

72

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

THE SENATE

Wednesday, May 30, 2001

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, May 30, 2001, at 11.00 a.m.

PRESENT

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

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

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

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

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

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

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

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

Senator G. E. N. BROME

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

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

Senator C. LeR. TROTMAN

Senator Mrs. P. E. RICKINSON, B.A. (Hons.),
M.P.H. (Harvard), S.R.N.

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

Senator Sir JOHN STANLEY GODDARD, K.A.,
B.Com., C.A., Hon. LL.D. (U.W.I.)

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

Senator the Rev. L. W. B. ROCK, M.Div.

Senator Mrs. V. E. NEWTON, S.C.M., B.A. (Spec.
Hons.), M.A., LL.B. (Hons.) (U.W.I.), F.L.A. (Gt. Brit.),
L.E.C.

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: The Senate is in session.

PRESENTATION OF PAPERS

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

1. Duties, Taxes and Other Payments (Exemption) (Aurora Barbados) SRL Order, 2001.
2. Duties, Taxes and Other Payments (Sugar Hill Limited) Order, 2001.
3. Green Paper on Government's Proposal for Crime Reduction.
4. Annual Report of the Child Care Board for the period April 1994 to March, 1995.
5. Annual Report of the Technical and Vocational Education and Training (TVET) Council for the period April 1, 1999 to March 31, 2000.
6. Annual Report of the Central Bank of Barbados for the year, 2000.
7. Annual Report of the Needham's Point Development Inc. for the year, 1999.

8. Annual Report and Statement of Accounts of the Barbados Tourism Authority for the period April 1, 1998 to March 31, 1999.
9. Duties, Taxes and Other Payments (Exemption) (Marang, Manding Music and Dance Theatre and David Hughes) Order, 2001.
10. Duties, Taxes and Other Payments (Exemptions) (Sandy Lane Hotel Company Limited) Order, 2001.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. G. S. H. MURRAY: I beg to move that Standing Order No. 45(2) be suspended for the rest of this day's Sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. G. S. H. MURRAY: I beg to move the first reading of the following Bills:

1. The Caribbean Disaster Emergency Response Agency (Amendment) Bill, 2001.
2. Shipping (Amendment) Bill, 2001.
3. The Securities Bill, 2001.
4. The Police Complaints Authority Bill, 2001.

NOTICE OF RESOLUTIONS

SENATOR THE HON. G. S. H. MURRAY: Mr. President I beg to give notice of the following Resolutions:

1. Resolution to approve the vesting in the National Housing Corporation of parcels of land, the property of the Crown situated at Grazettes, St. Michael in accordance with section 5 of the Crown Lands (Vesting and Disposal) Act, Cap. 225 for the purpose of housing development.
2. Resolution to approve the vesting in the National Housing Corporation of a parcel of land at Haggatt Hall, St. Michael, in accordance with section 5 of the Crown Lands (Vesting and Disposal) Act, Cap. 225.

PUBLIC BUSINESS

Mr. PRESIDENT: I would just like to advise Honourable Senators that Senator the Hon. P. C. Goddard is out of the country today and is unable to attend. In his place, Senator the Hon. G. S. H. Murray will lead the Senate.

ORDER NO. 2 – THE CARIBBEAN DISASTER EMERGENCY RESPONSE AGENCY (AMENDMENT) BILL, 2001

SENATOR THE HON. G. S. H. MURRAY: Mr. President, this Bill will seek to grant to The Caribbean Disaster Emergency Response Agency (CDERA) the facilities to purchase and operate foreign currency accounts and transfer funds, securities and foreign currencies. While, ostensibly, this might seem as a mild, relative routine matter, this Act in effect, meets and gives to CDERA much more meaning and significance and allows them to operate in a much more professional manner. CDERA has been in existence since 1991, having come on the succession to the Caribbean Disaster Preparedness and Prevention Project.

CDERA, Sir, is much more than just another acronym in the lexicon of Barbados and the Caribbean. CDERA performs an important function, as has been recognized by the Government of Barbados which has entered into a Headquarters Agreement with CDERA. The Headquarter is in Barbados since 1991 and it has been headed by our Barbadian Jeremy Collymore, as its Coordinator.

Jeremy Collymore, Sir, I have seen and interacted with him at both Regional and CARICOM levels when these matters were being debated and he has demonstrated the capacity for the mastery of this field, which has earned him great respect and recognition in the Caribbean and further afield.

CDERA, Sir, provides the role by performing the mechanisms that would enable automatic, immediate and well-coordinated relief to those territories in the Region that are affected by an emergency relief or a disaster. While we might think that this is a rather simple matter, Sir, it is a fact that while we cannot prevent disasters, we can, at the same time, implement prevention, mitigation and preparedness measures to lessen the severity of any impact, thereby considerably reducing the loss, suffering and dislocation to persons and properties in Barbados and the region as a whole.

No matter how much physical or social infrastructural development Government might put in place, the fact is that given our geographical location, we are very vulnerable to disasters over which we have no control and therefore, regional governments have recognized that they have a responsibility to their societies to seek to manage this process in order that these matters do not overwhelm the societies. We are all aware, Sir, that the best laid plans of man can very well be destroyed through acts of nature, as has been demonstrated by disasters, and therefore, this has a compound effect on society because they can retard the social and economic development by throwing them into a state of backwardness.

CDERA, Sir, provides this mechanism for the regional governments to manage these processes in a systemic manner, because coping with disaster is no longer left to do-gooders, volunteers or persons who just pull themselves together at the last moment in emergency situations when societies are in a state of peril, but disaster management has been recognized and developed into a near science in its own right.

There are certain techniques, strategies and programmes that are standard throughout the world where the management of disasters are concerned and we would have heard a lot by watching CNN and Federal Emergency Management Agency of the United States (FEMA). CDERA basically plays a similar role in this respect and has, over the years, been doing very good work in the society seeking to fulfil its objectives which include:

- a. Support participating States in their institutional capacity building;
- b. Cope with disasters;
- c. Facilitate the development of a prominent framework and approach to a comprehensive disaster management;
- d. Enhance the operational capacity of the regional response mechanism;
- e. Produce and make available to the general public and to identify to users more frequent and reliable information to support the desired linking process where disaster management is concerned.

I would like to think that Barbados has been a very good host to CDERA and, as a matter of fact, apart from having a Headquarters' Agreement which we are now seeking to enhance through this Law, Government has given a commitment not only to provide secure, adequate and appropriate accommodation for the CDERA Coordinating Unit, but to construct a new facility that would house both the CDERA Coordinating Unit and the local disaster office of the Caribbean Emergency Relief Organization (CERO) so that there could be certain economies of scale through the physical proximity, Sir. We have no doubt that this will lend to greater efficiency and better on-the-spot coordination between the two major agencies.

CDERA has risen to the challenges that have been presented to the Caribbean in recent times, disasters, and has gone beyond that by seeking to make disaster management an academic study so that persons can now go to the University of the West Indies and seek to qualify themselves in Disaster Management. For example, a basic Disaster Management Course has been developed with the support of the

Government of Mexico under the CARICOM Mexico Cooperative Agreement and has been used as key reference material for the final-year Disaster Management Course introduced by the Departments of Geography and Geology at the University of the West Indies.

It is interesting to note, Sir, that over the last years this Course has had the highest student registration of final year students in the Department of Geography and Geology in the West Indies. It therefore means that Caribbean persons are seeing the need to equip themselves in this specialty area so that they can bring their expertise to bear on the management of these disasters, to which we are prone year after year.
11.20 a.m.

It is significant, Sir, that this debate is taking place almost on the eve of June which is the beginning of the traditional hurricane season in the Caribbean. Therefore, I hope that this will help to focus people's minds, even more strongly, on the need to be very conscious of our vulnerability and fragility, particularly at this time of the year. Sir, disasters can come in various forms. They not only occur through the effects of hurricanes and natural disasters but through other man-made sources from time to time.

I am pleased to say, Sir, that CDERA is on top of the ball and from all indications, they are well poised to provide any assistance that might have to be rendered to the region during this very important season, between June and October officially, to the people in the Caribbean.

CDERA has had a very successful year between May, 2000 and April, 2001 and they have operated in the following countries: Anguilla, Antigua and Barbuda, Barbados, The Bahamas, Belize, The British Virgin Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Trinidad and Tobago and the Turks and Caicos Islands.

Over the last year, they mounted some 85 activities across the region where they have been working assiduously to provide persons in these territories with the expertise needed to meet any challenges which might occur because of disaster. They have had a whole slew of activities that are really very important: national consultation for school administrators, regional warehouse training, regional workshops and disaster preparedness, emergency broadcasts, procedures' workshops, earthquake planning workshops and assessment of emergency operation centres. These activities are necessary, if we in the Caribbean are to be prepared to cope with anything that might befall us in the times ahead. Several people from across the region, Sir, would have been exposed to these various activities by CDERA. Foremost among these would have been the people in Barbados particularly, through the coordinating activities of CERO.

Persons who have been watching the News recently would have realised that CERO is now coming to the fore of the society's consciousness, particularly at this time of the year. Any acts have been to put itself and the remainder of the society in a state of preparedness, whereby each individual entity in the public can be aware of the "dos and don'ts" during the hurricane season.

The various subcommittees under CERO have been hard at work in preparing their programmes for the remainder of the year. CERO, from the reports that have been given to me, is following each plan to systemically put itself in order. They follow these procedural plans yearly to make sure that, should anything happen, they are well poised to respond adequately.

This also involves training in educational awareness, hurricane response operations, road clearance, damage assessment, search and rescue, first aid and medical assistance, emergency shelter, emergency feeding, emergency water distribution, initial housing and rehabilitation, restoration of utilities and emergency communications and things of that nature.

Therefore I think, Sir, that while we cannot be complacent, we can feel rest assured that the organisations which have the responsibility to prepare themselves and the rest of the society for any eventualities are well geared for this coming hurricane season. At the same time, I think it is also incumbent for all individuals to play their part and be prepared. There is enough information that has gone out already and this will be intensified in the coming weeks. Hints of various types will be coming in the electronic and the print media advising persons how they can help to assist themselves and the society in preparing for any eventualities.

Barbados will not be always lucky and therefore we cannot, Sir, bask in the belief that God is Bajan and therefore nothing will ever happen to Barbados again. Therefore, I think that when we watch TV and see the floods, hurricanes, typhoons and cyclones that occur in the rest of the world, we in Barbados and the Caribbean have been relatively lucky. We have been spared these disasters which we can quite envisage by seeing them as they occur elsewhere, but that in itself should make us appreciate our luck and acquit ourselves very adequately so that we would be well prepared, as I said, for anything that might occur.

Sir, the amendment to this Act which is before us, is not just a routine matter because CDERA itself does not only just provide the services but CDERA interacts with a multiplicity of agencies. It gets funding from a multiplicity of places and by being able to have this type of facility, puts it in place to be able to better respond and manage the funds that have been provided to carry out its very essential work.

Sir, over the last year, CDERA has received donations from the Canada Fund, Jamaica, The Caribbean Development Bank, The Inter-American Development Bank, UNDP and USAID, the Organisation of American States, the International Telecommunications Union, The University College of London, The Caribbean Hotel Association and many other agencies. Therefore, by being able now, Sir, to purchase foreign currency, to operate foreign currency accounts and transfer funds, securities and foreign currencies, CDERA will be able, as I said, to operate at a much more sophisticated and efficient level.

While this really is meant to correct a deficiency that occurred when we entered the agreement, this provision was not given the force of law and this amendment will give it the force of law. Therefore, I beg to move, Sir, that this Bill be read a second time.

SENATOR C. K. LAURIE: I would like to just comment on what appears to me to be a lack of plans for emergencies other than hurricanes, earthquakes and the like – I am talking specifically about agricultural emergencies such as the advent of foot-and-mouth disease.

I called the Ministry and asked for a copy of the plan of what they should do should they find one case of foot-and-mouth disease in Barbados. I do not think such a plan exists. I have been unable to obtain one and I was told by someone, "Oh, well, when it comes, we will deal with it".

Sir, I think that is totally and utterly inadequate. I heard over the weekend that we have one case of mad cow disease in Guadeloupe which means now that it has come home to this part of the world. It was a European disease and they now apparently have one case in Guadeloupe. What are we going to do about it, should it come here?

I was at the Ministry of Agriculture recently and I said, "You know, we have a crisis on our hands due to the drought in Barbados. What plans have you got?" First of all, they did not seem to be aware that there was a drought and secondly, they asked, "What can we do? Do you want us to do a rain dance and what can we do about it?" This is totally inadequate. There are things that can be done.

In 1994 after the drought was over, some money was given to the sugar cane farmers. Hundreds of livestock perished in that drought and not one livestock farmer was given any kind of compensation or encouragement.
11.30 a.m.

We could do things now. We could put things in place now. We should have plans in place that whenever these droughts occur we will know exactly what we should do. At the end of the sugar cane crop we could have baled cane

thrash and we could make molasses available to small farmers by a distribution system just to keep the animals alive.

When you drive around the country you can see animals just standing there. I know that at least 30 cattle have died in the area of Searles and Lowlands. One resident there called me and told me that he had to put up money to bury these animals because of the threat to human health from these dead animals which are all over the place. I know that in St. Andrew cattle have died already.

In talking to persons at the Meteorological Office, they have assured me that the rain we had this weekend, welcome as it was, was just an operation and that that wave that was coming in interacted with an unusual weather pattern going East and hence we got that rain. It would not appear that we can expect serious rains until August. So, even though that little one to two inches of rain was very welcomed, we still have a serious threat out there. With the last couple of days of sunshine and high winds, most of that water that came down has gone. So I am calling on the Government to let us sit down and put plans in place for crises which may occur in agriculture.

Thank you.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I just want to make a couple of short responses to Senator Laurie. I think that Senator Laurie in his usual public sector bashing role was very uncharitable to the Government. To say that he has not been able to get his hand on a plan to deal with the emergency disaster of the foot-and-mouth disease in Barbados does not mean that the plan does not exist because I certainly have been privy to discussions where Government instituted a plan and coordinated a programme to deal with the whole question of the foot-and-mouth disease.

The operation that was mounted at the Airport was not done by accident neither was it done by the Barbados Agricultural Society, the Food Crop Association Organisation or the Black Belly Sheep Organisation. Government recognises the dangers of the disease and, therefore, took steps to deal with it. Therefore, because he could not get a copy of the plan, that does not mean that a plan does not exist. He probably went too low down the pole to get that done.

