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# THE SENATE DEBATES

## (OFFICIAL REPORT)

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FIRST SESSION 1999 – 2004

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### THE SENATE

*Wednesday, April 16, 2003*

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, April 16, 2003, at 11.20 a.m.

#### PRESENT

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

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

Senator the Hon. J. X. WALCOTT, FRCS (Edin.),  
J.P. (Minister of Health)

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

Senator T. E. BARKER, B.A. (Hons.), M.A. (Econ.),  
J.P. (Parliamentary Secretary, Ministry of Economic  
Development)

Senator P. C. GODDARD

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

Senator D. L. Haynes, S.C.M.

Senator LeR. H. McCLEAN, B.Sc. (Hons.)

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., G.C.M.,  
B.Com., Hon. LL.D. (U.W.I.)

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

Senator the Hon. 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.*

### SUSPENSION OF STANDING ORDERS

SENATOR THE HON. J. X. WALCOTT: Mr.  
President, I beg to move that Standing Order No. 45(2) be  
suspended for the rest of today's Sitting.

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

### PUBLIC BUSINESS

#### ORDER NO. 9 – ARCHITECTS REGISTRATION BILL, 2003

SENATOR THE HON. G. S. H. MURRAY: Mr.  
President, the Architects Registration Bill, 2003 makes  
provision for both the registration and regulation of  
architects in Barbados and related issues. The justification  
for such a Bill has long been recognised and called for and  
has been the subject of much discussion.

The registration is not a strange phenomenon since it  
is a long established practice that exists in all European  
countries along with the USA and Canada and in the  
Caribbean in Jamaica, Trinidad and Tobago, Grenada and  
Antigua. Therefore, Barbados is behind its CARICOM  
neighbours in this regard.

Meanwhile, in Barbados other professional  
associations are registered. That includes lawyers, doctors,  
nurses, engineers, quantity surveyors and land surveyors and  
the question often asked is why not architects.

Among the architectural fraternity itself through the  
Barbados Institute of Architects this is the only organisation  
that maintains a register of architects qualified to practise  
architecture and to design standards specified in the building  
code. The present system also permits persons not qualified  
to practise as architects to do so. This Bill will give a legal

basis for those persons as well as architects to practise architecture in Barbados.

Through this measure both architects and the general public will be protected by this legislation. Such registration has become even more pressing with the introduction of the Barbados building code which sets out the technical requirements and standards for the design and construction of buildings in Barbados.

The building code clearly identifies the three professional groups deemed essential to these technical standards in the design and construction of buildings. These three groups are registered engineers, registered land surveyors and qualified architects.

The building code makes mention of an Architects Registration Act in Barbados and requires that building and structures should be designed and sited to create no undue nuisance to occupants of neighbouring buildings. This, Sir, is an expansion of the scope whereby Barbadian professionals who are qualified and registered in the area of Architecture will be able to carry on this long and proud tradition. I am sure many people will recall the times when the word, "architecture", was automatically associated with an expatriate and, usually an European, especially someone from Britain.

11.25 a.m.

Sir, I can recall when I was a boy, seeing in the days of those practices, when Britain exported not only goods, culture and services but also services of its people. The architects who were usually dressed in white shirts, khaki pants and tall socks looked very immaculate on the job. This sight was striking because of the services being performed. That was the normal and expected order of things.

In that time, being an architect was not, and could not be seen as the goal, ambition and dream, nor the realisable dream of the average Barbadian boy and girl. Thankfully, all that has changed and now we, in Barbados, take great pride in the work and achievements of Barbadian architects who have broken through this barrier and moved into this province. As I said, at one time, this had been the virtual exclusive preserve of ex-patriots coming to work in Barbados.

Sir, over the years, we have seen the emergence of a cadre of Barbadian home-grown architects, who have gone on to put their stamp on the Barbadian scene. I must single out for special mention the role played, and I am not trying to be invidious, by Combermere in this regard.

I remember at Combermere, Sir, in the days when students were branching out into technical services, there were certain persons the likes of Tyrone Mapp, Erskine

Rose, Virgil Broodhagen, Neville Lewis and others who went into the technical stream. They were frowned upon especially when leaving Combermere to go to St. Leonards School to do their technical work. People thought that they were going crazy. These people who could have made it in the strictly academic area went in that area; and it has paid off tremendously.

We therefore, Sir, are grateful that these persons, and others since them, have taken up the challenge and have branched out into that area, which is a very important area, as I will advert to later, in the life and being of a country.

I therefore, Sir, think that architecture is an area which is calling for more Barbadians to be involved. Architects are able to express the cultural influences that helped to shape them: their personalities, outlook, their view of the world, the view of themselves and the view of Barbados. We therefore want to encourage more Barbadians to have their natural environment represented, both the physical and cultural, in the work that they do.

Sir, their natural environment should serve to inspire them and should be reflected in this work. It really pains me, and I am sure other persons whom I heard commented on this, to see persons in Barbados when they are designing buildings, particularly commercial buildings, create virtual boxes of largely steel and concrete, with no personality and nothing about them which reflects the Barbadian character, culture and outlook.

Therefore, Sir, that is really meaningless architecture, both aesthetically and functionally. It reminds me of a very famous quote made by Prince Charles who takes a very avid interest in architecture and the redevelopment of areas. He once described some buildings which he was touring and which he was asked to comment upon, as nothing but bare carbuncles.

While I would not use as strong a term as that, Sir, I think the fact is that not enough people allow their natural inherent ability to flow. They sometimes feel that they must seek to represent what they probably think are classic buildings outside of Barbados, rather than seeking to represent these buildings that reflect Barbados in their work.

Sir, all over the world, well-designed buildings in any country and culture, help people, both the persons who live in these countries and persons abroad. Well-designed buildings, architecturally pleasing, striking and impressive buildings evoke a response from human beings that is sometimes hard to understand.

Sir, architectural works are essentially works of art that can be as appealing as a sculpture or painting or as something in another art form, as a piece of music or a fine song. They have intrinsic beauty and appeal and people, Sir, travel all over the world, from place to place and when they do, they like to photograph, view and admire and even paint pieces of architecture.

The building that we have the honour to be in today, Sir, always captures the attention of visitors to Barbados, when they come to Bridgetown. These two buildings are probably the most photographed set of buildings in Barbados. There are always comments on their architectural features. If one is in these environs when there are visitors, one is always approached to answer questions about the origin, the age and various features of the buildings.

Sir, architecture has a very strong meaning and a great deal of appeal to people. I have seen some very fine architecture. I like to visit London because of the architecture. I have seen some fine architecture in places like Malta which, Sir, is another small country.

Sir, what struck me about the Malta experience was that there are buildings of historic and architectural interest and values which were bombed during the Second World War. The citizens did not demolish them, but set about restoring them and building inside the bombed out structures to make them very appealing.

It is very striking to go into such buildings. This is something that could be done anywhere. If one is familiar with the building at Farley Hill, one could imagine putting rooms within the burnt-out structure. It is really quite impressive when one is not destroying the structures which, as I said, would have had architectural and historic interest and value, but retain them in a more functional manner and use them to earn foreign exchange for the country.

I have also been to Old San Juan, Sir, and Old Havana in Cuba. Cuba has one of the finest collections of period buildings. This is impressive and also a talking point.

Sir, architecture really has a tremendous role to play in any country and helps to make what is now being considered and deemed as heritage tourism, which means something to be admired in a country.  
11.35 a.m.

It is quite significant that this debate is taking place at a time when Bridgetown is on the verge of celebrating its 375th Anniversary thus making it one of the oldest towns and cities in this part of the world. We are proud of that, not only because of the age of Bridgetown but because Barbados

is replete with buildings of great historic interest and significance.

Sir, I want to commend the Barbados Tourism Authority for the programme they have been carrying out these last few Thursdays whereby they have been conducting tours of Bridgetown as a means of promoting tourism and showing the linkages in tourism and peoples' everyday life in Barbados and also highlighting the architectural wealth that exists in Barbados.

We have fine buildings like the St. Mary's Church which is one of the oldest landmarks in Bridgetown. St. Mary's Church was the major burial ground for slaves living in Bridgetown. The Lakes Folly district is one of the oldest districts in the City of Bridgetown. There is a house called Nicholas House at the corner of James Street and Coleridge Street which is regarded as the oldest structure in Bridgetown which dates back to 1660. That is the building that has that fine cast-iron balustrade that has been so well preserved. Then there is the Jewish Synagogue which was constructed in 1654 but was destroyed by a hurricane in 1831 and later rebuilt in 1833. It is said that Aruba claims the oldest synagogue in this hemisphere because this Jewish Synagogue in Barbados was destroyed by fire, but certainly its graveyard is the oldest graveyard in the western hemisphere.

The old Town Hall and Jail was located where the Supreme Court now is. Cobbs House is known as the original meeting place for the judiciary of Barbados. There is also the Thomas Harrison Building on Spry Street which was the site of the Harrison's Free School. There is also the old Mutual Life Building on Lower Broad Street which is a spectre to behold, particularly at Independence time when it is well lighted. These are some of the buildings that stand out in Barbados.

Barbados has a lot to offer as regard its architecture. As a matter of fact, the realisation of this has therefore impelled Government to take steps to have Bridgetown registered as a heritage site with the United Nations Education Scientific and Cultural Organisation (UNESCO). It is said that when a town, a city or a locale is registered as a heritage site under UNESCO it immediately attracts national attention and in some places visitors traffic has increased by 30, 40 and 50 per cent. Therefore, we expect a great deal of benefits to Barbados from the registration of Bridgetown as a heritage site. We have to register Barbados first with UNESCO in order that it can become a heritage site. That is a long process which probably would not be completed until about another year or a year and a half, but the process has begun and we intend to make sure that Barbados benefits as much as it can from the fine work of what our forefathers have left us.

In this regard, we are pleased to see the restoration work that has taken place around Bridgetown, Speightstown and the other areas of architectural interest and importance.

We know of the Barbadian architectural influence on the Carolinas. Persons who have been to the Carolinas always remarked – it is almost like being in Barbados – about the architecture that has been transported from Barbados to the Carolinas by persons who would have ventured forth from Barbados to some of the Carolinas in earlier times. I am therefore of the view that architecture is part of a nation's cultural DNA because it leaves the footprints, the signs and the vestiges of a previous society and its cultural activity in a way that nothing else can do. Therefore, preserving one's architecture is seeking to preserve the longevity and the durability of one's culture through one's cultural DNA.

I think there is a need to conserve buildings of architectural interest and to save them wherever possible. Far too often not enough attention is paid to the history and the importance of a building and we therefore lost some buildings of great interest which could have done Barbados' cultural heritage proud if only persons might have been aware of the architectural importance and significance of them and not subjected them to the ravages of demolition as easily as they could.

I am also very pleased to see the restoration that is taking place not only with the old Town Hall Building and the Old Spirit Bond but the restoration that is taking place on the Martineau building at the corner of Wellington Street and Bay Street that housed the formation of the Barbados Labour Party. Restoration work is also taking place on the building at the front of Bay Street which has that very fine balustrade with the windows and the doors. So I would like to commend those who own the building because at one time it had seemed as though it was heading to be a derelict. The owners have restored it and it stands out very nicely.

Incidentally, obliquely opposite that building and somewhat closer to the Boatyard, work is also going on. There are about three buildings in the corner where the Inniss family used to live. Work is being done on the one in the middle or the one furthest to the sea where they are putting in door jams to restore it. They have not demolished the building as I thought would have happened. They are preserving the outer case and the architectural features of the building. Therefore, we can look forward to more of that happening on Bay Street to the pleasure of all Barbadians in order to restore and preserve our culture.

