

# THE SENATE DEBATES

## (OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

### THE SENATE

*Wednesday, July 26, 2000*

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, July 26, 2000, at 11.00 a.m.

#### PRESENT

His Honour Senator Sir Fred GOLLOP, K.A. (President)

His Honour Senator C. L. BOLDEN, C.B.E. (Deputy President)

Senator the Hon. G. S. H. MURRAY, B.A. (Hons.), J.P. (Minister of State, Prime Minister's Office and the Civil Service)

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

Senator T. E. BARKER, B. A. (Hons.), M.A. (Econ.) Parliamentary Secretary, Ministry of the Environment, Energy and Natural Resources)

Senator the Hon. Dame Patricia SYMMONDS, D.B.E., G.C.M., B. A. (Hons.), P.G.C.E., J.P.

Senator Miss J. C. ODLE, J. P.

Senator J. E. D. WILLIAMS, B.Sc., M.B.A., J.P.

Senator G. E. N. BROME

Senator Mrs. J. P. ALLEYNE, Dip. Man. (Hons.), J.P.

Senator D. D. MARSHALL, LL.B. (Hons.) L.E.C.

Senator C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance)

Senator C. LeR. TROTMAN

Senator Mrs. P. E. RICKINSON, B.A. (Hons.)

M.P.H. (Harvard), S.R.N.

Senator C. K. LAURIE, D.I.C.T.A. (S.T.) FBSTA

Senator B. R. COLLYMORE, C.M.G.

Senator Mrs. V. E. NEWTON, S.C.M.

*Prayers were led by SENATOR T. E. BARKER.*

Mr. PRESIDENT: The Senate is in session.

#### PRESENTATION OF PAPERS

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that the following documents be laid:

1. Duties, Taxes and Other Payments, (Exemption) (Credit Suisse First Boston (Europe) Limited) Order, 2000.
2. Report of the Public Enterprise Investment Estimate Fund for the quarter ending March 31, 2000;
3. The Annual Report and Financial Statements of the National Petroleum Corporation for the Financial Year ended March 31, 1997;
4. The Annual Report and Financial Statements of the Public Utilities Board for the year ended December 31, 1999;
5. Annual Report and Financial Statements for the National Housing Corporation for the Financial Year 1998 to 1999;
6. Annual Report and Financial Statements of the Barbados Tourism Authority for the year April 1, 1997 to March 31, 1998;
7. Financial Institutions (Business Transfer) (Royal Bank of Canada Financial Corporation) Vesting Order, 2000;

8. The Annual Report and Financial Statements of the Barbados National Standards Institution for the year April 1, 1998 to March 31, 1999.

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

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that Standing Order No. 45(2) be suspended for the remainder of today's Sitting.

*The question that Standing Order No. 45(2) be suspended for the remainder of today's Sitting was put to the Senate and agreed to.*

**INTRODUCTION OF BILLS**

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that the Community Legal Services (Amendment) Bill, 2000 be read a first time as well as the Caves Bill, 2000, the National Conservation Commission (Amendment) Bill, 2000 and the Rock Hall Vesting Bill, 2000.

*The question that these Bills be read a first time was put to the Senate and agreed to.*

**PUBLIC BUSINESS**

Mr. PRESIDENT: In the absence of Senator Philip Goddard today, I should advise Senators that Senator Murray is deputizing as Leader of the Senate.

**ORDER NO. 1 – COMMUNITY LEGAL SERVICES (AMENDMENT) BILL, 2000**

Mr. PRESIDENT: Before Senator Murray starts, there is an unusual noise coming from the airconditioning unit behind me. I am wondering whether it can be adjusted in some way. Senator Murray.

SENATOR THE HON. G. S. H. MURRAY: Thank you, Mr. President. Sir, the amendment to the Community Legal Services Act seeks to correct the deficiency that has been existing for sometime where the Community Legal Services Act is concerned. The current situation is that the Community Legal Services Act does not make any provision for the Community Legal Services Commission to set a tariff of fees regarding the classes of legal services that can be provided under the Act through the issues of regulations. In other words, regulations do not now exist for this measure and as such the existing tariff of fees are not part of any subsidiary legislation of Barbados. Since the fees are now being revised, it was thought advisable that we should seek this opportunity to regularize the situation by authorizing the

making of such fees by regulation. This has been made possible through the amendment of section 38 of the same Community Legal Services Act. By doing so, we will be making provisions for the Community Legal Service Commission to establish by regulation a tariff of fees in respect of the class of legal services it now provides under the Act.

For the record, Sir, the new proposed tariff of fees were given Cabinet's approval on November 25, 1999 and at the same time Cabinet also agreed that the proposed tariff of fees should become effective for the financial year 2000-2001. Sir, this Bill which will amend the Legal Services Act also spells out the amendments that will be necessary. The amendments of section 38 of the Legal Services Act by subsection (1) by deleting the full stop appearing after the word "Act" in the last line of para-graph (b) and inserting the word "and". The second amendment is by inserting in paragraph (c), namely: "Prescribing a tariff of fees in respect of the classes of legal services to be provided under this Act."

As a matter of interest, Sir, the tariff of fees will cover such services as preliminary inquiry and the fee will be \$750.00 for that. Where the preliminary inquiry lasts longer than one day, for each day after the first an additional \$100 is paid but the total shall not in any way in any single case exceed \$1,500. For a capital case like the Assizes for Queen's Counsel, the fee will be \$6,000 and for Junior Counsel that fee will be \$4,500. Only one legal aide assignment shall be issued in each case. Where the trial lasts for longer than one day, an additional fee for each day after the first up to a maximum of five days it shall be \$500 per day.

In the case of an indictable case other than a capital case in the event of a trial, that fee shall be \$2,500. Again, if the trial lasts longer than one day, an additional fee for each day after the first but not exceeding five days, the fee shall be \$500. If there is a guilty plea made, the fee shall be \$1,500.

Another category we dealt with, Sir, is that of appeal from conviction. For advice to the convicted person as to whether there is any ground for appeal, the fee shall be \$500. For drafting application for leave to appeal on notice of appeal and all necessary documents, that fee will be \$250. Where a person who is convicted of a capital offence applies for leave to appeal (a) for attendance in court on the hearing of the appeal or the application, a fee of \$6,000 and (b) Where such hearing lasts more than one day for each day after the first, the fee will be \$600 per day. Where a person is convicted of an indictable offence other than a capital offence appeals or applies for leave to appeal, for attendance in court for the conduct or the application, the fee will be \$3,500. Where the hearing lasts for more than

one day for each day after the first, the fee will be \$600. On appeal from sentence only, a fee of \$1,000 shall be paid. For appeals to Her Majesty in Council and to the Local Privy Council, in this category for advising on and preparing an appeal by a convicted person to the Governor-General's Privy Council, a fee of \$500 shall be paid. On an appeal to Her Majesty in Council for advice to the convicted person as to whether there is any ground for an appeal, a fee of \$250 shall be paid. For drafting the application and all necessary documents where the convicted person appeals or applies for leave to appeal, the fee shall be \$750.

Under Part II of the First Schedule to the Act in the Magistrates Court in the case where paternity is accepted and where an Order in terms of application for maintenance is made, the fee of \$250 shall be paid. Where an interim Order for Maintenance and Means Report where the attorney-at-law attends court on more than two occasions, the fee shall range between \$500 and \$700. Where an interim Order for Maintenance and Means Report where the attorney-at-law attends court on more than two occasions and cross examines the probation officer and respondent, a fee of \$750 will apply. In the case where paternity is an issue and a blood test is required but no trial, the fee shall be \$500. Trial of issues shall be \$1,000 fee. Where custody and access obtain, application for access only will be \$350. Application for custody of a report from the Child Care Board or Welfare Department, a fee of \$750 is required.

In the case where there is a pre-trial settlement with consent order, the fee shall be \$250. Where there is settlement without application to court, again it will be \$250. In the High Court where the application is under the Family Law Act and where there is maintenance and access, application for maintenance or access with consent order a fee of \$1,500 shall be paid. Contested application for property settlement, maintenance or access or custody with order otherwise done by consent, the fee is \$2 000. Where the trial lasts longer than one day, for each day after the first up to a maximum of four days, the fee is \$500 per day.

11.30 a.m.

"Applications under Minors' Act and Status of Children (Reform) Act:

1. Paternity admitted, orders in terms of application. .... \$1 000
2. Paternity admitted, means enquiry and uncontested orders ..... \$1 250
3. Paternity denied, medical test, trial on maintenance issue only ..... \$1 500
4. Paternity denied and trial on all issues \$2 500
5. Application for custody or access only ..... \$1 250

6. If the trial lasts longer than one day, for each day after the first, up to a maximum of four days ..... \$ 500

7. Pre-trial settlement and consent order ..... \$ 750

#### *Court of Appeal*

1. Minimum fee ..... \$2 000

2. For preparation of a Brief ..... \$ 500

1. Matters involving applications under section 24 of the Constitution and for a writ of *habeas corpus ad subjiciendum*.

The total fee shall not in any case exceed \$6 000.

2. Tenants and tenancies within the meaning of the Security of Tenure of Small Holdings Act, the Tenancies Control Act and the Tenancies Freehold Purchase Act.

The total fee shall not in any single case exceed \$750."

Sir, that, in a nutshell, outlines the purposes of the amendment to the Community Legal Services Act, Cap. 112A. I beg to move that this Bill be read a second time.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, I regret that in circularising the amendment to the Bill, that the Schedule was not affixed to the Bill to give all Members a greater grasp of what we are doing. I constantly say that we are disadvantaged in this Chamber. Many of us are disadvantaged because we have not been able to get up-to-date copies of the laws of Barbados and sometimes we are faced with these amendments and certainly do not really appreciate the amendments unless we can see the laws which are being amended.

I must also raise the issue that quite recently I had a very ticklish legal matter and when I came to Parliament asking for some old law books, they were not even here. So we seriously have to look at our stack of laws and how Members are serviced if we are supposed to make memorable or meaningful contributions.

As I look at this Bill, there are some anomalies which exist today which need to be put right if we are supposed to maintain or expand the service. In the first place, let us look at the matrimonial affairs matter. It is strange that a person does not receive legal aid when he or she applies for divorce. When you apply for maintenance and division of property, you are granted legal aid. The situation is that a client goes to a lawyer and says, "I want to bring a divorce." The

divorce is filed, but there are children involved and there is property involved.

The court will grant section 27 which is the first part of the divorce, but cannot proceed to the second part until the issue of children and the division of property has been settled so that that person has not got the funds. He or she goes to Legal Aid which grants legal aid to do maintenance and division of property. You end up with two lawyers: the one who has done the divorce has to sit down and wait until the maintenance and the property settlement is finished before you could get to section 27; or the person who does the maintenance and property settlement then has to apply for section 27 and is told, "You are not on record for the divorce". So there is a serious anomaly there. You either are going to grant a total legal aid package or you have to find ways and means of getting out of the sink.

I say the great problem in the system, and I say this over and over again, is that we are building an almshouse society in Barbados where everybody expects everything for nothing. Even from this divorce issue, there are no provisions for returned contributions to the system and it has to be if the system is to continue. I was in New York about three weeks ago and I was watching televised court cases. A man was suing somebody for damages and the presiding judge asked him, "Was this matter ever tried in a criminal court?" He said, "Yes, Sir." Were you represented?"

He said, "Yes, Sir." "Did you get money for the injury?"

"Yes, Sir."

"How much you got?"

"Five thousand dollars."

"The State represented you?"

"Yes, Sir."

"You paid back the State?"

The money was paid to the State who took out their share before they gave it to him.

In England, there is a system that when you receive your money you have to pay back, if not all, a proportion of the cost of the legal aid which you had. In all these family law cases where there is division of property. At the end of the day, the person who received legal aid comes into wealth, a portion of the property or something. They should be made to pay back a portion of the cost of the system.

I do not see that any government can continually pump money into a system where there are all take-outs and no

hand-backs. The system needs to be adjusted in that way. I heard the Attorney General speak about compensation for victims of violence. That is going to put a strain on the legal aid system and there must be a method of payback. We cannot have a system that everybody draws out and nobody pays back. I do not want to say more, because I would obviously have to divulge confidential information which reaches me as between client and Attorney-at-Law which, I believe, would be a breach of my undertaking in my profession, but I think it needs to be investigated.

Another point which I wish to raise is the question of late payment to attorneys who participate in the system. I have heard Attorneys-at-Law say that the system owes them money for as much as two to three years and they have not been paid. You cannot continue a system in this way. There is a feeling out there in society that lawyers should – and I say so proudly – those who tell me, "You are a politician and you should work for me for nothing".

I have had to tell them the chair in which they sit, the building in which they sit, have to be paid for by somebody. The telephone company does not allow you to owe them more than one month. Otherwise, the phone is cut off. The Light and Power does not allow you to owe them more than one month or the system is cut off. So we have to bring to this whole system something of reality.

If you want to keep the legal aid system going, there must be prompt payment for services because lawyers have to meet their commitments to all other institutions so you have to meet your commitments to the Attorneys-at-Law.

Then, again, there is a feeling that Attorneys draw large sums of money under the legal aid system and you have people who are granted legal aid who will tell you, "Man, you are getting paid by the State for me. You have to do this and you have to do that". They do not realise that while these fees may sound big in figures that rents and services in Barbados have escalated within the last 10 years.

I heard from the Schedule that you get a maximum of five days' payment. There are very few assize cases nowadays that you get through in five days. When you come to capital punishment cases, they last five, seven, eight, nine, ten, thirteen days. What must the Attorney-at-Law do after the fifth day? That is something that somebody has to answer. If a case is scheduled for six or seven days what happens after the fifth day? It means that the State is also jumping on the bandwagon of freeness, that the Attorney-at-Law must work free for the State as well.

11.40 a.m.

I have had this experience from the day I came to Barbados because I refused to do legal aid under the Scheme. People have a concept of telling you that you were

educated by the State but I know people who have had scholarships from the State where that the State only provided partial scholarships so do not expect to tell a person what the State has done for them because the State only pays a few people's electricity bill but other than that they do not pay any other bill.

I am sorry that these figures have not been published because they should be published so that the public understands what is involved because when you go to pay your rent you cannot tell the landlord that you have been doing legal aid cases and that you only got paid for five days because he does not want to hear that. The utility companies do not want to hear that either. I see my friend over there from BARTEL shaking his head because he knows that they do not let you owe them more than one month.

Mr. President, it also takes a long time to get these matters back before the relevant authorities to have adjustment in fees. I would hope that whoever is responsible would take a serious look at whether or not we are providing a full legal service or a partial legal service. It is also said that if persons get legal aid that their families do not have to pay. I will tell you what happens in the profession. Somebody comes into your office, he brings documents, you charge him a fee, he pays a couple of hundred dollars and he tells you that he is coming back. The case comes up for hearing and you get a call from the Clerk telling you that your case is on and that your client is here although the client never came back to you. In criminal law, once you put your name down, and go out there and finish the case, you are caught between the devil and the deep blue sea. If the person is acquitted, they do not want to see you anymore because they are acquitted. If the person is convicted, they do not want to see you anymore because they have been convicted.

I think in last week's newspaper you will see what happens. A man was convicted for murder and in making his statement before the trial judge, he said he did not receive adequate legal representation. When I spoke to the Attorney-at-Law I had a different story that all through the trial, the Attorney-at-Law was doing well. You can see what Attorneys have to go through, it is not only standing up and representing the person but it is the agony and stress of the day that they have to go through. I think that if that is so, they should have prompt payment at the end of the case. I think that they should look at the true value of the Attorney-at-Law.

I remember when we were about to bring legal aid into existence in this country, we had a meeting in one of the courts and I said at the meeting that if we are going to introduce legal aid we should set a schedule of fees and that the Government should pay two thirds of that fee for any one issue because this is how it is done in Britain. The then

Attorney-General, Sir Frederick Smith, said that he did not care what we said but when he got back to his office he would do what he had to do because he had to present a scheme to meet the United Nations' deadline. Now, that is another thing that we are suffering from in Barbados – meeting United Nations regulations and deadlines. Nobody cares about the people, it is only what somebody can go to the United Nations and say is happening. From then, we have been in this difficult position as to the reality of the Community Legal Services.

Quite recently, I am hearing that more senior lawyers should put their names on the list. It has always been that the senior lawyers have avoided the list because of the remuneration which is given in these cases. When you start out in legal practice you start out with one person working for you and at the end of the week you have a payroll of at least one person but as you go into the profession you accumulate more files so naturally, your payroll becomes heavier.

If you are saying that you want legal persons to do work in the Community Legal Services you have to realise that people are not asking for profits for themselves or their pockets they are asking to defray the cost of running the office while they are at the court doing the case so, somebody has got to look at it realistically.

I have done a matrimonial matter in the Supreme Court with the division of property that has taken four years to be completed. The file is at least 18 inches thick and at the end of the day, if it was a legal aid case, somebody will tell you that the maximum you can recover is x number of dollars.

Certainly, Mr. President, while community legal service is a good thing, while it is necessary, it must be structured in a way that it is fair to all.

I thank you, Sir.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I rise to support this Bill and I too am sorry that the fees were not set out. Nevertheless, what I would like to call for is public education regarding community legal services, what is available, what is not available and if you are to pay the lawyer or not pay the lawyer because I was at a meeting and there seems to be some confusion that even though it is legal aid that you still have to pay. These things need to be put over the electronic and print media and educate the people as to what exactly obtains. I feel that the fees should also be published that are being paid for the various legal services. 11.50 p.m.

I notice that there was also a fee for Tenancies and Freehold of \$750. I do not know if the advertising on the

radio to come and collect their papers by May has anything to do with Community Legal Services. What I do know is that it is the bad way of doing business for poor people if they are getting some form of aid regarding the tenantry and owning the land.

There is a registration system whereby you can register the documents for the person from the Rural Development Commission who is entitled to the land. You do not hear the middle class and upper-middle class putting over the radio come and collect your papers they are ready for you to get your land. It is not nice and it is in very bad taste. I feel that should be corrected.

With that, I support the Bill.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that this Bill be read a second time.

*The question that the Bill be read a second time was put to the Senate and resolved in the affirmative.*

*On the motion of SENATOR THE HON. G. S. H. MURRAY, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, HIS HONOUR SENATOR C. L. BOLDEN in the Chair.*

#### COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

*Clauses 1 to 2 were called and passed.*

*On the motion of SENATOR THE HON. G. S. H. MURRAY, Mr. 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. G. S. H. MURRAY, the Bill was read a third time and passed.*

#### ORDER NO. 2 – RESOLUTION TO APPROVE THE LEASE TO THE HEART FOUNDATION OF BARBADOS INC.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, this Resolution seeks to get the Senate's permission to lease some 1 172 square metres of land at a site called Railway View, situated at No. 3 Ladymeade Gardens, St. Michael to the Heart Foundation of Barbados Inc. This property includes a three-bedroom stone house which was formerly used as a doctor's residence and is part of approximately some three acres of crown lands at Ladymeade Gardens.

In moving this Resolution, Sir, I think it needs to be stated that the Heart Foundation of Barbados Inc. is a

non-profit organisation, a non-governmental voluntary organisation, which came into being through the incorporation in April 1985 through the initiatives of members of Cardiac Unit of the Queen Elizabeth Hospital and the Lions Club of Barbados South.