However, I appreciate his concerns. I agree that we need to have a broad-based approach to deal with all these, if not disasters, excesses, particularly of this nature, when they do occur. If a private farmer is growing canes, I am not sure that it is the Government's role to bale the cane after the crop for him. Because farming is a business, and not a hobby. That is the sort of activity that has to be undertaken on its own by any serious professional farmer. I do not see

how one can expect Government to bail out a farmer by baling his thrash for him. I think that is going to the excesses, with all due respect to Senator Laurie.

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

The question was put to the Senate and agreed to.

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

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 – 2 were called and passed.

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

On the separate motions of SENATOR THE HON. G. S. H. MURRAY, the Bill was read a third time and passed and cited as the Caribbean Disaster Emergency Response Agency (Amendment) Act, 2001.

ORDER NO. 3 – SHIPPING (AMENDMENT) BILL, 2001

SENATOR THE HON. G. S. H. MURRAY: Mr. President, in moving the second reading of this measure, I think it is incumbent that Honourable Senators be given a chance to appreciate the general rationale behind this move to amend the Shipping Act, Cap. 296.

This really is a multifaceted approach which has a number of objectives which can be broadly summarised as such. This Act seeks to maintain the clean and prestigious reputation that Barbados has earned over the years in the Barbados Flagship business. By doing so, we hope to be able to deregister ships on the grounds of safety. This new Act will contain provision to correct a deficiency that had existed in the previous Act.

Secondly, the Bill will now provide the Minister with powers to make regulations to govern the safety of locally-based small vessels. Right now the Barbados Port Authority Act permits the Authority to deal with such matters. With the corporatization of the Port, the Ministry will have to take over such responsibility for making regulations to govern the safety of locally-based small vessels. It will also provide

the Minister with powers to make regulations to govern the licensing of dive operations. There are currently no such provisions in place.

The local dive industry in Barbados is a very popular and much used one by visitors. Barbados is, in the jargon of the tourism industry, "a much dive destination". The area off Bay Street opposite Government Headquarters where Carlisle Bay is, is where the wrecks of the Cornwallis and other wrecks can be found and it is a very heavily trafficked area by divers. Therefore, it is very important that there be regulations in place to govern the licensing of dive operations for the safety of the participants and also to protect the integrity of the industry. The local dive industry has made an approach to the Ministry responsible requesting that the situation be rectified as soon as possible and this measure is, therefore, seeking to adhere to the wishes of that group.

11.40 a.m.

It would also deal with Barbados' implementation of the International Maritime Organisation, 1978 International Convention of Standards on Training, Certification and Watch-keeping for Seafarers which was last amended in 1995.

There are a number of reasons for taking the above actions. The whole shipping industry in Barbados has, while it started off in a blaze of glory some years ago for various reasons, not lived up to its full potential. This has not been due to any particular deficiency on the part of legislation, but has occurred as a result of certain difficulties that were encountered in the administering of the Ships' Registry of Barbados. For example, there were personality clashes and differences of opinion. The net result was that the broader interest of Barbados suffered.

Government has moved and is working quietly to try to get the situation rectified. We think we are now in a better position to make greater headway, and I have no doubt that the registry of ships which can be a very lucrative activity stands to benefit, or can have quite a bright future as a result of both of these amendments and of other activities that Government will undertake in the future.

More than one of the activities of this Act will be to seek to clarify the situation for the conduct of Port/State control in Barbados. Port/State control is a verification of the situation that foreign ships calling on national ports do comply with international conventions relating to safety of life at sea as well as prevention of marine pollution. Sir, this speaks for itself. These are self-evident matters that we have to take seriously, the question of pollution which would have a multiplicity of effects on the society and the natural environment as well as a man-made environment and on the economy of Barbados if there be any major marine pollution.

In addition, Sir, this Bill will also provide that Port St. Charles may be an alternate port of registry for registry by the Director of Maritime Affairs of those ships which are based at Port St. Charles and which are below 150 gross tonnes. Right now, as it stands, only the Bridgetown Harbour is considered a port of entry in the maritime sense. Therefore, given the emergence and the creation of Port St. Charles, this will allow Port St. Charles to function as a port of registry for those ships which are based at that Port and which are, as I said, below 150 gross tonnes.

There is already an infrastructure in place at Port St. Charles to conduct these affairs to serve as a port. Port St. Charles is right now peopled by Customs, Immigration, and the Police, so it is not going to be an open thoroughfare, as old-time Barbadians like to say. There are already institutional systems, procedures and mechanisms in place to make sure that the integrity of Barbados' coastline and the Barbadian society is protected at all times. Therefore, Port St. Charles, contrary to what some people might want us to believe and have tried to make us believe in the past, is not being treated as the playground of the rich and famous where anything goes on at any time and nobody has any respect for the law and are not subject to the law of the land. The fact is, Sir, that the major institutions that are responsible for overseeing the conduct of the affairs of the Port are very much in place.

We are not passing this law hoping to create posts to build the facilities and create any intervening time-lag period. They already operate there and therefore we think this Act will allow Port St. Charles to function in its truer sense and would take pressure off the Bridgetown Port and, at the same time, make it easier for those persons who are already based at Port St. Charles to be able to enjoy the facilities of port and registry through the law.

Sir, there is no doubt that Barbados had in the past a very outstanding record where shipping is concerned, where the provision of seamen and seafarers is concerned. There used to be a time when to be a seaman in Barbados was, particularly among the working class, a very prestigious occupation. I am sure that persons of my age group, persons like Senator Trotman, can tell us stories of how you could always tell a Barbadian seaman even by the clothes that he wore. He dressed differently from any other man in Barbados. The latest fashions could be enjoyed or observed by these men. They were the first set of men that I can recall who started to wear jewelry to any large extent. There was a time in Barbados when for a man to wear a chain it was considered effeminate. Sir, these seamen obviously being exposed to wider societies and different cultures were able to introduce these kinds of activities, different changes in lifestyles to Barbados society.

Apart from that, their remittances made a tremendous difference to the livelihood of Barbadians. Many

households, countless children were raised and educated on the remittances of Barbadian seamen. As a group, I would think that they were about the first persons out of the working class who started to build wall bungalows to any large extent. They have played their part in the transformation of the Barbadian society. Being a seaman often provided upward social mobility for the participants or their families and all and all they have had a very positive effect on the social history of Barbados.

For a number of reasons this activity has declined over the years so that this activity does not play a major role in Barbadian economic or social life as it did in the past, but there are still opportunities where Barbadians go out and perform. While they might not be serving as seamen on the Harrison or Saguenay Lines where they go out for years, they still perform sea-faring activities by serving on cruise vessels, performing various roles that contribute to the hospitality industry and they acquire expertise, develop new skills and some of them make very good pay by serving on these vessels in various activities either as stewards, waiters or in the kitchen, and some also make a good living by being entertainers on these cruise vessels.

Sir, while to the old time Barbadian the sea might not have a back door, it certainly provided a window of opportunity for many Barbadians and we would like to see that we could return to those glory days again where being a seafarer made a great deal of difference to the lives of many Barbadians. Therefore, Sir, I have no doubt that this Shipping (Amendment) Bill will do a number of positive things for the society and allow us to equip Barbados to come to grips once more with the possibilities and promises that lie outside of Barbados' waters for Barbadian seamen.

There is a lot of economic activity to be had from the use of the sea and I am afraid that even in Barbados we have not yet begun to tap into the full potential of our economic zone. For example, to really develop and explore an economic zone takes a tremendous amount of finance. This is an area which we would hope that, given Barbados' high credit rating, given the soundness which now obtains in the Barbadian society where it is a good sound place for persons to invest, we might be able to attract international investors who would seek to plough the large sums of money that would be necessary so that we can fully develop our economic zone to its full potential and allow Barbadians to enjoy the benefits that will come from so doing.

I think that Barbadians, as it stands, make the greatest use of our waters through fishing, but there are other possibilities out there. We are not quite sure what lies off Barbados' shores in the realm of oil and gas and whatever natural gifts that nature might have bestowed, but we just need the financing. I know that from time to time persons have expressed interest in so doing, but we are just waiting

for the right opportunity, the right combination of factors for persons to help us develop this thing to a much higher level.

Therefore, Sir, I am pleased to be associated with this measure. I think it will put us in good stead to make greater use of our potential in this area whether it be in shipping, whether it be in seafaring, whether in ships' registry or whether it be in local dive operations. Right now, Sir, there is still too much laxity where, for example, use of speed boats and jet skis are concerned.

I was watching something on CNN some time last week where a number of national parks, all but 25 of the national parks in the United States of America, have taken steps to ban what we call jet skis, but what are known as personal marine vehicles, some fancy acronym that the Americans have attached to it. They, themselves, have recognised the danger both to life, limb, property and the pollution that follows through the use of these engines which can have a very devastating effect on society and the environment.

11.50 a.m.

Therefore, Barbados, as it becomes a more sophisticated society and more conscious of the need to protect our environment, I am sure that with the consciousness that now obtains with the work of Government and the invaluable work of the non-Governmental Organisations, are able through their passion and personal commitment to play a close examination of these activities. Therefore, this would help to inure to a better environment and a better Barbados in the times ahead.

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

SENATOR C. LeR. TROTMAN: Mr. President, I rise to support the Bill that is before this Honourable Chamber and at the same time to use the opportunity to make some observations regarding the matter of shipping and the matter of the Port.

It is useful for us to take note when we look at the matter of the Shipping Act. We must take note of the fact that there is going to be some opportunity through this for a review of our Shipping Registry. I think that the occasion should be taken to examine the matter of Flags of Convenience.

The Leader of Government Business has made, and properly done so, mention of the relevance that attaches to the marine environment and also addressed the matter of conditions of safety at sea. I think that looking at these matters, we should take note of the universally accepted claim that Flags of Convenience are a major cause of the difficulties that are in this area. On one hand we recognised

that many of them use the occasion of those flags to pay seamen less than what is considered to be a fair or reasonable wage, and they also use the occasion to impose conditions of work on those seamen that are less than fair and reasonable.

Sir, those of us who are here in Barbados and are familiar with this, may know of several occasions where persons who are on those ships, especially people from places like the Philippines, but more recently from central or eastern Europe, when they get to our areas they very often look for organisations like the Barbados Workers' Union, because we are associated with the International Transport Federation, and draw to our attention the dismal conditions under which some of them are forced to work. It would be important that we start looking again at the international credit rating that we might be losing by permitting some ships the convenience of using Barbados' Registry for becoming Flags of Convenience.

I think it is very important that this matter be examined carefully. I sought to have some discussions with the appropriate Minister on the subject but he declined. Sir, we need to discuss this subject. I think this occasion must be taken to make us aware that there are significant problems in our region.

It is important that we endeavour to recognise the significant damage which can be done from time to time to our shores and to the general marine life arising out of the extent of the involvement of those kinds of ships. Ships that are properly registered are more likely to be willing to observe acceptable standards of maintenance. Where one has a ship that dumps refuse at sea, the problem could be that they do not have proper arrangements for the disposal of their refuse. They are not maintaining themselves fully, and there are areas where there is the leaking of oil that does considerable damage, as you would appreciate, Mr. President, to our own marine existence.

Sir, we depend for our existence on the life around us in the sea. I think we would need to use the occasion wherever it presents itself to warn about the importance of preserving our marine environment and using whatever mechanisms there are, whatever bodies and agencies that exist, to endeavour that we are able to fully utilise the sea around us for our further development.

I also wish, Mr. President, to make the observation that the occasion must be taken to see if we can impose on the local agencies, which are here, to make another effort to import the number of jobs which Barbadians should be able to obtain from the ships that come here. I accept that a number of ships that now come are differently configured and there are not in the same numbers that are required for able-bodied seamen.

Sir, there are, at the same time, several ships which require different kinds of workers, for example, the entertainment ships. There are significant numbers of people who work on those ships from the region but increasingly we are finding that Barbadians are getting fewer and fewer of the jobs. Our market share is diminishing.

Sir, it would seem to me that the agents who are responsible for those ships either need to be given the assurance that we, the rest of Barbados, will support them in their efforts to get more jobs, or if they already know that, then we have to be sure that they understand that they have a responsibility. We all have a responsibility to work towards obtaining as many jobs as we can for as many Barbadians as we can. In the final analysis, it is the number of people who work that will go towards developing the character of the community that we enjoy.

I note, Mr. President, that we are going to be registering ships less than 150 gross tonnes at Port St. Charles for commercial purposes. I think that is a very interesting development and I would like to indicate that though some of the facilities are already in place, we would want to be sure that all of those facilities are, indeed, in place as a matter of urgency so that there is the proper level of oversight that is required to ensure that the highest levels of protection can be obtained for security of persons and for conditions under which work will be done with those particular vessels.

12.00 noon.

I take it that because of the size there will not be the need for those large, long and major cranes that might be needed for offloading, but I still think that there has to be every effort made to be sure of the protection that is required.

I note with interest too, Mr. President, that the police are already in place and the protection of Barbados is assured, according to the Leader of Government's Business, by ensuring that the Port is properly structured and that the Laws would be properly in place and all would be subject to the Laws of the land.

I think it is only fair and proper that we should use this occasion on the importance of the Laws to make the observation that all laws are important and that all should be subject to the Laws of the land, but we should also be equally aware that other persons ought to be able to have equal protection, whether or not they are at the Port. This is an issue that may be attracting the employers' attention or where the employers may be unwilling to talk to those unions who are conducting their business. The same law should give the protection, especially when the Laws of Barbados allow for peaceful picketing and when the use of a work-to-rule is a legitimate tool of any trade union.

Therefore, Mr. President, I wish to use this very lofty Chamber to indicate my abhorrence and the very great fear I have of the precedent-setting action that took place last Friday, where workers, who were on a work-to-rule, found themselves confronted by six van loads of submachine, gun-toting policemen – and an empty bus, driving down to the Bridgetown Port, for the bus would not go empty unless it went to pick up people. I failed to understand how in a democracy such as Barbados, we can have a situation where workers, who have done no wrong, who are pursuing their legitimate business under the same laws that the Leader of Government Business has spoken of, can find themselves under confrontation and threats, a threat to disturb their work as trade union members by these gun-toting policemen. I was told the guns were “blotches” or something like that. I do not know guns.

I know that there will be some who will bring this information to say that the Port workers were threatening the tourists. Strange that that will be said, because from my understanding, the tourists came down, kissed and shook hands with some of the workers, sympathized with them, even although they did not fully understand the issue. I think when we speak to the Law that it has to give protection to everybody, Mr. President, and I think it has to be understood that whether in the Port of any where else and persons are taking legitimate action allowed under the Laws of Barbados, the police must be in evidence and nobody is going to say “No”, but when the police are in “submachine” evidence within the circumstances of this Barbados, then I have fears for the continued democracy of this beautiful island.

