

THE
SENATE DEBATES
(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

THE SENATE

Wednesday, December 20, 2006

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, December 20, 2006 at 11.10 a.m.

PRESENT

His Honour Senator Sir Fred GOLLOP, K.A. (President)
Her Honour Senator Dame Patricia SYMMONDS, D.B.E., G.C.M. (Deputy President)
Senator the Hon. E. R. GRIFFITH, G.C.M., B.A. (Econ. & Hist.), Dip. Pub. Admin., M.Sc. (Financial Studies), J.P. (Minister of Agriculture and Rural Development) (Leader of the Senate)
Senator the Hon. Miss L. V. EASTMOND, LL.B. (Hons.), LL.M. (Minister of Commerce, Consumer Affairs and Business Development)
Senator T. E. BARKER, B.A. (Hons.), M.A. (Econ.), J.P. (Parliamentary Secretary, Ministry of Economic Affairs)
Senator R. W. GRANT, B.A. (Econ.), G.Dip., M.A., J.P. (Parliamentary Secretary, Ministry of Tourism and International Transport)
Senator I. St. C. LINTON
Senator Miss S. C. V. HUSBANDS, B.A. (Hons.)
Senator Miss P. E. PARRIS, J.P.
Senator G. P. I. GOODING-EDGHILL
Senator G. P. B. NICHOLLS, B.Sc., (Hons.), LL.B. (Hons.)
Senator F. J. STUART, B.A., LL.M.
Senator Dr. D. S. LOWE, Dip. Theology, B.A., MED, ED.D.
Senator Sir John Stanley GODDARD, K.A., B.Com., F.C.A. (Hons.), LL.D. (Hon.) (U.W.I.)
Senator the Very Reverend H. E. CRICHLow, G.C.M., B.A. (Hons.) (Dunelm)

Senator Dr. F. L. CHANDLER, Ph.D., B.Sc. (Hons.)
Senator R. O. MARVILLE, B.A. (Hons.), M.A. African Studies, M.B.A.
Senator A. A. BYNOE

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: The Senate is in session.

ANNOUNCEMENTS BY HIS HONOUR
THE PRESIDENT

Mr. PRESIDENT: I have received an excuse for the absence of Senator Sir Roy Trotman.

PAPERS

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

1. National Insurance and Social Security (Self-Employed Persons) (Amendment) Regulations, 2006;
2. National Insurance and Social Security (Non-Contributory Old Age Pensions) (Amendment) Regulations, 2006;
3. National Insurance and Social Security (Employment Injury) (Prescribed Diseases) (Amendment) Regulations, 2006;
4. National Insurance and Social Security (Employment Injury Insurable and Excepted Employments) (Amendment) Regulations, 2006;

- 5. National Insurance and Social Security (Employment Injury Claims and Payments) (Amendment) Regulations, 2006;
- 6. National Insurance and Social Security (Employment Injury Benefit) (Amendment) Regulations, 2006;
- 7. National Insurance and Social Security (Determination of Claims and Questions) (Amendment) Regulations, 2006;
- 8. National Insurance and Social Security (Contributions) (Amendment) Regulations, 2006;
- 9. National Insurance and Social Security (Collections of Contributions) (Amendment) Regulations, 2006.
- 10. National Insurance and Social Security (Claims and Payments) (Amendment) Regulations, 2006;
- 11. National Insurance and Social Security (Benefit) (Amendment) Regulations, 2006;
- 12. Supreme Court (Master) (Salary) Order, 2006;
- 13. Report of the Accountant-General for the Financial Year 2005-2006;
- 14. Annual Report of the Barbados Investment and Development Corporation for the period April 1, 2005 to March 31, 2006;
- 15. Annual Report of the Barbados National Productivity Council for the period April 1, 2005 to March 31, 2006.

REPORTS FROM SELECT COMMITTEES

SENATOR THE HON. E. R. GRIFFITH: Mr. President, the Report of the Select Committee of the House and the Senate on the Road Traffic (Amendment) Bill has been received and it is now officially laid. The document will be circulated to Members very soon.

Thank you.

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

SENATOR THE HON. E. R. GRIFFITH: I beg to move that Standing Order No. 45(2) be suspended for the remainder of this Sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that the Police Complaints Authority (Amendment) Bill, 2006 be read a first time.

The question was put to the Senate and agreed to.

PUBLIC BUSINESS

ORDER NO. 2 – RESOLUTION TO APPROVE THE
VESTING IN THE NATIONAL HOUSING COR-
PORATION OF PARCELS OF LAND, THE
PROPERTY OF THE CROWN, AT
CAVE HILL, ST. MICHAEL FOR
RESIDENTIAL PURPOSES

SENATOR THE HON. E. R. GRIFFITH: Mr. President, the Government continues to deal with the problem of housing, so that those persons, who are in need of such facilities, could be accommodated. There are three Resolutions before us today, which deal with vesting of parcels of land in the National Housing Corporation, to enable it to execute its policies. These Resolutions aim at providing the required solution to those persons, who are in need of housing. Mr. President, I am sure that all Honourable Senators would welcome the respective Resolutions and would, in due course, provide the appropriate support.
11.20 a.m.

Mr. President, this piece of land at Cave Hill is already owned by the Crown. It has, therefore, been determined that it should now be vested in the National Housing Corporation, in order to give it the opportunity to create four lots and to make available to persons, who are desirous of earning those lots, to establish housing.

Mr. President, the amount of land in question is 1 577.53 square metres, and is part of a piece of land which was acquired by the Education Board, as far back as 1914. It was occupied, for some time, by the Edghill Memorial Skills Training Centre, which, as you know, was controlled by the Barbados Vocational Training Board, but is no longer being used. Therefore, this Government is taking this opportunity to vest 1 577.53 square metres of that land in the National Housing Corporation.

Mr. President, all of the approvals have been granted by the Chief Town Planner and the other agencies involved, therefore, I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

ORDER NO. 3 – RESOLUTION TO APPROVE THE
VESTING IN THE NATIONAL HOUSING COR-
PORATION OF A PARCEL OF LAND, THE PRO-
PERTY OF THE CROWN, SITUATE AT
TOURVILLE ROAD, NR. HORSE HILL,
IN THE PARISH OF ST. JOSEPH, IN
THIS ISLAND, FOR THE PURPOSE
OF HOUSING DEVELOPMENT
AND FOR THE SALE OF THE
DEVELOPED LAND TO
THE TENANTS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, this Resolution is similar to the previous one. The land at Tourville Road, St. Joseph, is owned by the Crown. The Resolution before us today, is seeking the approval of this Honourable Senate for the vesting of this piece of land, measuring 4 482.8 square metres, in the National Housing Corporation, for the purpose of housing development and for the subsequent sale of the developed lots to the tenants.

Mr. President, this is another effort that is being made by this Government to provide housing solutions to persons in that area. It is, therefore, a measure which would deserve the full support of Honourable Senators and indeed the entire public, so that those individuals, who are in need of assistance with housing solutions, can achieve their objectives.

Mr. President, I therefore, beg to move that this Resolution do now pass.

SENATOR Dr. D. S. LOWE: Mr. President, I rise to make a number of comments on this particular Resolution, and not so much on the fact of the location of this land. I am quite sure that Senator Parris and Senator Nicholls are delighted to know that some of their fellow residents in the St. Joseph parish would be benefitting from this particular effort by the Government to make land available, for the purpose so stated.

Mr. President, I am quite sure that you would have heard us in this Honourable Chamber talking about the importance of moving in a direction where all Barbadians are able to achieve what is considered to be a very significant element of human development and human growth, which would include the whole matter of shelter.