The organisation basically consists of lay persons and health care providers all over the age of 18 and in good standing, who work towards a common good of improving the health of Barbados. In outlining the purpose of the lease of this building, the Heart Foundation seeks to construct a two-storey building on a site and together with the stone house, establish what will be called a National Cardiac Disease and Rehabilitation Centre.

This centre, when it comes into being, will enable the Foundation to further expand and develop its services and programmes which are all highly commendable and which are aimed at the prevention of heart disease. It is envisaged, Sir, that once this rehabilitation centre comes into being it would work towards the further reduction in the costs of the health care being provided by Government, and ultimately to the taxpayers and also to the question of heart disease.

The Minister of Health, Sir, is fully in support of this measure and his comments involved the question that lip service offered in the structure of this clinic in no way will be affected by the construction of this two-storey building, this is the polyclinic, since the area is spacious and adequately ventilated and there will be adequate provision for parking, access and exit from the building envisaged and also in cases of emergencies there is a commitment that it would be kept free of vehicular traffic and parking will be confined to designated parking areas.

The condition of the lease, Sir, as approved by Cabinet, states that the lease should be for a period of 25 years at a nominal rent of \$100 per year with rent reviews at the end of the 10th and 20th years, and with an option to renew for a further period of not more than 25 years. The lessee shall be responsible for the maintenance and repairs to the property and the payment of land taxes, if any, and other outgoings with the use of the property.

Sir, that outlines the nuts and bolts of this measure. It really does not give a full appreciation as to the work of the Heart Foundation of Barbados. It is well known, Sir, even the Report of the Chief Medical Officer of Health indicates, that diseases of the heart and blood vessels are among the leading causes of death and morbidity in Barbados. The most common cause of admission of patients to the medical wards in Barbados stems from heart disease. It is again, Sir, in this context that the Heart Foundation of Barbados brings together various persons who voluntarily work and who have committed themselves to tackling this major health problem.

Over the years, Sir, the Heart Foundation, which is 15 years old, has initiated a number of programmes and initiatives that have been supported by successive Governments in an effort to combat cardiac vascular and other chronic diseases. It must be noted, Sir, that in Government's case there are attempts to treat the disease after it has occurred, while the Heart Foundation basically seeks to prevent it and therefore makes it more economical to the country. There is less wear and tear, less trauma, less costs in terms of personal suffering, less cost to the work force and overall less cost to the society. Therefore the emphasis of the Heart Foundation is to acquire a significant benefit to the society by emphasising the prevention of heart disease rather than the treatment of it.

In this regard the Heart Foundation has implemented a number of programmes that have demonstrated its faithful compliance with its objectives, and it has become a highly credible organisation which is highly respected by the public and receives good support from the corporate sector of Barbados and other NGOs.

Among the programmes that the Heart Foundation would have implemented over the years, for example, was a sponsorship in 1998 of a National Nutrition Education Programme in all secondary schools in Barbados, and the publication of a free booklet which was entitled "Take Healthy Lifestyle to Heart", and which was circulated to all students in Barbados. It was also, by the Heart Foundation, a development and dissemination of public service advertisements and announcements relating to the danger of smoking and obesity, and the benefits that can be acquired by individuals through exercise and healthy lifestyle living.

The Foundation has also been involved in advocating against cigarette smoking and in participating in a number of community outreach programmes to promote this venture.  
12.00 noon

The Foundation established an Emergency Cardiac Care Committee to provide training programmes in cardiac pulmonary resuscitation, popularly known as CPR, at basic and advanced cardiac life support levels for health providers and the general community.

Sir, one of its most recent initiatives has been the establishment of a Smart Partnership with the Heart programme at secondary schools, using the CPR programme conducted jointly with the Barbados Police Corp. Co-sponsorship is also with the National Publishing Company's Annual Healthy Lifestyle Extravaganza, which makes rounds around Barbados and takes this kind of health-given programme straight into the heart of the community.

The Foundation has also worked towards the creation of a Work Site Heart Health Promotion and Practice

Programme which is available to both the private and public sectors. It has also mounted an Annual Business and Professional Seminar on health promotion and practice and has worked to establish a Cardiac Disease Prevention and Rehabilitation Centre.

It is therefore against that kind of background and with that kind of track record that the Heart Foundation is seeking to establish its own headquarters. Particularly, to construct an adequately sized Centre to meet the national needs to the extent that it will no longer be necessary for the Government to develop this desired Centre itself. Since it was established in 1994, some 188 persons have benefitted from the Rehabilitation Centre. It is felt that if the facilities were more expansive and could hold more, that many other poor persons could have benefitted and be accommodated in this programme.

Sir, I think it is clear to say that the Heart Foundation of Barbados has proven itself to be a virtual model NGO. It is noteworthy, Sir, that it receives no subsidy from the Government but rather relishes its independence – its spirit and its independent heart – in raising funds. It has consistently over an extended period, presented the public with a clean bill of health by holding annual general meetings on schedule at which the Board always presents its members and public with an audited statement of account. This business-like approach of the Foundation has won the respect and support of the general public from which the Foundation has benefitted and from which the community also benefits.

The income upon which the Foundation strives to operate, in the absence of a subsidy from the Government, is generated from subscriptions, miscellaneous donations, donations in memory of persons, covenants, sponsorships, through business seminars, the publication of a newsletter for which advertising is sought, subsidised fees for courses and services and in-kind contributions from many health professionals, health related entities and others. The Foundation has already commissioned plans for this new building which is to be constructed at an estimated cost of \$800 000.

The Heart Foundation will fund the entire construction of this project of \$800 000 from its own resources and with the assistance and generosity of the public, does not intend to anyway violate its tradition of not having to call upon the Government to finance it anyway. Sir, I think that not only the overall activities of the Foundation are to be commended and supported, but I would like to think, Sir, that given the tremendous amount of benefits that it has already brought to this society, that when it comes to the public to seek support for raising funds to complete this \$800 000 construction at No. 3 Ladymeade, that it will receive the full support of the public in its abundant generosity and the kind of generosity

for which the Barbadian public is capable and is known to obtain when it is moved so to do.

Sir, heart disease is something which can strike at anyone of us at anytime and it is no respecter of class, race or creed, age or group. Therefore, everyone has a stake in ensuring that the Heart Foundation's work is strengthened because a strong heart both individually and also collectively also inures to the overall collective good health and benefit to the society.

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

SENATOR DAME PATRICIA SYMMONDS: Mr. President, I too believe that the Heart Foundation deserves much praise for the work it has done. In reading up for this debate I felt a sense of shame, almost, that I had not done what I had promised to do for a long time and that is, to join the Foundation. My cousin happens to be the current president and I do not know if that influenced me negatively or positively but I have a form filled in to join because as Senator Murray said, it is very worthwhile.

There is one aspect, I do not want to steal Senator Rickinson's thunder but from an interest in education I want to stress this aspect. I understand that obesity in Barbados is a big problem and as we all know, it is linked with hypertension and diabetes but what worries me is that it is beginning to affect children. The wheels seem to have come full circle and although malnutrition now has been wiped out, almost completely, it looks as if malnourishment now is posing a problem so that in a way it is malnutrition of a difference that children now are badly nourished. There are reasons for that and some of them with which we can sympathise, mothers and fathers working, as we know the disappearance of the extended family and people go home tired so that in some circumstances, children have a diet of canned foods and in many cases they are being fed a diet that is not the best. So that there is a need for parents to adjust and adapt in such a way that children get a mixed healthy diet.

Senator Murray referred to the secondary schools and this Heart Club which was established in the secondary schools, as well as the Smart partnership which I was interested to see that Senator Murray had addressed, when it was launched and he had given the feature address. Again, what worries me, I have been told that it is not altogether very successful. There is this spill-off where there is a collaborative programme with Cadets and they teaching children, not only the physical aspect but the didactic. Sir, but we know that schools offer a variety of extra curricular activities and that may be a problem but I would like to appeal to parents and teachers to do all that they can to encourage children to take an interest in the Heart Club and to join it and to participate.

It is so very important for the national good especially with the aim at teaching CPR, the Cardiac Pulmonary Resuscitation and, as someone who was a member of St. John's Ambulance and did home nursing and first aid, I know how important these clubs can be and this knowledge to children so that they can pass it on to their peers because that has been one of the objectives that they influence their peers.

I also would like to say in passing that the Heart Foundation collaborates with a media house in healthy lifestyle projects and that they too are to be highly commended for the healthy lifestyle fairs and projects which they are having.

With those few words, I wish to say that I totally support this Resolution.

Thank you, Mr. President.  
12.10 p.m.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I rise to wholeheartedly support this Resolution to approve the lease to the Heart Foundation of Barbados.

It is a noble organisation that has contributed immensely to improving the health of the population of Barbados particularly in the prevention of heart disease and in trying to change people's lifestyles. In fact, I think it is the foremost non-governmental organisation that has been able to do so much in such a short space of time to affect the health situation of the people of Barbados without having a Government subvention and it is indeed worthy of any help that can be given to it.

Mr. President, however, what I would like to say is, on the one hand we have the Heart Foundation doing all of this good work to prevent us from having heart disease and even if we do have heart disease, the Heart Foundation still attempt to prevent the heart disease from getting worse which is quite possible but on the other hand, we hear in the middle of the day advertisements about smoking and alcohol – particularly smoking – which will lead to heart disease and different types of complications that will cost the Government and the people of Barbados a lot of money.

In other words, I feel that there should be some restriction on advertising the smoking of cigarettes especially in the middle of the day. I feel it can be done at night when the children are asleep. I do not think we should be trying in the middle of the News or in the middle of Talk Shows when families are listening to programmes to bring up these advertisements about smoking and going places, when we know that the only place smoking can take you is to an early grave. It is true that there is a counter ad saying that the Ministry of Health advises that smoking is bad for your health but that is after you have been indoctrinated by the smoking ad, that that comes on.

I feel that we need to bring some form of legislation to stop this type of advertising – smoking and alcohol – that will affect the health of our people in Barbados and the time is right. At one time I was privileged to be part of discussions and negotiations in the Ministry of Health when it was agreed that the advertisements on smoking and alcohol will only come at night, that is, when the children have gone asleep. Obviously, this has been disregarded and now suddenly we are hearing them throughout the day and it is wrong. It is defeating the purpose of the Heart Foundation and all the good work that they have been doing.

I am not saying that people should not smoke. I am saying that we could give them the information and let them decide for themselves but we should not indoctrinate our little children to start smoking. Adults can do that if they want to damage their health but let us look after our children and help the Heart Foundation in its quest to have healthy lifestyles and to remain healthy. In that way, we can reduce the health bill which is escalating.

It is true that Government is doing quite a lot of work in the area of bypass surgery etc., but we really do not want the Government to continue having to do double and triple bypass surgery and to continue training nurses to specialise in bypass surgery etc., when all of these things if not most of them could be prevented.

With this I would like to support the Bill.

SENATOR C. LeR. TROTMAN: Mr. President, I rise to give my support to the Bill as well and to make a few brief observations.

I think that the comments made by Senator Rickinson are apt in the circumstances of the discussions that we are having in our country today regarding the need which exists for us to concern ourselves with preventative action rather than with remedial action and to have those comments made within the framework of the efforts which the Heart Foundation of Barbados endeavours to make in sensitizing the young people of the country as well as the older ones regarding the importance of healthy lifestyles.

We know the significant work that they do with the *Nation* – that is not the country – but the Nation Publishing Co. sometime at the beginning of May but at other times of the year as well when they work very hard to bring to the consciousness of the public the very great importance which is attached to healthy living standards and healthy behaviour.

We, in the Barbados Workers' Union are particularly pleased that the leadership within the Heart Foundation has been kind enough to work with us. We have safety and health persons but they have experts in the subject of health.

We have been concerning ourselves now for several years engaging someone as a full-time officer to deal with the subject of health and safety at work and we have been able to call on the Heart Foundation at any stage and they have always been very anxious to support us.

I am very pleased to say that during the last week officers of the Heart Foundation and officers of the Barbados Workers' Union, including the current speaker now, were putting our heads together to devise a major wellness programme for the country which we hope would capture the imagination of Barbados and would gain the support of the social partners who collectively are responsible for the task of improving the quality of the labour market.

Quite naturally, both the Barbados Workers' Union and the Heart Foundation are very conscious of the importance that there is for making students aware of the importance of healthy living. We are equally aware that there will be some support in the school system for that kind of education but at the level of the workplace this is sometimes forgotten in the effort to keep timetables and the effort to make ends meet or to extend ends if you would wish to put it that way as people seek to do better for themselves and for their families.

Mr. President, it is very important that it be recognised that the workforce, that is to say, the adults have a particular responsibility to be healthy and that the agencies like the Heart Foundation and our own organisation, the Barbados Workers' Union, have a responsibility together for working with the adults to ensure that we have a healthy workforce. There is no need for a debate to establish why a workforce that is healthy and productive, efficient and hardworking would redound to the credit of the country. But we say it nonetheless because we want people constantly to be aware that, if the country is not hard working and efficient, then the country will suffer and the conditions of all of us will deteriorate.

12.20 p.m.

The message has to be brought to the adults for other reasons as well and this is because the adults, by what they do, have a tremendous impact on the rest of the society. Sometimes it would appear to us as though younger people especially our teenage people are not concerned with what we do. Nothing, in my view, could be further from the truth. When you are least expecting, our behaviour especially the things that we do have a significant impact on minds that are younger than our own. We can perform actions which might in fact cause people to follow us to do better and conversely we might by our lack of proper behaviour cause so many more people to do things which are totally improper.

If our health styles therefore are "rakish" (Do you like that?), we must expect the society as a whole to be following as we guide. We must know then that we are in fact

building a society that has no strong foundation. When we sometimes look at standards, we realize that we ourselves are the first offenders. If we have stopped putting the moral standards first, we have forgotten church and the rules and standards that guided our parents before us, then we ought not be terribly surprised if what we are left with is a society that has no standards by which to judge itself.

In the area of health, Mr. President, this is a similar occasion. But health must be seen not only to relate to how frequently we exercise in a gym. It has to do with how well we treat our mind because part of the wellness relates to the intellectual or the mental being that is ourselves. The part of the work which the Heart Foundation and the Barbados Workers' Union and anyone of us in this room would have to concern ourselves with is the relationship which there is between the body and the psyche. Therefore, the need which there is for any wellness programme that we may have or that we may work towards has to deal not just with the physical being but also with the mental being of the individual.

I, therefore, believe that it is important for us to endeavour to give the Heart Foundation our support so that it can benefit from our recognition and the importance which we attach to the work that it does in being healthy, from putting out the right vibes and leading by example for a better population and a better influence for their children from having improved work performances at the work place and indeed from having improved societal results for the overall benefit of each and everyone of us.

The Heart Foundation, as the Leader of the Senate has indicated, depends very much on the well being and the contributions of the public at large. It does not manage to receive any significant benefits from any sources other than the sources of the goodwill of people. We are pleased that the Government has made this particular step in coming to their assistance by providing the facilities that are set out here in this instrument. We believe that it is expenditure which is to the overall well being of the society.

We are hopeful that because the discussion is taking place the public is being made aware of this particular eventuality. This occasion may be taken by those who are able to influence the thinking of the society to spend further time in talking about the importance of our effort to bring about cleanliness in thinking and behaviour and cleanliness, in the way that we move about in performing our task, in littering. Although we are talking about the Heart Foundation, Sir, we are talking about the wholeness of the body and we are talking about wholesomeness.

In those circumstances, we have to be able to recognize that we are not disjointed beings who may be segmented into a heart, foot or into a kidney but that there is a holistic approach that needs to be brought to the matter of this society

and to the position of the individual. If we do not take the total being and address that from the individual to the society, then I am afraid that we would be wasting our time. I almost said, Sir, spinning a top in mud. But that would be the Leader's language and not my own. I do not expect that you would expect that from me.

Sir, I urge Barbados to recognize the importance which attaches to the work of groups like the Heart Foundation. I would wish to use the occasion to urge that all of us not only come as Dame Olga was able to say and crave forgiveness for not giving the Heart Foundation our heart, but that by giving the Heart Foundation our heart we will support the exercise fully. We will make this institution a strong one which will redound to the credit of our nation.

Mr. PRESIDENT: Senator Mascoll.

SENATOR C. A. MASCOLL: Mr. President, I rise of course to support this Resolution to approve the leasing of land to the Heart Foundation of Barbados. There is no doubt that this organization has over the last couple of years demonstrated a very strong commitment of making the public of Barbados understand the need for a healthy lifestyle. In fact, those of us who attend the annual affair in the park which is sponsored heavily by the *Nation Newspaper* would recognize the wonderful work that is being done in this area.

Sir, I wish to draw to the attention of the Heart Foundation, which I know they would be privy to, that is the recent work and report done by UNICEF. It has to do with the whole question of surveying smoking habits among secondary school children in Barbados. I am saying this because the evidence showed that there were approximately 64 per cent of those surveyed who did not at all indulge in smoking. If I were still at school, I would be part of that component. Then there were about 36 per cent who were experimental smokers and a mere one per cent that smoked daily.

I am saying this because it seems to me that there is a lot, therefore, that can be done by way of organized talks and lectures to the secondary schools to assist in bringing the students around to an understanding that smoking is not good for an individual. Even though the survey went on to say that of those who actually smoked, there were about 17 per cent of their fathers who smoked and only two per cent of the mothers. This suggested that a lot of the potential smokers are in fact the ones who learned such behaviour in the household. That in itself indicates that the whole question of a no-smoking programme can be addressed not only by way of organized talks and lectures at the secondary school level but perhaps a more intensified campaign aimed at the household.

12.30 p.m.

I am therefore making it known and would wish that the Heart Foundation takes the recent information from the UNICEF Report on board and ensure that they put together a structured programme aimed directly at secondary school students. According to the information that has been provided to me, this foundation certainly has stated that it looks forward to encouraging working groups and others in assisting in organising talks and lectures and, in fact, one of the mandates of the Heart Foundation is to ensure that there is a smoke-free Barbados by discouraging smoking and actively working for a smoking ban at the workplace.

I can very much subscribe to that, because I find it exceedingly offensive for others to smoke in public. I find it offensive from the point of view that no one can really determine the ownership of air and whose air space you are intruding on and it constitutes a serious legal battle, this whole question of who owns the airspace and just like the Convention of the Sea perhaps we need to establish that some square foot around the individual belongs to the individual and therefore one should not be permitted to intrude and trespass on the airspace of an individual thus giving that individual the freedom and the right to enjoy a smoke-free environment. In that regard, I would certainly be a major proponent of no smoking in Barbados and I would encourage any organisation that has such a mandate to pursue it vigorously, because it is all about caring the temple that the Lord has given. Though we cannot determine its structure and its size and its beauty, we can determine its health by conducting the right lifestyle.

