

* 53

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

THE SENATE

Wednesday, October 11, 2000

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, October 11, 2000, at 11.15 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. P. C. GODDARD (Minister of Health) (Leader of the Senate)

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

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

Senator the Hon. Dame Patricia SYMMONDS, D.B.E., G.C.M.

Senator Miss J. C. ODLE

Senator J. E. D. WILLIAMS

Senator G. E. N. BROME

Senator Miss J. P. ALLEYNE

Senator D. D. MARSHALL

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

Senator LeR. H. McCLEAN, B.Sc.

Senator C. LeR. TROTMAN

Senator Mrs. P. E. RICKINSON

Senator C. K. LAURIE

Senator Sir John Stanley GODDARD, K.A.

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

Senator the Rev. L. W. B. ROCK

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

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: This Senate is in session.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. PRESIDENT: I have received the following communication from His Excellency the Governor-General dated October 5, 2000, which I would now read.

“Dear Mr. President,

I should be away from the island during 8th to 13th October, 2000 to attend the 6th Conference of Heads of State of CARICOM countries in St. Lucia.

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

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

There is a further Message from His Excellency the Governor-General, which I would ask the Clerk to read.

THE CLERK: Message No. 1/2000 from His Excellency the Governor-General to the Honourable the Senate.

His Excellency the Governor-General has the honour to inform the Honourable the Senate that:

- (a) in accordance with the advice of the Leader of the Opposition under Section 39(1)(f) of the Constitution, the seat in the Senate held by Mrs. Cyrillene S. Thomas-Mascoll was declared vacant with effect from the 12th July, 2000;

- (b) in accordance with the advice of the Leader of the Opposition, Mr. Leroy Hensworth McClean has been appointed under Section 36(3) of the Constitution as a Senator with effect from 5th September, 2000.

Sir CLIFFORD HUSBANDS
Governor-General.

CLERK: Mr. President, Senator McClean is present in the Ante-Chamber.

Mr. PRESIDENT: Would the Marshal please escort Senator McClean to his seat?

SENATOR McCLEAN was escorted to his seat by the Marshal.

Mr. PRESIDENT: Senator McClean, on behalf of all Honourable Members, I should like to extend a warm welcome to you to the Senate. I am confident that you would make a worthwhile contribution to the work of this Chamber. In the carrying out of your parliamentary duties, you can be assured of the fullest support of the Chair and of the staff of Parliament.

The Standing Orders are the basis of procedure in this Chamber and I would advise you to become fully acquainted with them.

The other aspect of procedure is that you practise those unwritten rules and time-honoured precedents that have been there for a long time and I am sure that with each passing Sitting you would become more familiar with these conventions.

Again, I welcome you and wish you every success.

SENATOR LeR. H. McCLEAN: Thank you, Mr. President. I would like to extend my appreciation to you for your kind love. I would also like to say to fellow Senators that I will endeavour to listen well, be very observant and to speak appropriately and, in so doing, I hope to uphold the time-tested traditions and the great reputation of this Honourable Chamber.

Thank you very much, Sir.

PRESENTATION OF PAPERS

SENATOR THE HON. P. C. GODDARD: I am commanded to lay before the Honourable the Senate, the following documents:

1. Report on the Operations of the Sugar Workers' Provident Fund under the Sugar Industry Act for the year 1999.
2. Sugar Industry (Sugar Workers' Provident Fund) Order, 2000.

3. Report of the Public Enterprise Investment Fund for the quarter ended June 30, 2000.
4. Report of the Social Investment Fund for the quarter ended June 30, 2000.
5. Report of the Family Law Council for the year 1997 to 1998.
6. Annual Reports of the Barbados Broadcasting Authority for the years October, 1996 to September, 1997 and October, 1997 to September, 1998.
7. Annual Report of the Sanitation Service Authority for the year 1998 to 1999.
8. Education For All In The Caribbean – Plan of Action 2000 – 2015.

FIRST READING OF BILLS

SENATOR THE HON. P. C. GODDARD: I beg to move that the following Bill be read a first time:

A Bill to amend the Public Order (Amendment) Bill, 2000.

INTRODUCTION OF BUSINESS

GOVERNMENT NOTICES

A 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 at Workmans, St. George for the purpose of housing development.

The question was put to the Senate and agreed to.

PUBLIC BUSINESS

ORDER NO. 1

RESOLUTION TO NOTE THE REPORT OF THE CONSTITUTION REVIEW COMMISSION AND THE PROPOSALS AND RECOMMENDATIONS THEREIN

SENATOR THE HON. P. C. GODDARD: In rising to move the passing of a Resolution to note the Report of the Constitution Review Commission and the Proposals and Recommendations therein, this Honourable Senate is for the first time in the history of its office about to start a live debate to discuss the Constitution Review Commission Report and the very important business of addressing the whole issue of our Constitution.

First of all, I would like to commend the authors of this Report. The work that was done under Sir Henry Forde has been a sterling example of public spiritedness by several members of the society and the many hundreds of Barbadians both in Barbados and abroad who appeared before this Commission from time to time.

We are very fortunate in this Honourable Senate today, Mr. President, to have among us two members who sat on that Committee, Senator Reverend Rock and Senator Sir John Stanley Goddard, whom we shall hear from later on in this debate.

The issue of a Constitution change is not to be taken lightly. The fact that it requires more than a simple majority of both Houses to change a Constitution sends the message of its severity and the impact of changing a Constitution.

However, the country of Barbados has arrived at a point in history where it needs to repatriate its Constitution from the Parliament of the United Kingdom and to update its system and method of government to accord with modern day practices and also to make some fundamental changes.

I will talk first about changing from a Constitutional Monarchy to a Republic. This is not just the simple changing of a Head of State from the United Kingdom to Barbados. This is a very fundamental change. It is moving toward a bottom-up governance of the country. It gives true expression to democracy rather than from a top-down management or governance of the country which is embodied in the Monarchy and the traditional governance of the Monarchical system. In other words, in the past, all authority flowed from the Crown to the next level down and through the frugal system down to the bottom.

As history developed and the constitutional change took place in Britain, the power of the Monarchy was basically transferred from the Monarchy to the Prime Minister over a period of time but it was still a top-down system. It gave vast powers to the Prime Minister, and today the Prime Minister of Great Britain wields a power that probably no other head of Government wields in democracies around the world.

I know that when people first started listening and talking about turning to a Republican system of Government, the echoes of the tumbrels were what they heard and the resultant republic that was formed in France and all the excesses that took place in that particular revolution.
11.25 a.m.

There was great nervousness about the fact that we should be moving from a monarchical system, which we were all used to over the generations, to a republic. However, it was not generally recognized that the greatest republic that

the world has ever known sits just to the North of us, the United States of America. There can be no doubt that the success of that revolution has unleashed a power of social and economic transformation that has been unparalleled in the history of mankind. Therefore, I think that with the appropriate checks and balances there need not be any fear or any undue concern about moving from the known monarchical system or a constitutional monarchy to a republican system of Government. In fact, there are many authors who are calling for the revolution that took place in the United States to be repatriated to Britain.

It is very interesting that we have committed ourselves, and the Government that I represent has committed itself in its manifestoes, to moving to the republican system of government and establishing the fact that a national of Barbados would become a Head of State pending the appropriate referendum that will be on the cards in the very near future.

Thus, it is the people of Barbados that will decide who our next Head of State will be. It is in this context that we come to the issue of the Constitution of Barbados. In the work of the Committee, they reviewed the existing Constitution which comes to us from 1966 with a few amendments – and, most recently, we have made an amendment that brings greater gender equity to the system of governance in Barbados.

Of critical importance is the Bill of Rights in this Constitution and the guarantee of freedom for the people of this country. This is a hallmark of a responsible republic where the rights of people are clearly established and are not dispensed whimsically by someone in government who may favour you or be withheld because they do not favour you. In the recommendations on the Bill of Rights there were several suggested amendments, which I wholeheartedly support to strengthen the issue relating particularly to gender rights, to really make sure that there is no discrimination in our society. In other words, it is not who you know or who you are friendly with that should determine your access to the benefits of the community, or that should guarantee your freedoms and your privilege. It is who you are and what you have done and what you can contribute to this society. You must establish your own self and be beholden to no man or woman.

Barbadian society has long been one that has jealously guarded its freedoms. It has had a sense of social equity. It is no secret that Barbados is probably the most egalitarian society in the Caribbean and probably more egalitarian than most anywhere else in the world. This Constitution seeks to ensure the continuity of that process. Barbadians jealously guard their freedoms and so they should. The example of this past century are littered with the examples of Dachau, the examples of the Gulag, the examples of massacres of two

million Cambodians after the Vietnam War, the genocide that took place in Africa, the genocide that took place in the former Yugoslavia, and all this because the appropriate protections, the rule of law, were ignored and people ran roughshod over others.

We, in Barbados, have lived sheltered lives for most of this century. We have not at first hand witnessed war, plague and desolation; but many peoples around the globe have done so. The Constitution of the country lays the basis for law, for equity and the way we govern ourselves. We really must focus on the rights and privileges that are enshrined in our Bill of Rights.

However, Mr. President, I would like to make some observation that in our society today many are focussed on the rights and few are focussed on the responsibilities and on being a citizen of our country, for we will all be citizens of the country and not subject to a monarch. We have a responsibility to our fellow man. We have a responsibility to ourselves and we have a responsibility to the wider society to observe the law, to consider others and to act with prudence. We have a responsibility to make sure that we manage the environment properly. That responsibility is not well displayed as we see the sno-cones pop out of the sides of vehicles, not just buses, but motor cars. You would be surprised at some of the motor cars that you see the sno-cones come out of – a BMW, a Rover, not an old clunker, but a brand new expensive car. So clearly, Mr. President, economic status does not necessarily equate with social responsibility in our country.

Mr. President, I think that you will join with me, I hope, in supporting the recommendations of this Committee in the area of the Bill of Rights and the civil liberties that we have recommended to us.

The other issue that would be of some importance is the issue of the way in which we would organize Parliament and the business of Parliament. There have been calls for a unicameral legislature and some have supported a bicameral legislature. I am of the view that we should have a bicameral legislature. However, I am also of the view that it should be largely elected and I think that there is room for an election of representatives to the Senate that would not follow the constituency line that currently obtains but might take the nature of regional elections, for example, Senators standing for the St. Michael area, Senators standing for the Christ Church and St. Philip area and Senators standing for the rural areas or west coastal areas of the Island, and some such regional arrangement being made.

I think that we should learn from the experience of others. In the United States we know that Congress is elected every two years and the Senate every six years on a rotational basis with one-third of the Senators coming up for election

every two years. So that you have continuity in the Senate and you have a sense of stability in the way Parliament is organized. I think too that by having a bicameral legislation you do not concentrate too much power in one location. I do think that unicameral legislation would overly concentrate power in a single legislative body and would not give time for reflection and consideration.

11.35 a.m.

Nothing that we do in life is perfect. What we can just hope is that we get more than 50 per cent of our decisions right and be way out ahead. However, we do have to recognize that we are human and that we do make mistakes. We do not have the full consideration of all the information and sometimes there is a definite need for a review. I think that an elected Senate would bring much weight to that review process and that consideration. It may be that this might not be convenient for some, however I do think that it is a prudent mechanism to put in place.

Therefore, I do support a bicameral legislation based on a largely elected Senate. I say that because I do feel that the Prime Minister needs to have the flexibility, some mechanism to be allowed to bring into his Cabinet individuals who are not necessarily engaged in party politics and the elections. He may have a specialist in a particular scientific field or he may have a specialist in some other field of endeavour, sports or whatever have you. It could be a Barbadian who has lived abroad for a long period of time or who may have been in the international public service who has gained great experience but would not normally be party to the elective process, and he may want to draw on that expertise to bring that person into his Cabinet. Therefore, I do feel that you need to have that flexibility of appointment to the Cabinet.

However, I strongly feel that Cabinet Ministers need to answer to the elected body directly on the policies that they develop in their Ministries, to be accountable to that elected body and have direct debates on the issues surrounding that Ministry.

I think that in this new dispensation we will have to determine precisely the structure of Parliament as we move forward with the development of our new Republic. Mr. President, I might say that this fundamental change is following a process which is taking place around the globe in changing the structures of organizations. It is happening in business and it is creating a more consultative method of policy making. You can already see in this Government's method of operation that we have cast the net very wide in formulating policy. We have taken into account the opinions of a wide cross section of the Barbadian public. We are going to greater and greater lengths to consult with more and more people before we develop our policy considerations and we are developing more Green Papers for consultation

with the labour movement, the churches, the business community, the disabled and with every conceivable person that we think that we can touch to bring to bear the weight of experience and knowledge because you never know the other person's experiences until you live in his position. Therefore, it is up to us to spread out our consultative methods as far as possible.

The change to a Republic sends a message that this consultative process will be widened and there is provision for more accountability to Parliament. I think that we need to establish permanent Parliamentary Committees which will conduct the business of a particular sector, which will take evidence from individuals, which will build on the wider experience of people who are not connected with Government or any political party or any shade. We need to establish these mechanisms to improve the work of Parliament, to improve the quality of its work and to ensure that Parliament itself can investigate matters which are now not brought before the Members of Parliament.

Individual Members of Parliament of both Houses have great concern about a wide range of activities that are taking place in our community and the investigative ability of Parliament in these things is very much constrained. In this area recommendations have been made and I think that as we debate this Constitution that we will be able to make mechanisms for systems that will ensure that Parliament has the authority and the ability, serviced by a proper Secretariat and a proper support staff, to investigate issues and to formulate policies as it goes along.
11.45 a.m.

Mr. President, the issue of the public service was significantly investigated or discussed and some recommendations have been made with regard to the public service in this Report. We all know that there are difficulties in making the public services efficient and responsive and also relatively free of politicization and interference from political Governments.

There is a great need for this civil service reform and change in civil service. This great need typified by the fact that new technologies are changing the way people work and people are not working any longer in compartmentalized areas with strict lines of authority. The power of work today is directly related to the power of the network that is created. The public service is going to have to respond positively to the power of networking services and the power of networking.

In other words there must be much more cross-ministry communication. There must be much more dialogue between ministries and departments and there must be a much more rapid sharing of information. The financial roles and the Commission has made some comments on the issue of

finance and some recommendations. I note that the age of 65 for retaining office by the Auditor General under section 2 (3) is one of the recommendations.

I hope that the Commission would readily recognize that the retirement age of civil servants needs to be revisited. I think that the retirement age for the general public should be revisited. As we become a healthier society, our life expectation is expanding, and the quality of life and the health of individuals, therefore the longevity and greater ages are very clear for all to see. I think that the whole issue of defining a retirement age needs to be revised.

It is very interesting to note that the new Bishop of Barbados is having second thoughts about those priests between the ages of 65 and 70 continuing to serve in the church. Maybe, that should be sending us a message.

The issues relating to finance will also have to adjust to new systems of purchasing. We are now dealing in a world of electronic commerce and a business to business relation in electronic commerce is something that Government clearly engages. For example, I have noted where companies have dropped the cost of their raw material inputs by factors of 50 per cent by engaging in electronic options on a reducing basis. This has very great attraction for our drug services and for the acquisition of medicines and supplies in our Ministry of Health.

I think that you will find that we are embarked on a new era which I think the Constitution will also have to take into account. There is a different society before us. While the principles of equity and fairness change, the rule of law must stay constant. The mechanisms by which we deliver these services, the mechanisms by which we work will have to change and will inevitably alter the structures of those organizations – the structure of Parliament, the structure of Ministries and Government.

I have spoken about the Parliamentary Committees system and in the summary of recommendations, they have recommended that the Committee system in Parliament be expanded and that Parliamentary Committees be provided with adequate financial resources and appropriate staff so that they may be better able to ensure Government's accountability and provide opportunities for concerned and consistent persons to make representations to Parliament through its Committees on the issues that affect the community.

I would go further and say that those Committees are empowered to investigate matters of public concern and that they are empowered to require people to appear before them to give evidence and to make statements about those public matters or those areas of great public concern that they may want to investigate. I think that this area here in the operation

of the Parliamentary Committees system is probably one of the most critical functions that will affect the efficiency and the effectiveness of Parliament.

I note that one of the recommendations is that of the Integrity Commission. The Commission recommends that the Parliamentary Integrity Commission be established. The duty of the Commission would be to receive declarations of assets, liabilities, income of Members of Parliament, with powers if necessary to investigate any declaration and generally to perform such duties that may be prescribed by Parliament. I think that this is a very important matter. It is one that would strengthen public trust in politicians. It is one that will allow a change, I think, in how people perceive those of us who do the public's work.

All too often we get tired and crushed by a few people that fall by the wayside, so to speak. What happens in another country quite often affects how people perceive how we behave or account for ourselves. I think that this Integrity Commission would be of a significant benefit to improving the trust of the political directorate in this country.

Mr. President, these are the few areas that I would want to focus on in this discussion of the Report. I would take note of the fact that there were dissenting views from the late Wendell McClean who advocated a right of recall. I think that could be discussed but I do think that the right of recall has worked poorly in other jurisdictions.
11.55 a.m.

I believe that the mechanisms that are in place for disciplining parliamentarians and ministers work at the present time and I would agree with the majority that did not necessarily go along with the right of recall provisions in the Constitution.

As you know, Mr. President, we talked about gender equity and perhaps I glossed over that but I do think that the issue of citizenship is one that is critical. I am very pleased that we have passed the amendment that recognizes the right of a Barbadian woman to have her husband become a Barbadian citizen on the same basis that a Barbadian man can have his wife become a Barbadian citizen.

In this world of extensive travel and global work, there are conditions under which many families work abroad. They have children born overseas and they return to Barbados. The issue of a citizen by descent is one of those issues that is of concern to a growing number of Barbadians and one in which I think we need to give equitable and generous consideration. The Constitution Review Commission also recognized that we do have dual and multiple citizenship and they recommended retention of the present policy recognizing dual and multiple citizenship and I support that view.

However, I do feel that, while there has been some abuse or misuse of this provision, the law should not discriminate or impose a hardship on people who want to obtain Barbadian citizenship and there are many reasons for that. Mr. President, where fraud has been detected, it should be dealt with severely and firmly but it should not be presupposed. In other words, we should not think evil of man and I think, therefore, that the process of granting citizenship should be transparent, swift and facilitating, which will quickly allow people to work and contribute to our society – and seemingly without having to go through hoops. I think that we need to ensure in this constitutional amendment that these rights are rights and not something to be doled out piecemeal by some faceless bureaucrat, not even behind a desk but in a far off room somewhere. I think that we have to be sensitive to the needs of people when they relocate to Barbados. They have children who cannot be entered for school if the children are not Barbadian citizens and these children are affected. It affects whole families so you have to recognize that these things have to be seen as rights and that comes right back to the heart of our Bill of Rights.

We talk about establishing patients Bills of Rights and Bills of Rights for various individuals within organisations. How much more powerful and critical is it for us to have a strong Bill of Rights for all of our people where their positions are protected in society and not the subject of whimsical and arbitrary behaviour by other individuals?

Mr. President, I think that this is a refreshing move. This is a new Barbados. This is a dawn. This changes our whole society. It puts us ready for the 21st Century. It changes our view of ourselves. This is the coming of age of a young nation repatriating our Constitution, establishing a republic and going to the people to determine who our Head of State will be.

I have no doubt, Mr. President, that this Government's preference is for a Barbadian to be Head of State. I support that wholeheartedly. I think that we are embarked on a new era. The science, the technology and the law must all come together to create a new society, one that is born of freedom, one that has established rights, one that has a wide input from the democratic process. This Constitution is founded on the British common law. This is the evolution of a republic, the republican idea that stretches back to the time of Rome and Cicero, the republican states of northern Italy in the middle ages, the republican experiments of France and Cromwell and finally culminating in the republican experiment of the United States of America.

Many republics have been formed since and there are many examples for us to stay away from and to follow. I think that the Constitution Review Commission has done a sterling job. Mr. President, I wholeheartedly appreciate and support this Report and, while there may be some

modifications that we will want to introduce, I think that this gives us the guidelines and direction for creating a new society in a new age so that we can maximize the opportunity for all Barbadians, creating a better quality of life, a greater freedom and a sense of a greater responsibility for us all to contribute to this society and to build a better Barbados and better lives for all of our succeeding generations.

Thank you very much, Mr. President.
12.05 p.m.

SENATOR C. A. MASCOLL: Mr. President, as I rise to make a contribution in this debate, I am very mindful that we are debating a set of recommendations and that no one so far has fully outlined the nature and the type of republic that we are supposed to adopt in Barbados.

I must confess, having read the Report of the Constitution Review Committee, that I am very hard-pressed to identify substantial changes that would occur in Barbados' society as a result of the constitutional recommendations.

- (1) I do not see in the recommendations any structure that would permit for a bottom-up Government where the people will now become those in authority and those who are the decision-makers. There is no substantial evidence – no evidence at all, in fact – of that.
- (2) I do not see any examples or any findings in there that would suggest that there would be any true expression of democracy any more than we would have had over the last 350 years.

In fact, I see this debate essentially as an attempt to converge to a point where the Queen is no longer the Head of State of Barbados. As in matured people, we seem to have reached the point in our history when it would be desirable to have a Barbadian as a Head of State, but to all intents and purposes we have had a Barbadian as the Head of State since 1966.

There is no one that can deny that no child connects in today's Barbados with any Queen. We have a Governor-General who represents the Queen and the Governor-General is seen as the Head of State in Barbados. For all intents and purposes, practically, he is the Head of State.

We have had, therefore, since 1966, a written Constitution that has served to outline a set of rules and regulations for the State to practise within. The intention was to try predominantly to ensure a free Barbados, a healthy Barbados, an educated Barbados and a Barbados in which there is equal opportunity for all.

Since 1966, this country's per capita income has increased by more than two-fold; in fact, by threefold. We

have now reached a stage where the per capita income in Barbados is almost US\$9 000 when it was less than US\$3 000 in 1966 in a country with the Queen as the Head of State. We have reached a stage in Barbados where those who go to tertiary education have increased from one per cent of the population to over three per cent of the population with a Queen as the Head of State.

We have reached a stage in Barbados where we have been able to move from a housing stock that was predominately wooden – well over 90 per cent of the houses in Barbados were wooden houses in the 1960s – to a situation in which now less than 40 per cent of our housing stock is wooden.

We have been in a position since 1966 to join the international organisations of the calibre of the United Nations, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Organisation of American States and the International Monetary Fund. We have been, to all intents and purposes, self-governing since 1966.

I am saying all of that to say that there is going to be no miraculous change in Barbados under a republican system which we are yet to identify. This debate could well be similar to a debate which was attended by all kinds of expectations when we discussed the coming of the new millennium.

I have not been able to identify what will be the major changes in Barbados. When I consulted with the chief constitutional lawyers in Barbados – among whom we would have to include the Head of the Committee that reviewed the Constitution, Sir Henry Forde, and the Queen's Counsel, Leroy Inniss – I honestly did not recognise any substantial change to the Constitution.

As we know, a Constitution constitutes a Preamble, a Bill of Rights, an Organisational Plan and some Amending Clauses; but, most importantly, the Constitution features freedom of expression, a monarchical system and, of the highest order, the supremacy of the Constitution. So that if you were to analyse what the review is supposed to be doing, the real attempt is to address the concerns of a monarchical system in Barbados and to repatriate the Constitution. That has been the favoured expression.

I am concerned because if we reduce a debate of this nature to one of the Queen not being the Head of State, then there are some in our midst that might respond not so positively if the President of the Republican System in Barbados happened to be a minority. Let us, therefore, suggest that by some happening a white Barbadian, married to a white wife, becomes the President of Barbados. Do you feel that would result in a removal of the so-called

psychological damage that many commentators have used to suggest as a reason why there is a need to remove the Head of State? Do you think that they would be pleased to know that there has been the retention of a minority in all of the forms and trappings when, in fact, as far as I can gather from this constitutional debate, the question is to make a Barbadian the Head of State? I am concerned that the whole question of making a Barbadian the Head of State to remove the psychological damage must have something to do with whom that Barbadian would happen to be.

I am suggesting to you that all the discussions surrounding making a Barbadian the Head of State might come to naught in the eyes of some commentators if that Barbadian did not represent the majority of us. So I cannot be fooled by the argument that it means anything psychological because I am suggesting that, in spite of the fact that the Queen happens to have been the Head of State since 1966, that we as a people have made substantial strides in Barbados, educationally, economically, socially and even politically.

My concern in this debate is that the amendments to the Constitution will make a substantial difference to the opportunities for the average Barbadian to get education, to feel that they can own land and property, to feel that they can own businesses, and to participate in the wealth of this country. Unless the Constitutional changes guarantee me those outcomes, I am suggesting that this is an exercise that can be reduced to a mere question of who happens to be the Head of State.

Let me now, therefore, delve into that in more detail. As I suggested, a component of a Constitution is the Bill of Rights. There is no substantial change to the provisions in this new Constitution which we will have and on that score, I now quote – and I know that he will be exceedingly pleased – the former Prime Minister of Barbados in his recent scholarly work called “Politics and Society”, at page 73.

12.15 p.m.

He identified the rights that currently exist within the Constitution – and it is a very scholarly work I must admit. It should be noted, however, that there are certain social and economic rights which are not set out in the Constitution. These include the right to employment, housing, health, education, clean environment, social security, a decent standard of living, and to social and economic development. If Caribbean societies are to develop on the basis of respect, confidence and social tolerance among their peoples, then social and economic rights must be accorded greater prominence in the Constitutions. I must confess that I am completely sold on the view expressed in this book by none other than Lloyd Erskine Sandiford, former Prime Minister of Barbados. My concern or my thinking in this area is not

confined to the views expressed by the former Prime Minister. In Britain, Parliament recently adopted – less than two weeks ago – a Bill of Rights which included fifty rights in the Constitution.

I am suggesting that if we are serious about this whole question of the inclusion of rights in the Constitution, then we need to revisit even the Constitution Review which we have done. We all know that in today's Barbados it is going to become extremely difficult for the average Barbadian to acquire land. We all know that it is going to become exceedingly difficult in the future for us to participate more meaningfully in the economic pie of Barbados where we should have by now become not only labourers and workers, but owners of capital and business.

There has to be concern on the part of this Administration that those kinds of rights be included and considered in a new Constitution and not just the question of who is the Head of State of Barbados.

We have to look much more seriously at a more comprehensive Bill of Rights. While I speak, those considerations are at hand in CARICOM. I see here a Charter of Civil Society drawn up by the Caribbean Community Secretariat in which it outlines a whole set of rights that individuals should be entitled to. Perhaps of greatest note is the right that they have recognized for disabled persons. I quote:

“Every disabled person has in particular the right to:

- a. Not to be discriminated against on the basis of his or her disability;
- b. Equal opportunity in all fields of endeavour and to be allowed to develop his or her full potential;
- c. To respect for his or her human dignity so as to enjoy a life as normal and full as possible.”

I am saying therefore that a real change in the Constitution must constitute some amendment to the Bill of Rights to be more comprehensive and all-inclusive. It has to be the case.

The other thing is that we are now into a global era in which we are embracing a new CARICOM. We are considering globalisation and the dictates of The World Trade Organisation (WTO). Would you believe that our present Constitution, even with the Review, does not address the question of involvement in CARICOM in the way in which it should have addressed it many years ago? In fact,

recently we debated in this Chamber the CARICOM Protocols which were for the first time made part of the laws of the individual member countries. But that is not my major concern in this debate.

Sir, my concern is that a Government at this stage has to be thinking in terms of a greater relationship and involvement at the level of CARICOM and that we do not have in this Chamber the right, by way of a two-thirds majority in terms of voting, to either accept or not accept Barbados' relationship or whatever it will determine with the rest of the region. Better put, I am saying that a Government can make a decision to form a corporation or whatever with the Organisation of Eastern Caribbean States (OECS) without a two-thirds majority approval in the Senate or even the Lower House. It just requires a majority.

Sir, I am saying that perhaps we need to look at that because if we are saying that we are going to the people of Barbados at sometime with the hope of determining whether or not they accept this new Constitution, we have to be far more concerned with all of the other major developments around the region and the world. We have to be concerned whether or not the people want us to become part and parcel of a greater CARICOM, whether or not they want that involvement. Any new Constitutional arrangement cannot be confined to the question of the Head of State. There are too many other issues to be determined in this new global environment of free trade and globalisation for us to be simply concerned with whether or not the Head of State is a Barbadian. Of course, all Barbadians would agree – if you were to put the issue in that context – with the need for a Barbadian to be Head of State.

I cannot see any Barbadian not agreeing that we should have a Barbadian as the Head of State. That does not change the material wealth or welfare or well-being of the average Barbadian. It has to be far deeper than that. It has to be the question of would a Constitution give them a greater opportunity to earn, for better health, to more wealth and better education, to a freer system of Government, to a more civil Government, to a crime free environment. To tell me that a debate is going to be centred around the question as to whether a Barbadian replaces a Queen of England, that that is the major concern in the Constitution Review, has to be a myopic view of the future. It made no difference before, as I demonstrated. When the Queen was Head of State, we made considerable strides in Barbadian society in the areas of health, in the areas of education, in the areas of recreation and in many other areas of our endeavour. It will make no difference in the future whether a Barbadian is Head of State unless we make the appropriate amendments to the way we go about business in this society. That has to be the major concern.

12.25 p.m.

Let me delve into some of the greater concerns in the Report of the Constitution Review Commission. I must confess that I am a convert when it comes to the whole question of the importance of the Senate. It has been said before that general elections will not necessarily guarantee that you are able to get the quality of persons you want to run a government, and we all know the political cycle. When you confront the electorate, it is not only a question of what qualities you bring, or whether you are capable. It has largely to do with the time at which you come and the side that you are on at the particular time. A political cycle can erase a whole host of people who have all kinds of contributions to make and in that regard, and that regard alone, I must confess that I have come to the position that there is absolute wisdom in having a Chamber that permits the Government to bring on board persons who are considered to be able and capable of functioning at this level in the political affairs of the country.

I am here stating clearly that I support a system in which there is some freedom on the part of the Prime Minister and the Government as a whole to appoint persons who may be considered appropriate to participate in this process. We cannot all go into politics at that level but we can all make a contribution. I support the existence of the Senate, but let me say that I also agree with most of the recommendations in the Review as it relates to the Senate. There should be a bigger Opposition in the Senate. I have no problem with that at all. In fact, I think the recommendation for four Senators on the Opposition side is quite good. Any other party that runs enough candidates to secure 10 per cent of the voting population is entitled to representation in the Senate. I also agree with that.

There are some things that can be done in the Senate to make it more meaningful. I am suggesting from my simple experience here that, perhaps, the Leader of the Opposition can also be given the right to speak a second time in debates for no less than 15 minutes in the wrap up because you get a situation in which you make a presentation as Leader of the Opposition and then most of the other speeches are designed and fashioned around the contents of the Leader of the Opposition's speech, given the existing imbalance within the Senate where there are 12 on the Other Side, seven Independents and two Opposition Members.

In that regard, I am suggesting that the Leader of the Opposition ought to have an opportunity to rebut and make the presentations far more meaningful, full of vigour and more vibrant.

The other thing, of course, is that this is a historical moment in terms of the public being given the opportunity to see what can be done within the Senate. It is also true that we do not get enough coverage in this Chamber because most of

the sentiments that we express or the policy positions that we put forward are reduced to nothing in the media so that the public never knows really what is happening within the Senate.

I can confess and admit to the fact, having served in both the Lower Chamber and the Upper Chamber, that the quality of debate in this Chamber exceeds, for the most part, that in the Lower House because there is less concern with the politics and more concern with the substance of the debate. In that regard, I am also suggesting that there is need for the retention of a Chamber that does not necessarily consist of elected members who are only focussed on the political end of the reality in Barbados.

So I am not supporting a situation in which all Members have to be elected within the Senate. Of course, I would hope that my tenure here is short.

Then there is the Electoral College which only comes into play when there is a decision between the Prime Minister and the Leader of the Opposition as it relates to the President. Then, to my mind, there is a little inconsistency of sorts where the Chamber goes and forms an Electoral College and the Leader of the Senate is treated as an ordinary Senator in the Electoral College, whereas the Speaker of the House becomes the Speaker of the Electoral College. I am suggesting that the position of President of the Senate ought to be elevated at least to Deputy Speaker within an Electoral College.

As you read further into the Review, there is a contradiction that could happen where at some stage, because of indecision, the Leader of the Senate is called upon to act as the President and it does create an anomaly of sorts when you are asking the Leader of the Senate to be part of the Electoral College to decide who becomes President, when he or she may become President eventually. That creates a problem in itself.

It gets deeper in this debate because this debate really should be about the governance of Barbados and the empowerment of the people of Barbados. This debate cannot be confined, as I said, to the mere question as to who is Head of State, which is a minor matter. Half of Barbados does not know anything about any queen and they really do not care about the Queen in that context. Therefore, a debate of this nature does not have anything to do with any queen – and that is the truth. It does not really matter to the people of Barbados. It may matter that the president of a republic is a Barbadian but there is an indifference of thought as it relates to the whole question of whether we have the monarchical system as it now exists as opposed to a republican system.

In fact, there may be a danger in going public because the age structure of Barbados may very well, because of that

indifference, not be supportive, but I cannot go any further on that question.

Let me get into a discussion that I regard to be far deeper and which I would call grassroots government, not local government. I am avoiding the past. I do not want to collide with any political party on this question. I am speaking of grassroots government. Between elections in Barbados, the propertied class in Barbados is able to influence Government decisions, policies, whatever. They can do it through organisations such as the Barbados Chamber of Commerce, the Barbados Hotel and Tourism Association (BHTA), the Barbados Employers' Confederation (BEC) and all the organisations where there is consultation of one sort or the other; but you have a situation in which the average person, having cast a vote, hardly ever gets the opportunity to influence public policy in Barbados.

In this regard, the grassroots government that I speak of really requires the establishment of councils in Barbados. Divide Barbados into five councils – North and South, East and West and Central. Listen carefully! All the others that spoke have never gone beyond the idea but Barbados certainly has a particular population density that can be mapped out and is known and I am suggesting that that can be used as a criterion for apportioning finance in the first instance to the various councils, that is, on the basis of population distribution. You divide up such that a highly populated parish like St. Michael would of course get a greater portion of the resources.

I am also suggesting that there is an existing contribution in the form of land and property taxes, that those taxes are paid by the individual or the companies and, again, they are distributed according to location across the country; and that particular tax which was to be abolished by the Prime Minister of Barbados some ten years or so ago – he agreed to its abolition but, like most other Prime Ministers, having come and seen the wisdom of enjoying the sweets of revenue and the benefits that can be derived, he never followed through with that particular recommendation. If you check the history of Parliament about 10 to 12 years ago, you will recognise that that was the position held.
12.35 p.m.

I am suggesting, though, that the land and property taxes which now exceed more than \$60 million to \$70 million per year can, in fact, be used to finance those same councils. I am not discussing any new taxation, but that individuals from inside councils be allowed to sit and be elected by the people from the councils to provide such things as lights, hard courts, repairs of little roads here and there, the whole question of water, and garbage. In essence I am saying that, without putting in an additional layer of Government, you can allow the average Barbadian to

participate in the governance of this country at that level. I refer to it as grassroots government. The reason why it is grassroots is that, under the Queen as Head of State, this society in the post-1961 period, after the educational revolution of the then Government, was able to create a middle-income lower class group that is now really in many respects the envy on the one hand and being pressured significantly on the other.