Mr. President, I am quite sure that you would agree that all citizens of this country would see the capacity to own a piece of land and to build a home they would call their own, as an important human endeavour, one that occupies their dreams, their efforts and their capacity to earn and to save for such a purpose.

Mr. President, I continue to notice, with some curiosity, the rate at which the Government continues to vest land in the National Housing Corporation. I continue to note, with equal curiosity, the continued struggle of many Barbadians, yet to be able to have full access to land, from a perspective of affordability.

Mr. President, I only wish to make the point that again we wish to urge those responsible for leading the National Housing Corporation, to give full consideration to people, who would have lived and worked in the communities where land is now being vested, and to ensure that as the parceling of that land occurs, and as the designation of those lots occur, that those persons who would have waited for a considerable amount of time, would not have to watch other people moving into their communities, where, once again, they would be on the corridors of wait.

Mr. President, I speak because I know that in recent months, there are many individuals who would have seen the same kind of effort, a worthy effort, on the part of Government to make land available, but then because of acts untoward the Government's intention, many people who should have benefitted, have not done so.

Mr. President, it is our earnest plea that those who would hear us today, would understand that when an ordinary Barbadian spends most of his or her life, working with a dream of being able to build a house, no matter how big or how small, no matter if it is a wall or wooden structure, it is a very painful experience to watch that dream dashed, particularly at their later years of life.

Mr. President, I believe it may not be the purpose of the Minister responsible, but those who perhaps have to carry out the mandate are not as vigilant as they ought to be and therefore do not understand the importance of retaining a community's network, so as to ensure that, rather than having to pluck somebody from the community and send them to a distant community, it may be in the best interest of our national and cultural development that those persons be able to continue building their families' network and the extension of their families within that familiar area.
11.30 a.m.

I also understand that while accessibility is being created by the Government by the vesting of these lands, that affordability is still an issue for some.

Mr. President, we understand that in this diversified community that there are people, who earn at different levels and that there are people, who spend at different levels and that there are people, who inherit at different levels as well. There are those persons in this society who sit and watch the

attempts of this Government to create access to land but when it comes to affordability to own that land, it is still a struggle.

Mr. President, I continue to hold the belief that perhaps, it might become more affordable to build a house on land so vested by the Government, if some consideration be given to the fact that within the same National Housing Corporation there are some very worthy and competent artisans, who function within the corporation who, perhaps could be seen as individuals, who could become involved in the construction of low income housing so that rather than handing out these wonderful contracts to contractors, some of which would be necessary, of course, that it might also be profitable if the National Housing Corporation contemplate putting some of these artisans with great skills to work and it might well ease the total cost of the home, if this could be done.

Mr. President, we are suggesting to National Housing Corporation that as it seeks to go forward in achieving its mandate that this may be a way of easing the burden of those at the bottom of the economic ladder. Sir, I suppose that at the end of the day that all of us want to see all Barbadians do well. I would agree that on Both Sides of this Chamber that it is our intent to do whatsoever is necessary to ensure that those persons, who deserve an opportunity to own their homes and a piece of land are able to do so. Therefore, I submit these suggestions to the Honourable Minister and hope that there would be taken to heart.

Mr. President, I thank you.

The question was put to the Senate and agreed to.

ORDER NO. 4 – RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION OF A PARCEL OF LAND, THE PROPERTY OF THE CROWN, SITUATE AT MOUNT POYER IN THE PARISH OF ST. LUCY IN THIS ISLAND FOR THE PURPOSE OF HOUSING DEVELOPMENT

SENATOR THE HON. E. R. GRIFFITH: Mr. President, as you are aware, there is already a housing project in progress at Mount Poyer in St. Lucy to provide accommodation for low income persons. This piece of land is being added to the land that has already been vested in the National Housing Corporation for a similar purpose so that the National Housing Corporation can continue with the programme in that area.

Mr. President, the issues raised by Senator Lowe are taken to heart and I am sure that the National Housing Corporation and the Minister of Housing are aware of the fact that there should, wherever possible, seek to accommodate persons in the respective areas and not to leave them out while others move into the area. Of course, the Government wishes to accommodate everyone but the idea of helping particular communities to develop is an idea that is embraced.

Mr. President, the amount of land in question is 5 597 square metres, land already owned by the Crown and it is simply a question of seeking approval for the vesting of this piece of land in the National Housing Corporation to allow them to continue with the programme, which is already in progress at Mount Poyer in St. Lucy.

I beg to move that this Resolution do now pass.

Mr. PRESIDENT: Senator Barker.

SENATOR T. E. BARKER: Mr. President, I want to lend my support to this Resolution, which seeks to provide the National Housing Corporation with the means whereby it can fulfill its mandate to help house the people of this country of Barbados.

Sir, this is nothing new; housing is always a sensitive issue primarily because of the fact that land is always an emotive issue, which strikes at the heart of being Barbadian. Sir, all of us want to own a piece of what we call ‘the rock’. The Government has to assist its citizens in fulfilling this basic desire. Sir, in Barbados – this is so in most countries – the question of land affordability is an issue that cuts across politics because, whichever Party is in power, they find that there is always a group of people, who seem unable to access the housing market, primarily because of where they are in the economic scale. Therefore, I believe that Government has to do what is necessary in order to make land affordable for all its citizens. It is a monumental task because when we look at it, the cost of land is driven by the forces of demand and supply.

Barbados is a very small country and one of the most densely populated countries in the world. Sir, it is the third or fourth most densely populated country in the world and there is always going to be pressure on the housing market as it seeks to reach equilibrium levels so the National Housing Corporation has to be proactive.

Mr. President, I know that everybody is not necessarily going to agree but I strongly believe that we need to put as much as 1 000 acres of land, develop it and sell it as reasonable as possible in order to meet pent-up demand that is there because there is a huge demand for

land in Barbados primarily for housing. Sir, with the best will in the world, unless something revolutionary is done, we will never be able to meet this demand.

Mr. President, I know that people are going to talk about food security and so on but, if we drive around the country, we are going to find that a lot of land, which should be in agriculture, is not in agriculture or in housing so we cannot totally blame housing for lack of land. Sir, the land is there but it is not being used and some of it is in the most fertile areas of Barbados like St. Thomas, St. George, so, it is not a question of land going to housing because the land is just there lying idle for whatever reason.

Mr. President, my view is that the provision of land for housing does not have to impact negatively on the whole question of food security. Sir, in any case, we have to ask ourselves some important questions because when we look at it carefully, the land that is needed for food security is much less than we have available. I am putting forward the view that there is enough land to satisfy the demand for housing as well as to satisfy the important need for us to have a greater food security. Sir, I strongly believe that the National Housing Corporation also has another responsibility, that is, keeping the price of land at a low level. As I said before, there is an excess demand for land. Contrary to popular belief, it is not a question of selling land to foreigners. There has been the sale of land to foreigners, mainly on the coastal area, but all reports are indicating that those persons buying the land are either locals or members of the Barbadian diaspora. In other words, overseas nationals. They are buying a lot of land, especially in the residential areas, they have bought a lot of land there. A lot of land is bought and left until they are in a position to construct residences.
11.40 p.m.

Mr. President, when we look around the country we are going to see in the built-up areas, a few lots, and in some cases many lots, that are not in use. The question we have to ask is: Can we as a country afford to have too much land not in agriculture or housing? At the same time, people have the constitutional right to own properties. It is a rather ticklish area. Sir, it is okay for us to talk but there are legal and other constitutional implications which are tremendous.

