

THE
SENATE DEBATES
(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

THE SENATE

Wednesday, February 8, 2006

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, February 8, 2006, at 11.15 a.m.

PRESENT

His Honour Senator Sir Fred GOLLOP, K.A. J.P. (President)
Her Honour Senator Dame Patricia SYMMONDS, D.B.E., G.C.M., B.A. (Hons) (PGCE), J.P., (Deputy President)
Senator the Hon. E. R. GRIFFITH, G.C.M., J.P., B.A. (Econ. & Hist), Dip. Pub. Admin., M.Sc. (Financial Studies) (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 the Hon. J. E. D. WILLIAMS, B.Sc. (Hons.), M.Sc., M.B.A., J.P. (Minister of State, Prime Minister's Office and Ministry of the Civil Service)
Senator T. E. BARKER, B.A. (Hons.), M.A. (Econ.), J.P. (Parliamentary Secretary, Ministry of Economic Affairs)
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, Ph.D., Dip. Theology, B.A., MED., ED.D.
Senator Sir John Stanley GODDARD, K.A., G.C.M., B.Com., F.C.A. (Hons.), LL.D. (Hon.) (U.W.I.)
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.

Senator the Very Reverend H. E. CRICHLow, G.C.M., B.A. (Hons.) (Dunelm)
Senator Sir Allan FIELDS, K.C.M.G.
Senator Dr. F. L. CHANDLER, Ph.D., B.Sc. (Hons.)
Senator R. O. MARVILLE, B.A. (Hons.), M.A. African Studies, M.B.A.

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: The Senate is in session.
11.20 a.m.

EXCUSES

Mr. PRESIDENT: I have received apologies for the absence of Senator R. W. Grant and Senator Sir Roy Trotman.

PRESENCE OF BERMUDAN DELEGATION

Mr. PRESIDENT: I wish to recognise in the Gallery, the distinguished Speaker of the House of Assembly of Bermuda, the Honourable Stanley Lowe, O.B.E., J.P., M.P., as well as the Clerk of the Legislature of Bermuda, Shernette Wolffe.

PAPERS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, by command, I lay the following documents:

1. Annual Report of the National Cultural Foundation for the Year 2001;
2. Special Development Areas (Sapphire Inc.) Notice, 2006;

3. Value Added Tax (No. 2) Order, 2006;
4. Customs Tariff (Amendment) Order, 2006;
5. Annual Report of the National Petroleum Corporation for the Financial Year ended March 31, 2004.

QUESTIONS TO MINISTERS

Mr. PRESIDENT: Senator Sir John Stanley Goddard.

SENATOR Sir John Stanley GODDARD: Mr. President, I have a number of questions to the Leader of the Honourable Senate.

1. Is the Minister aware that Section 19(1) of the Caribbean Broadcasting Corporation Act, Cap. 276, mandates the corporation to transmit to the Minister, as soon as practicable, after the end of each financial year, an annual report of the corporation?
2. Is the Minister further aware that Subsection (2) of the said Act, mandates the Minister to lay a copy of such report, together with the Annual Statement of Accounts, on the tables of both Houses?
3. Will the Minister, therefore, explain why the Annual Reports of the Caribbean Broadcasting Corporation, for the years 1999, 2000 and 2001, were laid in the Senate, only on 16th December, 2005?
4. Can the Minister give an undertaking to this House, as to when the reports for 2002, 2003, 2004 and 2005, would be laid in this Honourable House?

INTRODUCTION OF BILLS

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to give notice of the following:

Convention on International Trade in Endangered Species of Wild Fauna and Flora Bill, 2006.

Mr. President, I ask that this Bill be read a first time.

The question was put to the Senate and agreed to.

OBITUARY SPEECHES

SENATOR the Hon. E. R. GRIFFITH: Mr. President, before we proceed with this item, I wish to beg leave of the

Senate, to pay tribute to the late John Arlington Workman, who served in this Honourable Chamber as an Independent Senator, from 1994 until 1999. Mr. President, it was with a deep shock and sorrow last Sunday, when I read of his passing in the newspaper.

Mr. President, the late John Arlington Workman was born in February, 1941. He was educated at the St. Giles Boys' School and Harrison College. He then trained as a Solicitor at the firm of Yearwood and Boyce and worked there for about 25 years.

I was not privileged to be in this Chamber when he was an Honourable Member but I had dealings with him in his capacity as an Attorney-at-law. I remember on a special occasion, I had engaged him to do some legal work for me. After about three weeks, I got a call from his secretary that he wanted to see me at his office. I turned up at the appointed time and to my great surprise, he announced that he had completed the job.

Mr. President, I was shocked to see that he had done it so quickly, but what was remarkable about him was the fact that he had apologised for not doing that job sooner because of the fact that he had been out of the island for a week. Sir, I thought that to be extraordinary and it gave me some idea as to the type of person that he was.

In subsequent years, I had the pleasure of being in congregations where he spoke, about advising those of us who were present, as to how we could have coped with the pressures of this world in which we live. As you know, he was a man who was very much involved in the Church. He was a Methodist, lay preacher and counsellor. He did a lot of counselling throughout Barbados and the Caribbean. He was also an outstanding public figure.

Mr. President, on the behalf of my family and those of us on the Government's Side, I wish to extend to his family, our deepest condolences at his passing.

I thank you.

SENATOR F. J. STUART: Mr. President, the passing of John Arlington Workman was a sudden and sharp necessary reminder of the fact that in the spacious urn of death, is shaven the name of every man.

I knew John Arlington Workman for almost 30 years. My first encounters with him being when he journeyed, from time to time, to the parish of St. Philip, more particularly the district of Marchfield, where, at that time, he wooed and would have eventually win the affection of the lady with whom he would share the remainder of his life.

Mr. President, to my youthful eyes, St. Philip was a natural place to come to in those days. There seemed to me, to be a generous outcropping of comely lasses. Therefore, I was not surprised that he would have been magnetised in that direction. He was able to pick one of the finest flowers of Marchfield.

Mr. President, ours was a rather distant and – dare I say – polite acquaintance, since we never became friends. He would simply pass through the village, since the home to which he was going was approximately 300 yards from my home.

Mr. President, I would get to know him better around the year 1984, when I was admitted to the Bar, and when I joined the Chambers of Mr. David A. C. Simmons, Q.C., as he then was. John Workman was, at that time, attached to the prestigious local law firm, Yearwood and Boyce.

11.30 a.m.

Given the fact that I did quite a bit of conveyancing and mortgages in those days, I came into frequent contact with him since that was the area of work in which he engaged himself, trained as he was, as a solicitor. Of course, he enriched the already rich reputation of that law firm, Yearwood and Boyce, which boasted in those days distinguished names like the late Mr. Cyril Brooks, Mr. Keith Thorington, Mr. Denis Clarke and Mr. Tony Hewitt. I believe, Your Honour, the President, may have been there at that time as well. It was a very impressive law firm with a mighty reputation in Barbados and John Workman was there to attack and render inestimable service for one quarter of a Century.

Mr. President, the legal profession as Lord Birkett, I believe it was, once said, calls for very high standards of honour and uprightness. He also observed that no profession offers greater temptations for the forsaking of those standards than the legal profession as well. John Workman, it can be said today without fear of contradiction, always observed the highest standards of honour and uprightness as a legal practitioner. My interactions with him, as a young lawyer, were refreshing since he epitomised the dictum to which I have been introduced at law school that the word of an attorney-at-law should have the force of an affidavit. When John Workman gave you his word, on that word, you could rely.

Mr. President, he never set out to make simple things difficult but as the same time, he never set out to make complex things oversimple either. He was honest in his approach to the practice of law. He was an enabler and made it a joy to be on the Opposite Side of him as a legal practitioner.

John Workman was also, as has been observed by the Honourable Leader of Government Business, an ardent Methodist. Sometime in the 1980s, he suffered a very serious and life-threatening illness. I had many conversations with him in the immediate aftermath of that illness. One got a sense that it was the kind of turning point in the life of John Workman. These turning points come to us in various guises. St. Paul had his Damascus road experience. I believe Shakespeare captured it very beautifully in his play *King Henry V*, when he zeroed in on the fact that the death of King Henry's father was the turning point in his life and diverted him from a very wild and tempestuous youth to an attitude of serious responsibility. Shakespeare observed that the courses of his youth promiseth not but that the breath had no sooner left his father body than that his wildness mortified in him, seemed to die too and that consideration like an angel came and whipped the offending Adam out of him.

John Workman, it seems to me and certainly from our discussions, I was able to deduce that the serious illness had a serious impact on him and on his outlook in life. For even though he was a local preacher in the Methodist Church, it seemed as though he felt called after that to broaden the base of his ministry and to move from being a simple preacher to being an evangelist. He would move around and would communicate to all who would listen to him, and many people did, that this life is nothing more than a dressing room for eternity and that the focus of man must be not on what happens here as much as what was going to happen in the hereafter. This he believed passionately and communicated with seriousness and conviction. I have always thought and joked with him that the energy he brought to his sermon would have brought a smile to the face of both John and Charles Wesley his denominational ancestors.

Mr. President, in addition to being a devout Methodist, John Workman also served in this Chamber between 1994 and 1999. He served at a time when debates from this Chamber were not broadcast live and, therefore, the public had to rely on the summaries and reports of parliamentary reporters. One could always distill from the reports of John Workman's contributions a further spreading of that sense of ministry, for he brought a perspective to bear on public affairs that always emphasised the importance and the centrality of moral rectitude, good behaviour in public life, honesty and, of course, policy that would benefit the masses of the people, those persons who would never have access to power to wield it for themselves. He would always counsel that those who had that power were under a duty to wield it responsibly and maturely for the benefit of the helpless and the disfranchised.

Mr. President, his was a distinguished contribution to this Chamber and none was surprised when, subsequent

to his leaving this Chamber, he was admitted to the most distinguished Order of the British Emperor, in recognition of his contribution to public life, public service and to the legal profession.