Let me explain what I mean. In 1961 a child of 10 or 11 would have been born around 1950 or 1949, making that individual now about fifty years old in Barbados. Persons who were born in 1966 would now be about 34 years old. If you check the age cohort between 34 and 50 and look at the heads of middle class, middle income Barbados you would see that they are in line within that age cohort. Then there are obviously individuals who would be the parents of those individuals who would have recognised that that period constituted a period of revolution giving grassroots individuals an opportunity now to have social mobility. This is why we have all the Kingslands and the heights in St. James and St. George; and we have a wonderful middle class but that middle class is being pressured because they are being asked now to carry the burden of taxation without being able to enter into that space called ownership of capital. They are still workers.

This whole revolution would have been better understood by us in today's Barbados if we appreciated that rather than provide talk about economic enfranchisement, we should facilitate the process of moving those individuals to the next level. It has not been done. This Constitution does not address that, this Constitution does not address empowerment. Those who have sprung from the grassroots and have become middle class, middle income Barbados understand the process and that is why I label this new governance grassroots governance.

Mr. President, this is not about that. This is about facilitating this thing call psychological damage, as if we are still in those days. We have emerged, we have moved on but we continue to allow people who embrace concepts of Pan-Africanism to influence us in today's Barbados when, in actuality, those people preach but do not practise. They confine Barbados to a space but Barbados is not like that. Barbados ought now to be a vector of spaces, not just a space. We have to move out. We have to connect with the Caribbean. We have to connect with the rest of the world and we cannot continue to have this myopic view because we will be left behind.

The whole question of facilitating CARICOM is a major thing. How do we make steps forward, how do we go to the next level of consolidating as a region, and fighting the forces of trade liberalisation, globalization and the WTO without understanding that we need to embrace? How do we

embrace the concept of free movement of capital and labour without appreciating that we need to broaden the whole of the state within the region? That is really what the future is about. It is about how can we once again attempt to integrate as a region because unless we integrate, we are in trouble.

When I made the statement months ago about appreciating that people are going to drift to Trinidad to set up manufacturing entities and was told by the Pan-Africanists that I am not loyal to Barbados, that is as myopic a view as you can get. I am suggesting that in today's world we need to come together, allocate resources and divide them in a way that can allow us to advance. We cannot confine our thinking to believing that we are only Barbadian. If the region comes together, then the region must understand that issues of comparative advantage would determine those kinds of investment decisions where people come, whether they come to Barbados to establish a tourism entity or services entity, whether they go to Trinidad in manufacturing, or whether they go somewhere else to establish a cement plant or flower plant. But do not tell me that I must be confined in my thinking as a Barbadian, then to be criticised, only to hear months later that the Government has agreed to allow tee shirts to come out of Trinidad for a national festival. There are all kinds of contradictions. Unless we start to get big and to go beyond the smallness, we will be confined.

I am suggesting therefore, that the challenge now for Barbados is not just about growing; the challenge now is about distribution of wealth in Barbados.

As I watch the American Presidential Elections and I listen to Al Gore's concerns about the middle class and the consolidation of wealth among the rich, and about a tax policy that favours only the rich; and as I listen to the other side, to Bush, who is an unfortunate fellow to be in a race that he is not suited for; as I watch it, I am convinced that we have the same problem now obtaining in Barbados where it is not just about growth. It is about how we now distribute the pie, how we ensure that middle class Barbados is now given an opportunity to walk through the doors of businesses as owners and not just as workers.

How do we now reverse what is happening in the land and property markets where, as I speak, it is almost impossible for the average income earner to get a mortgage to purchase land and house in Barbados? How do we deal with these issues? That has to be the major thing on the agenda. It cannot be the question of changing the Head of State from a Queen to a Barbadian because that is a minor matter, believe you me. It is not a major physiological thing anyhow because I am suggesting that Barbadians in my age group and below do not know anything about the Queen. They do not know and they do not care. The concern has to

be far deeper than what we have here now. The concern has to be about what is the future that we are looking towards as a people.

These amendments really do not deal extensively with the major matters in Barbados.

The whole question of the age of retirement. I listened to the Leader on the Other Side and I recognise that he is suggesting that there should be an extension but that goes contrary to what is happening at the National Insurance Scheme (NIS), in terms of the management of our pension plans.

12.45 p.m.

On the one hand the Leader on the Other Side is suggesting that we should expand the age of retirement, whereas the Government is grappling with all of the issues pertaining to the whole question of pensions and how would we deal with an aging population and how we are going to cope by the year 2020 with this new lopsided old age population. These things cannot be seen in isolation. There has to be a holistic approach and, therefore, to speak on the one hand about retirement that is completely contrary to what is happening in reality, is really to be out to left field. You are too far out.

You must manage the affairs of Barbados within the context of the resources that we have and unless we do that, we are going to be in trouble. We are currently not doing it well.

The whole constitutional debate should be about that because there is no one in the Chamber that can tell me what would be the type of republican system that we would have. Nobody can tell me what it is going to be. Is it a Trinidad experience? It certainly cannot be a United States experience, which has been identified as the major republican system in the world that has delivered all kinds of social justice, economic equality and opportunities for all. The United States experience cannot be adopted in the region – not here in Barbados.

So, are we going South to Trinidad? Are we going North? Where are we repatriating the Constitution from? Perhaps, we may be going up to Haiti. In all fairness, nobody has yet explained what this new system would be. Nobody can convince me, either, that this new system is going to deliver honey and milk. There is nothing that will substantially alter the way business is done in this country if the Constitution is changed according to recommendations in this review. There is nothing. Except for the adjustments to the Senate and a few minor matters here and there, there will not be any major changes in the Constitution to deliver a new Barbados to us.

It has not been identified. There has not been any major change to the preamble of the Constitution. There has not been any major change to the Bill of Rights in the Constitution. There has not been any major change to the amending clauses in the Constitution. They have all been cosmetic for the most part.

While I can understand the major political focus to make us feel good being that we have a President that is Barbadian, I do not understand what is going to happen beyond this new arrangement called the Constitution Arrangement.

I must confess that the debate ought to be a much wider debate. The debate ought to be a debate that deals with and embraces other notions of governance. Have we abandoned the philosophy of democratic socialism in this country? Have we embraced it? We spoke of it in the 1960s. It was embraced by both the Democratic Labour Party and the Barbados Labour Party.

Asides.

SENATOR C. A. MASCOLL: This new environment called WTO has in fact crippled the Government's capacity to deal with these issues that are mainly socialist in orientation. You have a situation in Barbados in which there is an introduction, for example, of a property transfer tax, that permits foreign people to have greater access to land than Barbadians do. There had been an imbalance before that has been addressed because the WTO says that you cannot have an unfair playing field. Even for a foreigner that wants to own land in Barbados, the playing field must be level. Therefore, it was altered last year.

You have an environment in which we have introduced bound rates as a means of offering protection to local manufacturers and the agricultural sector. In all fairness we have not done it in a balanced way. As I speak, manufacturers are reeling under the pressure because the tax did not offer adequate protection. As I speak, the tourism sector is crying that you have now imposed additional burdens on them and nobody seems to be willing or able to make the necessary adjustments. As I speak, the agricultural sector, the fishing sector, Mr. President, even those who thought, initially, that the protection offered to the chicken industry was adequate now remain silent while the Government has been able to bring in all kinds of chicken parts and nobody in the chicken industry has cried out.

In recent times there is incapacity to cry because they have been caught between a rock and a hard place. This thing that we are engaged in here, called the Report of the Constitutional Amendment, while it is important from the point of view of making a Barbadian the Head of State, will not cause any major change to the landscape of Barbados,

either socially, politically or economically. It will not cause any major change and nobody can even begin to demonstrate, if there is going to be change, how it will occur.

We have struggled. We have seen the Leader of the Senate as he struggled to demonstrate and justify, in fact, why there is need to remove the Queen as Head of State. It could not be justified. Perhaps, there was not the conviction in the heart that was required. The Leader did not speak with the kind of conviction that this is a radical move designed to create a new landscape to bring prosperity to Barbados, to enhance the opportunities for the average Barbadian to be involved in the political process. Therefore, I sense a sort of half-hearted approach to this whole question of the Constitutional Review by the Leader on the Other Side.

Mr. President, yes, there is no doubt that we will support a republican form of Government. Even though it is not yet described, only because we understand that there is an indifference as to whether we have a Barbadian or the Queen. At this stage it makes sense to say, let us engage in having a Barbadian as Head of State. I am suggesting to you, Mr. President, that it will make no material difference the day after it is done and years after it is done because it will not alter the structure of anything in Barbados.

To adopt that is simply to have a feel-good factor. You feel good about the fact that the President is now a Barbadian. So we are happy to report that is not a contentious issue. The contentious issue must be whether the other alterations to the Constitution would result in any change in the landscape. I am suggesting to you that there would be none. I cannot see it.
12.55 p.m.

Let me just end therefore by saying that a Constitution, of course, has its rightful place in the affairs and the governance of any state but the importance is that the state is able to transfer that structure into meaningful outcomes for the citizen, be it in education, social reform, political or any other type of reform. I cannot support the view that there is going to be a radical difference when I have already demonstrated that under the Queen as Head of State since 1966 we were able to increase our per capita income threefold and we were able to increase the number of people going to tertiary education level threefold. We were able to reduce the housing stock from being 90 percent wooden to 40 percent wooden over that period of thirty years. We have been able to increase the life expectancy of Barbadians and we were able to reduce the level of deaths at birth among children.

Sir, all in all the social and economic indicators point out that we have made strides and if, indeed, we are saying that the Queen as Head of State was a debilitating factor, then perhaps when we look to the ills of the society we will also seek to blame her, and you cannot do that. You cannot

blame her for the increased crime, you cannot blame her for the social decay and you cannot say that she was responsible in the day-to-day operations of Barbados. She has never been and, therefore, we have been governing ourselves since 1966 or before and we have done a very good job but there will not be any substantial difference when we adopt what we are seeking to adopt in this constitutional review.

On that score, Mr. President, I must say that while I feel as though I have participated in a historical event, I do not think that this Constitutional Debate will cause history to be changed very much.

I thank you, Mr. President.

SUSPENSION

SENATOR THE HON. P. C. GODDARD: Mr. President, I move that we suspend the Sitting for one hour and return at 2.00 p.m.

The question that the Sitting be suspended to 2.00 p.m. was put to the Senate and agreed to and Mr. PRESIDENT suspended the Sitting accordingly.
1.00 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed. Senator Sir John Goddard.

SENATOR Sir JOHN STANLEY GODDARD: Thank you, Mr. President. We are involved in a very important debate today on the report of the Constitution Review Commission. I would like to say from the outset that I had the honour to serve on that Constitution Review Commission.

I would like to start my contribution to the debate with the definition of a Constitution. I am taking this definition, Sir, from the Report itself, Chapter 1.7 and it was taken from the Wooding Commission of Trinidad and Tobago in the introduction to its 1972 publication, "Thinking Things Through" and I quote:

"A democratic Constitution is a body of basic rules by which the people of a country agree to govern themselves ... But a Constitution should not be a strait-jacket. It is intended to operate in a world of movement and change. Its major purpose is so to distribute functions with the right of the people to govern themselves through the institutions which it sets up will not be disregarded."

There is a recommendation within this report that the Constitution contains the supreme law clause. In fact that Clause can even strengthen, which asserts that the

Constitution is paramount to any other law and it means that any other law that is inconsistent with it, must be overridden. This affirms the supremacy of the Constitution over the traditional view of the supremacy of Parliament.

The Constitution Review Commission received many, many recommendations from a wide cross-section of people and institutions of Barbados, both locally and abroad, through public meetings, private discussions, radio call-in programmes and any other means through which we could get the opinions of Barbadians and take them into account before drafting this report.

I turn now, Sir, to the Repatriation of the Constitution, which is outlined in Chapter Two. As we all know, and as has already been stated, it means bringing the Constitution to an oath. Again, I am quoting from the report, Chapter 2.1:

"Although the Constitution of Barbados is a Schedule to the Barbados Independence Order (S.I. 1966 No. 1455 (UK)) and the Order itself was made by Her Majesty-in-Council, pursuant to the Barbados Independence Act, 1966, an Act of the United Kingdom Parliament, the legal power to amend the Barbados Constitution firmly resides in the Parliament of Barbados."

And, Sir, it goes on, at 2.3:

"The Repatriation of the Barbados Constitution is both an emotional and a legal issue. In relation to the first issue, the people of Barbados in their submissions to us made clear their deep feeling that our Supreme Law has to be, in every sense of the word, indigenous and autonomous. There is undoubted consensus that the Constitution should be a product of the Barbados Parliament and completely Barbadian. This would rid our Supreme and Basic Law of any trace of the colonial format, remove any possible judicial or theoretical doubt about the power of the British Parliament to legislate further in relation to the Barbados Constitution and clearly signal that we are in all respects "firm craftsmen of our fate"."

Mr. President, I think it will be helpful at this stage if I try to give a brief layman's overview of the background to our Constitutional and political history and development before attempting to deal with some of the recommendations in the Report. I must emphasize, Sir, this will only be a layman's overview.

Barbados remained as a colony under uninterrupted British control from the time of its Settlement in 1627, right up until the time of Independence by an Act of the British Parliament in 1966. Of course, there had been much earlier settlements by Amerindians from South America but they

had all abandoned the island long before the settlement in 1627.

Our Parliament is the third oldest in the Commonwealth. It was settled in 1639 and Articles of Agreement were concluded in 1652 in the Charter of Barbados. It has been claimed that the Charter of Barbados may have influenced uncompromising application of the principle of 'no taxation without representation' at the famous Boston Tea Party in the Americas in 1773. It pinpoints the American Declaration of Independence in 1776, the drafting and signing of their Constitution, 1787 and the ratification of that Constitution's first 10 amendments, which constitute their Bill of Rights, in 1791.

Mr. President, I submit that if this claim is correct, and I would have to leave the accuracy of it to the historians, the importance of the Charter of Barbados can be related to the capacity of the tiny mustard seed referred to in the Bible. In the early days, the franchise in Barbados, that is the right of persons to vote, was based on land ownership and was therefore severely restricted. No true parliamentary democracy existed, not the type of parliamentary democracy we know and enjoy today, as both slaves and poor whites did not qualify and were, therefore, automatically excluded from voting.
2.05 p.m.

Emancipation came in 1834 and that extended the franchise to the former slaves, but only if and when they qualified. Local government functioned through the vestry system in each parish, which was later replaced by local Government through three district councils – the Northern, the Southern and the Central District Councils which were abolished in the 1960s.

Formation of political parties followed swiftly after the 1937 disturbances. Adult suffrage, which we enjoy today was introduced in 1951 and the voting age was lowered from 21 to 18 by a constitutional amendment in 1974. Barbados was one of the ten English-speaking Caribbean countries to form the West Indies Federation which lasted for only four years, from 1958 to 1962. However, Barbados currently participates in economic and functional arrangements within CARICOM.

Internal autonomy was achieved in 1961 although Barbados has always enjoyed a large percentage of local autonomy. Independence was achieved in 1966 by an Act of the British Parliament, but the monarchical system was retained.

It is against that historical background that the recommendations in the Report for certain constitutional changes reflect both the recognition of the changes in our circumstances and our learning experience within a political

process which really started with settlement in 1627. Some people have expressed concerns about these changes, but I see no reason for any concern. Barbados would still continue to function as a parliamentary democracy and will remain as a member of the Commonwealth. It will also continue to honour all of its various regional and international obligations and commitments.

Sir, against that background I now turn to the recommendations which have been summarised between pages 93 to 107. I will, within the constraint of the time allowed me, offer some brief comments on some aspects of certain recommendations.

The summary here contains 20 sections and within each of those 20 sections there are important recommendations. As has already been mentioned, the most controversial issue – in the public's mind at least – is the change towards what has been termed a Parliamentary Republic. It is recommended that the Head of State be a non-executive President who would be a Barbadian citizen. That citizenship is not qualified in any way, it just says a Barbadian citizen who would be elected by an Electoral College for a fixed term of seven years, and that President would replace the Monarch as the Head of State.

It should be noted that the functions of an elected President would be the same as those formerly performed by an appointed Governor-General. Changing from a Governor-General to a President, the function will remain the same.

That decision will be taken by means of a referendum which still has to be debated in Parliament. I submit that the debate and the decision on the issue of the change should be based on its relevance to the younger and to the unborn generations of Barbadians in particular, rather than on any immediate advantage or disadvantage, economic or otherwise.

The responsibilities of persons are spelt out. I think there are very important and, if you will permit me, I would like to read them.

The Commission recommends that the reformed Constitution emphasize that it is the duty and responsibility of every person in Barbados to:

Obey the law and abide by the Constitution and respect the ideals which it enshrines in the institutions which it establishes;

Exercise that person's rights in a manner which respects the rights of others;

Cooperate with lawful agencies in the maintenance of law and order;

Respect the National Anthem, the National Flag, the National Pledge and all National Emblems;

Register for electoral and other lawful purposes;

Defend the country and render national service whenever necessary;

Value and preserve the rich heritage of Barbadian culture;

Create and maintain a clean and healthy environment and have compassion for living creatures;

Participate in the economic, political and social life of Barbados;

Contribute to the well-being of Barbados to the best of that person's ability;

Strive towards excellence in all spheres of individual and collective activity, so that the Nation constantly rises to higher levels of endeavour and achievement;

Promote harmony and a spirit of unity among all the people of Barbados, transcending religious, sectoral or racial diversities and abstain from practices derogatory to the dignity of the human person.

I know it is a long list, Sir. There are 12 items but I think it is very important that all Barbadians have a clear picture and understanding of their duties and responsibilities.

The State also has responsibilities and I will just touch on three of them. The State shall:

Endeavour to operate the machinery of government, including the use and disposition of public finances, with the greatest degree of transparency consistent with good government and the national interest, and in a manner that is best in keeping with the democratic vocation of Barbados;

Ensure that the beaches and the public areas are accessible to all and they do not become the exclusive preserve of any one sector of the community; and

Fashion and direct the policies of the State towards ensuring that land is not so owned and used as to result in a concentration of ownership and control in a few individuals to the common detriment of its people.

The answer there is the Bill of Rights which has been referred to already. It is a very important section within the Report and I do not think that I need to comment any further on that.

I come next to the Senate, this Honourable Chamber. It is recommended that the Senate be retained and the number of Senators should remain at twenty-one. There will be an adjustment in that while the Government Senators will remain at 12, the Opposition Senators will be changed from the two at present to six with four representing the official Opposition and two representing the other Opposition parties depending on the circumstances. The independent senators would be reduced from seven to three whereas the Opposition senators will be increased from two to six.

On the question of the Parliamentary Committee System. Such a system exists already but I do not think that any of us in this Chamber or in the Other Place could say with honesty that it functions as effectively as it should.
2.15 p.m.

There is a recommendation to expand and strengthen the committee system and to provide opportunities for concerned or interested persons to make representations to Parliament through its committees on issues that affect the community.

Regarding the present electoral system, it is the recommendation that the first-past-the-post system should be retained. There is another recommendation for the appointment of an integrity commission to be established to receive a declaration of assets, liabilities and the income of Members of Parliament, with powers to investigate if necessary. The purpose of this Commission is to ensure greater transparency and accountability from parliamentarians.

On the question of the Executive, there is a recommendation to remove the power of the Prime Minister regarding the dissolution of Parliament in certain circumstances. Sir, I would like to read that. It is at page 102, section 14B:

"The Commission recommends that:-

- (a) Section 66(2) of the Constitution should be amended to remove the power of the Prime Minister to advise the President to dissolve Parliament when the House of Assembly has by a majority of all its members resolved that the appointment of the Prime Minister be revoked."

Regarding the Judicature, there are recommendations regarding the appointment and the removal of judges and to extend the retirement age, and to recognise the Magistracy within the Constitution and to strengthen it.

On the matter of the Public Service, there is a recommendation for the formation of a Teaching Service

Commission. I stress "formation" because constitutionally there is provision for the creation of a teaching service commission but it has never been established. The recommendation is that it should be established and that a Protective Services Commission, which would embrace the Police Force, the Prisons Service and the Fire Service, should be established and that the Police Service Commission would disappear in time, as it would be part of the Protective Services Commission; and for the establishment of a Public Service Appeal Board to hear and determine appeals arising from any decision of any of the Service Commissions.

On the question of Finance, there is a recommendation to enhance the constitutional and reporting importance of the Public Accounts Committee and of the Auditor General. They, Sir, are two of the watchdogs for Parliament and the Constitution recognises that. There are recommendations to strengthen the capacity of both the Public Accounts Committee and the Auditor General.

Finally, in the recommendations, there are the Related Laws and Transitory Provisions which the lawyers will have to look at. They deal with the existing strategy provisions to ensure that they are in conformity or brought into conformity with the reformed Constitution and to deal with the process of the transition.

Sir, I next turn to the Preamble.

"3.1. Some Constitutions have no Preamble. Preambles are generally not considered to be essential. Where they exist, their purpose is to underscore a sense of national identity and to express the basic tenets, values and principles of the State and its people. They are therefore essentially inspirational and exhortatory and provide a useful link between periods of history, mirroring the development of the nation. The Preamble to the 1966 Constitution sought to achieve these objectives."

Sir, the main argument for a preamble is the fact that if Parliament accepts the recommendations of the Commission the reformed Constitution would be a new and authentically Barbadian Commission, the product of an Act of the Barbadian Parliament. A new Constitution requires a new Preamble.

I now turn to the text of the Preamble itself on the next page, page 18. I will not attempt to read the whole thing, Sir. It is beautiful, if I say so myself, but it is long. I would like to refer to the five paragraphs that re-affirm, re-dedicate, resolve, declare and pledge.

"WE, THE SOVEREIGN PEOPLE OF BARBADOS, ...

Reaffirm that the sovereignty of the people and the nation of Barbados is founded upon principles that acknowledge the dignity and worth of the Human Person, the fundamental rights and freedoms of the Individual, the central role of the Family in a free society and the supremacy of God;

Rededicate ourselves to the building of a democratic society founded upon respect for moral and spiritual values and upon the Rule of Law, in which the powers of government spring from the will of the People as expressed in periodic free and fair elections conducted on the basis of universal adult suffrage;

Resolve that the social and economic life of the Nation shall be so ordered as to promote the general welfare by an equitable distribution of the Nation's resources, by humane and just conditions under which all persons labour and by a proper regard for ability, integrity and merit;

Declare that our own Barbadian Nationhood is nourished by our roots in the wider spiritual and cultural reality of the Caribbean People, and undertake to seek the closest forms of community with our sisters and brothers in the Caribbean;

Pledge to cooperate with other nations in the quest for international peace and security and the promotion of universal respect for human rights and freedoms;..."

Sir, the Report itself presents a very comprehensive review of the existing Constitution which has served us well. I think there would be general agreement on that. It does not recommend a rejection of it or drastic alterations to it. Instead, the Report is an attempt to reform the Constitution in the light of experience gained since 1966 and of the recommendations received from consultation with such a wide cross section of Barbadians, locally and abroad.

Let me say, Sir, it was an honour for me to serve on that Commission from November 21, 1997 and onwards as a representative of the Barbados Employers' Confederation following the untimely death of my friend and colleague, the late Thomas Roach. I had earlier made a written submission to the Commission and had appeared before it on two different occasions.

Mr. President, it would be remiss of me not to comment on the commitment and dedication of all the members of that Commission, especially on the high quality of the various submissions made by the attorneys-at-law and of the willing and conscientious support of the staff. It was in all respects a very fine team effort. I should also note the outstanding

leadership of the Honourable Henry Forde, now Sir Henry. His contribution was truly a labour of love.

The Report needs to be, and will be, discussed more widely as recently announced so that the implications of those recommendations can be better understood and appreciated by all Barbadians.

Finally, Mr. President, I strongly recommend that the Report of the Constitution Review Commission of 1998, which in time will come to be known as the Forde Commission, forms the basis for drafting the reformed Constitution to be enacted by the Parliament of Barbados in due course. Thank you, Sir.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, Sir, I join this debate and at the outset I would like to extend my personal commendations to Sir John Stanley, and I hope that this will be representative of how we regard the all work of the entire Commission, for the fine work they did in a relatively short period of time in producing such an excellent document and, most of all, Sir, to thank him for bringing the debate back to the Report of the Constitution Review Commission.

Senator Mascoll spoke as though he was speaking on the Budget or the Estimates. Indeed, he spoke in his accustomed manner. He expected the Report of the Constitution Review Commission to provide the answer to what he perceives as all of Barbados' economic ills, all at one and the same time, when that was not the intent of the Report. The Report, Sir, has clearly defined terms of reference and, therefore, Sir, his presentation was misused. 2.25 p.m.

Sir, what really almost pained me was to hear a representative of the late Errol Walton Barrow, who uttered the immortal words that he "would not like to be found loitering on the steps of the Colonial Office", when he was negotiating Independence 1966. In a way I felt that Senator Mascoll was trying to recant and disavow the philosophy in the words of Errol Barrow and would want us to loiter in the Colonial Office even though it no longer exists to all intents and purposes.

Sir, he said that the Report of the Constitution Review Commission should redress all the various economic and social imbalances but he said that they were no substantial changes in the Report that would bring about social and economic changes and reorder the distribution of wealth. I wonder why it was that his Party, when they amended the Constitution of Barbados in 1974, 1989, 1990 and 1992, did not seek to do the very same thing. They had ample opportunity. As a matter of fact, this is merely a Report with recommendations but Senator Mascoll spoke as though it

were Government's policy. This is not Government's policy. In fact, Sir, there is no whip on and people are free to speak according to their minds, hearts and consciences. Sir, Senator Mascoll went in such a direction as to say that this document did not do all these things. Sir, I recall that in 1992, rather than doing all these things, we had the most contentious, disputatious amendment of the Constitution ever seen in Barbados when there was no prior consultation, nor were there any public hearings, but we are all familiar with that. Sir, what they did in 1992 was to cut the public servants salaries but I will get back to that another time.

Sir, Senator Mascoll spent a great deal of time and reflected terribly on the good will and the good name of the members of the Commission when he said that the Report of the Commission was virtually a guise to discuss the question of a republic as against a monarchy because, to all intents and purposes, the Governor-General has been the Head of State. Sir, that is like saying that Barbados was independent in 1966 so, therefore, there is no point in seeking independence because at that time Britain was only responsible for our defence and our foreign affairs. We were responsible for everything else as a colony which had neither grant or aid and we had always paid our way and, through the Charter of Oistins in 1652, we virtually declared independence from Britain when we stood up against Cromwell.

Sir, I do not understand how you can say that you were virtually independent but that you should not go all the way. It is like saying that our flag is not important, that all of our symbols are not important, or that our anthem is of no importance.

Symbols are important, Sir, and to seek to reduce this debate to how much material goods a Constitutional amendment can provide Barbados with, is to me, demeaning the whole effort of the Commissioners. It is diminishing and trivialising the effort and I think that Barbados expects more of us in the Senate on this matter.

Sir, I am very glad he spoke because he revealed the hand of the Democratic Labour Party and I would like to take this opportunity to warn the public to look out for all kinds of twists, turns and spins to this effect. You can see it coming. People are probably asking, why go to a republic since you are not going to get more houses, cars, *etc.* That is tantamount to saying that all there is to man is the material side.

Sir, this whole Report, particularly as it deals with the question of whether we should retain the monarchy or become a republic, deals with the guts and the souls of Barbadians. Sir, how can we as a nation rave and celebrate, quite justifiably, the achievements of Obadele Thompson and

others? How can we say that we are a nation standing before the world? Barbados stood up against nations that were bigger and mightier in achieving what we did at the Olympics. We are ready to take on the world but we cannot make that one step from where we are now to becoming a republic.

Sir, what is there to stop us? Do we doubt ourselves so much? Do we fear for ourselves in the sense that we no longer have the self-confidence which we called for from Obadele Thompson and the rest of the Olympic team? We are calling on all Barbadians, especially the young ones, to commit themselves to self-confidence and excellence in the pursuit of their own personal achievements and the betterment of Barbados. To me there is dichotomy and contradiction here and Senator Mascoll was not up to his usual high standard on that score.

Sir, I think that it is more than coincidence that this is happening at this time. It is interesting that in 20 years the Barbados Labour Party Government is the first Government that has twice sought to bring about fundamental reform in the Constitution of Barbados. In 1979 there was the Cox Report and now this one, Sir. All the others were just minor attempts except for the one in 1995 when we amended the Constitution to prevent any Government from again cutting the salaries of public servants as had been done in 1992. It was the most momentous thing prior to this action that we are seeking to take now.

Therefore, this Barbados Labour Party Government is obviously well in tune with the society in making sure that what we take to the public reflects the views of as wide a cross-section of the society as possible.

Senator Goddard spoke in brief about some of the actions that were taken. It is important to stress that this Report reflects the views of a cross-section of Barbadians – not only at home but abroad.

Again, Sir, I would like to quickly enumerate the activities that were carried out to ensure that we got as close as possible the feel and the pulse of Barbadians either at home or living abroad. There were six public hearings in Barbados. The Commission also met with secondary schools. There were overseas meetings with Barbadians in London and Birmingham in the United Kingdom, in Boston and New York in the United States of America, and in Toronto and Quebec in Canada. There were also six public hearings on special topics, 75 submissions from the public in Barbados, 98 from overseas, 42 presentations on special topics – a total of 265 submissions to this Commission. In addition, this Commission met and worked hard by having 112 in-house meetings. Also, they consulted a wide range of documents as outlined in the Report.

Sir, the point is that we have to see what we are seeking to do here. Constitutions are not cast in stone and the Barbados Constitution, as I have said, has served us well in the past but, like any other document or any other institution, it has to respond to the changes in the society. It has to reflect the aspirations, the hopes and everything else of Barbadians and while it has retained some of its fundamental core, Barbados is in many ways a different place from what it was in 1966.

The world has changed, we have changed, people have become more educated, values have changed and, therefore, we have to ensure that our Constitution reflects those things otherwise it will become a static and stagnant document that will be meaningless and would not even attract research by students at the University of the West Indies or at the Community College.

Sir, this attempt is to bring our Constitution in line with the rest of the society and reflect more truly what has happened.
2.35 p.m.

I can understand quite well that there should be some anxiety from persons about change. We understand that people who have become familiar with certain symbols and institutions might feel a bit anxious and concerned about these things. But this is not the first time that I have had those doubts expressed.

Research would show, Sir, that when we took the step to give women the right to vote there were doubts about the impact that it would have on the society, and look how the society has become better for it. When we moved toward adult suffrage, Sir, there were doubts whether the average Barbadian man in the street had the capacity and the intellectual gift to understand the value of being able to vote and to use it wisely. When we were setting up a trade union here there were also doubts expressed. Even when we were going into Independence, there were doubts expressed that Barbadians alone could manage as a country. Sir, these doubts have largely come to nought and we are a better place for it today, and there can be no doubt about it.

We saw a convergence of events where we are having the achievements of our persons honoured in every sphere of life. We just paid, quite justifiably, a great deal of attention to our Olympians. They are demonstrating their success abroad and at home and that is a new ethos about Barbadians. A Barbadian is a different and more self-confident person, especially following the economic gains since 1994 and the recovery from the holocaust of 1992, Sir. There is no doubt that Barbadians now feel better about themselves and their country, and that they can help and work to take the country forward.

Senator Mascoll spoke about not creating a business environment. Anybody could tell you that never before in the history of Barbados has such business activity come about. It exists, there are more business persons in Barbados, there are more entrepreneurs, there are more young persons and we have set up a Constitution to cater to them. I do not know of any Constitution in the world, not that I am a Constitution expert on Constitutions, but I do not know of any Constitution in the world that guarantees these kinds of bread and butter issues – how much a person should be paid, how much wealth they should accumulate by age 40, how many acres of land they should own. It does not happen anywhere else in the world. Therefore, to me it is only frivolous and seeking to confuse the public to implant that kind of idea in the public's mind.

Sir, I want to take a little time to pay some attention to two areas as quickly as possible. One has to do with the question of the public service and the recommendations for the public service. There is no doubt that Barbados has had a very worthwhile and excellent public service over the years. As an institution it has contributed immeasurably to the governance, the improvement and the governance of Barbados. We could not envisage what Barbados would be like and that Barbados would have made the advancement that it has if we did not have a professional civil service, a civil service of high quality and that is still the envy of many persons.

I know that it is popular to talk about the bureaucracy and to criticise civil servants as a breed *et cetera*. When you put that aside and look at the hard fact – the fact is that you have a civil service that serves us well but needs improvements. Government's Public Sector Reform effort is seeking to do just that. Obviously there are other things that have to be done.

One of the things that Government is seeking to do, Sir, is the creation of a new Public Service Act that will deal with some of the issues that are addressed in the recommendations of the Commission and deal with some of the wider issues of the society.

The work on the new Public Service Act that will deal with the questions of recruitment, training and discipline, the whole gamut of the public service, is hard at work. In fact, the committee met as recently as yesterday, setting up a number of subcommittees to deal with recruitment, discipline, conditions of service and the review of the General Orders – the much maligned General Orders that people do not know whether they are law or not law, how much weight they carry and sometimes they are largely ignored. They seem to have brought a new regime to deal with the whole question of reviewing the General Orders. They also seek to draw up a code of ethics.

Senator Goddard spoke about some of the recommendations that would seek to deal with the whole question of the integrity of politicians, especially, and other public officials. There is no doubt that as another country of the world, we need a regime to govern the behaviour of public officers, just to make sure that every thing is above board in every sector of the society.

It will deal with the whole question of drawing up a code of ethics, the role of the internet, even, and the question of the electronic government. As a matter of fact, Government has received an invitation to go to Washington, I think it is, to look at the whole question of e-government, as it is called, and we are actively pursuing that proposal. Very soon some decisions will be taken in that matter so that we can be compatible with electronic commerce. It would not do the society any good if we had electronic commerce flourishing in the rest of the society and Government, another major sector, was behind hand and not able to mesh with it and have electronic Government, so that is well on the way, Sir.

They also looked at the future role of the various Commissions – the Public Service Commission, the Police Service Commission, Judicial and Legal Service Commission. They are also setting up a subcommittee – the setting up of this committee was one of the recommendations of the main report of a main committee and that report, Sir, will go to Cabinet tomorrow for further consideration. It is a kind of work-in-progress report to Cabinet on the work of the committee of the main committee so far. The deadline for the subcommittee is November 21 and the main committee is supposed to report to Government with its final document by December 31, 2000. Work is well on the way in that respect.

In respect of the Civil Service, we know, Sir, that there is a great number of requests for regrading or reclassification of posts. The reclassification exercise is about to start. The fees have been approved for the payment of consultants and the terms of reference for this major exercise have been revised. The Ministry of the Civil Service has written to Price Waterhouse and Coopers accepting its proposal for phase one, which is the diagnostic study of the Public Service as part of the whole reclassification exercise, and Price Waterhouse and Coopers can now mobilise and start work at very short notice.

The head consultant, Mr. Charles Chacono, is expected to be in Barbados before the end of October to get this progress on the way. We are pressing ahead and Government is keeping its commitment to the entire public service in this exercise which is suppose to look at every ministry, department and even statutory board of the Public Service so that we can get a better reading of the whole situation where

the rewards of jobs are concerned and that will help to modernize and give a greater sense of efficiency to the Public Service as we move on.

Sir, I also need to speak about the question of the talked about aspect of Barbados becoming a Republic and Barbados having a President rather than a Governor-General. There is no doubt that we have been well served by our Governors-General, I think that there have been five so far. There is no one who can point a finger and question the integrity any of our Governors-General.