In that regard, I can assure you that while I remain alive, before I depart, that I will never be accused of having caused my departure by way of smoking or to a large extent any other such thing over which I have control. Therefore, in this regard, I see the Heart Foundation like I see the need to reduce and to consume alcohol in limited forms as a necessary requirement for sustaining good health. In addition to that, there is the freedom that we have to walk and to run, to use pastures and streets, to exercise on beaches and to remain slim and trim. In that regard, I also invite several others, especially those in prominent places, to ensure that they do not have to demonstrate any degree of leadership by way of fat tummies and large torsos when, in fact, you can demonstrate it even better by ensuring that you remain mean and lean in your physical appearance.

There is no harm in appearing young or appearing small. I am very serious and I highly support the Heart Foundation which has been doing a wonderful job. It has been very well financed through its own efforts and I see it as taking another step to educate the young people, especially based on the recent information from the surveys of UNICEF, to ensure that a future Barbados is free of smoking. Thank you, Mr. President.

SENATOR G. E. N. BROME: Mr. President, I rise in support of this Resolution today with which the Government is assisting the Heart Foundation in a lease of a property for a very important reason. The reason being that it is not about making money but about our health. The Heart Foundation over the years has contributed substantially to the health development and maintenance of Barbadians.

I feel that the Heart Foundation should be supported not only by the Government but by all of us. The stress that we are faced with in our business environment today is going to have a very serious impact on our health and I think that although our hearts are not yet affected I think we must prepare ourselves for that time. Whereas the Heart Foundation is geared towards that, we should be prepared to support each other and to do whatever we possibly can to ensure that the Heart Foundation has enough resources so that it can sustain itself for the good of Barbadians now and for a very long time. Thank you, Mr. President.

SENATOR THE HON. G. S. H. MURRAY: I beg that this Resolution do now pass.

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

#### SUSPENSION OF SITTING

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that this Sitting be suspended until 1.45 p.m. today.

*The question that the Sitting do now suspend until 1.45 p.m. was put to the Senate and agreed to, and Mr. PRESIDENT suspended the Sitting accordingly.*  
12.40 p.m.

#### RESUMPTION

Mr. PRESIDENT: This Senate is resumed.

#### ORDER NO. 3 – THE CAVES BILL, 2000

SENATOR T. E. BARKER: Mr. President, before us is a Bill entitled, the Caves Act, 2000 which seeks to provide for the control, the management of caves and for related matters.

Sir, first of all I want to say at the outset that while this Bill is primarily at this point in time dealing with Harrison's Cave that it has universal application to the extent that any cave subsequently found in Barbados, which has potential, as we are going to see later in the legislation, can come under the control of this authority. While it does not mention Harrison's Cave specifically, at present we are talking about Harrison's Cave and its management but we

foresee that in the future other caves maybe such as Coves Cave and the Animal Flower Cave can be brought under the control of this company.

We know that in Barbados there are a lot of caves and from my own experience, I know that there are few caves in Green Hill but as a boy I never had the courage to go deep into these caves to see what possibility they had. We envisage that some time in the future that Caves of Barbados Limited would maybe seek to employ a speleologist to look at the development of other cave systems, but for the present we are talking primarily about Harrison's Cave.

This Bill, then, seeks to take the management of Harrison's Cave away from the National Conservation Commission (NCC) which previously under the NCC's Act had authority over all the caves that were in Barbados. This Bill must be seen in conjunction with the one which is to come dealing with the NCC because we are going to take control of the caves from NCC and put it into the Caves of Barbados Limited, which is a company that was established around April last year under the Companies Act.

The first question we have to ask ourselves is why was it necessary to take control of the caves, especially Harrison's Cave from the NCC and put it into this company? What are the advantages of such a move and why did the Cabinet, in its wisdom, see it necessary to form this company?

Sir, Harrison's Cave is the premier tourist attraction in Barbados. It is estimated that one third of all long-stay visitors who come to Barbados visit the cave. Such is its attraction. It attracts a lot more visitors than any of the other attractions. It attracts much more visitors than the Flower Forest, Welchman Hall Gully or Andromeda Gardens.

We, as citizens of Barbados, should be proud of this Cave because it is one of the wonders of the world. It is a lovely cave with all the necessary features, attractions and so on and it is accessible. As I have said, it is the premiere attraction and its management must come under the scrutiny of Government.

Previously, the management of Harrison's Cave was under the control of the NCC and there were many problems associated with this arrangement. For example, decision making was one of the problems. We all know the problems associated with statutory corporations in terms of their reporting mechanisms and the chains of command and that there are times when you have to get decisions made quickly and so on and that is why Government has set up a few companies. For example, Barbados National Oil Company (BNOC) is a company set up under the Companies Act. It is one hundred percent owned by Government and there are companies like the Barbados Agricultural Management Company (BAMC) and the Barbados Agricultural Credit

Trust (BACT). There are a few of these companies around which are purely commercial and for which we need a management structure which can make decisions about the attendant problems associated with statutory corporations.

Sir, we had the situation where some of the staff at the Cave were reporting directly to NCC and some were reporting to the cave management and this brought about all sorts of problems like the question of accountability and the fact that there was a lot of management turnover as a result of this arrangement. We are told that over the past few years that the Cave had a lot of Acting Managers and nobody there was really in control.

Of special importance was the fact that the management did not have control over the staff because the staff belonged to NCC and it is difficult to have staff belonging to one organisation managed by another entity. All of these problems caused Government in 1998 to take the decision to set up a separate company to manage the affairs of the Cave and in June 1998, the Government decided that they were going to set up a company which would manage Harrison's Cave on a day-to-day basis and that this company should be in the form of a limited liability company, wholly owned by Government initially, and registered under the Companies Act.

As we have said, the reason is that it would allow for a more businesslike approach and give it greater autonomy. It would encourage conditions under which sustainable development of the Cave could take place and it would allow for the raising of financing for development rather than depending on Government's grant. In other words, the whole idea is to have a company which would have assets and liabilities and it can go into the marketplace and be able to finance its own development through loans, rather than depending on the Consolidated Fund for everything.

Last year this company came into being but the problem was that even although this company came into being and was a legal entity, duly registered and all that, the Act under which the Cave operated did not give that company control over the operation of the Cave because the NCC was still the legal body which had oversight over the Cave. Thus, it was important that this piece of legislation should come in. We are here today asking this Honourable Chamber to give this company the legal authority to manage the Cave.

At present, Sir, NCC is managing the Cave for Caves of Barbados Limited and over the past two years they have managed to separate the accounts of the two bodies so that NCC managed the Cave but all the revenue and expenses from the Cave did not go through the NCC books as such but they had a separate accounting system and procedure. Of course, NCC, would have been paid a management fee

for their operation. As I have said before, since we envisaged that in the future there are going to be other caves we have decided to put all the caves, the one we know about at present and the ones to come, under Caves of Barbados Limited.

Mr. President, what is a cave? The Act in Section 2 defines a cave and Section 3 of the Act gives the Minister responsible for the environment the power to declare an area of land to be a cave for the purposes of this Act.

Section 3(2) says:

“The Minister in the exercise of the power granted under subsection (1), shall have regard to the fact that any area required by the Company for use as a cave under this Act, should

1. it must be below the soil;
2. it must be naturally formed; and
3. it must be of cultural, educational, geological, recreational or scientific interest.”

Once these conditions are satisfied, the Minister responsible for the environment may then by order designate any piece of land to be a cave.

Section 4 gives Government the power to acquire the land either by private treaty or by the Crown in accordance with the provisions of the Land Acquisition Act.

This means that any piece of land which satisfies the conditions as given by Section 3(2) can be acquired by the Crown and be designated a cave and hence falls under the control of the Caves of Barbados Limited.

In the future, we expect that in addition to Harrison's Cave that maybe Coves Cave which is close by, and which has some good features, could be designated as a cave and any other ones that may be subsequently found.

We can go section by section to point out some of the features of the Act.  
2.00 p.m.

Section 5. “The Minister may give directions to the Company relating to matters of policy, and the Company shall give effect to those directions.”

The Company is initially wholly owned by Government, and this Act basically says that the Government, through the Minister, would have a Board of Directors, but the Government retains the right to institute policy. We are talking about policy as opposed to day-to-day operation. I do not think that anybody who flips through this

would have any difficulty with Government dictating policy to any corporation, whether it is a statutory corporation or a private company. The difference between the two is a matter of convenience. You will expect in wanting them to have a better type of decision making, but it does not mean that the Government must not retain control over the operation. In a sense it is the property of the State and the Government is the chief administrative entity.

Sir, this section 5 is stating what we all know that the Government is ultimately responsible to the people for the assets which the people own. The Government has a responsibility to the people. Hence the Government must be in a position to tell this Company that they require policy initiative or something like that. It does not give the Minister the right to interfere with the day-to-day operation, but when it comes to matters of policy the Government has to maintain that right because when it comes to policy matters there is only a policy making entity or body, that is Government, through the Cabinet. They have to be in a position to effect policy changes within the organisation. The Company has no choice but to give effect to those policy directions.

Section 6 speaks about an Environmental Management Plan for the operation of the Cave. We recognise that a cave is a delicate eco-system formed millions of years through certain processes. We are seeking in Harrison's Cave, and probably in other caves, to do something which is a bit unnatural, that is to put people through the cave system. We put machines through the cave system. This is a bit unnatural because for thousands of years the Cave was there just existing without man's interaction, basically. When we go into the Cave with our machines or whatever, we have to make sure that we do nothing which would adversely affect the Cave and the delicate balance which exists in that Cave. We have to make sure that we do nothing to impact on the temperature of the Cave. We have to ensure that we do nothing to impact on the quality of the air, because obviously that would have implications for any flora or fauna within the cave system.

Therefore, this section requires the management of the caves, that every year they are to present, to the Minister, an Environmental Management Plan for the operation of the Cave. In section 6 (ii) will see the items that must be addressed in this Environmental Management Plan. It talks about the quality of the air, the level of temperature, quality of the water, the level of noise and so on.

Section 6 (vii), (viii) and (ix) are very important. This is saying that the plan must include things that are done outside of the Cave which could affect the environment within the Cave, and also things that are done within the Cave that can impact on the environment outside of the Cave.

The Environmental Management Plan that is required – this is legal requirement. This Parliament is giving instructions now, through this Act, to the Management of the Cave that they have to bear this in mind and produce a plan every year to ensure that the operation of the Cave is sustainable over long-term. This is very important.

When this Plan comes forward alerting the Minister of possible action which would impact negatively on the Cave, then the Minister is in a position to give certain policy directives and so on in order to get the situation resolved.

Section 7 is a very important section, and we hope that this section will serve as a perimeter for other private companies. Under the law as it stands now, private companies, wholly owned by Government, while they have AGMs and so on, there is no requirement that they report to Parliament about their operations. Our feeling in Government is that the companies are 100% owned by the people basically, and as such, the people, through their representatives, must, at all times, be kept abreast of the developments within these companies. The fact that there are private companies and not statutory corporations are only a matter of convenience. In effect, they must report to the people who own them in the first place.

Section 7 is almost a new thing for private companies. They have to report to the Minister within three months from the end of the financial year, and the Minister, as soon as practical after he gets the report, he must lay it in Parliament. Parliament, within a few months after the end of the financial year, would have the report on the caves of Barbados with all the performance, activity, and a statement of the audited accounts.

This is a trend-setting feature which other companies, in the process of time, will follow. That is the wish of the Government that other companies would follow the lead set by Caves Authority. It might very well mean that you may have to go to all of the other companies and modify their Acts to ensure that such happens. There are no requirements for them to do so at present but the Cave is setting a trend, accountability.

The people must know what is going on with their companies – like the NPC.

Mr. PRESIDENT: Please address the Chair, Senator.

SENATOR T. E. BARKER: I am sorry, Sir. I got carried away.

*Asides.*

SENATOR T. E. BARKER: The point is accountability is ensured. When this is laid before Parliament, and any

Member of Parliament, having got the report and wishing to query anything in the report, he has the mechanism to do so, whether by way of Question, Resolution or whatever.  
2.10 p.m.

We have nothing to hide. It is the peoples' Cave. We do not see why we should be hiding anything from them. Bring it in the open. It is opened and all-inclusive.

Sir, in section 8 of the Act, the Minister comes into play there again because the company can charge fees, indeed they must charge fees, but this section ensures that the Minister, because it says,

“The Company may, with the approval of the Minister, charge fees for the entry into or the use of a cave.”

Sir, the company makes recommendations but the Minister, acting on behalf of the people, has to approve the fees for entry into the caves.

Section 9, Transitional arrangements – and these are very important because this Government is a Labour Government, it is called the Barbados Labour Party and the labour is not in there for a show. We respect the rights of the workers and we must set examples of how the workers must be treated in the country. The best example we can set is by using our corporations and our enterprises to show to the rest of Barbados what is required and what is expected as we talk about the workers' rights and so on. This is clear and we will always be clear on this. I am sure that the Unionist in our midst will attest to this with more clarity when they come to speak about it.

Sir, we recognise that all the staff members at the caves, as I said before, are within the employ of the National Conservation Commission (NCC). All of the staff members with the exception of a very few who came on since the company came into being over a year ago. But the vast majority of the staff there are employed by the NCC and they have very good union representation, I must add.

*Asides.*

SENATOR T. E. BARKER: They have the best representation that you can get in this country.

*Asides.*

SENATOR T. E. BARKER: Sir, I can speak about this because I was very much involved in this. We sought to ensure that in the movement from the NCC to the Caves of Barbados that the workers' rights were always respected. First of all, all of them have the right to say that they do not want to be transferred. They have that right because they are employed by the NCC and they have their rights to say,

"I want to stay with NCC" and NCC has to respect that right so we ensured that that right was maintained.

Sir, we also did a complete staff audit. The staff audit was done where staff members who were employed at the Cave were assessed both in terms of their experience and in terms of their attitude and all sorts of things so that the Ministry and the NCC had a document which showed the suitability of the workers for the various posts to ensure that when we made decisions, we had a basis on which we can...

*Asides.*

SENATOR T. E. BARKER: ...by an independent source. Not solely by the management of the caves but rather by an independent source. They came and did an audit and every staff member was assessed.

Sir, we felt and all reports we had indicated that at the time the Cave was probably overstaffed. We took the decision that we are going to go for a lean, mean machine, so to speak and to use the Barbadian term – a lean and mean machine. At all times, we respected the workers' rights but we had to ensure that the economic viability of the Cave was at all times preserved. We had three different reports done on staffing levels.

Sir, it reminds me of the old saying that truth is not found in the thesis or the antithesis. What it means is that we had a high figure and a low figure and we took our time and made sure that based on further consultation, we ended up somewhere between the thesis and the antithesis and we came up with a number which the Cave could live with and which would ensure their profitability and viability.

We were also conscious of the fact that for many years, the Cave was making losses because lots of other factors were involved so we felt that we had to take those decisions but we also knew that we had to take them in a way which would not create distress for labour. But of course then, anybody that we did not take would obviously have their rights under their contract with the NCC. I think almost all the staff that we had there were accounted for but we also made sure that when we took over a staff member, his pension rights and other rights were maintained. Sir, as in section 9.(b) where we said,

"the persons transferred under paragraph (a)

1. shall for the purpose be treated as if their employment in the National Conservation Commission was employment in the service of the Company,..."

Sir, so that if you had in twenty years, you had in twenty years. The fact that some was with the NCC was not

the point, you had in 20 years and your pension and other rights are to be based on this twenty years of service so the worker did not lose in that respect.

Sir, we also ensured that, as given in section 9 (b) (ii) that they will be employed at no less favourable terms than they had previously enjoyed when they were in the employ of the NCC. Then, of course, we ensured that all the assets and liabilities of the NCC with respect to the Cave were also transferred to the Cave.

Section 10, and this is very important because the Cave took thousands of years to be where it is now but one stupid person can go in there with a hammer and what took thousands of years to be formed, by one stupid act, can be destroyed – those lovely stalagmites and stalactites – so we have to make sure that people respect the Cave and we also have to ensure that the people know if they do foolishness in there, the heavy weight of the law will come down on them.

Sir, the list of offences is set out in section 10. (1): breaking any calcite, stalagmites and stalactite, taking any samples, removing any flowers or animal from the Cave, digs or removes from the Cave any bones. Now, this is probably important maybe not for Harrison's Cave but for other caves because other caves may have artifacts so we have to make sure that anything of that nature found there, cannot be removed. We cannot remove from any of the caves bones or artifacts.

Sir, further down to section (e), it also says that if you, now this is very important, own land or operate land above the Cave, you are prevented by law from carrying out dynamiting or quarrying operations which could result in damage to the Cave. That is very important because some of the cave systems are so extensive that people live above caves. We have to ensure that first of all they have to know that they live above the caves so what we will do is to have the area of the Cave properly demarcated so that a person will know that their land which they use is over a cave system.  
2.20 p.m.

What we will have to do is to have the area of the Cave properly demarcated so that a person will know that underneath the land that they use is part of a Cave system so that they will know then that since the land that they operate is on top the Cave system that they are prevented by law from carrying out certain operations although the land is legally theirs. They will be prevented by law from carrying out certain operations once they have been told that the land which they occupy is part of the Cave system.

It means then that the Government through the Ministry has to have the area properly marked out and have

to ensure that the people who occupy those lands are aware of the prediction regarding the use of that land because a lot of water passes through some of these cave systems and any interference above land can probably cause flooding somewhere else with various things. A person who does that is guilty of an offence and they are liable to a fine of \$50 000 or to imprisonment for two years or both. Sir, the fine may sound a little bit harsh but the damage to the Cave system from these operations can seriously impact on the economic future of this country.

Sir, one-third of the people who visit Barbados go to the Cave. Many of them come here primarily to go to see the Cave so if we allowed things to happen which could negatively and seriously affect that Cave then we are compromising our very future. We have to ensure that the message out there is clear. As we like to say in Barbadian terminology, don't interfere with what don't trouble you. Leave the Cave alone. Do not take anything from the Cave and do not do anything above the Cave which could impact negatively on the operations of the Cave.

Then, of course, if anyone persists after one offence then section 10(2) increases the pain so to speak. Of course section 11 says that even when you are convicted you can be asked to do some restitution. So that even although you may be convicted in a court that is not the end of the matter. You can still be called upon to make good the damage that you have done.

We have to be very serious in Barbados. We have some expensive and rare plants in there and somebody goes in there and destroys them – I must use this as an example, I am saying that there are occasions – for example, we have the situation where we planted a lot of trees up by the Six Roads Roundabout. You plant them today and by tomorrow when you go back the plants are gone. We have had to do a lot of replanting up at the Six Roads Roundabout. I am sure that this happens at other roundabouts as well. People pass by and see the plants and feel that they are better off in their garden than in that area.

I am saying that people have got to learn to respect other people's property and we have to send a serious message to them. We do not want section 10 to ever come into play so to speak. If it comes into play it will mean then that some damage would have been caused already. We do not want it come into – of our assets – and we are not going to tolerate that sort of behaviour. We have to send them a strong message because it is not only that they can be fined and confined but they will have to make restitution.

Sir, those basically are the features of this Bill but I want to talk a little bit about another reason why we are engaging in this activity. Now, it is recognised that the Cave which has served us well is beginning to feel its age and that

is a fact. Do not forget, Sir, that for the past 20 years we were doing things in the Cave which were unnatural in a sense because we are running trams through the Cave and we have been putting lots of people through the Cave breathing out carbon dioxide and so on and we know that unless we are careful that can ruin what is a good asset and what has served us very well in the past.