I would think, Mr. President, that whether it is at the Port St. Charles or at the Bridgetown Port, whatever efforts we are going to make to protect the visitors, the ships, the businessman and his money, that equal efforts must be made to protect the masses of the people in this country, among whom trade unionists are a part, and when a trade unionist finds that there is a perception that if he/she endeavours to protect his/her interest by industrial action and that resulting from that he/she will have to be confronted by sub-machine gun-toting policemen, then in those circumstances he/she will have to ask himself/herself about the future of our democracy.

I support the Shipping (Amendment) Bill, 2001, Sir, but in doing so, I wish to take this occasion to express the view that something should be done and done urgently. It is not to say that these Port workers were threatening anybody because that is not true, but rather to say that parties where this kind of situation is likely to occur, may rest assured that it was an aberration which is not likely to repeat itself. I thank you.

Mr. PRESIDENT: Senator Symmonds.

SENATOR THE HON. Dame PATRICIA SYMMONDS: Thank you, Mr. President.

Mr. President, both the Leader of the Senate on Government Business and Senator C. L. Trotman have touched on the environment, but I should like to elaborate more on that since it is an area with which I am concerned and have spoken about before in this Honourable Chamber.

I see in this Shipping (Amendment) Bill, 2001, a pattern of legislation and activity and this Amendment fits neatly into a complete whole, especially as it relates to the marine pollution provisions. Therefore, it must be seen in the context of existing policies and other legislations previously passed.

There is the Marine Pollution Act, 1998 and the Coastal Zone Management Act, 1998 and those Acts sought to control the pollution of, and the interference of, the marine environment.

This Amendment we are looking at strengthens the mechanism for marine protection by strengthening existing legislations. There is already existing what can be regarded as a special marine SWAT team led by the Environmental Engineering Division and this is responsible for the cleaning up of oil spills, as Senator Trotman referred to earlier, and other similar events, which can adversely affect the marine environment.

Legislation prior to this 1998 Act was piece-mealed, not comprehensive, but the 1998 Act was an umbrella Act which sought to give broad-based powers to agencies such as the Environmental Engineering Division and the Coastal Management Unit in order to control marine pollution and to initiate legal action which included both imprisonment and harsh fines for marine pollution.

What I find particularly interesting and significant is that much of the legislative regulation on pollution is related to large vessels, but often small vessels commit acts which can be potentially as destructive of the marine environment as large vessels, for instance, offload excess fuel and, therefore, these acts are not confined to the larger vessels.

Then, particularly there is the discharging of sea water in their ballasts and when sea water from one country is taken into a ship and later discharged elsewhere, whatever flora, fauna or bacteria were present is also discharged into the new environment and the introduction of non-indigenous species into an environment where there are no natural predators can put that new environment at risk. We have seen this happened with the Florida Everglades, for instance, where organisms, animal and eco-systems have been destroyed.

12.10 p.m.

I wish to draw attention to Section 300B. Very wide parameters are created for the Minister to make regulations which will safeguard the marine environment. What is unique about this legislation is that it is threefold in that it is aimed at avoiding pollution, preventing pollution and mitigating pollution where it is, in fact, caused. Therefore, Mr. President, it is significant that any contravention of the regulations made under this, will attract a fine of \$100 000 or make a person liable to imprisonment for five years or both.

Then, further at Section 300C, by prescribing the activities which can be conducted within the exclusive, economic zone, the Minister is able to protect over-exploitation of the marine resources. Therefore, Mr. President, I consider this Amendment very important and I wish to say that I give my full support to this Amendment.

Thank you, Mr. President.

SENATOR C. A. MASCOLL: Mr. President, this Amendment appears to be of greater significance than the simple words provide. The Shipping Act is being amended to make provision for the regulation of diving operations and the operation of small commercial vessels. We have had a recent episode where a yacht damaged a reef off the West Coast and we were not sure what should have been the penalty, if any, that should have been inflicted on the accusing party.

I am getting the impression that this Amendment is seeking to do something about protecting the environment. This is a strange place within which to protect the environment. There are all kinds of legislation now on the environment and even though a reef may be in water, I am not so sure that the amendment to the Shipping Act is the place to be really seeking to protect the environment. In short, it is a misplaced amendment.

Sir, it seems deeper than that. The most recent episode at the Port is instructive because the apparent problem in that issue at the Port appears to be one in which an effort is being made by a private sector firm to reduce the workload of workers at the Port Authority.

We were told in recent years that both the seaport and the airport would be corporatised. We were also told that a similar thing would happen to the Post Office.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, on a point of order. The Honourable Senator is misleading the Senate. The Government has never enunciated any position about privatising the Post Office. It said that it would be commercialised. There is a distinct difference and I am sure you can appreciate the difference.

SENATOR C. A. MASCOLL: Mr. President, I said, corporatise. There are all kinds of confusion over what that really means but the intervention was not relevant.

The thing is that a private company has been established on the Spring Garden Highway which now has the power to go into the Port and remove containers, of course, with the necessary permission, and offload the containers at a location other than the Port. In short, we are seeing creative thinking and action on the part of the private sector to compete with the workers of the Port Authority in the handling of cargo and containers. Because an importer of cargo has the right to enter the Port and withdraw that container, there is nothing really to stop the Port itself, from allowing such action. Now that is a direct means of competition for the Port Authority.

I also gather that the real issue is that while it cannot be prevented, that is, the removal of the container under certain conditions, part of the issue really is about whether or not workers who eventually offload the container, who would be in the private sector, should not receive a similar wage or salary to the worker within the Port, and if you permitted the private sector worker to earn less than the Port worker, then that constitutes some undermining of the process at the Port of Authority.

Now, having said that, why am I concerned about this Amendment? We have been told in the debate that not only would there be the two amendments here, but the implication is, that the Port St. Charles would now be allowed to handle commercial vessels which are less than 150 tonnes.

Asides.

SENATOR C. A. MASCOLL: That is what it said and that cannot be disputed. It is here in the Amendment that they would be allowed to handle commercial vessels of less than 150 tonnes.

Sir, if you put the two of these together, you would see that all cargo that comes through Port St. Charles that would be less than 150 tonnes, would not really be under the dictate of the Port Authority of Barbados. That is, I am saying in essence that there is such a level of privatisation...

SENATOR THE HON. G. S. H. MURRAY: Mr. President, on a point of order. The Honourable Senator is again misleading the Chamber, Sir. The Amendment does not make any mention of commercial vessels. It says that, only for small vessels less than 150 tonnes that are registered at Port St. Charles.

Asides.

12.20 p.m.

Mr. PRESIDENT: That is no point of order. In Section 2, the words "small commercial vessels" are used. That is according to the Bill which the Senate has before it.

Senator Mascoll, please proceed.

SENATOR C. A. MASCOLL: Mr. P resident, I will define the records that the Amendment states clearly that "a small commercial vessel" means "a vessel that is less than 150 gross tons, is registered in Barbados and operates within the exclusive economic zone of Barbados". That is here in the Bill.

Now, that has implications because this amendment to this Shipping Act has more to do with the global process than we are wishing to admit to, and has to do with facilitating the so-called corporatization of the Bridgetown Port. That is what this is about. This Amendment is not about any environment or protecting any environment. This amendment is to facilitate the conditions under which shipping will be conducted in this new World Trade Organisation environment. I speak not as a lawyer.

Recently, I have had a student from another Caribbean country who presented a project which dealt exclusively with the question of shipping in that particular Caribbean country. Therefore, the issue here in this Amendment is not about making or imposing any penalty on any yacht or on any small or large commercial vessel that damages a reef off Barbados. It is deeper than that. While it has not been publicly stated, like most other things, what the real issue in the Port Authority debate is, I know as well as many others know, that it is to do really with trying to safeguard the workers' position at the Port Authority. That is all this is about.

It is also known that there is in writing the stated amount of vessels the workers are expected to offload in any given day. What the private sector is saying is that in this new environment in which they are free to move and rule, why should they be confined by the conditions of the Port Authority workers when they are allowed to enter the Port and withdraw a container? But the question now remains, at what price should it be offloaded and who should do it? You cannot prevent an individual who owns a vessel or container from employing private sector workers to offload the container and that is where the big issue is here. The issue has to do once again with the question of efficiency, competitiveness and cost.

If you are going to restrict, as is the case, the amount of containers to be offloaded in any given day, and a private sector entity sees an opportunity for business, then in so doing they are creating now the kind of mayhem we have seen over the last two weeks. I noted carefully the speech of a previous Senator who tiptoed through the tulip, not wanting

apparently to step on corns, but it is my duty as an Opposition Senator to step on a corn wherever I can see it. I am supposed to create corns. That is my duty as an Opposition Senator, and then make sure that I step on them as hard as I can. I happened to see a corn in this Amendment. It is not as straightforward as it appears to be. This has nothing to do with any environment.

There is an abundance of legislation in Barbados on the environment. If you want to, there is an outstanding lawyer in Barbados, Dr. Trevor Carmichael, who co-authored a book on the environment which came out of the Small Island Developing States (SIDS) Conference in 1994, who has identified every piece of legislation relating to the management of the environment in Barbados. That book came out of that 1994 SIDS Conference, or it might be predated, but I know that the book does exist. The facts may be confused but there is a total book on the management of the environment which is co-authored by Dr. Trevor Carmichael.

I am saying that if we really wanted to protect the marine environment, it cannot be accommodated within an amendment to the Shipping Act. This is not the place for such an amendment. It, therefore, means that you have several different Ministers who would have to come together in order to determine how best to really manage the marine environment. How could it be the case that that is the emphasis but throughout this Amendment we are being told about an exclusive economic zone, and it is being defined in the Amendment? How could it be the case that this relates to the environment and we are being told about watersports activity?

In all fairness, it is very hard to see a jet ski damaging the marine environment. What is there about a jet ski that can inflict harm to the marine environment? A jet ski can, in fact, inflict more harm to a human being than it can to the marine environment, so this is not the place to try to regulate it. A jet ski may hit a fish and some moss but I cannot see it reaching the depth to damage a reef or any other component of the marine environment.

Mr. President, with those few words, I am stating that the intent of this legislation is not made clear and even when I attempted to separate the clarity from the confusion and arrive at the clarity of it, I still remain confused. I am still of the view that there is no way in which this Amendment would even go close to meeting the objectives stated in the opening chapter of the Objects and Reasons for the Amendment.

I do, however, know that to facilitate the corporatization of the seaport that we are being used to some extent and being fooled once again into believing that the objective of this Amendment is a straightforward case of

protection for the environment. It is not that, and the evidence is there to show, in fact, that we are seeking to further facilitate the corporatization of the Port and to allow private enterprises to enter into this market and become a real threat to the services provided at the seaport, and eventually it would be the same thing at the airport.

I thank you, Mr. President.
12:30 p.m.

SENATOR LeR. H. McCLEAN: Mr. President, I would like to begin by setting the record straight with respect to the point made by the Leader of Government Business when he spoke of the Cornwallis in the Carlisle Bay. To the best of my knowledge, there was no such wreck in Carlisle Bay. I would like the record of this Chamber to indicate that. He would certainly confuse those historians of the future who would be researching that matter.

Aside.

SENATOR LeR. H. McCLEAN: Sir, it did not sink in Barbadian waters. It was damaged here but I remember clearly a gentleman who worked at the Foundry at the time who vividly gave an account of the work he did in patching the Cornwallis afterwards. So the wreck was not in Carlisle Bay and I hope that we would not advertise Barbados as a diving destination to see the wreck of the Cornwallis because you will not find it.

Mr. President, when we consider Barbados as a small island, we have more marine resources than we have land resources. Certainly, one would expect that a country such as ours would be putting more emphasis on the use of the marine resources which we have available to us. Sir, we would certainly think that shipping would be a very important part of our social and economic activities. Since we have neighbours as close as 100 miles away, we would think that shipping would be one of the means by which we would communicate with our neighbours.

Mr. President, if I remember correctly as a young boy the days of the Federal Maple and Federal Palm and the roles they played in terms of transporting goods throughout the region and also providing that movement of people from one island to the other, unfortunately, today we have no such vessels and one of the great headaches business people have is getting goods from one Caribbean island to another. In fact, if you want to ship something from Barbados to St. Lucia, chances are you would have to wait until a diesel boat passes through in order to do so. There are very few indigenous vessels which we can rely on to undertake such activities.

Sir, I would have hoped this Bill would have indicated that Government understands what is the economic role of shipping for our country rather than introducing what seems

to me to be cosmetic measures. I recall when we raised the question of the paltry sum of money that a company paid after damaging the coral reef, but this seems to be the response of Government to those concerns raised by us and other Barbadians. By simply increasing fines does not mean that we are improving anything. We need to provide facilities which would ensure that Barbadians and persons who are interested in doing business in Barbados can know that we have the resources and the shipping ability to carry out some of the things we need to do, for example, like shipping goods from one territory to another throughout the CARICOM region.

Sir, we know the importance of shipping in the whole integration process of the Caribbean. We have seen airlines come and go. Every now and then we hear of a new airline and we see Government pumping millions of dollars to help establish some airline because it believes that this would improve our tourism, but we have not seen the same kind of interest or enthusiasm when it comes to shipping.

Sir, in terms of the movement of goods and people, shipping is important as it relates to the economic activity of fishing. We have seen where trawlers from as far as Japan come to the Caribbean or off the East Coast and exploit resources which we are unable to exploit. I remember the days of the shrimp boats when you looked out at the Careenage you would have seen six or eight shrimp boats at anyone time tied up there, but in coming to power, the Barbados Labour Party, for one reason or another, made sure that the shipping industry was killed. The same vessels are now being used in other countries to carry on economic activities which we have been unable to do.

Sir, I remember the instance again of the North Point, where a Barbados Labour Party Government felt the need to give away this vessel for one reason or another, which again has been used in other places to carry out viable economic activities. We have not been able to see the value of these things. We have not been able to see the importance of shipping in a country as small as we are, because, just look at the provision of facilities for ships that come to this country.

We have a dry dock that has been allowed to go into a serious state of disrepair and heaven knows if it can ever be revived. I recall one of our Coast Guard vessels was lost trying to get to Grenada. That had to go into dry dock. Because of various sectors, no Government has seen it possible to give any sort of incentive for the resurrection of that dry dock. I think it is probably the only one of its kind in the world now. When they build on the new Bridgetown Development Plan, I am sure that Barbados Shipping and Trading will be able to use it as a museum piece and benefit from persons who come here to see this unique feature, but the Barbados economy as a whole would not benefit

significantly by having it there to carry out the necessary docking work on vessels.