Mr. President, John Workman was, by the testimony of his children, a good father and by the testimony of his wife, a good husband. He was a good lawyer, a good Senator, a good preacher and an exemplary Methodist. However, John Workman is dead. Sir, one reflects that death keeps some very strange companions, I supposed it is of its nature to keep companions like illness, disease and war. Sir, that kind unwholesome companion is a natural companion of death. I believe that it was the renaissance cleric Dr. John Donne, who observed that if these unwholesome companions are the companions of death, what is it that death has to boast about. He asked the question, why swellst thou then. He reminded death that one short sleep past, we wake eternally and death shall be no more. That is the faith on the basis of which John Workman lived his life and always remained conscious of the fact that after the short sleep, death, the real afterlife in which he fervently believed, would begin. It was for that he was preparing himself, so his family can take consolation from the fact that they will see him again and, therefore, their sense of bereavement and mourning is only temporary.
11.40 a.m

Sir, it is in that context that I should like to, on behalf of my family, my Colleague Senator Lowe and the Democratic Labour Party extend heartfelt condolences to his sorrowing relatives.

I am obliged to you, Sir.

Mr. PRESIDENT: Senator the Very Rev. Dean Crichlow.

SENATOR The Very Rev. H. E. CRICHLOW: Mr. President and Honourable Members of the Senate, it is an honour for me to speak on behalf of the Independent Senators on the very fine contribution of John Arlington Workman. He was a distant relative of mine, on my mother's side but I knew him more as a friend of longstanding. The entire Workman family and mine have been very close for many years. His professional and religious Christian activities have been lauded by Honourable Senators, and I have much pleasure in endorsing all their compliments.

Sir, like his immediate family, who spoke in the light of his personal and family attributes and human qualities at his funeral, I would like to speak briefly of his tremendous sense of humour. I have never seen John in a very serious and solemn mood. He always had a joke to share. I think that was a very rare and unique gift, that is making people see the lighter side of life, a more humorous side.

Mr. President, he could laugh at himself, as he did, and I am very glad that his daughter went to lengths to point out that he was quite human despite his many qualities that were serious. I remember telling him of an incident that took place in Durham some years ago, when I was invited by my personal tutor, Professor C. K. Barrett, one of the leading Methodists in Great Britain, to address the Bible Society in Durham. He introduced me as the nearest person that he could think of the Old Testament Prophet Amos, and that was to my shock.

Asides.

SENATOR The Very Rev. H. E. CRICHLOW: Sir, John said Amos? You mean a mosquito. That is how I remembered John. I am quite sure that he who saw this side of life when he was with us will have a lot of joy in the presence of his Maker. For example, not many people can see the humour there is in the scriptures. The Bible does have a lot of humour in it but people take the jokes in the Bible very seriously and, therefore, destroy the intention of the writers.

John Workman was a very happy and joyful person, and religion should do that to people. Religion makes you happy, not in the kind of pleasure that is unwholesome but the wholesome pleasure, the joy that is in life, religion ought to help us to see and portray. I think that John did this to a very high degree.

On behalf of my family and Independent Senators, I should, once again, like to express my sincere and deepest condolences to his wife, Merlene, children, David and Suzanne, and all the Workman, McCarthy, Payne and Burke families, and assured them that the God in whom he served here will continue to keep him in perpetual peace.

Thank you.

Mr. PRESIDENT: Senate Dame Patricia Symmonds.

HER HONOUR SENATOR Dame Patricia SYMMONDS: Mr. President, it is with deep sadness that I rise to pay tribute to John. As mentioned, he was deeply devoted to his family and they meant a great deal to him. He gave them much and in return his family gave to him. One of his sisters described him to me as a fatherly brother as well, she hastened to add, a fun brother. He was very protected of her. She recalled when her husband fell ill that he immediately went to their home. When the brother, whom I also knew well and was a professional colleague, was very ill, John used to visit him every day.

Sir, in addition to his immediate family he cared deeply for his siblings. He was very devoted to them. Although I am not always tough on some of the

modern phrases and slang, I always loved this expression; he was always there for them.
11.50 a.m.

He was a very genuine person and I think that is a very important attribute. He was very sincere and put himself out of the way to help people and, of course, as have been touched on, he was very committed to his Church of Methodism.

I recalled only this morning when I was at a Speech Day at Queen's College two years ago, Dame Billie had been asked to give the address and I had been asked to present the prizes. John was the Chairman of Queen's College at the time and he took great pleasure in pointing out that the three of us were all Methodists. I see Senator Crichlow smiling. I know that we are all one at the ecumenical service but we are still proud, of course, of our individual denominations.

He had a sense of calling which made him available to help people in need, not only here in Barbados but abroad in the region. Even when tired and called upon, he would not put himself first. He was always reluctant to say no – I am not sure that is always such a good thing – as long as someone needed him.

He was not only one of my favourite cousins but a friend. He was also exceedingly kind and understanding. I will never forget his kindness in my grief at the terminal illness and passing of a dear mutual friend.

Senator Crichlow has observed that he had his light-hearted side, and I saw that, as well as his serious side. In addition, as a woman would see it, he was charming and you always felt the better for seeing him, his smile and witnessing his sense of humour.

His debates in the Senate revealed his wisdom, his integrity and his spirituality. I always enjoyed listening to him. In the words of a Methodist Hymn, he lived a life of self-renouncing love and now, the God of love who shielded him through his earthly life, has guided him to celestial realms. May he dwell peacefully.

Mr. PRESIDENT: I join Honourable Senators who have paid tribute to the life and example of John Allington Workman, a former Member of this Chamber. I knew John Workman from our teenage years, by then, he had developed an engaging personality and, as other speakers have said, he had great wit, which was even evident at that time. Of course, potentially, he had great height, so that he was a young man who stood out from very early in his life. In the succeeding years, our paths were to cross again and again. Perhaps I should go back just a little at the time before our paths crossed in a very direct way.

As a young student of Harrison College, John was invited to join the firm of Yearwood and Boyce, by Keith Thorington, a partner of the firm in those times. This was around, I think, 1959. He was encouraged to leave Harrison College, forego completing his 'A' Level examinations and look for what could be a promising career in the law. The rest as they say, is history. He duly qualified as a solicitor and was invited into partnership a few years later.

The spectacle of Keith Thorington, the retired Lawyer and Queen's Counsel, bearing the body of his young colleague, John Workman to his final resting place was very poignant indeed for those of us who knew the relationship between these two men. There was tremendous respect and Keith Thorington was, in every sense, a mentor of John Workman.

I joined Yearwood and Boyce in the late 1960s, when John was already a fixture and, for the next 17 years, I saw him every day of my working life. I left the firm as a partner in 1984, I think it was at the end of March, to pursue other endeavours and John did the same in the following year, 1985.

Senator Stuart, I think, referred to the life-changing experience which John had encountered. He told me shortly after he had recuperated that lying in his bed in the depths of his illness, he heard a voice which said: "Let the healing begin". And that, he often told me, was the changing point in his life.

He erected a building on James Street, which happened to be almost strategically placed across the road from the James Street Methodist Church. His Chambers on the top floor of the building were called, "The Upper Room", which I think bore a great deal of significance for him because of the work which he did there, not only in the practice of the law but to a larger extent, in counselling and winning souls.

I saw him often, but our paths crossed directly in 1994, when I sat in this Chair for the first time. John sat on my left where Senator Dr. Chandler is now sitting and he made an outstanding contribution to the work of the Senate. He made many valuable contributions to debate, drawing on his knowledge of Law and experience of life.

Invariably, he brought a bible lesson to his contributions, weaving those references into his speeches in such a way that what he said was always relevant. As a lawyer, he mastered the Standing Orders. I remember very early in his tenure, he refused to give way on a point of elucidation when he was on his feet, invoking Standing Order 33(3) which has not been used a great deal, certainly in the years that I have been here.

John did many things in his life. He had been President of the Jaycees, which was a very active and dynamic organisation in Barbados in the 1960s, 1970s and 1980s. He was a Member of the Transport Board at one time. As Senator Dame Patricia Symmonds has said, at the time of his death, he was Chairman of the Board of Queen's College.
12.00 noon

Again, as was mentioned, his wit was infectious. He was a great listener and his pace was genuinely unhurried. He had time for people.

I would wish to add that since leaving the Senate, the late John Workman visited us, listened to the debates on many occasions and invariably joined me for lunch in the dining room where he had made friendships which extended to Members of staff of Parliament.

I extend deepest sympathy to his widow, Merlene and to his children Suzanne and David who endured his final illness, and indeed his earlier illness, with faith and fortitude.

On behalf of my wife and family, I also extend condolences to his sisters and brothers, other members of his family and members of the Methodist clergy and the Methodist Church in general.

It remains only for me to say that we will not easily forget John Workman. May he rest in peace.

I will now invite all Honourable Senators to stand for one minute in tribute to the late John Workman.

One minute's silence was observed.

PUBLIC BUSINESS

ORDER NO. 3 – COPYRIGHT (AMENDMENT) BILL, 2006

SENATOR THE HON. E. R. GRIFFITH: Mr. President, the Copyright (Amendment) Bill, 2006, which is now engaging our attention is seeking to make amendments to section 101 and 102 to provide for an increase in the membership of the Tribunal from three persons to seven persons. The reason being is that at the present moment, there are occasions when one of the three persons cannot be involved in the particular matter that is being discussed and the work of the Tribunal is therefore delayed to some extent.

The Government therefore thinks it fit and proper to increase the membership of the Tribunal to seven, so as to provide greater flexibility and to allow the Tribunal to carry on with the very important work which it has to do.

Mr. President, coming out of the conclusion of the Uruguay Round and the entry into force of the Multilateral Agreement on the Trade Related Aspects of Intellectual Property, or TRIPS as we commonly refer to it, Barbados agreed, along with many other countries, to provide adequate standards and principles concerning the availability, the scope and the use of all categories of intellectual property rights that are the subject of sections 1 to 7 of the TRIPS Agreements. Barbados also agreed to introduce laws and measures to control the use of anti-competitive practices or conditions in contractual arrangements in accordance with section 8, Part II, of the said TRIPS Agreement.

Mr. President, the Copyright Act is one of a number of pieces of legislation that were inspired by the TRIPS Agreement. What the Act provides for, is the moral and the economic rights of copyright holders. According to the Act, the holder has exclusive rights of reproduction, broadcast, adaptation, performance and publication of his or her works. In addition, there is the right to be identified as the author of the particular piece of work and to ensure that the work is not reproduced in a derogatory or mutilated fashion.

It makes provision also for digitally stored or produced works and allows for the protection of works rendered in an electronic form, licensing and rental of works among other things. It also provides for the performance and remuneration for recording and reproduction of those performances.