In addition, a count was made and there were 1 800 derelict houses and house spots in the urban sector. That alone is 1 800 housing solutions. Can we as a very small country with such a high demand for housing, afford to have 1 800 house spots not fully utilised? Again, we have the constitutional problem. Barbados has very little Crown land. Most of the land is owned by individuals, with their rights under the Constitution.

Mr. President, when we talk about the availability of land, there are a lot of complex issues, that we as a society have to deal with. There is no easy solution. Sir, when it comes to the affordability of land, there are legal issues. For example, when are we going to reach the stage where a person can buy land, as you buy another commodity? I believe that we should have a proper registration system where every parcel of land is registered, so that almost on punching a key on a computer you can ascertain whether there are encumbrances on the land, and whether the land is fit for sale.

Sir, I think that we have to do something about the transactional cost, when it comes to the question of land. I know that there are legal issues, the lawyers in this Honourable Senate will tell me about the issues and dangers which are inherent in a person handling his own land transaction. Mr. President, other countries have done it. In England, there is a system where an ordinary person can buy land without having an intermediary. Sir, there is also the question of legal fees in relation to mortgages and so on. All of these are factors which push up the cost of land. Sir, the development costs, infrastructure, roads, water and electricity, add to this tremendously.

Sir, on the issue of affordability, we can make land more affordable, especially for working people, if we take a hard look at all of these issues, relating to the cost of the transaction. Many people who obtain a mortgage or buy a piece of land, the hidden costs are tremendous and add significantly to the cost.

Sir, sometimes you have a case where a mortgage is done at a point in time, and a person would want to obtain an additional \$50 000 because of certain factors and they have to go through the whole process again, at an extra cost. All of these are factors we have to look at.

Sir, Government has taken the blame for all sorts of things, with regards to land transaction. It is about time that we place the blame squarely on, not so much on the lawyers, but the whole issue of all the factors involved in the transfer of a title of a piece of land from person A to person B. We have to look at all of the issues involved.

Mr. President, now back to St. Lucy and the Resolution at hand.

Asides.

Mr. PRESIDENT: It is that time of year where cheers are generous.

SENATOR T. E. BARKER: St. Lucy is one of the driest parishes and it is one of the flattest and loveliest parishes. I

am glad to see that the National Housing Corporation is constructing a housing development there. I hope that this is the start of a lot more. Sir, St. Lucy is a nice parish. It is not too far from Bridgetown and the roads are very good. I think that St. Lucy is ripe for this sort of development. I am glad that the National Housing Corporation has undertaken to do housing developments in St. Lucy. It is no further than St. Philip.

Mr. President, Barbadians have been accustomed, over the years, to migration. A lot of people have relocated to town from St. Andrew, with the attendant, social and other problems. It would be a wonderful thing if we get some reversed migration. It would ease the cluttering that is so evident in the urban corridor, and open new areas of opportunities in Barbados. St. Lucy is ideal for this purpose. There are a lot good things about this Resolution. One, more land becoming available for the people; two, St. Lucy is now to be seen as a parish on the move, which would, in time to come, help ease the congestion of the urban parts of Barbados.

Sir, I thought that I would raise those few issues. I strongly support this Resolution and urge this Honourable Chamber to give it its assent.

Thank you very much.

Mr. PRESIDENT: Senator Dr. Lowe.

SENATOR Dr. D. S. LOWE: Mr. President, I rise to respond to the Resolution. I am quite please, I must admit, that Honourable Senator Barker has made such a measured and sober presentation. Perhaps, sober, only because it is early in the morning.

Asides.

SENATOR T. E. BARKER: On a point of order. The Honourable Member, in spite of the fact that we have certain things in common, has never known me to be other than sober.
11.50 a.m.

Mr. PRESIDENT: Senator Dr. Lowe.

SENATOR Dr. D. S. LOWE: Thank you, Sir. I was only talking about his display of sobriety, and not necessarily that he is known for not being sober.

The issue that is on the Table in this Resolution about affordability of land, I agree with Senator Barker that it is a real issue. It does not matter where the location of the land is, that the Government is vesting into the National Housing Corporation. Senator Barker is correct in suggesting to us that contemplating this notion of affordability, is really to be

taken seriously by all involved, on all sides of politics and, certainly, by the Government.

Mr. President, the truth is that in order to be able to address the affordability of land, we cannot simply pursue the vesting of land in the National Housing Corporation in the areas that land is available, where we assume that accessibility is going to be at the disposal of those pursuing the ownership of land, but we have to understand what are the drivers of this notion of affordability.

Senator Barker has placed a number of relevant issues on the Table, and I will look and listen with great anticipation to the answers to many of the questions that the Honourable Senator has raised. I think that there are a number of other human driven factors that must be also contemplated.

Mr. President, I believe that the whole matter of family planning is significant, in impacting upon how people live and the lifestyles they choose, particularly as it relates to being able to afford those needs like housing and transportation and so on, which are critical.

There is need for a general discussion in this society about how we help people to understand the importance of matching their lifestyle choices with their needs. The Government has a critical responsibility to help us understand what the Government is prepared to do, in terms of concessions to ordinary people. Mr. President, are they enough to offset some of the driving and rivetting needs that people have, as they develop in a developed society?

The other issue, Mr. President, of economic power is critical, and that can be fixed in a number of ways. I would want the Government to contemplate how it is going to be able to raise people's capacity to earn, whether through self-employment or upgrading themselves within the organisations they work, so that they would be able to occupy better positions in companies, and be able to afford some of the amenities of life that are so critical to their life state.

On the whole issue of land cost, I thought Senator Barker did a very good job in raising that issue. Sir, one of the things that drive land cost in this county is by national development policy. In order to be able to address land cost, we also have to look at lifestyle choices, and the lifestyles the State seems to be more apt to promote.

Mr. President, if we continue to strive to strike that delicate balance between high end living and ordinary living in Barbados, it means that we have to work into our national development scheme, a very clear policy that shows how we are going to be able to sustain that balance, while at the

same time ensuring that the society moves along, in terms of its course of development, or on all ends of development trends.

Mr. President, as long as we continue to promote the placement of golf courses, polo clubs and polo courses, in now an emerging sport that seems to be one that is gripping the hearts of the youth in this country, motor sports, and other types of activities, which I am saying in a developing society must be contemplated, and should be promoted wherever they can, as long as the outcome is one that drives cohesive national, social and cultural development, I have no difficulty with that whatsoever.

Mr. President, all I am saying is that there are those persons in the society, who may not be able to reach that threshold, but wherever they are placed in this society, housing solutions must be of such, where they are able to live comfortably in the society, as people who have been able to realise their dreams, with the assistance and the enablement of the State, and its efforts in that regard.

I really believe that it is a good thing, and the Government cannot be criticised for placing its energies and seeking to make land available. What has to be twinned with that effort, is a vigorous effort on the part of the State to ensure that the matter of affordability, which drives accessibility is kept in the forefront, of all of its efforts.

I am not going to go to the matter of food security because I do not want to test your generosity, even though it is Christmas time but, Mr. President, certainly, this is an issue we have to look at, this is an issue that is being called into question. I am sure that the Honourable Minister of Agriculture and the Leader of Government Business understands more and more, that agricultural land seems to be becoming obsolete in this country. I would give credence to the fact that there is need for more effort to be put in place to protect and to quarantine our agricultural lands.

Mr. President, they are not all being occupied by golf courses, or polo clubs. They are also being occupied by large tracks of grazing lands, where you hardly see animals on them and that is a concern, particularly when you go through the corridors of St. Thomas and parts of St. Joseph and St. Andrew, where the land is known for producing large amounts of agricultural products.