We have been constantly doing audits of the Cave to make sure that certain things are in place and we have found one or two things. We have found that the Cave is in need of a serious redevelopment programme. For example, we had to replace the trams. To replace a tram is not like buying a bus. They are specially designed and they take about 2 to 3 years between the placing of the order and the delivery of the trams. If we want trams in the year 2002, we cannot wait till the year 2002 to make a decision, we have to start talking to the manufacturers all like now so because you want specialised equipment for what is a specialised area.

We also notice that there is overcrowding because when the Cave was first opened in 1981, it was estimated that some 100 000 persons will visit the Cave annually. We have surpassed that by a long time because we are now close to 200 000 persons per year. This means that things like the visitors reception centre is too small and is inadequate especially during peak periods and the restaurant and gift shops are woefully inadequate.

What I mean is that we could be getting more out of the Cave if we had better restaurants and better gift shops and so on because for the amount of people that pass through that Cave we should be doing better in terms of our gift shops and restaurant. It may be a case where the floor space is so small that the people may have to charge more than they should charge but that is something that we will have to look at.

We also noticed that there is inadequate capacity for what we called 'interpretation', that is, telling people what the Cave is all about and so on. All of us who had visited the Cave will notice that the rooms are a little bit inadequate for that sort of purpose. We also notice that there is insufficient facility for visitors entertainment. When you go to the Cave, it should be an experience. You should want to stay around the area. Do not forget that if you are encouraged to stay around the area for two or three hours longer then it means that you are going to buy more food and you are going to buy gifts and so on, so we will be getting a lot more than just the entrance fee.

We also notice that there are undeveloped areas of the Cave that can be very useful which can add to the appeal of the whole surroundings. We also notice that agricultural and other practices above land were starting to impact

on the Cave in terms of the quality of the water because we did certain tests and we found higher traces of chloroform in the water than we would have liked.

Then we look at the surroundings down at the valley floor and we notice that the building and so on were a little unsightly and if something is to be your premier attraction you will want it to be in top condition. We notice this and we felt that the time is right for Government to look again at the Cave and carry out a serious redevelopment programme which would increase the attractiveness of the Cave and in the long run improve its viability and maybe give it a longer life. It is for those reasons that we decided that we have to carry out a proper study to look at the Cave again to see what should be done in order to maintain its uniqueness so to speak. We also felt that we need to look at the offerings of the Cave.

12.30 p.m.

For example, there are some people who would like what we would call a "Wild Cave Tour". Now at Harrison's Cave you dress up properly and you go into a tram and you see the features. But there are some people who would like to go into a cave with ropes and go through muddy water and I do not necessarily mean in that cave system. Sir, there is another cave next to Cove's Cave which we feel can be used for that sort of purpose. I do not necessarily mean Harrison's Cave. We felt that probably we should look at developing other types of attractions for the Cave. For example, we would probably charge more but they could go to Cove's Cave where they could go through mud to your waist and so on. Some people like that sort of adventure. We felt this is something that we could also look at because a person should be able to walk some more in the Cave. Right now you get on the tram and you only get off for a minute or two. But a person may, under supervised conditions want to walk in the Cave a little bit.

Sir, we are looking at all of those possibilities. We have developed a programme which will include among other things improving the roadway around the Cave because the road system is not the best. What we might consider doing is to have the visitor entrance on top of the hill so to speak, so that the visitors do not drive down as presently is the case down to the very floor of the valley. The visitor stays on top and you have the restaurants and so on at the top. We can have some sort of elevator so when he wants to go into the Cave itself, he goes to the elevator and he goes down to the valley floor and has his tour. One thing we are looking at is to move all the restaurants and gift shops more or less up to the top. That is what we are looking at.

We are also looking at better maintenance facilities for the trams because they are expensive and we feel that we should spend more time and effort in ensuring that they are

properly kept and maintained. All of that, Sir, is part of the redevelopment programme that we are seeking to embark on for the Cave. We estimate that it might cost in the region of \$20 million. We also estimate that the economic potential of the Cave is so great that servicing that sort of loan would not be a problem if we do what we should do in terms of realizing revenue from shops and tours. We estimate that the new features could probably add another hundred thousand people in probably ten years time according to the number of people who visit the Cave every year. We are expecting that all of that increased activity would allow the Cave to fund this sort of development.

Sir, of equal importance is the fact that the Cave is in an area which has lots of other attractions. We have the Welchman Hall Gully very close by. The Flower Forest is not far away and then we have Jack In The Box Gully which is just next to the Cave. I mentioned Cove's Cave. So there are lots of attractions in that area. Given the fact that eco-tourism is becoming increasingly important, we feel that we are in a position to cash in on these activities where the Cave will be more or less the centrepiece. If a person goes to St. Thomas, he does not only go to the Cave. He might visit the Flower Forest or other attractions which are in the area. When he goes up there, he spends a whole day taking in what is the most beautiful part of Barbados. The Cave then will be the centrepiece. We may also look at an integrated approach where a fellow may visit the Cave and at the same time visit the Welchman Hall Gully. We can work out some sort of system where some discount can be charged. All of these are things that we look at and we will look at as we seek to redevelop what is a very lovely part of Barbados. So that at the end of the day we believe that we are going to have a better product. We feel that the money that we are going to spend is going to be worthwhile. If we do not do it, well then we stand to lose out. Unless we put corrective measures in place, we will probably find that the deterioration has accelerated.

Now this money also includes the purchasing of land in the area. For the benefit of the Cave, we might have to tell the owner that we may have to compensate after due legal process. We have to make all these decisions and we have to spend some money in acquiring land in the area in order to maintain the Cave system.

Sir, it is a very comprehensive programme. It involves a lot of activities and it is estimated that the redevelopment programme will take about three years. We want to improve the ventilation within the Cave and have a new exhibit hall and other things. It is an exciting thing for the Cave as we seek to ensure that it maintains its pre-eminence within the tourism offerings of this country. It is a national asset. It is a national treasure. All of us know that whenever visitors come here that that is one of the first places we like to take them because we like to show off about the Cave and I

personally do. If there is only one place you must visit, you must visit the Cave. It holds such an important part in my own view of things. As I said before, there are danger signs. Unless we act quickly, what is a national treasure could deteriorate before our very eyes. What took millions of years for nature to build can be destroyed in a few years.

This Government has never been noted for inaction. We recognize that there could be a problem so we have moved expeditiously to ensure that we maintain what the good Lord in his wisdom has given us. This is part of a Government which understands its role in the affairs of things. When it sees things want fixing, it fixes it. We see hospitals need fixing and we fix them. We see schools need fixing and we fix them. We see police stations need fixing and we fix them. We see caves want fixing and we are here trying to fix them. This Caves Act puts in place the management structure which can handle this sort of redevelopment programme and which, in the end, will have the necessary expertise and the necessary tools with which to manage effectively what is a very beautiful but very fragile eco-system.

2.40 p.m.

I look forward to the day, maybe twenty years or more from now, when we see the full results of what we are here discussing, when all around Barbados we see caves properly maintained by Caves of Barbados and I will say with pride to my grandchildren, if the Lord allows me that, that I was part of that, that I was part of the Senate which in its wisdom saw fit to put in place the structure for the management of what the Lord in His wisdom has given us.

Sir, with those few words, I want to commend this Bill to this Honourable Chamber and I am asking all Sides to support this legislation and give Government the tools with which it can manage what is in effect one of the wonders of this world. Thank you.

SENATOR C. K. LAURIE: On a point of order, Mr. President. It is nothing to do with the Bill *per se*.

Mr. PRESIDENT: I am not sure that you can raise a point of order at this time.

SENATOR C. A. MASCOLL: Mr. President, it is always a dangerous thing to give a tail-ender the opportunity to open the innings, especially when the ball is swinging.

In almost six years between the Lower and Upper House, I consider this piece of legislation to be perhaps the most serious piece of legislation to have come to either of us in my period around Parliament. This is really the beginning of a paradigm in the affairs of Barbados delicately and very skillfully camouflaged by all the appearances of good will and goodness for the maintenance of a national treasure called the Cave.

This attempt to move a public entity to a private entity by way of legislation presents in many respects a dangerous future not because necessarily of the economic implications of such a move but more so because of the capacity of Government to rid itself of certain corporations deemed not to be efficient enough or in need of downsizing or refurbishing or renovating or however we describe it. In my six years in Parliament, either in the Lower House or Upper House this constitutes the most important and critical piece of legislation that I have ever had to deal with, and I will go on to explain in detail.

This is no mean feat to ask public sector employees to become private sector employees. To suggest that it is not to their disadvantage is to completely misrepresent reality. For one, an immediate shift to a private company increases the tax liability of a worker and I have had to discuss this over and over again. I cannot seem to get people to understand that whereas a permanent worker in the public service never paid and does not pay unemployment levy, as soon as that person becomes a private sector worker that person pays an unemployment levy. It is the same kind of discussion that I brought to Parliament about two years ago to show that a shift from the unemployment levy to NIS contributions constituted an increase in the tax liability of the public sector worker when a permanent employee in government does not pay unemployment levy but is now asked to increase his NIS contribution. That happened two years ago.

It is going to happen now when you move public sector workers to a private company unless you change some form of the legislation to guarantee that they are not disadvantaged. In short, their take home pay will immediately be cut as a result of shifting them from being a public sector worker to a private sector worker. That cannot be disputed. It was not understood then. I was quietly persuaded by a very Honourable Member of Parliament not to mention it and to my disadvantage in that particular Budget debate; but I have learnt from my innocence.

The other thing is that this is very serious because what is going to happen here, and you are hearing it in this debate, is that Government recognises in the Report that there was substantial over-employment at the Cave when it was a public sector entity and is now skillfully using a private company to downsize the employment levels at the Cave. How could you now recognise only because you are seeking to transfer this set of workers to a private company that there have been all levels of inefficiency in this Cave from its inception and now you are using the private route, suggesting that you are allowing a private company to control the operations of the Cave while at the same time saying that it cannot be efficient unless there is a reduced level of staff? That means that that example can be used

across the public sector in several areas of operation. You can almost identify any public sector entity as being overstuffed. You can then seek to use such legislation to allow a private company to run the affairs of that particular entity and use the private company as the excuse for downsizing.

This may seem innocent, but this does not get around me. This move to make the operations and management of the Cave a private entity may seem a very innocent move. But it is in fact and has to be part of the new philosophy of this Administration. This Administration knows only too well that there has been excess employment in several layers of Government and it knows only too well that it can seek to establish this route as a means of addressing several of the problems and difficulties that it would otherwise be incapable of addressing under a public sector entity.

This piece of legislation is dangerous in the affairs of Barbados. I note that there is a careful definition of what a cave is in this Bill but there is no definition of what land is. That may seem an absolute point of madness but section 4 of this Bill says:

Section 4 says that:

"Any land required for use by the Company in connection with the development of a cave may be acquired

(a) by private treaty"

which I will suggest is very dangerous because you never had to disclose what Government paid for the land once it is obtained by private treaty. This has become almost the norm with this Administration where the private treaty route has been exploited to the hilt in acquiring many properties across Barbados over the last six years. Therefore, we never get the opportunity to know what Government has paid for the particular piece of land. You then have at Section 10:

1. "carries out on land above a cave, in a cave or near thereto dynamiting or quarrying operations resulting or likely to result in damage to the cave."

2.50 p.m.

The reason I am asking for a definition of land is that if you can restrict a person on top of a cave who owns a piece of land, from particular use of that land, are you suggesting that what lies below should not be under the control or be deemed as part of the ownership of that individual? If the answer is no, I am, therefore, asking if you were in a position where that piece of land had oil, would you compulsorily acquire it?

Since a cave is an economic entity in that it has the potential to yield, should not that cave that lies below the land, owned by a particular individual be treated in similar fashion as if it were a piece of land that had on it some type of oil?

If you can pay royalties to a person that has land which has on oil which you exploited what difference is there, since there is an economic entity below the land which is yielding to whoever seeks to exploit it, what in law or in principle should deny that individual that right? That is the sense in which I am asking what constitutes a cave in law and what constitutes land, that is why I asked for the definition. Should land be defined in the instance of where there is oil differently from land when there is a cave which has an economic or financial benefit? I am not a lawyer but I suppose that I have some quantity of sense so I am simply asking the question.

*Asides.*

SENATOR C. A. MASCOLL: The reality is how can you seek to restrict an individual on top of a cave owning land and suggesting to me that you now have the right beneath the land, in the form of a cave, to exploit what lies below it. I cannot understand that and it is perhaps for me beyond the implication of the Bill the greatest shortcoming in this Bill. It is a major shortcoming because it cannot be justified in principle that you are asking a person to remain the occupant of a piece of land below which you are exploiting some benefit that has been put there by nature and not by you. It is put there by God and you are seeking to exploit it and then you are asking me to understand and appreciate it. I cannot appreciate what is happening here at all in this legislation.

Mr. President, it does not stop there. It is difficult to understand how the Government is seeking to allow a private company to manage the affairs of the Cave but still Government has all kinds of plans surrounding the Cave – Coves Cave, Welchman Hall Gully and Jack in the Box Gully. The same reason that informs why Government is seeking to transfer the management of this Cave to a private entity should be use in understanding the fuller development programme for the area. Is the Government expecting a private company to now seek to exploit Coves Cave which lies just beyond? Is Government going to be providing the resources to do so? I have gone into Coves Cave because I am an amateur speleologist and I understand the features beyond the Cave but I am suggesting that it does not match. Where do you stop in terms of your policy prescription?

The discussion by the Leader of the Senate in this Bill suggests that there is over-arching concern of Government to exploit the natural resources in that area but has decided that this is such a treasure that has all kinds of benefits that

can be derived in terms of the financial, economic, cultural and other dimensions but we are giving it to a private company to exploit.

I am suggesting that this is the beginning of a new form of downsizing in Barbados' economy. I am suggesting that this a very skillful new chapter in the management of public affairs in Barbados where for the first time we are now bringing legislation to completely shape and refashion how the public sector will be managed in the future.

*Asides.*

SENATOR C. A. MASCOLL: Yes, it is very creative, exceedingly creative. We have had Hotel Resorts Limited which is similar in nature but does not have the kind of structure and character that we are now giving to this particular entity. One has to be very worried because Hotel and Resorts Limited certainly does not have that potential to yield anything. From its inception, it is a financial disaster and it does not take much to understand that Hotel and Resorts Limited cannot be any major financial entity in Barbados. It does not take much to understand that at all. Now we are being told that since we have made several 'boobos', in terms of establishing that particular entity to let us come now and try to redesign and refashion the new approach to public sector management in Barbados. This is downsizing with skill, aplomb and character never before seen in the history of Barbados, furthermore the Caribbean. This is remarkable downsizing.

I am extremely impressed by the approach, the skill and the ability to hoodwink a whole community of people into believing that a private company....

SENATOR T. E. BARKER: Mr. President, if I heard him correctly, the Honourable Member used the word 'hoodwink' and the word 'hoodwink' carries certain connotations and I would the Honourable Member to take back that remark.

Mr. PRESIDENT: Senator Mascoll I think you would wish to withdraw the word 'hoodwink' having regard to its likely connotation.

SENATOR C. A. MASCOLL: Sir, I do withdraw it. They have obscured the vision of quite a few people to the extent that we cannot see clearly now. What is happening here must not be taken lightly. Indeed, I am very concerned.

I must be honest, Mr. President, before coming here today I never even looked at this Bill. That is why I have said that it is very dangerous sometimes to put a 'tail-endder' to open the innings because a lot was revealed in the presentation that made me stop here to think about what is happening to Barbados in this one piece of legislation.

Sir, it does not stop here. Who are we accountable to here? Section 7 says: This talk in section 7 "That the company shall as soon as possible after the end of each year and, not later than three months from the end of any year, submit to the Minister a report."

3.00 p.m.

Since it appears that this is not really going to be a private company because of the delivery of the presenter of the Bill on that Side, this is not going to be strictly a private entity. There was confusion. How could you be setting division for private sector company but the Government has all kinds of plans to implement? There is not just the question of policy direction, a whole of detailed stuff on how to go forward in that area has been outlined from the Other Side. So it cannot be the question of allowing the private company to dictate the affairs of environmental management in St. Thomas, it is being directed from behind. Therefore, there must be some significant degree of public sector and Government involvement in the affairs of this company.

Therefore, if that is true, given the history of Barbados, do we expect a report to be submitted three months after? Not in the Barbados, not in this Government, not under this Administration. This cannot happen.

As we know in several other areas of Government activity, it takes five years or so to get an annual report. By the time you get the annual report, the substance of it is irrelevant and that is what is going to happen here. So we will never know what is really happening at the Cave unless you become a caveman. That is the problem. You do not have any idea, so I do not expect anything to be laid in the House.

This morning, in an earlier debate, I spoke about the quality of air, but I meant it. Now we are talking here about an environmental management plan that is required. Do we really understand the kind of cost that is involved in monitoring this environmental plan?

*Asides.*

SENATOR C. A. MASCOLL: It is cost nevertheless. I am saying to you that there must be some form of contradiction here. Here it is you have a private company that has been expressly established to make financial profit, then you have a Bill that speaks to a whole range of environmental issues – about the quality of the air, and the level of the temperature in the Cave.

What I am saying, Mr. President, is that for a private company to have such goodwill, to be so concerned about so many different matters pertaining to the environment, it would be a departure from traditional thinking on the part of companies. This is a very big issue here. This is really

about establishing a company to make profit, whilst still trying to secure a social component.

Therefore it is not going to be easy to establish any such entity and that is why I believe strongly, Mr. President, that there is another motive here. There would be substantial costs associated with maintaining the quality of air, the level of temperature in the cave and the level and quality of water. These are externalities to the production or the output process for private companies. It is not a private company that is going to be able to go into the village, of Welchman Hall, and monitor the affairs of the households, and make determination about how they control whatever they want to control, and then they can seek to impose their will on what the people around the Welchman Hall area would be doing that could possibly contaminate the Cave, then expect a private sector entity to carry that kind of costs. I find that difficult to believe and to understand. That is not in the domain of a private sector company. That is where, again, the contradiction lies. The contradiction lies here.

How then are you going to provide subsidies for this private company? Is it the case that this is really a private company only for the sake of downsizing and reducing staff levels because you recognise that they are too high and do not do it through the normal route? Do you not have the heart? You do not have the will.

*Asides.*

Mr. PRESIDENT: I presume that you are not addressing the Chair.

SENATOR C. A. MASCOLL: Certainly not, Sir.

I have real difficulty in understanding this. I have severe difficulty in understanding what is happening here.

We are told here that notwithstanding all of these costs that one can attribute to the operation of the Cave, we are being told that in this day of free market, in this day of allowing liberalisation to play, that the Minister now has to determine what the fees will be. Again that is a contradiction. You cannot expect, Mr. President, for a company to carry all of these costs and then have to go to a Minister to justify what the fee should be. Again there is contradiction.

You are saying here that the reason why Government is getting out of the operation of this Cave is to allow it to be a profitable entity. It is the only reason why a private company would accept. You can be rest assured that no private company is going to take on the responsibility of managing the Cave if it is a loss operation.