We do not expect, Sir, that if we set a precedent, that, all of a sudden, all of the traditions and standards that we have become accustomed to from our Governor-General will suddenly go away when a President takes the place of the Governor-General. Largely, the President will do virtually what the Governor-General used to do. There is not going to be any proposed extensive elaboration of his functions, responsibilities, and powers *et cetera*.

Therefore, Sir, I do not think that people have any reason to fear that Barbados will suddenly decline, that the things that we are accustomed to as a country will no longer be respected, and that Barbados will become what is probably termed a banana republic.
2.45 p.m.

The history of Barbados, either as a colony or as an independent country, does not bear that out and I do not envisage how, in a society where we have a much more educated and vigilant population and electorate, where we have a much more vigilant, active and vigorous press, where persons are exposed to happenings all around the world, we could, all of a sudden, go haywire and become some country of which we could no longer be proud, and that Barbados would no longer be the Barbados that has the high reputation that we have always had for governance.

Sir, if it should be that persons in the society come to a debate, as has ensued on the whole question of the recommendation of the Constitution review and that will happen when the referendum programme is underway, I feel that a lot of these misconceptions, the miseducation and misinformation, and even this information, will be rejected by the public which has in the past shown excellent judgment in dealing with major issues that confront it.

Sir, I have no doubt that persons would seek to cast this whole debate in a highly emotive atmosphere, interjecting race, colour, religion, nationality, *et cetera* and when the public takes this into consideration, it will bear in mind that you have to look at the track record of Barbados as a country, look at the overall track record of our Governor-General and our Governments. While we may have

difficulties or criticisms with each other's parties over the years when we were in government and we would have made mistakes, even as a species, Sir, we have not had atrocious governments, we did not have bad government, we did not have wicked and vicious despots as prime ministers. It is not part of the Barbadian political culture and, therefore, I am going to alert the public to be on its guard for the agents of misinformation who will try to confuse its head.

Very often, Sir, I believe that some of the persons have not even read the Report, not even Senator Mascoll. I have to end on this note because it is very important. Senator Mascoll said that the Report of the Constitution Review Commission does not deal with the whole question of reordering of wealth, or with substantial changes that would reflect on how persons could become better citizens and better off, *et cetera*. But Senator Sir John Stanley Goddard read page 18 of the Report in which he dealt with the Preamble. Senator Mascoll even said that the Preamble was not an improvement over the previous one. It makes me believe he did not read the original one because even in this aspect alone, where Sir John Stanley said,

"Resolve that the social and economic life of the Nation shall be so ordered as to promote the general welfare by an equitable distribution of the Nation's resources, by humane and just conditions under which all persons labour and by a proper regard for ability, integrity and merit;"

Sir, I do not think you can ask more of a Preamble. It reflects all the things that are worthwhile to society, all the standards that we hold most dear and we bemoan that they seem to be slipping fast and furiously away. Therefore, I believe that we have the basis in this Report for a good sound public debate, a debate of the calibre as presented by Senator Sir John Stanley Goddard, and which I am sure will come from other Members of this Chamber this evening.

Therefore, I have great pleasure in noting this Report and I look forward to Barbadians using it as a document for the further development of the society. We have had what has been described, Sir, as a quiet revolution in Barbados where we have achieved a tremendous amount without the shedding of blood. We have achieved the right to vote, the formation of trade unions, the formation of political parties; we have even achieved Independence without the shedding of blood, in fact, without a hair being pulled from anybody's head.

Therefore, I trust, Sir, that this matter, which really in truth and in fact is about the better ordering and governance of the Barbadian society, particularly where it deals with the question of the symbol of our own Head of State and I hope that a similar exercise can proceed in as rational,

dispassionate and calm a manner as possible. Like F. D. Roosevelt said in the United States, dealing with the question of fear,

"We have nothing to fear but fear itself."

As long as we maintain a positive attitude in Barbados and seek to do what is good for Barbados, I have no doubt that this Report will form the basis – there are only recommendations, some will be rejected, some will be approved and some will be amended – of a better Barbados that we can leave for future generations.

I thank you, Sir.

Mr. PRESIDENT: Senator Williams.

SENATOR J. E. D. WILLIAMS: Thank you very much, Mr. President.

Mr. President, I sat and listened very carefully to the presentation of Senator Mascoll and as he spoke, I remembered the words of the late Right Excellent Errol Barrow. I wondered at the time why he made those comments but I think one thing he did was that he understood Barbadians. The question that he asked us was, what mirror image do we have of ourselves? Maybe he understood that there were the Senator Mascolls of this world that had to be reminded that we must always understand the image that we have of ourselves.

These Constitutional amendments would be coming at a very critical time in our history. We are basically at the crossroads. We have to make decisions that will make a statement about how we feel about the future and how we feel about ourselves as a people. We will also make a statement about what confidence we have in ourselves to manage ourselves from the very top and that is why it pains me to listen to Senator Mascoll, to my mind, trivialise the Report and the recommendations because simply to speak of it in terms of the discussion on a Head of State does a disservice to the work of the Commission. It really, really does but why should I be surprised?

Mr. President, the Constitution in itself is the supreme instrument for ordering the society. It gets its legitimacy, authority and relevance to govern from the people. To that extent, if you are either going to draft a Constitution or seek to amend a Constitution, you need to make sure that you canvass the views, consult with the people to whom it is intended, and that is exactly what the Commission did.

I want, from the very outset, to commend the work of Sir Henry and the other members of the Commission. I think they have given us a set of recommendations from which

many fine amendments will emanate. They have done a fine job. I also want to commend all those persons who went before the Commission, all those Barbadians who made submissions, both in Barbados and outside of Barbados. Those submissions and consultations with Barbadians, at home and abroad, permitted the Commission to arrive at this document. Unlike Senator Mascoll's contribution about the Head of State, this represents the feelings of people, the views of people and the things that they would like to see change in our Constitution. So what is so basically wrong with that? Democracy starts with the people.
2.55 p.m.

I heard Senator Mascoll speak about his form of grassroots representation and I really want a little later in my contribution to get to deal with things like local government and to deal with making sure that participatory democracy is extended further to the people of this country. Participatory democracy, which is listening to the people, is also in the formulation of a Constitution. That is why I said that one has to commend the work of the Commission.

I want to look first at the Preamble in the Constitution. We are obliged to Sir John Stanley for reading the Preamble for us because, as he quite rightly said, it says something about our core values, the principles and the things that we hold dearly as a people because it provides a linkage with our history, and that is the point I want to come to.

I have to commend the Commission for resisting the urges of some people to remove the supremacy of God from our Constitution. Mr. President, from the time I came along as a little boy, I heard my parents and my grandparents talk about the fact that God has been good to us and I say to you in this Honourable Chamber that He has indeed been good to us. I am happy to see that it was in our Constitution and that we are making sure, via these recommendations, that He remain part of our Constitution.

In everything that we do, God must be part of it. If Senator Rock was in his seat, he would say as the very Good Book says, you can find it in Proverbs Chapter 3, Verse 5:

"Trust in the Lord with all thine heart, and lean not upon thine own understanding."

Proverbs Chapter 3 Verse 6 is even more profound. It says:

"In all thy ways acknowledge Him, and He shall direct thy paths."

It did not say in a few, it did not say in some, neither did it say in most. It says, "In all thy ways acknowledge Him, and He shall direct thy paths."

I am happy to see that we have the courage and the strength to resist those persons who would want us to remove God from our Constitution. We are predominately a Christian society, that is part of our history.

Mr. President, the same Preamble talks about the fact that it provides a link to our history, so to remove it would be wrong. I will tell you why I think it would be even more dangerous to remove it and it is for this reason. We have lived to see in big societies – you know where they are – where people are prepared to contest whether they should be prayers in schools simply because they say the Constitution does not support it. I do not want us to find ourselves in that position because we understand who we are and again I want to commend the Commissioners as far as that is concerned.

Mr. President, Senator Mascoll sought to trivialize the Report of the Commission in terms of saying it only deals with the appointment of a Head of State, someone who is a citizen of Barbados. There has been, to my mind, much discussion on it. As a matter of fact, I will say that most of the discussions so far have centred around that as opposed to a document that is far-reaching. It covers a lot of the aspects of our Constitution, things that are equally important.

You have on the one hand, people asking why have we waited so long. As a matter of fact, I am satisfied that part of the reason why the late Excellent Errol Walton Barrow asked the question about the mirror image was because he was at the point where he was saying to this society "I started a process in 1966 and I want to be part of making sure that I take us to the next step, the final journey." If he were alive today, he would be in the vanguard of what we are doing now. I believe that if he were buried in Barbados, he would be turning in his grave today having heard Senator Mascoll. I feel so. I honestly believe so, Mr. President. I thought that if there was one thing on which we would have had no divide, it would be the question of a local Head of State who is a citizen of Barbados.

Not only that, what is amazing is that all three political parties went before the Commission, including the Democratic Labour Party. I suspect they did not send Senator Mascoll. I do not believe so and I do not even know if they briefed him before he came here. I do not know. He said, as you know, Mr. President, that the whip is off, so he has the freedom to say what he said, but let me say this. It goes beyond symbolism. It speaks to who we are, how we feel about ourselves as a people and the fact that we can control our own destiny.

We make a statement when we say that we can remove the umbilical cord to the Monarchy, that we can have something local and that we can remove the winter coat of the Monarchy and put on something more tropical on Barbadians. What is so wrong with that?

Mr. President, over the years – and Senator Murray made a point – we have taken due care and due diligence in the way that we have chosen our Governors-General. I am satisfied that if it is the will of the large majority of Barbadians, and I hope it is, we can move to that Republican system where we can have our own local Barbadian as the Head of State and that the same prudence and that same due diligence will be shown. I am satisfied that it will happen.

I am satisfied that between the Leader of the Opposition and the Prime Minister, one can come to a conclusion as to a suitable person to be the President of our Republic. Even then, if there is no consensus, the recommendations are saying that there would be a process whereby the two Chambers would meet and select someone. I believe that the collective wisdom of the two Houses of Parliament will be the result. I am satisfied on that.

Mr. President, I believe it is going to make a big statement to the fact that we are ready to take our place in the rest of the world as a little nation and as proud Barbadians who are confident of moving forward and confident in the future of this country. I hope that somewhere along the line persons like Senator Mascoll would be able to see the light because, certainly, our forefathers who suffered the pain and the agony will be part and parcel of this bold exercise, all be it they are long gone. We are also dealing, Mr. President, with those persons and, in our saying yes to a Republican system, we are saying to them, this is the only way we can correct the wrongs that you have suffered.
3 05. p.m.

Mr. President, I want to move quickly to the question of the Senate and not often would we get an opportunity to have a little bit of inspection of ourselves. But I also believe that we have to be bold enough to ask certain questions and seek the answers. For example, do we think that we are as effective as we can be? Do we believe that we assist in making sure that parliamentary democracy is enhanced in the Second Chamber as opposed maybe to moving towards a unicameral system? If we believe, as I do, that there should be a retention of the Senate, what changes do we believe ought to take place in order to make this Chamber more effective?

The whole question of looking at a Second Chamber is not something that started with us. For example, back in 1982, I do recall Sir Arnott Cato sitting in a Commonwealth Parliamentary Association meeting where he was looking at the whole question of Second Chambers and their effectiveness. What I can say is that when you review most of the studies, they have all come to the conclusion that the benefits of a Second Chamber outweigh those of moving towards a unicameral system. As a matter of fact, the concern by some countries with respect to their unicameral

system is that, in an age of over-legislation where you are inundated every day with more and more legislation, the kinds of checks and balances that would normally come from a Second Chamber are missing. Sir, I think that we have to be careful not to throw out the baby with the bath water when it comes to our Second Chamber.

I believe like others who have spoken that this Chamber can become more effective. I also believe, as you would see contained in the Report, that the Committee System is one that could further enhance the Chamber and the work of the Senate. I also believe that there is also something equally fundamental. I do not believe, in terms of the composition of the Senate, that the private interest should outweigh that of the Opposition Senators. It is not a position, Mr. President, that I hold – or maybe a position that the Barbados Labour Party holds – only now. Let me say to you that, in June, 1996 at Lancaster House, the Barbados Labour Party and the Barbados National Party both proposed that there would be nine seats for Opposition Senators of which a minimum of five would be granted to the Official Opposition.

Sir, it is interesting how things change. It is most interesting that Senator Mascoll said to us today that we really need to increase those numbers of seats. Surprisingly, he is saying now that he was not around then. He was a young boy and that is true. But I am saying that the interest of the Opposition has to outweigh private interest. I do not subscribe to increasing the number of seats in the Senate. I believe, as someone suggested, that the number of Independent Senators should be reduced in order to accommodate Opposition Senators. That is my view, Mr. President. I notice that some of the Independent Senators may feel uncomfortable but I am sorry, Mr. President, that is how I feel about it. I think that we ought not think in terms of reducing the numbers on the Government Bench, because again the will of the people has to prevail and the will of the people as it relates to the Opposition should also prevail.

Mr. President, I want to quickly move to an area that interests me very dearly. It has to do with the whole question of the expression that Senator Mascoll did not use, which was Local Government. I believe that to use the term 'Local Government' pains him dearly. He obviously reads a lot and, when he has gone back and looked at the history and the demise of Local Government, I believe it pains him. We are where we are today, to my mind, in part because of the removal and the abolition of Local Government.

Mr. President, for me Local Government is synonymous with community. I believe that we must do everything possible to enhance participatory democracy, as Senator Mascoll would say, at the grassroots level. Whether we introduce some new form of Local Government – or call

it what you like, I do not have any difficulty with what you call it. We can call it anything, once it serves the purpose for which it was intended. If we go back to what really happened with Local Government, Barbados had Local Government from as far back as 1650. That form of Local Government, at that time, remained basically intact until 1947 when Sir John Maude was asked to head a commission to look at the effectiveness and the impact of Local Government. He came to some interesting conclusions and made some also interesting recommendations. Some were accepted, albeit after a long time, because lots of them came into effect in 1959 with the Local Government Act. But some of the substantive points that he made included the fact that it only covered three per cent of the population through the vestry system and parochial boards. He also indicated that there were eleven vestries and 32 parochial boards and he thought that there were too many for a small country. What is interesting, by the way, Mr. President, is to compare that now with the number of statutory corporations. Interesting! 3.15 p.m.

He also spoke about the fact that elections were held every year and the cost of them was high so that even if you were contemplating some form, call it what you like, you would have to look at the cost. The first attempt to implement any of the recommendations was in 1959. By 1961, you know what happened, elections came. The Democratic Labour Party said on the political platforms that they would seek to reform it and, as a last resort, they might even abolish it. They won the election in 1961 and, may I say, the Barbados Labour Party's position then was that local government should be reformed. That was our position then.

Nineteen sixty-two came and I think that was the turning point for local government because, in terms of the elections, it moved to the three councils: the City, and the Northern and Southern Districts. After the 1962 local government elections, the Democratic Labour Party was not able to gain control of the City seat and we all know well the famous saying, "If you cannot take Mottley out of the City, take the City out of Mottley". By the time the Democratic Labour Party set up a review commission under Dr. Richard Jackson in 1963, one could have anticipated what was going to be the outcome. That was the demise of it because at the time the Democratic Labour Party's position was that local government only frustrated ministerial government. It all had to do with control.

What we have virtually seen is exactly what was said in the Report. Some of the concerns in terms of moving away from or abolishing local government were that it would run the risk of creating a machinery that is too large and too unwieldy. I believe honestly that the time is right for us to put local government community councils, call them whatever you like, on the front burner because it is the only way that we are going to make sure that we capture more

people in the process of decision making at the very lowest level.

We see a number of community councils operating in Barbados and they are operating very effectively because a lot of them, first and foremost, do not sit idly by and wait on support only from Government. They do a lot of things for themselves but, more importantly, they are on ground and therefore they know where the needs are better than any Minister, or central government for that matter.

To my mind, if we think community councils would be the way forward, we need to do just that. However, what we must do is ensure that, at least, we offer people within communities a little say in terms of the things that affect them within their communities.

Mr. President, time does not permit me to go beyond.

Mr. PRESIDENT: You have 10 minutes.

SENATOR J. E. D. WILLIAMS: Mr. President, the last area that I want to look at has to do with the whole question of the civil service. My involvement with industrial relations and personnel matters persuades me to speak on this one because, since the 1974 amendments in the Civil Service, you have politicians, civil servants, the public, the unions and everybody commenting on the impact and the effect of the 1974 amendments.

A long time has passed between then and now. Maybe circumstances now are not the same as before, and that is also so for another reason. This present Barbados Labour Party administration has taken hundreds of temporary positions and made them permanent, given people permanence of tenure. I think, therefore, that we ought not to do it in any arbitrary way but to look and see how best we can improve what we have in terms of the functioning of the civil service. Some of those amendments impacted on appointments, promotions, things like transfers and even on discipline. For us to ignore them, to my mind, would be wrong because they also had the added benefit of insulating politicians from some of their supporters, in that the pressures that we would normally get would be significantly reduced if we moved in this particular direction. I think we ought to look at it and we need a careful review.

I know that much is being done in terms of the reform of the civil service and we should give meaning to what the reform of the civil service means in reality. Another aspect of that is in terms of the Fire Service, the Prisons Service and the Police Service. I believe that all three of them should be brought under the one commission which would be the Protective Services Commission.

There is one other point I would like to make in terms of the reduction of the powers of the Prime Minister. I do not believe that is the way to go. The question of amending the Constitution would allow a different decision to be taken than was taken when we saw the removal of a former Prime Minister – which would equally be wrong. I do not believe that any sword of Damocles should be held over the head of a Prime Minister. To do otherwise and to move in the direction that some are suggesting, to my mind, you would start off from day one by having a lame-duck Prime Minister. I honestly do not subscribe to that.

In terms of integrity legislation, I, too, like Senator Goddard who just spoke, believe that it is important. I think anything that we can do to make sure that people continue to have respect for us as politicians, we need to do it. I know that in the past there was an effort at bringing integrity legislation into being and I believe that we should continue the process and make sure it becomes a reality. We are at the stage where lots of people are becoming alienated for one reason or another. We have a responsibility sometimes to be whiter than Caesar's wife, purer, as someone said.

Mr. President, I believe that the time is right for integrity legislation and on that point, may I say to you that, with respect to the work of the Commission, I commend the work of Sir Henry Forde and other members of the Commission. I think lots of what never happened in the past, and that is by way of consulting with the public both locally and abroad, was done in this case, and we do have a set of recommendations that clearly reflect the feelings of the people of Barbados and those who reside elsewhere in Canada, the United States and Europe.

I believe that the final recommendations that will come before Parliament for discussion will certainly emanate from this document. It is a worthy document. I am obliged to you, Sir.

SENATOR THE HON. Dame PATRICIA SYMMONDS: Mr. President, at the risk of tedium or of being repetitious I, too, wish to congratulate Sir Henry and the other members of the Constitution Review Commission on their Report. They have sought the views of a wide cross-section, not only in Barbados but among the Barbadians abroad; and that is a good thing.

There are a number of areas about which I should like to speak and the first concerns the rights of the disabled. Let me hasten to add that I have not had recourse to any recent publication but, after further reflection, I have arrived at the view that the rights of the disabled should be protected under the Constitution because they are subject to abuse. I know that social workers and nurses would agree with me.

I am a life member of an association which concerns the disabled and therefore I am interested in their lot. I do not

think Sir John Stanley quoted this and therefore I will read this to you from the Report, page 35.

"The Commission received eloquent testimony concerning the needs of disabled persons. After much consideration the Commission came to the view that the special care which society undoubtedly owes to persons with various physical and/or mental disabilities falls more appropriately to be dealt with by way of carefully crafted legislation – as is, to some extent, already the case – rather than in the broad sweep which constitutional provisions would entail."

I beg to differ. I think that they need greater protection than what is currently the case in legislation, although I should like to stress that this Government has shown a great measure of concern for them. There is the Green Paper which will also be dealing with the rights of the disabled. Coupled with that, I think it is safer to have their rights enshrined in the Constitution. Just as any other persons have rights in the Constitution so that you do not discriminate against persons on grounds of gender or ethnicity, so those should not be discriminated against on grounds of disability.

The second area, and this is one which of course will not surprise any of the Honourable Senators here, and which it seems that everyone has left me to deal with, is the Teaching Service Commission which should be brought into force. I want to emphasize that I think that it should remain in its present state. I agree with Senator Williams that there should not be an amendment such as suggested by the Commission but that the Prime Minister should have the right to appoint the Commission. If public sector reform is to be successful, decisions must be taken speedily. 3.25 p.m.

I also think that there should be a full time Chairman. There is also mention of a Commissioner, either the Chairman of the Public Service Commission or his representative, who would straddle both Commissions. I think that is a good thing because there would be continuity.

I am confident that people with some knowledge of teaching and an appreciation of the problems that exist within the system would be appointed. I think that is very important because recruitment and promotion of teachers are important issues. I think that Senator Murray indirectly referred to that when he was talking about the service in general.

With the setting up of a Teachers' Services Commission one of the links should be removed; otherwise, if they are still going to have to go through the Personnel Department, I think it will be necessary to expand the Personnel Administration Department – I do not know what Senator Collymore will have to say about that – in order that

matters may be expedited. Again, I say that I welcome the idea of the Teachers' Services Commission and hope that at this time it will become a reality. The Barbados Labour Party makes promises and it performs, and I have no doubt that this promise will be kept.

Predictably, I am very much in favour of retaining the Senate but not a unicameral House. Having an expanded House, I think, would not have the same effect as a second Chamber. What someone has referred to as a revising Chamber and I too have used that expression. I think it involves more of the community in public affairs and it gives those who might not run an opportunity to make a contribution. Finding the right mixture of people is important but not a problem. I think we have always had a right and good mixture and if we are to really have a broad body of opinion, that would have to be given close attention.

Sir, I think too that something has to be done to give people who do not win the Elections a bigger voice. Admittedly, we have not got to bother about that, and probably would not have to for many years to come, but I think one still has to look ahead, albeit far ahead, and it is important for freedom that the Opposition has a bigger voice. I think one still has to look ahead, or being far ahead, and it is important for freedom that the Opposition have a bigger voice, although a Government must be allowed to govern and the Opposition, reasonably, to oppose.

3.35 p.m.

As far as the Republic is concerned, I would like, perhaps, to mention something which I have not yet heard anyone refer to and which I think should allay the unnecessary fears of what some people say, the older people in the society, although I do not share that fear. That is, to remind people we will still be a part of the Commonwealth even as a Republic. The Queen, as Head of the Commonwealth, we will still be in contact with her. The Commonwealth is a very important body and usually it takes decisions through a consensus. They meet every two years and there are as many countries that are Republic in the Commonwealth as there are constitutional monarchies. We would just be modifying our relationship with the Queen of Barbados as she is now. I do not think that there is need to worry.

I thought that what one Senator said that was very important – I do not think that the intention was to form a new Constitution but to make changes that are relevant, timely, and in keeping with modern changes in our society. Therefore, Senator Mascoll's comments were not relevant.

I was rather surprised at the contradiction, and I know that he graduated from the University and graduated with much distinction at a place where he often introduced to students a book called "Straight and Crooked Thinking." I do

not know if he happened to read it. Perhaps he should read it, because some of his observations were quite inconsistent.

There is much to consider in this Report and we welcome the opportunity to express our opinions and I hope that the Barbadian public, young and old, will take the trouble to read it because it affects everybody and it is very important.

Sometimes the old are anxious for reform because we feel we do not have much time and so we are anxious to get things done – contrary to what people think about older people not caring about what is going to happen – while the young feel that they have so much time that they, sometimes, show apathy. In this case I think that these changes will affect everybody and, therefore, it is incumbent on all, especially those who are about to leave school, to get copies of the Report and read what is in it. Not only read it but express their views.

Therefore, it is with those thoughts in mind that I, again, congratulate the Commission and hope that this will be just the beginning to an outcome that can only be to the benefit of all Barbadians.

Thank you, Mr. President.

SUSPENSION

SENATOR THE HON. P. C. GODDARD: Mr. President, I beg to move that this Sitting be suspended until 4.15 p.m. today.

The question was put to the Senate and agreed to and Mr. PRESIDENT, suspended the Sitting accordingly.

3.45 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed. Senator Collymore.

SENATOR B. R. COLLYMORE: Mr. President, I feel honoured to be able to participate in the discussion arising out of the recommendations of the Constitution Commission. I think that their task must have been very difficult and, in that context, they arrived at very precise and noteworthy recommendations.

I first want to comment on the proposal for a new Preamble. I think a Preamble is in itself a major instrument of history which captures the mood, sentiments and values of the framers of the Constitution. To that extent, we should be very careful in changing it all together. Indeed, when I look at the proposals in the Report, it repeats sometimes in a

different language a lot of what was in the original Preamble. Therefore, I would like to borrow, as most speakers before me have done, from the American Constitution. The declaration of Independence has never been changed. Indeed, the original Constitution of America remains in its very first form. Such amendments as have been made have been put on as Appendices, each one with a footnote that prefaces the purpose of the amendment and any other relevant information.

I know it can be said that the circumstances of the Independence of the United States of America were momentous in the context of an active military struggle to secure that status. The War of Independence should be recorded with some permanence as the motivation that inspired the forefathers of the U.S. state.

Therefore, I am saying that I think we should be very careful in changing the Preamble to the present Constitution which in itself, as we know, is not part of the Constitution but only reflects the values and principles that existed at the time when that Constitution was framed.

One of the major discussions in this matter has been the position of a monarchy as against a republican form of Government. I think it is unfortunate that this has become a topic of discussion. Indeed, this should be automatic and, further, it should well have been implemented at the time of Independence.

We who were around and were somewhat involved in the system know that it would have been very difficult to convince the electorate at that time that we should have a total separation from the monarchy. Do not let us delude ourselves. There was a very strong current of opinion against going it alone, and to have added a separation from the monarchy might have been suicidal to the effort to gain Independence in 1966. I hope that our citizens will think carefully and will be educated and informed in such a way that they can make a good decision of this question of monarchy as against a republic.

In Britain today, there is a very strong current of opinion that the monarchy in its present form, or in any form, should be done away with. I think it is illogical to have a system of Government that allows a person simply by virtue of heredity to reach the highest position of Head of State. Britain itself, after 1 000 years, is willing to get rid of the monarchy and those of us who have had some inkling of English history know that the foolishness of a monarchical system was exposed somewhere when the Hanoverian House assumed responsibility of Monarch of Britain. There was a monarch who could not speak a word of English and one who spent a great deal of his existence on this earth in a mental asylum but they were still monarchs. Do we want to

be subject to a system that allows that to prevail in the year 2000? I say there should be no debate on this but I can understand why there is a debate.

Sir, for 33 of the 34 years that we have had independence, we have had five Barbadians as Head of State representative of the Queen. Anybody born since Independence, or who was 11 years at the time of Independence and therefore now 45 years old, would not have been party to, or be aware of, the difference except through the teaching of Civics. They are not concerned, unless they are students of Civics or Political Science, about the Head of State. In fact, they do not understand how a Head of a State could be the Queen and she has only been to Barbados four times and she is not a citizen of Barbados. Some people have made the ludicrous point that they do not mind the present monarch but her successors or her immediate successor is not suitable to become a King of Barbados.

Now, in these days of media blitz and the total abolition of privacy amongst people in certain positions, it is easy to know what monarchs or people of the Royal Family do. They listen in even on their telephone calls. But they have never been an example of purity throughout history and, because they did not have the kind of media imposition on their privacy, people have assumed that they were the moral paragons of virtue. Before one of them became monarch he had six children out of marriage and that was not so long ago. Therefore, I think we should abandon this argument if we can but, as I said, we do know that there is that feeling amongst our people...

Aside.

SENATOR B. R. COLLYMORE: ...I speak because I have been trying to convince people, who I think are intelligent, why we should go for a republic and they asked the very question, 'What is in it for us?'

It must not be treated lightly and it perhaps should be part of a very important campaign which should indicate the changes, not only that the Constitution Review Commission has recommended – yes, the changes that they have recommended – but also the changes which the Government of the day proposes to implement. Sir, that should form the national discussion and not just the question of whether there should be a monarchy or republic.

Do not underestimate the damage that could be done if this is not properly put over. I would hate to think – and God forbid – that we go with a referendum and lose because it would throw us back in time and we will be holding on to what is now described by the *Observer* newspaper in Britain, which is a very conservative paper, as an anachronism. Sir,

please, I hope that we take this matter to the people as soon as we can – and others, not just that matter.

Sir, public education and awareness must not be taken for granted and if we do not push that for all it is worth, I think that the debate would be lost on what is obviously a non-issue. The republican form of Government presupposes that the local electorate, through their representatives and other institutions, are in total control of all of the operations in the country. As somebody said, we have been 99 per cent in control of doing it already and it is important for people to know what form of republican system you are going to adopt.

4.25 p.m.

I think it is important for them to know what is the relative authority of the President as against the Prime Minister and the relative authority of the President as against the present Governor-General.

In our history, not many changes have occurred through mass movement. This might have happened after the 1937 riots, but generally there have not been a lot of changes through mass movement. What we have been lucky to have had throughout the last 50 years was a number of enlightened leaders who have been able to promote changes that have led to great advancement of our people, both socially and economically. I think that, in most cases, they did this without any real reward and our people now have such a high standard of existence that their expectations are perhaps beyond what the country can deliver.

That means, therefore, that perhaps the greatest effort now in any form of change will be towards harnessing our resources, using them well and ensuring that good governance prevails. How can this be done? I believe that at different times over the past number of months or years we have all been talking about accountability and transparency as the greatest requirement for our country.

How could this be done through the mechanisms of the Constitution? I am going to involve, at this stage of my presentation, the question of a Senate. The Senate in its present form is not unlike the Backbench and most of the Opposition of the Lower House. They do not contribute a lot to governance except insofar as the Senate itself represents the Government of the day. One can make the best contribution in the Senate towards improvement, legislation or whatever, but nobody really seriously takes those views into account in arriving at what the Government will put forward. This is also so with the Backbenchers who see their role only as supporting the Government of the day because that is why they are there.

The 28 Members of the House of Assembly, in their capacity as Members of the House of Assembly, are equal

and should, therefore, have an equal opportunity to contribute in their several ways to the good governance of the country. That leads me inevitably to the question which the Constitution Review Commission referred to, though not in detail, of the establishment of Committees of Parliament. It is not just to establish Committees of Parliament. It is to ensure that those committees work. Every aspect of Government activity, every operation, every Ministry and statutory board should be subject to scrutiny by these committees. If you do not do that you are not ensuring any improvement in accountability.

The mere fact that one is exposed to public scrutiny can ensure that one contributes fairly and conscientiously in one's workplace. That scrutiny should extend to ministers, chief executive officers, statutory boards of public enterprises and senior public officers. Unless we do that, we are not going to ensure any improvements in what I call the governance of our country, not just in financial matters which are very important but in every aspect of public activity.

Now, you would expect me to want to talk *ad infinitum* on the public service. Mr. President, I would need a special session for that. However, I must say that the public service as an aspect of the executive arm of Government has a more important role to play in good governance than probably any other sector.

Firstly, there is the recommendation that there should be one commission for what they call the protective service, one commission for teachers and the Public Service Commission. There is also the recommendation that certainly the Public Service Commission, and possibly two of those other Commissions, should have a full-time chairman.

No mention has been made of the Judicial and Legal Service Commission which has a full-time chairman because he is the Chief Justice. I have often queried the efficacy of having a commission for less than one hundred officers. In other Constitutions not far away, there is no separate Judicial and Legal Service Commission. I know our notional and psychological feeling about the business of law and order – law rather.

At present, the Governor-General appoints, on the recommendation of the Prime Minister, the Chief Justice and the Judges of the High Court. The proposal is that they should be retained. In fact, they are saying that they should be appointed on the advice of the Prime Minister after consultation with the Leader of the Opposition, which is exactly what is happening now. 'On the advice of' is not different from 'on the recommendation of'. The Governor-General or the President cannot refuse to carry out that directive.

Why, therefore, do we find it necessary to continue a system, as I said, of having a Judicial and Legal Service Commission which has no rules, unlike the other commissions for the governance of those people for whose responsibility they have? Further than this, we have now gone and said, "Let us implement a 1974 provision for our Teaching Service Commission," and everybody said, "Yes, yes, yes." I fear that we are stirring up a hornet's nest and that there are other groups of officers who will be seeking, almost from today, to have their own commission.

What is the merit of a commission if it is not functioning? What is the merit of a commission if it is not properly serviced? Servicing the commission is more important than anything else. Indeed, the present system, which is very good, allows for delegation of authority by the Governor-General to public officers or members of a commission to carry out all the functions of a commission, except removal from office.

My submission is that if this is properly worked, it would be more effective and efficient than having separate commissions serviced by separate secretariats. I am not trying to cast any aspersions but God help us if those secretariats are residing in the executive ministry.

I think the time is right for possibly two full-time chairmen of the Public Service Commission – one chairman and one other member as full-time in the Public Service Commission – and that we use, to its fullest, the provisions in the Constitution for delegated authority to appointing and disciplinary boards, and that those disciplinary boards and those appointed in authority be so serviced within a time frame established, except in exceptional circumstances, that matters will reach finality earlier than they now reach that finality.

4.35 p.m.

I am afraid, having worked in the Ministry of Education, that the processing of personnel matters in a Ministry like the Ministry of Education will not change significantly by having a Teaching Service Commission. I say that from an informed position.

Now there is another proposal that there should be something in the Constitution about the appointment of specialists to the Commission. These are people they will need for any particular service to be appointed on contract. That can happen now. You do not have to change anything to do that and I think that we should keep it as it is. Indeed, it can happen without going to the Commission. If you say that you want to give transparency to it, well, then that may be another matter. That can happen and does happen now. Why amend the Constitution for that?

I have a great reservation about the question of appeals and having two bodies of appeals. One is an Appeal Board

and the other one is the President's Council. The division of labour between these two institutions is not clear. Indeed, it seems to conflict and I would warn against just instituting something to be different. If the Privy Council is working properly, then you do not need any other Appeal Board. I think that in recent times the Privy Council has been functioning much more quickly and efficiently than in the past. There was a time when it met once or twice a year.

Now, what you need is to ensure that the Privy Council is serviced properly. I think that this has been happening in recent years so that you can dispense with appeals as may be appropriate. Why increase the cost of the Public Service with all these Commissions and the appointments of these Boards? The Public Service can function if the present system is worked. If you put in a new system and do not ensure that it works, the Public Service will not be any better. I warn against the instituting of change just for the sake of change.

Regarding the Police and the recommendations, the Police Service Commission should cover the other protective Services. No hard objection to this. I do not know if it will advance anything any better, but there is no hard and fast objection. Although they have duties that have some similarity at some point, they are completely different duties. As to the Police Service Commission, the proposal is that the Commissioner should have more authority than he now has. It is probably going in the right way. I think that public officers at management level, who are now excluded from the personnel management of the people whom they are supposed to manage, should have a means of participating in the personnel management of staff. The use of those Boards which I have talked about could be effective in achieving that objective of involving managers in personnel functions. You cannot tell a man that he is responsible for reporting on somebody and on discipline in his organization and he has no authority to do anything in a disciplinary way over these people. I think that this is an important aspect of personnel management which should be examined before any final recommendation is made in respect of the Public Service.

In reference to the proposal that was made about the Auditor General, I have no strong objection to the Auditor General having some more authority. I think that in a small service one should be careful in giving a public officer authority to appoint a staff. I think that he should have a say in the context of his involvement in the personnel management, but do be careful. It is a very limited service and there may be a number of persons in other departments who are suitable for appointment to the Audit Department. The best organization for that is the Public Service Commission.