Architects have a very important role to play. Architecture is another form of cultural expression.

Therefore, we in Barbados, are in a fortunate position because the role of the architect and all the other attendant responsibilities are clearly spelt out in this Bill.

This is a very comprehensive Bill which deals with the following:

1. Interpretations;
2. Establishment of Board;
3. Architects register;
4. Qualifications for registration;
5. Conditions of registration of certain existing practitioners;
6. Reciprocity;
7. Certain factors not to be taken into consideration in determining qualifications for registration;
8. Registered architects entitled to practice;
9. Unregistered person not to recover remuneration for the practice of architect;
10. Additional qualifications;
11. Practice of architecture by persons other than those registered under this Act;
12. Validity of architects documentation;
13. Partnerships, associations or corporations;
14. Improper registrations;
15. Appeals;
16. Professional misconduct;
17. Offences;
18. Regulations; and
19. Expenses.

The question of offences particularly of misconduct should be of interest to the public because from time to time one hears stories of persons who charge that they have been hard done by architects who have not lived up to their responsibilities.

11.45 a.m.

The governance of the architectural profession is to be welcomed by the general public in the same way that it applies to other professional bodies. Therefore, this is a very welcomed Bill. While it gives status and legal basis for the registration of architects, it also recognises that there would be persons who would have been in the profession before this Bill. There is a process where those persons can be registered which is spelt out as to what they would have to do to be so entitled.

I am pleased that this Bill has come and does not impose on the profession but the Architect Association has been asking for a measure because of the tremendous boost not only to the profession but one that would seek to bring order and structure and a legal being to a profession which has done much for Barbados and which has the potential to do even more.

We therefore, on the Government Side, are pleased that this Bill has now come and we look forward to it being adhered to fully and faithfully by those to whom it applies, all for the betterment of not only the profession but of Barbados.

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

SENATOR LeR. H. McCLEAN: Mr. President, the Bill before us is certainly one which is not expected to cause too much contention or any significant debate. Sir, in lending support to it, I would like to examine a few matters with respect to architecture in general and specifically to this Bill.

Sir, I am happy that in seeking to have the necessary legislation in place to recognise the professionalism of the architects, the Bill does not seek to exclude those persons who might be seen as not being qualified architects but who have the skills to perform as draftsmen from being able to practice what they have been doing.

Sir, though one might want to say it is best to have an architect's input even in constructing general residences, though one might see the value of it, there is always the attending cost and not everyone might be able to afford to pay the fees that are associated with paying an architect. Sometimes the draftsman might want to charge the same fees that the architect might want to charge but I notice that the Bill makes specific reference to the fact that as long as a person does not hold himself out as an architect, one could still continue to work but would not be recognised as an architect *per se*.

Mr. President, as the Leader of Government Business has pointed out, architecture is very important in terms of the culture of the country. The character of the society sometimes is reflected in the architecture of the society. It is,

therefore, important that we not only recognise the importance of an architect but we also recognise the importance of the work that has been done before by preserving those buildings which are currently in our midst.

The fact is that we have a particular type of architecture in Barbados like many other societies that would have architectures that would reflect the architecture that is associated with those societies. Unfortunately, whereas some of our architects go to lengths to incorporate some aspects of our Barbadian-type architecture in their designs – I heard the Senator made mention of some of the names of architects. I know that Selby Rose & Mapp, in most of their designs, one can almost tell the trade mark design they have. One can look at a building, whether commercial or otherwise and see some aspect of Barbadian architecture in it.

On the other hand, we may find those persons who are embarking on introducing a form of architecture into this country which is supposed to be, I guess contemporary, which does not really pay any recognition to the kind of climate in which we are living. We have a number of buildings which are glass blocks and are, therefore, dangerous for many reasons. These buildings are dangerous because there is no proper ventilation of fresh air into them and, therefore, the air becomes stale and unfortunately develop what is referred to as sick buildings, so to speak. In addition, I have seen to the extent where dead birds are around some of these buildings that are of glass. The birds are flying towards these buildings and because of the reflection in the sky they fly straight into them.

I think that architects must be environmentally conscious and that this kind of architecture, in my view, adds nothing to the lustre and is basically an environmental hazard. I think it is important that we preserve that species. When one can see dead birds lying around these buildings, that might result in a loss of the species. I think it is important that we appreciate these things.

There is another building at Wildey, which is of some concern to me. At certain times in the evening, there is a clear reflection from the sun onto that building at Life of Barbados Roundabout. In my view, it can be hazardous but no one seems to be doing anything about it. We must be environmentally conscious.

I have noticed in the hospitality sector, there is now an emphasis on green hotels, *et cetera*, where people are planting more and more trees. This is something that should be extended and encouraged. That is a priority. Wherever possible, we have to ensure that this is done, not only the planting of shrubs but it should include fairly large trees around these buildings.

When we talk about Barbadian architecture, it can be associated with this society. One such architectural building was the former Hilton Hotel which when erected had become a monumental building. When a person saw photographs of it, immediately one could have seen Barbadian architecture. Now that is being replaced with a more contemporary type of architecture which one can see anywhere else in the world. There is nothing unique about it at all. There is nothing Barbadian in it. I think it is certain that we are replacing a building that was once Barbadian with something that is not Barbadian.

*Asides.*

SENATOR LeR. H. McCLEAN: Recently we have celebrated the 375th Anniversary of the City of Bridgetown and there was a lecture on the Parliament Building. I think it is unfortunate that in the midst of this Chamber while we speak so attractively of preserving our architecture, and Senator Murray made reference to the point that this building is one of the landmarks in the City, though it is said that this building is most photographic and appears interesting to visitors, we are still in a position where the West Wing of Parliament is in a state of dilapidation. We find a number of things are falling off and I hope they can be replaced. I hope that very soon something would be done to restore the beauty of that building and that we bring back some kind of proper aesthetics around the area surrounding the Parliament of Barbados.  
11.55 a.m.

It is a disgrace that after so long – the restoration of these buildings and the redevelopment of the area of Parliament started as far back as the 1980s when the late Tom Adams was Prime Minister – after 20 years, a part of the seat of Government of Barbados is still in a deplorable state. On more than one occasion many Members have spoken on this matter and it is time that attention is paid to this, particularly at this time when there is a lot of fuss about the celebration of the anniversary of the City of Bridgetown that one of the landmarks should remain in a state of neglect.

I hope that something is done soon in order to restore the beauty of that building to bring back proper aesthetics to the area surrounding the Parliament of Barbados. Sir, I give my support to the Bill and I am happy to see that we are recognising the contributions made by architects in Barbados and putting them on a more professional footing. I hope we continue to respect our heritage and what has been done by past architects by preserving the work they have left behind, particularly those things associated with the aspects of Barbadian architecture that we still have in our history.

I thank you, Sir.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I wholeheartedly support this Bill and I want to say that I have two nephews who are young budding architects and who are doing well.

I want to speak about Section 4(4) where it says that (a) the Registrar shall make the necessary alterations in the Register of the names or addresses of persons registered under this Act; and (b) remove from the Register the names of all persons registered under the Act.

I have a query about Section 4(4)(iv) which reads:

“Have ceased to be domiciled and resident in Barbados”.

This says to me that only people domiciled or resident in Barbados will be qualified to practise the profession in Barbados or else their names will be removed from the Register.

I would like this to be examined because in all professional Bills persons can be registered in more than one country. Sir, I am a nurse and I can practise in England, America, or Nigeria. If we are talking about CARICOM, globalisation and regionalisation, we cannot have a Bill that allows people's names to be removed from the Register because they are not domiciled or resident in the island or if they do not hold work permits.

I am glad that on page 15 Section 1(c)) that four registered architects have been appointed by the Minister on the nomination of the Barbados Institute of Architects. This is excellent because it gives the profession a two-third majority to control the Act and what happens in the profession.

Unfortunately, this is not so in nursing as the Association does not have a two-third majority but the Minister appoints on his own the majority of nurses so the political directorate can control nursing if they so desire.

On page 19 if you apply for registration, the Bill enquires which country you are registered or entitled to practise as an architect. Sir, this contradicts Section 4(4)(iv) because Section 7 now enquires which country you are now registered and entitled to practise. It does not make sense even though it is good to have the Clause included. Therefore, the domicile and resident parts need to be removed from the legislation.

I also like Clause 8 of the legislation and I would like to see this included in the Nursing Act because people have been struck off the register in other countries who then come to Barbados and practise, whereas if a clause like Clause 8 is included you can trace the registration to see whether the name still remains on the register. It is important that a profession does this so that it can be controlled.

When this Bill is passed, architects will be given responsibility to police their profession but this will not be easy because there are people who encroach on the profession and you need ways and means of dealing with this. There should also be committees willing to investigate complaints because in nursing there is a reluctance to investigate complaints.

I sincerely hope that this will not happen in this association, that there will be transparency and people who give the profession a bad name will be dealt with. Sir, young architects have a vision and I wish them all the best in policing their profession and carrying it forward.

Sir, I support the Bill.

SENATOR Dame PATRICIA SYMMONDS: Mr. President, architecture as a subject has always interests me and in my wide reading I have read some layman books on the subject. As a student living abroad and a visitor to some countries I felt that one of the joys of travel has been in visiting buildings which are works of art whether cathedrals, ancient houses or other edifices built by great architects of the past and of the last century.

I am pleased about this Bill because it is a step in the right direction. Architecture has been described as the synthesis of art and technology deriving its many forms from the needs and skills of the builders and the materials available to them. It has also been defined as an art which lifts the spirit and excites the emotions to joy.

I appreciate the fact that some who have been very talented and have built houses albeit without the necessary qualification will be able to continue practising as draftsmen. I think it has to be realised that architecture cannot exist without sound technology. There are talented persons practising who have not gone to college or university but ideally one gains a broader understanding of international standards that can inform one's thinking that could not come only with practical experience. There are some things that can be acquired within faculties of architecture which you cannot get on the job.

I understand that philosophy of design is one of the things that underpin architecture and the knowledge is best gained in an academic climate. Moreover, students rub

shoulders with other students and at university they start with mathematics and physics so that architecture is a blend of science and art.

Sir, our local architects take the rich heritage and broad knowledge received and translate it into buildings that are appropriate to Barbados and the Caribbean context. At the same time I believe that architects are paid to exhibit their designs and to give advice but at the same time their clients will have some say in the kinds of building that are going to be built.

There are a variety of attractive buildings in Barbados and everyone will agree that Bridgetown has taken on a new look and thanks to the Barbados National Trust of which I am a council member, much of our heritage is being preserved.

On the whole, this Bill does help to bring architects in line with other professions and I, therefore, give it my fullest support.

Mr. President, thank you very much.

SENATOR P. C. GODDARD: Mr. President, I rise to support this Bill and to make a few comments about it because it has been long in coming, has been long overdue and I am pleased to see that it is now here.

This is another piece of legislation that sets in context the development of Barbados as a service society and economy and preparing us for the regionalisation and globalisation that is taking place. It is providing an environment for the export of human capital and knowledge-based industries.

Mr. President, earlier on a point was made that this Bill would ultimately have the potential to raise the cost of building for those people who can least afford it. However, I would like to say that we have addressed this issue in this Chamber before and what we are doing will actually reduce the long-term cost of building.

Sir, architects take into consideration designs which reduce the possibility of accidents in the home which is one of the areas of greatest injury. When we look at the benefits of better utilisation of space, lower maintenance costs, safer living conditions, more healthy living conditions and a structurally sound building, the value of the architect can be well appreciated. We have to make the point, Mr. President, that by improving our standards of building, we are actually reducing the long-term cost of that building to individuals. People often do not appreciate the value of good, sound, technical advice.