Mr. President, my only suggestion here is that, as we look at our national development scheme, not only as it relates to planning, but also to agriculture and the other critical areas, that at the heart of what we do, must be the promotion and the upliftment of all members of the society, regardless of where they are in this society, socio-economically.

I thank you, Mr. President.

Mr. PRESIDENT: Senator Linton.

SENATOR I. St. C. LINTON: Mr. President, I could not sit there and not appreciate what Senator Dr. Lowe has said. Sir, he and perhaps his Party should continue to sing that tune, because this Party in its history, has always been making land available to Barbadians.

I remember clearly, \$0.10 cents per square foot. I also know at the present time that the Government is securing land in Barbados, and offering it to Barbadians at \$2.50 per square foot, while land other places in Barbados is fetching \$20 and \$25 per square foot.

Mr. President, it would be good in the new year, and the coming years for us to sit together, in relation to making lands and housing available to persons in Barbados because, in spite of the circumstances, it is still a scarce resource. Sir, you cannot force persons to sell their lands at the kinds of prices that we may say, are affordable. Sir, it is the Government's social responsibility to seek to do this.

I recall, and I believe there are still some places in Barbados, where whole plantations were cut up in lots, in Jackson and other places, 3-acre lots and 4-acre lots and one house, with a covenant that the land must remain in agriculture. I believe that some of that land is not under agriculture today. Therefore, I believe that we should seek out those areas and lift that covenant of the one house off these persons who own these properties which lands are not now under agriculture and seek to make the land available for persons in Barbados at an affordable cost because at the time of the sale of those lands, they were sold very cheaply. Mr. President, these are things we should be looking at.
12.00 noon

Mr. President, at this time in our thinking, not just for the season but for all times, when it comes to land and the affordability of housing, we should seek to establish a bipartisan committee on those two factors, we should take the politics out of it, because we are looking at a scarce resource and we are looking to house people. Therefore, we should come to some realisation that we should sit together and identify areas in which we can cooperate across parties in seeking to make such land and housing available to our people in Barbados especially those who may be at the lower echelon of the society.

Mr. President, I welcome the support that we got here today from Senator Dr. Lowe and the Opposition and I hope that in the future we would get more of this support across parties.

Sir, I thank you.

SENATOR Dr. F. L. CHANDLER: Mr. President, I would like to support the Resolution since I feel that every effort should be made to allow people to own houses. However, I still contend that there is enough rab land in this country, as well as land occupied by derelict buildings that Senator Barker spoke about, that can satisfy the housing needs for a long time to come before we touch any agricultural land.

Mr. President, I believe that the problems with the ownership of the derelict buildings could be overcome if we set our minds to it. I agree as well that the good agricultural land that Senator Barker talked about that is under bush should not be allowed. I think that those people who allow agricultural land to go into bush in the hope of getting it passed for development should be heavily taxed or they should be forced to lease it to people to put into good agricultural use.

Asides.

SENATOR Dr. F. L. CHANDLER: Mr. President, we can change the laws. In fact, everything could be changed if we put our heads to it.

As far as what Senator Dr. Lowe said about large areas of pastures without any animals, that is not necessarily so because hay is an agricultural product and you do not have to see the animals actually consuming the pasture, it can be bailed and sold as many farmers do. They have land that is used for hay, and hay is an agricultural product.

I agree wholeheartedly with Senator Barker with regard to the mortgages which he talked about. I think that the interest rate for other non-essential things, like all these consumer products that are not necessary and make people spend above their means should be allowed to soar sky high, while the mortgage rates should be kept level to encourage people to spend their money wisely. Sir, if they do not know how to do it, then the Government should encourage them how to do it.

Mr. President, I think that the banking and legal practices associated with buying land and houses, as Senator Barker said, should be looked into and an effort be made to keep that cost down as well. I think a lot of unfair practices go on there as well and I think that should be looked into. This would encourage people to put their money into useful projects, such as buying homes rather than putting it into consumer goods.

Thank you very much.

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I rise in support of this Resolution for the vesting of this land in the National Housing Corporation.

Mr. President, clearly, as we have all heard from Honourable Senators that have spoken thus far, land continues to be an issue within Barbados which we have to address very carefully. In terms of what this Barbados Labour Party Government has done over the years in order to ensure that ordinary Barbadians have access to land, clearly our record speaks for itself.

Sir, references have already been made to the Tenancies Freehold Purchase Act. If we read our history and we look at many of the historians who have spoken and indeed the economists who have spoken on this piece of legislation, we would recognise that they all agree that this is the most revolutionary piece of land reform legislation that was ever passed anywhere in the world. Therefore, this Barbados Labour Party must take credit for bringing such a revolutionary piece of legislation to the statute books of Barbados.

Mr. President, this particular piece of legislation started the process of real economic enfranchisement of the ordinary people of Barbados. It is true that you may work and labour but then if you are not able to actually own the place where you lay your head, then there continues to be a difficulty.

Mr. President, not all Barbadians have thus far accessed the facilities which have been made available through the Ministry of Housing and Lands to own that piece of land at ten cents per square foot or at \$2.50 per square foot. We can only encourage those individuals to come forward and make those purchases because Government has made it as easy as we can in terms of facilitating the process. In terms of surveying the land, that is actually paid for by Government. Therefore, it is left to Barbadians to really take advantage of this particular facility. Mr. President, while many have done so, there are still Barbadians in the rural and urban areas who have not taken advantage of these facilities.

Mr. President, in some instances the persons who might have been occupying the piece of land longest, for example a grandmother or a grandfather, might not have the strength now to actually go through this process, but there are other people living on the land that really should take the responsibility of ensuring that this piece of real estate falls into the hands of the family for whom it was intended.

Within my constituency, St. Philip West, accessing housing continues to be a major issue. I believe that all of us who have constituency offices that keep them open would recognise that accessing affordable housing is one of the concerns that people raise.
12.10 p.m.

Mr. President, as Barbados continues to develop economically, Barbadians will seek to own homes. Back in

the dark days, where we were at a level of 25 per cent unemployment, if you had been unemployed, you would not be seeking land or housing. What has happened is that we have been able to reduce unemployment down to single-digit figures. Therefore, that 15 per cent of the population, who before would not have been seeking housing, are now on the market looking for land and housing. Sir, the fact that we now have more Barbadians seeking housing, is being seen as a positive problem and not a negative one, but Government is working hard.

Mr. President, I believe this particular Resolution to vest land in the National Housing Corporation, to pursue this work, is evidence that Government continues to work in pursuit of its objective to ensure that Barbadians have access to affordable housing. This is not the first Resolution that would come. There are three pieces that we have debated or are in the process of debating, and several would have come before during this particular Sitting of the Senate. Therefore, it must be recognised that Government continues to work to address this issue.

Fortunately too, there are members of the private sector, who are working on this issue, in terms of providing housing. Certainly, in St. Philip West, there are a number of new projects and also the building-out of old projects. Sir, for example, in Breezy Hill, that project started out in a one-stage process and has now gone on to a second and third-stage process, where houses are continually being built. We also have building-out of further homes, for example, in Lowland Park and Leadvale. We have new access to land in Sion Hill, for example. We also have new opportunity for land ownership in Six Roads and Four Roads. Therefore, work is being done, both by the private sector and public sector, both for low income and middle income housing.