Sir, I do not see any objection to the Auditor General going to the age of 65. I do not see any objection to the

Director of Public Prosecutions going to the age of 65, but let us face it that, in the context of the demographics, we should re-look at our present arrangements where Heads of Departments must retire at sixty. If the spirit of the thing is that a person who has accumulated a lot of experience and knowledge should serve his country better if he is allowed to continue in office, the same can be said of the Director of Finance and Planning, Chief Parliamentary Council, Solicitor General, Permanent Secretary and others. As I said, the demographic clearly points to the fact that retiring a man at sixty is not being very sensible in this day. That should be taken care of elsewhere, I know, but I would like to suggest that we think of it when we go over these recommendations.

Sir, I want to say something else. I have always understood – and I have no reason to change my understanding – that every Department of Government, whether it is Director of Public Prosecutions or the Auditor's Office, has to fall under a Ministry in a Ministerial System. You cannot have any organization making policy that is not responsible to a Minister. Therefore, in allowing the Auditor General to go straight to Parliament for money without going to the Minister of Finance is the beginning of trouble. You cannot have the Auditor General going to Parliament for money where the Minister of Finance has certain authority under the Financial Administration and Audit Act that even slows down the Parliamentary System. Parliament can vote money to be spent in a certain way and, if the Minister of Finance says that his cash flow is not enough, that money is not disbursed. Therefore, do not think that you can just say because the Auditor General has a problem that you just go to Parliament and Parliament will give him the funds. The role of the Minister of Finance cannot be minimized in these things.

As to the Foreign Service, I am not sure myself that I have entirely grasped the recommendation that the President should make appointments of certain officers in the Foreign Service on transfer and otherwise on the advice of the Prime Minister. That does not change anything that we now have. The advice of the Prime Minister means he or she has to agree. There may be some merit in looking again at the whole question of the Foreign Service, not only those appointments but other aspects of the Foreign Service in a constitutional sense.

Regarding pensions, Sir, I understand from the Minister of State that on several occasions efforts have been made to look at the review of pensions. Pensions of public officers are protected under the Constitution, not pensions of staff of statutory boards or Members of Parliament. Pensions are protected for public officers in the Constitution under Sections 103 and 104 and there has been no recommendation on that.

I wonder if it should not be looked at again in terms of removing the disparity between public officers and certain

other officials of Government who work just as much for the Government as do public officers. Maybe this action can be taken in the Pensions Act, but it would still require an amendment to the Constitution.

Much has been said, Mr. President, about the 1974 amendments. I have been one of the greatest voices to successive Prime Ministers about those amendments as they affect the public service. I know that they will not now be as relevant as they were two years ago because the four or five thousand persons who came into the system under the arrangements that existed as a result of the 1974 amendment have now been made permanent. That is the very point that I have sought to make on several occasions. It is that people come in under a different system and ultimately are made permanent and become public officers where the Commission had no real authority to deal with their appointments in the way they deal with other appointments. 4.45 p.m.

Mr. PRESIDENT: I said you could go on for a long time but will you kindly wind up.

SENATOR B. R. COLLYMORE: I shall do so, Sir.

My point is that the 1974 amendments removing that part of the Constitution will do very little now as a result of the system that has been adopted of making most of these people permanent.

In conclusion, Sir, the Commission made a recommendation, which I myself made in submission to the Commission, that the Head of the Civil Service should become an officer and should therefore not be involved in other activities. I agree with that, provided that he has clearly established what his functions are but, more than that, it is important that you devise a method of his appointment that ensures that it is transparent and that there is adequate consultation with the agencies, whoever they are, with which normal consultation is made. While I laud the Commission for its efforts – particularly as it adopted entirely or partially most of the submissions that I made – I think that a lot of work has to be done at a different level now before we come to conclusions on what changes to our Constitution are to be made.

SENATOR Mrs. V. E. NEWTON: Mr. President, I would like to add my voice to those who have been congratulating the Constitution Review Commission for the excellent job that it did in preparing this Report. I would also like to say that this Report, as far as constitutional law in the Commonwealth Caribbean is concerned, adds many new features to the various reports which have gone before and for some time to come it will be required reading for students of constitutional law.

I wish to say a few words, Mr. President, on the referendum/republic issue. When the Constitution Review Commission met, none of the persons who made submissions to it, either orally or in writing, made any requests at all for a referendum to be held and, therefore, when the Chairman of the Commission, Sir Henry, spoke in the House of Assembly and said that he did not support a referendum on the matter – which is after a vocal few had sought to make, and succeeded in making, it an issue – he was in fact speaking on behalf of his colleagues and based on the recommendations which have been made to the Commission, and the referendum issue was not a major one for those who spoke before the Commission.

Having said that, Mr. President, I would wish to say that a government has to listen to the people in the community and if it is only a vocal few who seek to make any matter an issue and are seeking to keep it before the public eye, to the detriment of other important recommendations which were made in a report such as this, I would say that the Government has a responsibility to listen to those persons, and therefore the decision to have a referendum was the correct one.

4.55 p.m.

I would hope when the matter comes to the vote that all self-respecting Bajans, and I think that is all of us, will do what I think is the correct thing, which is to vote for one of our own to be the Head of our State.

One of my colleagues said earlier that the Constitution Review Commission did not make any recommendations as to the type of Republic we would have. Mr. President, that is not correct at all. With your permission, I will read from page 42, paragraph 8.10 of the Commission's Report:

"The Commission recommends that:

- 8.10. Our system of government should be a parliamentary republic with the Head of State being the President. Executive power should continue to be exercised by a Cabinet, with the Head of Government being the Prime Minister. The advantage of this system is that it replaces the monarch with an elected president, while simultaneously retaining the present relationship between the formal Head of State and the executive arm of government. This system was the choice of almost everyone who gave evidence before us on this subject. Little support was found for the presidential system of government as represented by either the American or Guyanese models."

Therefore, from that paragraph it is quite clear that the system of Government which the Constitution Review Commission is recommending is a Parliamentary Republic. The only difference between that system and what we now have is that the Head of State would be a President and a Barbadian and the other organs of Government would remain the same.

I also wish to make the point, Mr. President, that, even though the Constitution Review Commission did not support the idea of a Referendum in selecting the Head of State, it was very conscious of the right of Barbadians to participate even further in the political process. It is for this reason that the Commission, at page 52 of the Report, recommended that there should be some form of popular initiative to provide the electorate of Barbados with more direct access to the legislative process than is now the case.

The Commission proposed that at the time when General Elections are held, questions could be formulated by citizens for the Government which wins the Elections to pass legislation dealing with particular issues. Those proposals will be put to the voters at the same time as they are voting for candidates and if a majority of the voters support any particular proposals, when the new Government takes office it would have to propose legislation dealing with those issues. They would be debated in Parliament in the same way that this Report is now being debated, that is, with the whip off so that persons can have their say freely on the proposals that would have come from the grassroots level, from all walks of life of citizens of Barbados from all walks of life.

Mr. President, that proposal for People's Initiatives is one of the new features of the Constitution Review Commission Report which you will find in few others. In my view, it is worthy of consideration. It shows that the Commission was thinking of a wider political participation of the public of Barbados than we now have and it would mean that true democracy would be at work if the proposals were accepted.

The next section of my presentation deals with Fundamental Principles and Responsibilities. Sir John Stanley Goddard went through these fairly comprehensively. They are made in Chapter 5 of the Report and deal with the responsibilities of the State and of the citizens and, as I have said, Sir John read them so I will not go into them except to make a few points.

The first is that these Fundamental Principles and Responsibilities are similar to those found in Irish and Indian Constitutions, which the Commission reviewed when it was doing its work. The responsibilities of the State are couched in the 'shall' language, which means that, if they are included in the Constitution, they would be there as serious

recommendations and they ought to form the basis of State action on the matters with which they deal.

Sir John went over them comprehensively so I will only itemise two of them. These relate to the recommendation that:

- (1) Government shall ensure that the beaches and public areas of Barbados are accessible to all; and
- (2) that Government must ensure that land is not concentrated in the hands of a few individuals to the detriment of its people.

Mr. President, those two issues, ownership of land and access to beaches, were two of the issues that excited Barbadians most of all when they were making submissions to the Constitution Review Commission. I am sure the Commission felt that they could not place those two concerns in the Fundamental Rights or the Bill of Rights provisions because there is a question of enforceability and the provisions in the Bill of Rights are guarantees that the Government can live up to. These are desirable objectives but, because of the strength of the submissions made to the Commission, some place had to be found for them in the Report and, therefore, the best place was in this list of Fundamental Principles and Responsibilities.

You might ask, why have a list of Fundamental Principles and Responsibilities and also a Bill of Rights. The two have different functions. The Bill of Rights is designed to keep Government in check, to prevent Government from becoming totalitarian and prevent it from being excessive in its dealing with citizens, and Fundamental Principles and Responsibilities are really basic good concepts which any democratic Government should seek to follow in dealing with its citizens.

Another difference is that the provisions in the Bill of Rights are guarantees that the Government is making to its citizens and are enforceable by the courts but the Fundamental Principles and Responsibilities, being desirable objectives, being precepts which the Government should follow in framing its legislation, in dealing with citizens and various Government organs, are not enforceable by the courts. I should go on to say that even though that is the position, both in Ireland and in India the courts have looked to those provisions when they were trying to come to decisions in judicial review and other cases. In other words, they have held that those provisions ought to inform Government's action.

It would be of interest to see how the courts will view them if those Fundamental Principles and Responsibilities are included in our Constitution. I hope that they would see them as a backdrop against which the appropriateness or wisdom of Government's action should be viewed.

Mr. President, I will now go on to local government. It was touched on in a way by Senator Mascoll and by Senator Williams who gave a comprehensive review of the history of local government and has, therefore, done a lot of the work that I thought I would have to do so I will not go back that far. All I would say is that there are problems associated with local government, as we had it then, in terms of efficiency and in terms of economies of scales.

It seemed easier for a central government to provide housing, schools and look after health problems from a central ministry than to have a set of local government offices all with their own bureaucracy, costing money, often in conflict with central Government and often not being able to pay their way adequately.

It seemed as though it was better to concentrate all the powers that were previously in the hands of the local government in the central administration, either through ministries or through statutory boards. There were also political considerations, as Senator Williams pointed to, but I will not go into those because other factors indicated that local government for us was not the answer in a modern Barbados.

The question is, Mr. President, if not local government then what? It is clear that at the community level several persons are dissatisfied with the way in which certain services are delivered by central government. Some people feel that they should have a greater level of participation in the decision making process and some feel that they need to have services delivered to them at a more speedy rate or in a different form. Take, for instance, National Insurance. People always complain about how long it takes for persons to get National Insurance benefits and there are a number of other concerns that persons have at the local level. Therefore, it would seem to me that, while we would not want to return to the old system of local government as we knew it because of the expense and other factors, the Government could look at some other forms of ensuring that at the local level there is some greater level of participation.

Before looking at these alternatives, I just want to say very briefly that many of the persons who spoke when the Constitution Review Commission was meeting on the question of local government were ex-politicians or aspiring politicians. That is not to say that some of the points made were not good ones. Mind you, none of them really came up with any concrete proposals as to how greater local participation could be achieved. Their proposals, nevertheless, had some merit.

Mr. President, I believe that there are several ways forward. One could be to give Parliamentary Representatives more resources to represent their constituents at a greater

level than at present. What is the current situation? It seems that most Parliamentary Representatives have constituency offices but a poorly paid low-level clerk might be the only person assisting them. Some might have a computer and some might not, but if a Parliamentarian is regarded as a person elected to Parliament and to a job, this situation should be improved. He should be given more resources so that if persons come to his office asking for assistance in finding out to which Government agency they should go to find out information on something, there should be people who either have the information or know how to find it to assist the constituents. This might go a long way in alleviating some of the problems which people perceive they have with Central Government. If they could feel that their Parliamentary Representative is not only coming every five years and asking for a vote but is someone who has the capacity to help them on an ongoing basis. It may also satisfy some back benchers who murmur in the dark that they are being left out, and that sort of thing, if they are part of the process of being given some resources to assist their constituents a little more. This is only one alternative.

5.05 p.m.

The other proposal is that statutory boards, even school boards, could be widened a little more to include persons who represent their interest in the communities. I am not sure how that would work but I think that it is a proposal that could be looked into especially if persons were found with expertise in particular areas.

Mr. President, it seems that the most peaceful alternative to strengthening the hands of Parliamentarians, so to speak, would be to strengthen the existing community councils in Barbados and extend them somewhat. What do we have at that level?

Over the past few years, several community councils have sprung up, flourished and died, but my information is that about 11 groups are currently functioning in Barbados and functioning well. Some of them have been able to benefit from the expertise of persons within the community who have management and other skills, and this is proof crucial; others have not. There is one thing which the Government has been able to provide at the community level, which these community councils have been able to make us aware of, and this is community centres in every parish, and I believe some of them exist in urban areas.

These community centres, has a sort of manager and janitorial service. The community councils can make arrangement to use them when they wish to and some of the community centres, I understand, are in good condition, spacious and people can have comfortable meetings and so on. It seems to me that if the community councils, which presently focus almost entirely on the problems of the youth, skills training and other matters, if they could extend their

mandate, somewhat, to include representation for communities in other areas, they could go a long way toward helping citizens, especially in the rural areas, to feel that they are involved in what is going on.

These community councils would need further assistance from Government. They will need to have expertise in management and accounting and it would be good if retired civil servants could step forward and offer some of these community councils the benefit of their vast expertise. They would also need assistance in formulating project proposals for funding, not only from Government but from international organisations. The whole idea would be that the community councils could raise funds on their own and rely very little on Government.

Why would we want to see the community councils strengthened? Most of them spring from the community level and it is the desire of persons in those communities to do something for themselves. The concept of self-aid is alive and well within them. In other words they are people trying to do things for themselves and not just waiting for hand outs. If they can get more like-minded people and they can get the necessary expertise, they may be able to help themselves a little more and would attract some attention from Government.

Mr. President, I wish to turn now to other matters in the Constitution Review Commission Report. From the contributions of my colleagues who spoke earlier, I am sure that we all agree that there is a lot that we can all speak on. Like Senator Collymore, I would wish to see the idea of accountability and transparency play a much greater part in the operations of Government. I refer to the recommendations of the Constitution Review Commission. This first one would be the setting up of an Integrity Commission for Parliamentarians.

I remember in the 1970s, I think it was in 1976, when the proposal was first made. I am not sure if a Bill was drafted or if it were just a Paper. From what I have been told, it went to a committee stage and it was never seen or heard of again. Parliamentarians, from my reading, are very keen on integrity commissions, committees and legislation until it reaches them and then people are not that keen on disclosing information after all. If it is something that Government is committed to, it would probably have to do some background work to bring people along to let them see the benefits that would accrue to them and to the Government by giving a clear message to people that these public officers, or these Parliamentarians, have nothing to hide and want people to think that any gains that they have made were not ill-gotten. I think that is something that, while people speak of it as being desirable, I would have to be convinced that it is necessary.

Another thing is to ensure that Committees of Parliament function. It seems to be just a list of names reproduced every session on the Order Paper. The most important of these committees, I would say, is the Public Accounts Committee. That is the one we would like to hear from often but I have been here, in the Senate, for about a year and a half and I do not know if the Public Accounts Committee has ever met. I certainly have never seen a report.

Another thing is ensuring that Government departments submit their Annual Reports as soon as possible after the year in which they are reviewed, and that these Reports are commented on or debated in Parliament. Every time we get copies of reports, two things hit us. One, most of them relate to things that happened years gone by, some two years ago, sometimes more. Secondly, they are just given to us and, if we have the time, we may look through them but there is no debate nor discussion on them. The only forum for raising questions in relation to them would be using the form of presenting questions to Parliament. I would say that the record of all Governments in answering these questions seems to be fairly dismal.

Senator Collymore spoke about increasing the powers of the Auditor General. He also made a point that most of the recommendations in relation to the public service, which the Constitution Review Commission made, were his.

Asides.

SENATOR Mrs. V. E. NEWTON: I agree that the Auditor General should have as much say as possible in selecting suitably qualified staff for his office. I gather it has been a problem. They are people sent there through the Public Services Commission who might not have the special expertise that would assist him. I also agree that auditors from the private sector should be employed for a specific task to assist the Auditor General if he wants to do audits of some of the departments and they probably do not have enough staff, or the staff with the necessary expertise at the time. Also, the Auditor General should be given the resources to undertake comprehensive audits to see whether financial, human and physical resources are managed with due record to autonomy.

Mr. President, I was going to refrain from saying anything on this Honourable Chamber because I did not think that I would have enough time. I have some views on the subject.
5.15 p.m.

Sir, a question that has been asked time and time again in relation to Second Chambers is whether they are effective, and let us look at the operation of this Chamber. You have 12 Members on the Government Side, two Members on the Opposition Side and seven Independent Senators.

The purpose of the Senate is to review legislation coming from the Lower House and, in all the text books that you read, and I hear people say it all the time, they obviously believe that the Senate acts as a delaying Chamber and that in the Senate ought to reside experience, expertise and wisdom that might not be found in the Lower House; or that by the time the Bill reaches the Senate you should have people who are going to reflect on it.

Mr. President, I am going to speak from my experience. A few pieces of legislation would go on the Statute Books and be known as bad law because as long as the Government has the majority, no matter what criticism the Other Side makes of the Bill – there may be patently erroneous provisions or unwise provisions which somehow have escaped the eyes of those in the Lower Chamber and they come here, but because the Government has the majority – those Bills, warts and all, are passed.

I will not pretend to say that I believe that changing the composition of the Senate is going to help. Whether you have 10 Members on the Opposition Side and one Independent Member or what have you, as long as the Government Side has the majority and the whip is on, it is not going to make the slightest difference.

Mr. President, I think a good idea would be to institute measures so that if a substantial number of those on the Other Side have queries about a Bill, the so-called delaying function of the Senate would really be put to work and that Bill would be sent to a Committee stage – and not to any of the Committees that we have on paper that do not exist – but a legislation committee with persons who have had the expertise to look at the Bill, in all its detail, to see if there are inconsistent provisions and so on and then that Bill would come back to the Senate.

I think that is the only thing that is going to work. It does not matter if all the Members on this Side belong to the Opposition's Party, because at the end of the day, as long as all 12 Government Members are here, the Bill will pass. I think it is immaterial what the composition on this Side is. You just need to have some provision that will really give the Senate the feeling that it is making a difference.

I personally do not care if there are two or three Independent Senators. It is neither here nor there to me, but I would think that, at the end of the day, Members of the Chamber ought to feel that they have made a real contribution. A real contribution is not just to make noise which appears in the Press the next day because it might influence the public. Persons might say that Senator Rickinson or Senator Newton speaks a lot in the Senate but to what effect? The Bill has passed and it will be on the Statute Books.

Mr. President, we have to look at the operation of the Senate in a meaningful way and come up with recommendations that will really make the Senators themselves, and others, feel that they are doing a good job and making a contribution.

Mr. President, thank you.

SUSPENSION

SENATOR THE HON. P. C. GODDARD: Mr. President, I rise to move the suspension of this Honourable Senate until 11.00 a.m. on Friday, October 13, 2000.

The question that this Sitting be suspended until Friday, October 13, 2000 at 11.00 o'clock was put to the SENATE and agreed to and Mr. PRESIDENT suspended the Sitting accordingly.
5.25 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed.

SENATOR Mrs. J. P. ALLEYNE: Mr. President, I am sure that last Wednesday and today are red letter days in the lives of the Members of this Senate, and it is indeed an honour and a privilege to stand here today and speak in this important debate. I am sure that many persons have passed through these Chambers and have never had this opportunity. It is therefore for me very humbling, not only because it is the first TV debate but also because you are giving input into the Constitution of a country.

Mr. President, Sir, to me, the Constitution is a document that embodies not only the Supreme Law of the land but speaks to the very heart and soul of the country, and speaks to the very character of the country. It spells out its beliefs and its individuality because, like an individual, nations too have a unique personality. Nations too have unique characteristics and just like people, God gives nations unique characteristics so that a nation, like people, can fulfil its purpose. Therefore, to my mind, you know a country by reading its Constitution and so you have to be very careful what is put into a Constitution.

I fully support the fact that the Constitution should be a product of this Parliament. This is our Constitution. As far as I know, Britain does not even have a written Constitution. We have one. I entirely agree, as the Commission has recommended, with the repatriation of our Constitution.

When I go further into the recommendations, I would like to say that I like the changes that are being made to the Preamble. I think the changes seek to modernise or for a

better word, "Barbadianise" the Preamble. It seeks to make it more relevant to our period in history. After all, Sir, we have over 34 years of experience. We know our history. We know ourselves as a people. We know now how to honour our heroes. We understand and have been practising fundamental rights and privileges. We know also that God cannot be separated from governments since he ordained it. We know, Sir, that society must be founded on moral and religious values along with the rule of law. We know, Sir, that we need to re-enforce these facts. Nations must realise that they will never accomplish their goals unless the people of the nation have a proper foundation of character and thought.

In my opinion, a loss of principle and manners of a people is the greatest threat to a nation. Sometimes it is even a greater threat than foreign enemies. So I believe that good moral foundation in individuals, in families, in churches, in organisations and in government is the only thing that will provide a strong base for a nation to stand up under pressure, whether that pressure is internal or external.

Good laws do well, but good men do even better – women as well. In the Preamble, I particularly like the rededication clause. It makes me think that the nation understands the point where it is at in this period of our history, and so we are reminding ourselves that we need to rededicate ourselves to the building of a democratic society founded upon respect for moral and spiritual values as well as upon the Rule of Law. I think that is a most fitting rededication for us in this country today.

I think that we need in this country to get back to teaching our people, both young and old, moral and spiritual values. If we are going to say on the one hand that we are a Christian society established on Christian principles, God and his laws are not only to be written or to be honoured; but God and his laws are to be obeyed.

I recall on Wednesday's Sitting that Senator Williams spoke about prayers and the Bible being taken out of the schools in the USA. I believe, Sir, that the reason why that is happening is that under God's law, education squarely belongs to the Church, not to the governments. If education stays under the Church then our children will be educated in the proper principles. When you take education away from the Church and you give it to the Government, then the Government can teach our children what they want to teach our children, which will be the way to proceed, the way the world wants to teach our children to proceed.

I believe, Sir, that what has happened is that the Church has abdicated its role as the educators of the nation and that is what is happening. I fear, Sir, that it might not happen today or tomorrow but with the generations that we see

coming that that, too, will happen in this country because the generations coming might not be as morally and spiritually thoughtful as we are in this generation today. I have that fear, Sir.

I go on to the responsibilities of people and the Government. I think it is a very important inclusion into the Constitution. Sir, as a people of a country we always seem to expect a great deal from our Government, but we never as a people seem to realise that a great deal is also expected from us as a people of a nation.

I quite agree with all the responsibilities that are set out here as persons of a nation, and I also believe that along with the right to vote all of us should be involved in the politics of our country. All of us, Christian, non-Christian, everyone, should be involved in the politics of our country.

As a matter of fact, Sir, I think that politics should be the part-time profession of all citizens who want and who are interested in protecting the rights and privileges of ourselves as a free people and to help preserve that which is good and fruitful in our national heritage. I can recall that when I first became a Born-again Christian in 1997 I had persons who said to me, "You cannot be a Christian and a politician." Sir, I beg to differ greatly, because you need Godly people in politics. You need Godly people who will sit at the heights within a country, not in positions of power, but that we sit in positions of influence towards the nation as a whole.

I turn now, Sir, to the rights of people. We know that it is the right of a government to serve all men equally. We know that mankind has the right to live, to worship, to speak, to think, to work and to travel as seen fit. My words might not be in correspondence to the words in the Constitution but, basically, those are what our rights are as people. We know that every individual, regardless of race, class, gender or handicap is to be protected by Government so that their rights can be exercised. I am sure that persons in this Honourable Chamber and persons outside of this Honourable Chamber would agree with me that Governments of Barbados have never and do not condone discrimination and prejudice or partiality in the treatment of any person or persons.

We have managed to do it without changing and abolishing our moral laws and I know that we can continue to do it without having to change or abolish any of our moral laws. I say that, because I want to make the point that homosexuality is immoral. It may be the choice of some of the individuals in our society but, it being a choice of some individuals, does not make it right. At the end of the day, it is not moral and it has, in my humble opinion, no right in a Constitution of our country.

I know that one thing God has given mankind is choice. All you have to do is to consider the consequence or

consequences and when you have taken consideration of that consequence or those consequences then go ahead and make your choice. If your choice is to be a homosexual, that is your choice, but it is not the norm and it does not belong in the Constitution of a country that says it is based on Christian principles.

Under the heading of Head of State and Parliament, I have heard Members so far deal with the political aspect of it. I have heard people deal with the psychological aspect of it. I want to deal a little bit today with the spiritual aspect of it. There are some of us who use our Bibles as convenient quotations. When we want to find a quotation to suit a time and subject, we can find a quotation but I want to say today that the Bible is a reference book. You can reference it for historical data or current data and you can reference it for future data. There is absolutely nothing in the Holy Bible that if you want to find a reference for, that you will not find. It is an all-encompassing, very important book that persons should have.

Of course, Sir, I turn to my Bible and I read in the Old Testament where you had the beginning of monarchical forms of government and I found that when we had those monarchical forms of government that they were all under pagan rulers, all under heathens. I realise that centralising a power is a pagan tendency of all the kings we read of in the Old Testament. They were all dictators. I came to Moses who came along and changed that with laws that were humane, equitable, merciful and respectful of the rights of women and slaves. That was the first step of fundamental rights we found in this world.

The Bible has clearly shown that it was always God's plan to have civil governments like we do. We do have civil government in this country today but we still have a Queen. If she dies tomorrow, God forbid, we will still have a young king who will still be reigning over us. I find that the exalting of one man or one woman so greatly above the rest cannot be justified on the equal rights that are so signified in our Constitution today.

I think, Sir, that God is giving us a great opportunity now to right this wrong. I believe like Senator Collymore that it should have been done since 1966 and I do not see the necessity for us to prolong it. I also continued to read on and I found that within the setting up of the civil government that God also established seven crucial elements to fit into the form of civil government.

I found that there was one bi-cameral national legislature. There was also a second House in the legislature known as the Sanhedrin. There was also a Chief Executive or a Judge elected by consent of the people and unable to exercise power without entering into the covenant with the

governed. There was also a written Constitution or what you would know as a Covenant. There was also a civilian militia or police force, an independent judiciary and fair trial. There was a separation of the three branches of government – executive, judiciary and legislature. That is how God ordained it from the beginning and that is how I believe that nations should be run.

As far as I am concerned, Sir, we who profess Christianity in this country should have one king and that is God Almighty to whom we pay homage both as individuals and to whom we should pay homage as a nation. Our sovereignty, in my opinion, lies within us not with someone in another country. This change, as I said, is not only political, it is not only psychological, but I think it is also a spiritual awakening in the liberation of this country.

Before I run out of time, I wish to deal with the Senate. Like Senator Newton I, too, wonder whether we really function in the role of the Senate as we are supposed to function. I understand that when you decide to serve under the hat of a political party that you are collectively responsible for the success of that party. When we say yes when we are asked to sit in the Senate, we know that on the Side of the Government and on the Side of the Opposition that we are here to further the cause of either the Government on this Side and the Opposition on that Side. We know that we must be prepared to defend the policies as a whole but, Sir, we have had some solid contributions in this Chamber not only from the Side of the Government and from the Side of the Opposition but from other members who in my opinion could have helped to make Bills that came to this Chamber much stronger. Sometimes if it is even only in the drafting aspect of the Bill.

I do not believe that it is the intention of this Senate Chamber – we are all too mature for that – to frustrate Government's work. I think that we have to be mature enough in here to understand what is truly our role as Senators in this Senate and to make sure that we function in that role and in that capacity.

In my opinion, also, while the representatives downstairs in the House of Assembly base their speeches on ensuring re-election, in here, I find that we bring a wider representation of the community. I find that we speak more on behalf of the different interests of the people within the country. We have goodly Senators who speak on behalf of the unions and on behalf of the agricultural people. I think maybe sometimes I help the goodly reverend on spiritual matters. I try my best what little I can do to support him in this House. We have Senator Collymore who speaks on behalf of BARP and also we gain great knowledge from his experience having worked within the civil service. We have Senator Goddard who speaks on behalf of the business

community because he has that knowledge. From the Opposition we have a young businessman who can speak on behalf of the entrepreneurs or on behalf of the women of this country and on behalf of education in this country. I cannot forget Senator Rickinson who finds a way to speak on behalf of the nurses on every single Bill that comes before this Senate Chamber.

11.25 a.m.

I think that we can make a much greater contribution to this Senate Chamber if we are allowed to function in the role in which we were set up to function. Sir, I, too, believe like Senator Newton that changing the numbers will not make a difference but that we need to understand our role and function within our role.

Sir, outside of this Chamber, I find that we do not get the respect that we deserve as Members of the Upper House of Parliament. I remember one day entering the building to go to the debate of the House of Assembly and a young policeman standing at the top of the stairs wanted to know who I was. Sir, I am not that popular that everyone in Barbados would know me but I would think, Sir, that if you are going to send security people to Parliament that at least they should know who are the Members of Parliament, not for them to stop you at the top of the stairs, because you can become embarrassed because when you have to explain who you are and when it is expected that you should be known by people who are the security in Parliament.

Asides.

SENATOR Mrs. J. P. ALLEYNE: Yes, they come to look after your security but they do not know who are the Members of Parliament. Sir, I believe that we need to look at that.

Sir, sometimes I go to a function and there are other persons from the Lower House at the function who will be referred to as Members of Parliament but I would be referred to as a Member of the Senate. Sir, as far as I am concerned, we are all Members of Parliament but that is only when I am recognised because sometimes I go to functions and I am sitting in the front seat but I am not recognised as a Member of Parliament sitting in the Upper House.

I have been sitting in this Upper House since 1999 and the year 2000 is almost finished and still the people of this country do not know who the Members of Parliament are unless they are Members of Cabinet. We have got to be more patriotic and nationalistic in this country. We have got to know who our people are and who represents us in Government in Cabinet and in the Senate. Sir, I know I do not have much time but I want to get in a quick moment on local government. As far as local government is concerned,

Sir, I am one who strongly believes that if you have changed something from the past that you do not go back to it.

Sir, I want to say in this Chamber that if local government is going to help the constituency of St. John to get roads, housing, light and everything else that the representative is not doing for them, I would go for local government. I do not understand why the people of St. John paid their taxes like everybody else and have been bypassed by the Democratic Labour Party and now have not yet been serviced to my satisfaction by the Barbados Labour Party. We pay our taxes in St. John like everybody else in Barbados and if local government is going to help change the situation in St. John, I will go for local government.

Sir, I know that we have the Rural Development Commission and Urban Development Commission but to me, the politics need to be taken out of them if they are going to function.

Sir, I know that my time is up and I do appreciate the extra time given to me. On the whole I would like to commend Sir Henry and the Commissioners on a job well done. It must have been a monumental exercise. I also want to congratulate the people of Barbados, those who have taken the time to come out to the meetings of the Commission and participate in these changes of the Constitution.

Sir, before I close I would like to make two quick comments. Sir, I find that when I look through the law books that we have some antiquated law on our books and I would really like to see a group of good drafting lawyers set up to go through our laws and to recommend either the removal or the change of those laws.

The second and last thing is a matter which really hurts my heart. I have seen living past Prime Ministers of this country treated like ordinary citizens when they have finished office. Sir, all I am asking is that they be given the social graces which were accorded to them when they were Prime Minister. I am not asking that they continue to be called Prime Ministers but at least they should be treated with a little more dignity. I think that having served as a Prime Minister, you have served the highest office below the Governor-General and it is worthy of being treated properly.

Sir, I would like to thank you very much for your time, and I honestly pray that the people of this country would make the right decision when they go to vote in the upcoming Referendum.

I thank you, Sir.

SENATOR the Rev. L. W. B. ROCK: Mr. President, I rise to make a contribution in this debate on the Report of

the Constitution Commission which has been laid in this Honourable Chamber. In a sense, as I was reminded on Wednesday, I have already spoken because I had the privilege and the honour to be one of the Commissioners responsible for preparing and presenting this particular document.

Nevertheless, I want to make a contribution from a slightly different perspective in that I want to share with this Honourable Chamber, and with the wider public, some of the considerations which inspired our discussions in the Commission and which have consequently influenced the decisions which were made and are recorded in this document.

Sir, for me it was a wonderful experience to share in the work of the Commission. It was most valuable and informative and I cherished every moment and opportunity which I had to participate in the discussions. In fact, I must confess that when we were discussing points of law I even felt a strong desire to study law; but it was only a desire.

Sir, it was a fantastic experience and I am sure that my colleague here, Sir John Stanley Goddard will join with me in saying that it is one which we will always remember.
11.35 a.m.

However, in making you aware of these considerations which influenced our decision, I want to recall what you have read and what you have heard was very important for us. It was, Sir, the desire of the Commission to hear what the people of Barbados had to say about the governance of this country. We wanted to hear the opinions exposed and some of the feelings, the frustrations, the disappointments and also the joys of our people when it came to the matter of the governance of Barbados and to this end, we sought such by way of public meetings here and abroad.

We also listened to the persons who came before the Commission, we read the submissions, and every opinion that was expressed publicly or in private was recorded verbatim and the Commission had these reports before them to refer to. I think that it is important in stressing this because people need to know that the Commission valued every contribution that was made.

In seeking to listen to the people of Barbados, we wanted to express our conviction that every citizen and resident in Barbados is important; that what they had to say to us was valued; that whether they belonged to a dominant ethnic group or to a minor ethnic group, their contribution was important. Whether they came from the lower strata of the society or the higher strata of the society, their contribution was important. Whether they were people who were labourers, academics or directors, what they had to say was important.

In listening to them, Sir, and in paying heed to the contributions they have made, we, therefore, in this document expressed what we believe to be the will of the people. Consequently, we trust that the reformed Constitution will express the will of the people as we have gathered and gleaned from them their opinions and their ideas and sought to represent them in the recommendations which we have made. I think that this is very important.

It is so because it is to the extent our people feel valued, to the extent they feel that they belong and what they have to say is important and will determine the way that they responded to the reformed Constitution.

In the contribution made by my colleague Senator Collymore, he was able to say that in the Report he observed that the submissions made were accepted and reflected. I believe that the lowest person in the society who made a contribution ought to be able to say also that this reformed Constitution in which I contributed has recorded the contribution which I have made. Thus, he or she is able to say this is our Constitution, it belongs to us. To the extent the people are able to express that ownership, I believe that it will determine the way that they respond to the Constitution and feel that they are important in our society.

Associated with this sense of ownership, Sir, the Commission wanted to ensure that people would understand the Constitution. Requests were made to us that the reformed Constitution should be written – particularly in the chapters dealing with Citizenship and the Bill of Rights, and for that matter, the other chapters in the Constitution – to the extent that the legal terminology would permit that the Constitution be written in language that people could read and understand.

It is no good having a Constitution in which the contributions of people are recognised but then they cannot read it because of the nature of the language and the phraseology. Part of the concern of the Commission was that the Constitution is written in language and terminology which the common person in the society could read, understand, and therefore, appreciate and value.

We believe, Sir, that the media has a very important role to play in helping our people understand what is the Constitution, what are their rights as citizens, what are their rights as they relate to the responsibilities and the rights which are theirs. The media, therefore, we believe should play a very important role in helping the public at large to understand, appreciate and to know what is recorded in the Constitution when that document is completed.

We believe also that the opportunity should be embraced in schools to teach and to help our young people and children understand what the Constitution is about. It is

to the extent that they do so that they will really feel that they are a part of this society of ours.