12.15 p.m.

Mr. President, I am mindful of the fact that two generations ago, there were hardly any qualified dentists in Barbados and there were many people doing extractions who were only familiar with doing extractions. In today's world, dental care is completely different. We have a completely different professional standard. Architecture is no different and therefore, we have to move on, Mr. President.

Sir, I think there is much value in historical buildings, but by the same token, architectural skills and artistic talent do not stand still. I look forward to the flourishing of new architectural designs that will be harmonious to the culture that we have, but will also bring about new concepts, new use of materials and a better appreciation of building an environment.

I think there is much to be said for improving the technical aspects of architecture in Barbados. I think that this Bill will go a long way to setting the profession on a new road and be of much benefit to the business of architecture in Barbados.

Thank you, Mr. President.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, I rise to support the Bill with certain reservations.

I can agree that it was a necessity for a Bill to protect architecture in this country. There are certain clauses here which I find rather difficult to swallow, because they take me back to 1978 when I was Minister of Transport and Public Works. At that time, a Bill was proposed by a non-national architect which was to be enacted in Parliament. The main reason behind that Bill at the time, was because the architect felt that certain persons who are not qualified as an architect, were getting a lot of work and producing beautiful and aesthetic designs.

This arose because Sandy Lane has an arrangement that you cannot build a house in Sandy Lane unless it is approved by the Property Owners Association. A gentleman came to Barbados to buy a lot and he went and visited the housing that was erected. He asked who the designers were for each one, and nine times out of ten, these people felt that the spaciouly designed houses were pieces of architecture from a person who is not an architect with certificates, as I should say. This non-national bombarded my office, even when I was not in office, to tell me I should get this Act passed because you must stop this particular person from designing houses.

I did not do it because I had suffered, and there were lots of people in Barbados my age who suffered when we went abroad to become professionals, because the various associations in Britain had passed resolutions not to engage Commonwealth students for professional courses because at

the end of the day, those students were going to leave England and go elsewhere. I suffered from this because I went to architectural school for four years and I could not get into an institution to do my practicals.

Now, I agree with Senator Rickinson on Section 4(4) (b). It has a strange legal connotation:

"The Registrar shall

(b) remove from the Register the names of all persons registered under the Act who

(iv) have ceased to be domiciled and resident in Barbados;"

Now, we cannot have reciprocity with this particular clause. "Domicile" means where a persons intends to live the remainder of his life. "Resident" means where you are at the given time. I am wondering how this clause is going to be interpreted when the Act comes into force. I think this is something we have to look at carefully, to determine how this will be carried out.

I say this for a reason. I looked at Section 6(3) which says:

"A decision of the Board with respect to the entitlement of a person to be registered under this section is final."

Now, this raises another bit of history. I sought the permission of the President of the Senate, the Chair today, because I need to call the name of Dr. Simmons.

Dr. Simmons studied medicine in the United States of America. When he came back to Barbados, he was turned down by the Medical Board in this country, and because of this clause, the then Prime Minister of Barbados brought a new Medical Practitioners Act to the House to remove some of the clauses so that Dr. Simmons could practise medicine in Barbados. If you check Hansard, history will show what this means.

I do not want to speak something which is now *sub judice*, but I think we should think back to see what this clause is doing. I know that Senator Rickinson said she is glad that the Board will be controlled by the architects themselves, but I think we had better think back hard and see what that means.

As I said, while I welcome the Act, I believe there are lots of things that need to be tidied. I see that the Bill on

Section 6(1)(b) has introduced the grandfather clause, that is, those persons who had no less than ten years experience in the practice of architecture can be registered under the Act.

I agree with that, but I look further down and I see a lot of conflict in the Act. Look at section 7(c) and you will see that to be registered, the applicant must have sufficient practical knowledge of the local conditions peculiar to the practice of architecture in Barbados.

Sir, I wonder what does that mean, and why is it in this Bill. But tourism is so vital to Barbados and we cannot get a Bill saying the tour guides that are scandalising Barbados and decrying everything we do in Barbados can walk in here any day and practise their profession of tour guiding, not knowing Barbados.

*Asides.*

HIS HONOUR SENATOR C. L. BOLDEN: I know they are not architects but, at least, if you can have this, you can have something for them.

I welcome the Bill, but I think there are lots of things that need further explanation. That is one but what are the conditions peculiar to the practice of architecture in Barbados? What does it mean?

I know what I find fault with is that I see many houses going up in Barbados with the ceilings no more than 6 feet 6 inches above your head. You can go to West Terrace and see many houses erected there that on an evening when you open the door, you feel like you are opening the door of a furnace. I think these are things that we should look at and believe that in my view, we will need to tidy up the Bill.

“Section 10. A person other than a registered architect is not entitled to recover in any action any fee, charge, gratuity or remuneration for the practice of architecture.”

Now, I ask, there is a phrase called, *caveat emptor*, let the buyer beware and I do not believe in this day and age that a person who has a substantial structure to erect, will go to a non-architect to do it, and this is why I wonder about this clause. It might have a reason, but I do not know. I think we have to look at Barbados in its overall picture. We have to look at the developing nature of Barbados at this time. This brings me to clause 12, which has two peculiar clauses in it and one is, Clause 12 (c), which was in a Bill that came to me back in 1978. It is very beautifully drafted.

“12. (1) Subject to section 13, nothing in this Act shall prevent a person who is not an architect from

(c) providing architectural services for single family dwellings other than where multiple production of houses is involved, or where the buildings concerned are to be of more than one storey in height;”

Sir, this is the skill in drafting, which covers an evil. This means in my interpretation that if there was a draftsman who had been drafting for eight years, that he is only entitled to draw one single family house of not more than one storey. What happens to our land where you buy a plot of land and find that the front has a contour line of this, and the back has a contour line of that, and you have to put in three floors. This is where it is very cleverly drafted. I have no problems with the drafting. I just have a problem with the result of what will happen.

“(d) providing architectural services for minor business premises of no more than 1000 square feet other than where no more than one storey is involved, or where there is to be multiple production of such buildings.”

Sir, what does it mean? How much is 1 000 square feet, 20 x 50. This room is bigger than 20 x 50, so it means that if you had to do any alterations to this room, you must go and get a qualified architect.

*Asides.*

HIS HONOUR SENATOR C. L. BOLDEN: Sir, those two clauses have me confused. I hope that somebody can explain them to me because I see that we are going to find ourselves with a little problem. Then, it carries over into section 13.

“13. After the commencement of this Act, no certification, drawing, valuation, declaration or other document required by an enactment to be signed by an architect is valid, unless the person signing it is registered under this Act.”

It means that Town Planning cannot sign any document for you. It means that if you need a valuation, it has to be done there. I think the consequences are numerous and I would very much like a little more explanation on this because I know that a little later, a lot of people will say, we did not know this is what it contained.

With that, Mr. President, I thank you.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I beg to move that the 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, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Mr. DEPUTY PRESIDENT in the Chair.*

#### COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

*Clauses 1, 2, Part 1 Clause 3, inclusive, were called and passed.*

*Part 2 Clauses 4 – 15 were called.*

SENATOR Mrs. P. E. RICKINSON: Mr. Deputy President, I move that Clause 4(b) (iv) and (v) be deleted which reads:

“(iv) have ceased to be domiciled and resident in Barbados; or

(v) are no longer holders of work permits.”

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

*The question was put to the Senate and the Senate divided as follows:*

NOES: SENATOR the Honourable J. X. WALCOTT; SENATOR the Hon. G. S. H. MURRAY; SENATOR T. E. BARKER; SENATOR P. C. GODDARD; SENATORS Dame PATRICIA SYMONDS; SENATOR Miss J. C. ODLE; SENATOR D. D. MARSHALL; SENATOR D. L. HAYNES; SENATOR B. R. COLLYMORE; SENATOR Sir JOHN STANLEY GODDARD; SENATOR the Hon. Mrs. V. E. NEWTON – 11

AYES: SENATOR LeR. H. McCLEAN; SENATOR C. K. LAURIE; SENATOR Mrs. P. E. RICKINSON – 3

12.35 p.m.

*Part II Clauses 4 to 15 were called and passed.  
Part III Clauses 16 to 20 were called and passed.*

*The First Schedule was called and passed.*

*The Second Schedule was 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 Architects Registration Act, 2003.*

#### ORDER NO. 6 – RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION OF PARCELS OF LAND SITUATE AT CLAYBURY PLANTATION, SAINT JOHN FOR THE PURPOSE OF HOUSING DEVELOPMENT

SENATOR THE HON. J. X. WALCOTT: This Resolution is seeking permission for the vesting of approximately 8 462.5 square metres of land at Claybury, St. John in the National Housing Corporation for housing development.

This land was acquired by private treaty and comprises one lot which is 4 461.2 square metres and another lot which is 4 001.3 square metres. This land is being vested as part of Government's ongoing programme to alleviate the shortage of house spots in this island and to assist in the provision of housing solutions in Barbados. This is an ongoing process and Government has already acquired several parcels of land throughout the country and now it is being done in the parish of St. John where there is also a high demand for housing.

As a result, the Government has thought it necessary to acquire this land at Claybury and to vest it in the National Housing Corporation. The National Housing Corporation has advised that the land can accommodate 10 fully serviced lots at an average of approximately 10 000 square feet.

With these few words, I beg to move that this Resolution do now pass.

SENATOR D. D. MARSHALL: Mr. President, I am delighted to be able to speak in support of this Resolution. Claybury forms the outer boundary of the constituency of St. Joseph. Claybury, I have to say, is a delightful place. My wife's family origin is also from Claybury. Claybury is the district immediately across from Senator Goddard and it is an area that I am very well familiar with.

Mr. President, one of the overriding considerations that housing planners are forced to grapple with when looking at housing in Barbados, is the scarcity of land. It has always been recognised that we must be careful how we develop housing. In some places, there is a clear need for large residential developments and so in those places you would find 50, 60, 80 or 100 house spots springing up.

One of the things that this Barbados Labour Party Government has always been keen on is what we have always called "in-filled housing". So the idea is that from time to time where it is appropriate, instead of developing a huge housing estate, we should try to augment existing communities by putting in a few houses here and a few houses there. The idea being that you would add variety to the existing communities in terms of the residents who come in and you would also introduce sufficiently small numbers of households to a community so that there is no large disruption and these new residents are easily absorbed into the community.

You might consider the recent completion of about 10 to 15 housing units in the area of Bush Hall as an example of in-filled housing. This small project at Claybury constitutes a perfect example of in-filled housing which is important to this Barbados Labour Party Government. It has always been the Ministry of Housing and Lands' policy that wherever it is possible, it would try to meet the housing demand by using lands on the boundaries of well-settled and existing communities.

This particular project at Claybury is small but has impact. It is a project where you would see only 10 lots but the average lot size of these ten lots is significantly higher than the average lot size of the National Housing Corporation in other developments. These lots all run in a linear settlement along an existing road. They are bounded at the back by canes. It is land which has traditionally been agricultural land. This is in response – I believe Senator Laurie would be happy to hear this – to the many requests by Barbadians for a parcel of land where they could do a little farming, perhaps keep a couple of pigs, a couple of chickens or some garden beds. This development at Claybury of 10 lots of about 7 500 square feet is exactly the kind of development I believe Senator Laurie would support.