Mr. President, you, of course, would know about the significant development at the Coverley/Leadvale area, which is also a part of St. Philip West. That was a Government project that has turned out very well. The residents are happy with the homes they now have. In recent times, we also saw an extension of the old Six Roads' development, which was completed only this year, where individuals have been able to move into those homes. We continue to see, although this is not in St. Philip West, the building-out of Emerald Park.

Mr. President, I am also very pleased to report to this Honourable Senate – because I know that they would be very interested – that the residents, who live in all of the new developments, have had a visit from me. I have gone to them and welcomed them to the constituency. I know they are happy to be in their new homes, after being able to access land vested in the National Housing Corporation for building-out.

Mr. President, this work that Government is doing, in terms of vesting land so that Barbadians can have access to it, is great work and I am sure that the Ministry responsible for Housing would continue with its work and would also look to see exactly how we are going to utilise the land, to which we have access, most effectively.

Mr. President, I personally would like to see us having a vision for a replication of what has traditionally happened in the communities of Barbados, where, in the past, we have tended to have mixed housing. It is my view that it is the mixed housing that has kept Barbados stable. Unfortunately, we have gone through a process where we believe we have to have large tracts of land allocated to all upper income housing, and then large tracts of land allocated to low income housing. My preference would be that there should be some mixture, so that the country could remain stable.

Mr. President, I have to ask myself why it is that in the past, in terms of people living in villages, that the schoolmaster never had a problem with his house being located next to that of a labourer. Sir, somehow now people believe they have reached a particular standing and that there are now middle income and upper income persons, that they would have a difficulty in having their house being located next to someone, who is living in a low income house. Sir, this causes one to wonder if people are so insecure that they are only one generation-removed from that of the labourer, that they no longer want to have their house next to his. But this is probably a question for the sociologist to answer.

Mr. President, I would certainly like to give my fullest support to this Resolution, and I am obliged to you.

SENATOR Miss S. C. V. HUSBANDS: Mr. President, I rise to give my support on this Resolution, on behalf of the National Housing Corporation, to look at the provision of solutions, both that of housing and land for Barbadians.

Mr. President, as was mentioned before, the issue of housing is a very sensitive one for Barbados, but I think what is challenging us as a people, is our capacity to be able to recognise that issues such as land and how we deal with land, are going to be different from that of our expectations of yesteryear. Sir, times are changing and therefore how we approach the whole issue of the management of land and the provision of housing for ourselves, is going to be very different. Therefore, people have to do different and better planning.

Mr. President, I know one of the main challenges is the high cost of land. Unfortunately, there is no way to turn that back because at the end of the day, land is sold by private

individuals, to private individuals, and they have the right to set the land at the best price they can get because they would want returns on their investments.

Mr. President, I know that although it is a very big debate, in terms of pricing, what is happening here in Barbados, with regards to land prices, is no different to what is happening across the region. In St. Kitts and Antigua, land is being sold at \$40 per square foot, and they have to grapple with the issue of their ability to acquire land. There is land available at low prices but they are having the same escalation in prices, which we have.

Mr. President, I believe that Senator Barker gave an excellent presentation, looking at how we could reduce the cost of acquisition and building, in terms of the transactional cost of providing for oneself, but I think there are three things we need to do in order to be able to assist ourselves in dealing with this issue of acquiring land. One of those things is the issue of mortgage. A mortgage is a long-term financial commitment, where some mortgages are for 20, 25 or 30 years. Sir, what our mortgage programmes do not reflect in Barbados, is the fact that if I take out a mortgage when I am age 35, my earning power would be at a particular level. The mortgage I would have to pay on a monthly basis would not reflect the fact that I am going to get increases in salary as I go on with my life. That is generally the trend.

Mr. President, what could be done by the banking system is to look at a step-mortgage programme, where, at age 35, I would start out at a slightly lower mortgage payment and then every five years or so, it could be stepped up to a higher one. This would allow me to start at a level which would be more affordable for me to meet when I am age 35, where I would probably have two or three children to provide for. It would also reflect the fact that as I go on, as I rise higher in my job, as my salary increases, I could afford to move my mortgage from \$1 000, probably up to \$1 700, by the time I come to the end of my mortgage cycle. I believe banking institutions could look at this as a way of helping ordinary Barbadians, to be able to afford housing.

Mr. President, as a Government, if we are going to look at the issue of dealing with the availability of land and the capacity of people to be able to get housing, one of the struggles that we have, which I think is an important social issue, is the fact that there are many derelict pieces of land across Barbados.

12.20 p.m.

Mr. President, one of the struggles that we have is a social issue. Sir, many derelict pieces of land are not just derelict because people are not doing anything about it but often there are disputes between families and sometimes the

issue is that the person who died has left no will, perhaps this has been going on for two or three persons back in the generation of that particular family and, therefore, the land is not properly registered in any particular person's name. This has caused a great challenge to Barbados because, to sort it out is going to cost a lot in terms of legal fees, taking out Letters of Administration and so on and, very often, family members do not want to undertake that particular problem and because of disputes that may occur, the land is not used.

I feel that one of the things we need to look at is how we can provide legal assistance to families at a certain income level, who have these legal challenges as to how to sort out these land disputes and get them dealt with so that the land can move into productive activity. I feel it is a big concern for a lot of Barbadians and we need to see how we can assist them to be able to do something like that.

Mr. President, there is another area I feel we need to look at, if we are going to be providing housing solutions. It is not going to be possible down the road for every Barbadian to have his or her house down on the ground. As a nation, we have to confront the issue of looking at high-rise houses where people can purchase property and get accustomed to the fact that everybody cannot go down on the ground. This is 166 square miles and because you have a situation of more affluence, more people are moving away from the family home, everybody wants to have their own homes, then it is going to be necessary for Barbadians to make the transition to the whole idea of purchasing apartments and condos as a means of acquiring property.

All of us would not be able to be down on the ground with a fence around us, with lawn, trees, *et cetera*. We are going to have to look at high-rise living and to do so, it is going to be important to re-examine the levels that we allow in Barbados, whether we can start going above three storeys in terms of construction. Sir, to me, it is the only sensible way for this Government to be able to provide long-term solutions for all Barbadians that are interested in acquiring some kind of property for themselves. Mr. President, I sincerely believe this is something that we have to look at.

Mr. President, there are other issues we need to consider as well. Sir, because we have the changing situation, we have to keep pace with educating and informing our citizens that they understand how things are changing and what adjustments they need to make in order to cope. Sir, at the end of the day, although this will assist people who are the most needed in the nation, the truth is that the provision of housing is a person's responsibility. Therefore, it is important that we start educating from at school and talk to people about how they use and manage their money and

that should start putting down from early and not let our young people continue in this high consumption pattern and then feel that Government is supposed to provide them with a house when they are working. We need to be able to do these types of things if we are going to have a proactive housing policy and a land acquisition policy for the average Barbadian.

Mr. President, I would like to heartily recommend these suggestions to the Government that we can look, sit and discuss how we can use them and other good suggestions that have been put around the Table, that we can begin to solve this long-term problem for the average Barbadian. It is critical for people in the working class and it is critical for people in the middle-income classes because, at the middle-income level, they too are having a tremendous struggle at acquiring a home at a reasonable price at the time they would like to have it come into being in their lives. With these few words, I would like to give my wholehearted support to the Resolution before the Senate.

Mr. President, I thank you.

Mr. PRESIDENT: Senator Bynoe.