Sir, again we heard mention of Port St. Charles. In his presentation, the Leader of Government Business made mention of the fact that this Port will not be an open thoroughfare and it will not be accessible to everybody. I am not concerned, Sir, of Port St. Charles being an open thoroughfare. I know that it is not an open thoroughfare. What I am concerned about is the accessibility of ordinary Barbadians to the port at Port St. Charles. In fact, Sir, will any vessel or fishing boat from the North of this island be able to enter Barbados via Port St. Charles?

12.40 p.m.

I heard of Port St. Charles being private. Why should Government then be involved in establishing a private port for anybody. If it is a port of entry into Barbados it is a port of entry into Barbados, not a port of entry for a special group of people. If it is designated as a port of entry, then we would expect that it would be a port of entry for any vessel in sight which can access that port, not that it is reserved for a special set of people and that it is accessible only to a certain set of people, whether it be from land or sea. In fact, the police station that is located at Port St. Charles, if a resident of St. Peter wants to report a crime maybe that person would even have difficulty in getting to the police station, by having to go through the property of Port St. Charles first.

We have dealt with this issue on more than one occasion but I would hope that when Government is speaking of things that they are proud of I think they should take it easy when they speak of Port St. Charles as a port of entry, because I do not think they have good grounds to stand on where that is concerned.

Again, Sir, when we speak of shipping, let us look at the case of a marina. We have heard talk of the need for a marina in Barbados. We have heard business people make the suggestion that if this Government gives the necessary incentives they can provide a marina. What we have at Port St. Charles is not a marina in the true sense. What we have is a residence that people can bring their boats straight to their doors. It is a housing development that you can bring your boats to your door. Had it been a marina it would be like what you have in St. Lucia where you had the Atlantic Race for Cruisers that used to come to Barbados and we were told that if the incentives were given for the construction of a marina then we would be able to bring the Atlantic Race for Cruisers back to Barbados from St. Lucia to which we lost it.

The boats in the Atlantic Race for Cruisers cannot go into Port St. Charles. The facilities are not adequate. We cannot think of Port St. Charles in any national terms. Port

St. Charles is a private development like any other private development in Barbados, like any other gated community in Barbados. It has nothing to do with any national link. I would like to see any of the Honourable Members in here getting on a boat and deciding that they would sail into Port St. Charles.

Mr. President, we need to look at shipping in a realistic way. We need to look at shipping not only as a country but as part of this region. What has been happening in the entire region is that shipping has not been given the kind of importance and has not been examined in the way it ought to be. We need to improve the means of communication within the region. How can you have a string of islands that want to be integrated but yet it is so difficult to move from one to the other, whether it be moving goods or moving people? Shipping must be an important element in the integration process. I would therefore urge that we pay closer attention to this.

While we are on this matter, Sir, even though I may be stretching it a bit, and I crave your indulgence, when we talk about ports, we have fishing ports which are established here in Barbados without the necessary facilities. You have fishing ports that have been built, all the infrastructure is there, but the fishermen have no access to them. How could we, as a small country, afford to be wasting resources putting up structures, spending millions of dollars to put up show-pieces so that somebody can say he has a fishing complex in his constituency, or as a Minister, that he has built a fishing complex, but the fishermen who should be using it have no access to it?

Furthermore, those facilities that they have access to, they cannot get simple things like ice, which is a basic necessity, if you are going to move away from the day boat situation. Even the day boats, when they come in, cannot get ice to put the fish on.

Then the question is, how serious are we about economic development? In this whole globalization, it seems that we are just a punching bag waiting to feel where the next blow is going to come from. In fact, we seem incapable of organising any pro-active action which would help us to deal better with what is going on around us.

Mr. President, we have the case where we seem to be so incapable of handling our own affairs that there is only one person under the Constitution of Barbados who can call an election, and that person has just recently said that he does not know that he would be the person that would call an election. I am wondering if it would be one of the international agencies that will determine when an election is called, that globalization has gone to the point where now some other agency will determine...

Mr. PRESIDENT: Senator McClean, that is not relevant to what we are debating today.

Aside.

Mr. PRESIDENT: Order, please. I do not wish to hear any other comments.

SENATOR LeR. H. McCLEAN: I take your point, Sir. I accept that I was stretching it a bit.

Mr. President, Sir, we heard Senator Symmonds speak of the impact on the environment with respect to the discharge of sea water from the ballast of ships moving from one port to another. This is accepted as a danger which all countries face. What we also must be particularly concerned with, is the discharge of waste by many of these ships. Many of these ships go into small ports or while they are just off the coast, discharge waste in the marine environment because they know that we do not have the resources to monitor them properly. Even a place like Puerto Rico has suffered but they, obviously, had the resources by which they could monitor it and they were able to impose heavy fines on a large cruise ship. If they will do it in American territorial waters, are we to believe that they are not going to do it in our waters? We do not have the resources to monitor. We no longer have a simple thing like the Harbour Police. We have a Coast Guard that spends 99 per cent of its time on land.

In fact, I heard one gentleman ask how it is that the Coast Guard vessel – and I can see one from here – is tied up facing inland rather than being positioned that if it had to sail it can sail out easily. If the Coast Guard vessel had an emergency they would have to spend so much time trying to turn the boat around, trying to get out, that it is amazing. That is just one example of our limited resources, and even with the limited resources that we have, we seem to be incapable of organising them in such a manner that we can use them efficiently.

The matter of marine pollution is, indeed, a very serious one for which we have to be constantly vigilant. We have seen the impact of pollution on the turtles and other marine life to the extent where some of these species are on an endangered list. Marine pollution is not only about what happens in the sea itself but also about what happens on land and how it affects the marine environment. For example, the wash-off of agricultural products after heavy rainfall and the wash-off of topsoil.

What can we do to control erosion to make sure that there is less topsoil being washed into the sea? We are going to lose twice, because we lose in terms of the land, and we lose in terms of the pollution of the marine environment.

Then we have the case of persons building on the coastline and in many instances building in areas where the marine turtles used to nest. We have all of these factors which we need to take into consideration when we are thinking of the impact of the marine environment.

Mr. President, it is clear that Government is continuing with what is seen as its usual approach of cosmetic dressing on many of the issues which confront us, Mr. President, gimmicks, the feel good syndrome, making it seem as though something is happening when in fact nothing is happening. In essence, this Bill as it stands, does not address the very important issues which, in my view, should be addressed when it comes to shipping for Barbados and for the wider region.

I think there is a need for us to take a more comprehensive look at shipping. In fact, I think we also need to define clearly what our economic zone is because whereas Trinidad & Tobago is enforcing the rule where their exclusive economic zone is concerned, which we seem incapable of enforcing, because the country of Trinidad & Tobago use their Coast Guard to enforce the Law where their Exclusive Economic Zone is concerned and, therefore, our fishermen end up in prison in Trinidad & Tobago, but we cannot enforce the Law where ours is concerned so that the Trinidad & Tobago fishing boats can come into Oistins and buy diesel and provisions and sail back out.

I hope that somebody would understand what is happening with the economy of these countries and use shipping as one means by which we can better improve our economic status.

Thank you.

SUSPENSION

SENATOR THE HON. P. C. GODDARD: Mr. President, I beg to move that this Sitting be suspended until 2 p.m. today.

The question that the Sitting do now suspend until 2.00 p.m. today was put to the Senate and agreed to. Mr. PRESIDENT suspended the Sitting accordingly.
12.55 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I would like to say a few words about the sea craft and in particular the jet skis. I am saying this from experience because I live on the beach. Some of them obey the regulations and some do not. Some of them could be

extremely noisy and some of them would see people bathing and would go and do their gymnastics in between the sea bathers.

Sir, I do not know how the persons responsible for implementing these regulations are going to cope with policing them, but it is needed. We have recorded two deaths from these watercraft and some of them continue to be a nuisance. Sir, I see the watercraft as an unnecessary evil to support our tourist trade. I do not know if we have to have a school to teach them or what we have to do but something needs to be done.

I would also like to say a word or two about the local fishing industry regarding sunken vessels. On the West Coast there is a sunken vessel which used to take tourists for underwater dives. I understand that it is very beautiful. This vessel was sunk in an area that was very good for fishing by the West Coast fishermen. I do not know what is going to happen, whether they are going to make regulations which stipulate that they can only fish in certain areas. I will like them to bear in mind that the livelihood of these fishermen depends upon fishing on the West Coast because these fishermen have fished in those areas for many years. If Government wants to cordon off areas for fishing, I would like them to consult with the people in the local industry regarding their livelihood and how best an agreement can be reached for the sake of the country, coral reefs and the fishermen.

Sir, in connection with marine pollution by small commercial vessels, this needs to be policed. Some of the coral reefs on the West Coast are dying from pollution, whether it is pollution from inland or marine vessels. Sir, I hope that the persons who operate the Coastal Division would be able to tell us about it. I think that urgent steps need to be taken regarding reducing the amount of pollution of our coral reefs.

Sir, I hope that Barbados would be able to come to some agreement so that we do not read about our fishermen being jailed in any of the Caribbean territories. We have heard talk about globalisation and we must come together. We cannot do it alone. We had better do it sooner rather than later and this is one area in which we will have to come together.

Sir, with this I support the Bill.

SENATOR T. E. BARKER: I rise to support this important piece of legislation. I agree with the Senators who argued that shipping is an important activity and one to which we should pay a lot of attention, not only in terms of the trade of goods but a lot of our revenue is earned from the sea. I am told that a lot of tourists come here because of our water sport activities.

Sir, this Bill allows the Government, through the Minister, to make regulations to govern the licencing of dive operations and small commercial operations. I agree with the last speaker that we have to ensure that these important activities take place within a regulated structure, a structure which can be policed and properly maintained. Mr. President, we cannot afford any slapdash operation with regard to this vital activity. We know that a lot of damage has been done to people, property and to our name, as an efficient tourist destination, by the unsavory practices that are sometimes done by these operators.

This Amendment to the Shipping Act provides the Minister with the opportunity to make regulation which would govern these types of activities. I do not know if all of us are conversant with the provisions of this new Act. Judging from the speeches of a few of my colleagues on the Other Side, it seems that they have not yet read and appreciated what the Bill is trying to do. It sets out the fines which will help with the policing of this important activity.

Sir, do not forget that in this Honourable Chamber we passed a lot of legislation dealing with the Coastal Zone Management Act and the Marine Pollution Act. This Bill complements those legislations. A person who is involved in diving operations, if he damages any coral reef as a result of his operation, then he is guilty of an offence and Section 27 of the Coastal Zone Management Act, 1998 shall apply as if the offence were committed under that particular piece of legislation. Any person who contravenes sub-section 1, if guilty of an offence, would be fined \$100 000 or to imprisonment of five years or both.

The Government recognises the fragility of our marine eco-system and has put in place mechanisms to ensure that all people can use it, whether they are sea bathers or operators, but they must use it in a structured way so that it does not damage our eco-system.

This is a very important piece of legislation and we have to keep looking at it and updating it where warranted, and bringing new pieces of legislation when it is required. We do not want to think that we have reached perfection with any piece of legislation. There is going to be constant need to keep amending these legislations in light of new practices. Every day we are getting more and more information about the sea and its activities.

We have to constantly be on the ball, as it were, to ensure that things are in place for the efficient use of what is a natural resource to us. We know that our Exclusive Economic Zone extends some 200 miles from the sea coast, except in areas where there is a mass of land within 400 miles. Our Exclusive Economic Zone is much larger than our land mass and it contains some very important resources, and we have to ensure that we have proper laws governing the

use of this exclusive economic zone. We must not only see shipping in terms of the movement of goods but the economic activity in terms of pleasure.

In addition, this Bill allows the Minister to be able to register a ship. If the ship does not have all the safety and all other provisions, the Minister may not register it. The same way a ship can be registered, you must have the provision, so that if the ship owner does not conform with certain standards, then the licence can be revoked. It is important that all the administrative procedures are put in place. The onus is on the ship's owner to ensure that he keeps his vessel in the correct order.

Sir, given that the Barbados Labour Party Government is on record as saying that it is trying to corporatise certain functions, Mr. President, you know that "corporatise" does not mean "privatise". It means that certain functions which were previously undertaken by the Barbados Port Authority will now revert to the central Ministry. This Bill will allow the Minister to make the necessary regulations to cover the locally based vessels, given that the Port is now going to be corporatised.

Sir, whenever we come into this Honourable Chamber, the Opposition must bring up the subject of Port St. Charles. I want to be fair in these important matters. This Bill allows the Minister to allow Port St. Charles to be an alternative port of registry. If our Members had read the Bill correctly, it is only for those vessels which are residents within the marina. Every and any vessel must not feel that they can use the Immigration, Customs and the Police facilities at Port St. Charles. These facilities are there for the use of the residents of Port St. Charles.

I am told that Port St. Charles has been used by fishermen from the Six Men's area and if we are experiencing bad weather, the fishermen have the permission to carry their vessels inside the marina where there would be a greater amount of safety. Port St. Charles is not to be seen as a place where cargo ships can go and offload cargo. When I hear the Opposition talking, they are giving the impression that Port St. Charles is another harbour, but it is not. By naming Port St. Charles as a port, one would assume that the same labour regulations which relate to the Bridgetown Port would apply to Port St. Charles.

The point remains that the weight of 150 gross tonnes means that it is not intended for cargo. By putting the weight of the cargo so low, by no stretch of the imagination can cargo be loaded or offloaded at Port St. Charles. If there was no weight regulation, you may have a point but since the weight regulation is there, it automatically excludes any cargo ships.

One would expect that any reasonable Senator, who takes his or her work seriously, would appreciate that point. To come in here and give the impression that we are going to have cranes and containers at Port St. Charles is being ridiculous. The limit has been set that the vessel must be 150 gross tonnes which include the weight of the ship and cargo.

We do not have to defend on this Side. Let them talk about it. The point is that we have to ensure that the activities that go on at Port St. Charles will not negatively impact on our Immigration, Customs or Police regulations. That is why there is a special building for the provision of these services. The point is, Port St. Charles is another port. It is another port with all the legal ramifications that are attended upon the naming of such. And so, with those few words I want to commend this legislation to this Honourable Chamber and to say that it is just another step in ensuring that shipping in Barbados is properly regulated, so that we can take advantage of all the benefits there are in maintaining a properly-maintained Port and maintaining a proper set of Laws and Regulations for the safe conduct of all shipping activities. I thank you.

2.15 p.m.

Mr. PRESIDENT: Senator Williams.