The Tribunal was therefore established to arbitrate in cases of disputes over the remuneration which should be paid under a licence or for the use of the public performance of the copyright material. Mr. President, when Barbados put that piece of legislation into effect, it joined a number of countries around the world, such as the United Kingdom, Singapore and Australia and, in the region, Jamaica to establish a tribunal so as to bring some balance between the owners of copyright material and those persons who wanted to make use of that material.

Mr. President, we here know of all the discussions that take place on a regular basis on our call-in programmes and so on because people have become used to making use of other people's material without any hindrance. The idea of the establishment of a regime which requires them not only to pay a fee but to acknowledge that the material is owned by a particular individual runs contrary to their way of thinking about freedom. Mr. President, there is the belief that they should have the right to use other people's works whenever they feel like and without the persons who have engaged in the work and have developed various bits of material benefiting from the use by other individuals.

We have seen a number of cases within recent time where persons were being prosecuted for engaging in such activities, and that is something that we will have to get accustomed to. The artist, in whatever form, has the right to benefit from his or her work in the same way that other people would benefit from their own innovations, research and other things.
12.10 p.m.

Mr. President, Government does not want to see a situation happening where those agencies that are responsible for managing the copyright on the behalf of the particular artiste, using their monopoly power in such a way that there is no balance between those agencies and the artistes, where persons who want to legitimately access material are debarred from so doing. Therefore, here is where the Tribunal has a very important role to play, as it is going to get between the parties, as it were, and try to bring some balance to the situation, to ensure that both sides have an equal opportunity to benefit from the material in question.

Mr. President, Government is, therefore, amending Section 101, which now provides for three persons to sit on the Tribunal. This section will now be increased to seven persons. Sir, the process indicated in the legislation before us is that three of those persons on the Tribunal should be Attorneys-at-Law, while the other persons can be from other disciplines.

Mr. President, in essence, that is what we are being asked to deal with in this legislation, which I do not think is a difficult piece of legislation. I, therefore, beg to move that this Bill be read a second time.

SENATOR Dr. D. S. LOWE: Mr. President, if I may agree with the Honourable Leader of Government Business, it is a very innocent piece of work that we have to do on this particular amendment. Of course, at first glance, this legislation deals with extending the regulating body from three members to that of seven members, which seems not to attach itself to any difficulty relative to us on This Side.

Mr. President, on the other hand, we wish to take the opportunity to excavate a number of issues we believe could be of profit to those who would have the responsibility of managing and policing the process. First of all, I wish to state that the protection of intellectual property is something that is of vital importance to any country, particularly a country such as ours, that is seeking to promote its cultural products.

Sir, recently we have had a number of remarkable progress in the area of producing and promoting our local

artistes, who have now become international stars. Therefore, I think it would be of tremendous credit to the country that this is being accomplished.

Mr. President, from time to time, those of us who do writing, *et cetera*, have to encounter works of others and from time to time, authors have plunged themselves into a number of difficulties because they have, wittingly or unwittingly, borrowed from other people's copyrighted works and as a result, would have infringed on the protection of that work. In addition, there are those persons in this country who are now exploring their talents. Some of them have produced, while others are on the verge of producing intellectual property, which would beg the assistance of this legislation. Therefore, this amendment would be vital in terms of giving transport to those efforts.

Mr. President, what we would, therefore, want to emphasise is that, as this legislation takes root and as this amendment supports the strength of the legislation, there should be some effort or a more vigorous effort on the part of Government, to educate the public in a broader way as to the implications of this legislation, and by extension the amendment. I believe there are those persons who excuse themselves from responsibility by virtue of ignorance, by claiming that they do not fully understand the import of the law and might venture to take on certain types of activities that would cause them to find themselves in trouble with the violation of copyrighted and intellectual materials.

Mr. President, I find that, in recent times, we are in a habit of introducing very good legislation but then, at the back end of it, we have not been very vigilant, as it relates to policing and educating the public as to what they need to know, in order to be able to benefit from the full impact of the same legislation. Sir, this is important because there is a plethora of activities out there that may involve the violation of copyrighted materials.

Sir, only recently there was a court case where someone was caught using technology to infringe on copyrighted material, which, I believe, may now be a case for consideration. Sir, whether or not that person knew, or did not know, could be the question. Therefore, what we are suggesting, is that those persons out there, who might see themselves as legitimately trying to 'make a dollar,' in a culture that never gave the level of credence to the importance of protecting intellectual property, need to know through education. Sir, in fact, a law has no impact onto itself, until it finds firm application in the bosoms of those persons it seeks to govern. Therefore, we would want to suggest that it becomes an important element in this whole endeavour, that the public receives the kind of education that is necessary in that regard.

Mr. President, we are not trying to suggest that there are not efforts in place but I think there are those persons on the fringes on the mainstream of society, who may, in fact, be the persons who are running themselves into the most difficulties, relative to observing the law as it relates to copyright.

Mr. President, in a situation where there are those persons who have the talent, who might not be able to source the kinds of effort and support necessary to put those talents as part of their intellectual property drive, I want to make note of the fact that having now amended this legislation and having put it in place, I think it might be a good time for Government to contemplate broadening the scope of assistance for persons, who are capable of producing outstanding works but who may need some kind of support within the domain of the cultural products of Barbados, which can, in fact, help those persons to be able to right themselves from the start, to the completion of their work.

Mr. President, I know of a number of persons who, from time to time, would have been to school with me, who had tremendous talents but had never received the kind of push that others today are having. Sir, for example, we celebrate and congratulate the accomplishments of Rihanna and “Ruppee”, among others, who are doing well internationally.

Mr. President, I believe that, as a tourist destination, and as a place which prides itself in a diversity of talents and gifts amongst its people, that it could be an important endeavour that we provide the level of support that would allow persons to create the level of intellectual property and utilise the full strength of the law in the protection of that property. Sir, whether that intellectual property right relates to music, authorship of literary works, or whatever the particular domain of intellectual property might be, I believe it would be of great importance, if this kind of environment could be extended to include a greater effort on the part of the State.

12.20 p.m.

Mr. President, we are now pushing for the diversification of agricultural products and, certainly, we are going to have to ensure that as those products come on the market, that they are protected as would be necessary and that perhaps we do not run the risk of putting some of our most precious creations and work to be owned by other people because those creators have not understood the law in terms of intellectual property protection.

Therefore, we do not find any disagreement whatever with this. As a matter of fact, we certainly applaud the effort of seeking to make this process fair and workable for all and that persons involved in the management of this legislation

are representative of those persons out there who would be submitting their request from time to time.

Mr. President, we just want to make sure that every opportunity is given to all Barbadians, who have endeavours that would be impacted on by this legislation to be able to do what they need to do to get their works out there, to make profit and, certainly, to continue to expand their reputation of this great country of ours.

Mr. President, I thank you very much.

Mr. PRESIDENT: Her Honour Senator Dame Patricia Symmonds.

HER HONOUR SENATOR Dame PATRICIA SYMMONDS: Mr. President, I never intended speaking on this especially as some time ago, we had a full debate when the Bill was first passed. I just wanted to give Senator Lowe some assurance when it comes to creating an environment and encouraging our artistes and those who aspire to write and publish. I also want to remind him that the University of the West Indies at Cave Hill runs courses during the summer in creative writing, the National Cultural Foundation also plays its part, the Frank Collymore Endowment Committee, of which I am a member, also encourages writers provided there is excellence. A number of them have received valuable prizes, have been publishing and the Central Bank of Barbados has to be praised for its sponsorship of this endowment. I do not know if my good friend, Senator Williams, would want to add anything to it but these endeavours are being supported by the Ministry of Culture and the Prime Minister himself gives an award at these Endowment Awards every year.

Mr. President, it really started going back to CARIFESTA and much has been done in the area of creativity and helping artistes on the whole. I remember when I did my first publication that I was not sure where to go to have it copyrighted and I could not even find out if there was an office for it but nowadays, all that has been corrected.

Mr. President, Barbados can no longer be accused of not being cultural active or creative. I think we have gone a long way in that and as Dr. Lowe himself indicated, our artistes are being more and more now recognised abroad.

Mr. President, with those few words I wanted to elucidate.

Mr. PRESIDENT: Senator Williams.

SENATOR THE HON. J. E. D. WILLIAMS: Mr. President, I too rise to give my support to this piece of legislation, which comes at a time when Government

is placing tremendous emphasis on the development of the cultural industries for Barbados. Government, over the last three years in particular and before that, has been pursuing the creation of the kind of infrastructure that would encourage and nurture self-expression among all Barbadians. Sir, Barbadians must feel that their work is protected, that in truth and in fact, that its young people can see a career in the cultural industries in a similar manner as legitimate as any other area of endeavour.

Mr. President, this repositioning of our country comes at a time when the whole world is rapidly expanding in terms of global trade in goods and services. We have heard Senator Dr. Lowe mentioned the exploits of Rhianna and a number of other Barbadians are doing extremely well on the international scene. It is these works and the works of other people and artistes both local, regional and international that we have an obligation to protect.

Mr. President, I know that Senator Dame Patricia made reference to the Endowment Awards. The categories impacted by the legislation to which we allude, include that of musicians, music producers, poets, playwrights, novelists and the list goes on. Over the years, I must say that tremendous strides have been made by this Government in terms of developing intellectual property legislation.

Sir, Senator Dr. Lowe made the point that from time to time, people have to feel as though there should be an easy way to have their work registered and protected. The Registration Department has been systematically strengthened over time. It created the Copyright Unit, which puts systems in place for the registration for trademarks, patents and the like. The process of upgrading our intellectual property legislation was completed in 2001 and we are pleased to know that Barbados now possesses legislation which is in full compliance with the minimum requirements of WTO and the TRIPS agreement. This, basically, is reflective of modern trends in intellectual property law worldwide.

Mr. President, the issue of piracy is something that we continue to grapple with. You will recall that back in November that the Prime Minister and Minister of Finance in his Economic and Policy Statement to Parliament expressed in clear terms the intention of Government to eliminate piracy of intellectual property rights from our country. This was followed up by increasing and strengthening the penalty provisions of the Act, where we had an increase of the maximum penalty to \$0.5 million and/or up to a period of ten years imprisonment.

Mr. President, in essence, this was to send a message that we are particularly serious about this whole question of people using other people's intellectual property for their own gain and satisfaction.

