couple of years down the road should we have another terrible flood as we encountered in 1995 in Barbados and without directing any attention to any particular individuals, I really think that this is an area that we need to look at carefully. We must monitor our developers and their work carefully.

I do not think Government Departments can go unnoticed. I believe in the Ministry of Public Works that the employees who have responsibility for clearing the roads and keeping the gutters and the grills clear that they

too must accept that it is more than a job. They need to recognise that when they do not carry out their work in an efficient manner that they too are threatening the well being of fellow Barbadians.

I have supported Senator Rickinson on every Resolution she calls for public education. I think this is one of the areas in which there is a great need for public education. Only, I think it was day before yesterday, as I listened to the news, I heard an environmentalist in reporting on the problems facing Caribbean people, he was referring to the marine pollution and he said the problem in Barbados was one of attitudes. Barbadians do not see how their actions impact negatively on marine life and I believe that in the area of flooding that is also a problem of attitudes. We seem to be only interested in how pretty our houses look and how much better than somebody else so we have pave all around. We do not think that we should have some area for fruit trees and gardens and that would help us to bring some of the water off and prevent it from running and going at others. This is something that we need to talk about. We cut our lawns and we weed around our place and we see an open area and we dump the refuse there. We do not recognise or we do not want to accept that as we do this we could probably be clogging up our water course and threatening our own well being should Barbados experience flooding or high rainfall sometime down the road. So the need for public education at this time in Barbados is great and I would like to suggest that we go about it immediately.

Again I am concerned that in the Ministry of Public Works that the workers will clean on a Monday and you will pass that highway on a Friday, the grass is dry and it is still there alongside the road. The rain will come down and you will actually see it going across the street and you will see it hanging all around the grills and blocking the area where the water would pass freely but you would be seeing MTW trucks passing up and down and workers passing and it does not seem as though this is a concern of anybody. I heard some time in the past of a Minister in that Department who came and took up the tools when he realised that the workers were not working, in an attempt to show them that he was actually monitoring what they were doing, and they had to follow him back to that Ministry where they were chastised severely for not carrying out the work of the public. I do not think we should allow these workers to see themselves as a law unto themselves. We must monitor them carefully.

Mr. President, I do not want to speak much longer on this Bill other than to say that I support it. I am glad that we are recognising the importance of Government having to take action in the event that there is an emergency. Everybody like to think that he or she has certain rights and privileges but I believe that when a nation is threatened that a Government should be able to move in and take

the necessary action in order to make all Barbadians happy and the power to execute urgent flood works for me is a reasonably good area in this particular Bill.

I hope though that in setting these particular areas in Government responsible for drainage and all of that, that it would function. It is one thing to have these departments and another thing to make sure they are functioning and as we focus on productivity in the public service we need to make sure that we can measure productivity in these areas.

With those few words, Sir, I would like to lend my support to the Bill.

SENATOR C. K. LAURIE: Mr. President, I would like to touch on a few things. I am concerned about the aspect of drainage at all costs, the idea being that we take this run off water, get it away. Get it away where? It is going directly into the sea. It is going to pollute the sea because it is draining off roads where oil and so on is there. It is draining from agricultural land where considerable amounts of chemicals are used these days resulting we have seen in the death of coral reef around the island.

Now in the old days as Senator Farley says there were a number of suck wells. Suck wells, which have become extremely expensive in order to maintain them so have we got an alternative? Can we come up with a system that will hold the water back allowing it to percolate into the aquifer where we want it? When it runs into the sea and it is gone, we can no longer recover it. We are already at a position of very nearly pumping as much water out on a daily basis as goes into the existing aquifer through the existing system. We are gradually closing up those systems and more water is running off. We are pumping sewage out into the sea with water in it. That means more and more there is going to be a tendency for seawater incursion into the aquifer. What we need to do is to catch this water that falls on the island and to hold it in our aquifers.

Now, years ago in the forties we had a terrible flood in Bridgetown that was far worst than anything at Weston. I remember at least 3 people died in the Martindales Road and Halls Road area. It was the terrible October flood. Why don't we get it these days? We do not get it these days because of the major gully system draining the whole of St. George, St. Thomas, St. Joseph and St. John that comes right down through Belle Gully and ends up in the Constitution River. Now, why is that no longer running? One good reason, we have Green Hill Quarry. They have excavated a huge quarry at Green Hill, the gully now flows into that quarry and when we had heavy rains on the Thursday the 3rd of August last year I went out there and I had a look. That quarry was full of water. I estimate it

was about 40 million gallons of water. Now it is not a dam. It is a quarry dug below the surface. Dams have problems like you saw after the Weston where it actually was an accidental dam, the dam gave way and you have a wall of water coming down which is devastating. If the quarry does fill, if you have more than 40 million gallons it would overflow and come down the truly natural way and we would get some flooding.
3.45 p.m.

On the Saturday I revisited the site and all 40 million gallons had gone, the quarry was dry again, because it was a beautiful day. It had some mud in the bottom which was very easy to clear up. What we need to do, more so than create suckwells, is to go into the gullies along the west coast particularly those that drain into the Hometown area and cause periodic flooding and excavate the bottom of the gully with a quarry. The gravel you get out from the bottom would probably pay for the excavation so that the cost of the work would be minimal. It is so much easier to maintain. You go in with a front end loader, you scrape it, take the earth out, reclaim the top soil that is normally going into the sea and causing problems, because the top soil itself in the sea water kills the coral, so you want to retain that, you want that water to settle, the soil would be picked back up and returned to the fields where it belongs. This seems to me to be the answer, rather than dig suckwells. Normally, when you have a suckwell on your property the water that goes into that suckwell does not come from your property only, it comes from somebody else's property, so it is very hard for you who have been practising sustainable agriculture, reducing soil erosion to have somebody up stream who is not doing that and their soil comes down and blocks your drain, then Government comes along and cleans it and sends you the bill. After all, the soil did not come from you in the first place. That is a difficult thing and you would have to have some way of getting back.

With reference to the gully that comes down through Bridgetown, there is still a branch of it that has no quarry to collect the drainage, that is the Belle Gully branch that drains the St. George area. There are two quarries, one just above where the Belle Gully road crosses the gully and one at Waterford. These things just need deepening a bit and connecting to the gully and that would effectively prevent any future flooding in Bridgetown.

Thank you.

SENATOR Miss C. Y. FORDE: Mr. President, I wish to lend my support to this Bill which seeks to amend the Prevention of Floods Act, Cap. 235.

I welcome the aspect of the Bill where owners of properties, occupiers of the land and so on are encouraged to clear their wells at least once a year, or they will

be charged the amount of money it will cost to have that clearance done. I have found that many Barbadians seem to be delinquent, and I agree with Senator Thompson, it is a lot to do with attitude. "It is not in my backyard, therefore it does not bother me." I think we need to move away from that. As a child growing up in the rural area, I remember plantation owners on an annual basis clearing their wells. It was not limited to plantation owners, local individuals, property owners, also sought to do their own clearing even though they may not have had wells. As would have been in the instance of the plantations, they at least cleaned gutters and drains not only on their land, but along the streets. They did the weeding, they did the cleaning to clear those drains so that the water would run freely into the various gullies and wherever the water was collected. I support the view that these individuals should become more sensitive and therefore support Senator Rickinson's idea that education is extremely important.

I also want to reflect on the situation in Holetown and Weston, St. James last year as well as areas of St. Philip. I recall visiting the environment of Weston on that evening and later Holetown to hear local individuals, who were devastated as a result of the loss of property and otherwise, express concern that they spoke with the employees of the Ministry of Public Works when they were getting ready to do the construction at the police station there, but their calls, their requests and admonitions went through the window. I would want to support comments from Senator Thompson again to encourage employees at the Ministry of Public Works to consult with locals. They have a clear understanding of the particular area, since many of them would have been living there for many years and so they know where the water courses are, where the problem areas were. That kind of guidance I am sure, will help them with the construction.

We in Barbados seem to hold on to what is negative and hold it dear to us in many instances, and we have been getting involved in a lot of unwholesome practices. Most of us are selfish and it is not our problem and therefore we don't have to bother, and we see it every day on the streets and in the neighbourhoods where we live. I have a concern for the carrying out of construction in the natural water courses, for the changing of the water courses to accommodate road construction and rehabilitation and for the closing off of gutters, in particular on plantations where, to accommodate the mechanical harvesters and other bits of equipment, we have closed off the gutters that would help with the letting off of that water to work the land on to the highways. Then we are building sidewalks that do not have the little cuts outlets in them that the water can run off the road, and the water is settling and causing many serious problems. We have also the problem of gullies where individuals now are dumping their own cars and other metal bits of equipment and they too are helping to impact on the whole drainage system.