SENATOR J. E. D. WILLIAMS: Thank you very much, Mr. President. I am always harkened to listen to Senator Barker who continuously brings balance to matters when there seems to be a lack of clarity on the Other Side and I speak specifically to the Opposition and referring specifically to the Honourable Independent Senators.

I do not believe there is anyone who will argue the importance and timeliness of this legislation. Together Senators Mascoll and McClean were suggesting that maybe it could have been part of environmental legislations, but quite frankly the Amendment that is brought under the Shipping Act is appropriately brought and that is the place for it.

Modern trading practices, more and more, will require that we review our legislation from time to time to make sure that it is current and relevant, and every aspect of this legislation is indeed timely and relevant. Government ought not to be criticized for doing so. I know that Senator McClean was at pains to point out that his role to find or to create corns, whether it is there or not, but having found a corn, he will then proceed to stamp on it. I will tell him that I shall never allow him to forget those remarks because often times I am at a loss why he takes a certain line of argument based on discussions and I have always tried to put proper construction and interpretation onto it. I will no longer do that, not one that is based on logic, but one, I guess, that can be based on corn.

Mr. President, Senator Barker actually pointed out the purpose of it, but my brief intervention has more to do with the comments made by an impassioned Senator Leroy Trotman who, after making some very relevant points about agencies sitting here trying to encourage greater opportunities for local Barbadians, *et cetera*, and that is one on which we can all agree, he took the opportunity to refer to the recent situation at the Bridgetown Port which saw the intervention of the police.

Now to date, we have heard Senator Trotman's interpretation of it and my industrial relations experience warns me that sometimes different sides see things differently. Different sides assess the nature of a situation differently in terms of the stage at which something could or could not develop and maybe where something could develop and therefore take appropriate action.

I have witnessed in times back where the union's views on something was significantly at variance with how other people saw things, and I believe that on this occasion that is exactly the case.

I feel very uncomfortable about the remarks made by Senator Trotman about gun-toting policemen with machine guns, *et cetera*. Those remarks seek to send a kind of subliminal message, which is unfortunate. What I am observing, however, is that more and more we seem to be sending mixed signals about wanting Barbadians to move back towards a position where we continue to go about doing our business in a peaceful, lawful manner, and I find that we are also moving towards a situation that every time the police, in their good judgment makes a decision there is now, on the one hand the criticism about where the society is in terms of law and order, but on the other hand we want to criticize the police when they are only doing their duty. We have to be very careful with the signals we send and I believe that this is one occasion where we ought to step back and look at what has happened rather than persons trying to draw conclusions. In another place, I have heard comments about it and also people seeking to place a certain label on Barbados. Those things are wrong and unfortunate.

Now I want, however, to speak specifically to the point Senator Trotman raised and what was also alluded to by Senator Mascoll as what I understand to be the unstuffing of containers. We all will remember back in the late 80s and early 90s that the Bridgetown Port went through a very long and exhaustive process of rationalization and it came about as a result of what was then considered to be high levels of inefficiencies in the Bridgetown Port. A lot of work went into that rationalization process and coming out of that you have the situation today where containers are permitted to be unpacked at the premises of the consignees, under the watchful eyes of the Customs Department and this then becomes a Customs Department issue.

I am going to put it this way and, that is, what we are observing is not an attempt to move back to the days of prior rationalization, because if I place that construction on it and ask myself why is it that one would want to make it mandatory, – because we are talking about a collective agreement – for people to insist that the consignees are under the instruction of the Bridgetown Port, then I am saying that six is half-a-dozen, we are back to where we were.

If we look at what has happened in the United Kingdom because of the same need to move to a higher level of efficiency, that whole question of being able to unstuff containers is something that moves from docks to premises, and it is not a case where the process is going to be reversed, it will not be.

I believe that in this particular situation, the things that became known at the end were indeed the objectives up front, because at one point in time, I could not believe that one would have ships by-passing Barbados simply because you want to ostensibly enshrine in a collective agreement that one would use "moral suasion with the importers."

Was it going to stop there? I thought not. Then we heard about insisting that certain terms and conditions be similar to what is in the Port. Is that not what I suggest is an extension, or is it outside the bounds of the Port? I am saying that we all need to go back to the late 80s and early 90s and look at the reasons why there was rationalization in the first place at the Port. Look at the painful experiences we went through. I urge us that if we are to move forward, we cannot believe that we can turn back the clock or come up with something that allows us to get back to where we were.

Mr. President, I fully support the Shipping (Amendment) Bill, 2001 which is before us. I do not believe that this is any flippant matter under discussion. Some persons may take it that way, I will not. I honestly believe, Mr. President, that the Bill before us is timely and we will find that as modern trade practices evolve that more and more of our legislations will require reviewing and amending as we are, indeed, amending this one today. I am obliged to you, Sir.
2.25 p.m.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, in moving the second reading of this amendment, I need to advert to a number of matters which have arisen during the course of the debate.

Like Senator Williams, I too was not only disappointed but aghast at the angle taken by Senator Trotman – I am sorry I have to make these statements in his absence, but the facts are the facts. The record will speak for itself. I suspect he will be able to defend his position on another occasion, but I was aghast not only because of the tone and tenor of

what he had to say about the unfortunate interpretation, which he sought to place on activities at the Port revolving around the most recent issue there, but because I was present on another occasion, last weekend, when this issue was dealt with and Senator Trotman was, to have it put in context, stark, staring brutal that he would advert to it again on this occasion. But then, Sir, I realise that he was uncharacteristically silent on the issue of the Port. It was one of the few occasions which Senator Trotman did not speak to the Press on a tense occasion like that.

Then too, Sir, I suspect he probably had to depend upon Senator Mascoll for the elucidation because I got a better representation on what was supposed to have been transpiring at the Port from Senator Mascoll than I got from Senator Trotman. Senator Trotman, Sir, rather than dealing with the issue, sought to revert to melodramatics and hyperbole. I guess he had to get certain things off his chest.

First of all, Sir, like Senator Williams, I too must decry the fact that anyone, particularly one who would be occupying such a position of influence, authority, and prestige in Barbados as a trade union leader, would seek to, in any way, place the police in an invidious position. All the references to persons – four vans of submachine gun toting policemen – all that was missing was the reference last Saturday to Gadaffi. He really was not painting a picture of Barbados. It is unfortunate because there is no way that an incident like that could really imply that the democracy in Barbados is in any danger. There is too much happening in the society that would reinforce the openness, the transparency, the further democratisation of the society for that to stand as the symbol of what is happening in Barbados currently.

What I am saying now, Sir, is not the position of the Government as enunciated to Senator Trotman last Saturday that where there is violation of the law, the police must be allowed and will be allowed to do its duty. Whether it is at the Port or the University of the West Indies, the Police must be able to carry out its lawful duty. Persons have to recognise if egos are wounded, too bad, but the facts are that unless we are going to preserve law and order, we will be presiding over the manifestation of anarchy and chaos on the society. This Government does not intend, no matter who the personalities might be that are involved to subscribe to that position but that the police would be allowed to do their duty to protect the lot. Other peoples' rights are protected. The police must do their duty; lock, stock and barrel and therefore people have to understand that. What was said by Senator Trotman gave a most unfortunate interpretation or reflection of the state of industrial relations in Barbados.

The point is, Sir, that even now some of the workers at the Port, I understand, are still not clear what the whole "bruhaha" was all about. It really was a non-issue and a

chance, therefore, was sought to create an issue where it does not exist but, Sir, enough of that.

I, Sir, want to deal with a little more substantive issue as to what would have been said by some of the Opposition's spokespersons. I saw that Senator Mascoll went from locking horns to mashing corns. Having failed at locking horns, he sought to mash corns on this issue, Sir, but again he misconstrued the whole thrust of this measure, especially where it relates to Port St. Charles.

We know, Sir, that the Opposition's attitude to Port St. Charles is nothing new. We know how the Democratic Labour Party (DLP) traditionally feels about St. Peter. We know what the founding father of the Democratic Labour Party had to say that Boscobel was off the map and Black Bess was behind God's back.

Not only that, Sir, but in 1986 when the Barbados Labour Party lost the Government, there were well-advanced plans for the erection of a substantial fishing harbour in Speightstown, akin to what obtains at the Bridgetown Harbour or even Oistins. That was stopped because nothing must happen in St. Peter. So, therefore, anything that develops in St. Peter, as in the case of Port St. Charles, as in the case of the Marina or whatever, must incur the condemnation – through tradition alone, through the political history – of the DLP.

Sir, Senator McClean tried to make it seem as though the Barbados Labour Party (BLP) was traditionally and inherently opposed to the fishing industry or shipping industry in Barbados. We have the proud record of being the Party that took fishing in Barbados from sails to engines and it has gone on exponentially since then. We are the ones who helped to bring about the day boats, *et cetera*.

He even had the temerity to talk about the shrimp industry. It used to be very nice to watch the dozen of shrimp boats at a berth in the Careenage. Sir, while it had ostensibly an aura of success and economic activity, we know it was riddled with corruption and misdeeds, as was exposed for the public to see. It was written into the Duffus Commission's Report. When that ended it was not because the BLP was trying to do to Bridgetown what the DLP has sought for many years to do with St. Peter. It was a fact that it was an activity that was characterised from top to bottom by a lot of activity which could not stand the scrutiny of day. There was bad financial management and eventually it ended.

Sir, the same thing happened with the North Point Vessel which was called "El Casa Blanco." That is part of the saga of the misdeeds of the "all roads leading to Barrow" syndrome that obtained in Barbados in those days.

Sir, where this is concerned, we are sure that this Bill will seek to bring to shipping and the very manifestations of shipping, the kind of development and forward thinking and make it well positioned to bring further advantages to, not only shipping in particular, but the Barbados economy and society in general.

Therefore, Sir, I have great pleasure in moving that this Bill be read a second time.
2.35 p.m.

The question was put to the Senate and agreed to.

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

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 – 32, inclusive, were called and passed.

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

On the separate motions of SENATOR THE HON. G. S. H. MURRAY, the Bill was read a third time and passed and cited as The Shipping (Amendment) Act, 2001.

ORDER NO. 4 – RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION OF PARCELS OF LAND, THE PROPERTY OF THE CROWN SITUATE AT GRAZETTES, SAINT MICHAEL IN ACCORDANCE WITH SECTION 5 OF THE CROWN LANDS (VESTING AND DISPOSAL) ACT, CAP. 225 FOR THE PURPOSE OF HOUSING DEVELOPMENT

SENATOR THE HON. G. S. H. MURRAY: Mr. President, this Resolution seeks to vest in the National Housing Corporation some 39 937.5 square metres of land at Grazettes, St. Michael in the National Housing Corporation for use in its housing development programme.

There are six lots which are involved in this area of land that we are seeking to vest in the National Housing Corporation. They emanated from a property which was formerly owned by Edith Parris-Thorne. Some 16 490 square metres were sold to the Methodist Trust Corporation of Barbados Inc. Then there are lots 3A and 3B which contained what was traditionally known as the Grazettes Great House while the other four lots are currently vacant.

These lots were offered by sale to Government and have been settled through private treaty. It is proposed by the National Housing Corporation that this land would be divided up into some 80 housing lots in various sizes for users of housing development.

Sir, while the measure seeks to focus on the land, I think it is important that we put into the record the importance of the Great House. The Great House was really quite a magnificent structure and in its heyday it was quite an impressive edifice in that location. I remember traversing that area as a youngster coming from Spooner's Hill all across the back and going down there to indulge in certain activities which might not necessarily be commended by the law like breaking cane and picking dunks *et cetera*. It was the stomping ground of the whole neighbourhood of Spooner's Hill, Grazettes and the Fairfield area. Everybody gravitated towards the Grazettes Great House.
2.45 p.m.

I understand the house now is in somewhat a state of disrepair but I would think, given its architectural features – apart from Tyrol Cot and maybe the house that was occupied by E. K. Walcott at Spooner's Hill – that that really is the last house of its kind, of that historical vintage left in that area. I would like to see every effort made to preserve it and that it would be put to some productive use. This, I think, would retain some of the heritage of that area and would add a certain element of the old which would otherwise be lost in the sea of more recent developments in the housing development in the area that surrounds it.

I understand that some thought is being given to preserve it, and in a good state, to put it to productive use which would be of benefit, not only to the immediate residents, but to the Barbadian society as a whole. Therefore, Sir, to provide 80 housing lots in that area would really be a natural extension of what obtains in that area where housing is concerned. People who are familiar with the Grazettes Main Road which we used to call the Burma Road in those days would know that all around it is a well developed area of various types of housing, a nice mix of traditional Barbadian chattel houses plus the more modern and sophisticated wall bungalows. Therefore, this would be compatible with the natural growth and development of this area.

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

SENATOR LeR. H. McCLEAN: Mr. President, whereas this Resolution in itself is not one that smacks of controversy one must take the opportunity to address the broader situations with respect to the manner in which Government acquires or uses land in this country.

I have heard the complaints from time to time of persons being disadvantaged by the process by which Government may use or acquire land and, in recent times, there has been much cause for concern, particularly with respect to the way in which some Government agencies have been using land outside of the established procedures.

From time to time, we come to Parliament and we pass legislation allowing Government to acquire or vest land and there is nothing wrong with that except in cases where we believe that a person could be disadvantaged. Recently, we have seen one Government agency in particular, the Urban Development Commission, which has been making use of private persons' land without going through the necessary legal channels to do so. I am aware of a few instances, at least three instances, in which roads have been cut on private property by the Urban Development Commission without the approval or even notification of the owners of this land.

There is one situation in Dayrells Road now where a lady who is resident overseas has had her land divided by a road, through the Urban Development Commission, in such a way that she can do nothing with the two pieces that are left. In fact, an officer from the Commission has informed her that she cannot build on the other piece because she would be outside of the regulations of Town and Country Planning. To this day, this lady has not received one cent in compensation for her land. In fact, she cannot even get a good hearing from members of the Commission.

Mr. President, whereas the Government is entitled to use land or acquire land for the good of the people of this country, we must be mindful that people should not be disadvantaged. I think we need to pay closer attention to this and I hope that Government would investigate cases in which there have been breaches of the Law with respect to the use of private persons' land and that proper restitution be made.

There is also another case in Orange Hill in St. James where Government land has been vested in the name of the Sports Council and that land has been used as a playing field and again the person who has gone overseas, worked hard and purchased a piece of land, Government has acquired that land, vested it in the Sports Council, the playing field has been built and that person today is without land.

Mr. President, we cannot allow a situation to develop in this country where private persons can lose property simply because they are unable to fight State apparatus. This is a dangerous development and I would hope that it is corrected very soon.

Thank you, Sir.

2.50 p.m.