Mr. President, I do support Senator Dr. Lowe when he said that the process of education is importance. We need to educate the public for them to better understand the seriousness of the problem and the long-term impact which it has particularly. It relates to our ability to develop a successful cultural industry and creative sector in Barbados. 12.30 p.m.

Sir, sometime ago, we had some figures related to the estimated loss in revenue to Government, on that occasion it was estimated approximately \$2 million losses over a financial year. That information was provided by the association of music retailers, that is the loss that they saw to Government but at the same time there was tremendous loss to themselves.

I need to underscore the point that a large number of Barbadians' livelihoods depend on they being able to benefit from their intellectual property work. Their work, therefore, requires the protection of the sector as it grows and continues to become a significant contributor to national growth.

Mr. President, certainly, we will not continue to attract our young people and encourage them to an industry, where they believe that industry will not allow them to see the kinds of benefits and returns that they would normally expect. As I said before, this Government has always been strong in developing the kind of legislation that would go a long way to address those concerns.

I must also take this opportunity to briefly reference the fact, and we cannot shy away from it, that we do have a challenge ensuring, for example, that our video stores transition to full compliance with respect to our copyright legislation. We cannot continue to operate as business as usual and allow people to point to examples of accommodation of illegal practices in any area, while at the same time seeking to enforce compliance in others.

Sir, the issue with respect to Calypsonians, as you are aware, each year the issue of piracy of their work comes up. There has been much discussion and we have made tremendous progress both in terms of Calypsonians, concerned groups, police and all the enforcement agencies. We would like them to understand that there is not an us and them, with respect to the whole question of people respecting people's rights. We will continue to do all that we can to ensure that our Calypsonians, when they make records and so on, that they can make a livelihood out of their efforts.

Mr. President, I would also like to say that we have to do it here and other jurisdictions must do likewise. As I understand it, other foreign jurisdictions, on the street

corners you can also get copies of the works of Barbadian Calypsonians, when in truth and fact, they have not yet reached the shelves in Barbados.

Mr. President, while I am saying that we have an obligation to protect our local, regional and international artistes, in other jurisdictions have an equal responsibility to protect the work of our local artistes as well. We would want to feel that Rhianna, Rupee and all these people can produce their work with maximum value and that work is protected both within Barbados and outside of Barbados.

I know that in recent times the issue of the reception of things like the MCTV is something people speak about, because some people believe that we should have access to material without paying for it. I am on record in the past saying that such solutions to actions like the pirating of CBC's signal has to be dealt with a two-prong approach. Sir, you will try to use technology to deal with it in part, but I also believe that one needs to use legislation to supplement that, to make it absolutely clear that the pirating of people's signals is illegal. Sir, one thing that Barbados has always stood out for is the fact that we do things the legal and right way.

Mr. President, you go to other countries where people believe that you can pull signals from the satellite and rebroadcast, without appropriately compensating the owners of that material. That is not the practice in Barbados. We pay for it. I am saying that once we continue to pay for it as we should, similarly, people who want access to it should do the same.

I know that from time to time I am criticised for the stance that I take, but I feel very strongly about it. Sir, I speak in terms of my own experience when I had the good fortune and honour to be Chairman of the Caribbean Broadcasting Corporation, where we tried to provide the very best service that was possible. There are challenges, like in everything else, but the Caribbean Broadcasting Corporation tries to provide the very best service. It meets its obligations to those international people from whom it gets its content. Therefore, we have an obligation as a people to understand that we have to respect people's contribution, efforts and material.

Sir, I also want to briefly say that I know that education is part and parcel of it, but people know that when they pay \$5 or \$10 for a copy of someone's work, that is not the real value. While Senator Dr. Lowe is saying that, may be sometimes people do things unknowingly, I also believe that when a person pays \$5 or \$10 for a CD they know that is not the true value, and in truth and fact the purchase is not a legitimate copy. I think that people have an obligation to understand that what they are doing is wrong. Mr.

President, education will be part and parcel of it, but I think our whole attitude towards intellectual property, its value, worth and importance, that too has to change.

Sir, I know that in the past Senator Griffith made mention of the copyright of Barbados Black Belly sheep. All I am saying to Barbadians is to make sure that all your works are protected and copyright, because therein has the value not now but into the future. It is a sad thing when our Black Belly sheep could be promoted by a foreign jurisdiction as their own.

Mr. President, I want to take this opportunity to congratulate entities like COSCAP and Barbados Agency for Musical Culture Inc. (BAMCI) which have worked over the years to protect the rights of the owners of intellectual property, both the artistes in Barbados and other foreign jurisdictions through the collection of the appropriate royalties. I can say honestly that without these entities, life could have been more difficult for many of our artistes and we really have to offer our congratulations to them. I know that they also have challenges but they are doing good work which must be recognised.

12.40 p.m.

The International Performing Rights Societies are indeed paying greater attention to all jurisdictions and they are prepared to pursue the rights of the artists throughout the globe. Every jurisdiction, Mr. President, is under the microscope and is being monitored in every area of economic activity. We have to make sure that this country Barbados, remains a clean jurisdiction.

I already mentioned the work that is being done with regard to the video shops. May I say that the Government recognises the video shop industry has been steadily growing and has made a decision to regulate them and to establish a system of licensing. This work is continuing. The Telecom Unit is out there, from time to time, making sure that it checks on the video shops.

At present some 68 video shops are registered and have, indeed, paid their licence fees. There are others that are only providing a service in the evening and, therefore, it is difficult to identify them. The Telecom Unit is presently trying to strengthen its manpower resources and in particular, the Inspection Team for video shops and the sellers and dealers of Telecom's equipment.

Why is this even more important? In Barbados we are also, as part of the development of the cultural industry and the creative sector, seeking to promote Barbados as a domicile for video and film. Therefore, this means that the works of people would have to be protected. If we are going to suggest to an investor that Barbados is a jurisdiction where you can come and film and do work, then we have to ensure that we have the legislation in place to deal with that, Sir.

The film industry in Jamaica contributes millions of dollars a year. We in Barbados have been making steady progress. Last year, there was a group from Germany which came here and did some filming for about one and a half months. During that period, they brought in some \$4 million. We are talking about money that came in and was spent, and that is foreign exchange earned.

The fact of the matter is that we have the potential to develop an industry. Of course, when the legislation becomes a reality, we need to have the correct incentives and create the kind of environment that would encourage people to come. All of this hinges around the whole question of intellectual property, property rights and protecting the rights of people.

Mr. President, I believe that we all appreciate the importance of this piece of legislation before the Honourable Senate and I am certain that it will get the support from each and every one of us.

I am obliged to you, Sir.

Mr. PRESIDENT: Senator Marville.

SENATOR R. O. MARVILLE: Thank you, Mr. President.

I think I agree with whatever has been said so far. I have absolutely no difficulty with the Amendment proposed, increasing to seven, the number of members of the Tribunal. What we are doing is in clear conformity with the WTO rule.

However, there are some problems that concern me greatly. While we make the rules, I do not think we have sufficient policing, particularly outside, to help our cause. I appreciate the fact that Rihanna and "Rupe" will do well and they will not be pirated either, I think, but that is because they are producing out of the USA.

I should make the point that "Red Plastic Bag" lost billions in the Americas from his "Ragga Ragga", which incidentally was pirated in Spanish as "Regga Regga". There was nothing that we seem to be able to do about it at all. We have been faced too, with something that we have not put into the rules which, I think, we ought to make some effort to do and that is the copyrighting of property that does not, by any stretch of the imagination, belong to a country.

The Black Belly sheep, Sea Island Cotton, and the steel band were all copyright by a country which knows nothing about the origins of these things. These are Caribbean icons which, effectively, we have lost control of and I would like to see some effort made to go into that area.

In fact, when I was in Brussels, there was a German Consul, whom I wanted to get rid of for a long time. He finally did it himself by claiming the copyright in Germany for Mount Gay Rum. In fact, that was not what really got rid of him. What really got rid of him was the fact that he claimed immunity for sheep of his or cows that wondered in somebody's territory.

Asides.

SENATOR R. O. MARVILLE: He was just repeating a former tradition that is all.

The point is that we are not very careful on these things and, to my mind, he should have been dismissed a long time before he got to the point of the Mount Gay or the sheep. He was doing things that were clearly indicated as totally irregular but nothing happened. He was an Honourary Consul for more than 20 years.

I am also concerned about what we do about our own image and how we can protect it, Sir. I have seen Barbados/Sallaria in Germany, Barbados-Style Hot Sauce in Costa Rica, and Barbados Jeans from Chile. I do not know that anybody else owns the name Barbados apart from us and I am not sure what legal rights we have in this case.

Sir, what I am concerned about in this whole process is that we not only conform but that we benefit from it, but I do not see us being likely to benefit from it, unless we have some mutual agreements on policing of the laws, and some firmer position whenever something like this happens.

We have never questioned, for instance, the fact that any country can send its signals over our country. We have automatically accepted on the other hand that if we take them down without paying for them, we have committed a crime. Philosophically, I have some difficulties there. We have to work these things out, and we ought to work them out in the WTO and the TRIPS, where it is necessary, and do it well.

Thank you, Sir.

Mr. PRESIDENT: Senator Newton.

SENATOR THE HON. Mrs. V. E. NEWTON: Mr. President, I rise to support the increase of the membership of the Copyright Tribunal from three to seven. I have always maintained that there is no magic in numbers and unless the Government ensures that persons whom they appoint to Tribunals are persons who have the time and are available to do the work of the Tribunals, whether you have three or seven, things will not improve.

Quite apart from that, Mr. President, I rise to make a point in relation to copyright from the Other Side, from the point of view of foreign writers whose works are in libraries in Barbados. We have a provision in the Act for certain portions of a writer's works to be reproduced without permission for educational use.

12.50 p.m.

Mr. President, regulations were drafted about three years ago to set the parameters for exercise of the provision in the Copyright Act. To my knowledge, those regulations were deficient. The National Library Service convened a seminar at which we looked in detail at the regulations and pointed to the deficiencies. The list of deficiencies, with recommendations for improvements, was sent to the Attorney-General's Office. Sir, that was about a year and a half ago and we have heard nothing since then.

Mr. President, the problem is that if we are to be in line with libraries in other countries, we have to set standards and regulations for copying protected works, defining what should be copied and how it should be done and so on. Mr. President, I am hoping – I am speaking on behalf of the library community now on this matter – that Government would move with dispatch and put the regulations in place.