Senator Thompson mentioned the weeding of gutters. I wish to support that, because only this morning I saw from Welchman Hall all the way down to Warrens, the weeding of the road by the MTW workers, and it had been left there for the past week, I kept saying, "this is one day I know every well in St. Thomas is going to be blocked." I think we need to get back to the system where individuals in neighbourhoods with carts – people still have carts, donkey carts, box carts, whatever – and we need to give them an opportunity to feel a part of cleaning the environment in which they live. I am sure it will not be as costly as the amount of funds we took last year to help to rehabilitate Weston, Holetown, Woodbourne and all the other areas. I strongly recommend that these people be pulled into it and to be a part.

I also want to suggest that the teams from the Ministry of Transport and Works be sent into the various neighbourhoods, not to let them wait until the rainy season comes in, but to go in teams and identify those wells that need to be cleaned and inform property owners in the early. Let them know of the penalties. The penalty should not just be paying for what it costs the Ministry of Public Works to do, but the penalty should also include some amount of money that will help to defray all the costs of the equipment and the various things that would have been used in order to have that particular well or gutter drained.

Sir, I am aware that we have been contributing to the amendments of various wonderful pieces of legislation in these Chambers. I get concerned, because we are talking about the best educated people in this area, the Caribbean and so forth, but it says to me that there is some kind of problem when my neighbour's business no longer concerns me. I am not talking business now in the line of gossip that was mentioned today, but I am talking about the problems that my neighbour has do not really concern me because I am upstream and therefore the flooding will not affect me. But what happens when there are high winds that will affect me upstream and blow off my roof when I will have problems similar to those that are downstream? I think there is a great need for us to enforce legislation. There is no point in us signing it off and putting it there on the Statute Book and then not enforcing it as we should to ensure that everybody benefits.

3.55 p.m.

I also want to say that I lend my wholehearted support to these amendments and I trust that Barbadians will continue to work together as teams of individuals with the community effort and involvement that is necessary. When there is a particular area in the community – we have neighbourhood watches and so on – let us go out and debush, let us go out and clean the drains. At the end of the day, all of us as Barbadians have to live in this country and we cannot think of just promoting it for others but we must promote it for ourselves so that it becomes a

sanctuary for all of us. We must work together as community people in order to help us to alleviate some of the various problems that we know exist in our communities that help to impact on us and in particular in this situation where the flooding is concerned.

So, Sir, I wish to commend the Government for pushing these amendments forward and I trust that we will continue not only as the mouthpieces in here but we, too, as Senators, and as a Government, will get into our various communities and play our role so that Barbadians can recognise it is not that there are chores for people up here but there are different chores for those there. We must work together as a team in order for people to understand this preservation and care of environment is everybody's business. It is for the protection and for the well-being of all Barbadians and I am sure that we will go further as we approach the year 2000 in helping to make Barbados a safe haven for all to live in. Thank you.

SENATOR N. P. WELCH: Mr. President, I rise to give support to this Bill. I think this debate is appropriate at this time when we reflect on the events of August last year when we had what was described as some of the worst flooding in Barbados. A lot of focus went on Weston but I know personally that there were some serious problems at Woodbourne. I also think that it is appropriate at this time when Barbadians hurriedly went home yesterday as news of an impending tropical depression spread. I was a bit curious how Barbados would stand up a year after the flooding throughout the island. The heavy rains today provided the chance to reflect on the work of the Drainage Unit the Government had set up.

I want to commend the Government in general and particularly the Minister of Public Works who soon after the flood of August last year had been able to put in place a Drainage Unit which seeks to address the very serious problem of alleviating the effects of these serious acts of God in this country. I would like, following the very comprehensive introduction given by the Leader of Government Business to reflect a bit on the Drainage Unit which I know is a new department within the Ministry of which very little is known about.

At present, the Drainage Unit employs about 90 people and was established last year around August as a department within the Ministry of Public Works. The Government has taken the decision to divide the island into several districts, a northern district, and a St. Michael District and a southern district. The overall responsibility of this Unit is to regulate, monitor and control drainage facilities within the island. This is important because one thing that sticks out in my mind quite clearly in Woodbourne last year was that a lot of the flooding that was caused there, was a result of blocked well-entrances.

A lot of the water that accumulated there during the flood disappeared the moment that the people from CERO went in and actually cleared debris that had blocked one of the major wells in Woodbourne. I think this is an important point.

It is important because Government had taken the initiative through the Town and Country Planning Department to provide a well which it thought was necessary to drain the area but due to the neglect and I suppose lack of adequate manpower to oversee the cleaning of these wells a situation was allowed to develop where we had flooding that need not have occurred. If that well had been cleared there would have been no problem of accumulation of water in Woodbourne and I think that it is very important this does not recur.

The tasks of this unit also include cleaning of and digging of such suckwells, the construction and maintenance of associated works and the unit within the Ministry has already identified approximately 3 000 suckwells in Barbados that are owned by the Government and these suckwells at the present time are engaging the attention of the unit. I want to make reference to a point made by Senator Forde when she more or less implored the Government to move before the rainy season and have the wells and water courses cleared. The Ministry must be complimented because it has gone out there long before the rainy season and has so far of the 3 000 wells identified looked at 1200 of them and have placed them in an inventory system where they now know specifically where these wells are located and they can do the necessary maintenance, on an ongoing basis.

In addition to this, the Unit is also involved in monitoring and cleaning of water courses and out-falls and I want to commend the department for the work they have done in an area that is of particular interest to me, that area is Christ Church where they have done work at Oistins, Worthing, Welches, St. Lawrence, Dover and Silver Sands. On my way here this morning, I took particular time to drive through areas and to have a look at what sort of effect these early works that were done in this area would have had on the level of flooding and I am pleased to report that I did not see the level of flooding I was accustomed to years ago.

There was one particular area in Waverley that I would be very happy from what I saw this morning if the Drainage Unit could extend itself to do some work there because there was some fairly serious flooding in that area.

During the Estimates Debate I made reference to a storm water drainage study which this Government is financing and which on completion of this study the recommendations are going to be incorporated into the mandate of the drainage unit. I want to also state that

the most significant reason why this piece of legislation is brought here today and the one which follows in the Order Paper is to give affect to the functioning of the said drainage unit because without these pieces of legislation the work of the unit would be hampered.

For example, as Senator Farley said before, there is nothing within the existing Act that gives the Minister the power to declare an area a flood prone area and this amendment seeks to address that area of concern. Further than that, there is also the question of the Crown being more respectful to the public in providing a *modus operandi* for the Chief Technical Officer or his appointee to enter onto private premises and I think that this is very important. Some people would say that it is a triviality but there is evidence in the past of Government entering onto private property in the interest of doing work for the owners of the property and for those in the surrounding areas and in one particular instance I recall the matter ended in court and the Government was prosecuted for trespassing and had to pay a fine. I think that this legislation seeks to give access to these areas to those who in the Ministry need to carry out these important functions.

Senator Farley also made an important point about the maintenance of existing pumps and pump houses and made reference to the one at Pelican Village. I want to inform this House that the Ministry has taken the necessary decision based on past experience that when one of the pumps at the Pelican area malfunctions, severe flooding results, to upgrade the Pelican Village facilities. Within the next couple of months we will be seeing an additional reserve pump placed in that area and I want to compliment the Government for having the wisdom to provide it. The most devastating effects of flooding in this island would tend to happen in an area that is most densely populated. For this reason I think that this decision is extremely important.

4.05 p.m.

In addition to these pumps, there are pumps at the Bay Land and also at the Alexandra School. Government is doing all in its power to ensure that they are maintained properly in event that the need arises for them to be used.

The Drainage Unit is actually working extremely close with the Town and Country Planning Department. It is my understanding that, as Senator Farley stated before, there were times in the past when flood prone areas existed and canalisation was done. Yet, people saw the opportunity because of the free land, for want of a better term, and went there and located houses.

Before the canalisation these areas were flood-prone areas and became areas that looked reasonable good for housing after canalization. People moved in, then 10 to 15 years later the big rains came and they found themselves in

a lot of difficulty. I think that it is important for the co-ordination of activity between the Town and Country Planning Department and the Drainage Unit. I hope that this would address one of the concerns raised earlier by Senator Thompson.