SENATOR C. K. LAURIE: Sir, just a small intervention. I see in the Addendum to this Resolution that the Cabinet, at a meeting of November 15, 1998, approved this action. I take this to mean that it took two-and-a-half years for a Cabinet decision to reach the Floor of the House. It is totally mind boggling.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, I want to raise some issues which I believe the Government should give careful attention to what is happening.

Senator Murray said that this land will be developed into 80 house lots. I am happy for this and for the development. Strangely enough Senator Murray would not remember me because he is a bit too young, but I lived in that area when I was a student at Combermere School, which they do not recognise up to now. I went to Combermere School and up to this day I find extreme difficulty in being accepted as a Combermerian. I boarded in that area and used to go to the Great House quite a lot and I know that area.

What I want to raise in this issue is the fact that with these developments, you bring increased traffic in all of these areas. I am particularly worried, Mr. President, at what is happening, as I understand it, by the Ministry of Transport and Works controlling traffic in these areas. I note that they have started putting in humps across public roads. I have carried out research into all the Traffic Acts that I could find in this country and it does not allow the Ministry of Transport and Works to interfere with, or impede, the free flow of traffic on any main road.

If you go into Dover, you have humps in Dover and you have put them in Cane Garden. What is happening to me is that Sir Grantley Adams and that crowd fought endlessly to remove restrictions from Strathclyde and Belleville where you could only use those roads at the pleasure of those who lived in those areas. When those people thought that you could not come in there after 6.00 p.m., you could not go in there after 6.00 p.m. It looks as though we are trying to create private little enclaves which say that you can only pass here, if you pass here how we want you to pass here. I know that the Government is going to be faced with several law suits for damage caused to people's vehicles. There is no lawful authority for blocking main roads.

I am saying now, because I want it recorded in *Hansard*, that I am soon going to write to the Ministry of Transport and Works about what happens on Ashford Main Road where every night, particularly on weekends, cars are speeding up and down those roads. We have had deaths on the roads. A motorcycle and a car crashed and two people died. Are they going to put a hump across Ashford Main

Road? The Constitution says that every person must be treated fairly. I am hoping that I would not have to raise this again because I think that you cannot start discriminating in these communities.

When this area is developed, with 80 lots, there is no doubt there are going to be at least 60 more motor cars passing through that area. Are you going to go take a public road and put a hump across it? There are ways and means of controlling the speed of traffic. I am particularly worried that the Ministry of Transport and Works, rather than do what they should do and look at the cause of accidents in this country, they are listening to a few people and going out there and creating illegal obstructions.

Something is coming to this Honorable Senate shortly on which I would have a fuller say. I would like to say that I think the Government needs to pay careful attention to what is happening. I do not easily agree with the Opposition but the last Senator who spoke raised another issue which I intended raising.

The Urban Development Commission has now been mandated to carry out development in areas for the benefit of residents of those areas. They are building roads. The last Senator recognised that they have gone in and cut through property without proper legal authority. I have a case where they went in lower St. James and cut a road through a piece of land which a testator had given certain tenants. The result is that certain tenants are now disadvantaged and the Executor is saying, "I do not know what to do. They just came in here and cut roads." I think it is time that we tell the Urban Development Commission that they have no more power or authority than anybody else in this country and that these things must be done on a legal basis.

There may be an urgency to provide roads but you must do it in a proper manner. If you had a road that was a trodden path by people walking in those areas for many years, you would have established some sort of a passage. If you will go in and say that you are going to repair the pathway making it into a formal road, you will not be interfering with the housing along the path. When you go in and say that you are cutting a road through here and now creating problems for everyone – Sir, you want to record at the end of the year that you provided 'X' number of roads in 'X' number of districts. It does not work that way. Sir, this is why I said that it is for the Government, Cabinet and Ministers to hold somebody responsible.

The last Senator spoke about, in the last matter before the House, fishing vessels that could not get ice in fishing ports. There is no Minister who runs the ice plants. It is the functionaries of Government. When I sit in my office on Roebuck Street and hear that the Bridgetown Fishing Complex is closed because a senior officer had a key and

decided that he was not opening that morning, the Government gets the blame. It is the functionary who decides what he is going to do. The Minister should then call the functionary and say to him that he cannot close the market from the people, but the Government gets the blame and I want everybody to know this.

It is time the public of Barbados knows and understands that Ministers have no power over the Civil Service. That was the stark realisation to me as a Cabinet Minister during 1976 to 1981, where we had an incident where a maid told a Minister, you cannot tell me what to do. When the late Prime Minister, Tom Adams, told the Minister to ask his Permanent Secretary to send him a report, the then Permanent Secretary said, "Mr. Prime Minister, I want to inform you that Ministers have no control over civil servants and cannot give them instructions." Sir, until we know this, until we sit down and work out a formula where the Government can really handle these things and then take the blame, we are also going to be in this situation.

Recently, I heard from another Ministry of a senior officer making what is tantamount to policy statements. Every day you can find a Permanent Secretary or Chief Executive Officer making policy statements which should be made by the Minister or the Cabinet.

Mr. PRESIDENT: Senator Bolden, I hate to interrupt you but we have difficulty in connecting what you are saying with the Resolution which is before us.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, I can understand. It is my fault. This relates to housing, Sir, the development of 80 lots in Grazettes where you are going to sub-divide a large area of land into lots. Then it is the functionaries of Government who would put in the roads and services and the Government would get either the blame or the praise.

Asides.

HIS HONOUR SENATOR C. L. BOLDEN: Sir, I am sorry that it does not seem connected.

Asides.

HIS HONOUR SENATOR C. L. BOLDEN: The first thing that is going to happen is that the roads would be lined out, then the Barbados Water Authority would put in the water and cover back the roads. The following week the National Petroleum Corporation would dig up the same road to put in gas.

It is not the Ministers. It is the functionaries of Government. The Ministers cannot dictate to the Permanent Secretaries or those people, or call them before some tribunal for doing this. We must let the public know this. The next

thing that you are going to hear is that they are putting beautiful roads down in Grazettes and now they come and dig them up again and the Government is to be blamed.

I am only drawing these things to the attention of Parliament, so that in future when the Senator stands up to talk he would not say the Government. He would direct his criticism where it should be directed.

I thank you, Sir.
3.00 p.m.

HIS HONOUR SENATOR G. S. H. MURRAY: Mr. President, I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

ORDER NO. 5 – RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION OF A PARCEL OF LAND AT HAGGATT HALL, ST. MICHAEL IN ACCORDANCE WITH SECTION 5 OF THE CROWN LANDS (VESTING AND DISPOSAL) ACT, CAP. 225

SENATOR THE HON. G. S. H. MURRAY: Mr. President, in moving this Resolution I think it will be necessary to put this measure in some kind of historical context.

This area of land, Sir, involves five parcels of land that were originally owned by the National Housing Corporation. The development of land at Haggatt Hall, St. Michael has been conceived to accommodate those displaced persons and the provision of the Tenancies Freehold Purchase Act as well as those persons who were to be relocated from the Zone One area of the Belle, St. Michael area.

Back in May, 1994, the Board of the National Housing Corporation agreed that these five lots, measuring some 2,223.6 square metres of land at Cutting Road, Haggatt Hall, St. Michael should be sold to the trustees of the Acts Deliverance Centre for the price of \$60,000. The Acts Deliverance Centre had, at the time, been keeping church in the Pine area and wanted to have its own premises and because the land had been originally designated as a residential area, it was necessary to seek the approval of the Chief Town Planner for this land to be disposed of in order to satisfy the wishes of the Acts Deliverance Centre. That approval was sought and received, but subsequent to that decision, a certain amount of rethinking was undertaken because of the increased demand that was being placed on the National Housing Corporation for houses and house lots, and it was proving particularly difficult for those persons in the St. Michael area, as well as those persons who would have been displaced by the Tenancies Freehold Purchase (Amendment) Act, 1990.

As a result, there were negotiations with the church to see if there could have been an amicable settlement and, while we were appreciative of the activities of the church, nevertheless, we sought to provide the church with alternative lots in the same location, but these talks did not materialized into an agreement, therefore Government had sought to try to satisfy the demand for house lots by compulsory acquiring the five lots of lands.

That Sir, is the background to the measure and therefore, I wish to point out that in acquiring areas of land, Government is always mindful of the responsibilities of the owners of the land, but sometimes apart from any accidents or bureaucratic inertia that might obtain in these cases, sometimes it proves very difficult to establish ownership when lands might be used for the general good, but the owners of land might have died intestate, or might be abroad. Sometimes it proves difficult, if not impossible, to locate the rightful owner and therefore, the legal process takes a very long time, so that process in itself helps to determine and influence the financial settlement paid to the owners. This Government is not an insensitive Government and we respect the constitutional rights of persons to own and have protection of their properties.

3.10 p.m.

Therefore, I can assure you that what might happen in these instances is not as a result of any Government policy, any hard-hearted, ruthless uncaring Government but that, as you know in human affairs, various situations develop where they are not always brought to a quick and speedy resolution. I should like to say that wherever the Government is aware of any disadvantages being felt by persons, or any hardship or sufferings being experienced, I know they always seek to have them resolved and satisfied as quickly as possible.

We are well aware, Sir, that there would have been certain situations. There was a lady in Orange Hill, St. James who would have suffered, quite outstandingly, as a result of land acquisition for the use of sporting purposes. It was published in the Press but as soon as this was brought to our notice, there was a combined effort with, I think, the Ministry of Housing and the Ministry of Public Works to seek to bring relief to this lady's situation as quickly as possible. I think she had migrated to Canada and came back after a number of years, from what I recall of the newspaper story, but steps are definitely being taken, through these agencies of Government, to seek to redress the situation and try to make amends for what would have obtained, quite unfortunately, in this lady's case.

I just want to make it clear that the Government is mindful of these situations, but wherever there might be cases which might be falling through the cracks and which might not have come to the Government's attention in any

coherent way, I would like to suggest that those persons, when they have information of this type, where they know the persons who might be too old or who do not know how to go about seeking redress, should guide the person and draw them to the attention of Government. I guarantee, Sir, that this Government, of which I am a part, will seek whatever it can to redress the situation as quickly and as equitably as possible.

Sir, I therefore beg to move that this Resolution to vest this area of land at Haggatt Hall, St. Michael in the National Housing Corporation do now pass.

SENATOR LeR. H. McCLEAN: Mr. President, this matter which is before us, I know has been knocking around for a considerable period of time. It is unfortunate that even the church could suffer at the hands of Government in this land acquisition policy.

There is no reason why, in an area like Haggatt Hall, where that church had done work for several years and was seeking to establish a building and an area where, anyone who is familiar with that, would tell you that the church really served a good purpose there, but even the church cannot escape the policy of land acquisitions which is being pursued by the Government.

Three blocks of land or 55 000 square metres, Mr. President, I am sure that the Government could have found alternative land for housing, given the fact that there are over 600 acres of land which the Government boasts of having in a land bank at this point in time.

Mr. President, there is need for careful assessment of what is happening with respect to land in this country. Apparently everyone else, except the Government, seems to understand that there is a problem with access to land in Barbados. If these policies had been pursued at the governmental level, in many other countries there would probably have been terrible unrest as a result.

In fact, if some of these policies were pursued by a government of a different ethnicity, there would be cries of racism and all kinds of things because the Government is showing great insensitivity in terms of its policy of land acquisition. There is this policy of taking from the poor to give to the poor, and too many people who have fought and struggled over the years to get a piece of land in their family now find that that land is lost because the Government believes that it is better to take from Tom and give to Harry without really making any impact on the matter of land distribution in this country.

If there is to be any significant land reform in this country, it must be a situation where they see a change in the overall pattern of ownership of land. If you have about 5 per

cent or 10 per cent of the people in the country owning close to 90 per cent of the land and then the 10 per cent that is owned by the 90 per cent is shuffled around between that 90 percent, what sense, Mr. President, does that make? It makes no sense shuffling around the little bit of land that the majority of people have among them because as one Minister of Government is known to have said, that the idea is to please the majority and if any policy that you are carrying out satisfies the majority, then, it should be okay. That should not be the aim and objective of any Government decision.

Mr. President, the aim and objective is that we do what is right or what is just. We do not pursue policies which merely satisfy a particular group of people. Because today, you may be in the majority and the policy satisfies you. Tomorrow, you may be in the minority and the policy does not satisfy you.

We need therefore, Mr. President, to ensure that any policies that are pursued by the Government, particularly with respect to such a sensitive area as land, that these policies do not seriously disadvantage those persons who have struggled hard to acquire a piece of land. You have heard me, Mr. President, speak on this before and I will continue to speak on it because you cannot expect to pursue policies that are smack of injustice and expect people to continuously accept those policies.

When you look around this country and you hear the sentiments expressed by persons with respect to land, Barbadians and non-Barbadians alike have been expressing concern about the access of the ordinary Barbadian to land in this country. As I said before, the only person who seems not to understand that are those persons who are members of the Government.

The 600 acres of land that the Government has in the land bank, it is about time they stop finding excuses and the same way they can so readily bring legislation to Parliament to acquire people's land, they should find ways of getting that land into the hands of Barbadians who are presently suffering as a result. As a result of not having access to land, Mr. President, we find now that people are forced into situations where they are being exploited. Many who cannot find land in order to establish their own houses are forced to rent and find themselves now being exploited by some unscrupulous landlords.

We need also to have legislation which offers protection to those persons who are now finding it extremely difficult to survive because of some of the policies of these landlords. Unfortunately sometimes the Government also comes up to close scrutiny with respect to their behavior as a landlord. One knows of the quarrels which are going on now between various Government Ministers with respect to the manner in which housing is handled within the Government.

Recently, Mr. President, I heard a very strange proposal coming from the Chairman of the National Housing Corporation where he proposed to sell some units in the Government estates and he was referring specifically to the Pine. He want to sell these units to persons but the first thing he is going to do is to build temporary houses, relocate the residents to those temporary houses, bulldoze the existing units, rebuild them and then sell them back to the tenants.

In my view, this is a very strange approach because if the Government wants to do anything with these houses...

Asides.

SENATOR LeR. H. McCLEAN: ...First of all, it is uneconomical at this time in my view, for the Government to attempt to build houses to rent at \$50 or \$60 a week. Given the present cost of building, it is totally uneconomical to attempt to do that. Therefore, the Government needs to provide housing for those people who can afford to move out of the Government houses.

3.20 p.m.

Therefore, what Government needs to do is seek to provide housing for those persons who presently live in government estates and seek to provide housing that they can graduate to that, may be of a higher cost, rather than bulldoze them and build them back to sell them to the present occupants and make those houses available to persons who genuinely cannot afford to acquire housing to move into the housing estates because those houses, having been built over a long period, are more economical in terms of low income housing.