I thank you.

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I wish to thank all Honourable Senators for their respective contributions on this matter. I wish to reiterate that the proposal here before us to extend the membership is not only a question of availability of members but in instances where you have quality judicial hearings and the panel is now three persons and a person has to excuse him or herself because of a conflict of interest, you can have a difficulty with the hearing proceedings. Mr. President, this new arrangement permits us to have at least five persons on those particular panels so as to facilitate the work.

Mr. President, I take the point made by Senator Newton. Sir, it is not only so in respect of tribunals and so on, it is so in respect of statutory boards and other institutions. Only last night, I received a call from someone who was terribly upset by the fact that the Smallholding Committee in a particular parish has not been meeting because of the Chairperson not having the time to convene meetings and so on. Mr. President, persons who accept appointments on these boards, institutions and tribunals owe it to themselves and the public to decide if they are too busy or not, and if they are too busy, the decent thing to do would be to resign. They should not take the post and then do not attend the meetings because then the Government gets the blame, when in truth and in fact, a lot of it has to do with individuals.

Mr. President, this effort, as I said, to increase the membership of the Tribunal is another attempt to create a mechanism that would allow some balance to be brought to an exercise that is sometimes very emotive and acrimonious between the person who owns the particular piece of work and the person who wants to access it, and when it comes to the question of fees and so on, the kind of discussion that can take place. The Government is therefore hoping that in those situations the Tribunal would be used to bring some balance to it so as to protect the rights of the owners and the users. Mr. President, that is exactly what we are seeking to do.

I beg to move, Mr. President, 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. E. R. GRIFFITH, the SENATE resolved itself into Committee, HER HONOUR SENATOR Dame PATRICIA SYMMONDS in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is in Committee.

Clauses 1 to 3 inclusive, were called and passed.

On the motion SENATOR THE HON. E. R. GRIFFITH, Madam 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. E. R. GRIFFITH, the Bill was read a third time and passed and cited as the Copyright (Amendment) Act, 2006.

SUSPENSION OF SITTING

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that this Sitting be suspended until 2.00 p.m. today.

The question that the Sitting do now suspend until 2.00 p.m. today was put and resolved in the affirmative without division and Mr. PRESIDENT suspended the Sitting accordingly.

12.57 p.m.

RESUMPTION

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

ORDER NO. 4 – SECOND READING OF THE
INTELLECTUAL PROPERTY (MIS-
CELLANEOUS PROVISIONS)
BILL, 2006

SENATOR THE HON. E. R. GRIFFITH: Mr. President, the origin of this legislation is similar to the Bill which was passed today, the amendment to the Copyright Act, in that it is the result of the entry into force of the TRIPS Agreement. It is an effort by Member Countries of the World Trade Organisation, to bring their legislation in line with the provisions in that agreement.

Mr. President, the issue of intellectual property rights and its enforcement, are issues which play a major right in the international economic negotiations, and which are often the subject of dispute between nations. Sir, that is because it provides the possibility for control of the exploitation of results of scientific, technological and cultural creations. Indeed, the developed countries were in the forefront of the development of the TRIPS Agreement because they saw it as an opportunity to gain a competitive edge on developing countries and on other developed countries, if they had control over technology, particularly in the areas of activities, where technology is important from the point of view of being competitive internationally.

2.10 p.m.

This is why in many respects the TRIPS Agreement knows the standards set in those developed countries and which created enormous problems for a number of developing countries to match those countries. Indeed, there are developing countries which are struggling to put in place the legislative framework to comply with requirements of the TRIPS Agreement because it has been an additional burden on them.

Mr. President, intellectual property rights are very crucial in relation to the economic development of countries. In fact, with the WTO and WIPO, it is an issue which is discussed on a daily basis as countries struggle to control the technology which their citizens develop and to prevent other countries from accessing it without going through the legal channels.

Sir, Senator Marville is correct when he mentioned that part of the problem is the enforcement and in Barbados we have classic examples of it. If we look at the issue of cotton and the control of the West Indian Sea Island Cotton trademark. The company WISICO, which owns that trademark is a bankrupt company and is unable to police the mark and its use around the world. There are countries which now try to make use of that mark by creating a mark and name which bears some resemblance to West Indies Sea

Island Cotton. In many instances they do not say West Indian Sea Island Cotton but they say Sea Island Cotton but by association one thinks of the particular product as being a product of high quality.

Mr. President, even if they say West Indian Sea Island Cotton, WISICO in its present form is unable to police the mark. They engaged legal counsel in London who charged a small fee but people who legitimately come forward and ask for permission to use the mark... Sir, the fee is so small that it is hardly ever sufficient to pay the legal counsel to start with far less to allow them to set up any system elaborate or otherwise to control the use around the world. This is part of the problem of small countries trying to control the intellectual property assets.

Mr. President, at present, we are working with our CARICOM neighbours on that matter because, in any case, the articles which go back to the establishment of the company are outdated and are in need of some improvement. We are working with other countries in the region that are owners of the mark to deal with it. Sir, that is one example.

Mr. President, the other example is to do with our plants. It shocked me sometime last year when I discovered that the University of the West Indies and institution of high learning with professors and other persons like that, had entered into an arrangement with a Canadian group to do research on a number of our plants and presumably will get a fee from that research. The results are unlikely to benefit Barbados because our great institution of learning did not think it fit to get into a proper relationship with that Canadian company and to approach the appropriate Government offices in advance so that they could ensure that any results that are beneficial to Barbados could flow to Barbados. Sir, I have not done the research but I can bet you that if the reverse was the situation with us and the University of the West Indies wanted to get involved with a company in Canada to get research done on Canadian material that they would have to put in place an agreement that made sure that the results would be of benefit to Canada.

Mr. President, I discovered that by accident because having not long before that returned from Geneva where I spent a large part of my time daily talking about geographic indications and all those fancy things. I was speaking to an audience about how we need to protect our intellectual property rights and the things we need to do as we sought to develop a plan where we could use our intellectual property rights as a means of developing our economic and social situation in the country, when someone in the audience asked me if I knew that such a thing was happening at the University of the West Indies. I replied that I did

not know and this was how I discovered it. I raised it several times in several places but no one has taken note of it so it will go on.

Mr. President, two weeks ago, I was speaking to a number of ladies involved in the preparation of herbal medicines. As a result of that discussion with them, I have agreed that we will work with them to help them get themselves properly organised because I would not like to see them develop various assets, sell them and make money but, in the end, other people get more out of the process than they get.

Mr. President, these are things which the developed countries do in order to push their economic development. Sir, as developing countries, we need not only to put in place the appropriate legislative framework but accept that it is going to be a costly exercise to police the use of the various marks.

Mr. President, I heard a lot of people speaking about the issue of the Black Belly sheep and saying that we are too late because the sheep was exported many years ago. Sir, I never exported any sheep, you can be sure about that. Those people who know this now, were either silent when exporting was taking place or maybe said something but no one paid attention to them.

Sir, the point is that for some time now the Ministry has been engaged in an exercise where it has asked CARDI in association with the University of the West Indies to do some work on the DNA profile of the sheep and that work has been ongoing.

Mr. President, the Black Belly sheep was sent all over the world but every day I get request from people to export the sheep. This also happened two weeks when I had a discussion with the Sheep Association. When we asked them to let us work on developing a system which would allow them to export the semen, it appeared novel to them. Sir, it was novel in the sense that they had not given it any thought. Their only concern was to make a lot of money because by exporting the sheep, they could make more money than selling it here in Barbados. Mr. President, however, we got them to accept we have to look at different methods and at the exportation of the semen, frozen or otherwise, that is one way to deal with it, instead of exporting sheep.

2.20 p.m.

Sir, when I was doing my research, including the experiences in Australia and New Zealand, I noticed that they have in place legislation that allows them to declare a particular animal to that country. Even though it does not cover the issue as it should, if we dealt with it from the point of view of the DNA, where we could say that a Black Belly

sheep has these special characteristics and, therefore, wherever it appears, it belongs to Barbados, it still provides some comfort. I am now looking at it from that point of view as well, while the University and Caribbean Agricultural Research and Development Institute continue to do their work on a DNA profile.

Sir, I ask the scientists, about the progress of that work. They said that they have been taking blood samples from Black Belly sheep, wherever they exist to establish that there is a difference between the one in Barbados and elsewhere. Now you know how difficult that is going to be. Sir, the fact is that in many instances, I have discovered that most of those sheep have been crossed with other sheep, even where they have not been crossed, because there has not been a replenishment of the stock, there has been a lot of inbreeding. Therefore, the breed is not pure, in the same way as if they have been getting the replenishment from us. That is one of the difficulties I have with all the people who bombard me daily for permission to export the sheep, and who have difficulty in understanding what we are trying to help them to do.

Therefore, regard us as the enemy rather than the friend. That is the danger of having to deal with certain people, particularly people who do not own sheep, but who control the association. They do not own any Black Belly sheep, not one, but they control the association, and speak loudly about all that needs to be done to help the sheep and not help the sheep. That is the difficulty that we have.

Mr. President, the point is, we recognise the importance of intellectual property rights, and the part that it can play in our economic development and its benefits to the owner of those rights in every aspect, not only with sheep and cotton but with all the plants and gullies. Therefore, these are things that led the Government to the point where in 1998, it passed a series of legislation, the Copyright Act, which we dealt with not long ago, was passed in 1998. There were amendments to the Trademarks Act, the Patents Act and the Industrial Designs Act. We also had the Geographical Indications Act, Integrated Circuit Act and the Protection Against Unfair Competition Act. All those came in 1998 in an effort to bring our legislation up to date in keeping with the requirements of the TRIPS Agreement.

Sir, what has brought us to this point today is the fact that in 2003, a study was done within CARICOM, jointly funded by IDB and the CARICOM Secretariat, it looked at the legislation in the respective member countries, to see how compliant or otherwise they were with the requirements of the TRIPS Agreement. Although we have all of these pieces of legislation in place, it was discovered that there were areas where needed to make improvement to bring them further in line with the requirements of TRIPS. That is what we are doing today by

seeking to get approval for the amendments under this piece of legislation which is referred to as the Intellectual Property (Miscellaneous Provisions) Bill, because it covers amendments to the Patents Act, Trademarks Act and Industrial Designs Act and the Schedule to those pieces of legislation.