Therefore when you ask the private company to incur all of these costs then they have to approach a Minister to seek

approval to increase, which, Sir, is not the Transport Board, where one can justify its existence on the basis of the contribution made to private sector, public sector, productivity or to school children getting to school on time. The Cave does not have that kind of dynamic. So how do you justify the Cave having to go run around, the private company that is, asking a Minister to increase a fee here and there. On what basis can you do it?

There are too many inconsistencies in this piece of legislation. The fines do not really make a lot of sense either, once you do not establish clearly what land is versus a Cave, because I do not see how you can give a man ownership of a resource and then seek to control him in the way in which the Government will be seeking to control this individual without giving him compensation because it does not make sense. Again, you are saying,

"I am going to allow you to own this land but I am going to control you to the extent that could only use it in a particular way, whereas, a person living only a mile away would be allowed to do precisely what he wants to do with his piece of land, I am going to exercise control over you, but I am not going to provide you with any form of compensation."

3.10 p.m.

Now, that really is about freedom and rights and I cannot justify that, that within the same parish you are going to be denying an individual the freedom and the right to utilise his resource or his asset and just a mile away, you are going to allow another person...

*Asides.*

SENATOR C. A. MASCOLL: ...but there must be, if you are going to impose such will on the individual, then you need to compensate the individual. I would argue strongly for that and in fact it may be very political. An opposing candidate in that area may find it very political to go and pursue the line of argument that I am pursuing. It may be very political to do it because you will be able to derive a lot of benefit. You cannot justify what is being done here under this Bill. It cannot be justified.

Mr. President, I will therefore suggest that the Government really has to revisit the intent on this piece of legislation. Are we seeking to maintain a national treasure in the form of the Cave? Are we seeking to make it more efficient as an economic entity? Are we transferring the responsibility to a private company such that we can ensure its viability over the long term? Or is the Government simply opting out of a situation that it finds extremely difficult to sustain and therefore justifying its departure by way of privatizing "a public asset."

Sir, that is why at the start, I said that this Bill is in fact exceeding critical, because it constitutes a serious philosophical departure. And I do not want to get into those esoteric details but you are asking here about allowing a private entity to manage a public asset in every sense of the word, Mr. President. But, you are also talking about allowing a private company to seek profit in the management of a public asset, while maintaining all the other social, cultural, geological, environmental aspects of this particular asset. Sir, that in itself constitutes a serious need for debate about where we are going in terms of the governance of this country.

Sir, I end by saying that the Bill is dangerous to the extent that almost every inefficient department of Government can now be handed to a private company to permit it to downsize and reduce staff under the guise that there is need for greater efficiency, while in fact, being capable of overall reducing the size of Government which may seem not so obvious. Sir, but in fact, the major principal of WTO, the major underlying principal or outcome of globalization and free trade brings with it, a dilemma for developing countries. That is, you are being asked as small countries to emphasize the role of the private sector, to push more resources to the private sector and to allow the private sector to become more efficient, more competitive, earn exports and do all these things.

It therefore means that the private sector itself has to become leaner and meaner in its operations, thus the inevitable transfer of labour from the private sector to somewhere. The somewhere, as has happened in Barbados in the last five to six years, is in the public sector. The public sector is not supposed to be growing because the outcome of WTO and all these other arrangements is for a smaller, meaner, efficient public sector. So that there is a dilemma up ahead where the private sector in its attempt to become more efficient and competitive has to downsize and reduce its overall level of staffing. The Government on the other hand sees that as contrary to its objective to employ people and has to take up the slack, thus swelling the rights of the public sector.

In fact, what we are seeing is rather than there being reduced governance or reduced public sector, there is a transfer of resources from the leaner, meaner private sector now to the less able, more inefficient public sector and therefore the circle continues. It is just a vicious circle but this exercise here is an attempt to maintain the employment, though at reduced levels in the public sector, under the guise of a private company.

I repeat, Mr. President, it is an exceedingly skillful and for want of better words, again, I am almost lost for words to understand this move. It is skillful, it is artistic, it is a tremendous boost to Government, if it is allowed to do this thing on an increasing scale across the public sector of

Barbados. It would achieve what it is supposed to do and achieve under this new governance, while shifting part of the responsibility to a so-called private sector and that, to my mind, must inform the thinking of this administration because there is a bind. You are almost trapped into, "how do I do these things to become more efficient and reduce my level of governance at the same time? Which is really the call of the international organisations, downsizing the public sector." But there is a contradiction in all of this which is to become better, meaner and more efficient really puts greater pressure on the public sector to employ, which then pushes them away from the efficiency objective.

Sir, that is why I will end on this note that this Bill constitutes the most serious piece of legislation that I have encountered in the Parliament of Barbados over the last five to six years.

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

SENATOR C. LeR. TROTMAN: Mr. President, I would like to make some brief observations on the Bill before this Senate. I had hoped that I would be able to speak to what I perceive to be the philosophy, to the details and to what I perceive to be the penalty versus the correction that is required.

I do however wish very early to say that I would wish to congratulate Senator Mascoll for what I think is a brilliant presentation. I believe that the suggestion which he has made towards the end of his presentation that this particular instrument be revisited, is a very just recommendation which I would wish to second. I would wish to urge that we be sufficiently forward in recognising that there is some definite contradiction between the philosophy being presented here and the reality which we all know and recognise.

I had hoped that I could begin by saying that I have to sound a note of warning regarding some of the faults put forward in the introduction to the debate. The suggestion was that by moving to this particular company the Government would be moving towards a regime which would be allowing for better governance. I think it is necessary for us to say that I believe, and I think that most people believe, in greater levels of democratisation. I believe in the empowerment of the people and therefore in the opportunity wherever it is possible for more and more persons to become involved in the decision making process.

I however believe that we have to be careful not to establish institutions which have the effect of using up the total revenue which we hope to derive from the extra creations into the political administrative structures. Put

very bluntly, I am not able to recognise that there would be a greater benefit to the taxpayers of Barbados or to the citizens of Barbados by having this additional administrative body. I think it would be more costly in the long term.

It would seem to me that we could under the arrangement for the National Conservation Commission with proper management and with the proper tailoring and guidance of the Minister involved, who after all is still the same Minister, we could have arrived at a division of the Ministry into the appropriate compartments that would allow for the fields and the beaches to be taken care of by department X and the Caves to be taken care of by department Y without having to pay for further chief executives and other high-paid officials in the administration of this new company.

Although, I recognise the brilliance of Senator Mascoll in this, I am not necessarily agreeing that there was any suggestion here of downsizing; but then he may have been aware that in fact initially there were efforts made at downsizing. Had it not been for the intervention of the person who led in this debate, who directed the administrative arm, there would have been significant downsizing of the workers arising out of this.

In fact, the consultants by some arbitrary process decided that some of the people were unfit, except they did not use such a kind word or such beautiful language as I am using. The Parliamentary Secretary might be able to assist me with the very derogatory language that was used by the consultants at the time to suggest that people were misfits, who had been in the National Conservation Commission for as many as 25 and 30 years.

So it must have been within the conception of the planners, though I would wish to say that the moment the Senator became involved, he immediately recognised that like the trade unions – the Barbados Workers' Union, he, Senator Barker – had to take issue with the matter and to make it very clear that the Government could not support the idea of anyone calling persons who have been working for this length of time 'misfits' in an area in which they found themselves.

It is not unlike the situation where the Prime Minister has decided that we should all in the public service become public officers and some of the senior officials in some of the Ministries decided that some of those casual workers after 20 years are 'misfits' and that therefore they would disregard the Prime Minister's instruction.

*Asides.*

SENATOR C. LeR. TROTMAN: They have done that, Mr. President. Although I disagree conceptually with the

idea that it was so planned I am saying that Senator Mascoll may have been aware of this arrangement and hence the care which he took or the care which he used in order to make the suggestion that there was in fact an attempt to downgrade and to downsize.

At the same time that that is being done, there is a certain upgrade and upsize in the cost that will go into this new venture. When we do a cost benefit analysis, we are left to ask – at least I am left to ask myself – whether the Government itself is satisfied that it would be deriving greater benefit. I am left to ask whether the citizens of Barbados are going to get better service for their tax dollar and I am left to challenge my colleagues within this August institution whether they are satisfied that we will be having the right structures and the right systems in place which established a philosophical conundrum.

For in essence, Mr. President, Senator Mascoll is absolutely right. It is very clearly set out that what we have here is a company structured under the Companies Act of Barbados and that what we are therefore seeking to do – Senator Barker made this very clear – is to have an efficiently run institution. He did not use the words but the other Senator who spoke, Senator Mascoll used it for him, where the interest would be to establish greater efficiencies or to have proper recoveries because a socialist Government does not speak of making profit.

So the Government will be looking at establishing improved efficiencies from the recovery of the expenditure of labour, administrative cost and other factors within the service production. If that is being done, how then are we going to be able to address the issues which have been touched upon by Senator Mascoll and which I do not wish to touch upon again because I am governed by the rules of this institution regarding repetition?

The Bill before us speaks to not merely the Harrison's Cave but to other caves as well. It is important for us to recognise that although significant time has been spent up to now in looking at the Harrison's Cave that we have to recognise the generality of this particular piece of intended legislation. When, therefore, we look at the philosophy behind the Bill, we have to be very clear in our minds as to what the outcomes may be.

I have no problem in understanding that the Government has an interest in making the Harrison's Cave much more attractive. I think we are all very proud of the particular preeminence which it enjoys among other attractions in the world. There is no gainsaying that. We have no problem in understanding that it therefore has to be maintained if not in its pristine condition which is difficult to do but surely at a level that would be commendable and would maintain its attractiveness to other people all around the world.

That, Sir, is not the issue. The issue has to do with the management and the control ... and it has to do with where such an arrangement puts the employees who after all are our concern, even though we thank other persons who from time to time will join us in their interest in adding their support for that group of persons.

3.30 p.m.

The concept of a private treaty in those circumstances as spoken to by section 4 of the Bill will have to be revisited by us. We understand very well that the acquisition has to be by a private treaty or by the Crown in accordance with the provisions of the Land Acquisition Act. But I pause at the point of the private treaty because I am of the view that, if we are looking to a concern for the people and if we are looking at the philosophical departure, which I have suggested at the very outset, then we will have as well to go back to what the Leader has said that this is an open Government, and I agree that it is, and a Government concerned with inclusiveness. In those circumstances, then that very openness would have to determine that, when there is any kind of an arrangement in the name of the Parliament or in the name of an agency of the Parliament that treats with another agency, the public needs to be in a position to know and to reflect on that decision making process.

I have never been pleased at the rumours that I have heard about the acquisition of properties in this hotel venture which we have that is called "Gems". We are not able to know what is the level of those rumours in terms of the truth. We have to make an assessment based on any reflection that we have with consultants regarding whether Government's decisions have been fair or reasonable and should be commended by us or whether we should castigate the Government because it has been done by private treaty which is so private that nobody knows.

I have much to applaud the Government for. I have been accused of being a member in bedroom of the Government's inner circles. Be that as it may. I do not apologize for any positions that I adopt publicly. But by the same token to the extent that I love the Government, I love my country more. To the extent that I love the Democratic Labour Party, I love my country more. Therefore, Mr. President, on the one hand and on the other hand we have to concern ourselves with our desire to ensure that when we examine these issues spoken from this position of this Honourable Chamber that there is a clear understanding of a need for us not to have our views obfuscated by any kind of partisan limitations.

Sir, I merely say that to repeat the point that there is a philosophical position which I have in reviewing this, which makes it very difficult for me to be able to accept that in the current structure of this piece of legislation we are being best served. In terms of the intention, I have no problem in understanding that the Government wants to ensure that one

of its most beautiful assets in terms of tourism promotion will be captured, developed and managed in the best interest of the people. But this is not a Harrison's Cave issue. This is an issue of natural caves' beauty elements in Barbados and it is a question of how best do we take that on board.

When we examine that issue and we look at section 6, I think that we are likely to find further cause for our concern. In section 6, we speak about the need for submissions to the Minister on environmental management for the operation of a cave. But that section speaks regarding the importance to the Government by an institution that is private and managed under the Companies Act. I know that the Minister has final and eventual control and I am being forced to come back to the issue of where is the governing agenda item.

I do not share the view of, I almost said Ambassador Mascoll. (I do not know where I got that from.) I must have heard something. I do not share the view that a company which is concerned with profit, because it is concerned with profit, will forget all else and not concern itself with its private responsibilities. But I think that there are other Honourable Senators in this House who would have the responsibility more so than I to speak to those issues. I do think that I have to say that there has to be an appreciation that where we treat with reports to the Minister or reports to anyone else that, in the way in which we are looking at this piece of legislation, we are in fact treating any other statutory board. That is the point that I want to get across.

There is no difference in what is written down here in terms of management and ministerial control between what obtains for the NCC, Barbados Tourism Authority, Transport Board and any other statutory board in Barbados. This brings us back to this question. Why was there not one chief executive officer and two deputies – one for the NCC and the other one for the caves? Why must the taxpayers be saddled with these other kinds of executives, new secretaries and everything else that we will have in a situation where we are not at all down-sizing, but we are up sizing at the chief executive level?

*Asides.*

SENATOR C. LeR. TROTMAN: Well, I compliment the Government very much for wishing to create employment. I think that is what was said and I would wish to compliment any Government that endeavours to create employment. I merely would wish to say that within the framing of the legislation there is a contradiction in term.

Sir, let me move beyond the philosophy to address some of the details. In section 6 beyond the question of the environment, there is an attempt that is made and properly

made to look at safeguarding the well-being of Harrison's Cave and any future caves which there may be. It is only proper that the Government should wish to have that level of protection. However, I think that when that level of protection is looked at against Article 10, then we come to the question that addresses what is happening in the Cave and what is happening above the Cave to repeat something that was said before. My concern here, Mr. President, is that there can be people who are above the caves who have the very best of intentions who are acting, not out of malice, but who are carrying out the normal functions which their families and their grandparents long before them, may have been carrying out for scores of years before the discovery of a cave or the development of a cave. Those peoples' activities may on the surface be considered to be reasonable, genuine and non-malicious. They are into mixed farming, animal husbandry. They keep their sheep or their pigs or their goats and they wash down their pens to make sure that they keep their houses and immediate environs clean and relatively sanitary.

3.40 p.m.

Given the nature of the land in many areas where caves are likely to be found, there could be very many square metres, in fact, possibly square miles, in the immediate environs where the porous nature of the soil could lead to underground streaming that might result in having those persons' domestic livelihood impact adversely, not necessarily on Harrison's Cave, although there are reports of that but also on other caves which may be found across the island. Are we going to say that those persons will be subject to a fine of \$50 000. That is precisely what this says. Clearly, the magistrate is a reasonable person always and I believe that in the law courts we would expect to find reason and surely the Government is reasonable always and so one would expect a certain reasonableness on the part of Government. But is it not also true that the same magistrate's court and the same reasonable Government are affixing fines for as little as \$2000 to corporate Barbados to much more serious offences in this country. How do we address that contradiction in terms?

I can imagine that if a person, against the expressed intention of the Act and against the expressed guidance that he or she should not do so, engage himself or herself in dynamiting or in quarrying or in other acts of malicious treatment of the soil knowing all the while that it will impact adversely on what was recognisably a cave within the meaning of this Act, then I would say yes that would be malice - aforethought, Sir? In those circumstances, by all means the full penalty of the law, but I am suggesting to you that there are not many areas in Barbados where caves may be found where there are not at the same time domestic activities which will have the propensity to impact adversely on the caves which are beneath those top soils.

We would need to be looking, not at punishment alone, but at correction and this Bill does not speak to it. Instead, it speaks to \$50 000 or two years in jail or both and then it moves on from that to \$100 000 or 3 years in jail or both. Though I would not impute any improper motives to the framers, because I do not think that malice is intended, I think at the same time we have to be able to revisit this whole piece of legislation and try to come to grips with what is the requirement for addressing this thing adequately in such a way that there are the measures for protection, the measures for having adequate compensation in situations where persons will be torn up from or will have to have discontinued those practices in which they were engaged previously.

Sir, I know that I only have twenty minutes left so let me quickly get on to one other item that we have. Let me say that one of the further concerns which you will expect me to want to highlight would be the question of the conditions under which workers will go over. I believe that the Minister has attempted to make every effort to ensure that the conditions are no less favourable, but I do not think that anybody could deny that if we went to a private company then there would be certain levies for unemployment contributions to National Insurance and to part of the sickness benefits where the private worker pays more than the public servant.

To that extent, I would think that it is very important for there to be recognised that already there is an understanding that there would be negotiations in furtherance of the wish of the Government that the conditions would be no less favourable. I would imagine that in those circumstances this matter ought to be able to be corrected by the process of consultations and negotiations. Though I have been critical, I would wish to say that the consultative process towards the end of the exercise was conducted with the Parliamentary Secretary becoming involved and that was a welcome turn-around from the previous arrangement. The Government should be complimented because what it meant in essence is that we are willing within statutory boards to honour the commitments of Government's statutory boards under the Protocol. Trade unions do that. I am sure, such trade boards do it, and we have to make sure that wherever workers' interests are involved the Protocol is respected, although sometimes if one reads recent history we may have doubts about that in some institutions that shall not be named.

I would merely wish to say, Mr. President - I know I have your generosity - at the close, that I would urge my colleagues to let us revisit this not for the intention which I think is sound but for ensuring that the intention and the reality are brought onto the same plane and that therefore there is no harm done because we have stepped beyond the intention by putting some language into this bit of

legislation that really makes a contradiction of the philosophy as that philosophy is placed against the reality.

SENATOR Mrs. V. E. NEWTON: Mr. President, I am going to be fairly brief but I wish to say that this Bill in my view is not evidence of any sinister attempt on the part of Government to provide measures which are going to lead to the displacement of workers or anything like that. I see it primarily as a piece of very bad drafting and it is not the first piece that I have seen in recent times.

The first problem I have with the Bill, Mr. President, is that after the definition section which says what "cave" and "company" mean and say who the "Minister" is, it goes on at section 5 to say that the Minister may give directions to the Company but it does not say anything about a Board of Directors or any of the normal things we see in relation to a company that is set up under the Companies Act.

If the Caves Authority is not meant to be a statutory corporation in the sense that we know it. The legislation should go through the formalities of setting up a company under the Companies Act so that by the time you reach section 5 you know that it is a company of which the Government is the only shareholder or a majority shareholder and that the Minister represents the Government or is the director or whatever. None of that is provided for. Either there were some problems with the person who was drafting it or it was an attempt to effect short cuts, but I would like to think that it was nothing else.

The second point I would like to address is in section 6 which says:

"The Company shall, not later than 3 months after the end of each financial year, prepare ... An Environmental Management Plan."

This would include monitoring the quality of air etc.

One would think that an environmental management plan would be prepared at the end of the financial year, since it is supposed to provide the Company's management with information on which it is going to provide additional financing or take whatever corrective measures are necessary. I would think that that ought to be revisited.