SENATOR A. A. BYNOE: Mr. President, I rise to support this Resolution before us, the acquisition of land in the name of the National Housing Corporation. Sir, in so doing, I would not want, as at times we are prone to do, skirt around without coming head-on to the problem as exists in Barbados today. Whilst certainly, the National Housing Corporation should be encouraged in providing land to the normal person, nevertheless, the issue is the land itself. Sir, I would like to suggest to Government that it has a wider responsibility in acquiring a greater acreage, which in the future could be made available to the citizens of this country because without the intervention of Government, we could very well find, as is the case today, that the average Barbadian would not be able to afford a plot of land. The truth is that in my estimation, if there is any price gouging in this country, I would have to say that it is in the area of land because, to my mind, there are times when there does not seem to be any economic reason for the valuation of land. Sir, today, Mr. Brown has a piece of land that has been sold for \$10, tomorrow he sells it for \$30 and automatically, the price of everything thereafter surrounding Mr. Brown is \$30. What is the rationale for that valuation? This is why I say that in my estimation there has to be gouging in that area. It is something that we as a Government certainly have to address. In so doing, there are so many other factors that have to be taken into consideration.

There was mention of the agricultural influences and certainly Town & Country Planning concerns, *et cetera* would have to have a bearing on how we treat to the disposal

of land. Sir, to assist the prospective homeowner, I also believe that we must come up with innovative financial schemes. One was mentioned just recently but it is something that we must give attention. Sir, to pass over it, note it as a fact that it is difficult to acquire finance or that there are certain people, who would never acquire finance at the rate at which one now has to acquire that financing to purchase property, merely to say that is a fact, is to do disservice to a lot of people, who need our attention directed to the matter of how to afford finance in this country to buy their homes.

Mr. President, in spite of the Urban Freehold Purchase Act, which gives opportunity to buy land at \$2.50 per square foot, there has to be a lot more done in this country to make land available and affordable to the average person. Sir, I see it in my day-to-day working experience where, there are people whom I know, as employees, who would like to own their homes but in spite of good wages there is this problem which we need to address in terms of affordability of land. 12.30 p.m.

Asides.

SENATOR A. A. BYNOE: Sir, I will also take this opportunity, while speaking on this Resolution, to put a plug for the Six Roads area. I am aware that the Government owns land in that area, adjacent to certain business establishments. I would like to see such lands used for the development of services that would assist those businesses in the area. For instance, there is need for a bus terminal in the Six Roads area. I know that at one time there were plans by Government for a police station, a library and, perhaps, the Licensing Authority, *et cetera*. I would like to take this opportunity to ask Government to put these plans on the front burner for the people of Six Roads. Certainly, I am sure that within this Honourable Chamber there would be a lot of support from those who represent people in that area.

Mr. President, with these few words, I beg to support the Resolution.

I thank you.

Mr. PRESIDENT: Senator Griffith.

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I do not wish to prolong the discussion on this matter, but I feel compelled, however, to address a few issues that were raised by various Senators, during their contributions to this Resolution.

Sir, land reform is a very important issue in relation to the economic development of countries, and as such, has

always occupied the minds of lawmakers. In fact, as far back as the times of the Roman Empire, one can see the importance of such matters, when studying the reign of the Gracchi Brothers and persons of that nature. You can also see the issue being brought to the fore, when you study the economic and social development of England, in the 17th and 18th Centuries. There is no administration in Barbados, I am aware of, that understands that issue better than the present Administration, because it is that kind of thinking that gives rise to the issues, which were mentioned not long ago by Senators Linton and Eastmond.

I speak of the issue in relation to the need to ensure that dispossessed people, who after many years of living on plantations and ending up with nothing, were given the opportunity to own a piece of land, through the provision of the Tenancies Freehold Purchase Act legislation that allow them to purchase those lots at ten cents per square foot, and they continue to benefit.

In fact, those of us who live in the country can tell you of the spinoff of that decision when persons access land and the economic activity that it gave rise to subsequently. That is why, even today, that the Government continues to promote that programme and has added to it, the one to do with the urban lots, where it allows persons to purchase those lots at \$2.50 a square foot and it makes up the balance, so that the owner does not suffer any undue burden.

Mr. President, the Government will continue to promote those two programmes and in the coming months, we in the Ministry of Agriculture, will ensure that the Barbados Agricultural Development and Marketing Corporation, which has some tenancies at Joes River, St. Joseph, Fairy Valley and Parish Land, Christ Church, and elsewhere, dispose of those lots in the usual manner making them available to the tenants there, so that they can have some security and can get on with improving their lives.

Sir, the issue raised by Senator Lowe, in passing, about golf courses, polo fields and so on, is one that people refer to often, when they begin to be sentimental about the issue of land. In the development of any country, we need some balance. One cannot take the view that one does not support economic activity which will lead to the improvement in people's lives, so that they will be able to do things, that they would not otherwise have done. That is not to say, that the Government is unmindful of the need to provide a land and housing solution to those persons who require those services. We have to be reasonable and realistic about life, and we have to strike an appropriate balance. That is what is necessary in the development of any country.

We cannot afford to be one-sided, otherwise the very people that we say we want to help, will not be assisted. We

have to help them on both fronts. That is what the Government is trying to do, while providing the solution to the housing problems, and providing opportunities that will allow them to improve their standard of living, so that they will be able to take full advantage of the housing solutions. The Government will continue to do both things.

I have repeatedly studied the information that is provided by the Chief Town Planner. I am satisfied that there is enough land that is not in agriculture that can be used for housing, if we approach the matter in a reasonable and sensible way.

Mr. President, I think that this issue of land and the affordability of land is one that the Government is fully aware of, having undertaken those programmes, mentioned earlier. Sir, at the moment I am aware – and those of you, who, looked into the newspapers earlier this week, would have seen the Deputy Prime Minister making mention of it as well – that the Attorney-General's office has been looking at the issue of the land, titles and so on, in an effort to bring about some changes that will also help with the reduction of the cost of transacting that type of business. It is not that the Government is unmindful of the need to ensure that people not only have access to land, but that the land is available at an affordable price. The past record of the Government indicates that the opposite is the situation

Mr. President, on that basis, I beg to move that this Resolution do pass.

The question was put to the Senate and agreed to without division.

ORDER NO. 5 – SECOND READING OF THE POLICE COMPLAINTS AUTHORITY (AMENDMENT) BILL, 2006

SENATOR THE HON. E. R. GRIFFITH: Mr. President, in 1999, a working party was set up to look at the need for establishing a Police Complaints Authority, that party concluded its work and made its recommendation available to the Government. In June 2004, the legislation, which has been approved by Parliament was proclaimed and brought into effect, and the Authority was set up from that date. The Authority held its meetings until sometime around July 2005, when it encountered some problems.
12.40 p.m.

The existing piece of legislation, Chapter 167A, sets out in the Schedule to the Act that the Authority should consist of a Chairman and one other person who shall be appointed by the Governor-General, on the advice of the

Minister. It states that a person who shall be appointed by the Governor-General in his absolute discretion, one person who is a formal Gazetted Police Officer of the Royal Barbados Police Force, who shall be appointed by the Governor-General on the advice of the Police Force Association, and the Head of the Civil Service, as an *ex officio* Member.

Therefore, in 2004, the Members were appointed to the Authority as follows:

Mr. John Connell, Q.C., Chairman
The Very Reverend William Dixon
Dr. Raymond Forde
Mr. Charles Lunn
The Head of the Civil Service

In May 2005, Mr. Lunn resigned and was replaced by Mr. Louis Sealy.

In 2005, Mr. President, the Authority started to encounter some difficulties, in securing a quorum. The then Chairman reported this problem, and recommended that an additional person should be added to the Authority, but before that change could have been made, the then Chairman was elevated to the position of Justice to the Court of Appeal.