*Asides.*

SENATOR D. D. MARSHALL: Whether it is 7 500 square feet or 8 000 square feet, the lot sizes are going to be larger than the average lot size currently done in larger developments by the National Housing Corporation.

It is intended by the Corporation that the residents to whom these lots are sold are going to be able to do some small farming and keep some garden beds and so on. This is

a most desirable, I cannot call it an innovation, but in the sense that it is not always possible to do this in a large housing development, it is pleasing to me that the Corporation is able to reach out to a different kind of Barbadian, a Barbadian who not only wants to be able to provide a comfortable home for his family but who also has a close connection to the land. This agricultural land which has been approved for residential purposes would cater to that kind of Barbadian.

I want to reiterate that the current policy of the Government is that when there is a housing estate in a particular community that 80 per cent of the lots are going to be allocated to people from within that parish or that constituency. So, the residents of Claybury will recognise that there will be no dislocation and they would certainly be able to purchase in that area and also in wider St. Joseph.

The people of St. Joseph have always had their heart in agriculture. They have always been very fond of keeping livestock. Every house has a number of fruit trees growing and sometimes they are so many that you think they are almost growing wild. Everybody has a beautiful kitchen garden. So this is really a perfect fit with the kind of profile that a rural constituency like St. Joseph presents.

It is a signal moment for the Corporation that it is able to develop these kinds of lots and offer them to the residents. I do not believe that the purchase price has been set as yet but all indications are that the purchase price is also likely to be somewhat lower than the average. This district enjoys beautiful views and a wonderful breeze. As I walk the streets in the St. John part of the constituency I can say that the atmosphere both in terms of the breezes, the scenery and also the spirit of the people is one which would warm anybody's heart. The people who are fortunate enough to get these lots in Claybury will find that they are going to be moving into a community where they will find the delights of smallness, the delights of a close-knit community and the opportunity to do the things that are dearest to their heart and I reiterate that is to be able to do something that is now lost in many places, to keep a little kitchen garden.

With those few words, I endorse this Resolution.

SENATOR LeR. H. McCLEAN: Mr. President, the last speaker did not even give the Opposition a chance to respond to Government's proposal. It seems as though he is so excited to get into this Bill...

Mr. PRESIDENT: Senator McClean, I should point out that it is not within the Senator's power to give or deny the Opposition an opportunity to speak. I call on the Senator

who first catches my eye. I saw no indication from where you are sitting that you wished to intervene at that stage. Please, proceed.

SENATOR LeR. H. McCLEAN: I am not at all suggesting that you did any such thing, what I meant was that the Honourable Senator was so swift that certainly no one had the opportunity to catch your eye.

Sir, I am glad, however, that he made the correction to what was said by the Honourable Leader in that he is suggesting that here is housing development that is coming for St. John, because whereas Claybury is situated in the parish of St. John it is actually in the constituency of St. Joseph.

It is interesting that – there is no technicality in that – the last Senator who spoke made reference to what he called “in-filled housing” which has become now a practice of the Government. It is also interesting to note that the present prospective candidate for the Barbados Labour Party in St. Joseph has also been associated with the National Housing Corporation at some point in time and seems still to have some measure of power of persuasion within that organisation.

Only recently, we heard of a case where it is alleged that canvassers for that candidate in the constituency of St. Joseph have been distributing letters for properties in the same constituency of St. Joseph.

Sir, this matter of “in-filled housing” which is being used seems to fall into the category of what is being referred to in another country as “pre-poll rigging”. That is rigging which does not take place on election day but that you create conditions which sort of tilt the balance significantly in favour of...

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I must register my objection to the language being used by Senator McClean. Sir, this measure would have come to this Chamber having been approved by Cabinet of which I am a Member. Therefore, I deprecate any attempt by Senator McClean to seek to involve me and my Cabinet colleagues in any measure which could contribute towards alleged rigging of the polls in any form, shape or fashion which is unknown to Barbados. Nobody accuses the Democratic Labour Party with that, so Senator McClean should be ashamed of himself.

Mr. PRESIDENT: Please continue, Senator.

SENATOR LeR. H. McCLEAN: Mr. President, anyone is free to respond in whatever way they chose to anything that I have to say. As I was saying, in one country in particular, persons raised the concern about what they called

“pre-poll rigging” where the resources of government institutions being used to tilt the scale in favour of those persons who were members of Government.  
12.55 p.m.

Mr. President, what I have noticed that has been happening in Barbados is that this “in-filled housing” is being used in a very strategic manner. It is interesting to note that while the last Senator who spoke has mentioned that 80 per cent of the lots in a particular area would go to the residents of that area, he immediately spoke in the next breath and said how advantageous it would be to those persons coming into the new community to enjoy the fresh breeze and the scenery. I assume he is referring to the 20 per cent and not the 80 per cent.

Sir, the fact of the matter is that this idea of 80 per cent of the residents coming from within the available area is not applied and this “in-filled housing” is being used as a means by which Government is moving people from their strongholds into other areas in order to strengthen the hands of their candidates in those areas. That is a strategy which is being employed by the Barbados Labour Party Government at this time, where they create a housing development and bring in people. It is being done strategically across Barbados. They are talking about 10 lots now, but what about the number of lots in St. George North that have been allocated and in the other areas across Barbados where housing developments are being created and then persons are brought in to boost the votes. That is how “in-filled housing” is being used in Barbados. It is a form, as far as I am concerned, of pre-poll rigging which is taking place in this country at this point in time.

Mr. PRESIDENT: Senator, I am going to ask you to withdraw the words “pre-poll rigging”. The connotation is unfortunate and I suspect you are making very serious allegations about persons who have control over these matters.

Senator Murray has already risen on the point of order. I thought the point had been taken but I am now asking you to withdraw that.

SENATOR LeR. H. McCLEAN: Sir, I withdraw the words pre-poll rigging but would say that Government is using its resources in order unduly to influence the electorate in this country at this time before elections are called. It seems as though the situation is getting worse.

SENATOR P. C. GODDARD: On a point of order. Mr. President, this land acquisition has been many years in the process. It was first discussed with the owners of Claybury Plantation several years ago and has just come through the mill.

Mr. President, the Senator is misleading the House by implying that this is a rush job that is happening just before an election. It is in its normal process, Sir .

SENATOR LeR. H. McCLEAN: Mr. President, only recently I have heard the Minister of Housing make a public speech in which he said that there were things that were being done now, such as raising the loan ceiling to allow persons to borrow money for housing purposes or for the sale of Government units.

Sir, these are things that were spoken of during the last election. They are only resurfacing at this time and, therefore, I am saying that they all fall into the same package of strategies which the Government is employing and which they hope to use as a means of hoodwinking the electorates in this country.

Mr. PRESIDENT: "Hoodwinking" is not a parliamentary expression, Senator. I am sure you know better than that.

SENATOR LeR. H. McCLEAN: My apologies, Sir. They are using the same strategies to unduly influence the electorate in this country and are attempting to fool the electorate in this country.

Sir, these are things that one hears about at election time. Let us take the matter of the sale of Government's terraced-units. How many years ago have we been hearing that Government is ready to sell these units? One keeps hearing it time after time, especially at election time, to raise the expectations of people that they would be able to buy these units. Then after the election is past, one then hears all kinds of things.

Sir, the people of Barbados are being misled with regards to selling these units. Most of the units are still not yet in any condition that they could be sold because they do not have the dividing walls that are required under the law to permit them to be sold under the Condominium Act.

Sir, the whole thing is that Government believes it has not been able to satisfy the promises that have been made, election time is here again and one is hearing the same old cold soup being warmed over again and again in order to fool the electorate of this country that Government wants to do something constructive for them.

It is interesting and I am happy that the Honourable Senator has used the term because I have always wondered what it was that they were doing. "In-filled housing" is a very interesting concept. It is clear that as with politics of inclusion, "in-filled housing" has now become the latest

strategy of the Barbados Labour Party for the purpose of shifting the electorate of Barbados from one part to the other, all for their own purpose.

I thank you, Sir.

SENATOR C. K. LAURIE: Mr. President, the idea of "in-filled housing", I find very attractive. If we were to take all the lands of Barbados and use "in-filled housing", Government would not have to acquire good agricultural land to build other houses. When one says "in-filled", I get the impression that there are spaces there that we are going to fill. This actually is a strip of land that runs opposite the existing village. It is agricultural land and has been in agriculture – I do not know when Claybury Plantation started to negotiate but it only came out of agriculture in the last six months. I go there every Sunday morning. Therefore, I know this place very well indeed. This is opposite to a village which has very small houses all along. I am sure the persons opposite do not have 8 to 10 square feet of land. Therefore, we are going to have a very strange situation where on one side of the road is going to be persons on 10 000 square feet of land, meaning that at very normal prices, these are going to be very rich people, while the persons on the other side are going to be persons on small sizes of land, maybe 50 feet apart from each other. I hope that we are going to be able to sort that out.

The land is good agricultural land. It is beautiful red soil. It is going to be better than going into the middle of Claybury Estate and acquiring land, as Government has done in St. Thomas on occasions. Instead of going next to a village, they have gone into the middle of cane land and put in a new village. There is an existing village which is opposite.

I thank you.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, it beats me that every time the Government comes to this Chamber with a land acquisition, it is the Opposition who opposes it. On this occasion, I think that Senator ...

SENATOR LeR. H. McCLEAN: On a point of order. The Honourable Senator did not hear me say anything about opposing. Therefore, I do not know why the Honourable Senator would say that I have opposed. I have not opposed anything.

HIS HONOUR SENATOR C. L. BOLDEN: Sir, I have not said that he opposed anything. I said it is the Opposition who opposes. All I am saying is that Senator McClean has lost his direction this time in order to make it appear as if the Government is doing something wrong. He uses analogies that certainly cannot stand close examination.

In the first place, as far as I understand it, the National Housing Corporation has nearly 5000 applications waiting for housing lots. I have never seen an application form where one writes one's political persuasion on it. Therefore, I do not understand how persons are going to know that if someone is put in a particular place, that person is going to vote for them.

I have heard the very Senator saying that he would not support his leader because his leader does not understand the Democratic Labour Party philosophy.

SENATOR LeR. H. McCLEAN: Mr. President, on a point of order. I do not remember making such comments on the Floor of this Senate. I would like the Senator to tell me when did I ever say that in any debate.

Mr. PRESIDENT: You cannot ask questions, Senator. You can make a point. I am not satisfied that is a basis for withdrawal. You have not made any foundation. I rule.

HIS HONOUR SENATOR C. L. BOLDEN: Sir, the Honourable Senator goes on to say that Government is raising the ceiling of funds to be borrowed and he calls it an election gimmick. What does he say when the banks have now dropped their lending rates, some as low as 6.99 per cent, for a period of 30 years, up to the age of 70? Is that an election gimmick too? Which bank is running in an election?

He said that Government is attempting to fool the electorate. Is he saying that Government has total control over all the lending agencies in Barbados and can dictate at this time the lending rates, for how long and for how much one could borrow? One of the banks is even advertising 100 per cent mortgage rates up to the age of 70. Is this fooling the electorate?

If the Honourable Senator cannot find anything by which he can criticise the Government, he should at least praise Government for doing something good.

Sir, I returned to Barbados in 1964. One of the first things that I attempted to do was to get the then Mr. Fergusson, a Member of the Other Place, to divide Government housing. I even gave him a copy of the California Act which divides these housing. Sir, do you know what I was told? I was told that Government had to keep them to control the people who live in them.

The late Right Excellent Errol Barrow rode a white horse to St. George and told the people that if the Barbados Labour Party took the plantation land, he would go to court for Colonel Drax. He said that we were taking away the white people's land and told the people not to buy them because they would have to pay taxes.