The third point which I would like to address is section 10. Both Senators Mascoll and Trotman, especially Senator Trotman, mentioned the various activities that any person could undertake above land, quite innocently, or in carrying out the normal duties that they have to undertake to make a living, which could impact negatively on cave activities underground.

3.50 p.m.

I would wish to draw his attention to Section 10(1) which says that:

"Any person who, without lawful."

I think that without lawful excuse would mean that persons in that category would not necessarily find themselves hauled before the court to pay the large fine of \$50 000.

I am sure that Section 10(1) is not meant to be an exhaustive list and I would suggest that if this Bill is revisited, as I think it should be that after (e) a section should be included that says "any other harmful activity" because there are going to be other things that people do that could impact negatively. The way it is set out here, it looks as though this list is exhaustive and, in fact, it should not be.

Sir, Section 10 says that a person who is guilty of an offence is subjected to a fine of \$50 000 or to imprisonment for two years or both. Also, that person could be asked to pay compensation for the damage.

I thought this was strange in view of the size of the fine and I am wondering if it might not be better to make a provision that if the person has paid a fine of \$50 000 or has been imprisoned or both when the company is seeking compensation for damage, whether the amount of the fine should not be taken into account. I realise that the fine is for a breach of a civic duty and the compensation would be payable to the company for damage of its property but I still think there ought to be some measure of synchronisation between the two. Suppose the damage to the property was in a range of \$100 000 or something like that, it is a fairly hefty amount that someone would have to pay. I realise that it is intended to deter activities which could be harmful to what is really a national asset but I still feel that that ought to be looked at again a bit more carefully to see how the amount could be made not quite so stiff.

Those are the four comments that I wish to make, Mr. President.

SENATOR B. R. COLLYMORE: Mr. President, let me start by saying that the more things change the more they remain the same. This matter of the management of caves has a history with the discovery of Harrison's Cave, if I may call it that, by a man called Sorenson who was a student of the Lodge School. It is reported that other people had discovered it before but Sorenson in the company of two small boys from the area explored the cave on his belly and made a strong representation to the Government of the day that the cave should be developed. It took some time before the development process began but by 1975 or 1976,

a decision was taken to develop Harrison's Cave and a statutory body was formed called the Caves Authority. The Caves Authority developed the cave which was opened in December, 1981 and for six months or less, the Caves Authority managed Harrison's Cave and in the legislation there were similar provisions as now exists here and it was subsequently transferred to the National Conservation Commission Act so that the Authority could be responsible for the business of developing other caves.

In 1982, a policy decision was taken that on the basis of economy of scales, Harrison's Cave should be amalgamated with what was then the Parks and Beaches Commission and the two became what is now known as the National Conservation Commission. If there is now a decision to separate them again and go back to managing the cave and caves generally as a company, one would have expected to hear very good reasons for such a decision, given the movement that was just described.

The presenter of the Bill advanced certain disadvantages with the present arrangement. He mentioned the reporting mechanism, the question of accountability both with finances and personnel, that there was too great a management turnover, that as a company it would have greater autonomy and that it would make decision making easier.

I am not sure that anything that is in this Bill or that I have heard here today confirms in my mind that this will happen, that there will be these great advantages. Indeed, the setting up of a company in itself may be desirable but this is the first company that represents a takeover of a function of a public institution and continues to be directed by a Minister. I do have some of the fear of Senator Mascoll that it is the beginning of something which we will see more of.

Indeed, a decision has already been taken and a company established to run Grantley Adams International Airport and that is even more complex than this one that we are now dealing with because you are dealing with civil servants who are going to be offered appointments with the new company. The company had been established from last year or the year before to run Grantley Adams International Airport and we do not want to be caught by surprise with these sort of measures – I am not saying there is anything wrong with it – where you have a semi-company and a semi-statutory board. I think that this is completely incompatible and I think that companies established under the Companies Act have a Board of Directors, shareholders, Articles of Associations, By-Laws that speak to the management and the running of the company and they are required to produce financial statements and so on.

I think that if we are going for a company then let it be a true company understanding the Companies Act.

I think that the whole question of an environmental management plan is desirable, but I doubt that can be done by a company alone. I think that the whole subject of the environment – it was specifically because of the environment, that the decision was taken in 1981/1982 to combine the Caves and the NCC. I speak with authority because I was the last Chairman of the Caves Authority and the person responsible for integrating the Caves and the NCC into one organisation.

4.00 p.m.

I think that whilst it is important to have these measures about the quality of the air and so on in legislation, they are not new. As a previous speaker said, they in themselves are insufficient for an environmental management plan. An environmental management plan should precede the year's operation, not follow it. I think it has been recommended with other organisations, with which I have been associated, that the Board of Directors should, before the beginning of the financial year, produce a management plan which will facilitate the preparation of the Estimates as well. It is not something that you do after the event. I think that I have to agree with the recommendation of some of my previous colleagues that this matter should be revisited in those contexts.

Now, all statutory boards, without fail, have a requirement to report to the Minister within a specified time, and also for the Minister to lay before Parliament those reports of operations and financial reports. None is observed as the law provides. So putting this in here for a special Board, Ministers do not have a lot of say in managing this company.

*Asides.*

Mr. PRESIDENT: Senators do not be distracting with your comments.

SENATOR B. R. COLLYMORE: So that the provision in here that the company must make a report to the Minister for laying in Parliament adds nothing to what comes now. Indeed, it would be better for the Companies Act provisions that the Directors should provide for the shareholders an Annual Report, a Statement of Accounts – it would be better to leave it at that. Why do you have to put in legislation? This three-months/six-months which will not be observed.

I would not say that the Minister does not owe it to the population at large to know what is happening with any organisation in which the Government has substantial interest. For many years, 20 years or more, Barbados Mortgage Finance Company, which is a company solely owned by the Government of Barbados and the National Bank, has been producing reports and operational reports, and financial reports.

*Asides.*

Mr. PRESIDENT: Order, please.

SENATOR B. R. COLLYMORE: Further, the National Conservation Commission also is required to submit Reports within the last six months, at the end of the financial year. The National Conservation Commission should submit those Reports. They are not submitted within the period specified by law.

There are other companies – reference was made to Hotels Resorts Limited – Needhams Point, all of these are companies about which we would like to hear what is happening to them. Why do you pick this out in the context of a transfer of functions and make this ministerial control of a company?

*Asides.*

SENATOR B. R. COLLYMORE: That is what we fear. We fear that you have started and you are going to move to the airport next, the seaport after that, and a number of others.

*Asides.*

SENATOR B. R. COLLYMORE: I have great difficulty in supporting this legislation, especially as I said it forms a beginning of a semi-statutory board and a semi-company. I think that we cannot blame Members if they have some doubts about the efficacy of such an arrangement. Whilst I will not caper at things like whether you can negotiate by private treaty or not, because that exists already even under the Land Acquisition Act – when Private Treaty Act fails then you use the Compulsory Treaty Act.

The existing Cave operation at Welchman Hall has had the problem of leakage already. There was a pig farmer, somewhere near there, and the Government relocated him. Therefore, I would expect that any company in which the Government has an interest will not treat these people willy-nilly but will take into consideration factors such as that.

It is the first time since I have been a Member of this Senate that I have been constrained to vote against a Bill or any form of legislation. The very reasons that I have given, Mr. President, that I am not satisfied that this has been well thought out. I am not satisfied that, like a previous speaker, the drafting is eloquent, and I am not satisfied that the provisions for the Minister to continue as Director of a Statutory Board are appropriate for the management of the company established under the Companies Act.

SENATOR Mrs. J. P. ALLEYNE: Mr. President, let me first of all say that I am very glad that the Government has decided to pay particular attention to an aspect of an area

that deals with tourists and tourism that does not involve the sea, sun or whatever else goes with those two, but that we are looking at an area that is environmental, like caves, and that is possibly cultural where our country is concerned. I would like to applaud the Government for having taken interest in this aspect of the country.

Mr. President, I truly support the concept which this Government is taking where this Bill is concerned. The concept of pulling apart of what is possibly a cumbersome arrangement, separating it and setting it up so that you have better control over that aspect of the business.

I feel that some of our Ministries are too cumbersome and I believe that this Government must have thought that way as well. That is probably the reason why they are taking some parts of it and putting it into companies.  
4.10 p.m.

I strongly believe that some of the entities that have been set up, either as limited liability companies or as statutory organisations, can be viable and they can work. Let us look at the Barbados National Bank which now, after these many years of operation, is a very viable organisation and it is – and correct me if I am wrong – but I think it is a statutory corporation and it is working.

We have private companies that are viable organisations which have been set up by the Government which are working and it is for that reason that I would support the Government trying to set up this company as a limited liability company giving it the freedom to manage itself, so to speak.

The part that I have a little difficulty with is, I have to agree with Senator Newton, that I really do not believe that the Minister should give directions to the company as of matters of policy. I believe that the Minister is to give directions of matters of policy to the Board of Directors which will then filter it through to the company. I think this is just a matter of how it is being phrased within the Bill.

Sir, part 6 which says that the Environmental Management Plan is to be prepared and submitted to the Minister three months after the end of each financial year, I have no problems with that either because it is not the Financial Management Plan which is to be done prior to the year beginning, but there is nothing wrong with doing the Environmental Management Plan after. And while we may not be privileged to a lot of thought that went into making the Bill, maybe the thought behind it was that if you are going to be busy trying to get the financial matters together to get the audit done for the audit to be finished in three months, maybe then you will put the environmental planning after so that it would give you time to get both done, in a proper framework of time.

The Environmental Management Plan that talks about the quality of air, Senator Mascoll said that you cannot have the company trying to make money on one hand and trying to deal with environmental matters on the other. I do not agree with that because the Cave is the product. If you are in a company and you have a product while you are going to be trying to make money for the company, you are also going to do research on the product and you are also going to have development for the product and the environmental planning to me is for the development. You do the research and you do the development to make the Cave better each time as you go along so I see nothing wrong with that.

Sir, this Bill really does not tell us very much of what went before having the Bill because we do not know what is the vision and we do not know what is the mission statement. It really does not tell us if, and Senator Trotman referred to it, whether it is to deal with the social aspect of it or if it is just to make money.

Sir, what I am trying to say, is take for instance the company which I manage, I do not think that our company is really to make a lot of money because it is really to make sure that the public gets a product at a good price. It is not that we are going to increase the cost of the product in the public just to make sure that our company is making money. We have the social aspect to consider where our company is concerned, while the Cave – this is just my opinion – is more dealing with the tourists – people who are foreign to Barbados.

*Asides.*

SENATOR Mrs. J. P. ALLEYNE: Surely you might have some Barbadians going but the majority will be those foreign to Barbados. I do not think that the social aspect of it comes into play as much as a product which is sold wholly or in greater detail to Barbadians.

Mr. Speaker, I want to go on a little bit to talk about the management of companies. It was really a traumatic time for me after having worked in the private sector for quite a few years to move to work into a public company.

*Asides.*

SENATOR Mrs. J. P. ALLEYNE: I am not passing blame, I am just speaking out of my experience but what I want to say is that in the private sector you have to be accountable. If you work for a company, you have to be accountable to the shareholders, you have to be accountable – if you are not in the top management – to the management. Sir, this is what I find is lacking in companies that belong to the public sector that there is a great lack in accountability in companies, even the ones who sometimes report to Government. My opinion is that I think, maybe

that is the reason the Minister wants to have more involvement in the company because I find that when you just leave it to say that you report to the Ministry, nobody seems to really step out of the Ministry and take what is happening into consideration and make people accountable.

Sir, I think if you pinpoint that the Minister is the person.

Mr. PRESIDENT: Mr. Deputy President will take the Chair at this point.

*Mr. President, left the Chair and Mr. Deputy President in the Chair.*

Mr. DEPUTY PRESIDENT: Do carry on, please.

SENATOR Mrs. J. P. ALLEYNE: Thank you. Sir, I am trying to make the point that when we see a Bill coming before us, we just see the Bill. Sometimes we are not privileged to the thoughts that go into making these Bills. I am sure that much thought must have gone into preparing this Bill before it came to us.

Sir, I also think that before this Bill was put together that a consultancy was done. I really do not think that the Government was going to just wake up a morning and decide that this is what they are going to do and they wrote a Bill. I really believe that a consultancy was done and that it came up with this reasoning as a result of the findings.

Mr. Deputy President, when I get down to the part 7 (1) which says,

“The Company shall as soon as possible after the end of each year and, not later than 3 months from the end of any year, submit to the Minister a report containing...”

I am glad to see that this is in this Bill. We know that when we receive copies of the financial statements in here – up to today, you see some that go way back and I really strongly hope that this is not just put in here but that it will be enforced. I will also like to say to the Government that they must not only enforce this, but if possible that they can go back and put into the Acts of these other companies that they need to have financial statements sent here at a proper time. This is all part of the accountability of public companies to the Government.  
4.20 p.m.

I also hope, probably when we come back to discuss the Constitution debate, that these reports would not only just come into our hands – I have to admit that sometimes I do not even get a chance to look at them, I just take them and put them in my office – but that we will be able to

discuss these reports. Maybe that too will help in the accountability of these companies to the Government.

Section 8 says that: The Company may, with the approval of the Minister, charge fees for the entry into or the use of a cave. Again, I will have to assume that there must be some specific reason or reasons why this particular section was put in. I believe that if the company has proper financial management, when you deal with the expenses, you would obviously come up with a price which would give you the revenue to make the company viable. I really cannot think of any reason why section 8 was put in stating that the Minister needs to charge a fee.

On the whole, I really have no problem with the Bill *per se*. It is just that I believe, like Senator Newton, that maybe – unless the Senator who led the Bill could come back now and highlight some of the areas which came up so that we can better understand what is in the Bill.

I thank you.

SENATOR C. K. LAURIE: Mr. President, I am going to try to raise this early because I am a bit confused. I came here and I have a copy of the Bill which was sent to me about two to three weeks ago and then I notice that I had received another copy of the Bill but there is nothing on this new copy to say that this is an amended form of the original.

Could we have some matter when there is a change in the original Bill to let us know that this is the Bill now that we are talking about because this is quite different to the first one? This one has two added sections and there are some amendments inside it. Presumably, these things occurred in the Lower House so I am hoping that when we receive papers from Parliament that the amended documents have a stamp on it which will clearly let Senators know that this is amended and an up-to-date copy.

In terms of the actual Bill – the second copy – in the section 2(c) under the Minister's powers and so on, I think the archaeological aspects of some of the caves in Barbados should be highlighted because there is a cave in the St. Peter/St. Thomas area which is the only known petraglyph cave in Barbados and it has already been vandalised. It is not a cave under the present Cave Act because it has not been declared but it is something that we should not only use just for cultural, educational, geological and recreational interest but the archaeological interest should also be added to the list.

The other section that I had some concern about was raised by Senator Alleyne. This is under section 7(1), which says, the Company shall as soon as possible after the end of each year and, not later than 3 months from the end of the

year, submit to the Minister a report. Now, if that does not happen, what then? Should there be a penalty clause here? Should the company then be fined \$150 000 or some such fine?

The Minister shall lay a copy of the report in Parliament and if he does not do it, what happens? Is there any penalty on that? I think not.

Under section 10(1), some of the formations in the Caves of Barbados are not only calcite but are silica base formations and, therefore, calcite formation alone will really not cover the necessary protection.

Under section 10(e), we talk about dynamiting or quarrying operations. It has been observed here by several previous speakers that there are other operations that occur on land above caves that can have a serious effect which is not mentioned here at all. The fact that a pigpen was built above Harrison's Cave, and Government acquired the land. The Bill does not say that you can do that because it is not just quarrying or dynamiting operations on the land above the Cave which will interfere with or pollute any watercourse, waterfalls or watersheds in the Cave. It may not pollute the watercourse, waterfalls or watersheds of the cave, it may just pollute the Cave itself. Therefore, I think that we need to expand on section 10(e), and in addition to quarrying and dynamiting, we should say any operation that might cause damage to the cave and its environs.

Now, I have other problems with this Bill. If we are going to acquire new land for caves, actually, at the present moment, Harrison's Cave stretches right back to the Holy Innocents Church to the west of the Cave. In fact, one cane farmer there told me of an incident where he had a suckwell on his land that has been there from his grandfather's time and he was sitting there after cutting canes on the side of the cave with two other of his friends who helped him cut the canes when he heard voices coming from down below the ground and he shouted who is that down there and it turned out to be Mr. Sorenson. His suckwell ended up in part of Harrison's Cave.

Now, you know what happens with suckwells in Barbados. If someone has a dead dog, they throw it in a suckwell. This is the disgusting fact but somebody could get a \$50 000 fine not knowing that he was anywhere connected to a cave at all. These are circumstances that are there all the time.

You are building a house and you want to put in a water toilet and a septic tank and the Ministry of Health tells you that you have to dig a suckwell. To me it is crazy. In this day in age, we should know that the filtration of the coral cap of Barbados is a major source of keeping our water clear. But what do they tell you, dig until you come

down to a suck base. In my case, I remember that I had to dig 80 feet before they hit what they call a suck that was acceptable to them.

Now, the situation was that what you needed to do was to dig a six feet deep trench. Now, we bury people at six feet, so why could we not dig a six feet deep trench 50 feet long and put a perforated pipe along that which would be far better than digging down until you hit some suck. In Barbados, to dig to a suck you could go directly into the ground water and pollute the ground water according to what the Ministry of Health demands these days. We try explaining that to them many times that that is not what we need to do but these existing suckwells do enter into the caves.

Cove's Cave has a well and drain into it. This cave at Spring Head has a well that drains into it. Harrison's Cave has wells entering into it so we have to be aware that those things are there and not just put people in unnecessary trouble.

I thank you.

SENATOR Mrs. P. E. RICKINSON: I would like to say that I endorse the comments made by most speakers in particular Senator Mascoll, Senator Trotman, Senator Newton and Senator Collymore. I myself am very concerned about this bit of legislation as well because to me it seems to be a misnomer. It seems to be neither one nor the other in my humble opinion. It does not seem to be following the rules of companies under the Companies Act. It seems to be also following the rules of the Public Service with the Minister giving directions and the Minister is in charge. It tells me that the Minister may give directions to the company relating to matters of policy and the company shall give effect to those directions. The company has no choice. Any time the Minister gives directions the company shall give effect to those directions.  
4.30 p.m.

The Minister features quite prominently in this bit of legislation. The company may with the approval of the Minister charge fees for the entry into or the use of the Cave. What I am saying is that it gives me concern because it is neither a company or a public entity as such. It seems to be a combination of both.

Another problem that I have great concern about is section 9 (a) which states:

"Any person who was employed in the service of the National Conservation Commission immediately before the date and is employed by the Company on that date shall be deemed to be transferred from the service of the National Conservation Commission to the service of the Company."

I feel that the workers should have been paid out and then you should have asked for applications and employ persons that you want to employ.

Mr. Deputy President, this is my view and I am giving my view. This is the view that I am giving.

*Asides.*

Mr. DEPUTY PRESIDENT: I do agree with the Leader of the Senate today that there is too much cross talk and interruption of the speaker. I think that she is entitled to put her views without being interrupted.