Obviously, Mr. President, the National Housing Corporation would have to maintain these properties. They would have to upgrade the electrical wiring and remove the asbestos roofs. Certainly, this would not be as costly, in my view, as knocking down houses to rebuild them to sell them at reduced rates, because that is the whole essence. You cannot knock down a house and rebuild it for, in terms of the report, \$120 000 to sell it for \$60 000.

Mr. President, I am saying that those units that are there should be reserved for persons who are presently suffering at the hands of unscrupulous landlords, and that Government should be building houses now for some of those people who are presently living in government units who can afford to move on and make those other houses available for people who genuinely cannot afford to.

Maybe the proposal is a little difficult for some people to understand, but I am sure if they give it careful thought, they would understand precisely what I am saying because you cannot, in this day and age, believe that you can economically build houses which are going to cost \$200 000

to rent them out for \$50 or \$60 a week. That, in my view, is a clear economic fact and Government knows that the funding agencies who are presently providing this kind of money will not allow that to happen.

I am saying that there is a group of people in this country who are not wealthy enough to acquire housing on their own but who are still too well off to depend on lower income housing from Government. That group of people who falls within that "no man's land" sort of, is the group that Government needs to pay special attention to now.

As I said, once they use housing as a vehicle of social mobility and once they allow people to graduate from one stage to another, they will continue to make space for other people to come in. I think that when Government makes a house available to people, it should be done in such a way that it is understood that you do not necessarily go into one of these units for a lifetime, but that this is a process by which you are given assistance to make a start, and that you are expected to move on at a later stage in your life, and every opportunity should be provided for the person to make this transition from one stage to another.

Mr. President, I hope that Government will certainly pay closer attention to the land policy in this country. There is a veiled admission on the part of the Minister that Government has, from time to time, disadvantaged people. Here we have a church that is being disadvantaged because, as the Minister pointed out, there has not been any agreement with the Church. Therefore, Government has gone the route of compulsory acquisition and has now passed this land on to the National Housing Corporation. So even the Church, Mr. President, is not protected from the Government's heavy hand in this regard.

I sincerely hope that they would reassess the action that is being taken and they would use the land which they already have at their disposal and put it in the hands of people who really need the land and, therefore, stop putting people at a disadvantage.

I thank you, Mr. President.

SENATOR D. D. MARSHALL: Mr. President, I am quite pleased to have the opportunity to speak in support of this acquisition – sorry, of this Resolution. Perhaps that Freudian slip though was well said because we are talking about the process of compulsory acquisition. Compulsory acquisition is a difficult thing even in the conceptual stages. How do you determine whose land is to be taken? How do you determine what value is going to be given for this property? It involves a very delicate balancing act.

The law relating to compulsory acquisition, Mr. President, is called the law of eminent domain. That is a

fairly big title. The whole idea behind it is a very simple one, that the Crown has to have the right to deal with other people's properties in such a way as to satisfy the needs of the public. So the law of eminent domain gives us the jurisprudential idea that any government is entitled to acquire the property of another so long as compensation is paid for it, and so long as the acquisition is for public purposes.

There is a tremendous amount of dialogue and discussion and perhaps even controversy about land ownership in Barbados and I really would not want to descend into it. However, in my view, while the whole question of redistribution of wealth in Barbados is centered on the ownership of land, I would like, at this time, to commend the Barbados Labour Party for recognising the importance of land to its populace at a very early stage and moreover, for enacting such far-reaching pieces of legislation as the Tenancies Freehold Purchase Act.

When you think about it, thousands of acres of plantation lands in the hands of plantation owners were effectively taken out of that ownership and vested in the many thousands of tenantry residents in Barbados for a mere \$0.10 a square foot. That was a smooth process, a process whereby no one felt disadvantaged, and it was a very sensible way to redistribute wealth in Barbados.

Asides.

SENATOR D. D. MARSHALL: I am hearing the term "quiet revolution".

This, Mr. President, was not a compulsory acquisition of any kind. Notwithstanding that, the effect of this approach by the Barbados Labour Party is still being felt even today. In my humble profession as a lawyer, I still come across situations where elderly people are for the first time being able to leave something other than a 20 x 30 house or whatever it is for their children and can now actually leave the fee simple of a piece of real estate.

It just goes to show that we do not need a process which is so sudden in nature, or a process which is so antagonistic in nature, to achieve a positive end for the people. So the Barbados Labour Party has been able to successfully redistribute wealth and continues to do so in an orderly fashion.

3.30 p.m.

Access to land is one of the lynchpins of any modern democracy. We have to be sure in the distribution of land that we do not seem to be sounding like the Zimbabweans. I think that it is a tight rope we are walking. Yes, we want redistribution of wealth, yes, we want to empower the mass of Barbadians into land ownership but, at the same time, we have to ensure that it is done in an orderly way and a

respectful way. While it is the nature of people to accept gifts, I believe that it is also the nature of Barbadians to derive great satisfaction from achieving success through hard work.

Now people will always need assistance along the way. This Barbados Labour Party has determined that it would assist residents of tenancies through a process of subsidizing in the purchase of house lots. My understanding is that in the last financial year over half million dollars was spent through the aegis of the Urban Development Commission in subsidizing these house lots.

Sir, the point is that there are ways and means of achieving a generation of landed Barbadians without any major disruption of the society. I would also like to remind Honourable Senators that the parish of St. Philip still has available numerous lots on which there are no houses which developers have not been able to sell. Yet still, Sir, we are putting the sole responsibility of providing land for Barbadians to Government. Land in St. Philip is still relatively cheap. Somebody might say that land is not cheap, so I will say, relatively inexpensive, if that is the better option. People are clamouring and almost climbing through the windows at the National Housing Corporation saying that they want to buy land.

Sir, in my own tenure as Chairman, I found it most frustrating because lands were available in St. Philip at comparable prices but somehow Barbadians seem to direct their focus at the National Housing Corporation without looking at the relatively affordable land that the private sector has always had available to it and putting an undue pressure on the resources of the National Housing Corporation. Without even crying out to Government to open up its land bank and to flood the market with pieces of land, Barbadians are still able to satisfy their need for affordable house spots through looking at places such as St. Philip.

I have to say that I was horrified when trying to encourage people that lands were available in St. Philip and St. Lucy to hear people say that is too far. I do not want to live all the way up there. I cannot catch a bus up there and all kinds of excuses were made which, in my view, clearly said to me that what they were after was really not so important. I know from my own domestic experience there are many Barbadians who would only be too glad for a piece of land. Never mind how remote it is, they would only be too glad for a piece of land. Many of the people who are coming to the National Housing Corporation are saying that they want land, but they want to be able to pick and choose in a way which is not conducive to orderly development of the community.

Mr. President, a lot has been said about the Urban Development Commission and it has to do with these acquisitions which are within urban Barbados and the UDC has a significant responsibility in that area.

My own investigation into the matter at Dayrell's Road reveals that the dispute there was not over the land or putting a road through the land. The dispute with the house owner had to do with the fact that a plum tree was cut down. So it is entirely wrong to suggest that the Urban Development Commission without due regard to the ownership rights of the land owner cut a road through their land without their permission and has caused this owner to have two unusable lots. Sir, the fact is that this individual consented to the road being put through the land. I understand that compensation was negotiated and paid full market value but the only dispute arose because of a plum tree that was very dear to this lady's heart was chopped down.

Mr. President, the Urban Development Commission continues to provide more than yeoman service to the urban areas in Barbados. I think we have to give the Urban Development Commission tremendous credit. In the last financial year, \$5 000 000 was budgeted for concrete roads. They continued their programme of clearing up derelict buildings in the City. Small businesses in Barbados have been flourishing in the urban areas...

Mr. PRESIDENT: Senator Marshall, this Resolution is about the National Housing Corporation regarding land situated at Haggatt Hall, St. Michael. I am trying to see the connection with the Urban Development Commission. If you can establish that, you may continue, otherwise, return to the Resolution.

SENATOR D. D. MARSHALL: Thanks very much for keeping me on course, Mr. President. Sometimes in my enthusiasm I may wander a little and I sincerely apologize to the Honourable Senate.

The position therefore, Mr. President, is that the Government, through this very useful and important mechanism of compulsory acquisition, has been building a land bank. In fact, the lands which are being acquired on this occasion are not really going into the land bank in the sense of banking. My understanding is that these tenantry lots will become available immediately for residential purposes to the people of Barbados who so need the assistance in this regard.

The National Housing Corporation has been successful in its programme and it does deserve tremendous credit for the work which it continues to do despite the many difficulties in its way. It behoves the Government to ensure that the NHC has ample lands available to put into the hands of those Barbadians who are in need.

Mr. President, therefore, this acquisition is of vital importance, as they all are, to the further development of housing and the standard of living of Barbadians. I, therefore, have no hesitation in commending this Resolution to the Honourable Senate.

Mr. PRESIDENT: Senator Bolden.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, this Resolution is another one of those Resolutions whereby Government, having acquired land, is passing it over to the National Housing Corporation for providing housing for persons in the country. I think we have reached a point where we need a very comprehensive Bill for the National Housing Corporation and housing in Barbados.

First of all, I would like to say that the statement which was referred to as being made by the Chairman of the National Housing Corporation, once again is a statement made by a functionary and, in my view, it has no weight. Statements of that nature should only be made by a minister. Now when you talk about building a temporary house, there is nothing called building temporary houses. Temporary houses are tents which you put up after a disaster to house people for a very short time. Therefore, talking about a temporary house, it really does not make much sense. We need a very comprehensive piece of legislation to direct the activities of the National Housing Corporation.
3.40 p.m.

One of the major problems of the National Housing Corporation is where there are persons occupying houses, have houses otherwise and refuse to move out of National Housing Corporation houses and, at the minute, there is very little or nothing the National Housing Corporation can do because these people are paying very low rents for their houses they occupy and they have private homes outside rented at very high rents.

I remember back in the seventies when we made a proposal to the National Housing Corporation that we should come up with a sort of method of disposing of houses or lands owned by the National Housing Corporation, so that you give back to Government funding so that Government could continue its building programme, the functionaries of Government said that it was not possible. Those of us who remember Beckles Road and the Bayland, the people of Bayland have been crying out for ages to own the lots in Bayland and all we have been hearing is that you cannot cut up the land and you cannot do this and that. Ministers cannot do the job; it is the functionaries of Government. There is no reason why a surveyor cannot survey the whole of the Bayland and if you have to move a few houses, move them, but give every tenant up there his lot so that he can get on with his private development. We have to look at places like Ferniehurst, Haynesville and those new developments where people have added on portions. If you see the front steps, the indoor/outdoor carpets, the back yard developed! It shows you that these people want to own those properties.

In the 1970s, I brought to Government a Condominium Act from California and suggested that that Act could be used to change these houses into condominiums, and it was rejected. There is nothing wrong with houses in the Pine – not the Pine, in Wildey, the Pine was the first housing area Government had in Barbados. Those obviously need to be reconstructed. In Wildey you can subdivide those houses as a condominium and let the people get on with maintaining those houses like you would maintain an apartment.

The next thing the National Housing Corporation should do, and this is why we need an Act, is anybody going into a house owned by the National Housing Corporation should be in there on a lease with renewable periods because there must come a time when your finances are such that you can move on and leave these houses for those who are really in need of housing. Government should pass an Act to give the National Housing Corporation the right to terminate the lease or the tenancy of those persons now occupying houses who have other houses outside.

Another point is I think that the National Housing Corporation must turn away from St. Michael. Every time you see a transfer of land, it is in St. Michael. You are creating too much pressure in St. Michael. As Senator Marshall said, there are a group of people in Barbados who tell you that they do not want to live anywhere but in St. Michael, and the farthest point in Barbados from St. Michael is about 12 to 14 miles, if so much.

I think that the National Housing Corporation must now go out into rural Barbados and find land out there and create houses. I want to say that Cane Garden is a typical example of what starter houses mean in Barbados. If you go through Cane Garden now you see the development of those houses that is taking place where people are expanding, going up into the air, *et cetera*. Therefore, the question is, should the National Housing Corporation be building houses for rent or building starter houses so that people can develop them? The subdivision of large areas of land should be in reasonable lots with starter housing so that people can help themselves.

Another point is when you go into starter houses, some years ago there was a proposal for the Central Bank to be able to purchase mortgages because there are times when people fall on hard times and cannot meet their mortgage payments to banks *et cetera* and then you see houses being advertised for sale. I think that the Central Bank should be a last resort that where people are genuinely in financial difficulties, the Central Bank can come in by either buying the mortgage, or paying the interest on the mortgage so that the monthly payment can be deferred later down in the mortgage so that when that person gets back into a job, they keep on their payments and they can always buy out the interest of the Central Bank, if they so care, along the line.

I think we need seriously to look at housing in Barbados and what the National Housing Corporation is doing. Until we have a new Act giving the National Housing Corporation new powers, we are going to be always in a situation where it is under pressure for housing. As long as the rents remain as they are I do not see how we are going to rescue the National Housing Corporation out of this difficulty.

Thank you, Mr. President. That is my contribution.

SENATOR C. A. MASCOLL: Mr. President, the National Housing Corporation or its policy on land acquisition and the subsequent building is exceedingly confusing. There is no doubt that we are making the same mistakes we made back in the early 70s and 80s as it relates to the building of housing areas. We continue to confine the housing areas to mere provision of the house and no consideration of the social amenities and the need to put in place such as the provision of playing fields, community centres, even day care and health services. This is why you have to wonder why the National Housing Corporation would have taken the land at the corner of Country Road which, certainly, can fetch more than \$50 per square foot, in fact way beyond that, and put houses of that nature on it. The space would not provide for the other social amenities which I mentioned.

If we are talking about developing housing, and we know of many circumstances across Barbados where we have not done a good job and it has, over time, been disastrous as far as community spirit and community development is concerned, if you are really thinking about developing a community rather than the mere provision of housing the decision taken at the corner of Country Road could only be a decision based strictly on politics.

It gets worse in Bank Hall opposite Jose & Jose, Arthur Construction. The National Housing Corporation built about 10 units on a foundation that requires in excess of 20 feet preparation before you can even start building units. With all the available land, as was said by Senator Marshall in St. Philip, St. George and St. Thomas, why would you even consider building units of that nature in Bush Hall? Again it has to be that the concern about the political outcome was paramount in the decision making. When you look at it, it speaks volumes because you cannot in any way justify it, taking the commercial value of the land in Country Road and building those units in that location, not in today's Barbados. It was said that we know that families have grown and the space is cramped. Perhaps, there is justification for extending the units beyond what they were in order to ease some of the social pressure. In spite of all that debate, we

still do not take that into consideration when planning for housing revision within St. Michael. It has to be something else.