I do not understand. In one voice they are telling the people not to buy houses. In another voice, they are quarrelling with the Government because Government is giving to these persons the opportunity to own their own houses.

*Asides.*

HIS HONOUR SENATOR C. L. BOLDEN: The Honourable Member has forgotten the history of This Place. Ask him how long successive Governments have been trying to transfer the houses in Bay Land to the tenants and why they cannot get them transferred. Ask him who did the surveys and what is wrong with them.

*Asides.*

HIS HONOUR SENATOR C. L. BOLDEN: That is why Bay Land has not been subdivided and disposed of for the number of years. Your Government tried it. My Government tried it, and you know why they cannot do it.

Ask why we cannot, up to this day, complete the registration of titles in Barbados. Find out where the problem lies and who did the majority of surveys that have got the whole issue screwed up.

There is a development in the Orleans that the Government wanted to sell the lots. Ask what has happened to the recent survey where the National Housing Corporation attempted to sell the lots, then months afterwards had to come back and tell the people that, after surveying, the lots were of a different measurement.

*Asides.*

HIS HONOUR SENATOR C. L. BOLDEN: Not you, Mr President. The Honourable Senator must not get up and make statements to make it sound as though the Barbados Labour Party is doing something wrong. They are talking about pre-poll rigging. Pre-poll rigging what? The late Right Excellent Errol Barrow looked at me in the Upper House and told me that he controls all of the money in Government and that he is going to move every piece of equipment into St. John in order to put in roads.

Mr. PRESIDENT: The records would show that those words were withdrawn.

HIS HONOUR SENATOR C. L. BOLDEN: I am not calling that pre-poll rigging, I am calling it using the facilities of Government to get the votes in the next election. Therefore, the Honourable Senator is on dangerous footing this time and I do not think it would benefit him or his Party when the bell is rung.

I thank you, Sir.

SENATOR P. C. GODDARD: Mr. President, I rise to support this Resolution and to state that when the Government policies benefit the people of Barbados, that is what they are supposed to do. It is not an electioneering gimmick but sound management of our economy and of our social affairs over the past two terms of office. This is just part and parcel of that continuation of good management and sound policy-making by this Barbados Labour Party Government.

Sir, with regards to Claybury Tenantry, I think this transaction shows the public spiritedness of Barbadians who have sold land to the Government at a fraction of the valued cost to promote the establishment of this residential area, which is in the interest of the workers who work in that area.

Mr. President, I would say to Senator Laurie who visits Claybury on a regular basis, that when he drives down the beautifully barber-greened roads of Claybury, he must also go down the back of Claybury and find that where a lot of these small houses are located, there are some land holdings of one acre and 1-1/2 acres. There are several land holdings where significant agriculture is being done and where some of the most excellent Scotch Bonnet peppers are grown, seasoning, and all manner of produce are being produced.

I suspect that this new housing project on the other side would be in a different dimension and different mode than the traditional housing areas. Those people that would live in those areas are from the agricultural areas and would put that land to the maximum use and benefit for the community and for the wider community of St. John and St. Joseph.

I do support this Resolution, Mr. President.

SENATOR Mrs. P. E. RICKINSON: Thank you, Mr. President. I always support these Resolutions where land is being acquired for poor people in particular. I believe we need to subsidise housing in this country, especially for the poor and those who cannot afford to buy land.

What I would like to know, is if this land is being acquired and given to people, each with a lot of 10 000 square feet, what would be the selling price. One cannot get land for less than \$10 per square foot anywhere in Barbados, which means that it is going to cost \$100 000 to buy a lot and who has \$100 000 to buy a lot of this land for housing?

People are talking about farming but this land is not being acquired for farming. This Resolution says it is for the purpose of housing development. Therefore, if this land is taken and sold to persons at 10 000 square feet lots, there is nothing to prevent the individual from dividing the land and

selling out part for housing.  
1.15 p.m.

I want to know the policy for this particular piece of land because normally for low-income or middle-income housing 10 000 square feet is a lot of land. Sir, the land which I own is 3 500 square feet and I would like to know the price of this land and to whom it will be sold because few middle-class people can pay \$100 000 for 10 000 square feet of land and then build a house on it.

I will support the Resolution because I feel that Government should be subsidising land but I would like to know if Government will subsidise this piece of land. I hear that people will do farming on the land and that it is not tenantry land but that it will be cut up for housing development.

*Asides.*

SENATOR Mrs. P. E. RICKINSON: I am asking these questions so that the Honourable Senator who brought the Resolution can put me right. I would like to be enlightened about these things because the Honourable Senator did not expand on whether it was a tenantry or not and the other Members who spoke did not expand on the matter either but simply said it was for farming; but the Resolution says it is for housing development. There are conflicting stories and I would like it clarified.

SENATOR D. D. MARSHALL: Mr. Speaker, on a point of order. Mr. President, I spoke on the Resolution and I made it quite clear that the land was for residential purposes but that the lots would be large enough so that people would be able to do some kitchen gardening. I do not recall any speaker on this Side saying that the land was for farming.

SENATOR Mrs. P. E. RICKINSON: It is my impression that the land is for farming and that it is good agricultural land. Sir, I want to know why good agricultural land is being sold for housing development at this point in time when we know that we need to promote agriculture so that we can eat what we grow because if anything happens we need vegetables for food. I do not understand why good agricultural land should be used for housing. I hear that this is good, red soil for growing food. There must be land some other places not suitable for agriculture.

Mr. President, I would like answers to these questions and I want to repeat that I support housing and for the people of this country but that there are two different types of land for these purposes.

SENATOR THE HON. G. S. H. MURRAY: Sir, I understand the hypersensitivity of Senator McClean on this issue because it relates to development for St. John. When a measure like this comes before the Chamber that brings clear development to St. John, Senator McClean and his colleagues feel that we are trying to show up the Democratic Labour Party's abysmal record in St. John. I assure the Chamber that we are not seeking to do this because the only other housing development in St. John is in Colleton Hill which was also done by the Barbados Labour Party in the 1950s. We are also now opening up housing lots at Gall Hill and roads are being put in St. John. We know how poorly the Democratic Labour Party did in St. John despite having continued representation since 1958 and I understand that they are embarrassed. I remember the international agency that described St. John as the poorest parish in Barbados and we are seeking to change that.

Sir, the Democratic Labour Party is seeking to make excuses early because of the licks they will get and they are conjuring up all kinds of scenarios to try to precondition themselves for what is likely to happen.

Sir, we have a clear and outstanding record over the last nine years and this will carry us through.

I close by assuring the Chamber that the land being sold at Claybury will not be at \$10.00 a square ft. because there are no developmental costs that have to be passed on to persons. Government has built a new road and it will not be sold as a commercial undertaking. I am confident that this development will be welcomed by those in St. John who will benefit from it and residents will have full rights to carry on agricultural activity as they have been accustomed to doing. This is not a case of willy-nilly taking good agricultural land out of production and putting it into concrete and steel but there will be traditional agricultural pursuits and, at the same time, people will see the enlightened policy of the Barbados Labour Party that have been lacking in St. John for many years.

I thank you.

SENATOR THE HON. J. X. WALCOTT: Mr. President, when I presented this Resolution I thought it was a simple one. Sir, a Resolution to benefit ten low-income Barbadian families should not generate such rancour, ludicrous talk and absurdity and the feeling that it would cost \$100 000 for one of these lots.

Sir, if I may refer to correspondence received from Thomas Herbert, Director of Claybury Plantation to the Ministry of Public Works, Chief Legal Officer dated November 8, 1997. Sir, I see this as public-spiritedness; but it is being criticised and being called unsavoury by the Democratic Labour Party.

I think it should be commended and I know it will be well received by the people in Claybury because something is being done for the people in St. John who felt abandoned over the years by the sort of representation they have been receiving by those chosen to represent them.

I beg to move that this Resolution do now pass.

*The question was put and agreed to.*

#### SUSPENSION OF SITTING

SENATOR THE HON. J. X. WALCOTT: Mr. President, I beg to move that this Sitting be suspended until 2.40 p.m. today.

*The question was put to the Senate and agreed to and Mr. PRESIDENT suspended the Sitting accordingly.*  
1.30 p.m.

#### RESUMPTION

#### ORDER NO. 4 – THE SUPREME COURT OF JUDICATURE (AMENDMENT) BILL, 2003

SENATOR THE HON. J. X. WALCOTT: Mr. President, the Government is committed to the modernisation of the judicial system in this country and certainly to making it more efficient. To this end, there are plans for expanding the utilisation of Information Technology (IT) throughout the system. There are plans to set up the forensic lab and also the proposed new Hall of Justice.

Sir, all of this is being constrained by inefficiencies in a number of judicial officials. Delays in court matters in Barbados are the norm and it has become almost endemic. Recognising this, the Minister of Home Affairs, in his last Financial Statement and Budgetary Proposals for the year 2002, made provision for the creation of additional magistrates, judges and a Court of Appeal judge. This Bill now seeks to bring this matter to fruition.

Sir, the number of judges was last increased in 1995 and since then, the number of cases referred to them have increased by 27 per cent to over 340. It is estimated that this number will be up to about 1 200 by the year 2007.

At present, there are six judges of the High Court and these have to deal with civil and family matters as well as criminal assizes. The increasing volume of criminal cases and the fact that only two courts sit on each occasion, the number of cases which must be traversed from each assizes continues to rise.

The Family Division of the High Court sits only twice a week. I heard they were having problems with the increasing number of cases. It is proposed that the ideal setting might be to have a family law court and this might be the solution eventually.

Over the years, the number of cases in this area have increased and certainly, last year, the number of divorce petitions were 343, the number of civil cases were 1 416 and the criminal assizes were 134. The situation in the magistrate's court is even worse. There currently exists a backlog of about 4 000 cases at this level. The case load has increased 10 to 20 times since 1966 when there was a permanent increase in the magistracy. Over 22 300 cases were lodged in the magistrates court in 2001 of which 20 per cent were drug related.

As I said, there are eight magistrates of which there are six permanent appointments, one on contract and one acting. Recently, an arrangement was put in place to clear a backlog of 250 coroner's inquiries by the appointment of a magistrate to deal solely with this area.

Sir, a consultant with the National Task Force and Crime Prevention reported in the sampling of some 2 551 criminal cases from 1999 to 2001, 25 per cent of these criminal cases took over six months to adjudicate, 45 per cent of the non-violent cases which took more than six months were dismissed or discontinued, 65 per cent of the violent cases which took more than six months were dismissed or discontinued. Sir, these are some of the findings in the case of the Magistrate's Court. Certainly, in the case of the Court of Appeal there was obviously a need for another judge of the Court of Appeal.

Sir, it can clearly be seen that this Bill seeks to increase the number of judicial officials to deal with the increasing cases and the backlog of cases that have to be dealt with and it is all part of the Government's plan to increase the efficiency and modernise the whole judicial system.

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

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, I am glad that the Government is taking a positive step to make the courts efficient. I think that we are stuck in tradition and until we decide to look at the complete jurisprudence suitable to our environment, the increase in judges and magistrates will hardly push us any further ahead.

We have fundamental problems in the judicial system, Mr. President, and one of the things I have been asking for which I would like to see done is that magistrates are removed from the civil service and put into the judicial category where there is more control over them.