Also related to the sense of ownership of the Constitution was what I would call the concern that provision be made for people who believe that their rights are infringed, to be able to have legal representation. We guarantee people rights. We have a Constitution which says that their rights are guaranteed. If citizens who feel, Sir, that their rights are infringed, have no access to the courts and to use the mechanism which will help them to have the infringement of their rights redressed, then it is pointless. So the Commission was concerned that not only should people know what their rights are but they should have the facilities to have those rights redressed when they are infringed.

We believe that an important part of addressing this particular problem is to give constitutional status to the Ombudsman. We felt, Sir, in the Commission that the Ombudsman has a very important role to play in the society and that by raising the profile of the Ombudsman, by providing him with the resources to do the work which will enable him to represent the people of the nation, that the Government would have made possible the access, as it were, to a mechanism to help them when they feel that their rights are infringed.

We, in the Commission, were all in agreement that our present Constitution is a good Constitution. We felt that it could be laid alongside the Constitution of any country in the world and in some instances that it could be placed above the Constitution of others. We were convinced that we have a good Constitution. We realised that we are living in changing times, that we are now a part of a global village, that what is happening internationally is impacting upon us, that we are sharing relationships with other countries and international institutions. Therefore, the Constitution must give evidence to this and it must be a living document. It must be something that is relevant to the present and speak to the needs of the present society in which we live. Therefore, as Commissioners, we sought to preserve that which has served us well for many, many years.

We sought to remove any areas of discrimination in the Constitution. We sought to strengthen areas of weakness and to enhance the Constitution so that it can serve us in the 21st Century as we progress and as we move towards the heights of nationhood to which we aspire.
11.45 a.m.

In looking therefore at the Preamble, we sought to honour and affirm the contribution which was made by those responsible for the framing of the first Constitution. We sought to honour their wisdom, their courage, their vision and to pay tribute to all that they have done. We also wanted

to include in the Preamble, Sir, recognition of the institutions which are being put in place to help our country in its development. You will notice that in the Preamble, reference is made to our national heroes and we see them, as is said in the Preamble, as foremost among many others who are not named but who have contributed immensely to this country. In giving recognition to the sacrifice to the commitment and dedication of those who have served us in the past, we feel that the Preamble can serve to inspire and encourage the citizens of this country.

In the introduction of the fundamental principles and responsibilities, the Constitution Review Commission felt that though they were not enforceable, yet there are guidelines which placed in the supreme law of the land, gave them the supreme importance and value which ought to be given in our society. We recognise that they cannot be enforced and the purist or the realist may say, what is the point in including them in the Constitution if they cannot be enforced?

Sir, we felt that locating them in the Constitution makes a statement of their value and importance to us as a people. We felt that locating them in the supreme law place them where the Government can see them as guidelines in the framing of legislation and as statements which say that that is what we expect you to live up to. We believe that in locating the responsibilities in the supreme law, we are also drawing attention to every citizen in Barbados to say, "This is what is expected of me as a citizen."

While I am repeating what has been said before, I think we need constantly to repeat it and say that we emphasize what the rights of our people are and we need equally to emphasize what our responsibilities are. Very often, we focus upon the rights and neglect or ignore what the responsibilities are. We need to bring to the attention of the citizenry of our nation, the importance of fulfilling their responsibilities if our country is to be the great place that we want it to be.

Sir, I want also to say that in including them, I see it as a way of placing ideals before us. One of the concerns that I have in our society today is that we are focussed upon what is real, and I am not saying that we must neglect the realities of the situations and conditions in which we live. Everybody is saying that you have to be realistic. These are realities and too few of us are talking about ideals and too few are concerned about the ideals which we need to inspire, encourage and challenge us.

I see these principles and responsibilities in the light of those ideals which we need to hold up in order to inspire us to become the sorts of persons that we can become, where we are our brothers' and our sisters' keepers and we are

responsible for one another. I enforce that point and the ideals which inspired those of whom I spoke in the Preamble. Sir, we need to hold up these ideals and to have the fundamental principles and responsibilities located in the supreme law as a way of saying that these are important and let us subscribe to and support them.

I speak now to the retention of the Senate. It was the consensus among Senators that the Senate should be retained. I am not here just arguing for ourselves as could be said, but I believe the ones who understand what is the function of the Senate, in terms of its ability to review and look clearly at some of the decisions and Resolutions made by the House of Assembly, cannot dispute the importance of this Chamber in the government of this country. I believe, however, that we need to think seriously and review the way that we function.

I am concerned that sometimes the contributions which I would like to make are not of the standard that I would want them to be because of the lateness in the arrival of the documents so that I do not have the time to do the research that needs to be done. I am concerned that sometimes I get the impression that the Senate is perceived as a rubber stamp to what happens in the Other Place. It is not and I believe that it is the responsibility of Government to ensure that the Senate fulfills the function for which it has been established, namely, the Committees which are set up, ought to be so facilitated that they can function.

Sir, I remember that in the orientation given to us, we were told of the importance of the question. I can only say that the present experience is that it is not important because questions have been asked, they have been placed and raised in this Chamber and it has taken months if not years to have an answer; and I am told that in some instances some questions have not been answered. I repeat when I say that if the Government is really concerned about preserving our democracy and enabling Parliament to function as it ought to function, then we must give attention to the facilitation and the operation of the Committees so that they can contribute to the work of the Senate.

I believe that there is a place for the Senate but there are changes that are necessary to make the Senate effective as a review body. I believe also, as was recommended by the Constitution Review Commission, that the composition of the Senate needs to be looked at so that the Opposition can be afforded greater representation in this body.

Another area that concerned us which, I believe, is vital for the security of our democracy and the trust and confidence which our citizens must place in the Government, is the area of accountability and transparency. Again and again, we have heard on the call-in programmes that the

Reports of the Auditor General, laid before the Parliament, seemed to be worth little. They are laid. What happens to the recommendations that are made, are they ever implemented? So, in the work of the Constitution Review Commission we felt that we needed to strengthen the office of the Auditor General as is recommended, and to ensure that reports are not just made and laid before us, but at the end of the day those recommendations are taken very seriously and action is taken.

We were also concerned, Sir, that the opportunity for greater participation by the people of this nation ought to be given. I once heard a colleague of mine refer to democracy as five minutes in the ballot box. It is more than that, and it is to the extent that people feel they can participate and share in the decision-making processes, they will feel they are valued and that they belong.

11.55 a.m.

It is for this reason that while the Commission could not support the revival of local government they felt that it was important to find some mechanism which would afford greater participation of the people in the decision-making process. Thus, the peoples' initiative is suggested as one where groups, at the time of election, can make proposals and serious consideration. This is not the only one, but I feel that the very acceptance of the importance of the participation of the people ought to move us to find some mechanism which will facilitate that participation.

Mr. President, I left for the last, the question of the Monarchy *vis-a-vis* the Republican form of government not because I do not think it is important but because I fear that we are in danger of reducing the whole matter of constitutional reform to just this matter of whether we have a President or not. To reduce all the work of the Constitution to a question, whether we want a Barbadian or a non-Barbadian as the Head of State is to belittle the work of the Constitution Review Commission, and as it were, to give to this particular issue the dominance which I do not think it deserves. This is important, and I think that we must so present the work of the Commission that everything else is not obscured by this one particular issue.

I believe that this is a logical step from Independence to what is being recommended by the Commission. It is not merely cosmetic as some are suggesting, but I think it is important for us because it is the expression of the confidence in who we are as a people. It is saying that for the past 33 years we have demonstrated the ability to govern ourselves in a way that has placed us on the world map as a country of distinction and it is also saying that we have the capability of governing ourselves.

I must say this, Sir, and you can correct me if I am wrong, that one of the most difficult points in accepting the

office of Senator was when I had to swear allegiance to the Queen and heirs and successors. I do not say this disrespectfully but there was something in me which recoiled from it. It is not that I do not value the contribution which has been made over the years when the monarchical system was the system under which we were governed. I believe that for us it is an important step which is saying we value what we have received from the past, we are of the maturity and we have the ability now to have one of our own as the Head of State. The fact that those who have been Governors-General over the past have served us with such distinction ought in itself to be a testimony and give support to this recommendation.

In closing, I want to say that I fully support – of course it is part of my own work – and commend this document and trust that we would move to the next step where the recommendations will be implemented in a reformed Constitution which will be our Constitution as Barbadians.

I thank you.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I rise to make my contribution to the Resolution to take Note of the Report of the Constitution Review Commission and the Proposals and Recommendations set out therein.

I would like to start by saying that I appreciate the work of the Commissioners but we live in a changing world and anything I say should not be an indictment on them because since the Commission met and gave its Report in 1998, the nursing service has changed drastically, so therefore, there are some things that I need to bring to light regarding the Constitution.

Mr. President, this debate has come at a time, in a technological age, where a handful of people – which is their right – are calling for the abolition of the Senate without even giving the people of this country the opportunity to listen to what happens in the Senate. Therefore, I call upon Government to ensure that the debates are broadcast at least over the radio for at least two years before anybody is supposed to make a decision whether or not to abolish the Senate. Of course, I do not want it to be abolished, but I think the people should be asked whether or not they would like it abolished; but they need to make a wise choice and in order to make a wise choice, they need information.

Now, with regard to what the Commissioners recommended for the Senate, I do not agree with only three independent senators, Mr. President, and I will tell you why. Today 'the Whip' has been removed which means that both the Government and the Opposition Senators can give their personal views. As I understand it, Mr. President, when 'the Whip' is on, there is a caucus, and the Government Senators

and the Opposition Senators are expected to toe the line. It is only the Independent Senators who can come and give opposing views. Mark you, some of them can go out of line, but it is at their peril. Therefore, it is my view that the strength of the Senate lies in the Independent Senators who are truly independent.

I, therefore, recommend that the number of Senators be increased from 21 to 23, with 12 Government Senators, 4 Opposition Senators and 7 Senators who are nominated either by the President or the Governor-General which could include a second, a third or a fourth party. Mr. President, the Senate is only as good as the people that are placed in it.

I now turn, Mr. President, to say a word or two – because I do not have much time – about the Referendum. Mr. President, I was one of those few people who appeared before the Commission and gave an oral and written presentation calling for a referendum on important national issues, for example, changes in the Constitution, a Republic and the type of President that we should choose.

Mr. President, when I was preparing for this debate, I received the Referendum Bill ...

Asides.

SENATOR Mrs. P. E. RICKINSON: Okay, I cannot talk about that. Mr. President, I will put it differently. When I was preparing for this debate, and more recently, it became my impression that a change to a republican status is centred on one question, if we want a Barbadian to be the Head of the State or not. I do not think that is right, Mr. President. I think that is an insult to the intelligence of our people and in the words of a calypso, "You are mekkin mock sport at we". I think we need to revisit that and get questions from the people and have some of them presented to reflect what is in the Review of the Constitution to reflect a republican status.

Mr. President, I do not buy the fact that this was in a manifesto and, therefore, it should be implemented. I am informed that a manifesto started to gain prominence in the 1961 election. It was a form of advertisement. The manifesto often is brought out very late and many of us in this country vote for personalities and not necessarily for one party or another. I feel that if the time has come that we have to vote for a manifesto, the manifesto should be published in the newspapers so that all of us could have access to it and decide whether or not we are going to vote – well before the election, so that it can be read.

12.05 p.m.

Mr. President, I now turn to the public service on which I plan to spend most of my time in this debate. I start with a quote from page 70, paragraph 12.15 and it says:

"It is the view of this Commission, unlike that of the Cox Commission, that the size of the teaching service establishment and the complexities of its various specialist functions merit the direction, attention, and expertise which could be provided by a separate supervisory Commission."

That is excellent and I support that wholeheartedly,

Mr. President. It goes on to say:

"The Commission is, however, not persuaded that the situation in regard to the health services warrants similar treatment."

Mr. President, I was not there. I am told that the Commissioners have made recommendations on the strength of information put before them. For that, I am grateful but somehow the information has changed and there are new areas which now require us to have another look to see if we need a Health Services Commission or a Nursing Services Commission.

Mr. President, the Report talked about one Commission and several committees to look after specific interests but that was not recommended. Had that been recommended, Sir, I would not have any problem with it at all. Since that has not been recommended and because of what is happening in the health services today, I am calling for a Health Services Commission with a special department set up for nursing services. It is an unwise government, Mr. President, that does not recognize that the health services are far more complex and bigger than the teaching services and warrant attention. I will give you a few examples of the health services, Mr. President. They are Barbados Drug Service, QEH, the Mental Hospital and its clinic, the Geriatric Hospital and district hospitals, polyclinics, satellite clinics, dental clinics, nutrition centre, AIDS Information Service, Sanitation Service Authority and many others and not to forget the troubled Greenland Landfill and the St. Joseph Hospital that is under investigation.

Mr. President, I am trying to reverse the thinking of the Commissioners. No, I cannot reverse that. I am trying to make a case for a Health Services Commission based on the present crisis in health services and in particular nursing services. One example is the placing of the prevention, control and treatment of HIV/AIDS under the Prime Minister's Office. I do not agree with that. It should be in the Ministry of Health where it belongs backed up with a Bureau of Health Education adequately staffed and adequately financed.

Mr. President, from the first AIDS case that we had in 1984, we knew that the only tools we had against HIV/AIDS was education. Both Administrations have been very

slow to establish the type of education that we need to prevent and control AIDS. The type of education is a person-to-person education and I will give an example of why I am saying this. When I worked in the Hypertension Clinic, I met a gentleman who said to me that he moved out of his wife's bedroom because this hypertension is catching. I had to sit him down and I said to him that moving out will increase her blood pressure. You need to move back in because it is not catching from the air. It took me about 15 minutes to explain to him and this is the sort of person-to-person education that we need regarding HIV/AIDS. Sir, putting it in the Prime Minister's Office is not going to achieve that.

Sir, I must say that I agree to a roving Ambassador. I was present at the conference and at this point I would also like to support the Government in appointing Obadele Thompson as an Ambassador For The Youth. It is an excellent message and the right direction that you are sending to the youth of this country. We need to send a similar signal to the young people regarding HIV/AIDS, Mr. President, as far as I am concerned. Before I go further, I would like to congratulate Obadele and the other Olympians on the excellent work that they have done for Barbados. Special greetings from the nurses. Obadele's mother is a nurse, Mr. President. Andrea Blackett's mother is also a nurse. You see the wonderful network that nurses are doing in this country.

Mr. President, coming back to the roving Ambassador, I hope what I heard was a slip of tongue. It will be a wrong signal to appoint someone who was over a Ministry that is being investigated...

MR. PRESIDENT: Senator, please return to the Resolution before the Senate.

SENATOR Mrs. P. E. RICKINSON: Thank you, Mr. President, I will return to the Resolution. Mr. President, I would like us to have a Health Services Commission and a Nursing Services Commission to help deal with the deteriorating situation in the health services today. I will give you some examples.

Patient care services have deteriorated due to management by remote control by the Ministry, due to persons in the Services Commission who do not seem to understand nursing coupled with political interference. In the case of political interference, Mr. President, I support fully the reversal of the 1974 Constitutional Amendments as recommended at 12.28 on pages 71 and 72 of the Commission's Report. I also support the recommendation that the Permanent Secretary should manage the Ministry and the Minister is to exercise general direction and control over the Ministry. Those are the very words of the Commissioners that I support, and I will tell you why. There seems to be

some misunderstanding. This is in the Report, Mr. President and I quote:

"The Permanent Secretary is to manage the Ministry on pages 74 and 75 and the Minister is to exercise general direction and control over the Ministry."

I will tell you why I quoted that. There were hand-picked nurses to bring a strategic plan in the Ministry of Health for nursing. The nursing educators and the nursing assistants were left out. They came up with a document for the Minister of Health to continue to provide national leadership for the development of nursing, not the Chief Nursing Officer, but the Minister. Throughout the document it is sending nursing right back into the 1900's with everybody else making decisions for nursing other than nurses. It does not remove the shackles from nursing and it has to be revisited.

Why do we need a Nursing Services Commission or a Health Services Commission? Because the Health Services Commission is responsible for appointments, both acting and permanent appointments. What do we have? We have some non-nurse in the Ministry of Health phoning an institution and getting a staff nurse to go and take control of one of the geriatric district hospitals without even having any experience in gerontology and pediatrics when there are people within the system who could do it.
12.15 p.m.

We need people in the Service Commissions who understand nursing and who would not make this type of decision. I am calling for a Health Services Commission with a nursing service department in order to give direction and control of nursing, similar to what is being done for the teachers. I have witnessed Senator Symmonds call for teachers to be attached to the Commission and I would also like to see nurses who understand nursing attached to this Commission that I am asking for, Mr. President.

The Public Service Commission is responsible for appointments, and I have had problems with repeated supersession of nurses and up to now they have not decided how persons should be appointed to acting positions. It is in the General Orders how they should be appointed, but one minute the General Orders are followed and another minute the General Orders are not followed. Therefore we need a service commission with a person who understands nursing who will be able to make the correct appointments and acting appointments.

I am talking now about this present Services Commission. What has happened recently is that appointments were made for the Principal Nursing Officer of the Psychiatric Hospital and two Deputy Principals. On

the Board there was not a nurse. There was a doctor but there was no practising nurse to interview those nurses for the position. That is why I say that we need a Commission to stop all of these things from happening, frustrating the nurses and making them leave the Island and go elsewhere or go into other occupations when we most need them.

Another problem why we need a special service commission for health with a nursing service department is the slow appointment of nurses. There are some nurses who have not been appointed in the vacant posts and sometimes when they are appointed they appoint the junior ones which affects the nurses and frustrates the nurses for the simple reason that seniority in the public service goes according to appointments.

Some people who have contacts and friends can get the appointment before others even though the others do not have administrative reports. That is why we need a special health service commission with a department for nursing.

Another thing, Mr. President, is overlooking substitutes. The principal nursing officers have a list of people who they call in at short notice if there is a shortage of nursing personnel. They have been loyal substitutes for years, some for ten years. When appointments came up for health aides they were overlooked. Some health aides have resigned and they are still being overlooked, and it upsets the nurses because the nurses who have trained and worked with these loyal substitutes over the years whenever they see me keep pointing out that this is not fair. It is the Services Commission that is responsible for appointments and also the Ministry of Health and that is why I want the 1974 reversal of the amendment to the Constitution to stop all of this.

Mr. President, it is worse simply because there are alleged requests for payment in kind or in money and for sexual favours, and not in a nice way. They use the "P" word. That is not good enough for our women. That is too bad. This is realistic and what is happening. This is why we need a health services commission with a nursing department responsible for nursing; and it is needed all like yesterday. They do not understand nursing.

For example, a new post recommended by the Haynes Commission for Theatre Manager was advertised. What was advertised? All sorts of things except the theatre course to give them the skills to run the operating theatres. Mental health was advertised. People with the management course to run the operating theatres, a course that I took since 1959 in England for one year could not apply because they were not trained mental nurses. I ask you, Mr. President, what has mental nursing to do with training and running an operating theatre?

This is what was done. They do not seem to understand nursing, and that is why it is so important to have a special department for nurses with a health services commission. There is a crisis in management at the top and the middle. When there is a picnic it seems the picnic is more for the nurses than for the patients. You will find that they will put on a skeleton staff. That is all right, we like the patients to have a good time but there are many more nurses than patients. No problem!

When it comes to continuing education for the nurses to be relieved for one day, and it is Services Commission that gives the permission for the nurses to be relieved, they put all sorts of blocks in the nurses' way that they cannot go. When it is time for partying, they can go. They do not seem to understand the importance of education and productivity in proper care management.

Mr. President, the letter is not written to these managers. It is written to Services Commission, to the Chief Personnel Officer, who is to give the decision for these people to go to the continuing education seminars for just one day and they cannot find it possible to put on a skeleton staff to allow the nurses to go. That is what we mean by conditions of service. It is not only money. It is these types of things that annoy the nurses and make them resign and go elsewhere, even though they do not want to go.

Recently, for example, there was a nurse who got into an institution to do a Masters in Geriatrics and Gerontology and I was dealing with the matter trying to get him to go. I was told by the Ministry of Health that they are not thinking of training nurses to that level; but they sent doctors. They train doctors to that level and more – post graduates.

The nurse resigned and has gone back to England in an area where we have an aging population. This is the thinking. We have to change it. We need a health services commission with a department of nursing service to change all of these things, to unshackle the nurses and liberate them so that they can do the work that they have been trained to do. Also, there is lack of transparency in training. Obviously, because the wrong people are being selected because if they are making these types of selections they are the wrong people. We need a proper selection process.

Last but not least, Mr. President, a few words about the proposed nursing school at the Queen Elizabeth Hospital while I am still on the Commission. The Government made a decision that the Barbados Community College should train nurses. The Queen Elizabeth Hospital started a nursing school and I managed to get that stopped for the simple reason that the conditions of service were totally different.
12.25 p.m.

The nursing assistants in the Barbados Community College were not paid a stipend but the QEH nurses were paid a stipend. What happened is that you found that some of the BCC nurses and the QEH nurses were not speaking to each other on the wards and causing no end of conflict to the detriment of patient care. I know because I was there. I was a tutor. I now understand that they are trying to take that backward step again to start back that training school at QEH instead of giving the Barbados Community College the resources needed to do all the training.

When training was going into the college we recommended a College of Nursing. It was not done but we accepted it in the College and so be it, but do not fragment the training of nursing assistants.

What we did in the Haynes Commission was to recommend nursing assistants to assist with the atmosphere and inclusion of the BCC students in the QEH. I sincerely hope that that will come to pass. That is a direction where we need to go, not starting off another school.

Mr. President, I would like to say a word or two about discipline. It is the province of the Services Commissions. It is also presently the province of the Council. What I would like to call for is that the councils are set up under Registration Acts, for example, the General Nursing Council, the Dental Council, the Medical Council, *et cetera*. They are charged with the responsibility to govern the institution including conduct, practice and standards of education. These councils have the power to censure the worker, to remove their names from the Register, to put them back and to discipline them. They are very powerful. It is not possible for one service commission to police the behaviour of all the workers. It is an impossible task.

What I would like to see is a whole series of Registration Acts, including one for politicians and one for civil servants, where persons could register and the profession or occupation should be charged with at least governing the behaviour and the education of these persons at the professional or occupational level.

I would also like to see in each council a third of people appointed by the Minister which includes consumer interest and two-thirds appointed by the Minister on nomination by the professional people themselves for the occupation. While saying that, I do not want to see the people being recycled as is done in the general nursing council. If people are being recycled and they are making a meaningful contribution to the development of the council, yes. But they are not. Therefore, it is better for a person to go to their peers and say why they want to be on the council. This will go a long way in breaking the code of silence that most professions and occupations practise because each

council would be asked to meet its obligations by educating the public about its functions, qualifications and registration: names of persons removed from the Register are restored to the Register.

Mr. President, I feel that this will restore some of the disappearing public trust that is so eloquently verbalised over the call-in programmes when people rightly or wrongly feel that there is no other avenue for redress against what they feel are the wrongs against workers or professionals. It would also help to rationalise the code of ethics because for the health services, you just need one set of guidelines and then one can add others for the various specialities.

In effect, I would like to call for the establishment of a health services commission with a nursing section. I would also like to see a rural and urban services commission and a statutory board commission.

I think we need to revisit the rural and urban services which seem to perform some functions of local government and which some people feel are too politicized. Some people feel that a certain section of people with political affiliations seem to be getting more of the benefit than the population as a whole. In order to be transparent, we need to revisit it and I am calling for a commission. Some people are calling for a local government but something needs to be done so that they can function properly. They are doing excellent work.

Mr. President, I just want to say a word or two about the Senate. I would like to call for permanent select committees, one on justice, one on human resources including a health committee, one on environment including health and a public accounts committee. I am told that in Trinidad a Clerk alone is assigned to service nothing but the Public Accounts Committee and I feel that we will have to employ more clerks and also more research assistants. Thank you, Mr. President.

SENATOR C. K. LAURIE: Mr. President, I am just a simple farmer. The Constitution is the work of lawyers and it is difficult for ordinary people to understand. However, Barbadians are known for their common sense. They generally are conservative and resist change. We have to appreciate that any resistance to some of these great proposals that are being put is a normal part of the Barbadian character.

Our job in the Senate, I think, looking at these debates, is to try to bring the issues to the public so that they can be made to understand what it is that we are trying to propose. Take a look at the Head of State issue. Why is this huge focus on this Head of State? Is the Queen the Head of State or is the Governor-General the Head of State? In fact, we only just got a letter from the Governor-General saying

he was at present attending a Heads of State Meeting in St. Lucia. So who is the Head of State?

For the average Barbadian, the Head of State is the Governor-General. The mind boggles that anything the Queen does or says has anything to do with the average Barbadian. She is not likely to be calling up and saying, "Hi, Cliff, tell Owen to do so and so." Nobody would believe that. To me, it is a non-issue.

If we are going to have a referendum, then it must not only be on this non-issue but we must include in that Referendum things that have come up during these debates both in the Lower House and the Upper House, things that every citizen has a right to say what their opinion is, things that affect our lives particularly.

A couple of minor comments on this Head of State recommendation. It states that there should be a minimum age of forty. There is no maximum age and I am suggesting that we should set one like for the Chief Justice at seventy-two. It probably would be a good idea to have a maximum age also. It also recommends a seven-year term but there is no point or position where this person can be re-elected. I think that if you had a Governor-General appointed at forty but in his mind he was forty-seven he is still a youngster, but this guy may be a very useful person who is doing a great job but the Constitution does not say anywhere that he could be re-elected and I am suggesting that he should be able to serve at least two consecutive terms.

A final thing that worried me in the recommendations was a strange scenario. We have to look at what could possibly happen and try to see where there could be snags. What happens if the President dies in office? According to the recommendations, the Prime Minister and the Leader of the Opposition get together and they try to find somebody to do the job. If they cannot agree, the President of the Senate stays, if he wants to accept the job. If he does not accept the job, then the Prime Minister alone appoints the new President. I am a little worried about that because the President of the Senate is a political appointee.

We are not talking about the position right now. We are talking about some time in the future when none of us are here. This could happen that the Prime Minister's brother could be put up and the Leader of the Opposition says he does not like that. The President of the Senate is told, "You will say no." And the Prime Minister appoints his brother as the President. It is a strange way-out scenario but what I am trying to get at is that I think that I would like to see the Electoral College involved in this appointment of the President. I do not think that it is good enough that the Leader of the Opposition and the Prime Minister decide on a President and it does not come to the Electoral College. We have an Electoral College. Let it work!

I think that they should submit this nominee even though they both agree to the Electoral College and one would assume that it would be very easy for him to get this two-thirds number of votes. There was reference to a President elected by an Electoral College and it is not actually so in the recommendations. I think that that is something we should revisit.
12.35 p.m.

Sir, I have had the rare opportunity of being here in the Senate for the second term for which I am very grateful. The Senate is supposed to review and revise legislation and Resolutions passed by the House of Assembly. What is the construction of this Senate? A lot of people out there do not even know. They do not realise that there are 21 Senators of which there is a comfortable majority for the Government of 12 Senators.

Asides.

SENATOR C. K. LAURIE: Yes, it is a very uncomfortable majority for people on the Other Side.

As pointed out by Senator Newton, we have seen many cases where legislation has come here and there are errors in the legislation, errors that we try to point out in here. These are not political things, these are things that we want to see our names go down on legislation that is good and perfect. We try to make these corrections and, of course, the whip is on and no matter what you say, this legislation is going to pass and it becomes law. We are told then privately that it was an error and that it will be amended at some later date. Mr. President, this is not good.

I am going to make a way-out suggestion. How about if this Senate were comprised of seven Government, seven Opposition and seven Independent Senators? I know that this would cause real confusion, but say we change the rules in the Senate to say that we need a two-third majority in order to block a Bill and send it back, all fourteen Members, seven Opposition and seven Independent, would have to vote against this piece of legislation in order to send it back. If it then comes back to us a second time it has to be passed. That is how it was with the House of Lords, they could only delay it and ask for further review.

What would be the pros and cons of this situation? Everything would be decided with a two-thirds majority so the chances of it being defeated would be slim. It would have to be very bad legislation for it to be defeated. We know that legislation comes through here and it is supported by both Sides. How many times have we had a Division? In the last six years I can think of four or five times. Most of the time, the legislation just passes through the Senate because it has the backing of everybody, as most legislation should. The

appointment of fourteen people on this Side means that the Governor-General would be able to represent all the various sectors of the economy and the Opposition would have seven people who could speak on what they feel are the problems associated with any legislation or Resolution and it would be a nicely balanced Chamber. I do not think absolute majority is necessary at all.

Mr. President, there are some recommendations on the Committee system that it be expanded and properly funded so that it can operate. Well, I should hope so. There are five Committees of this House that have been appointed on March 10, 1999. I am on two and they have not met, nor do I expect that they will meet and that is very bad. I think we must do something about it. There is no point in saying that we will appoint Committees and they just sit there on the Order Paper every time we meet. It is terrible because we need a library but the Library Committee has not met. We have a House Committee but it has not met. These things must not be allowed.

We get reports from statutory corporations and other Government organisations which are required by law to lay their reports in Parliament. They are laid in Parliament and nobody says one word about them. Some of them come in here years late. We have Questions before the Senate and Honourable Members have asked why is 1995 being presented in the year 2000. We have not got the answer. There are many reports that come in here years late, nobody reads them or nobody asks why they are so late and nobody says you have to do better.

I think this would be a great opportunity for the Senate to appoint a Working Committee of the Senate to take all of these reports, look at them, comment on them and then actually have a day of debate on them ever so often.

The Commission looked at the Right of Recall. The idea of the Power of Recall as suggested by the late Commissioner, Mr. Wendell McClean, is unlikely to receive support from Members of Parliament because it would mean that they would have to be held responsible to their constituents rather than their political party directorate. I think the people of Barbados should insist that this question be put on the Referendum because it is the people who would want to know if they need this Right of Recall.

The People's Initiatives were designed to accord to electors a measure of original law-making power. This is a wise and far-thinking idea. I like this approach and if accompanied by the Right of Recall it is sure that our system of parliamentary government will survive the onslaught of the personal freedom movement that is gaining momentum worldwide.

I believe that the Battle of Seattle and the recent man-in-the-street demonstrations on the rise in the price of oil are indications of the start of a shift from people allowing governments to rule them between elections without ongoing solution. In future, governments will no longer be able to state that they have been given a mandate to rule and if you do not like it, wait until the next elections. Those days are over.

Barbadians are super-conservative and will probably be the last country in the world to demand a change in the way they are governed, but a wise political party should see the writing on the wall and the proposals for the People's Initiatives and the Right to Recall are moves in the right direction.

In closing, Mr. President, Section 5.9.12 of the Constitution states:

"It is the duty and responsibility of every person in Barbados to promote harmony and a spirit of unity among all the people of Barbados, transcending religious, sectoral or racial diversities, and abstain from practices derogatory to the dignity of the human person."

I would draw this to the attention of Senator Mascoll that he is in breach of our Constitution when he suggested that a member of a racial minority should not be elected President. Minorities are full citizens of Barbados and are proud of it.

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

SENATOR C. LeR. TROTMAN: Mr. President, I wish at the outset of my contribution to this debate to say that I would wish to applaud the Commissioners who in my view did an excellent job in submitting what is a fine Report, including the Minority Report, of course, Attorney-at-Law, Mr. King, the late Wendell McClean and Ms. Melanie Newton.

I wish from the very outset, Sir, to note that the Report is careful to refer to the Terms of Reference which were set out in the letter that was given to the Chairperson of the Commission. You would note, Sir, that among other things which are set out to which the Commissioners referred when they submitted their Report to His Excellency, were their specific Terms of Reference, some of which include the following. "To examine, consider and enquire into the Barbados Constitution and other related laws and the matters".

Quite naturally, there are a number of issues which they have referred to in this letter related to specific terms of

reference, and it would be much too lengthy in time for me to refer to them all. I do wish to refer to this matter of the Barbados Constitution and to the other related laws and matters and to speak to those issues with your kind permission, particularly, the matters which relate to other related laws and other matters.

I am very conscious – indeed, other Members who have spoken have been very conscious – that the time for full treatment cannot be now and that provisions would be made sometime later where, hopefully, there would be more speaking time for much fuller discussion of the issues.

Starting with the Constitution, I would wish, Mr. President, to express some thoughts which I would wish to make for myself and on behalf of the workers whom I have the honour to represent. The first thought relates to the matter of knowledge. The question of what it is that informs and guides our satisfaction of any action which there may be to effect change. The Constitution speaks to this, Mr. President, and speaks to it in very strong terms. In fact, the Constitution calls for schools to put on their curricula provisions for having the Barbados Constitution become part of what will be within the school's training programmes. Obviously, that will be something for the future and furthermore it is something to be recommended and to applaud.

I would think that Senator Forde, already with her other colleagues, would be working very hard in trying to find ways and means by which such a recommendation might be given some kind of action programme even before the consultation process is finished. I would support such a recommendation as it looks towards the future.

Mr. President, in the now and the immediate future, we still have to concern ourselves with the need for information dissemination as well as for analysis of the Report and the need for that dissemination to be done so far as it is possible in a manner that concentrates on the issues before us rather than seeking to politicise the issues and make the question into another political football which, at the end of the day, gains mileage for a political party but does no good for the body politic of our country.

We sought, within my own organisation – The Barbados Workers' Union, to have our Political Action Committee debate a particular aspect of the Report of the Commission. The parties who were invited are leaders in the labour movement and leaders in their own community at the local level in the country. The result after a very interesting debate was a virtual equality of vote for those persons voting for, for those voting against and for the abstentions.

The issue that we were dealing with was the issue of whether the question within the Commission's Report

regarding the retention of the monarchical system of Government should be addressed and whether we should have a Referendum. These persons, many of them young, many of them leaders, many of them well read and understanding the issues, at least, at the comparable level of the rest of Barbados, were so unsure of the issues, that in a three-way vote, you could not tell who the winner was.

That speaks to the question that I have raised before of the need which there is for a major information exercise. If that is not done, what we will have is change that is brought about, but change in which the public will not be able to identify themselves nor the issues nor to relate in the kind of meaningful manner that we should wish in whatever results there may be.

That education, Sir, makes it very necessary for us to go beyond that point and we must make the further point that the Referendum question, when it comes, must not reduce the issue to a popularity contest between who resides in Buckingham Palace and who occupies Government House. To reduce it to that level is to remove the possibility for our Barbadian people to have an opportunity properly to exercise their true democratic rights.

I will not develop this more fully because I merely wish to say that Senator Reverend Rock spoke very well to the subject and I endorse the sentiments and I would not need to take the time of this Honourable House to repeat what he has said. We have to be careful to recognise that the issue goes well beyond the issue of whether we want to have the person who is Head of State to be a local person, by that meaning a Barbadian, or a non-Barbadian.

Another thought which is very important to me is a thought raised by the Commissioners where they say in their introduction in section (i)

"It has not been part of our Terms of Reference to advise on the procedure to be followed for wider consultation after our Report has been handed to Your Excellency. This is a matter essentially for the Government. No doubt the widest possible consultation with the political parties, the social partners and with Parliament is necessary, particularly since it is unlikely that constitutional reform will be attempted again for some decades."

I wish to support this thought and on behalf of an important element within that social partnership, referred to in section (i), I welcome the sentiments and urge the Government to stay with it even though it might be time consuming.