3.50 p.m.

There was talk about the Barbados Labour Party empowering and enfranchising people and about plantation tenancies. We all know that apart from being a good idea, which it was, it really was to do with the economic circumstances of the existing plantations, that is, the indebtedness of those plantations to the Government permitted that measure to be taken. Therefore, the sale at 10 cents per square foot had more to do with the sociology of the land than the economics of the land and that is known. We all know that is the case. It was the question of using strict economic thinking to arrive at that.

The plantation tenancies, yes, they have been empowered and they have been provided. You cannot dispute that. We cannot continue to believe that only one particular Government has done well for the people of Barbados. When a decision has been made in the interest of the people, it must be stated. Let us say that was good.

Let me ask the question. Why do people rush to the National Housing Corporation (NHC) in spite of the fact that there are existing lands across the length and breadth of Barbados? Why do people approach the NHC? I would do also. If the NHC sells itself as the Saviour, not only in making lands available but making finance available at concessionary rates that cannot be offered by commercial banks, then there is every reason why people should rush to the NHC because they are not only offering land, they are, apparently, offering very special concessions on loans to individuals.

There is also the political intrigue of providing these loans. What we have had here in the last couple of years, in the financial year 1996/1997, the NHC disbursed less than \$1 million and they approved during that period over \$3 million. In 1997/1998, the NHC approved \$10.2 million and disbursed \$8 million. Then there was the precipitous rise which occurred just prior to the Elections.

In 1998/1999, we had the NHC approving \$24.2 million in loans and disbursed doubled the amount for the previous financial year, just prior to the Elections. We saw the day after the Elections, a dramatic decline of less than \$2 million in loans approved and less than \$7 million in loans disbursed immediately following the Elections. So, you see the political nature of the NHC and it does not make any sense denying it. It is a fact of life in Barbados that these organisations are used predominantly to execute programmes in the interest of the ruling Party. This evidence here

demonstrates beyond a shadow of a doubt, that this was not only implemented, but implemented in the most strategic and effective way that you can wish it to be implemented and it yielded the results.

Asides.

SENATOR C. A. MASCOLL: I am speaking of the NHC and its policy on land acquisition. I am speaking of the whole thing to do with the provision of housing. It fits right within the domain of this debate. Indeed I was hoping...

Mr. PRESIDENT: Senator Mascoll you need only to satisfy the Chair that what you say is relevant.

Asides.

SENATOR C. A. MASCOLL: When you come to the macro-management of the NHC, that is where there is increasing danger. In fact, it is not surprising that the Chairman recently made the remarks that he made. The Chairman is known to have micro-managed the NHC over the last two to three years. He attends every meeting at every level. He chairs every meeting at the NHC. He is the Lord. It does not stop there. There are two hardware facilities that provide the materials for any work to be done by the NHC. I do not know whether there is any relationship that exists between the ownership of the hardware store outlet and anyone who controls an interest within the NHC. Definitely, there is a serious correlation or, in fact, it is not even a correlation now, it is so skewed that even in the shortage or absence of a bag of cement from any two of those hardware stores, rest assured that no cement would be provided until they have been restocked. No one has attempted to reach the individual, but it is well known that the individual micro-manages the NHC. Sir, it constitutes a major problem.

Therefore, if the NHC has been so successful over the last two to three years, why is it that this individual, whoever he or she may be, would have already made a decision to exit the management affairs of the NHC, then to make a recommendation that whoever is in charge of the would-be NHC should be an executive chairman?
4.00 p.m.

Mr. PRESIDENT: I think, Senator Mascoll you should now bring us back to Haggatt Hall.

SENATOR C. A. MASCOLL: I was taking you to Green Hill, where the hardware store is located, but Sir, I understand that I need to come back. I was hoping to take you to Green Hill. Since you do not know what I speak of, I hoped you would have turned your attention to Green Hill, but this situation is brown, not green, because the Government really needs to investigate the management of the NHC. So, I am concerned about the land acquisition policy of the NHC and precisely what is happening, not only

at Haggatt Hall, but throughout because it really does not matter whether land is located in St. Michael, St. George, St. Philip – and I do not think that a debate of this nature, that the purpose....

Mr. PRESIDENT: For the purposes of this Resolution, we are dealing with Haggatt Hall.

SENATOR C. A. MASCOLL: Yes, but what I am saying is that in all fairness, Mr. President, the issues that obtain at Haggatt Hall do not exist in a vacuum and while I may be confined physically, I am saying that spiritually, I should not be confined to Haggatt Hall because these issues are all dotted across the landscape of Barbados and even if I close my eyes and know that I am not in Haggatt Hall, I will still be in Haggatt Hall. So, I will be confined to the Haggatt Hall situation, but I am saying that I can speak to that since I can apply that across the length and breadth of Barbados.

Should we engage in lease arrangements, as was mentioned earlier? Should this happen at Haggatt Hall? Should we have a situation in which we should alter policy midstream and adopt a situation of leasing? Well, the question is, are we so sure that anyone who occupies land at Haggatt Hall would, over time, be better off? And if the individual becomes better off, perhaps, there is justification for a contractual arrangement like that since there is no guarantee in the new Barbados economy that you are going to be better off in the future? Perhaps it is going to be hard to justify, perhaps adopting a system of leasing in this new arrangement at Haggatt Hall because the future must not only appear to be better, it must be known to be better prior to the introduction of such a leasing arrangement among tenants.

But I am truly concerned, not only about the Haggatt Hall area, but by the overall lack of policy direction at the NHC. I would not even begin to speak about anything to do with the Urban Development Commission, which remains the perfect example of an agency designed, not only by way of its structure, but by the way of its staffing, to execute largesse in its greatest form.

The Urban Development Commission does not worth debating and should not be debated in this at all, but the NHC continues to be a major source of bother. We are not yet clear where the NHC is taking Barbados by way of housing. We are not clear what it is offering Barbadians by way of concessional financing. We are not clear whether or not that is going to be continued in this area. The other thing is that given the potential stretch of commercial business along the ABC Highway, and in the words of one of the journalists in the *Nation* newspaper, perhaps we should have K-Marts, all kinds of Marts from Haggatt Hall down to Warrens. If it ever becomes a reality then we may have to redefine that land acquisition policy because the economic

forces around Haggatt Hall may very well change what we are seeking to do in this area.

I, therefore, Mr. President, am never in a position to go against an acquisition, because it really would not make sense, but I wish to know what is the policy of the NHC as it relates to housing development and the provision of housing across the length and breadth of Barbados, and whether or not we should not be thinking in terms of distributing the housing population across the length and breadth of Barbados rather than be confining it only to the St. Michael area. I think I appreciate that a Government in midstream which might not have delivered as much as was expected, may be seeking to use any area of activity that can excite the voters in the not too distant future.

I thank you, Mr. President.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, in moving the passing of this Resolution I just thought I would like to set the record straight on a number of things.

It is unfortunate that it was made to seem as though this Barbados Labour Party Government was being unmindful and insensitive to the needs of an entity, the Church. Like I said, there was an agreement that the land be sold to the Church and then there was a rethinking of Government's policy when there was a clear, established and overwhelming need for house spots. It was felt therefore, that Government should reacquire this land.

There were discussions between the Government and the Church and at first it seemed as though there was going to be an agreement. Then this did not materialize and, therefore, Government had to go and compulsorily acquire, but at least, we sought to offer the Church alternative land near the area but that was not acceptable. When we disagreed with the Church, we did not curse them, as Senator McClean's Party was known to have done in 1974. We respected the rights of the Church, but even within the Church, or among persons in the Church, there will be disagreement, but that does not mean that you have to let disagreement lead you to a situation where you castigate a whole institution and its chief personnel.

I would also like to deal with Senator Mascoll's question of the decision for the NHC to locate houses at the corner of Passage Road and sought to place it strictly in the area of politics. I was amazed that he had the temerity to mention the word "politics" because it was politics alone that put that land in the hands of Government. When the last BLP Government was advocating the erection of a new supreme court, as we are now seeking to do with the Supreme Court Complex at the Old Foundry Building on White Park Road, your Party Sir, politically the DLP of which you are...

Mr. PRESIDENT: Senator, please address the Chair.

SENATOR THE HON. G. S. H. MURRAY: ... where Senator Mascoll, Sir, is a leading light, Sir, they rushed and acquired that area of land for political reasons to financially aid out a family of a DLP political party...

Asides.

SENATOR THE HON. G. S. H. MURRAY: You want me to call a name?

Mr. PRESIDENT: Senator, would you please ...

SENATOR THE HON. G. S. H. MURRAY: Mr. President, Sir, I am sure that the Blanchettes would agree to this. That is why that fell into the hands of the DLP in order to settle a political debt. That is where politics came in. But the point is, Sir, that where Bank Hall is concerned, if you do not know the concepts and the principles of Town Planning, the 10 or 12 houses at Bank Hall are what are known as "in-filling". In other words, where there is existing housing and vacant lots, it is quite compatible with the principle of well-established Town Planning Rules to locate housing within them, and as to recreational facilities, there is Combermere up the road, Bush Hall and then there is one in Hill Road. So there is ample recreational facilities nearby, so that is a non-issue, Sir. But then, Sir, I am not surprised that the DLP should seek to appreciate the dream of what goes on in Bridgetown, where London Bourne Towers are concerned and is an integral part of the rebirth and rebuilding and regreening of Bridgetown.

When the previous BLP first spoke of developing Oistins into a viable entity as a town centre in its own rights, when the BLP spoke of the Glebe, St. George, we were laughed at by the DLP who described it as a tale of two cities because they could not catch the dream. They could not catch the dream then and they cannot catch the dream now. You will always be limited to seeing things in very narrow political terms.

4.10 p.m.

We have a philosophy and we have a policy which was clearly demonstrated in the Tenancies Freehold Purchase Act. That did not come about through sociology or economics but because we had a political philosophy that led us even to amend the Constitution to make it possible so that was no pseudo sociological argument. It was well done and it had the full weight of the Constitution behind it.

Therefore, Sir, I am comfortable with what we are seeking to do in this area and I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, 6th June, 2001 at 11.00 a.m.

The question that the Senate do now adjourn until Wednesday, 6th June, 2001 at 11.00 a.m. was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.

4.15 p.m.

CONTENTS

The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, 30th May, 2001 at 11.00 a.m.

PRESENTATION OF PAPERS

Senator the Hon. G. S. H. MURRAY 1

1. Duties, Taxes and Other Payments (Exemption) (Aurora Barbados) SRL Order, 2001.
2. Duties, Taxes and Other Payments (Sugar Hill Limited) Order, 2001.
3. Green Paper on Government's Proposals for Crime Reduction.
4. Annual Report of the Child Care Board for the period April, 1994 to March, 1995.
5. Annual Report of the Technical and Vocational Education and Training (TVET) Council for the period April 1, 1999 to March 31, 2000.
6. Annual Report of the Central Bank of Barbados for the year 2000.
7. Annual Report of the Needham's Point Development Inc. for the year 1999.
8. Annual Report and Statement of Accounts of the Barbados Tourism Authority for the period April 1, 1998 to March 31, 1999.
9. Duties, Taxes and Other Payments (Exemption) (Marang, Manding Music and Dance Theatre and David Hughes) Order, 2001.
10. Duties, Taxes and Other Payments (Exemption) (Sandy Lane Hotel Co. Limited), Order, 2001.

MOTIONS RELATING TO BUSINESS OR SITTING

Senator the Hon. G. S. H. MURRAY 2

INTRODUCTION OF BILLS

Senator the Hon. G. S. H. MURRAY 2

1. Caribbean Disaster Emergency Response Agency (Amendment) Bill, 2001.
2. Shipping (Amendment) Bill, 2001.
3. Securities Bill, 2001.
4. Police Complaints Authority Bill, 2001.

NOTICE OF RESOLUTIONS

Senator the Hon. G. S. H. MURRAY 2

1. Resolution to approve the vesting in the National Housing Corporation of parcels of land, the property of the Crown situate at

Grazettes, St. Michael for the purpose of housing development.

2. Resolution to approve the vesting in the National Housing Corporation of a parcel of land at Haggatts Hall, St. Michael to provide several housing lots.

PUBLIC BUSINESS

ORDER NO. 2 – CARIBBEAN DISASTER EMERGENCY RESPONSE AGENCY (AMENDMENT) BILL, 2001 2

Senator the Hon. G. S. H. Murray, 2, 5; Senator C. K. Laurie, 4.

ORDER NO. 3 – SHIPPING (AMENDMENT) BILL, 2001 5

Senator the Hon. G. S. H. Murray, 5, 17; Senator C. LeR. Trotman, 7; Senator the Hon. Dame Patricia Symmonds, 9; Senator C. A. Mascoll, 10; Senator LeR. H. McClean, 12; Senator Mrs. P. E. Rickinson, 14; Senator T. E. Barker, 15; Senator J. E. D. Williams, 16.

ORDER NO. 4 – RESOLUTION TO APPROVE THE VESTING OF LAND IN THE NATIONAL HOUSING CORPORATION OF THE PARCELS OF LAND SITUATE AT GRAZETTES, ST. MICHAEL FOR THE PURPOSE OF HOUSING DEVELOPMENT ... 19

Senator the Hon. G. S. H. Murray, 19; Senator LeR. H. McClean, 19; Senator C. K. Laurie, 20; His Honour Senator C. L. Bolden, 20.

ORDER NO. 5 – RESOLUTION TO APPROVE THE VESTING OF LAND IN THE NATIONAL HOUSING CORPORATION OF THE PARCELS OF LAND SITUATE AT HAGGATT HALL, ST. MICHAEL 22

Senator the Hon. G. S. H. Murray, 22, 29; Senator LeR. H. McClean, 23; Senator D. D. Marshall, 24; His Honour Senator C. L. Bolden, 26; Senator C. A. Mascoll, 27, 29.

SUSPENSION 14

ADJOURNMENT 30

Senator the Hon. G. S. H. Murray, 30.

SPEAKERS IN THIS ISSUE

BARKER, Senator T. E.
BOLDEN, His Honour Senator C. L.
LAURIE, Senator C. K.
MARSHALL, Senator D. D.
MASCOLL, Senator C. A.
MCCLEAN, Senator LeR. H.
MURRAY, Senator the Hon. G. S. H.
RICKINSON, Senator Mrs. P. E.
SYMMONDS, Senator the Hon. Dame Patricia
TROTMAN, Senator C. LeR.
WILLIAMS, Senator J. E. D.