Notwithstanding placing of houses in this area, the Drainage Unit's position is that they will still declare such areas, or observe such areas, as flood prone areas and advise the Town and Country Planning Department to restrict building in such areas.

A similar arrangement is being established with the Coastal Conservation Unit. Senator Laurie was extremely right when he said that he had a concern. I, too, share his concern, because whatever run-off from the land reaches the sea does some serious damage to the neo-coastal marine development. I think that is an area that needs to be looked at, the fertilizer, oil, pesticides and everything else. We need, seriously, to look at these things.

At Graeme Hall and other areas where the sluice gates must be opened, this results in some inconvenience in the near shore line due to discoloration of the sea water. If these activities are co-ordinated with the Coastal Conservation Unit, they can advise the Drainage Unit when is the best time, depending on tides and marine factors, that such an activity should occur. So I am happy also because of this co-operation between these two units.

I also would like to comment on a point made by Senator Laurie, which I think was interesting. I do not know there were as much as 40 000 000 gallons, but I know that the official estimate of the water held back by the dam made at Weston was something like a 125 000 cubic metres.

When I was reflecting on what was said in here today, I had the same thoughts he had. I believe that if we are just going to spend money to sink wells and to look at flooding and we do not take the spin-off benefits that can come from it, we would be wasting opportunities. I think that this is an excellent opportunity where, particularly in a country like Barbados which is now classified as "water starved" or "water scarce," we must make use of every opportunity to enhance the management of this resource. Whether you want to use dams or whether you want to use the gullies, an excellent opportunity exists here where we can kill many birds with a single stone. You can do something about the level of neo-coastal pollution, because of run-off, you can hold back some valuable top soil and we can also allow this water to reach the aquifer where we really want it.

The Unit also has an important function in the clearing of culverts, bridges and drains. When you take into consideration that we had a flood in August last year, the Unit was set up subsequent to that, we are now in the

month of August of this year and 150 of these structures have been cleared so far, I think that the Ministry must be commended. When I hear Senator Thompson talk about productivity, I smile, because this is serious productivity and management.

I also want to make reference to the work of the Unit, particularly in St. Michael and St. Andrew, in the areas of canalisation. Most of the canalisation needs exist in these particular areas of the country and they are also looking at these areas. I am pleased to note that within the Unit they have set up a department to monitor complaints from the public and to look into what I would call the indigenous and local knowledge of the area.

I want to make reference to a couple things that would explain how, perhaps, some problems that we have suffered last year could have been averted if the advice from the local people was taken. We had a situation at Holetown where the engineers ignored the advice of the local people and constructed a footpath covering drains. They left galvanise and 2 x 4's and it created a problem where lots of plastic accumulated in the drains. This was one of the problems that resulted in the flooding of this area.

The Drainage Unit since then has moved in and broken down the whole structure. They have rebuilt the area, constructing what they call weep holes and grills, and have also put in place concrete based drains that would take any excess water out to the sea. I think that the Unit should also be commended on their efforts here.

There is also a situation at Murphy's Pasture, a low lying area, which is constantly engaging the attention of the Drainage Unit. I am sure that at the passing of this Bill, which I know will get the support of all members in here, I would not be surprised if at all that Murphy's Pasture is declared a flood prone area and all efforts are made to resite these people elsewhere. It is really a place, in my opinion, which is totally unsuitable for housing.

A similar situation existed at Sunset Crest. One of the unbelievable things that I heard in here today about Town and Planning is that no one can actually find the records of the number of drainage systems at the Sunset Crest development. This is quite strange, but thank God for the Drainage Unit who have been in and done the necessary surveys and have now been able to identify a number of the blocked drains in the area. They have identified these as reasons for a lot of the flooding that occurs in this particular part of the island from time to time.

As a result of the work done by the Drainage Unit in the Sunset Crest area, a proposal has been put in place for establishing what they call an "infiltration pond" upstream, which would hold back sizeable amounts of the water in

much the same way as Senator Laurie spoke about and then allow much less water to enter the development at Sunset Crest. I think that these sorts of initiatives by the Drainage Unit would go a long way in helping to alleviate some of the flooding problems in the western side of this country.

Such work like this was limited and retarded largely because of the fact that the Ministry and the Chief Technical Officer, or his people, did not have the power under the legislation to enter into the private premises of these people and carry out these works. It is important that the Government took the initiative to give such power to these officers that they could go in and do what I consider to be very necessary work.

The Drainage Unit is committed to implementing the findings of the Storm Water Drainage Study. This Drainage Study has been placing particular emphasis on certain areas which we know in Barbados to be flood prone, areas like the Constitution River, Holetown, Speightstown, Murphy's Pasture, Wotton and Weston.

At this point I would also like to state publicly that the worst affected houses from the flooding at Weston have already been relocated to Bakers in St. Peter, and I think that it is testimony to the good management and swift work being carried out by the officers and the Minister in this Ministry, and the Ministry of Housing.

I, too, would not be surprised if the water courses leading into the area of Weston, after the passing of this legislation, would be declared flood prone areas and that housing development would not be allowed in this area.

At this point in time the Drainage Unit is in the process of taking an inventory of all the drainage systems in Barbados. They have completed, as I said before, 1 200 of the 3 000 that Government takes responsibility for. When this legislation is passed and the Drainage Unit has the permission to go on private lands, they will turn their attention to the sugar plantations where a lot of the drainage systems, such as the wells, have been neglected largely as a result of the fact that a lot of the plantation lands have gone out of active agriculture and a lot of it is now under housing development. The opportunity will be taken with the passing of this legislation to get out there and add these to the inventory and to do whatever is necessary to ensure that we never suffer the calamity that we suffered last year at Weston.

4.15 p.m.

I would also want to say a bit about attitudes because, as someone said earlier, we can spend this money and do all we want in digging suck wells and everything else and people do not have the right attitude we would wind up in a situation where we spend money and do not get any

benefits. I think a major cause of a lot of the blockage of drains in Barbados is the unrelenting use of plastic and the disposal of plastic with a "don't-care" attitude where people just throw plastic on the streets. A lot of this plastic accumulates at the entrance to these wells and becomes impervious to the passage of water and creates problems. I would hope that with environmental education the right attitudes could be developed by Barbadians and that they would see the consequences of their action.

I would not want to say much more on this Bill except to congratulate the Minister and the Government for having moved so swiftly and for having managed so well. I look forward this year, God forbid, to see the effects of the work of this Unit in alleviating the effects of heavy and sustained rainfall in this country. I have absolutely great pleasure in commending this Bill to Honourable Members.

Thank you, Mr. President.

SENATOR D. T. GILL: Mr. President, I am going to be very brief because I do not think there is much more left after Senator Welch dealt with this piece of legislation so clearly. Nonetheless, Sir, I think that as we are speaking to the prevention of floods, I would sum this up by saying that it gives great power to the Chief Technical Officer, the new office, *et cetera*.

I am of the firm belief that there is living testimony there that as you drive along the south and west coast and there is no time more appropriate than now to be dealing with this piece of legislation because, over the past 24 hours or so, I happened to be on the inside of the south coast and the route was almost impassable. This afternoon during lunch again I had to be back out and that whole Collymore Rock area where lots of new buildings have gone up they are reflecting the same kind of problem which we have been witnessing on the south coast over recent years, not to mention the same thing on the west coast.

The problem there is, Sir, that for every square metre of concrete laid down, be it in the building itself or in the paving of the yard, the whole court, or what have you, you have lost a sizeable and important volume of filtering soil. So what is left there? The end result is the water just has to flow off freely and find its way into the nearest watercourse. The moment we start to develop the coastline as well as on the inside, this will run hand in hand with the problems which have been created by the natural water courses being choked as well as the suck wells not being looked after.

I would say, Sir, this piece of legislation is precursory to other pieces of legislation which would make it mandatory to the alternate storage as well as channeling, or

canalisation, whichever you care to say, of water from roof-tops as well as water which no longer is able to flow through the soil and reach the various aquifers.

Mr. President, as I said, I will be very brief. I have been brief and in order that this piece of legislation could have its really full impact we must see other pieces of legislation to enhance it.

Sir, before I take my place, I would send out a word of warning to the appropriate Government departments to make sure that as soon as they have cleared the canals and the wells, as soon as they have debushed the surroundings of the water courses it should be mandatory that Government makes sure that all the debris, silt, *et cetera* is removed and removed as expeditiously as possible. With that, Sir, I give my firm commitment to this Bill.