I am aware, Mr. President, that there may be a certain urgency, a certain drive to complete the exercise by time

limits which may be set. I believe that what is being done is so important to the future of the country that the Government, knowing that it is on the right road, having already got the support of the other major parties in Barbados, although the newspapers have made feel that there is some difference in views within one of the major parties on the subject, the Government knowing that it has the views of Barbados, generally on the desirability, in having the Constitutional Review take place, needs not concern itself with the question of haste. It needs to concern itself, rather, with the quality of the change which may be effectuated as a result of this exercise.

Therefore, I would urge the Government to stay with it and although the consultative process is time consuming and sometimes even frustrating to planners that they should continue with the consultative process.

12.55 p.m.

Mr. President, as the trade unions have done on other occasions and regarding other issues which have not been totally labour market issues, and as we have done with those other issues, we would wish to include *bona fide* non-governmental organisations in this social partnership discussion. We restrict for ourselves discussion for trade unions' employers in Government where we are dealing with labour market issues because we believe that we have been given that mandate by the kind of structures that we have set up.

Sir, we have been satisfied that there are NGOs which do an excellent job and which can be very supportive to the country in many issues which are before us in these dynamic times. We also believe that one of those such issues is the issue of the future of our welfare, the constitutional future. Therefore, when the Commissioners speak to the matter of partnership consultation, I would think that we should extend that to the widest possible meaning of NGOs.

Of course, I wish to make the point here that we have some NGOs which cannot tell you when they had an election or anything else that rhymes with it nor can they tell you who elected or nominated the leader of the organisation or where and how it manages to get organisational funds. Sir, we would want to be very careful to note that the point we are referring to is the *bona fide* established organisations. However, for us not to do that, we run the risk of having some organisations spring up overnight to debate how many angels can dance on the head of a pin and insist that it has a right to be involved in whatever discussions at whatever level there may be.

It is also, I think, not unreasonable for us to suggest that the Referendum question of which we spoke earlier should form part of that consultative process because since there is no need to hurry and since the question of what should be the Referendum could be assisted by the good and

good-faith recommendations of others, I see no reason, Sir, why we ought not be in a position to have the widest possible consultation.

My next observation relates to anti-democratic provisions. The Commissioners in Chapter 1, paragraph 1.4, note that many of our citizens feel, and I am quoting from them that,

"...the Constitution contains certain undesirable anti-democratic provisions."

Mr. President, again we in the Labour Movement support that contention. In fact, when we addressed the Constitution Review Commission as it was sitting, we had occasion to make certain observations to it, and we were careful to impress upon the very Honourable Commissioners our view that the Constitution, though it spoke and spoke very well to the need which there was to protect certain fundamental rights, failed to recognise that trade union rights are human rights and fundamental rights that had to be protected.

We spoke to the fact that although we are trying within the Constitution to address the need which there is to protect all elements, there still is a very clear indication that private wealth has an element of protection in this country – I know it is so in other countries as well but I speak to Barbados – which is not counter-balanced by protection for individuals. Although individuals sometimes may get private protection at law in civil issues, when those individuals associate together, the law does not give them the kind of protection which is required.

Mr. President, the United Nations has spoken to the generality of this issue in speaking to human rights and The International Labour Organisation at the Conventions of 1997 and 1998. Successive Governments in Barbados are very conscious of these provisions and protocols and have spoken to them in beautiful theoretical terms and yet, successive Governments have not brought appropriate legislation to deal with anti-democratic provisions which impact adversely on the workers at their workplaces.

I cannot deal as fully as I would wish with this matter in this forum at this time but I believe that in the upcoming consultative exercise, we will have the opportunity to speak more fully to it. I do refer to the legislation which should properly reflect a countervailing responsibility that Governments would give to trade unions which have the responsibility to ensure that the rights of capital are not allowed to become unbridled and that their action does not become so very effervescent and wild that they fail to take the wider responsibility for the nation into consideration.

Take for example a mad rush which they seem to be on today by a particular business in Barbados to have extraordinary mergers and the apparent lack of consideration

which there is in this building up of excessive mergers, and the apparent lack of consideration for the welfare of the community at large. Place that against the great concern that successive Governments have put in Barbados and out of Barbados the right to protect intellectual property and ask yourself whether the right to intellectual property is any more sacrosanct than the right of a worker at his workplace to be protected against an employer, against the misbehaviour of an employer and then, Mr. President, answer the following question that puts to you the thought that after that report is adopted there still will be employers who will fire workers for exercising their freedom to associate.

properly reflect a countervailing responsibility that Governments would give to trade unions which have the responsibility to ensure that the rights of capital are not allowed to become unbridled and that their action does not become so very effervescent and wild that they fail to take the wider responsibility for the nation into consideration.

Take for example a mad rush which they seem to be on today by a particular business in Barbados to have extraordinary mergers and the apparent lack of consideration which there is in this building up of excessive mergers, and the apparent lack of consideration for the welfare of the community at large. Place that against the great concern that successive Governments have put in Barbados and out of Barbados the right to protect intellectual property and ask yourself whether the right of a worker at his workplace to be protected against an employer, against the misbehaviour of an employer and then, Mr. President, answer the following question that puts to you the thought that after that report is adopted there still will be employers who will fire workers for exercising their freedom to associate.

After this Constitution Review Commission's Report, there will still be employers in Bridgetown and in other parts of Barbados who will hire people for 18 and 20 months but will never allow them to work for two years so that they could qualify to get severance. Ask ourselves whether they are not employers who, after this Report, will take persons who have worked for them for 20 to 25 years and will terminate their service having given them what is supposedly adequate notice or will tell them that they have given them wrongful dismissal and who by doing so, would have cut off the expectations of people at a time when they will not expect and cannot expect to get a job in any other part of the economy. When you are fired at age 50 there are not many employers who are going to want you otherwise unless you have skills that are extraordinary.

Having asked ourselves those questions, Mr. President, ask yourself the further question whether something could not have been done about these kinds of atrocities long before this time. Then I would want to go beyond that to say why is it that the report does not speak more fully to the need which there is for us to exorcise these kinds of evils from

within the body politic of our country and within the industrial framework.
1.05 p.m.

Why is it that we are still today reviewing a new Constitution and yet within that new Constitution the rights of so many thousands of our workers are being trampled upon by the imprudent and the arrogant who use their money power as a means of suppressing the rest of us?

Just a short time ago, Mr. President, you may remember that there was an overseas company that set up business here in Barbados which was advised by the Labour Department to submit information regarding how many workers it had so that it could be advised on the matter of recognising the workers' rights to freedom of association. I dare not call the company's name because I have not served notice but it was on-shore here in Barbados not off-shore, and that company refused to do so indicating that it had to be shown the law which required it to present that information. That company is still here but the owners have changed and hopefully the attitude has changed, but if that owner's attitude has changed that does not say that there are not several other people who feel that if they have the right amount of money, that that right amount of money, *ipso facto*, gives to that particular company a level of authority and a right beyond anyone else's if that other person does not have equal amounts of money.

It is a kind of difficulty I know that the country is up against even at the national level and at the level of Government when it comes to treating with some other countries as with the behaviour of the Organisation of Economic Cooperation and Development (OECD) countries and the way that they would wish to treat our levels of governance. We have sometimes to make the point that because a country is a small country, that does not give it small integrity, and because a man or woman is a small man or a small woman, that does not give that small man or small woman as a worker small rights; because there are fundamental rights which are equal before the law, equal, as my sister would say, before God and, therefore, must be respected for all people, at all levels, with the same degree of passion.

In this regard, Mr. Chairman, the minority position of Commissioner King would hold very special relevance for us. Mr. King's admonition is timely particularly in light of the current draft Employment Rights Bill. Mr. Chairman, it is not a discussion of a tangent, if I do say in passing that the Employment Rights Bill seeks to exclude the Crown from responsibilities which are imposed on the private sector. Although the Employment Rights Bill was not yet written, Mr. King's comments apropos that are very apt and apposite, and I quote from him:

"Employment law should aim to promote equality and equity in relation to the terms and conditions of all

classes of employees, private or public and not create privileged regimes for some and not for others.”

To put that in very blunt language, we should all be equal before the law. It is my hope that in the exercise for consultation, we should be able very effectively to address these issues before us.

I am very conscious, Mr. President, that whenever I get up to speak, the clock starts to go faster. I would wish, therefore, to draw your attention to page 73, subsections 12.41, 42 and 43 of the Report that is before us and to note that there was some special attention made by the Commission to the work of the Social Partnership.

At subsection 12.41:

“The attention of the Commission was directed to efforts in train by the Social Partners of Barbados to resolve industrial disputes and conflicts through a system of tribunals based on the tripartite idea and the proposal to apply such a system to industrial disputes both in the Public Service and in the Private Sector.”

Subsection 12.42:

“The Commission is aware of the positive efforts of the Social Partners in promoting industrial harmony, increased productivity and greater economic development through negotiated Protocols which have been hailed as models of excellence in industrial relations practice.”

Subsection 12.43:

“The Commission is in no position at this stage to make a recommendation on the proposed tribunal system which is still under discussion but foresees no great difficulty in such a system of arbitration being adopted so long as the principle has been accepted tripartitely.”

I would believe, Mr. President, that it is very important for us to take note of the comments of these wise persons in that Presentation and to urge that the Government should continue to recognise that as the highest level of reporting by persons who were commissioned to do an extraordinary job. The relevance and the importance of looking at voluntaristic models for dealing with dispute resolutions had been seen, examined and complemented. We should recognise as we go forward in Barbados that we have to look at the Caribbean Single Market and Economy, our efforts should be to persuade the rest of our region to follow our splendid example as a nation and not to get side-tracked with issues which might want us to go to North America or to some other country which would want to have a much more legalistic system for addressing problems between worker

and employer, employer and Government, worker and worker or perhaps even union and union.

I believe, Sir, that I should wrap up at this stage because I recognise that I do not have much time left. I merely want to say in passing that I believe that the Minority Report of Melanie Newton should be given ventilation in the consultative process which is to follow. She made four observations, some of which may become controversial but which must be addressed nonetheless. She referred to the areas that need reviewing, being among others, the avoidance of discriminating against persons because of sexual orientation.

Though we may feel strongly on the matter, as a nation, we have to recognise that the United Nations, the International Labour Organisation (ILO), the World Trade Organisation (WTO) and all other international agencies with which we deal, do speak to the very important need, as Senator Symmonds said on the previous day, of not discriminating because of physical disabilities. It also goes beyond that to talk of discrimination on race, sex and sexual orientation.

We have, therefore, to be careful to recognise that we do not discriminate on the basis of religion. We cannot say that because we are Christians we should discriminate against non-Christians. We have to be careful to recognise that we are not lauding, applauding, commending or approving persons who have a different sexual orientation from ourselves, if we say that their rights must be protected. I speak not of any other issues related to the matter of sexual orientation.
1.15 p.m.

Very quickly, Sir, I would wish to say that the Senator has also spoken to the question of capital punishment, and while not saying that she prefers not to have capital punishment, she is merely saying that the matter must be ventilated because there must be the possibility after persons are found guilty for some consideration as to how they will eventually be treated. The law now says that if it is first degree murder the person must be given capital punishment.

The freedom of the Press, and I agree with her in this one, must be in the Constitution and I disagree with the suggestion that you have to be twenty-five in order to be a member of the Senate. There are many people who are under twenty-five who are wiser than many people who are older than twenty-five.

SUSPENSION

SENATOR THE HON. P. C. GODDARD: Mr. President, I move that this Sitting be suspended for one hour and reconvene at 2.15 p.m.

The question was put and agreed to and Mr. PRESIDENT suspended the Senate accordingly.

RESUMPTION

Mr. DEPUTY PRESIDENT: This Sitting is resumed.

SENATOR G. E. N. BROME: Mr. Deputy President, I rise to make a contribution on the Report of the Constitution Review Commission. I am extremely proud and happy to be given this opportunity to speak in this important debate. Today, we in Barbados have come to be among the most privileged people in the world with a free, democratic environment which we have enjoyed for the past hundred years. We have remained in this vein and do intend to carry the message through.

In the year 1966 when Barbados became independent perhaps we might have said that the changes to the Constitution should have been made then. We have been given the opportunity time after time because we have been producing leaders of the same calibre.

The then Premier Barrow, prior to Independence, went to England and fought for our freedom and empowerment. As I said before, we have always enjoyed a free democracy but at the same time Premier Barrow thought that we were of an age that we could chart our own destiny. We have exhibited that over the years.

I am extremely proud to be a Barbadian and today to be connected to the Party which understands the need for the changes that were necessary over the years and I am proud to be able to make my contribution in this respect. Not all of us get a part to play a hand in the Constitution. This, for me, is a great responsibility and trust.

This Bill is about people out there, the lay people, not about us in the Senate or in the Other Place. This Bill is about Barbadians and other people who come to our shores to enjoy our country and who one day may become a citizen or live here for a while.

We have made some steps. The Right Excellent Errol Barrow did as much as he could have, but the manner in which he achieved is a lot different from how the process is today. Not to say that he was a dictator but he did not always trust the free decision-making of the public and he almost singlehandedly made certain decisions.

Today the Constitution has been brought to us, the people of Barbados, the laymen, and everyone can participate. When we gained Independence it was not discussed among the people but in Parliament and elsewhere. All of us in Barbados should be proud to have an administrator as we have today. It is true that we are wiser people today and that the present Prime Minister could not have gotten away with just the opinion of the Commission

who developed the Constitution. We had to play our part in it. When I say "we" I mean the public. I thought it imperative and fundamentally correct.

I said that regardless of what the consequences may be I would abstain on whatever else. I would not have supported anything else but a referendum because I have to face the people and I should only do what is right. The people expect me to say and do most everything that is correct, especially being a Senator now, which is to hold one of the highest offices in Barbados and the most respected and dignified office in Barbados. I had to live up to their expectations.

I have listened to all the Honourable Senators speaking in this Chamber. The contribution which I have heard coming from this Senate so far is superior to what I have heard coming from the Lower House and it has been extremely insulting for one to say that the Senate plays no important role in the public life of Barbados.

The Senate is important. It is not to say that I plan to die in the Senate, but I plan to make my contribution constructively for as long as I am given the opportunity to serve here. Although in some instances some people might prefer me in the Lower House but when I feel the dignity, respect and integrity that is being exhibited in here I would somehow rather remain here.

We have been through lots of changes but this must be regarded as one of the most important and significant in all of our lives, having been given the opportunity to make a decision on our future. It is not just about the present. Whoever wants to see benefits derived from this tomorrow is out of his or her mind. This is for the next fifty to hundred years. This will have a very long-lasting effect and it must be honoured as far-reaching.

I would want every Barbadian to become involved and to understand what we are doing. This is more important than an election where you vote for people that you like and not for people whom you think are capable of representing you in the House of Assembly. When we vote for a person we should not vote because we like them, but because they have the ability and all the necessary qualities you would wish to have so that those people can speak on your behalf at any level inside or outside of Barbados.

Once upon a time, prior to 1966, we used to look forward to Christmas to hear the Queen. Since 1966 we look forward to hear our Prime Minister and Governor-General. It is very important to us to hear our leaders, the people who can identify with what is going on around us. I think people would be out of their minds and I think that England would be ashamed of us if we were to say no to our self-governance. England does not want more responsibility. They have their own problems. They have a situation which they want to get rid of. I do not think that they want much

more to do with queens. We all have queens around us. Our mothers are our queens. Our kings are our dads.

We do need a leader, a Head of State, whom I believe should be a Barbadian or should be living in Barbados for a while who deserves such a high, important and distinguished office. It goes to show that we have come a long way. We do not have to wait or go to someone to ask them if we should, if we could, when, where. We do what we think that is appropriate.

In respect of the law of Immigration, I think some attention must be paid to that. We must recognise that we go to America, to England, to Canada and elsewhere and we make a living which helps us maintain our families at home. We must always treat other people that visit our shores with respect. One of our tourists might become a Barbadian citizen one of these days. Not all of them will marry by convenience but they might marry because of love for someone they meet here.

I believe that that marriage should not be allowed or accepted too soon. It might prove to be unwise. We are quite limited in space and in resources, but I know that people love this place, despite some criminal acts of thoughtless people. I guess in a developing country we can expect all of these things, not to say that we will accept them or tolerate them. A lot more can be done to protect our country and to teach our people how to be civilised citizens, how to perform in the country in which they are born and how to help other people become civilised people. We need people with skills. We need people who appreciate who they are and would like to do something to help others become like themselves.

Barbados is a wonderful place, a place where lots of people have come from all sorts of countries and despite whatever they might have left at home they say this is it, they want a piece of land, a home. This is one of the greatest privileges for a human being, to travel from place to place. For people who come and buy land it is not easy. It may be as much money as they may have to go and buy land in another country.

I believe that with our limited land space the time will come that our land will not be sold but leased. Leave our land for our few people and Barbados will continue to produce independent-minded people who would like to own a piece of land. When all of our land has been sold out in the next 20 years, all our agricultural land has been sold for houses, how are we going to feed ourselves? When all of the beach front has been taken up and taken away from us for a few pennies, where are we going to go? Would we have to go to another country to enjoy life on the beach? Will we have to become tourists in our own environment?

I think that we have to control the little bit of land that we have left. Do not sell it! Lease it! Maybe one day allow

me the right to have access to one of the posh reserved beaches.

I think that there is a lot more that some of us in position can do to help groom and create a new culture because at present not much emphasis is being put on development of human resources and more is on a quick dollar. A quick dollar is extremely destructive.

We Senators have exhibited our skills and capabilities and our concern for young people and I think we should be given a better opportunity to serve. Some of us not so young but willing and able, still would never have thought that the Senate should be done away with. It would be a sad thing. We have enjoyed the Senate. It has served us well and I think that we shall continue only to enhance it and let it give us a better Barbados.

I think we have done our best to accept equality over the years. A lot depends on us and how we see ourselves and what we want to do for our country, what we want out of the country. Equality in all aspects is no real discrimination when it comes to employment. Probably it exists a bit, but it is not all that evident because we all have our preferences. We like this person for one thing or the other and allow that person to have the upper hand. Over the years, a lot has been done and there is a lot more to do. You cannot expect us in here to do all of it.

I would like to commend the bravery of Erskine Sandiford in the last Administration and at the same time we had reached a point in the history of Barbados that we thought was the worst. If it is one thing that he did, he did what was right. As a civilised Barbadian, he could not have gotten away with doing what he felt like doing. He had to do what was right and that was to call an election and let the people decide. That was one time in the history of Barbados that we were in fear.
2.35 p.m.

Since 1993/94 we have enjoyed a sort of political stability that almost never existed in Barbados before. We have a Prime Minister who very seldom takes all the power in his hand or operates a heavy hammer. He goes to the people, he is willing to respect the wishes of the people, he listens and he can only do what is right because we are dealing with an intelligent set of people who have enjoyed freedom over the years and would like to continue that way.

Mr. Deputy President, I am endorsing the constructive and good intention of the people on the Commission.

I thank you so much.

SENATOR D. D. MARSHALL: Mr. Deputy President, distinguished colleagues, it is an occasion of tremendous pride for me to speak on the question of the Constitution Review Commission and its Report.

I was born just a few years before Independence and so I have to admit that I was in no way at that time aware of many of the discussions that would have gone on and the events that would have preceded our Independence. However, I am pleased to have been able to discover much of the discussions and so on that would have gone on at that time and I have to say that it is a regret that I was not born a few years earlier so that I might have participated.

Mr. President, I feel I must begin by lauding the work of the Commission. I agree wholeheartedly with the comment of Senator Newton when she said that this Report will form the basis of much of the learning that may go on at the University of the West Indies, in and outside of the law faculty, on the question of constitutional law. I would also like to commend it to any student of Government and politics and of civil society.

The Report represents, in my view, a very comprehensive examination of our 1966 Constitution and I must say that I enjoy reading it tremendously. I am sure that my readings of it are not over and I also have to say that I especially admire the dissenting view, I do not share all of them, but I admire the dissenting views as given by Commissioners Melanie Newton and the former Attorney General, Maurice King. The public discussion on the review of the Constitution seems to have honed in on the subject of republican status. Perhaps it should not surprise us since a shift from the monarchical system of Government represents, in my view, the highest achievement of Independence and our Constitution is really perhaps the single greatest emblem of our Independence.

However, I am indeed disappointed that many of the commentators, political, academic and business commentators, have failed to look at many of the other issues which are raised by this Constitution Review Commission and for no other reason than to support the existence of the Senate, I am happy to say that I believe that in this learned body we have taken the time to examine some of the things other than republican status.

I am also heartened by the fact that a tremendous amount of interest has been placed in the work of the Commission. I believe in the Report of the Commission – it is stated that over 8 000 copies of the booklet were distributed. I am also informed that numerous copies of the Constitution were distributed, perhaps more copies than were distributed in all the years since Independence.

Sir, on this point, I would like to reiterate the call for a greater dissemination of information on these issues. It is my view that in the same way that we spend numerous sums of taxpayers' dollars distributing all kinds of things, I would really be pleased to know that a copy of this Report could perhaps even be sent to every home in Barbados. I would like to feel that every student in every aspect of our educational system should have this Report in front of them

in some form. Perhaps we need to put in a few cartoon characters and whittle it down for the people in our primary schools but I believe that the content of this document is going to be invaluable to all of our students when it comes to understanding fundamental principles of governance and those things that we hold dear.

I am sure that everyone would join with me in saying that this Report should even find its way on the Internet, not just for our own domestic purposes but for the purposes of other people who might have an interest in it.

I must also compliment my learned colleagues in the Senate who were involved in some way, perhaps one step removed in the case of Senator Newton, in the working of the Committee and I feel we must commend Senator Reverend Rock and Sir John Stanley Goddard for the work on the Commission.

This review took place at a time when in our history we were perhaps more mature politically than at any other time previously. It is that political maturity which allows us in this millennium to examine the issues which were raised by the Constitution Review Commission, the issues which were raised at the meeting in the sobering light of self-governance.

We have been governing ourselves as an independent country for over 30 years. The historians say that we have been governing ourselves for far longer than that. I believe one of my learned colleagues made reference to this being perhaps the clarion call for the American Independence. Be that as it may, it is only when we start to examine our institutions, whether those institutions be physical institutions or whether it be an abstract institution like a Constitution, it is only when we examine these things that we begin to come to some good assessment of our worth as a society and as a people.

I tried in preparation for this discussion today to find a useful definition of Constitution and I have to say that in one of our foremost legal dictionaries, it is a six-volume work called Strouds Judicial Dictionary, the word "Constitution" does not appear. I found that most surprising. Perhaps they felt it necessary to stay away from trying to define a document that is so slippery.

Therefore, I will not attempt to go where angels fear to tread. I will say that the best definition of Constitution is that we have used it as our guiding light since Independence. 2.45 p.m.

There are a number of issues that I would wish to pay some personal attention to. I would like to begin looking at three things which, in my view, are inextricably intertwined. The issue of the repatriation of our Constitution, the issue of the Head of State and the issue of the Caribbean Court of Appeal. As I said, these three things are, in my view, inextricably intertwined because they represent the highest

measure in determining our Independence. They cannot be viewed separately.

We have been independent for 30 years and had some kind of self-governance for many years before that. We have full control over our internal and international affairs. We proclaim ourselves fit and proper persons to govern this country of ours. Yet, we seem reluctant, Mr. Deputy President to shake off fetters to self-governance. It certainly boggles my mind how in today's world Barbadians feel that they have the right to reach the pinnacle of achievement, we have dared, and I do mean that word, to seek the Presidency of the United Nations, we have dared to seek to head the World Health Organisation, many people in our House of Assembly have served at the highest level in international bodies, many Barbadians served quietly at the highest level of international bodies, but somehow when it comes to addressing issues which go to the very core of "Barbadianism", such as whether or not a Barbadian should be the Head of State, we exhibit a frightening form of timidity.

Let me deal, firstly, with the question of repatriation of the Constitution. I promised not to get into too many legalities. As for what this subject, repatriation of a Constitution is, it is simply the concept that our Constitution should derive from something within Barbados. It should not derive its authority from outside of Barbados.

1. If a person were to look briefly at the Barbados Independence Order it begins with these words and I find these words, most telling. "At the court at Buckingham Palace, the 22nd day of November 1966, present, the Queen's Most Excellent Majesty Council. Her Majesty, by virtue and in exercise of powers vested in her by section 5 of the Barbados Independence Act, 1966 (a) and of all other powers enabling Her in that behalf, is pleased and with the advice of Her Privy Council, to Order, and it is hereby ordered, as follows:" – our Independence.

It is argued, of course, that freedom once conferred cannot be taken away. The view, certainly has been expressed, since achieving Independence and juridical connection between Barbados and the U.K. was broken forever, that we were no longer subordinate to the United Kingdom's authority. I believe that the constitutional lawyers do find themselves in somewhat of a quandary because of the fact, what we called the limited ability of Parliament. If we agree that a Parliament cannot limit itself, it stands to reason also that a U.K. Parliament cannot limit itself. Of course, those are just legal aspects of the issue.

For me, the question of patriation has to do with defining my identity as a Barbadian, defining our place in this world, developing our own value system and strengthening the psyche which we all share as Barbadians.

It is a psyche that is strengthened as much by Obadele's coming third in the 100 metres as it is by taking hold of an institution such as our Constitution and making it our own. We must not fool ourselves that this is just some silly Bajan issue.

My research leads me to believe, and it is quite clear, that even in Canada, which had the benefit of a 1982 Constitution Order, by the Queen, this very debate is going on even now and the Canadian authorities are receiving daily expressions from citizens that their Constitution should be Canadian and not in any way relying on U.K. authority.

The issue of the Head of State must also be looked at in tandem with the issue of repatriation. Again, I reiterate that Barbadians have excelled in every field of endeavour or, perhaps, almost every field of endeavour – Obadele is to make the gold and we are sure he is going to do that in Athens. Yet, we feel that the idea of having a Barbadian as President we are not quite ready for.

I found the words of the learned Commissioners in their Report to be very instructive. On page 42 of the Report the Commissioners said this:

"The Queen of England, although much loved and respected, is not a citizen of Barbados. Barbadians, with very few exceptions, believe that our Head of State should be a citizen of Barbados by birth or descent, who lives in Barbados, has first allegiance to Barbados, and reflects the values which Barbados holds as a nation."

Mr. Deputy President, I can express it in no better way. Our Head of State, I would like to think, would hold dear to her or him my country above any other. I would like to think also that our Head of State shares the very same values that I do having been born and raised in the area of Charles Rowe Bridge, St. George. I would like to believe that I could as much identify with our Head of State as he or she could identify with me.

We, therefore, cannot gloss over this issue of Head of State and swallow up the minority views, very vocal minority views, that we see appearing almost daily in the Press. It surprises me, Mr. Deputy President, that there are prominent Barbadians who by hard work and self-reliance have done very well for themselves in this country. Yet, they feel that our democracy will disappear if we become a republic. They are positive that our very livelihoods would evaporate if we were to become a republic. They have even offered the view that tourists would no longer want to come to Barbados if we become a republic.

I believe, Mr. Deputy President, that most Barbadians will see the fallacies in those arguments and would recognise that our value as a republic should be more based on a sense of self than on a sense of external reliance on the United

Kingdom. It is also worthy to note that of the 53 countries in the Commonwealth, 31 of them are republics. We are not charting any novel path when we go the route of having a Barbadian Head of State in a Parliamentary Republic.

While the question of the Caribbean Court of Appeal is not canvassed in a very large way in the Commission's Report, like I said, we have to look in my view, at these three things together. If we go the route of a republic, if we have a Barbadian Head of State, if we repatriate our Constitution, then it stands to reason that our highest Court of Appeal must certainly be brought nearer to our hearts and our homes than Her Majesty's Privy Council.

In fact, in the merging environment, Her Majesty's Privy Council is not only an anachronism, it is also an institution which continues to visit our concepts of law and of justice with some tremendous violence on a regular basis. 2.55 p.m.

Our Senate, I believe, has served Barbados well for many years and will continue to do so with the sterling contributions of my brothers and sisters in this Senate and beyond. I value tremendously the commentaries of Independent Senators and indeed the Opposition Senator on legislative issues. I value their incisive comments on economic affairs from time to time. I value their comments on matters of health and on nursing, and we have to recognise that perhaps the greatest value in this body does not lie in our ability or desire to change laws, it may not lie in our ability to tap a peerless legislation on its knuckles, its importance perhaps lies in the fact that we have an opportunity to speak critically of those things which are important to us. We cannot belittle the importance of the role which we have been chosen to play.

I would like to say here that I am of the view that to increase the qualification age to 25 would be a grave mistake. We have been accused of alienating young people, we have been accused of keeping young people out of our political and administrative processes but yet still we tell them at the age of 18 that they should get an ID card and vote. If we are prepared to accept that at the age of 18 a young man or woman has enough good sense and is capable of discerning good from bad, proper from improper, that they can vote in a general election, it seems to me to be a contradiction in terms to say to them that they however cannot serve in the Upper House except at the age of 25.

Sir, a few brief words on the judiciary and magistracy. Barbados has been held high across the world as a country which follows the rule of law and it is only where you have a strong and independent judiciary that the rule of law will prevail. Our courts are relied on daily to settle disputes between people and organisations. They are often called upon to check abuses of power in whatever form they may appear. I do not mean just Governmental abuse, I mean

administrative, and we therefore need to eliminate anything which could impact on the independence of our judges.

I am aware that the Constitutional Amendments in 1974 which gave the Governor-General the appointment of judges on the recommendation of the Prime Minister, received very heavy criticism. Governments have changed since then with smaller and larger majorities but yet still, despite the criticisms attended with this move in 1974, we have not seen it fit to do anything about it.

It is without doubt that our judges have served us well. I am not personally aware, as a lawyer or as a citizen, of any challenges or any allegation that our judges have been biased, that our judges have followed any particular political path. In fact, I sincerely believe that our judges have too much integrity for that. However, the fact that things may have gone well in the last 26 years, does not mean, in my view, that we should sit back and hope that things will continue to go well. I would like to commend the recommendation of the Constitution Review Commission on the question of the appointment of the Chief Justice and of the other judges to this Honourable House for support when the time comes.

I would also like to urge that the recommendations in relation to the magistracy be taken into very serious account. The work of a magistrate is increasing. They are being called on to do many more complex matters. The new Magistrates Court Act increases their jurisdiction limit from what is now 2 500 to 10 000 and it is a shame really that these judicial officers are not, in fact, treated as judicial officers. Our courts are crowded and I would like to suggest that we make more use of the magistrates in dealing with many other kinds of issues which now come before the courts and we will need to ensure that our magistracy is protected in terms of its independence as our judiciary is.

I have not been following my time, Mr. Deputy President, so I really have no idea of whether I am exceeding my limit or not.

MR. DEPUTY PRESIDENT: You have eight more minutes.

SENATOR D. D. MARSHALL: Thank you very much.

Mr. Deputy President, we seem to have a view that a Constitution is supposed to deliver a lot of goods. Not necessarily goods in the material sense but the question has been asked in this Senate by the Honourable Opposition Senator, Senator Mascoll, whether or not this new Constitution will deliver to us a new Barbados.

Sir, let me say at the beginning that Barbados may have some imperfections but I was not aware that we needed to have a new Barbados. In fact, I love dearly the one that we have and there are many things that I would hate to see

changed but that particular attitude is symptomatic of the way in which we approach many things. Something is to deliver something for us, we rely on a person to deliver, we rely on the United Kingdom to protect, we seem to be spending so much time placing reliance on people rather than ourselves.

Mr. Deputy President, I would suggest that the only person or persons who can deliver a new Barbados to us is ourselves. We cannot rely on any revamped Constitution, we cannot rely on any old Constitution, we have to rely on ourselves. We have one Constitution, we have over 300 different legislative instruments in the laws of Barbados, countless others that are not contained in those volumes and many, many hundreds of laws which have been repealed.

I would want to argue that looking to the law, looking to the Constitution, looking to the instrument will take us so far and no further. We have to look to ourselves and ask ourselves how we in our daily lives are supporting our democracy, how we by the things we do are providing an environment that is safe for people to live, an environment that is conducive to good worker practices. I do not think we need to put those kinds of things in the Constitution at all.

I am reminded of a song, and again it must be clear to you, my fellow Senators that my memory is really poor, which began, "If I can help somebody..." I do not remember the middle part but I remember the end. "Then my living shall not be in vain." That particular writer is not say, "If somebody could help me, then my living will not be in vain." He is saying, "If I can help somebody, then my living will not be in vain."

We have an obligation, it is the solemn obligation placed on every citizen of Barbados to safeguard our freedoms, to safeguard our livelihood and to rely on ourselves to do as well in the future as we have done in the past.

3.05 p.m.

The Constitution will serve as a bulwark for democracy but it is not going to guarantee democracy. The Constitution is our supreme law but it will not ensure by itself that our citizens will follow the law. Our Constitution sets out a framework for order in our domestic affairs but it does not guarantee that we would live our lives orderly.

The Constitution is there to reflect the values that we hold dear, it is there as a beacon and it is there as a guiding light. At the end of the day, our Constitution, whether we change it or not, will not deliver for us a new Barbados. That power comes from none other than the collective will of the citizens of these shores.

With that comment, Mr. Deputy President, I would like again to laud the work of the Commissioners and I look

forward to continued public debate on the Report of the Commission.

SENATOR LeR. H. McCLEAN: Mr. Deputy President, permit me to take this opportunity to express my sincere appreciation to the many persons who have in one way or the other conveyed their best wishes to me on my appointment to this August Chamber and also to you, Sir, and the fellow Senators who have endeavoured to make my sojourn comfortable in this new environment.

Sir, it is indeed an honour to be part of this historic debate, to speak to the matter of the proposed amendments to our Constitution. This country has pride of place in being one of the oldest parliamentary systems in this hemisphere. We can proudly boast of a parliamentary system of governance that extends over a period of almost four centuries. However, we are mindful of the fact that over that period, our system of governance has continued to evolve. Indeed, it is only since the advent of universal adult suffrage that we can truly say that our governmental system has taken into account the interest, concerns and rights of all of our citizens. Prior to that, you are aware that those interests and rights were reserved for a few and indeed a very small minority of the population of this country.

In 1966 we took the bold initiative to sever our political umbilical cord from Great Britain. However, we failed to move out of the family house because the supreme instrument by which we administer our affairs still remains in London.

The framers of our Independence Constitution operated in an environment that held many constraints for them. They were faced with political opposition from the Barbados Labour Party, they had to deal with the element of distrust and concerns from amongst the citizens of European extract and they had to deal with the uncertainty of a people who were venturing into uncharted waters.

Sir, I must refer to the point made by Senator Collymore when he alluded to the fact that the framers of our Independence Constitution had to make some compromises and they had to compromise on several issues. As a result, the Barbados Independence Order of 1966 wherein lay the provisions which give effect to our Constitution still resides in London.

In this regard, I think that when we speak of a Constitution, I need to make mention of what I consider to be an excellent definition of a Constitution by our former Prime Minister Erskine Sandiford in his latest publication "Politics and Society in Barbados" on page 60. He mentions that:

"A Constitution is the essential pre-eminent, organic law that sets out the nature, principles, purposes and arrangements for creating and operating the system of government in a country".

It is that organic character of our Constitution that makes it a living document and not one that is cast in stone but is subject to change as the need arises and because of that organic character, we must, from time to time, re-examine our Constitution. However, such re-examination should not be whimsical.

Before embarking on any steps to change our Constitution, we must first ask ourselves some pertinent questions. For example, what is wrong with this system of governance that it requires a change? This question is not only the concern of myself and others who may be in this Chamber, but this question also came up when we in the Democratic Labour Party had consultations with some of the fifth and sixth form students of this country. One asked the question pointedly, what is wrong with the system now that the Government needs to change the Constitution? We cannot dismiss these questions. What we must do is to provide the answers which can satisfy persons and allay any concerns or fears that they may have.