Sir, it is simply trying to bring these pieces of legislation to the point where they are now fully compliant with the requirements of the TRIPS Agreement.

Mr. President, at the same time it will provide us with an opportunity to ensure that we can truly benefit from intellectual property rights, the creation and development of technology and the use of our various geographical indication and other things that developed our citizens, mindful, of course, there is some system in place, however, inadequate it may be. I say however inadequate it may be, not because I do not think that we can put in place adequate systems but the task is so huge, and we have to maintain it around the world.

Sir, recently I visited Michigan State University to entered into discussions with them about the work they have been doing for us on the use of components of the figure press mud to lead to the production of intellectual property assets, for possible use in the pharmaceutical industry, the issue of policing the patent came up. Sir, with the best will that will be a difficult task for us. Therefore, we agreed to enter into an arrangement with the University, which has in place an elaborate system to protect nearly two hundred patents, that they will do the policing for us and we will enter into a memorandum of understanding with them as to how we would share in the benefit, and what our obligations will be and what theirs will be.

Mr. President, we had to acknowledge that there was no sense in trying to do for ourselves what they can do for us easier. That gives us some ideas of the difficulty of policing.

Sir, the point is, as long as we recognise that we have to do these things, we will make some arrangement, whatever it is, that we can police the system to get the true benefit or the most out of it that we can get, even if we have to enter into an arrangement with somebody else to do some of the work for us at a cost. It is better to do that than to lose everything.

There are companies around the world that will seize anything they can use to their benefit without any thought of who the losers will be. We have to acknowledge that in this world, we are a small player regardless to how we regard ourselves. We are small and we have to devise a way of surviving. We have to always look for solutions to our

problems, not always expecting that we will always be able to do all the work ourselves, but find ways of getting it done to protect our interest.

Mr. President, with those remarks I beg to move that this Bill be read a second time.
2.30 p.m.

Mr. PRESIDENT: Senator Eastmond.

SENATOR THE HON. Miss L. V. EASTMOND:
Thank you, Mr. President.

I rise to speak in support of this piece of legislation that is seeking to amend three existing Acts, the Patents Act, the Industrial Designs Act and the Trade Marks Act. These Amendments, as our Leader of Government Business stated, came out of a study that was done jointly by the CARICOM Secretariat and the IDB.

As I speak, I am also mindful of the comments that were made by Senator Marville, with respect to whether or not Barbados' membership of the WTO and the various agreements that we have signed onto, we are getting the full benefits of these Agreements. This is an excellent observation.

The truth of the matter is that with respect to the Trade-Related aspects of Intellectual Property agreements, there is considerable controversy, I would say, especially between developed and developing countries, concerning how the agreement is actually formulated.

For example, with the Industrial Designs Act, the recommendation here for amendment is to increase the time for protection from five years to ten years. This is always an issue, in terms of that particular agreement because, quite simply, there is a view that the length of time which is now being put in place for protection of various intellectual property rights, has been increased at the request or demand of the developed countries.

The developed countries tend to have the resources to create the intellectual property rights in many instances, especially when you are looking at information technology, which is now the major economic catalyst in the world.

Therefore, if developed countries are able to protect their intellectual property rights in these areas for extended periods of time, then the developing countries and small States will have to wait longer periods of time to gain access to those developments than before we had the TRIPS Agreement, Sir, and this is a major source of contention.

Sir, they argued that because of the research, they have put into developing these various assets, patents, industrial designs and other rights that they do need an

extended period of time to recoup the investment they have made. This is the other side of the argument because usually in Barbados, the argument that you hear is the argument with respect to safeguarding the rights of musicians and other artists.

Therefore, as far as intellectual property rights are concerned, the dialogue and discourse so far, have been about protecting these rights. The protection of these rights is, indeed, a good thing.

Then, I do not believe that in Barbados we have really explored the argument about the fact that the longer you protect such rights, if they can be used under licence, the longer the world as a whole stands to benefit from such inventions. The argument that developing countries has been making, which is that essentially the TRIPS Agreement has been fashioned in the image of developed countries and not in the image of developing countries.

What I would wish to do though, is to assure this Chamber, Mr. President, that certainly in terms of the work that is being done within CARICOM and Barbados, we are very mindful of this situation. There was not much discussion about this on the call-in programmes but we know, for example, that there was a major issue internationally about being able to access generic drugs for fighting HIV/AIDS.

Sir, when countries, such as Brazil, India and others said that they could manufacture these drugs in order to prevent people from dying, the larger pharmaceutical companies were saying that they have patents in these areas. Therefore, if you are going to produce these drugs, you need to produce them under licence and you need to pay them large sums of money.

This is where the issue then becomes difficult. As I said, in Barbados the discourse usually is about protecting rights as opposed to seeing innovations as a public good for the benefit of mankind. This is where the real conflict comes because we know that there is a great deal of investment made in creating intellectual property and pharmaceuticals but when you have a situation where you actually have a drug that can prevent large numbers of the human population from dying and you are saying that you have to pay a large sum of money in order to access it, then this is a problem that has to be dealt with. Sir, it was dealt with but only in terms of giving an exemption from the rules for a period of time, where these countries are not able, legitimately, to manufacture these generic drugs, so a compromise solution was found.

Sir, I believe that as we go on looking at intellectual property and the ability to protect the innovations of

individuals, we are going to have to look more closely at balancing those rights against the obligations, which we as human beings have to share our innovations with the rest of the world for the advancement of mankind.

As I said, we have not had much discussion on the call-in programmes and not much writings in the newspapers about issues like these, which are so important to the advancement of our country. Hopefully, we would soon be able to engage in such a dialogue.

There are many issues which surround intellectual property and I make the point that we have been trying because, as our Leader of Government Business, Senator Griffith pointed out, Barbados is a small country and most of the countries that would be making demands of the system to make these changes are small countries or developing countries and, therefore, not countries that have a significant amount of power.

I believe one of the principles that I always bear in mind when I am considering these issues is that it is a fact that at every given point in time, it is important for us to remember exactly where we stand in all of this, Sir.
2.40 p.m.

This issue of intellectual property and balancing the rights of individual innovators against those of the public good, is one that has to do with the fact that, in terms of our international governance mechanism, the principles that are still being used are for a time that has past, and that there is a need for reform. It is also true that the international economic rules, under the World Trade Organisation and elsewhere, still favour developed countries over small States and developing countries.

Mr. President, I believe that the objective of this study which was done was primarily to ensure that we were in compliance with the TRIPS Agreement and no other reason. That is partly why the Barbados Industrial Development Corporation helped to fund it. It was to make sure that we were in compliance.

Mr. President, we cannot take these things for granted in terms of ensuring compliance because there are many actions that developed countries will take against you if they find that you are not in compliance with the World Trade Organisation arrangements. I often believe that we think it is a simple matter of hiding away because we are 430 square kilometres and that nobody will notice.

Mr. President, the truth of the matter is that there are individuals squirrel away in offices of the developed world who have nothing to do but to look to see whether or not Barbados is in compliance. They are paid to do that, so they go to work every day to do that. Therefore, we should not think that because we are small that nobody is

going to notice if we are not in compliance, and all kinds of things are done.

Mr. President, when one hears all of a sudden that there is some advisory against travelling to a particular country, sometimes it does not have anything to do with whether there is something negative going on in the country but that the country has refused to heed to some request of some developed country. So they do all kinds of things like issue advisory against you, downgrade your airport and do all kinds of things like that, and they do it quite freely.

Mr. President, things like that have a negative impact on your economy. Therefore, I think that Barbadians have to recognise that this is the world that we are living in now where we have to fend for ourselves, so the thing to do is to make sure that we are in compliance while at the same time ensuring that we are participating and continue to fight for matters that are in our interest. For example, one of the amendments that is being made have to do with the Patents Act, where the burden of proof is being shifted to the defendant in situations where the invention is similar to one that has already been patented. This always happens to us in the region. We are very, very slow off the mark. They say that we are great intellectuals but in terms of actions we are very slow.

Mr. President, for example, if you have an invention that was created in the Caribbean, as somebody said, the steel pan, and it has been registered elsewhere and you want to argue that you want to take out a patent in another country, you have to prove that you did not use the same process as the person in the other country who registered it before you, but how are you going to prove that. Mr. President, the burden of proof is now on the person that has come later in the exercise.

Mr. President, I would like to suggest that since we are small, we should be a bit more agile and be a bit more nimble and get these things done quickly. Mr. President, one of the difficulties is that if you do not have any confidence in your ability to do anything or if you do not believe that your inventions have any value, well then you would not think of protecting them as being intellectual property.

Mr. President, the people who were associated with the steel pan were people from the lower classes, they were not supposed to be able to do anything innovative. There were just some old oil drums and some people 'licked' them up and they made some noise, so I do not think that anybody in the society really saw these things as anything of any value.

Mr. President, this is the thing that trips us up all the time because we really do not think that what we are doing is of any value so who would think to register it anyway.

Therefore, these are some of the things that we are going to have to seek to change if we are really going to operate in a new environment where we are talking about registering our innovations.

Mr. President, this Government is very concerned with ensuring that our intellectual property is protected and that we have a proper regime in place, because it recognised that intellectual property is fundamental to the new economy. I know that there are some individuals who do not quite understand that. In fact, after all of these years of education, I am quite amazed at the way some individuals look at the development of the Barbados economy. The way in which Barbadians would participate in that economy is still very pedestrian.

Mr. President, I spoke once at a church in Black Rock, where the discussion was about the CARICOM Single Market and Economy, and I suggested that Barbadians may wish to go to Guyana to farm. Thereafter, certain individuals wrote in the newspaper that Lynette Eastmond is telling Barbadians to leave the land that they have in Barbados and go to Guyana. I remember this quite clearly because the individual in particular is a descendant of people who left a lot of farm land in either England or Ireland and came to Barbados. Therefore, I wondered what was so miraculous and so strange about Barbadians leaving Barbados and going to Guyana. Why is it that people of European descent left Ireland and England and came to Barbados to farm? Clearly, there is not more land in Barbados than there is in England or in Ireland.