I thank you, Sir.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I rise to support this Bill on the Prevention of Floods Act. But I would like to add one or two comments. I congratulate the Government on bringing forward such a Bill because it will have a multiplier effect in other areas such as health because if the water is drained off it means there would not be stagnant water and, therefore, the mosquitoes will not be able to breed and therefore we would not get Dengue Fever which makes us very sick.

Aside.

SENATOR Mrs. P. E. RICKINSON: Yes, less work for nurses in the Hospital who form the backbone of this health care system in Barbados and who work very hard without complaining.

Mr. President, it also has a multiplier effect, seriously speaking, for tourism as well because I did have quite a few friends who were here on holiday and who did get Dengue Fever. I tried to persuade them that this does not happen because I have never had it and I hope that I never get it. I am hoping we will be able to get the drainage system sorted out so that the mosquitoes would not breed in the stagnant water.

I do not plan to go over the areas very adequately covered by other Senators but I would like to mention about some of the flood prone areas that are also hurricane centres. I was a pupil of the Alexandra School and every time it rained they had to close the school and send us home. That is a flood prone area. It floods very quickly and I think we also need to look at the hurricane centres in terms of whether these are areas where the hurricane centres are subject to floods or not because it would be creating another health hazard.

Mr. President, I would also like to touch on the necessity for some enrichment education programmes for the persons working in these areas in the Drainage Unit. I will come back to that after giving an example of why I am asking for some enrichment training programmes.

The Bill gives the Technical Officer powers to enter the premises of an individual for the purposes of either cleaning the wells or ensuring that the drainage is necessary. It sets out very clearly that a notice must be given to the residents in writing, unless it is an emergency. This is where I am calling for some enrichment training areas to make sure that this is followed and that people just do not turn up at the premises and say the Minister said that we could come. I had that experience last week to dig up a road. I said: "No. The Minister cannot tell you that you can just come and dig up the road like that."

What happened was that part of the property was taken without permission, then the road was surfaced after being inconvenienced for about two years, and now suddenly they want to dig up this road with the excuse that the Minister says they can come and dig up the road. I said: "Go back and tell the Minister I say that he just cannot say that you are to dig up the road and you are just to come and dig up the road like that." They really need enrichment programmes in order that when they go on people's premises they must contact them before and say that they plan to come and do a, b, c, d, e and f, and if necessary, they need to explain to the people that there is a law governing this and it says that we can enter the premises and carry out certain functions. Because, Mr. President, at present the only people that really now can enter our premises without getting a search warrant is the public health inspector. Here again we have to call for enrichment programmes of the persons working in those units and also of the public to educate them about this new legislation and when people do come to tell them about what they are going to do, that it is within the law and it is for the benefit of the community and the society as a whole.

4.25 p.m.

I would also like to congratulate this piece of legislation and to advise that when the education is being done it should be coupled with the need for persons to start using these storage tanks in order to help to drain off some of the water. We did pass a Bill whereby one could get certain tax-free concessions if one had a storage tank up to a certain amount and they have also made it mandatory for certain homes to have storage facilities and that is an area that I congratulate this administration on and ask that that be implemented full force.

Mr. President, last but not least I would like to see that Town and Country Planning get some more teeth

because sometimes you will find that even though the legislation is there it is difficult to make it walk and we need to find ways and means of implementing the legislation because in some areas, even though the legislation is clear, there are people who just deliberately do what they should not do and get away with it and it does not seem as though Town and Country Planning can do anything about it.

We are here talking about the stopping up of gullies. I remember when at Batts Rock a building was being put up across a gully that drains about 5 parishes and the person went around and closed up all the drainage holes systematically and filled in the water course with marl. Now, Mr. President, we have not had a lot of rain for about 10 years but if we do get a lot of rain the water is going to go through all of those houses in Batts Rock. I am very glad to hear about the functions of this drainage unit and I hope that they look into these areas and try and find how they can get an outlet for that potential build up of water. I do not know if we do not see all of the water because some of that water enters into quarries elsewhere. I could remember it was like a waterfall when we have a very heavy downpour of rain. This is one of the reasons that I am very glad that there is such a department known as a Drainage Unit. I hope that they will be given all the support necessary so that they can carry out the needed work throughout Barbados because it is not one area, it seems to be several areas that are prone to flooding because of the concrete jungle that we have and the lack of drainage in building all our beautiful and massive homes.

Mr. President, there is one query in my mind and please forgive me for watching television but when an area is declared a flood prone area overseas it means that the Government gives funds for any damages. I do not know if we are thinking in terms of assisting the residents of the area with funds after the area has been declared a flood prone area or if it is only for the sinking of wells and the maintenance of wells. I think that in a day like today with communications the way it is, and in view of what we are seeing from overseas, as soon as an area is declared a disaster area, you are entitled to funds. I think we need to make that clear to the people in this country.

I am talking about being a flood prone area not your homes washed into the sea. That is another area one will have to look at because if we are having all of these flood prone areas, where are you going to get all the funds from?

I would like to say that with the rain last night, when I looked into the sea it was black, black and that is all of our top soil and I do not know if there is a way we can stop the running off of top soil into the sea. When we go about one foot below the top soil it is nothing but coral and it means that we will soon not have enough soil. We will probably have to import it from overseas in order to grow our crops.

Again I feel very happy about this Bill and I would like to see that it gets implemented without too many difficulties. I support it fully.

SENATOR T. E. BARKER: Mr. President, I would just want, first of all, among my comments to note that the Barbados Labour Party Government is responsive and is sensitive to the needs of the people of this country. That is clear. Last August, less than a year after we came into office there was disastrous flooding as was stated before, not only in Weston but in Holetown and Woodbourne and lots of other parts of the Island.

Sir, we know that the people who suffer most with regards to natural disasters are the poor section of the community because, Sir, even although flooding may affect middle income areas and so on a lot of them are protected by insurance cover and they are in the main able to recover much more easily than those working class people whose homes in most cases are not insured and are not substantial enough to withstand some of the forces of the elements.

Sir, the work of this Government in relation to the prevention of floods would benefit that class of people tremendously because, Sir, they are the ones who are forced, because of circumstances, to put their houses in areas which otherwise would not be suitable for housing. We know, Sir, there is a scarcity of land in Barbados and it is a known fact that we have to be very careful with the use of our land resources. People are putting houses in areas which are susceptible to flooding, and in the main they are working class people. That is why we must applaud Government for moving with haste to ensure that the people who live in these flood prone districts, like Murphy's Pasture, Holetown and these areas, will benefit from Government's activity to the extent that wherever possible the Government will try to mitigate the effect of flooding. If we look at the topography of Barbados and given its structure, you will always get water coming from the higher parts down on the coast, so the Government must make sure that the channels are clear so that the water can go, unfortunately some may add, into the sea as soon as possible.

4.35 p.m.

Sir, we cannot avoid water running into the sea. It is extremely difficult to avoid that, so we have to make sure that the channels are clear. We know that water can be a very destructive force if not channelled properly, so Government moved to make sure that not only are the structures in place but that the legislation is in place so that the proper drainage and other works can be carried out.

Sir, I am not sure I totally agree with Senator Laurie about the use of quarries. I am very well aware of the quarry in Green Hill, because that is where I come from.

I am a Mahaica boy and the quarry is just behind Mahaica, so I am aware that in the 50s in that same gully they dug some ducts to handle the water as it travelled through the gully, because that area is very close to one of the major water catchment areas, the Belle. But before the water reaches Green Hill it has to pass through other districts, so unless there are wells further inland to reduce the amount of water coming down to the Green Hill quarry, you may have flooding further inland. There is still an urgent need for more suckwells to be dug in the first place, and the ones already there should be maintained. I do not agree that we can just do away with the suckwells, we still need the suckwells and we still have to ensure that the ones there are kept in good condition and can function properly to take off the water.

Sir, I believe that ownership of land brings with it certain responsibilities. I do not know if you really own the land, you use it but you do not own it as such, and we must make sure that if we are in possession of land we carry out safe practices which will ensure that the whole community does not suffer from your actions on the piece of land you say you own. That is very important. The good neighbour principle must take precedence here. Just because you own land does not mean that you can do as you like on the land. You are entitled to occupy the land so long as you keep the land in good enough condition so that what happens on your land will not adversely affect what happens to your neighbour. So that, for example, putting up gates to stop people from walking through land is not on. We know that these things went out in the 40s after the riots, but it seems as though certain people want to carry us back into those bad old days where black people could not travel through certain districts in this country.

I believe that when you own land your actions must be subscribed by law and by regulations so that if a well is on your property you have a moral and a legal rights to ensure that that well is kept in good condition and that it can carry out the function for which it was put there in the first place to do.