It was at that stage that it became abundantly clear that there was definitely some need for an amendment to the legislation, because the existing legislation made no provision for the position of Deputy Chairman. As you will recall, it says that the Chairman is to be a lawyer, of not less than ten years standing at the Bar.

The Very Reverend William Dixon tried to summon a meeting but it had to be drawn to his attention that under the legislation, that was not possible. Therefore, what is before us today, is an effort to correct that situation and to prevent anything like that from occurring in the future.

The Amendments before us therefore seek to do the following:

Paragraph 1 of the Schedule is to be amended to provide for the Deputy Chairman, and two other persons to be appointed by the Governor-General, on the advice of the Minister.

Paragraph 2, will now provide for both the Chairman and the Deputy Chairman to be Attorneys-at-Law, of at least ten years standing.

Paragraph 4, subparagraph 2, will now provide for the quorum to consist of four members, including the Chairman

or in the absence of the Chairman, the Deputy Chairman, and that a new paragraph 2A will provide for the Chairman or in the absence of the Chairman, the Deputy Chairman to preside at all meetings.

Mr. President, hopefully, these Amendments would prevent that earlier situation from occurring, and would allow the Authority to get on with its business. Therefore, members of the society can feel comfortable that if they are aggrieved by any actions by the members of the Police Force, that an independent body will be able to investigate their complaints and to come to a conclusion on the matter.

We believe this is an essential task that must be carried out, because while we know that the members of the Royal Barbados Police Force are, to a large extent, likely to execute their duties, not only faithfully but fairly, one never knows what would occur from time to time.

Since we expect the members of the society to have confidence in the law enforcement agencies, we should also, at the same time, help to boost that confidence by putting in place institutions, such as the one we are now discussing, so that they can be confident that if they perceive there is a problem, it would be investigated, not by the police themselves but from a body from outside, and they would be given a fair hearing in their particular concern.

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

Mr. PRESIDENT: Senator Stuart.

SENATOR F. J. STUART: Mr. President, this is not the kind of Amendment that should occasion this Chamber any delay. Barbadians have waited long and patiently for an independent Police Complaints Authority. It is a matter of regret that once the Authority came into existence, it was beset by so many problems, and has not been allowed really to effectively get off the ground to deal with the problems, which Barbadians are experiencing or have alleged they are experiencing with the Royal Barbados Police Force.

In all societies, of course, relations between the police and the public are fraught with potential for tension and distrust. It is important that when Members of the public feel that they have been wronged by the use of police force, there is some independent authority to which they can refer their complaints, and expect the impartial handling of those complaints and appropriate redress.

Sir, my first disappointment stems from the fact that so minor an Amendment as this, which takes no legal time at all and, certainly, no legal imagination, could have taken this

long to reach this Chamber, while members of the public continue to complain about complaints not being heard by the Authority.

I hope that in the future, the Government would realise that matters like these have to be accorded some priority, especially in light of the Government's own report, the Report of the National Commission on Law and Order, in which the Commissioners specifically stated at page 66, that members of the public manifested a high degree of anger, and some claimed they were not afraid to die, while standing up for their rights. Their anger was particularly evident, when issues relating to encounters with the police were being discussed. The Commission went on to state that there were strong anti-police and anti-societal sentiments, which are being transmitted to the youngest members of the community.

Therefore, there is a mind-set in the society that the Police Officers are an enemy force against which certain elements in the society are fighting. Therefore, if this mind-set exists, it is important that a mechanism be in place to ensure that when problems arise between members of the public and the police, those problems can be investigated. Worldwide, as I said, the relationship between the public and the police generates tensions for the very simple reason that policemen exercise highly specialised powers in relation to members of the public. No ordinary member of the public has the power to go to anybody's house and search it, but policemen have that power within the context of certain legal stipulations. No ordinary member of the public has the power to arrest people, but policemen exercise that power within the context of certain legal stipulations.

12.50 p.m.

Asides.

SENATOR F. J. STUART: The police also have powers of interrogation which ordinary members of the public do not exercise routinely. Therefore, when these powers are being exercised by persons perceived to be in authority, it is quite natural that difficulties and doubts will arise. Mr. President, even if these difficulties and doubts are figments of the victim's imagination, the reality is that there are part of the mind-set of the victim.

Sir, most lawyers know of that famous case, *Edginton and Fitz Morris*, a case in the law of contract in which Lord Justice Bowen stated that the state of a man's mind is as much a fact as the state of his digestion. Sir, if something is on a man's mind and he believes it is true, it will influence his attitudes. The criminal law relating to insanity had its genesis in a man believing that he was being hounded down and persecuted by a former British Prime Minister, Sir Robert Peale, which was not true, but he believed so, and one day he saw a man that looked like Sir Robert Peale and

he ended the man's life. That is how the criminal law ended up with the present rules relating to legal insanity.

Mr. President, if there are people in the society who believe that the police do not treat them fairly, even if they are wrong in so believing, understandably, that belief is going to influence their behaviour in anti-societal ways. Therefore, it is important that this Police Complaints Authority be allowed to get up and run and to absorb a lot of the complaints that members of the public have against the police.

Mr. President, by and large, we have a highly responsible and hardworking Police Force. Sir, citizens on the whole do not take vows of sanctity, therefore in the best organised Police Force or in the best organisation of any kind, you would find elements that give the organisation a bad name. Therefore, when those elements can exercise powers of the kind that police officers have, it is important that public disquiet be allayed and that the citizens mind be put at rest.

Mr. President, I hope that after this amendment is passed in this Chamber, that the Police Complaints Authority would be put on a sound footing so that members of the public would be able to feel much more comfortable that if they suffer what they perceive to be abuses by the exercise of police power, that those complaints of abuses can be impartially handled and they could get appropriate redress.

Mr. President, the amendment can count on the support of the Opposition as we believe in the existence of a Police Complaints Authority.

I am obliged to you, Sir.

SENATOR the Very Reverend H. E. CRICHLAW: Mr. President, I rise to support the Bill, and in doing so, I want to correct a few wrong perceptions as I view them. I think that it is wrong for people to believe that unless we have an independent complaints body that we would not have justice in police matters. I speak as one who for a number of years was a member of the Police Service Commission. Policemen at the top rank are very hard on the lower ranks of the Police Force. I do not think that people recognise this. Policemen, especially those in the non-gazetted ranks, would prefer to be investigated by non-policemen.

Mr. President, we need to remember that the top officers of the Police Force are men of integrity. Mr. President, when there are complaints against lawyers, the lawyers are investigated by lawyers themselves, when there are complaints against doctors, their actions are investigated by doctors themselves, and when there are complaints

against other professions, they are investigated by people who know about those professions, therefore, I think that it was unfortunate that this principle should not have continued to be used in the case of the Police Force.

Mr. President, it is difficult to know what policemen suffer if you are not engaged in that kind of work.
1.00 p.m.

Mr. President, I do agree with most of the recommendations made by the Commission on Law and Order — and I did not find what Senator Stuart quoted on page 66.

Mr. President, there is a very subtle anti-law feeling in Barbados, generally speaking. I know that this would be controverted but we are known to be very quiet and docile people. We are known to be that, but I do not think that one could consider that a prison being burned down by its very prisoners, as that of a docile act. Who would have thought Glendairy Prison would have been burnt down by its very own prisoners? Who would have thought so, because Barbados is known to be a very docile society?

Mr. President, I know, of course, that we have changed somewhat within the last 30 or 40 years. I remember when I was Chaplain at Mona and Barbadian students came up, one of the first things that had to be done was the fact that they had to get rid of their decency, Barbadian students were thought to be too decent. I suppose what was meant by that was that they were docile, but it was said in Jamaica that Barbadian students were too decent and so we had to get rid of this decency in those Barbadian students.