Mr. President, that baffled me, but then I understood, because the individual could not see it in any other way than Barbadians leaving these shores with a hoe, fork and a sickle to go to Guyana to farm because we are supposed to be hewers of wood and drawers of water and nothing more. One could not understand that Barbadians could go to Guyana, acquire a long lease or a freehold of land there in order to farm, keep their farm here and also have one in Guyana.

Mr. President, Barbados knows very clearly about absentee farmers. There were absentee plantation owners in Barbados for centuries. Now all of a sudden, a descendant of Europeans that came here cannot somehow understand how Barbadians could go to Guyana or to own a farm or to enter into a long lease.

Mr. President, I understand how people see me. I understand that I am meant forever to be a hewer of wood and drawer of water. Therefore, the connection between intellectual property and actually doing something else is completely lost on any individual who would believe that we could actually use our intellectual capacity and our

innovations in the area of agriculture, to take them to a country that might not have such innovations, to use them to make money. They do not have to leave Barbados. They do not have to leave any of the land in Barbados, but they can acquire more. What is this mentality where we believe that we cannot acquire more, and that to acquire more means that we must lose what we already have.
2.50 p.m.

Mr. President, it is a mentality that I can only imagine but when people look at people, who look like me, they can only see us moving or going on BWIA, not with any kind of intellectual property or intellectual capacity but with a hoe, a fork or a sickle and nothing more. Sir, this is one of the unfortunate things about our society. On the other hand, with the education that we have, this Government sees our people as having the ability of being innovative and of being entrepreneurs.

Mr. President, that is the basis of the Intellectual Property Act, and that is why we are paying so much attention to this matter. This study was done in 2003, it is now the beginning of 2006. Therefore, in terms of going through the process, by looking at the study and drafting the legislation, we can see that it has come to us in fairly quick time because the issue of intellectual property is important to us.

Mr. President, there are lots of people who believe that Barbados does not have any entrepreneurs or innovators. I firmly believe that is not true because we do. Instead, I believe that the structure of our society has never allowed those persons to come to the forefront, and we know what the structure of our society is like. It is one that tells people, who look like me, that we should not have any confidence in anything we do. It is one that tells people that we should undervalue anything that we create, like that of the steel pan. It is also a lack of access to capital, which still exists even in some Government institutions that have been given responsibility to disburse funds, to persons who are owners of intellectual property.

Mr. President, individuals at banking or financial institutions, including those of Government, still cannot understand what are called the intangibles or the invisibles. Therefore, in such circumstances, a person who is going to be manufacturing jams, has a better chance of accessing capital than someone who wants to access capital for an intellectual property, such as in a design or in a creation. Sir, essentially, when that study or plan of that design or creation is taken to the bank or financial institution, in order to access that capital, persons would not be able to show the institution that concrete evidence, as opposed to the person making that bottle of pepper sauce. Sir, therefore, we still have those problems with intangibles.

Mr. President, I must have mentioned the story before about a young Attorney-at-Law, who wanted to borrow a small amount of money to buy furniture for his office, where the bank had said to him that he had just come out of law school and, therefore, did not have any qualifying collateral and that he would have had to bring the title deeds to his mother's house. Sir, this is what would-be entrepreneurs in Barbados still face because people still cannot understand intellectual property, the intangibles or invisibles, and this lack of understanding to these things is right across both private sector and public sector entities.

Mr. President, the passage of this legislation today becomes important to us because with the intellectual property, one can design just about anything. The incubator for intellectual property is in a person's brain. Sir, every Barbadian has a head and in that head, one can create just about anything under the sun. Therefore, one does not need 350 000 big factories to manufacture these things anymore. Sir, after that idea is created, it does not necessarily mean that the intellectual property has to be made in Barbados. It could be, if it is viable, but the value would be in the intellectual property itself, and not in the actual making of these 10 000 or 20 000 gadgets, which could be manufactured elsewhere. Therefore, by registering that intellectual property, that person would have some kind of royalty or licence fee being paid to them in doing these things.

Mr. President, that is why industrial designs or patents are very important. It is also important for intellectual property to be registered both in Barbados and outside. This is extremely important to the Barbadian economy because as we would have recognised that unless we are going to produce high-valued manufactured products or high-valued agricultural products, we would not be able to compete.

Mr. President, service and intellectual property are the key components and most, if not all, of the countries that are successful, in terms of wealth creation for a large number of their people, have focussed on education, innovation and entrepreneurship. In addition, for small States like Barbados, where natural resources are not abundant, where there are issues of economies of scale, where there are issues of remoteness of markets, these issues do not apply where one is dealing with intellectual property.

Mr. President, I would not say that we have done all that we could but that there is still more that Barbados could do. Sir, I have made this call before about the fact that we need more collaboration in these areas. When one looks at the United Nations Human Development Index, as we have pointed out, time and time again, Barbados has done well and has ranked No. 30, out of more than 190 countries, which is good. Therefore, when

one looks at our contribution to education and to health, one sees that they are comparable, favourably so, to those countries that are at Nos. 1 to 5. Those countries are European countries, such as Canada, for example.

Mr. President, as a percentage to the Gross Domestic Product (GDP), Barbados' contribution to healthcare and education is high and is on par with the rest of the world. In addition, when we look at indicators, such as technology defusion and creation, we see where there is a lag, which obviously shows that the contributions and investment in education and in health are not enough.

Mr. President, what these other countries have done, were to focus on investment in defusion and creation of technology. Therefore, for example, one would see that a country like that of the United Kingdom having 88 patents granted to residents per million people in 2002. Also, in terms of researchers in research and development, they have 4 526 people per million people. Sir, on the other hand, when one looks at Barbados, one would see that in terms of researchers in research and development, the reports indicate "Not Applicable." Sir, I would assume that would mean that Barbados has not collected the statistics, instead of thinking that it was not important. In terms of patents granted to residents, we also do not have any registered in Barbados. The United States of America has 302 per million people.

Mr. President, people would say that is the great United States of America and that is wonderful, but what about some other countries. Sir, Singapore has 4 000 persons registered and acknowledged as researchers in research and development. This is very similar to what the United States of America has, which would help to explain why their development is at the level at which it is, as they have 58 patents registered to their people. Sir, there are other countries, for example, Cuba, which I think is very interesting. Cuba has 538 people registered in their research and development.

Mr. President, the point I wish to make is that investment in education and in health is not going to be enough but that there has to be more of a focus on transforming the education into wealth. Therefore, the way it has to be done, would be through innovation and entrepreneurship.

3.00 p.m.

How is Barbados going to be able to do this?

Mr. PRESIDENT: Senator, your time is about to expire. You have one minute left.

SENATOR THE HON. Miss L. V. EASTMOND: Thank you, Mr. President. The way that Barbados must do

this is through collaboration between our institutions of learning. Senator Griffith mentioned the University of the West Indies and through the private sector. Unfortunately, our private sector is dismal when it comes to doing research in any area. I do not know of any country in the world which has a vibrant private sector that is going to push the economy of the country that does not engage in some substantive research and development. This is why we do not have people listed, it is just not done by them. Sir, the last time research was done was in solar and that was about it. These are not things that Government alone can do. Government will have its own focus in research and development but the private sector must engage in this too as well as the University of the West Indies.

Mr. President, I conclude by saying that if we are going to make it, we have to understand that we must be able to create industries that can generate wealth in a way that would affect the broad masses of the population. We must do that through innovation and through intellectual property.

Sir, I am grateful to you.

Mr. PRESIDENT: Senator Husbands.

SENATOR Miss S. C. V. HUSBANDS: Thank you, Mr. President. I rise to give my support to the legislation before the Senate concerning the Intellectual Property (Miscellaneous Provision) Bill and to speak particularly to the difficulties encountered by small businesses in this area of the development, protection and profit by the use of intellectual property.

Mr. President, as was so ably shared by our last speaker, Senator Eastmond, the economy and Barbados' growth and development depends heavily on our being able to develop innovate and creative services, goods and products and to be able to effectively exploit them for maximising profit across the world.

When you look at the conditions under which Barbadian entrepreneurs have to operate it can almost seem an impossible and daunting task to the person who is seeking to launch out in this field. It is absolutely vital that as a nation, we come together and find a meaningful way in which we are going to assist and work together to be able to find ways to continue the development of intellectual property and, more importantly, the effective exploitation of it.

Mr. President, small businesses face a number of challenges in this particular area. The first and most difficult one is the fact that there is a great need for greater education about intellectual property, what it is, what are the values of it and how it can be used, *et cetera*. We have

been spending a lot of time in the Small Business Association trying to assist people in this area. Recently, we had a presentation which spoke about the infringement of copyrights with the World Cup situation, to which I will return because it is important, to help people to understand how this intellectual property operates in the world.

Unfortunately, many of our small businesses do not understand and therefore, fail to maximise this particular area of their business. Sir, many feel it does not concern them and many of them do not understand the things they have developed, whether it be labels, products or whatever. They do not understand that it has intellectual value to us. Many of them have been robbed by others who come to our shores, see the possibilities and without thinking, share what they have and lose control over it all because they did not have the education to appreciate the value of what they had in hand. Mr. President, the need for education is vital for the sector.

Mr. President, within the small business grouping, we have more and more people coming in not wanting necessarily to do the traditional things but who have innovative ideas and want to get them to market. Unfortunately, I find in interacting with them that because we have not made the systems in the nation easy to follow to be able to get assistance and because no one institution has the complete package to help persons take the idea forward, they are often fumbling around trying to find who and where, and they get discouraged with the process of trying to get their ideas moving.

Mr. President, one of the things I think would be important is that we need to develop some kind of one-stop shop situation, where a person with a new idea or innovation could take the process and record it properly, be able to protect it properly, find financing to do their prototype and get the financing to develop it and so on. There is a desperate need for a one-stop situation to help that entrepreneur to be able to move from idea through to the development of their intellectual property in order to begin to make profit.

Mr. President, one of the other challenges has been the terrific cost involved in trying to protect your intellectual property. It is insufficient to register it here in Barbados because you have to register it everywhere that you can to protect it and the cost of doing that is enormous. Barbados Industrial Development Corporation, the institute set up by Government to aid entrepreneurs in that process, seek to help the entrepreneurs to find enough funds to be able to do the protection of the particular item but sometimes the cost is so great that they are not provided with the opportunity to get total protection worldwide and so our innovations and intellectual property are at risk. This I have found to be a great discouragement to our entrepreneurs.