This business about water from another person's property coming into your well is really beside the point, because all of us at times benefit from what we call positive externalities. In other words, what somebody else does is going to positively affect your property, so why should you be only receiving and not giving? The same way that the good action of your neighbour next door can prevent damage to your property, you should be Christian enough to ensure that the good action you take on your property can also positively impact on your neighbour's property. We must live by that good Christian principle. While some people are going to argue that it may infringe on the rights of the individual, I say no, because the right of ownership also brings with it the responsibility of ownership. We are in a real sense our neighbour's keeper, so if a well is on your property you should be mandated

by law to make sure that the well is properly kept, and I totally agree with this Bill, if you do not do it the State will come and do it for you and make you pay for it. I am clear on that, because I do not believe it is infringing on anybody's rights. It will not happen to me, Sir, because if I had a well on my property I would make sure that it was cleaned. This whole idea of individual rights being trampled is very wrong.

We should not put any structure on our land which can cause flooding in a village or something like that. That is wrong morally and it should be wrong legally. A person doing such should face the consequence in the courts of law. Not only should the structure be removed, but I feel that person should be brought to the law courts for carrying out an action knowing it can cause harmful effects to other people's properties. We have to be very clear and send a strong message to land owners in Barbados that this behaviour has got to stop. Just because they own land they cannot do as they like and damage other people's properties.

Sir, I see nothing in this proposed amendment to worry about. I see nothing to be concerned about. It is clear that we need to take action so that another Weston situation would not occur, and we need to take it now. Not only Weston but other districts where actions can cause problems. The Chief Town Planner and the Chief Technical Officer have now the legal powers and I call upon them to make use of the powers that are given to them by Parliament.
4.45 p.m.

The Chief Town Planner and the Chief Technical Officer now have the legal powers and I call upon them to make use of the powers that are given to them by Parliament so that there is no longer any excuse. They now have the legal right to go and carry out the work that is required to make Barbados a better place for people to live. We must thank Government for having the foresight to bring this particular legislation into action.

Flood water control must not only be seen in terms of preventing flooding but it can also help, as mentioned before, to augment the water supply in that you channel the water into the underground aquifers by use of suck wells and other measures so that the next year we will have more water for people to use. The developments that are taking place in our country require greater use of water resources. Tourism activity requires greater amounts of water. Hence we have to make sure that we stop as much water going into the sea as possible.

For a long time, Sir, I have been wondering what we are going to do about the East Coast. If you may have passed there after heavy rains you will see the massive amount of mud that comes across the road and goes into

the sea and I wonder if we do not have to look and see whether we should not be damming that water, and if it cannot be used for drinking purposes, it can be used for other purposes. That is something I have been looking at because in my personal view if we can dam that water we can make economic use of it by inland fish farms or something of that nature. That is something that we need to look at to stop some of the water going into the sea because we are hearing about desalination which is extremely expensive. If we can dam some of that water we may be able to postpone desalination, coupled with the fact that there are other measures being undertaken on the demand side.

I hope I am not straying too far, Sir, but only this year the Prime Minister brought measures to conserve water and so on. With those few words, I want to commend this Resolution to this Honourable Chamber. I see it as another step in Government's move to improve the living conditions of the people of this country that as we move into the 21st century we will be living in safer conditions and that we will be more protected in whatever way possible from the elements which are so necessary because we need the rain for our crops and water supply. We have to ensure that we take whatever steps are necessary to ensure that what is obviously a good does not become on the other hand detrimental to some people.

With those words I want to support this Bill.

SENATOR THE HON. R. R. FARLEY: Mr. President, I rise at the conclusion of this second reading of this Bill and I thought I would want to clarify one or two matters that have arisen. The issue was raised concerning flood areas and disaster areas and payments and compensation and I thought that that bore some need for explanation.

First of all, identification and the designation of an area as a flood area under the Prevention of Floods Act is a means of identifying an area which the experts identify as being prone to flooding, thereby seeking to restrict or prohibit development in that area, thereby allowing the area to be used either to accept flood waters in the case of known ponds and similar areas or for the area to be the conduit as it is to carry water off to the sea as some areas in Weston would serve.

This is not the same thing as moving after a disaster has occurred and declaring that an area is so badly affected as to be determined to be a disaster area and thereby being eligible for consideration for special financing arrangements in order to aid in the recovery effort. So there is no question of any monetary allocation being necessarily the result of an area being declared a flood area. What this speaks to really is good physical planning so that areas that are known to flood will not be included in areas of development.

The other point I would want to make which I think bears some emphasis is the whole question of the role of the agricultural sector in this matter of flooding. I think one would observe as one traverses the countryside, and this point was brought to mind as mention was made of the discolouration of the water at Batts Rock as a result of rain, this problem also arises inland where due to a change in cultivation practices on the agricultural estates, not only water but topsoil finds its way onto the roads of Barbados thereby making them either impassable or extremely dangerous to traverse than was the case in previous years.

Several years ago the typical situation was for agricultural holdings to have some khus-khus grass and even pea trees but certainly khus-khus grass growing on the periphery of all of the fields and that served a number of purposes. It was used as animal fodder but also it allowed water to exit the fields as well as trapped any soil which would tend to run away. In addition to that, the cultivation practices also included in terms of the ploughing of the fields a drain running parallel to the road at 90% to the general direction of the regular drains so that in the advent of heavy rainfall although water would drain through the main areas of the field it would be trapped by these two drains which ran parallel to the roadways.

I have noticed that that last means of trapping top soil has been removed so that many of the fields are now ploughed where the drains run directly onto the roadways so there is no means of trapping top soil. So in addition to the normal run off of water which is expected because you cannot allow the fields to flood what is happening now is that in St. George and Christ Church and St. John and St. Joseph I have seen for myself – for example in Greens and Drax Hall in St. George I have noticed in the areas of Claybury and Sweet Bottom and so on in The Glebe, St. George in Boarded Hall and Windsor and areas of Christ Church, in all agricultural areas – there is a greater tendency for there to be major soil erosion and additional flooding on roadways. So the problem we have is twofold. 4.55 p.m.

Asides.

Mr. PRESIDENT: Order, please.

SENATOR THE HON. R. R. FARLEY: Thank you, Mr. President. This is a serious point.

The point I am making though, this matter of taking a holistic approach to the management of floods and flooding, I do not think the focus on the changes in agricultural practices which are contributing not only to more water leaving the fields to come onto the highway and therefore causing pockets of flooding there but also to the loss of top soil, which was mentioned during the debate

by one of the Senators, I want to concur in that point as well as to indicate that I, too, consider it to be a most serious matter.

With those two points of clarification, one of clarification, the other of emphasis, Mr. President, I beg to move that The Prevention of Floods (Amendment) Bill 1996 be now 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. R. R. FARLEY, Mr. PRESIDENT left the Chair and the SENATE went into Committee on the Bill, SENATOR Miss O. P. SYMMONDS in the Chair.

MADAM CHAIRMAN: The Senate is now in Committee.

Clauses 1 to 8 inclusive were called and passed.

Clause 9 was called.

SENATOR THE HON. R. R. FARLEY: I beg to move that Clause 9 stand part.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: On a point of elucidation. Paragraph 15, this is the very last one of the Bill, deals with the recovery of costs, this in light of the decision to dig a well on somebody's property, which is referred to paragraph 3. Am I to understand that a decision to dig a well on someone's land may be made without the person's permission or concurrence, and then that person is still liable for paying for the work that is done?

It seems to me that this is an unreasonable course. There should be some provision for discussion with the person and/or the right for Government to acquire the land rather than it continue being the property of the person who is liable if they do not clean it and who must also pay for the construction of a well on their land. It might be a small point but it needs to be considered.

SENATOR T. E. BARKER: Honourable Chairman, as I understand it, this flood work consists of the removal of structures, buildings, trees and so on, as opposed to digging a well. If you look at the old Bill, section 6 refers to the removal of buildings.

MADAM CHAIRMAN: It can include the digging of a well.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Section "B" defines "works" as including digging wells and drains.

SENATOR T. E. BARKER: Except, Madam Chairman, that it refers to sections "A" and "B," which refer to the removal of buildings.

MADAM CHAIRMAN: "...may enter upon any private lands or premises represented in a plan approved under section 3 and execute any flood works". That would include the digging.

Asides.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Thank you.