Mr. President, I do not want to elaborate on that but our society has changed quite a lot within the last 30 or 40 years. In the 1960s, when I acted as Chaplain for the prison for almost a year, the highest number of prisoners we used to have was 135, now there are more than 1 000 prisoners, between the 1960s and the first decade of the 21st Century. We know, of course, why that is so, as most of them are drug related. Therefore, Barbados is not the quiet and docile society that it was thought to be.

Mr. President, some years ago, I saw on British television a number of women hugging Ronald Biggs, the notorious train robber. They were happy and were treating him like a hero. The Scotland Yard came down here to arrest Biggs but could not touch him because the extradition papers were not laid in Parliament and so on, but you should have seen how Barbadians were treating Ronald Biggs. The local press tells us that when certain prisoners die, that they lie in state, where hundreds, if not thousands of people, would pay their respect.

Mr. President, I am saying that you have to see the side of the police in this matter as well. This hatred of the police is found in a small number of persons in this community. The Report does say that it is among a small number of persons, that it is a subculture, and that they fear it might escalate with chaos then reigning.

Mr. President, generally speaking, I think Barbadians ought to be sure that they could get justice from the high-ranking police officers. I think that is one view that needs to be corrected.

Mr. President, I support the Bill and would say that certainly there should have a Deputy Chairman and that the meeting should go on, but I am not too happy with the fact that there are only two lawyers on this Committee. Sir, there is a tension between lawyers and policemen. Sometimes the police may have very good cases but because of the educational opportunities and the deeper knowledge of the law, they are made to look ridiculous in court, that is why prosecutors should be as proficient in law, as defending lawyers, otherwise the police would work very hard in bringing criminals to justice, only to find that they would have wasted their time, including the fact that they would have exposed themselves to harm or even death, in order that the peace may be kept in Barbados. I think they are being too hard on the police. It is a lot of sacrifice the police are making, in order to keep our country safe.

Mr. President, I think that this Police Complaints Authority (Amendment) Bill, as the Minister outlined it, contains a flaw. It is saying that the police feel that an independent body will investigate their complaints. Mr. President, although the Minister mentioned that he knows there are men of honour in the highest ranks of the police, one never knows what would occur, from time to time. Therefore, this is done to help boost the public confidence, so that people would feel they could have a fair hearing.

Mr. President, I hope when this Act gets going, we would be able to see whether or not there is any difference between when the police themselves investigate other policemen, as opposed to when they are investigated by people outside of that profession.

Mr. President, I am sorry to keep the Senate waiting, I know that we are late for lunch but I thought I had to say that piece on behalf of the Police Authority. I thank you, Mr. President.

SENATOR THE HON. E. R. GRIFFITH: Mr. President, before moving the Second Reading, I would wish to state that Government believes we have an outstanding Police Force. There is no doubt about that. Therefore, it is for that

very reason that we want to make sure that the public at large does not develop the habit of believing that they cannot get fair and just treatment from the police.
1.10 p.m.

If they perceive, as Senator Stuart quite rightly said, that they have a problem, then we are giving them the opportunity to get hearing and to be satisfied that they can continue to have confidence in the enforcement agencies. Sir, this is really the essence, nobody is saying anything against the police, we are providing a mechanism that would allow the populace to have confidence in the system and we have to recognise that we are dealing with human beings and that situations will occur.

Mr. President, I would be happy if no situations occur and then there is no work for the Authority, that would be great but if a situation occurs, we just want to be sure that people can have the matter dealt with and can continue to have confidence in the system. Sir, the day that people lose confidence in the system, then we have chaos and we do not want that, it is as simple as that.

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

The question was put and agreed to.

On the motion of SENATOR THE HON. E. R. GRIFFITH, the Senate resolved itself into Committee on the Bill, Madam DEPUTY PRESIDENT in the Chair.

COMMITTEE

Madam DEPUTY PRESIDENT: The Senate is in Committee.

Clauses 1 and 2 were called and passed.

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

On the separate motions of SENATOR THE HON. E. R. GRIFFITH, the Bill was read a third time and passed and cited as the Police Complaints Authority (Amendment) Act, 2006.

ADJOURNMENT

SENATOR THE HON. E. R. GRIFFITH: Mr. President, we have come to the end of our business for the day and, indeed, for the Session and since it is very unlikely that we will meet again until sometime in the new year, I

wish to take this opportunity to thank the Clerks and members of staff of the Senate for their support and assistance during the entire session and to wish you, Mr. President, and your family, Senators and their families, Clerks and their families, the staff and their families a blessed Christmas and a very prosperous New Year.

I beg to move this Sitting be adjourned *sine die*.

Mr. PRESIDENT: Senator Stuart.

SENATOR F. J. STUART: Mr. President, permit me on behalf of the Opposition, my colleague, Senator Lowe and myself to extend the compliments of the Season to Your Honour and fellow Senators. It seems as though I did this only last week but time is really flying quickly. I am certain that I am getting old because it seems as though I just did this a few weeks ago and I am doing it again.

Sir, we have had a very interesting session, where we further refined the art of learning how to disagree without being disagreeable and that augurs well for democracy in Barbados. We have expressed our views on all Sides of this Chamber frankly but, at no stage, did our disagreement degenerate into disagreeable behaviour. This was, of course, due in large measure to Your Honour's impartial and highly principled steering of the deliberations of this Chamber and on those occasions when Your Honour was called to higher responsibility, Madam Deputy President, fitted the bill quite well and discharged the responsibilities with her accustomed efficiency.

I should like on behalf of the Opposition to thank both Your Honour and Madam Deputy President for the guidance provided to this Chamber during this session and to thank the Clerks of the Chamber for their assistance to all of us. We have a way of not letting them rest and making them miserable but they bear our persecution with a kind of stoic calm and for that we applause them. The members of staff not seen also contribute to the lubrication of our work here in this Chamber and we want to thank them. Also, to thank the members of the media for disseminating information from this Chamber for public consumption, we want to thank them as well for the very exemplary work for which they continue to do.

Mr. President, on behalf of the Opposition, may I extend the compliments of the season to all fellow Senators, all members of the staff and the media and to express the hope that we will have a prosperous, productive and highly civilised 2007.

Mr. President, I am obliged to you.

Mr. PRESIDENT: I should like to thank both Senator Griffith and Senator Stuart for the kind remarks made in

respect of Madam Deputy President and myself. I am bound to say that our job was made much easier by the excellent cooperation and support, which we received from all Honourable Members. This, of course, is the time of year, not only to celebrate the festival of Christmas but also to reflect on the year as it approaches its end. They are, of course, in all lives, high points and low points, for some moments of triumph, for others moments of great sadness and I know that in this Chamber, a few Members have had some significant, personal loss during the year but I think we are all grateful to the Almighty for permitting us to survive for one more year.

I should like to join those Honourable Senators, who have spoken in extending my best wishes, first of all to all Honourable Members and your families. I hope for you that you would have a blessed Christmas and a happy, healthy, productive 2007.

I extend these greetings to all Members of Parliament, the Clerks, the Marshals, the Reporters and those who facilitate the work which we do in this Place.

I also recognise the members of the Press, who again, report on the work of the Senate. Certainly, in the last year, the electronic media, which brought the public up-to-date on all that we are doing. There is a motion before us that the Senate be now adjourned. I move that this Honourable Senate be now adjourned *sine die*.

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

1.20 p.m

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