SENATOR Mrs. P. E. RICKINSON: Thank you, Mr. Deputy President. This is my view and I am voicing it loudly and clearly because I anticipate something like this for the nurses in the Queen Elizabeth Hospital. This looks to me like a precedent and this clause is put in to legislate to transfer the nurses like that. I am speaking up front that in such a case they need to be paid out and then you can re-employ them but not automatically transfer people like that. That is what concerns me.

*Asides.*

Mr. DEPUTY PRESIDENT: Please, please. Let the Senator have her say.

SENATOR Mrs. P. E. RICKINSON: Mr. Deputy President, my concern about this trend is similar to the concern that I have voiced about the trend when the Urban and Rural Development Commissions were created and which need to be revisited. I am asking for this legislation to be revisited and be made either a company under the Companies Act or a statutory body or a Department of Government. I feel that we are creating too much bureaucracy that is costing too much money. I feel that now that you have set up a complete company you have to set up the directors of the company, the secretariat of the company and so on and the whole thing has to be duplicated. The directors would have a monthly fee or a fee for attending meetings, *et cetera* which means more money. It was a statutory body but it was under the National Conservation Commission and this means that you are paying two sets of directors which is more money that could be used to pay the nurses and policemen.

I feel that if you are going to invest your money wisely we need to make priorities on how we are going to do it. The Government does not have unlimited amounts of money to spend everywhere. They have to decide how and when they are going to spend it. I feel that some of this could be channeled into paying the nurses and the policemen instead of duplicating their effort.

Sir, I feel that if we are going to make environmental plans three months after the financial year, how are you going to finance that? If you are going to pay for that, you need that before the financial year not after it so that you can plan properly for it.

Another thing that I do not really like is this, but it is in the Land Act. It is a private treaty where one does not know what is happening. The accountability that we hear so much about and the transparency are missing by the private treaty because it is private and you only hear about it when you start asking questions. People who know about it will say that that was acquired by private treaty. I feel that if we are going to practice the inclusion part of politics, I think that you need to include us and not make it so private.

I would like to touch briefly on another area. I was surprised when the person who introduced the Bill talked about the need for management structure to make quick decisions. I thought that was one of the reasons given for having statutory boards. If the statutory boards are not working properly, I think that you need to look at them and examine them because some of them have been working well. We need to look and see what it is that makes some work well and some others not work satisfactorily and not being able to make the decisions that are needed. There are some statutory bodies that are working well and that are models. We need to look at those so we can decide which way and direction we are going to move in the near future.  
4.40 p.m.

Another area I would like to mention quickly is the environmental area, the need for control of batteries that pollute the underground. It is time that we reach the stage where we make it compulsory that whoever sells the battery must take back the old one and arrangements made for the disposal of batteries. Overseas they have found that they should not be disposed of in the land because they pollute the underground water and they are very dangerous. It is time that we start looking at that.

I am going to ask for us to take a second look at this legislation. Thank you.

SENATOR D. D. MARSHALL: Mr. President, I propose to make a few brief comments on this Bill which is before Parliament. I have no difficulty whatsoever with supporting this legislation, but I do not subscribe to the view that it is drafted in a manner that could be described as being inelegant. In fact, I think it is a very good approach and let me say why.

Throughout the length and breadth of the Commonwealth it is quite common for private companies to have Acts of Parliament which govern how they will conduct their business. In fact, I think the historical method by which

those things would have been done would be through Private Members' Bills.

In Bermuda, today, there are literally hundreds and hundreds of legislative instruments laid before Parliament for the sole purpose of regulating the functioning of private companies. It is nothing new and, in fact, companies that are forward thinking and innovative have been using the method of having Private Members' Bills passed in Parliament to govern their affairs as a method of assuring their many customers and clients that they are setting a higher standard and that they are willing to comply to a higher order of behaviour; and just for completeness, this is being seen especially, in the area of companies doing business in electronic commerce.

There is nothing new in having a private limited liability company being governed by an Act of Parliament. I would remind Members that we have had the experience of a recent Private Member's Bill in relation to Port St. Charles' Development. Port St. Charles is entirely a private investment vehicle for the investors. Nonetheless, for certain very important factors, not at all dissimilar to those that we have to deal with in relation to Caves, it has been important for them to strengthen their method of governance by way of legislation.

Because of where Port St. Charles is, because it is on the foreshore, because they have built a lagoon, because of the many environmental issues connected to Port St. Charles, it was necessary to come to this Parliament and establish a method according to which Port St. Charles, the private company, would operate. The only difference in this case is that it is Government that is positing this legislation and not the private company called Caves of Barbados Ltd. The effect is the same and the intent is the same.

I am especially heartened at the fact that this entity is going to be paying special attention to the environmental issues. I believe that it has become clear that in today's world with the many developments that are going on in Barbados, especially given our limited land space and our limited natural resources, it is vital that we pay attention to environmental issues. I am therefore heartened to see that this particular piece of legislation calls for the company, not just to get about the business of developing caves and making money, but to get about that business with certain environmental concerns fixed firmly in the minds of that corporate entity.

I would like to see that this particular concern about the environment be the new way of doing business in Barbados whether it is building a home or store. I think it is critical that we start spending time and effort concentrating on environmental issues. I have to say that it strikes me with dread that there are certain wells in Barbados which might be feeding directly into caves.

I, too, participated in the construction of my parents' home as a little boy and I know that when digging a well it was axiomatic that you had to dig until you found a suck and when you found a suck, glory! If you found it higher rather than deeper you were really thrilled at that. I am only now thinking that our quest for this proverbial suck may reap havoc on the environment. I, too, have been into Harrison's Cave and I did a little spelunking in Cole's Cave myself. The thought that there might be something unpleasant in whatever form coming from some well feeding into that cave does cause me some concern. That was years ago and if I were going to die from some kind of poisoning it would probably have happened long before now but I am really pleased that the learned Senator has brought that bit of information before this House.

We need to recognise that the environment is of paramount concern to all of us and I would like to call for greater concern for the environment and more stringent requirements seeking to protect the environment as we go about our business of making developments. It is not just caves and the foreshore and the reefs that are fragile, it is every aspect of our environment that is fragile. With a small landmass like ours we will suffer far sooner than many of our larger neighbours.

In relation to the specific provision of the legislation, Members of this Honourable House seem a little concerned about the provision which says that the Minister may give directions to the Company. This, I believe, is section 5. Quite frankly, I do not see anything at all sinister about this. It is a practice that obtains even now in relation to our statutory corporations. Traditionally, the Minister has always given directions to any entities within his purview in relation to matters of policy, not in relation to matters of day-to-day governance, so we need not be distressed and imagine that a Minister is going to come in the offices and tell the secretary to send a fax or move a photocopier or tell some gardener to do this, that or the other. The reality is that the Minister is entitled only to give directions in relation to matters of policy.

Given our long history and the fact that our instruments do function, I think that we can be quite sure that those directions will be given only to the Board and only in relation to matters of policy. After all, we do live up to the highest and most noble of standards.

Mr. President, this piece of legislation I think is worthy of commendation. I believe that we have long since recognised that we have to be flexible in our approach to the governance of our institutions and I think it is heartening that Government has been going the route of establishing corporate entities other than statutory corporations and I am

heartened that we have taken the route of establishing private companies. From my own perspective this piece of legislation is nothing more than supportive of the work that this private company has to do and I, therefore, commend it to this Honourable House.

4.30 p.m.

SENATOR THE HON. G. S. H. MURRAY: Sir, I must confess that I was somewhat taken back by the heavy weather that has been made of this measure for several hours. It seems to me that for some unknown reason, as Bajans would say, that some persons seem to be running scared of issues that are involved in this measure and are afraid of change. This really represents a measure of change and I guess it is a human trait that most people are anxious about change. I think that seems to be what is coming through here and, as a result, Honourable Members have been throwing up and creating boogie men that really do not exist. I think there has been a great deal of unnecessary speculation. For example, I do not understand how there could be such anxiety expressed about the whole question of private treaty when private treaty is not mandatory, it is an option.

Section 4 says:

"Any land required for use by the Company in connection with the development of a cave may be acquired

- (1) by private treaty; or
- (2) by the Crown in accordance with the provision of the Land Acquisition Act."

Sir, it is an option and I know that there has been a litany of complaints over the years of persons who have their properties acquired through compulsory acquisition and it has taken many years for them to get the actual funds in their hands. This option is that if two persons can agree between themselves, the deal will be concluded faster, the development will be taken care of faster and the person will be compensated faster. It is nothing sinister or underhand about this whole thing. It really makes for speedier and more effective management of the caves and also gives people an option.

Sir, it also said that the Minister may give directions. It does not say the Minister must and shall at all times give directions. This has been spoken about by Senator Mascoll and it seems to me as though, again, there is this mistrust of the word 'Minister'.

Sir, Ministers, are Barbadians too and because a person becomes a Minister that person does not immediately go through some transfiguration and take on

alien characteristics and has no connection, loyalty or appreciation of the society. The point is that Ministers have a responsibility to the Cabinet, the Cabinet has a responsibility to Parliament and Parliament has a responsibility to the people. If Ministers are constitutional responsible for departments or Ministries, they have to have some input, in a general policy manner, into how those companies operate. Otherwise, persons could be in for a lot of surprises.

I am sure that in the private sector, companies are not allowed to do as they like without any supervision or general directions. I believe that the major shareholders do give some directions, they have the muscle which they can flex and they do exert some influence. This 'may' only serve to give the Minister the possibility of influencing and overseeing what is going on, otherwise there can be a rude awakening on many occasions and that is what we are seeking to avoid.

As I have said, the Minister has to be accountable to Cabinet, Cabinet accountable to Parliament and the Parliament to the people. Sir, I really do not understand this fear or this major issue that has been made of the question of the Minister. The Minister is a constitutional entity and the Minister can only operate within the law. It does not mean that he is going to run roughshod over things on a day-to-day basis.

Sir, there is this fear of moving from a statutory corporation to a company even when persons are complaining that statutory corporations, although there were initially created to speed up the process of governing and managing, they have become cumbersome and involve in a whole deal of bureaucracy.

Mr. President, any system has its own bureaucracy and in the private sector there is bureaucracy too this allows a speedier way of managing the company. What is going to happen when the BNB is privatised or when ICB which is a statutory corporation now and doing well is privatised? What is going to happen when the Bridgetown Port and the Grantley Adams International Airport are corporatised? All of these are going to represent a change of direction.

*Asides.*

SENATOR THE HON. G. S. H. MURRAY: A lot of people do not understand what is happening here. They have semi-understanding of the issues involved and therefore, they are confusing themselves and seeking to confuse the rest of the Chamber but I will not be confused, Mr. President. I am quite clear in my mind as to what is intended here and, therefore, I do not think we should be caught up, as Senator Trotman said earlier, in the obfuscation that has been generated by this whole thing.

There have been complaints that statutory boards do not report consistently enough to Parliament. Here in Section 7 we are trying to make the company even more accountable because even some of the companies owned by Government themselves do not have to present reports to Parliament. We are seeking to improve things and where Government own companies, they are accountable to Parliament and they have to give reports to Parliament not just to the Board or to the shareholders. This is all part of enhancing the whole question of accountability by the submission of these reports.

Sir, on the question of fines. The fines that are mentioned are only maximum. We hear that all the time when we are debating measures and fines are mentioned, that they are maximum fines. It does not mean that they are definitive fines and that there is no recourse. Basically, it is a question of reasonableness and the Magistrate or Judicial Officer will be using his reasonableness to determine, if a fine is imposed, up to a maximum of such and such.

Sir, there is no intention of penalising persons recklessly or acting like Nazis where you go and hound people down. The whole question of reasonableness must obtain. In the past when a person, unintentionally through pig farming, was found to be polluting Harrison's Cave, the person was relocated and it has stopped. There was no hullabaloo, there was no intention to drive the person off the land or try to persecute the person through the courts or through the Ministry of Health or whatever.

*Asides.*

SENATOR THE HON. G. S. H. MURRAY: Barbados is a country of law still, despite the aberrations that we see here and there, I can assure you that there is no intention of deviating from that practice.

Sir, there is also mention that while the legislation speaks of fines it does not speak of any corrective measures. Sir, I am not a legal expert but from my limited knowledge of these things, I do not think that the legislation speaks of corrective measures because corrective measures are usually left to policy and measures that will be taken to correct certain issues because issues will change from time to time and therefore, you cannot have legislation that will anticipate every eventuality for 100 years to come. Therefore, any corrective measures will have to be left to policy decisions, technology, scientific development *et cetera*. Therefore, it would be impracticable to expect that that could be read into legislation in a very definitive and direct manner.

Therefore, I think that this is a vast improvement over what has obtained in the past and Harrison's Cave, when it sought to be more proactive and commercial in its operation, had to suffer from time lags between taking

decision and then having to go back to the Board of Directors of the NCC, then for them to get back to them and very often golden opportunities were lost because, Harrison's Cave, as it then was, did not have the flexibility to be able to take these quick decisions and this, Sir, will help to go a long way to correct that.

Sir, we all speak of how wonderful Harrison's Cave is and by extension other caves in the country which have not been developed, or which have not yet been fully exploited, and we do not know the potential of them. It is not just enough to say that this is a wonderful cave, or that it is a national treasure or that it is the eight wonder of the world *et cetera*, but we have to take measures to make sure that we maximise. I have no doubt that as a company, we will be seeking to obtain the best possible management and employees to give the kind of thrust that is expected of an entity like this that has so much to offer Barbados, and upon which Barbados so heavily depends.

5.00 p.m.

Sir, I am very please to give this measure my fullest support and I look forward to other Members doing the same.

SENATOR Sir JOHN STANLEY GODDARD: Mr. Deputy President, I will be very brief. I do not think that I can add anything to the debate and I have followed it with keen interest. I, myself, have no objection to a company being formed. As things evolved, I can see the need for more companies but we must make sure that we are not achieving a duplication of effort but rather a focussing of effort.

What is a concern to me, Sir, is that the Senators on the Government Side seem very clear in their mind, by what they have said, what Government is trying to achieve. I am not being critical of that, but I do not think that this legislation conveys for this Bill, that clarity.

I listened to Senator Mascoll and to each and every one of the Independent Senators. Doubts have been raised as to what is really intended, so we may have a communication problem here, Sir. I would hope that the Government may see it fit to revisit this Bill with a view of making its intentions clearer so that it can be better understood on this Side and by the public at large.

Thank you, Sir.

SENATOR T. E. BARKER: Mr. President, we had a long debate on what is an important issue. I want to thank all the Senators for all the comments. Some are obviously of more value than others, but all will be taken to heart. I want to ask them a few questions. Public versus private, what is the case of Barbados? What is the mind of Government as it seeks to have a new structure of the Cave? Take it from me,

but there is nothing sinister about this. Any attempt to impute any improper motives on this Government will be resisted by all the force that I can muster.

*Asides.*

SENATOR C. LeR. TROTMAN: On a point of order, Mr. President. The Honourable Member is violating the rules of this Honourable House. He is threatening Members of this organisation to stray from the exercise of impartiality and freedom by threatening them that if they were to support his position they would meet with the force of his anger.

*Asides.*

SENATOR T. E. BARKER: Mr. President, all I am saying is that I will have my force of argument – any accusation, that is all I am saying. The Honourable Senators knows that I am saying that. I will stick to the script.

The script says that I will justify an attempt to run Harrison's Cave as a company. Harrison's Cave is purely commercial operation. Under NCC, unlike the Child Care Board which is not commercial, Harrison's Cave is a purely commercial operation and it must operate in a commercial way. It must make commercial decisions.

*Asides.*

SENATOR T. E. BARKER: It cannot depend on the Treasury. All I am saying is that we must give it the power to go out there and raise loans without recourse to Central Government. Not only raise loans, service them and repay them. That is why we need that flexibility. It is a commercial operation which you do not want to have it hamstrung, but at the same time we recognised that it is owned by the State. Therefore, we do not want to operate like some other private companies. We want it to always remember its social and other obligations. That is why we insist that the Minister can give it policy directions to ensure that this company does not behave in an unseemly manner.

Therefore, we have to have the provision that the Government, through the Minister, can give policy directions to the company and that they must put into effect the directions that are given by the Minister. While it is commercial, it is owned by the people and it has a responsibility to the people, and the people's responsibility is exercised through the Minister, that is the point.

I will not join any Senator to even suggest that the Minister is a pariah. The Minister has been elected by the people of this country. After a long process every night going and trying to convince the people from River Bay, St. Lucy to East Point, St. Philip...

*Asides.*

SENATOR T. E. BARKER: Even those who are not elected are part of a team and they are closely identified with and are members of a political party. The point I am making, the Minister has been selected by the people through a democratic process and we do not believe that they will form a company and will not be ultimately be responsible for the operation of that company. He must ultimately be responsible.

Do not tell me that he is responsible and that he cannot give policy directions. How can he be responsible for the company and being in a position to give policy directions? It does not make sense. Once you have a company like that you must give the Minister the opportunity, more so, to give policy directions to that company.

In the final analysis, the people of Barbados have put the Minister there, through the Prime Minister, and he cannot give his function to another. He is ultimately responsible. So I would defend the right of the Minister to give policy directions to a company which falls under his watch. It does not make sense to say that he is the Minister responsible but he cannot give directions to the company.

Any person who has the slightest training in administration would recognise that simple point. The Minister is responsible hence the Minister must be in a position to effect the policy moves of that company.

*Asides.*

SENATOR T. E. BARKER: If we are setting a trend we are setting a good trend.

Another thing about the Environmental Management Plan – we are saying three months after the end of year. 5.10 p.m.

Now we can argue that it should be before the year but the point is that – it is not a question that the Board can operate or the Company can operate and every six years give a plan – every year they have to give a plan on how they are going to monitor these activities.

*Asides.*

SENATOR T. E. BARKER: ...what they had before was nick picking but the point is that every year the company has to tell the Minister how they plan to monitor the environment of the Cave. Maybe, Sir, if other private companies follow this, we will be glad because a lot of them just pay no attention to the environment. They just do as they like. This company is called upon by law every year to give the Minister a plan on how they plan to operate the Cave, taking into account the impact on the environment.

Sir, the question of Section 10 (e) exercise a lot of minds and the point of comparison was made with regards to the question of oil royalties. What I am saying is that if you are operating on land and 50 feet down there is a cave, the Government should pay you.

The difference between that and the oil royalties is that when the Government is extracting oil from your property, the Government takes up part of your land and put down their weld head and associated equipment. The land is still yours but as compensation for the use of the land, they pay you some royalties.

In the situation with the cave, you can go on operating above ground. On the surface of the land you can continue with your operation but we are saying that although you own the land, and those who read the rules, would have seen that certain activities are circumscribed.

Sir, what are these activities? You cannot dynamite, you cannot carry out quarrying operations, you cannot interfere with or pollute any watercourse, waterfall or watershed, you cannot sink any well or deepen any well or make any substantial alternations to any well.

Sir, look at the provision, it does not say you cannot sink a well, we must read these things carefully. It says,

“sinks any well or deepens any existing well or makes any substantial alterations to any well resulting or likely to result in damage to a cave.”

In other words, if in the opinion of the Town Planner you can sink a well without interfering with the cave, then you can go ahead and sink the well. It is only when in the opinion of a scientist that sinking a well would interfere with the cave then you cannot sink the well.