SENATOR THE HON. R. R. FARLEY: The flood works are limited by the fact that they are undertaken under section 6A or 6B which speaks to flood works as used in the definitions. It also speaks to the wide category of activity that can be conducted. Section 6A speaks of the execution of works for the protection of persons and lands from floods and inundations. It speaks to, for example, where there is existing infrastructure which an owner or occupier fails to maintain and has refused to comply with certain directions of the Chief Technical Officer and so on.

The Chief Technical Officer can proceed to undertake the works. If the Honourable Senator would refer to Clause 8 of the Bill where it says that:

"The principal Act is amended by inserting therein immediately after section 6 thereof the following as sections 6A and 6B"

What is referred to in section 15 of the Amendment Bill is further explained in section 8. So it is under those particular circumstances as prescribed in 6A and 6B that the work can become a charge where there is an obstruction of highways or failure to maintain suckwells and other infrastructure in such a way that it becomes a threat to persons and lands due to floods and inundations.

MADAM CHAIRMAN: Does that satisfy you?

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Thank you.

SENATOR THE HON. R. R. FARLEY: I beg to move that Clause 9 stand part.

The question that Clause 9 stand part was put to the Senate and agreed to.

On the motion of SENATOR THE HON. R. R. FARLEY, Madam CHAIRMAN reported the passing of one Bill in Committee, and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. R. R. FARLEY, the Bill was read a third time and passed. 5.05 p.m.

HIGHWAYS (AMENDMENT) BILL, 1996

SENATOR THE HON. R. R. FARLEY: Mr. President, I rise to move the amendment to the Highway Act. This amendment basically seeks to complement the amendments to the Prevention of Floods Act which we have just debated. This Bill seeks to clean up the Highway Act by altering the definition of a highway. This will extend the authority of the Chief Technical Officer to repair highways other than those in the town of this island and to empower him to carry out flood works along any of the highways along the island.

The existing Highways Act in terms of some of the definitional difficulties, and this is going back some time, described highways to include various structures, sewers, water courses and so on, but the limiting point was that they referred to the town in this island. Although certain areas in Christ Church would have been added to that definition by virtue of some amendments to one of the laws relating to Local Government in or about 1948, there really for that length of time proved to be some difficulty with the amendments.

What we are seeking to do now, Sir, is to take care of that particular legal difficulty which might arise, especially insofar as the Chief Technical Officer is seeking to exercise his responsibility with respect to those aspects of the definition of Highways which includes bridges, water courses, tunnels, drains and gutters which in several areas would tend to require work as well.

I do not believe, Sir, given the extensive debate we have had on this matter in the previous Bill that this requires any further and more detailed explanation.

The other amendment that is being proposed by way of this amendment to the Highways Act is an amendment to increase the penalty for causing damage to the highway which is a matter of concern to the Government. The cost of maintenance continues to increase and we need to ensure that there is an effective deterrent to the damage to highways.

The amendment, Sir, that is being proposed will increase the fine for damaging a highway from \$20 to \$500. In addition, we have also made an amendment, again recognising that there is no longer a Chief Technical Director but a Chief Technical Officer, and throughout the Bill wherever the term "Director" is referenced that should be replaced with "Officer" so that those relevant sections would reference "Chief Technical Officer".

With that, Sir, I beg to move that this Bill to amend the Highway Act be read a second time.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I shall not be long but I just thought I could not let this opportunity slip to compliment the Minister of Public Works for the swift action he has sought to take regarding what I consider to be a very worrisome trend involving a public road in an area of Barbados known as Golf Club. I consider it a worrisome trend because I do not think in this day and age we can countenance and take as a matter of course the question of private citizens so constructing exclusive districts that it took many years after it was erected for the electronic gate to become known.

Like Senator Barker alluded to in the previous debate, to me this raises the spectre of the days of Strathclyde when people were prohibited from walking through certain districts. While the technology might have changed, in those days they used soft stones down in the middle of a road, and because of the development of technology we are now using electronic gates, the trend is still the same. I think it is a dangerous action and one that should be put to rest as soon as possible.

I therefore would like to urge the Minister of Public Works to continue very hard to resolve this matter as quickly as possible because it worries me that there are some people who can make a big song and dance and cry all kinds of tears, crocodile and others, when they are talking about the small man, the poor man, but still when it comes to their exclusive properties they might possibly seek to keep the same small man from merely walking through an area in order to get to and from their home and go about this legitimate business.

Again, some people who spend a great deal of time and have been very critical of Government's action to provide further housing in a part of St. George by allocating a certain area of land near a playing field to housing, that these people – this housing will go towards the small man in that neighbourhood. There will be nobody in that neighbourhood where these houses will be in St. George, who have electronic gates, I can assure you. They might have electronic gadgets in their houses, but certainly there would not be electronic gates. These people much rather have the land devoted to tennis courts rather than housing which is a very pressing need, although there is still more land in the area which can be devoted to tennis courts. Therefore, Sir, I look forward to this matter being resolved, like I said, very expeditiously so that it can prevent any other citizens in the country who think that they might adopt this approach to solving social problems by trying to delimit the access of other citizens to their neighbourhood.

I thank you.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I would also like to say that I do not think that anybody should be allowed to flout the regulations of a country. If the legislation says, for example, a wall is to be 7 feet, it should be 7 feet. They should not be allowed to go and build it 10 feet, 14 feet and get away with it and it does not seem as though the Town and Country Planning have the teeth to do anything about these things.

I feel, Mr. President, that these wrong things need to be corrected and when Town and Country Planning, or their Technical Division is informed, I think action should be taken, and taken immediately. If a wall is 7 feet, it is 7 feet, not 10 feet, 14 feet and blocking the area for people to get into their property. One has to be very careful about allowing a certain section of the community to do what they feel like doing whereas another section of the community just has to make do and play by the rules. All of us should be made to play by the rules, and I support this Bill.

I have not mentioned anything but I will get back to this Honourable House if action is not taken about what I am alluding to.

SENATOR THE HON. R. R. FARLEY: I beg to move, Sir, that this Bill be read a second time.

The question was put to the Senate and agreed to.
5.15 p.m.

On the motion of SENATOR THE HON. R. R. FARLEY, Mr. PRESIDENT left the Chair and the SENATE went into Committee on the Bill, SENATOR O. P. SYMONDS in the Chair.

COMMITTEE

MADAM CHAIRMAN: The Senate is now in Committee.

Clauses 1 to 4 inclusive were called and passed.

On the motion of SENATOR THE HON. R. R. FARLEY, Madam CHAIRMAN reported the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. R. R. FARLEY the Bill was read a third time and passed and cited as Highways (Amendment) Act 1996.

**RESOLUTION FOR THE COMPULSORY ACQUISITION
OF LAND AT FOUR ROADS, ST. PHILIP
FOR THE PROVISION OF A PLAYING
FIELD FOR ST. MARTINS FOUR
ROADS PRIMARY SCHOOL**

SENATOR THE HON. R. R. FARLEY: Mr. President, the matter before us is the consideration of a Resolution for the compulsory acquisition of land at Four Roads, St. Philip, for the provision of a playing field for the St. Martins Four Roads Primary School. This matter, Sir, is one which the Government is seeking to effect a speedy and of course equitable resolution to.

The process, Sir, of compulsory acquisition is one to which the Government reverted following its failure to successfully negotiate appropriate arrangements with the owner and as Members would be aware compensation cannot be paid for the land until all of the legal processes, including the formality of having Parliament's approval, have been obtained so that the process of compulsory acquisition would give Government indefeasible title to the land and thereby enable it to pay fair compensation to the owner of the land.

Sir, the facts of the matter are simply that the St. Martins Four Roads School has been constructed in such a way that students of the school play on a piece of property immediately outside of one of the blocks of classrooms. It however turns out, Sir, that the property is not in fact owned by the school or by the Crown. The students have been playing on the area for some time now, however, during the last year or so the owner who had previously been cooperative as far as that arrangement for use of the land by the students of the school, indicated his displeasure at the continued use of the land by the students of the school. In fact the level of tension increased between the owner and the school to such a level that the police at District C had to be called in on many occasions in order to abate some of the threats which were being experienced by the teachers of the school in terms of their trespass on the land.

The layout of the area is such that it is almost impossible to step from the class room of the school without stepping on the property which is owned by Mr. Coppin who is the owner of the land. The parcel to be acquired forms part of a larger parcel of land which is owned by Mr. Coppin. The area to be acquired, some 712 square metres which is just about 7,100 square feet is currently open and has previously been used. The other remaining areas of the land are occupied by Mr. Coppin and portions of it contain a number of tenants who currently rent the land there. So that the acquisition that is being proposed will not in any way result in a dislocation of any of the residences or structures on the remaining

larger lot but really constitutes the attempt by the Government to normalise and neutralise what has become a most uncomfortable situation as far as the level of tension between the owner of the property and the teachers and ultimately would have spread over to the students of the school.