In 1978 when I went to the Ministry of Transport and Public Works, I had instructions to have architects draw plans for a new court. The Government acquired the land around James Street and a court was designed, leaving the Synagogue in the centre of that Court. When the Barbados Labour Party lost power in 1986, the Democratic Labour Party abandoned the drawings for the court. They brought out new drawings and said they were going to build a court at the junction of Country Road. We never saw that and it is now left to the Barbados Labour Party to provide adequate court facilities.

Mr. President, I want to look at the whole system of courts in this country. I want to start with the Magistrate's Court. From time to time, we have tinkered with the Magistrate's Court and we have increased the jurisdiction of magistrates up to \$10 000 and in some cases more than that, but I do not think that we have taken into consideration the workload that we were putting on magistrates at the time.

We have a new Magistrate's Court Act, but we have no rules. Therefore, we still have problems in getting the Act to function effectively. At the same time, we have a number of matters which are dealt with by magistrates, which in my view and in the view of many practising Attorneys, can be done away with and I cite, for example, liquor licences.

Once a quarter, the courtyards all over this island are loaded with people to acquire liquor licences. I have asked over and over again, why must this happen? You can apply for a gun and you get a gun but you do not have to go and stand up in a courtyard and wait to be hauled into a court and you hear, everything is in order, Sir, no objections and one man takes the oath, it is true, and the liquor licence is granted. This takes up at least one hour every morning of the judicial time that magistrates should be sitting dealing with other pertinent matters.

We have, in the Magistrate's Court the situation where we have a number of marshals who do not serve documents so the result is that litigants go to court to hear, "there is no return, there is no return". A magistrate is dealing with documents only to write an adjournment over and over again.

We looked at this marshal's report. In order to increase the personnel to the Police Force, we brought in Marshals to serve documents, rather than policemen serving documents as they used to do before. I think there needs to be a very serious look at what the marshals are doing.

In the Supreme Court, we advocated and it was granted that litigants can serve their own documents by process servers. I think that needs to be done urgently in the Magistrate's Court as well. We have the problem of magistrates being moved overnight, where a magistrate is

sitting in one court and next morning the court is empty. The magistrate has either gone on vacation and there is no replacement or the magistrate is moved to another section. For instance, the habit now is moving the magistrate to the Land Registry Department or they are moving them all around and there is nobody sitting.

We had District "A" Court that was not sitting for at least three weeks because the magistrate was moved overnight. Then, there is talk about backlog of cases because every case that comes now has to be adjourned. So you must have backlog of cases unless there is a system, and that is why I said, the Magistrate should be promptly removed from being a civil servant and put into the judicial system. Sir, provisions for elevation can be made in that system. As I said, magistrates go on vacation overnight, and you turn up to hear that the magistrate is on vacation and there is no replacement. So your backlog must continue to grow.

Another thing we are stuck with and as I said, we are steeped in tradition – I came back to Barbados in 1964 and I found magisterial districts: District "A", District "B", District "C", District "E" and District "F". In the year 2003, we have amended a Magistrate's Court Act and we still have magisterial districts. Rather than magistrates having island-wide jurisdiction and that is what is needed, we have magisterial districts.

So, on a Saturday morning or on a Monday morning, when persons are brought before the magistrate and want to plead guilty, you will hear, "Well this is not my case, this is a District "B" jurisdiction. You will have to wait until you get to District "B" to plead guilty or District "D". That is judicial time lost both in the first court and in the second court. These things can be remedied overnight.

For instance, I have advocated for the longest time that we have a preliminary court hearing for indictable offences and run it like you run the Coroner's Court. That is, every magistrate who is on duty when new matters come in and they are indictable, it falls to them. We should have a floating magistrate, so that when a magistrate goes on vacation, the floating magistrate comes in and sits in that court.

In all indictable matters, there should be an indictable court. What would happen is, you will have a magisterial indictable court sitting every week. The police will be forced to bring all their witnesses when a matter is set. Instead of that, you have the normal magistrate's court doing several matters, including indictable matters.

I can tell you that I have a matter now where I have gone to court 23 times. There were 23 adjournments and the matter is not yet completed before the Magistrate's Court.

I think we need to look at a total overhaul of the justice system. You turn up a morning and you will hear that the

policeman to give evidence in this matter has gone to an urgent matter in St. Peter so that the case cannot be heard. Or you will hear that the policeman to give evidence in this matter has been re-assigned somewhere; he is at the Training School. When will he be back? In another six to eight weeks and so, there is an adjournment. Until we look at the entire judicial system, which starts from the Magistrate's position right up to the Court of Appeal and make the relevant changes suitable to our conditions...

I keep saying, and I will say it as long as I have breath in my body: this question of bringing consultants from abroad to impose on us situations that are not relevant to this country, will be the downfall of Barbados, when you have to bring a consultant from somewhere to do everything that you have to do, who comes to tell you what to do in Barbados, when he or she does not know of the environment which we have to face in Barbados. I am telling you, somebody will say that we have to bring a consultant from England to tell us how to run our courts.

Sir, we have a situation where we brought in paper committals because somebody recommended paper committals, a form that existed in England. I was present in District "C" courtyard when a senior officer from England said, "You are adopting what we have disposed of long ago because we found that when we go out and take evidence in the first instance, the paper committal, when the witnesses get to court, they say something different".

Well, the paper committals have gradually faded away in our situation. We now have something called "Motion Day" in the Supreme Court for civil matters. Sir, in my view all that Motion Day does, is a disadvantage to judicial time. It has not taken into consideration the human element because when you go to Motion Day, you create a new set of documents, both attorneys, the attorney for the plaintiff and the attorney for the defendant, sign the document as being ready. You are allocated a day, five or six months later. If by chance the judge does not come out, one of the attorneys is sick or one of the witnesses is sick, and that case cannot come on that day, the judge who had that case can do nothing as long as that case was set for three days because nobody was ready to sit before him, so three days are completely lost.

We keep adopting such systems. Further, we have a position in this country where we have people deciding where to build and redesign magistrate's courts, but they have never asked a practising barrister, will this suit the situation. If you go to Oistins, you will see a beautiful court built there. First, you cannot hear: one person giving evidence is over there, the attorney is sitting in the centre here and the accused is over there.

If you go to Holetown, the architects and everybody designed a pretty building but not suitable for what is to be done in the building.

They redesigned District "A" Magistrate's Court and Magistrate's Court "B" and there is a similar system. Nobody asked a practising attorney, will this work, is this functional, is this satisfactory. But the architects come and do whatever they want to do and leave you to fit in.

*Asides.*

2.55 p.m.

HIS HONOUR SENATOR C. L. BOLDEN: On the other hand when a person is charged and the informant comes to court, goes in the stand and tells the magistrate he or she has decided to finish with the matter, that they have settled their differences, the response is: "Oh, you will have to pay so much money for wasting police time". But when the police cannot come, you do not hear anybody getting paid, so it cannot be right.

There is an entity called "dispute resolution" which I understand is now being taught in schools, so if you are going to teach alternative dispute resolution in school and two adults who have a matter before the court suddenly decide that they no longer want to prosecute the matter to the end but solve it, you cannot tell me that you are going to charge that person because he takes that decision. When you have other elements outside which are influencing the progress of a case, you can deal with that but I think you have to look at the genuineness in any matter where a complainant comes to court and says he is no longer interested in the matter. We have to bear in mind that we cannot be fostering alternative dispute resolution as a manner of solving disputes in our community if at some time somebody has to pay a penalty for taking that route.

Mr. President, let us look at another point and use the traffic cases as an example. Only yesterday morning a clerk was telling me how many traffic cases are filed in that court. Here is a contradiction. When I was Minister of Transport and Works I had to put a stop to a system which existed. I doubt many people know what happens. There is a department of the Ministry of Transport and Works that is responsible for marking the roads and putting up signs. I had a case in which the Court summoned an officer, and he stood on the stand and said, "Ma'am, I cannot tell you anything, a note comes down saying put up a sign here or mark here and we do that".

The police have to administer the law in relation to traffic offences. However, there is no coordination between the department that puts up the signs *et cetera* and the Police Department. That department goes out on weekends and

marks the road and the next day the police are duty-bound to administer the law. So then the public is confused and the police get blamed for work that is being done by a department of the Ministry of Transport and Works that nobody knows how they come about. I doubt up to this day that they have encyclopaedias of road traffic law at the Ministry of Public Works and Transport, but people just mark signs.

Take for instance, Roebuck Street. We came down one morning and found on the right side of Roebuck Street going east from the corner by Barclays Bank right to the traffic lights marked no parking. The widest part of Roebuck Street has no parking signs but on the narrowest part over by the lights you can park on both sides of the road. So now every day the police have to occupy three or four policemen at the bottom of Roebuck Street to charge people who park on the right side of the road. If you do not pay your ticket, you end up in court. That is why I say we need to rationalise the entire judicial system and do it with the other entities that affect the judicial system.

We need to look at the contradictory signs we have on our roads because if you come up Fontabelle and you read the signs there, you take different routes when you get to the one in Belmont, *et cetera*. These are things that come before the Court every day. So you must increase the work of the courts and until you do something to rationalise the whole system even with the increase in judges, *et cetera* this would not happen.

Yes, you are going to have your Supreme Court sitting year round because that is occasioned by the number of cases. It seems as though our tolerance in Barbados is dropping fast because there are so many cases of endangering lives, serious wounding, drug matter *et cetera*, so you are going to have to do that. In terms of the civil cases and other things, I think a rationalisation of the system will bring a bit of relief. We have become more litigious over the last ten years and therefore you would have an increase. I think we have to look at how best we are going to manage this increase in matters and how best we are going to utilise scarce judicial time.

I thank you, Mr. President.

SENATOR Dame PATRICIA SYMMONDS: Mr. President, I dare to speak after an eminent Queen's Counsel and before another distinguished legal person speaks.

I have had to read a bit about the law when I was Deputy Chairman of the National Commission on the Status of Women. Of course, I have a layman's interest and a citizen's interest in this subject.

As Senator Bolden has said, this Bill is absolutely essential. We all know that there have been constant complaints from the public about the delays associated with the justice system and that the judges have to do everything, take appeals in the morning, deal with settlements in Chambers and other things that are not on the Bench. So an increase in the numbers of the judiciary can only be for the better both for the public and the judiciary.

I think, and it is the opinion of other persons, that specialisation may be one of the ways of solving delays. With the gradual increase in judges, it may be possible in the future to have judges who practise in specialised areas, for example, family law, corporate law, criminal law and so on.

I do not see how specialisation in any area can be wrong. It builds up a kind of knowledge in that area that can only add to the knowledge, enjoyment and confidence of the person. You find it in other professions. When I was at university, although the lecturers would all have done outstandingly in literature, there were some who concentrated on Shakespeare and some on Agonistes' Samson. I am talking about my area of study which everybody probably knows is English, some middle English and some 17th and 19th century English. You find it in medicine where you have surgeons, gynaecologists, brain specialists and so on. All of them have developed a great facility and expertise in their fields. Therefore, I humbly think that it would be useful in the legal profession as well.

I have also been reliably informed by members of the Bar that there has been an improvement in the speed of the delivery of judgments. Today's world as we know is more complex and judges are going to be called upon to rule on increasingly complicated transactions. Therefore, it is important that our judiciary be enlarged to ensure that they can cope with the new types of cases and the volume, therefore, I support this Bill.

Thank you, Mr. President.

SENATOR THE HON. V. E. NEWTON: Mr. President, I rise to add my voice to that of the two Senators who spoke before me who supported this Bill.

I would like to begin by congratulating the Supreme Court for the fact that it has published some of its cases from 2000 to 2002 on its website recently. The cases are not in a searchable database but it is still an improvement in that it gives access to recent decisions which the legal profession would not otherwise have had speedily.