There is a parallel to this, I may live on a Zone 1 piece of land but the law tells me I cannot sink a well there. I may have my chattel house on the land but the law tells me that in spite of the fact that I own the land, the State circumscribes what I can do on that land. If I am in Zone 2...

*Asides.*

SENATOR T. E. BARKER: You can sink a well but you have to have a septic tank. Even although you own the land, the public interest allows the Chief Town Planner to tell you that it is your land but you cannot do a, b or c, on that land that you own, paid for and was in your family for 200 years or whatever. In other words, you may own the land but you cannot do as you like on that land. There is nothing in this provision which is not in other pieces of legislation, maybe in other forms or whatever. You own

the land but you must not do anything on your land which damages a cave.

Sir, when this Bill comes into operation, which we hope is very soon, the Minister will have to say, Harrison's Cave is a cave and will have to map out the boundaries of the Cave. Any landowner within that boundary will have to be notified that the land is part of the cave system and of the operations which he may, or may not carry out on that land. So it is not a case of a fellow going ahead innocently and all of a sudden somebody comes to him and tells him,

"Come to District whatever court and face a charge."

He would have to know that the land on which he is occupying is part of the cave system and he will have to be told what sort of operations he may or may not carry out on that land. Then when that is finish and he still does as he likes, then he must feel the full force of the law. Sir, but we must not give the impression that a landowner will wake up one morning and finds himself hauled before the court for digging a well, when he could say that he does not even know he was part of the cave system. It does not operate like that because if you read the law, the Minister must declare an area of land to be a cave for the purpose of this Act. The Minister must make that declaration first so that any landowner will know that he is occupying land under which there is Harrison's Cave or Cove's Cave or whatever.

Sir, we do not believe that section 10 (e) is going to work any inconvenience or hardship on the people who live around the area because the Government does not operate that way and the courts do not operate that way so the landowner has nothing to fear. We had a precedent where the operation around the cave area which was causing problems for the cave, the Government, compulsorily acquired the land and gave her a comparable facility elsewhere so the person is set.

Sir, do not let us come in here and create scare tactics.

Mr. DEPUTY PRESIDENT: I do not believe any Honourable Member comes in here to create scare tactics. They have a right to discuss any matter as they see fit and I would be grateful if you would withdraw that statement.

SENATOR T. E. BARKER: Sir, I withdraw it undeservingly but the point is that we must not believe that the Government is going to operate in that way. Governments have been known to be reasonable and Governments will continue to be reasonable.

Sir, the issue, "by private treaty or by compulsory acquisition" has been addressed before and this is just part of the law of land that anytime the Government has to get a parcel of land for public purposes, the Government can

either acquire it through the land acquisition process or by private treaty. Some people would prefer private treaty because private treaty implies that there is a voluntary action between the person, which is the Government and the vendor. So compulsory acquisition might mean on the other hand that the person does not want to sell or the person maybe, wants a price which is out of line or whatever and the Government decided to use the provisions. The Government would prefer a private treaty because it means that there is a willingness on the part of the vendor to sell the land.

Sir, on the question of staffing, I am glad for Senator Trotman's intervention because the idea was conveyed that there was a massive entrenchment at the Cave. The answer is, no. There will be no massive retrenchment at the Cave and in any case the workers at the Cave belong to the NCC so if one or two are not wanted at the Cave, then they have their jobs at the NCC. In any case workers will not be transferred from NCC to the Cave without their permission. They have a choice. They will be given the option and they may or may not exercise the option. We suspect that most of them will.

5.20 p.m.

I believe that we have done our best to make sure that the transition as far as the labour relation goes was done using the best labour practices that we could find. We will not do anything which is either unfair or unjust. We believe that there is no reason for us to delay this legislation. We believe that we can answer all the concerns that we have heard from the Other Side.

This Bill is a result of much deliberations. I want to assure Honourable Senators that there is nothing sinister about this Bill. We are just seeking to put in place the mechanism for the effective management of what is a national treasure, in which I repeat, we are about to spend a lot of money on. The Cave Authority will go out there and try to raise the funds in order to carry out the much needed redevelopment work.

Mr. Deputy President, I beg to move that this Bill be read a second time.

*A division was called for.*

*Mr. Deputy President left the Chair and Mr. President resumed the Chair.*

*The question that the Bill be read a second time was put to the Senate and agreed to, the Senate dividing as follows:*

Ayes: SENATOR the Hon. G. S. H. MURRAY, SENATOR T. E. BARKER, SENATOR the Hon. Dame O. P. SYMMONDS, SENATOR Miss C. Y. FORDE, SENATOR Miss J. C. ODLE,

SENATOR Mrs. J. P. ALLEYNE, SENATOR D. D. MARSHALL – 8.

Noes: SENATOR Mrs. P. E. RICKINSON, SENATOR C. K. LAURIE, SENATOR Sir John Stanley GODDARD, SENATOR B. R. COLLYMORE, SENATOR C. LeR. TROTMAN – 5

Abs: SENATOR G. E. N. BROME – 1

*On the motion of SENATOR T. E. BARKER, the Senate resolved itself into committee on the Bill, His Honour SENATOR C. L. BOLDEN in the Chair.*

#### COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

*Clauses 1 – 4, inclusive, were called and passed.*

*Clause 5 was called.*

SENATOR B. R. COLLYMORE: Mr. Deputy President, I beg to move that Clause 5 be deleted and no reference made to the Minister giving any direction on policy.

SENATOR C. K. LAURIE: I beg to second that.

*A division was called for.*

*The question that Clause 5 be deleted was put to the Senate and agreed to, the Senate dividing as follows:*

Ayes: SENATOR Mrs. P. E. RICKINSON, SENATOR C. K. LAURIE, SENATOR B. R. COLLYMORE – 3

Noes: SENATOR the Hon. G. S. H. MURRAY, SENATOR T. E. BARKER, SENATOR the Hon. Dame O. P. SYMMONDS, SENATOR Miss C. Y. FORDE, SENATOR Miss J. C. ODLE, SENATOR Mrs. J. P. ALLEYNE, SENATOR D. D. MARSHALL, SENATOR Sir John Stanley GODDARD – 8

ABS: SENATOR G. E. N. BROME – 1

*Clause 6 was called.*

SENATOR B. R. COLLYMORE: I beg to move that Clause 6 be reworded to read as follows. The Company shall, not later than 3 months after the beginning of each financial year, prepare and submit to the Minister an Environmental Management Plan for the operation of a cave for that year.

SENATOR Mrs. P. E. RICKINSON: I beg to second that.

*Clause 6 was passed.*  
5.30 p.m.

*Clauses 6 through 12 were called and passed.*

*On the motion of SENATOR T. E. BARKER, Mr. CHAIRMAN reported to His Honour, the PRESIDENT, the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.*

*On the separate motions of SENATOR T. E. BARKER, the Bill was read a third time and passed.*

#### SUSPENSION

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that this Sitting be suspended for 15 minutes and then resume at 5.50 p.m.

*The question that this Sitting be suspended until 10 minutes to 6 o'clock was put to the Senate and agreed to, and Mr. PRESIDENT suspended the Sitting accordingly.*  
5.35 p.m.

#### RESUMPTION

Mr. PRESIDENT: This Sitting is resumed.

#### ORDER NO. 4 – NATIONAL CONSERVATION COMMISSION (AMENDMENT) BILL, 2000

SENATOR T. E. BARKER: Mr. President, for our consideration is a Bill to amend the National Conservation Commission Act, Cap. 393.

Mr. President, we have just passed a Bill which gives effect to the Caves of Barbados and in that Bill the management of caves was more or less transferred to the Caves of Barbados. As a result of this, the National Conservation Commission Act which previously gave the NCC the power over any cave has to be amended. So any reference to the Cave in Chapter 393 has been removed. The Cave no longer falls under the control of the National Conservation Commission.

While we are at it, Sir, we took the opportunity to bring in other small amendments which would help to improve the work of the National Conservation Commission. Sir, for the benefit of this Honourable Chamber, we can just go through them. In the definition,

the Minister is now responsible for the environment. So that has been changed now. That is section 3 of the Bill that we have before us. Also, the National Conservation Commission as we see in section 5 is now mandated to advise the Minister generally on sites built on monuments of national interest designated by the Minister under this section. Now he has an advisory role. Section 5 (f) of the original Bill is removed also and in its place will be part of the mandate of the NCC which is to beautify public parks and gardens, beaches and such other areas as specified by the Minister.

This means that the Minister would now be able to, if as he sees fit, designate any parcel of land to beautify. This is of importance especially as we enter the "Beautify 2000 Programme" which started a little while ago and so far we have done a couple of areas. We are now working on the Pine East-West Coast Road and up by the airport. A lot of the properties which were adjoining the highway were properly owned. This amendment now would allow the NCC to negotiate with the owners and have those pieces adjoining the highway included in any scheme for beautification purposes. Previously, they could not do that but this amendment allows the Minister to designate a piece of land in such a way to allow the NCC to beautify it.

Sir, important to us is section 5 (g) where the NCC can enter into a written agreement for the owners and occupiers of land adjoining the foreshore for the purpose of obtaining public access. This amendment is of vital importance because we quite rightly in my view are very worried about access to our beaches. This gives the NCC the power to have agreements with land owners so that the beaches can remain or become accessible to the general public. This sort of widens the NCC's scope a little bit, noting that NCC by law has control of the beaches. So that beach access now becomes part of the NCC's responsibility. This is a welcome move by Government in responding to the wishes of the population that access to the beaches be maintained for Barbadians and visitors.

National Conservation Commission's role has increased as a result of this so that is noteworthy. In section 5 of the amendment that we have before us, we have amended the principal Act by deleting section 7 and replacing it. By now this basically will say that if the owner/occupier does not want to behave in an approved manner, then if the NCC requires any land the State can compulsorily acquire that land according to the Land Acquisition Act. This is a very important point and I am sure that this Government is serious about maintaining access to beaches. We took the opportunity while we had to amend the NCC Act to bring in these important changes. We also increased the penalties for illegal activities on the beaches. 6.00 p.m.

Basically, Sir, that is what the amendment is about. Apart from the necessary consequential adjustments which necessitated the removal of the word "cave", we made sure that certain little matters of importance such as beach acquisition and so on becomes part of NCC mandate, and we suitably amended the Act.

Sir, with those few words, I want to move that this Bill be read a second time.

SENATOR Mrs. P. E. RICKINSON: Mr. President, just a short comment on the part that deals in particular with the provision for compulsory acquisition of land for persons to get to the beaches because, as we can observe, we have had strip development throughout Barbados and you would not believe that it is an island where you can see the sea. I feel that wherever possible Government should try to acquire any open spots that it can so that the strip development will not continue and we will be able to have access to the sea.

Another thing is on the question of the penalties, I support the penalties but I would like to see a lot more education given regarding the penalties and also provision made for different kiosks where people who do have a licence can stay and sell so that the tourists can go to these people as opposed to persons virtually persecuting the tourists when they are trying to sunbathe or read a book or trying to relax. In some areas, there are kiosks but not in all. At Heywoods, that worked very well, because the tourists knew where to go to buy the clothes and whatever they wanted and were not persecuted as much as on other beaches which are open, where there is no special place built for persons to sit down and weave hair and sell their various bits and pieces to the tourists.

I am not so sure they will be able to pay the fine. I am not so sure that we really want to imprison them. I think to get them to do some community work would be much better than twelve months in prison. Maybe we can think about that in the future. In general, I do support the Bill.

Another thing, even though I am asking Government to acquire beach land I have noted that it is \$200 a square foot. I will talk about that in the land acquisition.

SENATOR T. E. BARKER: Mr. President, the Coastal Zone Management Unit of Government has just finished a survey on the question of beach access and they have sent in a Report which we are now analysing which will go to Cabinet in a few weeks time.

Sir, it is not that we are not serious about it. The Report has been and is now being analysed. Hopefully, very soon we will have some word on the whole question of beach access.

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

*The question was put and agreed to.*

*On the motion of SENATOR T. E. BARKER, the Senate resolved itself into Committee on the Bill, HIS HONOUR SENATOR C. L. BOLDEN in the Chair.*

#### COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

*Clauses 1 to 10 were called and passed.*

*On the motion of SENATOR T. E. BARKER, Mr. CHAIRMAN reported to HIS HONOUR THE PRESIDENT the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.*

*On the separate motions of SENATOR T. E. BARKER, the Bill was read a third time and passed and cited as the National Conservation Commission (Amendment) Act, 2000. 6.10 p.m.*

#### ORDER NO. 5 – THE ROCK HALL (VESTING) BILL, 2000

SENATOR THE HON. G. S. H. MURRAY: Mr. President, this matter involves the question of the vesting in the Crown of some 7272.9 square metres of land at Rock Hall, St. Thomas in the Crown.

The background to this, Sir, is that as far back as August 7, 1997, Cabinet agreed on certain guidelines that would govern the management and disposal of certain properties that were owned by the Crown at that time. These properties included vacant lots, residual parcels of lands along the ABC Highway, disused properties, including things like former public baths, that these should be vested in the National Housing Corporation for their ultimate disposal. The thinking was that proceeds from the disposal of these properties by the National Housing Corporation would assist the National Housing Corporation in the funding of capital works programmes and the site in question at Rock Hall, St. Thomas, involved the former location of the District 'D' Police Station, was one of the properties that was to be so disposed of. However, it was found that the Crown was unable to establish clear title to that property. After that, at a Cabinet meeting in March 1999, having noted the difficulties that were being experienced by the Ministry of Housing and Lands in seeking to vest these lands at Rock Hall, St. Thomas, formerly District 'D' Police Station in the National Housing Corporation, Cabinet decided to rescind its decision of August 7, 1997, that it would vest these lands in the National Housing Corporation and agreed that these lands should be vested in the Crown by an Act of Parliament. It

was further agreed that following the Act of Parliament the 7272.9 square metres of land would then be vested in the National Housing Corporation. The Cabinet had agreed that it would go to the National Housing Corporation but having been unable to establish clear title, Cabinet agreed that it would then go into the Crown and then let the Crown vest it in the National Housing Corporation.

As a result of Cabinet's decision the legal procedure was followed whereby a notice was published of the proposed vesting of the site in the Crown on three consecutive occasions in the *Barbados Advocate* and the *Nation* newspapers as well as in the *Official Gazette*. As a result of those publications, it was established that there were no claims made or charges against the said property by any person and it was then prepared for coming to the Senate for vesting this said parcel of land, which is to be used for housing development in the Crown. Sir, that is the context in which this is taking place.

SENATOR THE HON. G. S. H. MURRAY: I beg to move that this Bill be read a second time.

*The question was put to the Senate and agreed to.*

*On the motion of SENATOR THE HON. G. S. H. MURRAY the Senate resolved itself into Committee on the Bill, HIS HONOUR SENATOR C. L. BOLDEN in the Chair.*

#### COMMITTEE

*Clauses 1 through 2 were called and passed.*

*The Schedule became the Schedule to the Bill.*

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

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

#### ORDER NO. 6 – RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION UNDER SECTION 5 OF THE CROWN LANDS (VESTING AND DISPOSAL) ACT, CAP. 225 OF LAND NOW BY VIRTUE OF THE ROCK HALL (VESTING) ACT, 2000, THE PROPERTY OF THE CROWN, SITUATE AT ROCK HALL, ST. THOMAS FOR THE PURPOSE OF HOUSING DEVELOPMENT

SENATOR THE HON. G. S. H. MURRAY: Mr. President, this measure seeks to vest in the National Housing Corporation a parcel of land at Rock Hall, St. Thomas, constituting 7279 square metres of land be used

for housing development. Sir, this land had at first been sought to be vested in the Crown and as a result of an earlier measure it is now being asked to be vested in the National Housing Corporation for housing development.

The Rock Hall site once held the District 'D' Police Station and it is now being used for housing development. It contains some 16 lots with an average size of 380.4 square metres. The lots range in size between 307.1 square metres and 496 square metres. The lots, Sir, have all been sold with lots ranging from \$16,527 and \$26,694.45. The unit sale price for these lots range between \$4.50 and \$5.00 per square foot. The lower price, namely that of \$4.50 per square foot was offered to persons who purchased lots with houses. Houses were constructed on eight of the sixteen lots and eight of the lots are vacant, and people will be doing their own construction. All of the houses constructed were offered at a unit price of \$56,458.52, are constructed of concrete blocks and contain two bedrooms and one bathroom. They have been specifically designed to allow for expansion of the property as personal circumstances would allow. As it stands now, the units have all been allocated and the houses are all occupied.

I would like to put on record that financing was provided through the issue of housing bonds while the purchase of the units and the lots have been financed by the National Housing Corporation's loan programme. This entity at Rock Hall is part of the Settlement 2000 programme of the National Housing Corporation and anybody who knows the site at Rock Hall, St. Thomas, knows that this has been a move to answer the demand for housing lots and housing in that area and it has been a very useful addition to the demands in that area.

Sir, it is known that these eight houses and eight lots represent more houses than were built by the Democratic Labour Party between 1986 and 1994. In one fell swoop, we have eclipsed the record of the Democratic Labour Party and I am glad to record that we are going from strength to strength.

Sir, I beg to move that this Resolution do now pass. I hope that they will be able to move swiftly to make it available to people in the lower income bracket.  
6.20 p.m.

*Asides.*

SENATOR Mrs. P. E. RICKINSON: Yes. Nurses are in the lower bracket.

Most people would really like to own their own home even if it is a small shack. At least it is a place that they can call their own and some place that they can leave to their relatives.

What I would like to know is how will their land taxes be calculated? Having sold these lands at \$4.50 or \$5 a square foot, is it going to be calculated on that price or is it going to be calculated on the increased value? The reason I am asking that is because we have read that there are some areas where land is \$200 per square foot. If land is sold at \$200 per square foot then the value of your property is calculated at \$200 even if you paid only \$10 per square foot. Even if you send and ask for a review they send back and say, more or less, this is what your land is valued at. What they are doing is making you pay taxes on the value of the land. I think that we have to have a second look at it, in particular for Barbadians and persons who live on the coast.

*Asides.*

SENATOR Mrs. P. E. RICKINSON: They are a lot of fishermen who were born there and own small lots of land who cannot afford to pay the high taxes, and Barbadians who cannot afford to pay the high taxes based on land speculation.

I am saying the taxes should be reviewed and allocated and let it be a lot more equitable and not in keeping with millionaires and multimillionaires who can afford to pay these prices.

I thank you.

SENATOR THE HON. G. S. H. MURRAY: Mr. President in moving the passage of this Resolution, I think that Senator Rickinson, obviously, would have heard the pronouncement by the Prime Minister, ever since the last Budget, that he is reviewing all questions of land tax and therefore I am sure all of her concerns will be taken into consideration. I am sure that she also understands that the valuation of land is a professionally done job by the Land Tax Department, taking all the factors into consideration.

In those circumstances, I beg to move that this Resolution do now pass.

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

#### ADJOURNMENT

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I rise to move the adjournment of this Sitting *sine die*.

*The question that the Senate do now adjourn sine die was put to the Senate and agreed to, and Mr. PRESIDENT adjourned the Senate accordingly.*  
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