The relevant provisions of the Land Acquisition Act have been invoked and an attempt is being made to have this process formally completed so that compensation can be paid to the owner of the land for the 712 square metres being acquired which is a part of the larger portion, so that the Crown could have clear title to the land and put it into full use as a playing field for the St. Martins Four Roads Primary School. I beg to move, Sir, that this Resolution do now pass.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Mr. President, I rise to support the Resolution and to say that I wonder why it took so long because it seems to me that in this day and age it is out of place to provide a school in any neighbourhood that does not have adequate playing space. I get the impression that this is a fairly new school constructed in our life time. There have been other cases which I am aware of. Take for example Roebuck Secondary School, now called Louis Lynch Secondary School, as one of the schools built within the last 25 years. No school built in Barbados in the last 25 years should have been built without adequate playing space. I know there are others but I am aware of Louis Lynch Secondary because I had a child there and I knew of the inconvenience.

5.25 p.m

Another school in that category I know of, because I was Chairman of the Board, is St. Bartholomew's Elementary School, built as a fairly modern school at that time, and again I had a small child there, so I was involved and know of the frustrations. Now, St. Martins. There could be others. I really think there is a need for a proper building code where schools are concerned, a code that says X number of classrooms, X number of labs, lunch room for teachers, playing space for the children of not less than X or Y metres, square metres or what have you. We need to do this and in each case ensure that these things are provided. Mind you, Sir, I am not sure whether with the reduced birth rate and the provision of adequate space we now find ourselves with, whether we will have the opportunity to use this method in the future, but in case it does occur I think we need to sit down and plan as to what kind of premises we provide for our children. I would like to see a move being made to update the other schools that need to be updated as well, and not wait until they ask when they become jealous hearing that St. Martins has now been put right.

A problem we have to try and overcome is seeming to support a double standard in terms of the provision of educational institutions. For example, I mentioned the Roebuck situation, but when Queen's College was being build people seemed to be prepared to go out of their way to provide much more acreage than was necessary for the school itself, and then all kinds of modern facilities. I am not going to criticise that because they have these facilities, but I say it is not fair to the other children of the country to have to make out and make do with facilities when some other people are being treated in that way.

Sir, I am sure you had the opportunity to watch the Olympics in Atlanta on television and to see the advanced state of the small athletes, very young children, performing gymnastics. They could only have been able to reach that stage at that tender age because somebody had provided the facilities. When I look around and see the number of young people in this country who appear like termites out of the woodwork on certain days, when you see them at Crop-Over and Congaline or what have you, and all the young people's affairs we now have in Barbados, it is something that frightens you, and the thought that many of them could have been and should have been in Atlanta at this time if only somebody had provided similar facilities for them all along the way.

So I congratulate Government in acting in this case and I hope we will put the others right and make provisions as we go along for all the new facilities.

Thank you, Sir.

SENATOR Miss C. Y. FORDE: Mr. President, there are some comments that were made by Senator Springer that are fairly legitimate, but I would just want to add to what used to be Roebuck Secondary, now the Louis Lynch School, that school was really conceived to be a primary school but then the demand for further space in secondary schools was on the list and therefore it was extended. The plans were upgraded when it was under construction, but you are well aware that the students currently use the playing field at Wibisco. The Ministry has started to look at the acquisition of land to accommodate their needs, because with a school of almost 1 000 children, you do need adequate playing facilities to accommodate their health and physical needs.

I want to laud the efforts of this Government for the speedy effort to compulsorily acquire the land at St. Martins Four Roads. During the last year we have had very difficult times in the Ministry of Education because of the unfortunate actions of managers, meaning Governments, in the past where no appropriate steps were taken to have that land either acquired or having the matter resolved in an amicable way with the land owners, and where on a daily basis the lives of students and teachers were threatened because of their trespassing on the property. As you are

aware, Sir, children need a lot of physical activity. They may not be able to reach the stage to enter the Olympics or the Carifta Games, but as a part of the development of any young child there is the necessity for physical activity and we know the outcome of that. The children develop socially and mentally and can develop other skills like fair play, good discipline, self-esteem. They learn how to resolve conflict from their activities in the physical area. I think this step is a good one, because the situation at St. Martins Four Roads was a very tense situation. The conflict there really caused us some concern, and I agree with Senator Springer that we should be more proactive in our plans.

You will recognise, Sir, that the last two schools that have been completed have proper playing facilities, including pavilions, not only to accommodate those in the school but individuals within the community. I think that is the route we should go. With the Queen's College situation, perhaps it was because it was very close to an election and therefore the needs of the students were looked after, but I agree that whether it be a secondary school or a primary school in an urban or a rural district there should be set plans for the accommodation of the needs of everyone in this Barbados.

Mr. President, I want to encourage individuals who will use that school, and I am confident that they will, the Principal, the staff, the pupils, as well as individuals within the community, to continue to work hard at caring for those facilities. The times they endured were very perilous ones and I trust that they will work together as community groups to ensure that that facility is well looked after, because at the end of the day the benefits that will come from the use of that facility will redound to the good of all individuals in that St. Philip area.

I want again to thank this Government for its vision in going forward and ensuring that some of these problems that have arisen have been rectified. Some problems we came into power and found, and we are trying our best to allay the fears of Barbadians, because, to be working in an environment on a daily basis when your life is being threatened and you are not so sure if the individual(s) making the threats are sane in their own minds. It is very important that every effort be made to allay the fears of the individuals involved so that we can continue to live in the kind of lifestyle that is necessary for us to be able to instil in our citizens wholesome practices.

I wish to support this land acquisition and trust that we will continue to be more proactive so that we can avoid some of the problems that show their ugly faces in this particular respect in the St. Martins Four Roads area in St. Philip.

I thank you.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, again I want to join Senator Forde in congratulating the Government in resolving what was really quite an untenable situation and a festering social problem, but I think that the acquisition of this land also has to be put in a wider and additional context. Just as I earlier alluded to a certain practice that I consider abhorrent, relating to the erection of an electronic gate in a certain exclusive district in Barbados, I also must record the fact that this is not just a simple acquisition of land, but some of the personalities involved are some of those very same ones who would try to teach us how to live and try to preach to us about how to live, particularly black people, and they want to talk about black solidarity. But still, here is a man who is an arch priest in a homemade religion...

Mr. PRESIDENT: I don't think, Senator Murray, we need to go down that road. I would like you to stick to the terms of the Resolution and leave out the personal references.
5.35 p.m.

I am sorry, Mr. President, but I think it is important to put it in the context that it involved a question of depriving children of the opportunity to play and, like Senator Forde said, develop healthily because of people's personal pique. There is an old saying, *mens sana in corpore sano* – a healthy mind in a healthy body and what had happened before the acquisition of this land was that children who by trying to indulge in their natural instincts by running around and playing and indulging in healthy and socially acceptable activity, were deprived and operated under a very tense atmosphere of threat, physical or otherwise, from some of the persons involved in this matter.

Therefore Sir, I would like to join in commending Government for resolving this situation to the benefit of those children.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I feel that I must say a few words about this. It is not only the acquiring of the land. We have to try and turn this situation around. The children are still next door to whoever is living there that you are acquiring the land from. I would like to suggest that Government has agencies that can go in and assist with helping the turn around. We have social welfare officers and we have community development and even if they want nurses to go and talk with them, the public health inspectors are nurses. I am seriously speaking. I don't feel that one should just acquire the land and still the neighbours are there and the children are there. I think it is better that we try to go towards the route of letting people see the school as part of the community. It is going to take a little time but the people

in the community need to see that school as belonging to them and I see that you are making a move towards putting residents on the Board. Yes. Maybe this gentleman or lady could be on the Board of the same school in order to change their attitude. That is the way that you get around so that they can come and help us grow and develop. Thank you.

SENATOR Mrs. A. P. THOMPSON: Mr. President, I would just like to make a brief intervention as we debate this Bill. Some of us seek to politicise the matter in Barbados and I guess in other parts of the world. I think that before Government embarks on a project of this nature, be it a school, be it a hospital, that there are advisors to Government. There are public servants who are there to advise Ministers on every boundary. Don't you research titles? Individuals have to have titles properly researched before they are allowed to borrow monies from financial institutions to construct and do all these things. I believe the Government is in a position also to get that kind of information, that it would be very aware of whether it is encroaching on the property of others, to what extent it is encroaching, that governments from the outset can determine what kind of relationship government is going to have with that individual on whose property it is encroaching.