How do we proceed to make the necessary change? Most importantly, Sir, to what extent would such change result in the improvement of the system of governance and the advancement of the people of this country?

I hope, Sir, that when persons are taken up with the idea of changing a Constitution, it is not merely that they can write their name on history's page but that they are more concerned with what is in the interest of the society as a whole. Sir, it is quite interesting and quite a coincidence that we have an interesting parallel here because the same persons who were critical and very vocal with respect to the debate on the Independence Constitution are very often now the ones who are most vocal with respect to the debate on changing to a Republican Constitution. I am in no way reflecting on the character of any of the Commissioners who were simply carrying out a function which, in my view, is laudable because we need, as I said, from time to time, to review the Constitution, but we must be certain as to why we are making the changes.

In this regard, Sir, when we speak of the advantages or the advancement of the people which could be brought about by any change of the Constitution, I must refer to some comments made by the Honourable Senator Murray when he spoke and in response to my colleague Senator Mascoll. He made the point that – and in his words – it is demeaning to reduce this debate to what material benefits Barbadians would get.

Mr. Deputy President, there is nothing esoteric about a Constitution. A Constitution is not intended to be a plaything for lawyers and politicians. Whereas Senator Laurie made the point that as a farmer he is not too concerned about Constitutions and that is a thing for lawyers, I beg to differ. The Constitution as the preeminent law of the land must be of concern to all of us as citizens and must be framed and

fashioned in such a manner that every citizen can understand what it is and what it stands for, and what is in it for them. If the Constitution is all about the people, and if we are going to make these grandiose statements that the Constitution is about the people, how then can we imply that material benefits of the people should not form part of our Constitutional arrangements. There must be provisions there which tell people clearly what is in this system for me.
3.15 p.m.

Sir, I would like to suggest that the point made by Honourable Senator Murray is quite unfortunate because I do not see how it could be demeaning to suggest that the people should benefit in some way from the provisions of the Constitution. That is what the Constitution is for. It is to offer protection, guidelines for governance, and to establish the relationship between those who govern and those who are governed.

Therefore, a Constitution must speak to the needs and the aspirations of those who are governed, and we must forget about this idea that it is some special abstract document that only certain people can understand and have access to.

The Honourable Senator also made reference to the 1974 Amendments of the Constitution by the then Democratic Labour Party Government. It is interesting to note, Sir, that the 1974 Amendments were the major plank in the 1976 election campaign of the Barbados Labour Party. It is now 26 years hence and to this day not one of those amendments made in 1974 has been changed. The same amendments that were so iniquitous in 1974 are still on our Statute Book. In fact, I heard Senator Murray and Senator Williams speak to the point of reducing the powers of the Prime Minister and they strongly opposed any attempt to reduce the powers of the Prime Minister. Those are the very powers that were conferred on the Prime Minister through the 1974 amendments. I do not understand the contradiction. On the one hand you are saying that these 1974 amendments were so bad and on the other hand you are saying that the benefits derived from the 1974 amendments should not be tampered with.

Mr. Deputy President, persons at least must be consistent in their arguments. If they are not, they will continue to confuse the people of this country. This is why this debate and the whole issue of the amendments to the Constitution seem to be bringing out inconsistencies among the people themselves. Almost every citizen that you speak to in Barbados will tell you they believe that a Barbadian should be Head of State. Yet, when they are asked the question pointedly as was done yesterday on one of our radio stations, forty of them said "no" and twenty said "yes". I assure you that I believe very few politicians, if any, had any input in that. I assure you, Sir, contrary to what I may be hearing, I had no part in it. I assure you of that. I felt it was important to hear what the people truly felt.

Mr. Deputy President, sixteen years rule of the Barbados Labour Party should have done something about the 1974 amendments if they genuinely felt that there was something wrong with it.

Mr. Deputy President, I must admit that I am not particularly moved by the arguments for or against Barbados becoming a Republic. Where that is concerned, I will be guided by the will of the people of this country. I must say, however, that I do not believe that the present system causes this great psychological damage for our people that some of our people are implying. I do not recall the last day that I woke up a morning and I said, "Boy, I think that things are going to be hard today because the Queen is the Head of State of Barbados." I am sure that almost every other Barbadian is in a similar position regardless of what our status may be, be it high or low. None of us attribute our status to the fact that the Queen is Head of State of Barbados.

The average Barbadian is not very concerned and pays little or no attention to the fact that the Queen is the Head of State. As a matter of fact, as was said before, most Barbadians accept or believe that the Governor-General is the Head of State of Barbados. Therefore, any change in this regard would be purely cosmetic.

I must take the opportunity, Sir, to attempt to correct a misconception which was raised this morning by the Honourable Senator Laurie when he made reference to the point made by Senator Mascoll about the minority becoming Head of State. I think that Senator Mascoll spent quite a bit of time explaining his point. The point that he was making was that those persons who have been making certain comments about the Queen as Head of State and he also made reference to Pan-Africanists that should a minority become Head of State, they still would continue to be dissatisfied. It was not at all the point that he was making. Senator Mascoll was not in any way suggesting that a minority should not become Head of State. He was making the point that if that happens the people who are, for example, I heard one person in a very despairing way refer to Her Majesty and being ruled by this white woman in England. Would you believe, Sir, that a person who would make such a comment would be comfortable if a minority became Head of State in Barbados? I think that was the point that Senator Mascoll was making.

As I said before, Sir, I am concerned with the fact that our Constitution continues to be a mere Schedule to an Order In Council of the Parliament of Great Britain. I believe, Sir, that is a matter which needs to be rectified as quickly as possible. I would, therefore, agree to any recommendation that the Constitution of this country becomes an Act of the Parliament of this country and not a Schedule to an Act in somebody else's Parliament what is commonly being referred to as repatriation or patriation, whichever term may be correct to use at this time.

I am also concerned too, Sir, that the youth of this country want to see meaningful change. They do not want to see change merely for the sake of changing. They are not merely concerned with symbolism. In this regard, some of us went into the schools to speak to young people and some very interesting points came out. Young people asked some very searching questions.

3.25 p.m.

For example, what advantages would there be if Barbados becomes a republic and will the country be run any differently? Why is the Leader of the Opposition here and not the Prime Minister? The young people wanted to know why was it that the Opposition was taking the initiative to come to them to find out how they felt about any proposed changes to our Constitution and not the Government. Instead what we see is that Government, after the fact, is now seeking to enter consultation to talk to people and to get their views in what appears to be a *fait accompli*. After you have made up your mind and decided exactly what you are going to do, you then decide, let me go and talk to the people.

Worse of all, let me ask them a ridiculous question, which, the best analogy that I can find for the question which is being asked of the people of this country is like asking a diabetic person, do you want food? Without paying any regard to the fact that that person's ailment would require special types of food. We are going to ask people, do you think the Head of State of Barbados should be a Barbadian?

What are the details, what else is involved? As we have heard from several speakers before, we need to put questions to the people which could bring out their true feeling on how they believe this country should be administered in the future. It is not good enough to simply ask people questions which should have obvious answers and which in no way would reflect their true positions.

Young people of this country, Sir, are asking what are the advantages, as I have said, to change. They are asking, would the Governor-General be chosen by the people in the same way as the Prime Minister is chosen? Many believe that they need to have a say as to who would be the Head of the State of this country. They believe that to simply move from a person who is not a citizen of Barbados to a person who is a citizen of Barbados as a Head of State but doing nothing about changing the system by which that person is chosen or determined, makes no difference and it makes no sense to them. As I said before, the question arose, what is wrong with the system? That, I think, is not for me to answer but for the persons who are proposing the changes.

They have also asked, when the Constitution changes, how will that affect the rights that we have now? On this

matter of rights, Mr. Deputy President, it was also suggested by an earlier speaker that people expect the Constitution to deliver too many things. The amendments to this Constitution can only be meaningful if they are aimed at the fulfillment of that section of the Preamble to our Constitution which makes specific reference to the distribution of the resources of this country. That section which says that:

"Now therefore the people resolve that operation of the economic system shall promote the general welfare of the equitable distribution of the material resources of the community by the human condition under which all men should labour and their undeviating recognition of ability, integrity and merit."

Sir, the fathers of our Independence saw that the material benefits of the people of this country were important enough to be included in the Preamble of the Constitution. Therefore, how could we now suggest that the Constitution is not to deliver certain things for the people. While I am on this matter of the Preamble to the Constitution, I must agree wholeheartedly with the sentiments expressed by both Senator Williams and a few other Senators, with respect to the point made about the inclusion of the supremacy of God in the Preamble to our Constitution. I am very happy that the Commission has resisted any attempts by persons who would want to remove the mention of the supremacy of God from the Preamble to our Constitution.

This country, Sir, has been built on a strong faith in God. As has been said in our scriptures, the two great commandments, love for God and love for your neighbour. I would also like to say, Sir, a devotion and a love for family. Love for God, love for your neighbour and love for your family should be the three strong pillars on which any society should be built. Therefore, I must agree with the Commission when they rejected any attempt to remove reference to God.

I saw where it was said that it could be offensive to non-Christians. Mr. Deputy President, it is not only Christians who worship God. I do not see how you can say that reference to God is offensive to non-Christians. What about Muslims, what about Jews, they also worship the same one God regardless of what name. Therefore, there is no offence to those religions. I strongly support that position, Sir.

Mr. Deputy President, back to the matter of the rights of the people. Again, the Commission has made the point that a Bill of Rights must be put forward in a manner that is clear that the average Barbadians can clearly understand. I strongly support that position. I believe, Sir, that not only should there be a Bill of Rights which simply spells out the rights and freedoms of people, but I believe there must be a clear indication as to what are the responsibilities of every citizen. All citizens from the time they can read in primary school should have access to a document which clearly spells out for them what are the rights, freedoms and

responsibilities of every citizen of this country. It must not be just hidden away in some document shrouded in legal jargon that you need to go to the University to study in order that you can understand it. It must be there that we can all see and understand.

The British Parliament has just passed a Bill of Rights which is in acceptance of the European Bill of Rights. There are 50 rights which underpin European life.

Mr. DEPUTY PRESIDENT: The Honourable Member has two more minutes.
3.35 p.m.

SENATOR LeR. H. McCLEAN: Of those 50 rights, 15 of them deal with economic rights. So a Bill of Rights, now, Sir, in a Barbadian context must speak to the economic advancement of the people of this country and to the enfranchisement of the people of this country. We can no longer continue in a system which disadvantages the majority of the people of this country. Instead, we must advance to a system which uplifts every Barbadian and gives every Barbadian an equal chance to own a piece of this rock.

I thank you.

SENATOR Miss J. C. ODLE: Mr. Deputy President, one of things that I always find challenging is what we called the tail-end batsmen, or batwomen, as the case may be. In a debate such as this, where we are working strictly from a document by and large that we are seeking to take to the public for discussion, that is, the Report of the Constitution Review Commission, much of the material has already been discussed and I think it is important that each one of us takes the opportunity to put our particular spin on it.

Sir, I, like the rest, would like to laud the work of this Commission. I am sure that it would have taken a tremendous amount of time, effort, discipline and skill in order to collect the information from across the landscape of Barbados and from Barbadians abroad to compile this very worthwhile document. So, I commend those who are here seated and those who are not with us today.

Sir, I find that this is also an opportunity that humbles me tremendously. Like other Senators, particularly Senator Brome, an occasion such as this comes but once in a lifetime for most persons. It is, certainly, not about writing your name on history's page that we are engaged in this discussion today, but I think that it is about the rationale behind it. For me, it is particularly moving and humbling because I could never have imagined that I would have been instrumental in helping to develop by way of discussion and input a policy that would govern a nation and which would be a guiding light for many years to come. I think that is no small chore and no small task. I thank God that today I am able, Sir, to be one of those who is involved in the process.

It is also important because amongst the recommendations is a proposal to look at shifting from one system of Government to another. This discussion today is also a tremendous opportunity because it is being televised and it is the second day of the first time for the Senate of Barbados. Most people did not know what we did here, where we are positioned and even if they could come and listen to the debates. I think that it is important that they recognise what goes on here and this debate being televised is an ample opportunity to do so. I hope, Sir, that even at this hour as the young children are returning from school, that they turn on the television to Channel 8 and listen to some of this debate.

It is also an opportunity, Sir, this Report of the Constitution Review Commission, for Barbadians to, once and for all, have an opportunity to hear what is contained in a document that governs this country. I think that it is something that most Barbadians, if I can be so bold as to say, perhaps, never even thought about what was contained in a document by which we live every day. In the United States of America, they speak every day about their Constitution. I do not think that in Barbados that we often reference it at all in any of our daily lives.

One of the things I would want to look at is the question of the repatriation of the Constitution. Senator Marshall did a tremendous job in putting it in very excellent layman's terms. As I said, as a tail-end batsman, I still want to put my spin on it.

Technically, there has been no interference from the monarchy, from the Queen, in the affairs of Barbados' management to date. In theory, Sir, I think that it is important to recognise that because our Independence Act was brought about by an Act of Parliament in Great Britain, any time they so choose they could repeal that Act. It is highly unlikely, but if it is, indeed, written down, one day, God forbid, if we do not do something about it by virtue of amending our Constitution and utilising a different methodology and repatriating it, they could one day take away our freedom. Maybe, hypothetically, but technically, Sir, they could do away with some of our freedoms.

I feel, Sir, there is no fear in this. One thing that I must say and there is no disrespect meant when I say this, because in order to come and take up office in this Honourable Chamber we must swear an allegiance, Sir. I recall very well the first opportunity – and I was given a second opportunity – to swear at Government House in order to enter this Senate. When I had to swear allegiance to Queen Elizabeth the Second, her heirs and successors so help me God, I did not have any difficulty with that part, because he guides all and every undertaking that I have made in my life and I thank God today for the tremendous measure of success and I give all credit where it is due. The allegiance part, Sir, to the Queen and the successors really resounded somewhat hollowly within my psyche and I look forward to the day

when we swear that allegiance to somebody who is a national of this country, who was born here.

I also want to suggest, Sir, that those who fear the change that may come about once a referendum is complete – I gather from my reading that a referendum is not totally binding depending on what type of referendum is structured and I will leave that to the lawyers to deal with that – there is no need to fear this change. Indeed, those who brought us to this stage so far, and I speak of the Right Excellent Errol Barrow as he took Barbados into the Independence, and I speak of the Right Excellent Grantley Herbert Adams who thought about bringing about change, neither one of those gentlemen was happy with the *status quo* as it was and they pressed on and brought about meaningful change. Over the following years, Sir, continuous change has taken place for the better in this country. Sir, this debate to amend the Constitution by way of reviewing the proposals in the Report, Sir, is just another initiative toward our further development.

There are those who ask the question why change. Mr. Deputy President, this document is so comprehensive that it would mean those who still need to ask that question are not taking the opportunity of the documents that have been prepared extensively for them. Even, Sir, a document only dealing with the recommendations is available. For those who may not have it I would like to highlight one or two points. I am speaking under the item to deal with the Head of State, page 42,

Paragraph 8.8.3. "In a republican system of government, there is a more democratic basis for selecting a Head of State, whether or not directly selected by the people."

Paragraph 8.8.4 "the Head of State should be the focal point of national unity and patriotism." I do not think that I need to explain that further. To me it is self-explanatory.

Paragraph 8.8.5 "despite being an independent nation, we continue to swear allegiance to the Crown, and the people's lands are described as 'Crown lands'."

Mr. Deputy President, this is symbolic of a past era and hardly represents the reality of Barbados today. Senator Brome spoke about the preference for the leasing of lands that may well have some merit, but I would not want Barbadians, by and large, to imagine that a large percentage of Barbadians do not own a piece of this Island. One of the things that this Barbados Labour Party Administration and other Administrations of the Barbados Labour Party, concentrated on was ensuring that Barbadians had equal opportunity to own lands and to own, particularly, by way of the Tenancies Freehold Purchase Act.

3.45 p.m.

Sir, I am not going to take time and dwell on that today but over the years Barbadians have had opportunity in greater measure to acquire and to own lands. One thing I will say that those who own land, and Senator Brome spoke to this too, and the Minutes will reflect a correction if necessary, about selling out our lands for a pittance and for a short-term gain. Well, Sir, if you did not have it or if you did not own it, how are you going to sell it and I too support that proposal. I do not believe that any lands that I might have and I have a postage stamp that belongs to me, I am not parting with it. I recommend that those who have lands to hold on to them because if you sell them, you have yourselves to blame further down the line.

Mr. Deputy President, I would want to look at the fundamental principles and responsibilities and with particular emphasis on the responsibilities of persons in this country. Sir, there are very many areas which many citizens of this country fail to uphold. We have a National Anthem and we have a National Pledge. I wonder when last Barbadians who mouth the Pledge or Anthem really thought about what it is we were saying. For example, in the National Pledge and I will just read for you which says,

"And by my living to do credit to my Nation wherever I go."

Sir, that 'wherever' should not be interpreted as overseas, it also means that right here in Barbados wherever we go, we must by our living, do credit. That means how you treat your neighbour, how you treat your neighbour's dog, *et cetera*, whether or not it is a tourist, whoever it may be, how we treat them as we go along the highways and byways of this country.

Our National Anthem holds us to be strict guardians of our heritage and firm craftsmen of our fate. Sir, today's exercise is part of that craftsmanship. It is part of that program that says we are ready and we are able to go on to the next stage of our development. It does not surprise me because many persons spend so much time watching television, which is all well and good for relaxation, but we do not spend any time developing ourselves in reading all manners of things.

Somebody sent me an e-mail recently and how it took the Lord's Prayer really caused me to rethink too – and that is the basis for this – we wonder when last people really read the Pledge because we mouth and mimic our Lord's Prayer, and are we conscious of what it is we are really asking our Lord when we go through the Lord's Prayer? Similarly, are we conscious when we speak to our National Anthem and to our National Pledge? Pride and industry must be returned to our daily living. Our value systems and our morals must also be reflective of all that is good, all that is honest, all that is pure in heart, Sir, because all of this that

we are doing today means nothing at all if we do not believe it within our psyche that how we conduct our daily living is an example for others to emulate.

Mr. Deputy President, I would want to look now at the participation in the economic, political and social life of Barbados. That comes under the heading of Fundamental Principles and Responsibilities, page 22 and continuing.

Mr. Deputy President, for over the last 20 years there has been much effort with regard to gender equity. Indeed at Paragraph 5.9.9 it is outlined here as one of our responsibilities,

5.9.9 "participate in the economic, political and social life of Barbados;"

I must take this opportunity to laud the Barbados Labour Party Governments past and present, for bringing to the fore, issues that are directly related to the improvement of the lot of women as partners in Barbados' development.

Sir, that is far more than the Democratic Labour Party seems to have ever done, because recent history will remind us that they are paying lip service. Now, I laud and welcome the newest Senator to the Chamber, but in a scenario where you have a choice of two seats and you have a vacancy, how is it that the Democratic Labour Party did not see it as equitable to make that balance right in their representation in this Chamber? The question that the Democratic Labour Party women should ask themselves of their leader is, are they really concerned about us as part of the development process, not only in our party but also in the landscape of Barbados. Sir, their posturing is as phony and ridiculous as a black bird with peacock feathers stuck on, and, Sir, you keep birds so you know how that will look. One thing clear is that the Senator spoke of consistency. One thing that they are consistent in is to continue to keep the women who labour in that organisation on the back burners. Ladies are you prepared for that? Sir, do you think the ladies could be satisfied with that? I leave the question open to them.

Mr. DEPUTY PRESIDENT: I hope you are not leaving it to me?

SENATOR Miss J. C. ODLE: To them, Sir.

We must recognise that there is a serious misrepresentation of women at the elective level. That is indisputable because as I speak today, Sir, I am in a minority position in this Senate and the Other Place has a smaller representation even than in this Place. Technically, there are no legal impediments to women's participation, I believe that is clear but we cannot dispute that there are certain cultural and social norms that exist that preclude women's participation in greater numbers from the elective political process.

Sir, I must ask the question and a reasonable one, I think, how can politics and parliamentary practice possibly continue to be defined and implemented with a disproportionate number of men and women. I have the answer there in my heart. Another question is, can politics really meet the needs of society if women are not sufficiently involved in defining and implementing it? After all, Sir, we women represent at least 50 per cent of the population of Barbados.

Asides.

SENATOR Miss J. C. ODLE: More than that, my colleague here on the right says and another Aside speaks to merit, so I would want to suggest that there are many women who are able. There are various methodologies for redressing this imbalance and really can be studied and should enter our discussions at a stage sooner rather than later. I do not propose to give answers to the question today but what I want to say is that the women of Barbados must see ourselves, first and foremost as necessary and as able. Yes, Sir, the merit factor will come into play here.

Sir, we believe that we are able to make that change, because for centuries the women of this nation have managed families, household budgets, shops in particular, and many different things, so I would make the suggestion that we are more than able. I just want us to recognise that we must be willing, and I also want all women of Barbados to think about that very carefully and seriously.

Sir, the Constitution speaks to tidying up a number of issues including language and to be gender neutral and that is quite a good and positive thing.

Sir, under Citizenship, the Constitution makes provision for equal status for women with regard to citizenship and immigration issues. There is one proposal which has already been adopted and passed certainly through this Chamber which gives the non-national spouses of Barbadian women equal treatment. I think that must have passed fairly quietly. It was a long time in coming but the point remains that this Barbados Labour Party Administration brought it. I believe it was one of the few remaining items that came out of the discussions that would have taken place over 20 years ago when the Consultation on the status of women was established and also the Women's Bureau. This was one of the last things remaining to be implemented, and I think it was long past due.

I would want also to spend a moment thinking and making comment on the question of marriages of convenience and sham marriages.
3.55 p.m.

For a long time now, as many as eight years, I believe, or maybe even longer, people were saying to me all manner of things about Barbadians who are marrying people for

money. On that note, Sir, any Barbadian who would engage in a spiritual and religious bond with an individual by virtue of a marriage ceremony is doing a grave disservice to nationhood by trivialising and giving away citizenship, if it is not based on the correct principles. This document speaks in wider measure to it, but I would want to say that I hope that the authority which has responsibility for immigration would be so enhanced in its work that where there is suspicion of a sham marriage, it could move in, question and examine that marriage.

Many years ago, I remember seeing a movie called "Green Card". That was an exercise of a sham marriage. It was a comedy, but it showed where the immigration authorities could go in and ask all manner of questions of the couple – separate not together – where it revealed that they were engaged in a sham arrangement.

First of all, I think it is disrespect by the person who is going to receive money for it. Secondly, we are talking about doing it and giving away something as precious as citizenship. Then to do that, I believe that is against the biblical principles. Therefore, I hope the immigration authority would be so strengthened on a sustained basis to deal with any hint of that.

Of course, Barbadians have a very important role to play in this regard. If we know of any person who is illegally coming into Barbados and is hiding away long enough so that they could make these marriage arrangements, then it is up to us to report it. It is also our responsibility to report when we know of instances where we would have seen all kinds of advertisements in newspapers that are advertising for non-Barbadian talent because it is said we do not possess such talent. Sir, what rump and what rubbish.

I would recognise that there are not all areas of experience that we may have, but I am really concerned when I see, for example, by virtue of reading the newspaper, an application for a work permit for a domestic worker. I have already made the point that there are women and men in Barbados who are more than able to take care of any and every domestic chore, in any and every household in Barbados.

What I will say is that I look forward to the day when those who offer that type of service would see their role as being vital. I will tell you now, my housekeeper is vital to me because in order for me to do the services I do in here and in my line of employment, I need that valuable person taking care of my home. I want them to begin to see it as a valuable contribution and not just as a menial task with, of course, the attendant salary to support it. In the same way that, for example, my job as a hairdresser is important, Senator Brome's job as an entrepreneur and businessman dealing with food service is important, and the nurses are important. Whatever label one gives, one must expect proper remuneration for it, Sir.

Sir, under Citizenship at Paragraph 5.9.12:

“promote harmony and a spirit of unity among all the people of Barbados, transcending religious, sectoral or racial diversities, and abstain from practices derogatory to the dignity of the human person.”

Mr. President, the practice of sexual harassment is derogatory. Because there is not enough time to go into the whole details about what is essential to harassment, how it is identified and in large extent the measures, the cures and the correction for that, I just want briefly to say that it has the power to scar dignity, destroy self-esteem and reduce productivity of people and of a nation. In the long run, then – and Senator Rickinson would bear me out on this – it has the possibility to affect the health of the Nation.

Sir, none of these manifestations are desirable in a developing Barbados. I say “developing”, because I do not believe that we have reached the pinnacle. There is so much potential that Barbados has and I have so much hope and such passion for this “little rock” that sometimes I wonder how we can contain it. There is no room for these manifestations in a developing Barbados that is grappling with greater issues of competitiveness and sustainability, Sir.

We know that the World Order is so structured that Barbados is not separated or isolated from many of the changes that are taking place. We need every man and woman in this country to feel a sense of self-worth, a sense of value and, more importantly, have a sense of ability at whatever they would wish to achieve in life.

Sadly, Sir, today, sexual harassment is not a crime. According to the Statute Book, it is not a crime. I certainly look forward to the legislation that has been promised which will position sexual harassment as a distinct legal wrong. It is important that individuals recognise they have a role to play in the banishment of sexual harassment from these shores. The trade union movement has its role to play because we have the issue of sexual harassment in the workplace. The private sector has its role to play because across the length and breadth of countries where research has been done on sexual harassment, it was found that even police women suffer from sexual harassment. The point must be made that women are more sexually harassed than men. This happens also in the priesthood. There is not an area of life where some element of harassment does not take place.

Mr. President, I want to look now at Parliament and needless to say, you know I will start with the Senate. Sir, I am fully in support of the retention of the Senate. I do agree with many of the recommendations put forward by the Commission for its adjustment. I, like Senator Marshall am not in favour, and I feel fairly strongly about it, of an increase in the qualifying age to 25. I really cannot support that element of the proposal.

Sir, at the age of 18 – and I have spoken to this in this Senate before, never mind when I spoke to it before, let me deal with it while I am dealing with it today – a person can be held accountable in Barbados for anything and everything. Senator Marshall and I believe Senator McClean as well made the point, talked about age 18 as being the age which gives one the right and ability to vote.

On the previous occasion when I spoke about it, I was concerned about driving what I call a potentially dangerous weapon, a motorcar. I know this very week, there was a big discussion about how to improve your driving skills and looking at issues to reduce the number of fatalities on the road, because the number of fatalities on our roads are too high. There is some reckless driving going on out there. It is not predominately the 18-year olds who are responsible.

Sir, if at age 18 we are able to do all manner of things, why not so too to sit in the Senate. We made the point, and I agree to some extent, that age is a great teacher, but I disagree that the input of the youth must be trivialised. It is youthful and refreshing. I know many an old person will tell you that you learn something new every day and that young people can teach you something. I am not suggesting that I would want to see a Senate entirely full of 18-year olds. I am one who believes constantly in that good and rich mix of age and of experience and certainly of men and of women.

I wonder, Sir, if not allowing an 18-year old to sit in the Senate if so chosen, because that is the process we use at the moment, either on this Side or as an Opposition or Independent Senator, is not some measure of discrimination ...

Mr. DEPUTY PRESIDENT: The Honourable Member has one more minute to conclude her address.

SENATOR Miss J. C. ODLE: Sir, the Senate must continue to be recognised as having that power of review. While some feel that it is a trivial job, I disagree. I think we are just lucky in Barbados today to have good and excellent leadership which ensured that we did not have an overrule.

Sir, in speaking on the retention of the Senate, I want to suggest that we should retain it and I want to thank Sir Henry Forde and his able commissioners for a tremendous job well done. I also want to urge every Barbadian to take the opportunity to read the contents of the said document and may it better enrich our lives.

I am indebted to you, Sir.

SUSPENSION OF SITTING

SENATOR THE HON. P. C. GODDARD: Mr. Deputy President, I move that this Sitting be now suspended for 15 minutes and reconvene at 4.25 p.m.

The question that the Sitting do now suspend until 4.25 p.m. today was put to the Senate and resolved in the affirmative without division and Mr. DEPUTY PRESIDENT suspended the Sitting accordingly.
4.05 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed. Senator Bolden.

HIS HONOUR SENATOR C. L. BOLDEN: Thank you, Mr. President. I find it extremely difficult to keep a straight track of my contribution to this debate basically since I have been placed so far in the batting order and so many valuable points have been raised which in my capacity as attorney-at-law, I would like to analyze and make certain suggestions.

First, I want to compliment the team who put together these recommendations. I look at this document itself at this point in time as a document for debate which does not constitute the final document which will be brought before Parliament on which we have to vote. Therefore, this is a discussion document that I believe the wider the discussion the better the document will emerge in the end.

First of all, I want to break a bit of tradition in that it is not the general rule to criticize a maiden speech by a new Member in Parliament, but Senator McClean has made some statements which I believe in my own personal capacity I have to refute. One of the statements that he made was that there were serious objections from the Barbados Labour Party to the constitutional document. He said those same persons who were against the Constitution debate are now instrumental in its review. I want to make the Senate and the people of Barbados aware that those statements are totally untrue.

Sir, I came back to Barbados in 1964. My first exercise in politics was to become a member of the "Under Forty". At that time, the late Errol Barrow was involved in discussion with the "Little Eight" Conference, the islands of the Eastern Caribbean, with an attempt to form a new Federation. That was broken off and he said we would issue a White Paper and Barbados will go independent alone. I was asked to join a team of people including persons who are in the Democratic Labour Party such as Maurice King and Philip Greaves. I can name the lot of them who were members of the "Under Forty". Our views at the time were that Barbados should become independent – yes, but it should become independent within a federation. Nobody was against Barbados becoming independent. I would like Senator McClean when he comes to this Chamber and makes political statements to get his facts right before he speaks. As long as I am in here, I am going to pull him up on it.

Getting that out of the way, Sir, I want to deal now with the document before the Chamber. There have been several discussions about whether we should have a bi-cameral system and whether we should dispose of the Senate. Mr. President, I believe that there should be a Senate but I firmly believe that the Senate must be allowed to function in the system for the enhancement of the society. For instance, the Senate can deal with Protocols and the inter-Governmental relationships with other countries. Having sat in the House of Assembly myself and now in the Senate, I can say that there are many international documents that come before the Chamber that are never studied by MPs. They are really studied by personnel in the Civil Service where a document is written and it passes through the Parliament and comes to the Senate and goes away. If you check today of the Members in the House and the Members in the Senate, ask them what are in the Protocols dealing with CARICOM. I would say less than 10 per cent can tell you because the work of the Chamber in the day-to-day administration of Barbados itself has increased to such an extent that Members do not really have a chance to study the work there. Therefore, these matters can start in the Senate and they can have time to analyze them and then they can be dealt with. The Senate has a very important role to play in the Assembly of Barbados only if it is allowed to do that. It has to be the will of the Government to do that.

Sir, I am going to break new ground here. Another point is this. I have heard discussions across the Chamber the last few days about beefing up the seats in the Senate. Now if we look at the whole parliamentary structure and when I came into Parliament, there were 24 seats in the House of Assembly. Today, there are 28 seats in the House of Assembly. There is discussion to add another two seats to make it 30 seats in the House of Assembly, but the seats in the Senate remain the same. If there is increased work of representation in the House, why do they not increase the number of seats in the Senate to accommodate the numbers that are wanted?

Sir, I heard one Member speak about seven, seven, seven. Senator Laurie, that is not looking at the entire structure of Parliament because we must first understand what is the position of the Senate, what are its legislative powers and how those powers can be exercised *vis-a-vis* the House and *vice versa*. If you get to that, you would know that 7, 7, 7 really cannot operate. I think that we need to look at the Senate and give it a vital part to play in the legislative structure of the country.

With that, Sir, I do not believe that we should get rid of the Senate. What you are basically doing is getting rid of your legislative experience. As one Senator has said, she believes in a mixture of young and experienced persons. That is what I think the Senate should represent, a mixture of young people with new and invigorating ideas and a

mixture of the older heads who have experience to know that some of these ideas, while they might be good sounding, are unworkable in the society at the given time. I believe that the increase in the number of seats in the Senate might provide for the disparity between Government and Opposition. I certainly believe that could work and it would have a vitalizing effect on the whole legislature.

I move now to the question of the Head of State. Here again, I would like to throw out some numbers. If you went down Broad Street this evening and asked a hundred people how do we appoint the Governor-General, I believe that less than two per cent would be able to tell you how. Now people do not understand what happens in this and I believe this is why we have so much confusion about why do we want to have a Republic and why do we want to have a President instead of a Governor-General. I believe that it is us the politicians who are at fault.

Sir, I tried this morning to get from a Government department the words that are used when we want to appoint a Governor-General. Here again, I am going to come back to this a little later. I was promised that I will get back to you in a minute although that minute is ticking up to now from about 10.30 this morning. They have not arrived yet. We have been unfortunate in that we have had five Governors-General since 1966. The hand of God has removed four Governors-General. If it were so that the first Governor-General was alive until now, he would still be in office. That is why I say, if you went down Broad Street and asked a hundred people in Broad Street how do you appoint a Governor-General, practically none would be able to tell you.

What the developers of this document are saying, and what the proposal is that we have a Barbadian Head of State who is appointed in Barbados and he serves a specific time in office therefore giving other Barbadians the chance to sit in that office. As it stands now, whenever you want a Governor-General you go into some sophisticated language that the Government of Barbados is pleased to recommend to Her Majesty the Queen that we do appoint so and so to be Governor-General. If the Queen and her advisers do not like that, they come back with, "Would you please propose another name?" Another name goes up until those in the United Kingdom accept the name you send up.

Therefore, the Government of Barbados can only recommend somebody to be Governor-General. It has to meet the approval of those in Britain before we appoint a Governor-General. I see Senator Laurie twisting up his face. He does not even know that is the truth. He does not even know that is the way it is done. That is why I am on firm footing when I say that 99 out of 100 people in Barbados do not know how you appoint a Governor-General. Life is living and we go on from stage to stage.

When Barbados became independent in 1966, as Senator Collymore had said, if we had gone full blast there would have been an outcry. All right, we have lived thirty something years under that regime. We have to move to another step. Now on that other step comes a new Constitution; one that is promulgated in Barbados and passed through the Parliament of Barbados by the people of Barbados for the people of Barbados.

Sir, some Senators ask, what is in it for this person and the next person? I also want to recommend to the public of Barbados the Preamble. Now I heard a lot of discussion on the Preamble and for my own good I went back to the book "Words and Phrases" judicially defined and this is what it says about a Preamble:

"A Preamble to a statute is a preliminary statement of the reasons which have made the passage of the statute desirable."

When we pass it through our House of Assembly, it becomes a statute. Well, time has run so we need a new Constitution and what I would like to say is this. Since we are creating our own laws, this is also bound up in the question of a Final Court of Appeal.
4.40 p.m.

We must be able to create laws to satisfy our own desires. I would like to say that when the new Act comes to Parliament with the new Constitution there should be a clause which says the interpretation of this Constitution shall have cognisance of the Preamble. If we did something like that and we look at paragraphs 6 and 8 of the Preamble of the Report of the Constitution Review Commission, the judges will be able in analysing or determining any clause in the Constitution to look back at the Preamble to see what was intended.

There are no framers of law, no draftsmen who can envisage what will happen to us or how things will change in the next 10 years from now. We must be in a position that we can interpret this Constitution as the years go by to the benefit of what we want because this Preamble would be the outcome of all the discussions, all the papers, all the testimonies that went before the persons who prepared this document.