I also want to endorse Senator Symmonds' point that there has been an increase in recent times in the speed of delivery of some judgments. Mr. President, it is not my view

why the increase of judges by two is a step in the right direction. It is not my view that is going to give us any greater speedy results as long as some of the problems in the administration of justice which has been pinpointed by Senator Bolden remains. I speak for one about the number of adjournments that the legal profession is constantly seeking on a day-to-day basis. Frequently, I am told that judges will turn up to hear a case but there is nothing to do because lawyers are always seeking adjournments. There has to be some way of trying to deal with that.

Work has probably started on the new Supreme Court Rules which will provide for a proper system of case management. I would hope that Barbados would look closely at what is happening in the Eastern Caribbean Supreme Court where they have recently adopted new rules and a system where two masters are provided for the court and a case management system is in place. I am told that not only have they been able to reduce the substantial backlog of cases that they had to almost negligible proportions, but that reforms are being seen in other areas as well.

Mr. President, Senator Bolden spoke of the need for research assistants for judges. In some jurisdictions, the more wealthier jurisdictions, this is something that goes on almost without saying. The judges in these jurisdictions have clerks to check good cases. This is a system of writing preliminary opinions and so on.

A system of appointing clerks, bright recent graduates from the Hugh Wooding Law School was implemented in Trinidad last year. I am not absolutely certain how it is working but I was in Trinidad last year soon after the first batch was appointed, and some of them were complaining that no provisions had been made for them and they did not have any offices and so on. The idea was so new to the judges who they were appointed to assist that I think they themselves had not quite worked out how they would cope with this influx of new students who were going to assist them, but by now I am sure all the teething problems ought to have been worked out.

Mr. President, another problem in the system is that frequently judges come and go and leave decisions not given. I am told that turn-around time for decisions in some cases has been reduced in recent times but I am also reliably informed that there is still vast room for improvement. I sat in another forum a few weeks ago and one of the questions was what provision could be made in legislation to deal with judges who heard cases and then did not give decisions. It was not thought that dealing with the matter legislatively was the answer, certainly not until the judges are given assistance to do their research. So that is something we would hope that the Government of Barbados can afford if not very soon, certainly in the near future when the new

Supreme Court is built and there will be space, hopefully, to house the judges properly and any assistants that they may have.

Mr. President, when we look at the problems in the courts, these have been articulated quite well by persons who spoke before me, as in many other areas of life, some problems are solved not by throwing numbers at them but have to do almost entirely with the calibre of the persons whom we appoint to certain positions. So I would hope that the Government makes these new appointments carefully especially since there have been calls for greater specialisation on the part of the judiciary. That is a call which one cannot fault. However, in an attempt to create specialisation one has to look very carefully at the persons who are appointed to fill the positions. Some have argued that if the Government wants to do that, it may well be better to look to the private bar than to take persons from its Chambers. I cannot say whether this is so or not because I am sure that worthy people come from both sides, but I would emphasise that special care should be made to make sure that the persons who are appointed are persons who have done research, who are not afraid to write decisions and who will to the best of their ability make sure that some of the shortcomings in the present system are dealt with.

Thank you, Mr. President.

SENATOR THE HON. J. X. WALCOTT: Mr. President, I beg 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. J. X. WALCOTT the Senate resolved itself into Committee on the Bill. HIS HONOUR SENATOR C. L. BOLDEN in the Chair. 3.15 p.m.*

#### COMMITTEE

Mr. DEPUTY PRESIDENT: The Senate is in Committee.

*Clauses 1 – 3 inclusive were called and passed.*

*On the motion of SENATOR THE HON. J. X. WALCOTT, 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 motion of SENATOR THE HON. J. X. WALCOTT the Bill was read a third time and passed and cited as the Supreme Court of Judicature (Amendment) Act, 2003.*

#### ORDER NO. 8 – THE LAND TAX (AMENDMENT) BILL, 2003

SENATOR THE HON. J. X. WALCOTT: Mr. President, this is a simple amendment to the Land Tax Act, particularly in respect to the definition of a pensioner.

As you would appreciate, the Act speaking to land says:

- 2B (a) in the case of a pensioner
- (1) the land in respect of which tax is levied is owned by the pensioner and has a dwelling house thereon, and
  - (2) the dwelling house is used exclusively by the pensioner and his immediate family for their permanent habitation.

Sir, persons who are retiring before the age of 60 are currently being able to enjoy the 50 per cent exemption off the payment of tax on the approved value of their land in spite of the fact that they might still be gainfully employed. Government is obviously not collecting the full revenue because no age is being specified in the legislation. This amendment is now attempting to rectify this situation.

It should also be mentioned that the Land Tax Order has also been signed by the Minister responsible for Finance and this would result in reduced rates of land tax in the next year. If I may just mention a few of the changes. Up to \$350 000, the rate now goes from 0.2 per cent, while the current rate is 0.10 per cent.

On the excess of improved value which is greater than \$350 000 but not exceeding \$850 000, the current rate is 0.7 per cent. This would be reduced to 0.65 per cent.

On the excess of the improved value greater than \$850 000, the current rate is 1 per cent. This would be reduced to 0.75 per cent.

On the improved value on every parcel of land on which there is a building other than a residence, this is reduced from 0.7 to 0.65 per cent.

The site value of each parcel of land is moved down from 0.65 per cent to 0.60 per cent.

This shows Government's commitment to reducing the level of taxation in this country. I now beg to move that this Bill be read a second time.

SENATOR B. R. COLLYMORE: Mr. President, there are two small points I wish to make. I can see the purpose of trying to give a precise definition of a pensioner. Immediately as the Bill was announced in the Other Place, we had two calls from persons who have not yet reached the age of 60 but who have been forced to retire due to circumstances of health.

These persons are not minded to be seeking any kind of rebate through another provision of the Land Tax Act because in one case the person is not entirely exempt from paying income tax but finds it discriminatory that as a taxpayer who is a pensioner this person does not get the benefit of the special provisions for pensioners because they are not yet 60. Whilst one appreciates the point about designating the definition of a pensioner, I think there is merit in a case where a person has been forced to retire and thus becomes a pensioner but who still cannot benefit from these arrangements.

I know that the person who has passed the age of 60 and is still working would not get the benefit and therefore, I can see that being justified. On the other hand, that other person does not get a benefit at all because they still happen to be working. This person has applied for pension only to be told that he was not a pensioner as yet. Therefore, on the one hand, we have the person aged 63/64, not yet a pensioner and I do not see why he should benefit although that person is saying why should someone aged 60 and retired optionally and happens to be a pensioner receive this benefit. Then in the third case, there is the person who is forced to retire through medical reasons, is a pensioner, and cannot receive any benefits. Sir, I was asked to make these points.

I thank you.

SENATOR THE HON. J. X. WALCOTT: Mr. President, I have noted the points of the Honourable Senator. I now beg to move that this Bill be read a second time.

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

*On the motion of SENATOR THE HON. J. X. WALCOTT, the Senate resolved itself into Committee on the Bill, HIS HONOUR SENATOR C. L. BOLDEN in the Chair.*

#### COMMITTEE

Mr. DEPUTY PRESIDENT: The Senate is in Committee.

*Clauses 1 – 2 inclusive were called and passed.*

*On the motion of SENATOR THE HON. J. X. WALCOTT, 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 motion of SENATOR THE HON. J. X. WALCOTT the Bill was read a third time and passed and cited as the Land Tax (Amendment) Act, 2003.*

#### ORDER NO. 7 – RESOLUTION TO APPROVE THE LEASE TO THE BARBADOS DIABETES FOUNDATION OF THE PARCEL OF LAND SITUATE AT LOWER COLLYMORE ROCK, SAINT MICHAEL FOR THE PURPOSE OF ESTABLISHING A DIABETES CENTRE

SENATOR THE HON. J. X. WALCOTT: Mr. President, this Resolution seeks permission to lease some 21 624.69 square feet of Crown Land at Enmore, St. Michael, for the establishment of a Diabetes Centre.

The lease is for a period of 25 years with an option to renew for a further 25 years. The rent to be charged would be \$100 per annum. This is to be renewed every five years. At the expiration of the lease, all improvements become the property of the Crown with nil consideration.

The Diabetes Foundation of Barbados would be responsible for all rates and taxes and any outgoings associated with the use of the property. The Foundation is to be responsible for insuring the property. The Foundation indemnifies the Crown against any consequential damages which may arise from the use of these premises.

Sir, the Diabetes Foundation has been formed and registered in Barbados with a mandate to enhance patients' education; to train health professionals; to promote research; to create a database for diabetics; to improve diabetic care in the island and throughout the Caribbean.

Sir, as you would appreciate the chronic non-communicable diseases such as diabetes, hypertension, heart diseases and obesity along with their complications of strokes, heart attacks, limbs amputations, blindness, weak kidney diseases, have become quite a matter of grave concern for health planners in this country.

Diabetes can be seen as one of the most important of these diseases since none of them has a greater impact on the health of the economy of this country. In the year 2000, the number of persons who suffered from diabetes in America is estimated to be 35 million, of which 19 million

live in Latin America and in the Caribbean. It is projected that by the year 2025 the number would rise to approximately 64 million, of which 40 million will live in Latin America and in the Caribbean.

Diabetes is the fourth leading cause of death in Barbados. It is known to contribute significantly to skin and heart diseases; strokes; heart attacks; enslaved kidney diseases; poor circulation; gangrene and limbs amputations. These will require large-scale financial support.

In Barbados and in the Eastern Caribbean, diabetes coexists with hypertension in approximately 25 per cent of the cases. A 1989 study shows that in the over-40 population, 80 per cent of the people were diabetic. A 1993 study has found that in Latin America and in the Caribbean, Barbados has registered the highest prevalence of this disease.

Statistics have shown for Barbados that by age 40, 40 per cent of Barbadians have hypertension and 80 per cent suffered with diabetes. That is, two out of every five persons suffer with hypertension and one out of every six Barbadians, over the age of 40, suffers with diabetes.

Diabetes accounts for over half of the long-stay surgical wards at the Queen Elizabeth Hospital and for the majority of non-traumatic limbs amputations. The number of persons treated for diabetes at the hospital has tripled from 529 in 1980 to 1 762 in 1996. Patients with diabetes spent an average of 18 days in the hospital, contrasted to other patients who have spent an average of 6 days.

In 1999, there were 193 lower limb amputations performed for diabetic gangrene, giving a prevalence rate of 38 out of every 100 000. This is compared to a rate of 14.2 in the United Kingdom.

It is estimated that currently we have about 25 000 diabetics in Barbados. The economic cost of managing diabetics has certainly spiralled due to the long-term complications which I have mentioned. These are not only measurable in this area but in the economic cost due to sick leave, lack of productivity, impact on families and the impact on international workforces as a whole.

It is currently estimated that approximately 65 per cent of the Hospital's budget goes towards the treatment of chronic diseases, 60 per cent of that goes to the Barbados Drug Service.

Hospitalisation cost for diabetes and cardiovascular diseases have doubled since 1992 to about \$12 million per year. In recognition of this and the severity of this problem, the Ministry of Health has approached the Pan American

Health Organisation (PAHO) for technical assistance in formulating a protocol for diabetes. PAHO commissioned Doctor Oscar Jordan as Consultant for the project. Doctor Oscar Jordan has produced a two-volume document which outlines the broad strategy for the country-wide management for diabetes.

Doctor Jordan has also been one of the founders and has been involved in the initiating of the Diabetes Foundation, which is geared towards patients' education, research and treatment of diabetes, *et cetera*.