I think that in debating this matter we are overlooking a very important aspect of it, the advice that is given to Government by people who are equipped to advise Government. As we deal with compulsory acquisitions from time to time, I notice it is recurring that after Government has purchased an area of land for some kind of project, suddenly Government realises that there is some problem and I think that Government must approach matters which deal with property in the same way that private individuals must approach these matters.

So I would not want to see this as any political matter at all. It is a matter of individuals not carrying out their functions in the thorough manner in which they ought to do so and that is what I want to say. I support the view that children need proper recreational facilities and I agree that exercise charges the brain to enjoy the pumping of fresh oxygen which will allow it to absorb and to retain and hence any activities in recreational exercise or whatever can only assist our children and enhance their ability to learn. I agree the school is a part of the community. Even though some of us are boasting about the fact that Government has managed to acquire this lot I agree with Senator Rickinson that the children must still exist within this environment and that we should be careful not to be adding fuel to a flame that seems to be already present and I don't think we should be bordering on the abusive at this time.

I think we need to go in there and use whatever persuasive methods that we can employ to make sure that that individual is prepared to cooperate with the school because the school is still there. I agree with Senator Rickinson that maybe he should be considered for membership on the school board and make him feel a part. I cannot deal with individuals when I am dealing with the lives of our children and we have to understand that these matters are never resolved by abusing people and becoming aggressive about them.

Government has to reach out sometimes beyond what we would consider the call of duty and even at this moment the compulsory acquisition is still not the solution to the problem. All it has said now is that the property is part of the school property but it has not resolved the friction. Therefore, I think the Government, through its agency in the Ministry of Education, must carefully follow this matter and must try to make sure that the relationship between the former owner, now that the land is being compulsorily acquired and the students and the teachers of that school that that relationship is a pleasant one.

I believe the individual – I am not caught up in this personality thing – is a citizen of Barbados and most likely a parent and has a heart and understands the importance of making children comfortable.

I believe one of the reasons people from time to time will even want to object about their lands being compulsorily acquired is because Government does not pay them for years. We are going to get back to debate this problem of compulsory acquisition, what I call seizure of private property. I think, and I have called for it here in this Senate, and I will call again, that the Government of Barbados needs to find a negotiable instrument...

SENATOR THE HON. R. R. FARLEY: On a point of order, Mr. President, I believe the Honourable Senator is imputing improper motives to the Government by suggesting a government would seize land. It connotes some element of illegality and, as the Honourable Senator is aware, the provisions of the Land Acquisition Act provides for Government to acquire legally and pay fair market compensation for land it acquires.
5.45 p.m.

I would urge, Sir, that the Honourable Member withdraw that word and that it would be struck from the record.

Mr. PRESIDENT: I do not agree with the submission. I think compulsory acquisition and seizure are reasonable words in the context where there is legal sanction for it.

SENATOR Mrs. A. P. THOMPSON: We boast that we are a modern jurisdiction. The time has come for us to

introduce an instrument negotiable, a negotiable instrument, which individuals can be given by Government when the property is compulsorily acquired. I guess it will be treated as a contingent liability, but it would be exempt of the Government of Barbados and it would ensure that individuals within a reasonable time be placed in a position to replace their properties. I am not dealing with the valuation. That is another matter. I am going to deal with it in this Senate, anyhow, the valuation of people's property and whether they are paid a fair value or not.

What I am dealing with at this time is the way the matter is settled by Government. I believe that one of the reasons that there is some resistance on the part of individuals, and I am not going to restrict it, Mr. President, to this particular case, is because people fear that for a very long time they are not only going to be without the property but without the compensation for that property.

Sir, even though you are a Government and you have the authority to acquire property, you must still understand that for some people, especially those individuals who have really suffered and borne the grind, so to speak, to acquire such, need to know that they are going to be compensated as soon as possible.

Mr. President, whenever we deal with compulsory acquisition, the people out on the street have said to me that they are happy that I am making a case for them, and I will continue to make that case.

Asides.

Mr. PRESIDENT: Order, order, please.

SENATOR Mrs. A. P. THOMPSON: Barbados, Mr. President. I am appealing to Government to find a way of compensating them within a reasonable time, either by way of an instrument or in cash. They are telling me I should continue.

I would like to draw to the attention of the Members of this Senate a matter which reached the Chambers of a lawyer within the last few years. There is a very old man who received a bill. It is now a matter in court. He was told that he had to settle some money that he owed the Government over a period of years. It had to do with water rates and this individual was making a collection for the Government. As he went to the lawyer's office with his pension cheques, he said, "Look, before you all take away everything that I have, here, this is all that I can give you in cash. I give all of my pension. Here, take it."

Just as the lawyer was about to say, "Well could you endorse the cheque and make them payable," he said, "Nobody has told me about the money for my land that the Government took some 6 years ago." He was asked to settle water rates.

There is no trade off in Government where you can say: "Here is a man who owes 'X' amount for water rates to Government, who owes this man 'X' amount for his land." These are matters we must deal with reasonably. The State must have a heart also, Mr. President.

Therefore, I support the acquisition, because it is going to make life comfortable for our children. I have the deepest love and respect for childhood and anything I can do to enhance the livelihood of our children, upon whom I believe our future depends, I would do it. I made my decision to support this Bill as an act improving not only the lives of our children, but the future of Barbados.

Sir, without any further comments, I do hereby support this Bill.

SENATOR THE HON. P. C. GODDARD: Mr. President, I rise to support this Bill, but also to state my absolute astonishment at the points being made about lack of prompt payment for property being compulsorily acquired by Government when the last Government left owing people millions of dollars for years. Going back 10 years. Going back 6 years. This Government has systematically reduced that debt, has systematically applied to pay off the monies that have been owing to the citizens of this country for land that was acquired by the previous Government throughout their full tenure.

The idea that Government should issue scripts of paper in lieu of payment is a very, very dangerous concept. It immediately discounts the value that is being paid for the land, and it does not obligate Government to maintain current payment for the property it acquired.

I do not believe that there should be any change in the way people are paid for land except for the fact that it must be done as promptly and expeditiously as possible. That certainly is the policy of this Government.

So, Mr. President, all that went before really leaves me astonished. That is the only thing I can say. I can assure the citizens of this country that when land is compulsorily acquired it will be paid for as expeditiously as possible.

In this regard, I do take some of the comments made by other Senators that the only thing that must be done is not just the acquisition of this land. There are other things that we will clearly have to put in place to ensure the security of the staff, the security of the children of this school, and I am sure that the Ministry of Education is working on that matter and will have the matter properly resolved before the start of the new school term.

I thank you very much, Mr. President.

SENATOR HON. R. R. FARLEY: Mr. President, I rise on the conclusion of this debate, also in a bit of shock at the comments attributed to today's lead spokesman for the Opposition. I am not so shocked at the contents, because I fully support the contents in terms of the obligation of Government to promptly settle its debts. Given the recency with which the Honourable Senator would have had the opportunity to influence the party that formed the last Government, I am surprised that she did not exert more of her influence within the administration to ensure that this was done.

When we assumed office, Mr. President, the level of outstanding monies in the area of land acquisition was somewhere in the region of about \$10 million in arrears. We have taken some deliberate steps. We have decided as a matter of policy that appropriate allocations should be made in the Estimates to take care of the acquisitions. Also, Sir, decisions have been made that where projects are being undertaken – for example, there might be some infrastructural work of one sort, let us say a road was being constructed – that the cost of acquisition of land must be included as part of the project. When one is seeking finance for the execution of these various projects, you also include the cost of the acquisition. So that it is normal for persons who are approaching planning and execution in a normal manner. It is not normal for those persons who might be seeking to practice false economy and to postpone the necessary actions until a future date.

Sir, while I support the comments that have been made, I am shocked that the comments are coming perhaps 2 or 3 years after they should have come, when they should have formed the core of the policies which would inform the approach of the persons on that side.

Asides.
5.55 p.m.

SENATOR THE HON. R. R. FARLEY: Mr. President, I simply beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. R. R. FARLEY: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, July 31, 1996 at 11.00 a.m.

The question that the SENATE do now adjourn until Wednesday, July 31, 1996 at 11.00 a.m. was put to the Senate and agreed to and Mr. PRESIDENT adjourned the SENATE accordingly.
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