If one looks at paragraph 6 we are informed that the sovereignty of the people and the nation of Barbados is founded upon principles that acknowledge the dignity and work of the human person, the fundamental rights and freedoms of the individuals, the central role of the family in a free society and the supremacy of God.

If we look at paragraph 8 of the Preamble of the Report of the Constitution Review Commission:

“Resolve that the social and economic life of the Nation shall be so ordered as to promote the general welfare by an equitable distribution of the Nation’s resources, by humane and just conditions under which all persons labour and by a proper regard for ability, integrity and merit.”

Any time you claim to interpret any of the clauses in the Constitution you will have to bear in mind what was said in the Preamble and interpret that way.

In the United States, the President elects judges to his benches who will foster his ideas and what he wants but they still have to look up the Constitution. I do not see why we cannot develop a sort of jurisprudence that looks at the ambitions of the framers of our Constitution. It is not political, it will not take away from anybody, it is just that those who interpret the Constitution will bear cognisance to what the Preamble says.

Mr. President, there are several other matters which I would like to touch on. One of the things that bothers me throughout the Constitution is the difference in ages of retirement. I think that we need in general in Barbados to decide specific ages for specific things but we need to rationalise these ages. If you look at the judges, the Supreme Court judges can go up to a certain age with an extension to a certain age. The Court of Appeal judges go to a certain age and the Magistrates must all retire at age 60.

I think we need to look at the rationalisation of aging people. I do recall back in the 1970s when I was a Cabinet Minister there was an actuarial report which said that by year 2005 Barbados would not have enough working people to maintain those on retirement and the then Prime Minister Adams sent around documents to the civil servants asking those who would like to retire early so as to make room for others coming in. Now I am hearing the opposite, that we should allow people to work until they are 65.

I believe all of us in here will remember the problem with the church. At one time the Supreme Court was occupied with the dispute of one priest whom they say had to go home at 60 years. He said no. Now I am hearing other people saying, that 60 or 65 is too early for a priest to go home. We have to settle what we want once and for all.

Here again, how are you going to settle these ages when the NIS will tell you that you cannot get pension before age 65 and when you retire at age 65 it takes them six months before you get your first pension. This brings me to what I said earlier.

I have heard talk about local government, that they want back local government and some form of people involvement, *et cetera*. I do not believe that we need local

government, I really do not believe in it. If you establish x number of local governments, then there are administrative expenses, you start chopping up the things that have to be done and so many problems will arise. What I think the Constitution has not addressed is the accountability of the public service. We need a Committee, not only of Parliamentarians, because I fear that if you put all Parliamentarians on it they will be some fear in dealing with the public service. I think you need a Committee made up of Parliamentarians and other outside persons to deal with accountability in the civil service. I think that is what is needed. It is not fair that the citizens outside must obey the law and do what has to be done within a given time but when you have to deal with the civil service you have to sit down and wait time immemorial and there is nobody to put a redress to this.

This is one of the biggest things that hurt me. You apply to Town & Country Planning department to build a little house in St. Philip. The law says that you should get the decision in two months and after two months you can ask that the Minister deals with it. How many people can tell you that years go by and the people in the Town & Country Planning department have pride in telling you that your application has just come in there and that there are things in there for four or five years that they have not touched as yet. Whom do you complain to?

I can give you a better one than this. I note in the document that it is recommended that Ministers must be allowed to manage their department and that is something I was calling for for years. How can you tell me I am responsible for a Government department and I have no control whatsoever over staff.

Let me give you a story. Back in the 1970s when we were developing the polyclinics, the late Tomlin, the architect, was working in the Ministry of Health with the then Minister and he said, “Minister, if I must get these through you have to work with me and approve these by the end of tonight, we will work late into the night”. The Minister turned to a civil servant and said, “Get me something to eat and drink, I am working late”. She said, “Not me, who are you talking to?” When it was reported to Cabinet, the then Prime Minister said “Get a report and I will send it to the Public Service Commission”. The Cabinet Secretary said to the Prime Minister, “I want to tell you that Ministers have no control over the staff”.

Mr. President, the public out there does not know that all Ministers can do is write a note and if an answer does not come back, there is absolutely nothing that the Minister can do.

I have heard the public say that Ministers do this and politicians do that but there is only one Minister of Government that I know who knows where the

Government's cheque book is kept and where Government's files are kept. There is no other Minister of Government who I know that can tell you where to find a file in a Government office. If you ask for a file, you have to wait until it comes to you. If it does not come to you, there is nothing you can do. You can report it to the Permanent Secretary but if he does nothing, nothing can be done. I am saying that the Constitution Review Commission must look at how we can bring accountability to the civil service.

I remember one Minister of Finance in Parliament said that if you are entitled to reimbursement of taxes and you do not get it within a certain time, the Government must pay a penalty. Ask how many times that has been done.

Let me go further. I go to court and win cases against the Government, the court puts cost on the Government, ask me when do I receive payment? I go to court and file a case against the Government. By law, I cannot enter a default judgement, ask me when the defence comes in. Then the public should understand, as the late Errol Barrow said, they are an "army of occupation" – once they are in, you cannot get them out. We are talking the new Constitution. We must have these things straightened, it must be a two-way street and the Government must be held responsible like anybody else. The Constitution Review Commission should take a careful look at that.

4.50 p.m.

I do not see how we can move forward, when the biggest employer, those who control the development of the country, still carry a lackadaisical attitude regarding what we do in the society. I say we must have an accountability with penalties. If everybody pays penalties then we must.

I see in the Report of the Constitution Review Commission they talked about the Ombudsman, and you must increase the office of Ombudsman. There, again, what kind of Ombudsman do we talk about? I must say that I regret that with the lawyers who sat on the Constitution Review Commission that they did not analyse the position of Ombudsman. All over the world there are Ombudsmen but you get Ombudsmen for specific jobs. Nearly every university has an Ombudsman, but he has a particular job. I think that if you talk about an Ombudsman you must have a specific Ombudsman for a specific job. There is no right or reason to give any one man in Barbados that power that he controls the entire Government of this country and the people, no right whatsoever.

Let me tell you something, I have said in here already, how can you create a position of Ombudsman, hand it to a senior civil servant to report on himself – because that is what it is. Every Ombudsman we have had in this country has been a senior civil servant who occupied the position of not less than Permanent Secretary and if the Permanent

Secretary runs the department and does not run it effectively there is something called a "Permanent Secretaries Club." Are you telling me that he is going to retire and then condemn his own friends from the club that he has just come from? He will not do that.

I criticise the Report on that aspect. You must say exactly what you mean by highlighting the office of the Ombudsman, but if you have accountability in the civil service you will not need an Ombudsman. Even the Ombudsman goes in and gets nothing done and I have examples of that. I had a case of a man who got a judgement against the Government and they would not pay him. We reported it to an Ombudsman and after about four years he wrote me back and said that I have no case. Two days before that I had a letter from the Attorney General's office telling me to send my claim.

When I talk about the Ombudsman, I speak from a position where the facts are there to support me. I say this now, I have asked the Ombudsman to meet me, face to face over a live microphone, and he has refused. The public must understand and know this. The public blames Ministers of Government and Government for everything that is not done. I heard Senator Trotman saying that we must take some time with this. Let us tell the public the truth, let us tell the public what is happening. Do not keep blaming Ministers of Government for not doing things when in truth and in fact they can only sit and wait until papers are put on their desks.

When Senator McClean said that the children in the school asked him what is going to happen, a Constitution on the whole should improve what we do in Barbados to the benefit of every one of us, not one sector or the other sector. It should start by improving the status of every one of us in the society.

I now come to The Judicature, Sir, chapter 11. I came back to Barbados in 1964 and from the time I came back to Barbados I have been asking that magistrates be treated like judges. The present position is this. I walk the streets and I hear people talk about you get in Parliament and pass all these laws but yet still criminals out there doing what they like. When they go before the magistrate they get a slap on the wrist. When I talk to the magistrates, I ask what is happening. Every magistrate will tell you "we are in the firing line." It means that – literally in the firing line.

They have no security, no protection, they have nothing that the judges have. You have a judiciary. Every magistrate out there is still a normal civil servant. He can be moved tomorrow back to the Attorney General's office where he goes back drafting. He has no security of tenure as a judge. If we want to improve the situation, we have to put a complete judiciary in place which involves the magistracy and the judges. Give the magistrates the same financial and

other packages that are given to the judges and then you will not have any squabble between what a magistrate does and what the judge does.

Quite recently, I should not say this but I have to, they have been trying to put together meetings between the judges and the magistrates and I understand that they have not been able to meet but once. I think that we need to look at the whole thing and we need to get the new Constitution in place.

I think that the young people out there should understand that when we come with a new Constitution, it is something developed in Barbados out of what is happening in Barbados today. We must be able to develop it in such a way that it lasts us for a long time because, as usual, people do not like that you are tampering with the Constitution. From the time people hear about amendment to the Constitution, everybody feels that something is going wrong.

Somebody asked me why do you want a republic? You see what happened to the other republics? Until we find a different name whereby we are our own bosses, so to speak, we will have to move towards a republic. We must tell the public that we will be a democratic republic. Everything will continue except that we will appoint our Head of State from among our own people and we will limit the term which that person can enjoy the office of President.

I support one other speaker here and I believe the Head of State should be subject to two terms and it should not be a question of option to renew. He should be appointed for two terms. If we want to take it back from seven years to five years, there could be two five-year terms, for ten years. It gives sort of continuity.

I do not believe in the electoral system for the Senate. It is a thing that brings us back to a situation where every man jack has a section of the country to look after, but if you have an elected Senate – I must say this. Having sat in Parliament for 16 or 17 years, Parliamentarians, very seldom, are able to speak as they would like to. They always have to think about the vote next Election. There are certain things that you would like to speak out against when you are in Parliament. It might affect your good constituents and therefore this is where the Senate comes in because Senators should be free to speak on every topic without having fear of favour because that is how we improve a society. I do believe that if we take these things into consideration we should go a long way.

Sir, the question of the Right of Recall. Again, in the Minority Report you talk about a Right of Recall. A Right of Recall is brought against a Member of Parliament whom the public or his constituency feel that he is not doing well enough. He cannot do any better if the civil service that

services him or if his Prime Minister who gives him the money does not allow him to do it. So, you elect a person, you give him certain responsibilities, he tries his best in there, you cannot see it because you cannot see what he is doing, you want the Right of Recall. I think that we need to analyse our society more, I think that we have to be more open with the general public to let them know what is happening in our society. Who controls what, how Government works and I think questions like Right of Recall will certainly not surface again.

I thank you Mr. President, and that is my contribution.

Asides.

SENATOR Miss C. Y. FORDE: Mr. President, I too share the sentiments expressed by Senator Odle to be given the privilege and the honour to be making my contribution towards this very important debate at this the end of a century, indeed, the dawning of a new millennium.

I want to touch briefly on some areas that would have been registered by Senator McClean in order to justify the reason why I think there must be changes to this Constitution. 5.00 p.m.

Indeed, when my mother was a little girl, a slate was the most important thing for them. When I became a student in the primary school, a pencil and a book were the most important things for me. Now, my grandchildren have technology. There is a need for us to change.

Mr. President, there are serious breaches of the law in many areas in Barbados. There are breaches in the workplace, in households, people take advantages of other people's property and all kinds of strange things happen. We know that Civics and many other subjects in the classroom worked well for us preparing us for, I would say, the Constitution of 1966.

Nowadays our young people are exposed to so many other forms of media that they really are so inundated with so many other things, they really do not have the time to deal with Civics and the other things. We now have to ensure that in school and within the homes that our children get an opportunity to learn a bit more about how a country is governed and what are the various components of pulling together a Parliament, a Government, a Senate, whatever the institution.

Mr. President, 15 years ago, I never thought that we would have to have school attendance officers going into the bus stand to pull out our children to get them into school – never ever in our wildest dreams. I never thought we would have to have the power to search amendment to the Education Act in order for our children to be searched when principals

and members of staff recognise or are of the opinion that these children are walking with weapons and other devices that will create harm and bring the place of work or the place of school into a danger zone. Those are a few things that I would want to touch on to show why there are to be changes within our society. As I go on, I will be able to touch a number of other areas which I hope will help to clarify some of the misunderstandings that in the new Honourable Senator's mind in order for him to better come down to home ground to be able to understand what is happening.

Sir, before I go further, I want to extend sincere thanks and congratulations to, even though it is not my duty, to CBC and the staff as well as the other media houses for this wonderful, historic occasion where the public of Barbados, the first time in its history, have had an opportunity to see what the Senate Chamber is like and to be able to listen to these extremely enlightening discussions by people from all walks of life who comprise the Senate.

Mr. President, there are numerous things I would like to make mention of but other Honourable Senators in their wisdom and their rich talents have touched on them therefore, I would like to divert to a couple of other areas. I also want, before I lose the thought, to commend Sir Henry Forde and his very brilliant team of Commissioners of whom there are three here.

Aside.

SENATOR Miss C. Y. FORDE: Mr. President, they are Honourable Senator Sir John Stanley Goddard, Senator Reverend Rock and Senator Newton, whose daughter comprised the membership of that Commission. I want also to thank them for their commitment and dedication. Indeed, yesterday Senator Murray was able to make mention of a number of those areas and the number of times that those various Commissions met to be able to get the thoughts, feelings and passions of Barbadians to come to the fore to be presented to us in these recommendations for the Constitution.

Mr. President, all three political parties, the social partners, the church, the youth, voluntary organisations and citizens of Barbados generally, were represented at the hearings and as far as I remember because I find that Barbadians have very short memories, all three political parties agreed that we need to have changes in the Constitution and support a referendum.

Mr. President, therefore, overall locally and abroad there were 265 oral submissions at public sessions and 208 written submissions. Twenty organisations submitted memoranda on invitation by the Commission. The Commissioners were given the latitude, not only to solicit information from locals in Barbados but indeed in the

diaspora where hundreds, indeed thousands of Barbadians are, the United States of America, Canada, London to mention a few. They want to remind us and I agree with them that once they have been Bajans they are always Bajans and they have a say in whatever changes should be undertaken within their country, and I subscribe to that 100 per cent.

Other than that, the Commission also met on 112 occasions to conduct the business, consider the recommendations and approve the Report. Sir, you know that calls for a lot of extra time and commitment to be able to submit a comprehensive document of the nature of these two that have been given to us here today. I want to laud the efforts of those wonderful individuals.

Mr. President, it is interesting to note that several other Caribbean countries have, within recent times, made effort to reform their Constitutions. These include Jamaica in 1995, Dominica in 1999, Guyana between 1999 and the year 2000, Belize in the year 2000 and there are several others that are currently undergoing similar reviews. This clearly indicates to me, Sir, that all over the world there are tremendous changes that are impacting on people and their lives and any Government that is listening would want to make the various adjustments to be able to accommodate the needs so those countries can continue to go forward with the hope that the rights, privileges and needs of every individual are taken into account.

Mr. President, our Constitution has served us well. We need to work with law enforcement agencies to ensure that the legislation is put into active use. We are all aware that there are numerous bits of legislation on the Statute Book but somehow every time we look around we can see small breaches. Until these small breaches become really large and ungovernable and then everybody says, where are we going, this generation of vipers, all kinds of things are being said about it, but the law is there only to be properly enforced. 5.10 p.m.

Every time I come into this Honourable Chamber, I speak about persons who ride bicycles without lights, which is a small breach. Every individual who rides a bicycle at night without a light, the bicycle should be taken away from them because it is not only endangering the life of other motorists or other individuals but also the life of the bicyclist.

Mr. President, this is where we fall down in our everyday living. Our laws must be properly enforced. In 1966 when Barbados made the bold step towards Independence, I was a young child and remember little of the occasion now but my parents, who had limited intelligence but who were extremely articulate, informed their children as to what was going on.

You would appreciate, Sir, that there was limited access to the media. There was limited telecommunications. There were no telephones in the neighbourhood and no money to buy a newspaper. There was only the little Rediffusion box in the corner. I do not mean to be advertising but that is the reality. Our parents spent time talking to their children and educating them as to what was going on and that registered in all of our minds.

We must not forget to mention the very important role that teachers then and now continue to play in helping children to develop concepts from a good living, living among other people and an appreciation for different cultures. They also taught us about the various things we know should happen within homes, schools and indeed the church in order that our people can continue to climb the social and spiritual ladder, to live together as one, despite colour; class; creed; status; culture or whatever.

Mr. President, in 1966 when all Barbadians came forward, even though they might have had little knowledge as to what was happening, they wanted change. They wanted Barbados to have all these symbols and these very important things that speak of Barbadians having the authority and the autonomy to work and to do things for themselves in a manner that is independent.

Therefore, across the length and breadth of Barbados, Barbadians felt proud to see the blue, gold and black of our Flag. They felt proud to know that they did not have to sing "God Save the Queen" nor stand in the sun for Coronation for an entire day. They know now that they have their own symbols and to pay attention to them. Sad to say, in this the ending of the 20th Century, too many of our people have become complacent and no longer recognise these symbols.

We attend various important functions where we see people standing and doing all forms of things except participating in the National Anthem while it is being played. Indeed, I was most astounded about two months ago to see people in another country – thank God it was not Barbados – having their bodies draped in our National Flag. For me, Mr. President, that is a sad time in our history. Our flag should be held up in high esteem wherever we go in the world we should be able to say, 'Barbados, we are proud of you'. Our flag should be flying high not wrapped around peoples' bodies nor tied around peoples' heads as we see it being now done.

If I am not mistaken, Senator Symmonds you will let me know, is that desecration?

Mr. PRESIDENT: Please address the Chair, Senator.

SENATOR Miss C. Y. FORDE: I beg your pardon, Sir. To take the flag to that level, I think, is very sad of us as

a very knowledgeable people in this the ending of the 20th Century.

Mr. President, in 1994, the Barbados Labour Party pledged its commitment to the reform of the Constitution. I know that there are other political parties that made mention of a Manifesto as not being a social contract. This Barbados Labour Party treats its Manifesto's pledges with high respect. That was the pledge as is outlined, and this is a document of the House already, in the 1994 Manifesto at page 44. It speaks about the Referendum and the device that would be used for changes in the system and so on.

Mr. President, the Manifesto of the 1971 general election touched on aspects of the Constitution that needed to be upgraded to suit the needs of individuals. I spoke about citizenship and immigration because many people suffered as a result of the various disparities – if I could call it that – within the Constitution of Barbados. It refers to blatant aspects of discrimination which have been cited. It allowed men to pass on Barbadian citizenship to their children born in wedlock outside of Barbados but denied that right to women. Senator Odle would have mentioned all of that already, non-Barbadian spouses of Barbadian citizens where the male is given a right to citizenship but not so for the female. These anomalies are now being addressed, Mr. President, under a Barbados Labour Party Government.

Mr. President, there were numerous amendments to the Constitution over the years. Of course, these were done to meet the changing needs in the environment. In 1974, we know of the lowering of the age for registration from 21 to 18 years. In 1980, Expatriates Pensions Act came into being. In 1981, there were recommendations from the Cox Commission Report of 1979 section 41(a) to (e) regarding the Electoral and Boundaries Commission which was established. These amendments among others were introduced throughout the 1980s and 1990s in order to address what many considers to be undesirable and anti-democratic provisions within the Constitution.

Asides.

SENATOR Miss C. Y. FORDE: Mr. President, I will get a chance to deal with the Honourable Senator on another occasion, so I will try to ignore the Asides.

Mr. President, there is popular support for the Head of State to be chosen by the democratic will of the people. This system of Government should be a parliamentary republic with the Head of State being the President who will carry out a ceremonial role and not an executive one, as far as my understanding of the reading of the document goes. However, executive power, should continue to be exercised by the Cabinet with the Head of Government being the Prime Minister.

Mr. President, the great advantage of such a system, as I interpret it, is that it replaces the Monarch with an elected President while simultaneously retaining the present relationship between the formal Head of State and the executive arm of the Government.

Mr. President, this document outlines clearly a number of other issues that I would like to touch on in the limited time accordingly.

Mr. President, more of our citizens now than ever before in the history of Barbados have had an opportunity to go around to the various consultations across the country, to participate and to have access to the documents that will help to enlighten them about the Constitution.

Daily, I experienced challenges to the democratic rules. Many of our people, particularly our young people, display apathy toward voting. They do not know why they should vote. They lump most politicians in one big pot. There are difficulties with law and order. Many of them do not have a feeling toward giving back to country, to service or to the community. I think it is sad when we offer free education, free health services, free textbooks in a sense, free school meals and other free services across the length and breadth of Barbados that our people do not want to participate in the decision-making process because some of them feel it would not matter if they do.

Indeed, we had an experience of that nature in St. Peter in 1984 in the first by-election where people refused to go out to vote because they did not think that their vote mattered. Many of them believe that they are beyond voting because whichever Government is the Government of the day, they will get through. It is sad that our young people are watching the older ones who have developed those kinds of attitudes and they too do not want to come out to vote or to come out to give representation at all levels in a society where our parents and our foreparents have sweated, have bled and have shed tears to put this country in a stable position so that today we do not have to look beyond us to worry about coups. We heard about the Sydney Burnett-Alleyne "coup" and so on, but we do not have to bother because our people, because of the character and their commitment to the development of Barbados, worked together to build this country.

5.20 p.m.

I think that we as Senators, parents, members of families and leaders within institutions in Barbados must make it our business not to go for cheap political reasons to sixth-formers but indeed across the length and breadth of Barbados in every institution whether it is the old people's homes, nursery schools, primary and secondary schools or wherever it is, to help educate Barbadians and to give them a better understanding as to the important role that they can

play in helping to build a Barbados where people will not be standing and pointing their finger at them and saying, "I do not want to see him or her", because they are only functioning for cheap political reasons. Many of those actions, Mr. President, have put Barbados in a sad position where we have hundreds of females out there who would like to come out and represent their country but have been hurt so bitterly because of their husbands or their spouses being involved at the mud slinging that takes place in Barbados.

I am happy for the measures here today, Mr. President, because I know that there are many other individuals out there, as I said earlier, women included, who can make a contribution but will not do it because some of the politicians go out and do a lot of posturing. We talk awful things about people's families. We talk about all kinds of things, Mr. President, that I will not even make mention. I have too many people out there who respect me and I respect that I will not even mention them. I think that the integrity aspect of the legislation that is also mentioned here would be a welcome exercise.

We know, Mr. President, that many of our politicians in the past never came to the fore in public life because they wanted to get rich. Many of them came because they wanted to give service to country and I would just want to call two or so names. The late Sir Ronald Mapp is one in particular who when he came in people said, "There is no money in this, Ronald. What are you doing in here?" He said that he had a service and commitment to people who need to be enlightened and he served this country at the highest level. Indeed, the late Sir Mencea did the same. Therefore, there will be many others as well on the Other Side of the political fence on the Democratic Labour Party whom I know and respect because they came into politics to serve.

Nowadays, Mr. President, it would seem to many Barbadians that to go out and serve in politics you have to be doing something underhand. You have to be getting a kick-back. You have to be wanting whatever in order for you to be able to serve your country.

Mr. President, I would like the rest of Barbados to be able to develop a higher respect for politicians and for Senators who work beyond the call of human duty and come to these August Chambers to serve. Some politicians are to be blamed for the criticisms. What annoys me most, Mr. President, is some of the callers on the call-in programme where many people now seem not to want or not to know how to make judgments. As soon as one little airy-fairy story comes on the radio, people do not search for the facts and information that is really worthwhile, but a lot of myths and impressions are being espoused on the radio and politicians are seen as a big barrel of no-goods and so on. I encourage more of our people to come forward and to serve whenever we are pulled into mud slinging. The Constitution will help

us to build back that integrity because there is a code of law that will have to deal with it. I encourage Barbadians to move away from the mud slinging and to edify and build up and lift up our people, because without politicians and without persons who are leaders in our society our youth will not have the role models to follow. We must live by example if we want to move.

I am encouraging a new kind of politician to come forward and serve the country, not for cheap political reasons, not for a salary but because they know that this country needs more leadership if we are to go on. We are passing on gradually, Mr. President. We are going on into the old age section. We need the young ones now to step into our shoes and to go forward carrying this country in the Caribbean and the rest of the world on a pinnacle that the rest of the world can recognize as Obadele did two weeks ago when he brought home the Bronze to Barbados. We need more of that happening so that people can give us the respect that is due to us. When our fore-parents went out there, they did it with dignity. They did not look at materialism. Yes, they wanted to get a piece of the rock but they wanted to get it honestly. They worked day and night to achieve. Too many people want it quickly and want it now but do not want to work honestly and hard in order to achieve it.

Mr. President, as we continue to approach this new millennium, we are looking at globalization and the technological age and the impact that a number of other things are having on our people. Indeed, there are numerous advantages to be acquired from these two important aspects but there are many disadvantages as well. If we are really and honestly to look at our Constitution and have it upgraded, then we need to look at some of the scourges that are impacting on our people and see how best we can have them enshrined in the Constitution to be able to help our people go forward.

I am looking at AIDS and the way we know about people's rights and responsibilities, but many persons who unfortunately have been inflicted by AIDS are treated like dirt in their homes, communities and work-place. This Constitution will help in this particular respect. We know there are many problems with drugs. We know that money laundering is stepping on our door steps. These are some of the things that must be enshrined in our Constitution for us to be able to deal with them.

I took the role, Mr. President, to look at page 5 of the smaller document with the recommendations and I ticked on one of them that speaks to creating and maintaining a clean and healthy environment and compassion for living creatures. Gone are the days when Barbadians weeded in front of their front door. They no longer clear the gutter. They mow down trees. They burn stuff anytime of the day or night. Some of them have vehicles with black smoke coming

out to almost destroy us. I think that this is important in this changing time when I know that in the past Barbadians worked together to do the cleaning up in their own living environment.

I note with interest that Senator Newton made mention of Local Government and I am going to touch on that in a moment. I also want, Mr. President, to make mention of another aspect of the environment that has come up on page 25 of the recommendation where it makes mention to "give the highest priority in the planning and execution of government policy to the preservation and protection of the natural environment of Barbados, which it shall hold as a sacred trust for future generations".

I am glad that our people are going to be better educated, because no longer would I want to see, and it does not have to wait until the Constitution Review Commission meets, that these recommendations are ratified. As of tonight, I feel it is sad that those Barbadians who take their garbage from their homes and put it on lonesome roads destroy all of the plans that the Sanitation Service Authority has put in place. That is what an educated set of people happen to be doing.

Mr. PRESIDENT: Senator, you have two minutes in which to wind up your speech.

SENATOR Miss C. Y. FORDE: Thank you, Mr. President. I shall then wind up, Sir.

Mr. President, I want then in the few moments left to me to talk about the Senate. Before I get to the Senate, in two minutes I will pay attention to the comments made by Senator Newton about Local Government. We know that in Barbados there are many bureaucracies and the services do not filter down to people within the communities as they should. I support any call for decentralization. I know that the Urban and Rural Commissions have been playing a very important role. I know that there are many governmental and non-governmental organizations otherwise that have very important roles within the communities. There are thousands of people in communities who are working. For example, the Pinelands Creative Workshop and we have the Community Independence Committees that are now really doing some fantastic work in the communities. I would like to encourage Government to continue to give them resources. Yes, I agree with Senator Newton that they need persons to assist with the preparation of projects and so on to help them to be able to reach the masses of people who need those services. I want to lend my full support to that recommendation for people in communities to work together to help to build a good nation.

5.30 p.m.

Mr. President, finally, I encourage all Barbadians to band together as a people to ensure that our lives, our

actions, our thoughts, our every move will continue to help us to see and benefit from these actions so that we know we are the craftsmen of our fate. We must get back to our Motto in this country "Pride and Industry" which has worked for us for more than three hundred years. As long as we come together and in areas where we have expertise share it with others in this society, I am confident that our young people will follow in the footsteps of all the individuals who set the right example because we must continue to be a beacon in the Caribbean.

I thank you, Mr. President.

SENATOR THE HON. P. C. GODDARD: Mr. President, I rise at the end of this debate on the Resolution to note the Report of the Constitution Review Commission. In so doing, I would like to thank the Caribbean Broadcasting Corporation TV and the Press for the coverage of this debate and for bringing the information direct from the Senate to the people of Barbados. I would also like to thank the staff of Parliament for the work that they have done for the two days that they have covered this debate. In large measure, the debate has been characterised by a deep sense of occasion, solemnity, good commonsense and patriotism. The discussions have been wide-ranging, thoughtful and insightful but it is unfortunate that Senator Mascoll sought to trivialise the debate by his treatment of the issue of the changing of the Head of State of Barbados from the Queen to a President.

I must say that his colleague, Senator McClean, has stuck to his promise to listen when he took his seat on Wednesday because he has learnt that the Constitution Review is much more than a simple matter of changing the Head of State of our country. Clearly, it is much more than that. It is the repatriation of our Constitution. It is a reaffirmation of the Barbados character, our independence. It deals with strengthening of our Bill of Rights. It has spiritual and ethical issues and it addresses those issues. It frames the supreme law to which all other laws must conform. It speaks to the heart and the soul of our nation. It clearly identifies us all as Barbadians of equal rights and opportunities under the law.

It is a reaffirmation and strengthening of our democracy and its institutions. It reaffirms our respect for the rule of law and a desire for a peaceful development. It seeks to establish and strengthen the framework of both our material and spiritual growth.

I would like to say that there have been some reports that seem to indicate that our move to a republican status will be attended by some chaos. Nothing could be further from the truth. It is a measured, considered, steady progress with firm commitment to the independence of Barbados. It is an

anachronism in today's world to have anyone appointed on the basis of heredity. No one would expect the post of Chief Justice to be hereditary. No one would expect that a Permanent Secretary or that a business person would have a hereditary post. That is no longer the case today. Therefore, to move from the monarchical system to a republic by appointing a Barbadian as President in a ceremonial role is a consistent and thought-out process which brings us back to being a truly independent nation, one that stands on its own feet and one that understands its responsibility. Not only its responsibility in a national context but its responsibility in the Caribbean and on the global scene.

Barbadians, as has been expressed, have contributed to international organisations and regional organisations as well as the growth of Barbados and we shall continue to do so and continue to do so with the confidence that we are an independent nation, one that stands on our own two feet and one which abides by the rule of law with a strong, ethical heritage. That has identified Barbados over the years and this will confirm it. It is the key to our development.

It is well understood in the international community that Barbados is a reasonable place to do business because of its standards and because of its appreciation of the rule of law. We have strengthened that and today and Wednesday in our debates we have worked to strengthen this whole situation which will redound to the benefit of all Barbadians.

I must say that it was unfortunate that we try to bring this back down to just the material side of things. Though we will have material development, we will also have spiritual and ethical development. One cannot go without the other.

Mr. President, it is a very great pleasure for me to move that this Resolution be now adopted.

Mr. PRESIDENT: Before putting the motion, I should like to congratulate all Honourable Senators on the high quality of their presentations. I think in a debate such as this which does not seek to change law but merely to note the Report of a Commission, the Presiding Officer is at liberty to say, as I say now, that this has been an outstanding debate.

The question was put and agreed to.

ADJOURNMENT

SENATOR THE HON. P. C. GODDARD: Mr. President, I move that this Honourable Senate do now adjourn *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.
5.40 p.m.

CONTENTS

The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, October 11, 2000.

MESSAGES FROM HIS EXCELLENCY
THE GOVERNOR-GENERAL**Mr. PRESIDENT** 1

Mr. President read a Message from His Excellency the Governor-General informing the Senate of His Excellency's absence from the Island from October 8, 2000 to October 13, 2000 and that the Hon. Sir Denys Williams will perform the duties of Governor-General during that period.

On the direction of the President, the Clerk read Message No. 1/2000 from His Excellency the Governor-General informing the Senate that His Excellency, acting in accordance with section 39(1)(f) of the Constitution had declared vacant the seat in the Senate held by Mrs. Cyrillene S. Thomas-Mascoll with effect from 12th July, 2000 and that with effect from 5th September, 2000, Mr. Leroy Hensworth McClean had been appointed a Member of the Senate.

The Clerk informed Mr. President that Senator McClean was within the precincts of the Senate and Mr. President directed that the Senator be invited into the Chamber.

Senator McClean having been escorted into the Chamber and shown his place was welcomed by Mr. President and responded to the welcome.

PAPERS

Senator the Hon. P. C. GODDARD 2

1. Report on the Operation of the Sugar Workers' Provident Fund under the Sugar Industry Act for the year, 1999.
2. Sugar Industry (Sugar Workers' Provident Fund) Order, 2000.
3. Report of the Public Enterprise Investment Fund for the quarter ended June 30, 2000.
4. Report of the Social Investment Fund for the quarter ended June 30, 2000.
5. Report of the Family Law Council for the year, 1997 to 1998.

6. Annual Reports of the Barbados Broadcasting Authority for the years October, 1996 to September, 1997 and October, 1997 to September, 1998.

7. Annual Report of the Sanitation Service Authority for the year 1998 to 1999.

8. Education For All In The Caribbean – Plan of Action 2000 to 2015.

INTRODUCTION OF BUSINESS

NOTICE OF RESOLUTION

Senator the Hon. P. C. GODDARD 2

Resolution to approve the vesting in the National Housing Corporation under Section 5 of the Crown Lands (Vesting and Disposal) Act, Cap. 255 of land at Workmans in the parish of Saint George for the purpose of housing development.

FIRST READING OF BILLS

Senator the Hon. P. C. GODDARD 2

Public Order (Amendment) Bill, 2000.

PUBLIC BUSINESS

ORDER NO. 1 – RESOLUTION TO NOTE THE
REPORT OF THE CONSTITUTION REVIEW
COMMISSION AND THE PROPOSALS AND
RECOMMENDATIONS THEREIN 2

Senator the Hon. P. C. Goddard, 2; Senator C. A. Mascoll, 7; Senator Sir John Stanley Goddard, 13; Senator the Hon. G. S. H. Murray, 17; Senator J. E. D. Williams, 21; Senator Dame Patricia Symmonds, 25; Senator B. R. Collymore, 26; Senator Mrs. V. E. Newton, 30; Senator Mrs. J. P. Alleyne, 35; Senator Rev. L. W. B. Rock, 38; Senator Mrs. P. E. Rickinson, 41; Senator C. K. Laurie, 45; Senator C. LeR. Trotman, 47; Senator G. E. N. Brome, 52; Senator D. D. Marshall, 53; Senator LeR. H. McClean, 57; Senator Miss J. C. Odle, 60; His Honour Senator C. L. Bolden, 65; Senator Miss C. Y. Forde, 69; Senator the Hon. P. C. Goddard, 74; Mr. President, 74.

SUSPENSIONS 13, 26, 35, 51, 64

ADJOURNMENT 74

SPEAKERS IN THIS ISSUE

ALLEYNE, Senator Mrs. J. P.
BOLDEN, His Honour Senator C. L.
BROME, Senator G. E. N.
COLLYMORE, Senator B. R.
FORDE, Senator Miss C. Y.
GODDARD, Senator Sir John Stanley
GODDARD, Senator the Hon. P. C.
GOLLOP, His Honour Senator Sir Fred (President)

LAURIE, Senator C. K.
NEWTON, Senator Mrs. V. E.
MARSHALL, Senator D. D.
McCLEAN, Senator LeR. H.
MURRAY, Senator the Hon. G. S. H.
ODLE, Senator Miss J. C.
RICKINSON, Senator Mrs. P. E.
ROCK, Senator Rev. L. W. B.
SYMMONDS, Senator Dame Patricia
TROTMAN, Senator C. LeR.
WILLIAMS, Senator J. E. D.