The Diabetes Foundation has been established for the purpose of owning the Diabetes Centre and for raising the necessary revenue to ensure the sustainability of this project. His Excellency the Governor-General has agreed to be patron for the Foundation.

The broad objectives of the Foundation would be to create a specialist Diabetes Centre; to create a diabetes register; to create a surveillance of management system which would expedite the early diagnosis of cases and improve the management of persons with diabetes; reducing the incidence of long-stay complications such as amputations; strokes; kidney diseases; heart diseases; blindness. It will seek to ensure the sustainability of the results obtained by extensive public education. It will also seek to attract and to generate funding appropriate to the competent running of the Centre.

Mr. President, the Diabetic Centre could not have come at a more appropriate time when we are faced with this scourge of non-communicable diseases. Now we are speaking of HIV/AIDS but it should be recognised that the leading cause of death in Barbados is, indeed, cardiovascular diseases, to which many are associated with the effects of diabetes.

Funding for the construction of the Centre is going to be secured through a grant of £1 million from an overseas Trust which is based in London. It is proposed that the Ministry of Health would provide the cost of staffing, which is estimated to be approximately \$400 000 per year.

Sir, I think it is a venture that we should all be pleased about. It is a step in the right direction as we embark on this fight against the scourge on our population. I beg to move that this Resolution do now pass.

SENATOR LeR. H. McCLEAN: Mr. President, this is one Resolution to which I have great pleasure in supporting because I have seen the ravages of diabetes very close to home, having witnessed two of my in-laws, both suffering double amputations as a result of this disease.

I would like to congratulate those persons who have sought to bring the Foundation into being and also those who are pursuing a path of undertaking a programme to better manage the disease amongst Barbadians.

Mr. President, I think that diabetes could almost now be classified as a lifestyle disease in some regards but in addition to the genetic factors that might be associated with the disease, much of the findings are showing that the complications which arise from the disease could be dealt with if persons followed a better regiment in terms of their diet.

3.35 p.m.

I have been noticing and I heard concerns expressed by many other persons about the kinds of foods that Barbadians are consuming. One only has to observe the increasing number of Barbadians who are choosing to eat at fast-food places rather than prepare their meals themselves. There is a trend now where persons under 25 years of age believe that nothing should be eaten unless it comes from a package or fast-food restaurant. The days of preparing a healthy meal are now gone and everyone is eating on the run.

Sir, it is unfortunate that many persons who would want to have a better diet or eat wholesome foods cannot afford these foods because vegetables, fruits and many food supplements which diabetics are supposed to use are extremely expensive. I went on the Internet and a can of food which diabetics use cost US\$0.99 which is BDS\$2.00 but it costs \$8.00 in Barbados. Sir, we also have to pay high prices for vegetables and fruits and people cannot afford to eat healthily.

I have heard persons suggesting that we get back to eating potatoes and yams but, Sir, one pound of sweet potatoes cost \$3.00. When you compare that to the price of macaroni, which do you expect the family to purchase? Obviously, the family will buy the cheaper products.

We need to pay attention to making foods that people consume more affordable so that they can lead a better lifestyle. It is significant that Barbados has the highest prevalence of diabetes in the Caribbean. This has something to do with our lifestyle and diet. We pride ourselves on eating like a first-world country but we seem to be eating the wrong things in our attempt to eat like people in the developed countries.

Diabetes is a significant problem to the country as a whole and we have considered the number of cases in this country, the hospital days in addition to the loss of productivity because persons take time off from work because of diabetes-related illnesses as well as persons have to leave the workforce prematurely because of the ravages of

this disease and it must be a significant burden to the country. We must commend those persons who have sought to bring this disease under control.

Sir, I heard a gentleman referred to Barbados as the amputation capital of this hemisphere because we have more amputations per thousand persons than most other countries and it must be a significant drain on the resources of this country. Therefore, we need to reduce the incidence of diabetes in Barbados.

The Minister mentioned several programmes which the Foundation will be pursuing but I did not hear him mention research. I know there is some research going on in the medical faculty of the university and I believe that more could be done, given the seriousness of the disease in Barbados. Perhaps the Minister should consider entering some sort of collaboration with the university to bring the science department into research in the area of diabetes.

I want to commend the Foundation for the work done so far and I gladly lend my support to this Bill.

I thank you.

SENATOR THE HON. DAME PATRICIA SYMMONDS: Mr. President, I am pleased to give my support to this Resolution. As has been indicated, diabetes is a disease which affects almost every household in Barbados although fortunately my immediate family has not been affected. I have relatives and friends who have diabetes and, therefore, this disease is one with which I am concerned with at a personal level.

Senator McClean rightly mentioned that nutrition is one of the factors involved. I want to focus on that for a while especially with regard to children who, as everybody knows, are my special concern and abiding interest although I have left teaching for many years.

Mr. President, studies done in 1936 by B. S. Plat revealed then that people were not eating properly, that they were not eating greens and if they had a garden plot, the produce was put up for sale.

In the early part of the last century some children grew up without getting greens and vegetables. They were expensive and understandably they ate mainly ground provisions. Today, our society is prosperous although there are pockets of people who cannot afford to buy greens and vegetables and others who can afford to buy, prefer to buy carbohydrates. Of course we know that children imitate grown-ups especially what their parents do and say and I understand that younger and younger adults are having diabetes.

There is health education in schools and home economics is a part of integrated science that includes nutrition but the schools cannot do it all. The reasons for the high incidence of diabetes are manifold and the solutions are multifaceted as well. For instance, as a matter of repetition I think that the nutrition message must be repeated over and over again. It must start in the home and continue in the homes and society.

I believe that canteens in schools must undertake a drive to offer balanced diets to make children more conscious of the nexus between healthy eating and healthy living. Children must be encouraged to read labels on their own to understand what they are eating.

Mr. President, a great deal of information is available but children are not reading enough. On MCTV there are educational and health programmes on Discovery Channel and children should be encouraged to watch those programmes. They can also be encouraged to go on the internet where there are health programme as well which are educational.

Education is one of the greatest socialising influences. It includes knowledge, information and skills about health as well as other things. We cannot have any kind of development unless we have healthy citizenry. There are personal and national benefits to be derived.

There is also the question of exercise. We see people running around the Garrison but there are also a lot of couch potatoes who do not exercise but watch television often and children in school have to be forced to play games. Children have to be made to understand that exercise is vital to health.

Mr. President, with those few words, I wish to commend all those involved in this project, especially the initiators of it and to say that it has my wholehearted support.

Mr. President, I thank you.

SENATOR P. C. GODDARD: Mr. President, I rise to associate myself with the previous comments by Honourable Senators regarding the Diabetes Foundation and the tremendously important work that it will be doing in future. I would like to congratulate Dr. Jordan for bringing this Foundation to the present state it is in and the Ministry of Health for its assistance to the Foundation in developing it to this stage.

In introducing this measure, the Leader of the Senate mentioned that there was an overseas foundation that would be contributing one million pounds sterling to the development of this centre. Mr. President, we need to pay

tribute to the many foreign benefactors of Barbados who have donated significant sums of money for infrastructural development and charitable works in this country. They have not only donated money but time and efforts in furthering the development of Barbados. It is noteworthy that this country and its people have attracted individuals who have such a warm feeling for Barbados that they contribute and continue to do so over many years substantial sums in the field of education, agriculture, infrastructure development and in health.

This is significant and one of many manifestations of this charitable work being done by foreign people who have called Barbados their second home and we should recognise such generosity.

Mr. President, I thank you.

SENATOR THE HON. J. X. WALCOTT: Before I move the passing of the Resolution, I want to mention that a large part of the work of this Foundation would be in research. The National Screening programme in collaboration with the Chronic Disease Research Centre will liaise with other research centres in the Caribbean and elsewhere to start up a diabetic registry in order to quantify the problem of diseases.

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 PARCELS OF  
LAND SITUATE AT COTTAGE,  
SAINT GEORGE FOR THE  
PURPOSE OF HOUSING  
DEVELOPMENT.

SENATOR THE Hon. J. X. WALCOTT: Mr. President, this Resolution seeks permission to vest three parcels of land at Cottage, St. George in the National Housing Corporation for housing development and road improvement. These three parcels were acquired by private treaty for housing development and so far the lands have been subdivided into 120 lots on which it is planned to construct 60 houses. In other words, some of the lots will be sold as vacant lots and others will be sold as house and lot together. It is now being proposed that these parcels be vested in the National Housing Corporation.

I beg to move that this Resolution do now pass.  
3.55 p.m.

SENATOR LeR. H. McCLEAN: Mr. President, again, this Resolution is for the parish of St. George and more specifically, the constituency of St. George North which happens to be the constituency that the Minister of Housing and Lands represents. I think, Sir, it is time that in Barbados we pay some attention to this matter. I know that it would be said that it has happened over and over again and all the Parties are guilty.

Sir, I am saying that the time has come when we have to move away from the situation where Ministers of Government are able to use a disproportionate percentage of the resources of the country to satisfy their own political ends, by concentrating most of the efforts or most of the resources of a particular Ministry in their constituency.

Sir, I do not know how many times we had Resolutions either for land acquisition or the vesting of land coming before this Chamber for the constituency of St. George North. I am sure that a significant portion – I believe that the Land Bank is probably up to 1 000 acres – is in the constituency of St. George North. Certainly, most of it that is being used seems to be coming from that, which is in St. George North.

Sir, it is not fair to the people of this country that resources should be used in this manner and it is about time that somebody brings an end to this issue. I am asking the present Administration, for the few weeks that they might have left, at least to give some indication to the people of Barbados that they will not, if by some ill fate they retain the reins of power, pursue this practice.

I certainly would like to say that the Party to which I am associated will not continue the practice of using the Government's resources in this manner, really and truly, a situation where electioneering continues from one election to the next. Sir, as I said, what we are finding now is that persons will probably be removed from a constituency like St. Thomas into St. George, or from St. Joseph into St. George, in order to ensure that some Party faithfuls form an enclave within this constituency.

Sir, if we are continuing with the practice, I have noticed that this morning a lot of the land we are dealing with came from a plantation, so at least we can say that a few

square feet of land came out of the hands of the 2 per cent or 3 per cent who own the 90 per cent or the 90 per cent that owns the 10 per cent, or the 97 per cent that owns the 10 per cent.

This land at Cottage, Sir, I am so sure that this is the same kind of situation.

*Asides.*

SENATOR LeR. H. McCLEAN: Yes, but not the plantation owned by the same small percentage. At least this one is coming from a plantation owner that really and truly resides within the 90 odd per cent that own between 5 per cent and 10 per cent. Sir, if you are going to just circulate the land, you know you are taking from the poor to give to the poor, all you will be doing is making one set feel a little better off now, as you deprive another set.

Sir, the major point I want to make is that we have to try to ensure that every Barbadian has an equal opportunity to share in the resources of the Government and that the Government is not going to continue in this way to use in a disproportionate manner the resources to satisfy the political ambition of a small group of people, while leaving the rest of the country to languish.

Thank you.

SENATOR THE HON. J. X. WALCOTT: Mr. President, I beg to move that this Resolution do now pass.

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

## ADJOURNMENT

SENATOR THE HON. J. X. WALCOTT: Mr. President, this brings us to the end of our business for today. I beg to move that this Sitting do now adjourn until Wednesday, 23rd April, 2003 at 11.00 a.m.

*The question that the Honourable Senate do now adjourn until Wednesday, 23rd April, 2003 at 11.00 a.m. was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.*  
4.05 p.m.

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