Mr. President, another challenge is that you constantly hear complaints about the lack of confidentiality in institutions in which they have to interact in order to get an idea out of their heads and move it to an enterprise to move it into business. Many times they tell me they have an idea but that they do not want to share it because they fear someone will take the idea and run with it.

Sir, some have shared some horror stories that they themselves or others have experienced in going to certain institutions, their programme is stalled or delayed in some way and later on they see the idea on the ground being taken over by someone else. This has been a great concern to them and has caused many of them to hold on to what they have in their heads. I often tell them that to hold the idea in their heads will not help them, that to go to the grave with it will not do anybody good, that they must take a risk and take a chance. Sir, in the Small Business Association, we try to find institutions that we have confidence in and try to persuade these people that they can share their ideas and take the intellectual property and turn it into some form of reality which might be able to help them.

Mr. President, there are things that need to be done in terms of strengthening and accountability in institutions for confidentiality and behaving with integrity towards the intellectual property of others. Mr. President, the other issue is being able to profit from it. This is probably the greatest challenge they have. As was mentioned by Senator Eastmond, there is a shortage of domestic capital to do the level of investment required to take some ideas that may require millions of dollars. The difficulty outlined by Senator Eastmond is real with the business culture and is a genuine hindrance to small businesses and entrepreneurs who are seeking to take an idea forward. There is a lack of expertise in many institutions in assessing the value of intellectual property and to be able to translate that into how they finance the business. Sir, under-capitalisation which essentially guarantees that they are going to fail, it now guarantees that the person can find themselves in a situation of bankruptcy and the loss of property. It therefore, creates more frustration among the entrepreneurial class that it makes no sense doing business in Barbados for there is no assistance.

3.10 p.m.

Sir, if we are going to change the climate for innovation and production of intellectual property, it is vital that we address those issues in a very real way, to make a difference to our nation and to the transition of our economy by innovation.

Mr. President, the shortage of domestic capital is one problem but when, for example, an entrepreneur who has some intellectual property, recognising that he cannot borrow on his own the capital that he needs to transform his innovation to an enterprise; he may start to seek

partnerships with others to achieve his goal. This particular process is hampered, even when the entrepreneur is willing to make investors and partners into the project, very often they lack the expertise in negotiation, the ability to produce a contract that works for them or the other person, without leaving a feeling of unfair arrangements, *et cetera*. Sometimes through innocence or ignorance they may actually sign away, without realising, control of their property. So sometimes we have lost intellectual property in that way from the Barbados economic landscape.

Sir, these are some of the major challenges that people have, not only in relation to inventions and innovations, but also with our musicians. Earlier we mentioned the issue of Rihanna and other Barbadians who are making it on the international scene. What have we put in place to aid and assist those young people who lack experience in the music world in negotiating appropriate contracts, terms and conditions that would rebound to their benefit and not lose the central talent to all other players in the loop, who are there just siphoning the person who owns the central talent.

Sir, certainly, Barbados does not have to go alone, there is no reason why we cannot have regional cooperation by setting up a body that helps to advise musicians and people who are innovative, negotiation of contracts and effectively move their projects forward. We can get consulting expertise from other countries, until we have gained experience within the region to take care of our negotiations and make the most of our intellectual property. Mr. President, if we do not address these issues, we will discourage our entrepreneurs from coming forward with the intellectual value for which they are talented.

Sir, the other challenge that I want to raise is the issue of World Cup 2007, this is of particular concern. We recently had a presentation for World Cup explaining that small businesses can get involved, but the issue of infringement of intellectual property of World Cup owners was the central focus of the discussion, what you can and cannot do, what is available and what is not available.

Sir, it was disheartening to me to hear a few examples of people who innocently, ignorant of intellectual property rights and infringements took the World Cup logo onto their products for samples of their work, to generate interest. This resulted in them being hauled up, apparently already the World Cup has people monitoring infringements and violating the copyright. We need to pay more attention to this area, less we fall foul of the rights of others, only to discover that not only is Barbados charged with the infringement, but individuals can find themselves owing a great deal of money to people whose rights were infringed.

Sir, I want to encourage every Barbadian to get involved but they need to seek the information and legal

advice, to avoid violating the rights of others and find themselves in financial trouble.

Mr. President, with those few words I just want to add my voice to urge us as a country, Government and private sector to begin to look at ways in which we can remove within the economic landscape, these challenges to our new entrepreneurs, who have this intellectual capacity. Let us look at how we can remove the stumbling blocks but work together to help them to protect their intellectual property, marketing, policing and protecting it from the benefit of the economies of the region. I am much obliged to you, Mr. President.

Mr. PRESIDENT: Senator Griffith.

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. E. R. GRIFFITH, the Senate resolved itself into Committee on the Bill, HER HONOUR SENATOR DAME PATRICIA SYMMONDS in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is in Committee.

Clauses 1 to 4 and the Schedule were called and passed.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. E. R. GRIFFITH, Madam 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. E. R. GRIFFITH, the Bill was read a third time, passed and cited as the Intellectual Property (Miscellaneous Provisions) Act, 2006.
3.20 p.m.

ORDER NO. 2 – REPORT OF THE NATIONAL COMMISSION ON LAW AND ORDER

SENATOR THE HON. E. R. GRIFFITH: Mr. President, we are expected here to take note of the Report of the National Commission on Law and Order. I am sure that all Senators will join with me in expressing our gratitude to the Members who serve on this Commission for what, in my view, is an excellent document that provides us with much food for thought. It will certainly help us in charting

the way forward for our country because I think we are going through some turbulent times, as is the case around the world.

I do not think anyone will dispute the fact that the world at this point in time is experiencing a number of difficulties of one sort or another. One only has to look at the television at night and see the confusion that is taking place, in response to certain other unfortunate acts, on behalf of certain individuals. Sir, to think that those acts, serious as they are, could lead to such violent reaction is a bit frightening, to put it mildly.

This Commission, as you know, came into being in 2002 as a result of a decision which was taken by the Heads of CARICOM at their meeting in July 2002, when they requested respective Heads of countries to set up a National Commissions on Law and Order for the purpose of assisting in the development of policies and programmes for the prevention and reduction of crime.

As a result of that mandate from the Heads, Barbados put in place a 14-member commission which was led by one of our outstanding jurists, Sir Roy Marshall and the document before us, was the outcome of a series of meetings held by that Commission with various groups, law enforcement entities and NGOs.

In addition, they made sure that they did what was called 'walkabouts', where they visited various locations to get the views of those persons who found it impossible for one reason or another, to visit the Town Hall meetings and the various group meetings. In other words, they made sure that they got the response from a wide cross section of the community and that showed the importance which they attached to their task of helping us to try to identify the reasons why our society, like other societies, is experiencing this type of turbulence.

The document before us is divided into eight main chapters, in addition to the Introduction and the conclusion. What caught my attention were some words coming at the very end of the conclusion, and I quote:

"The Commission was unanimous in its conclusion that the realisation of order, peace and security in Barbados, is a task requiring the active participation of everyone, the Government, the private sector and NGOs, the legal system, the media, schools and churches, families and communities, service and sporting clubs. We must all play our part in the complementary programmes and processes designed to achieve social integration and equality, racial and religious harmony, cultural renewal, crime reduction and the production of vulnerable groups."

It concludes:

"Working together, we can blend the best of the past with the potential for a dynamic and positive future for all citizens of Barbados and those who visit our shores."

I certainly agree with the approach that is taken here because the task before us is one which requires that all of us play our role. This is the million dollar question. How is it that we have reached this present stage in our history where everything seems to be in turmoil and where the cry is – particularly from persons in our society who are more advanced in age – that there is indiscipline in the schools, there is indiscipline on the streets, there is indiscipline in the workplaces, there is indiscipline on the buses, there is indiscipline everywhere? We are asking what is wrong and how can we put it right.

Therefore, it is a task that requires an input from all of us. In my view, it is only then that we will succeed in recapturing some of the peace and serenity that we all are familiar with and that existed in our society in the past. All of the entities to which we look before for guidance and leadership in our community seem to be challenged in this new environment.

If we look at the structure of the document, we will notice that in the first chapter there is reference to a draft plan that was developed at an earlier stage, which dealt with the peace and the security of our country. In the first chapter of the document, the point is made that none of us should cease in our effort to make sure that Barbados becomes a safer and more secured society for ourselves and our visitors. In other words, we must be unceasing in our efforts to make sure that where we live is safe and secure for ourselves and all those persons who are visiting our shores.

It then deals with a role for the NGOs and civil society organisations and the whole question of trying to ensure that there is social justice.
3.30 p.m.

Paragraph II highlights some of the landmarks in our historical development by focussing on issues such as independence and looking at the recommendation of the Commission, the Constitution Review Committee and the Committee for National Reconciliation.

It very earlier makes the point that the issue that we should keep foremost in our minds is how we will get people to comply with the various laws which we established because the issue of enforcement comes into the picture only when people have failed to comply and then you have to try to enforce the law. If people willingly comply with the laws which are being passed, then there is no issue about enforcement.

Mr. President, there would always be exceptions to the rule, but as a person who was involved in tax matters before, I always learnt that one of the good features of a good tax system is the degree to which people comply and that we should always strive wherever possible to get the maximum compliance because that then reduces the burden you have to deal with the issue of enforcement.

Mr. President, people, as in issue of tax, when it comes to compliance with legislation, do so when they feel that the system is a just and fair one. If they feel that the system is a just and fair one and that all persons in similar circumstances are treated similarly, then there is really not much of a problem with compliance. That in a sense would tell us what it is we have to make sure that we put in place when we are dealing with establishing a legislative framework for whatever purpose.

Mr. President, it then goes on to look at the need for a balance between the executive and the legislators. I am sure that topics like that would excite much discussion. It also talks about the responsibility of the State having already set out a vision for Barbados because it makes the point that there is a need for a change to the existing Preamble to the Constitution and the replacement by one which clearly sets out what is the vision for Barbados and how we would then all strive to bring that into effect.

It talks about the need for the restriction of the power of Ministers to make appointments to the Public Service. As a recommendation on the position of the Ombudsman, I have a little difficulty with part of that recommendation but I will deal with that at some other time. It then talks about the need to make sure that the laws we passed are enforced swiftly, consistently and effectively so that people could have confidence in the old system.

Chapter 3 is one which I think would excite much discussion. I am sure that Senator Lowe would pay special attention to this because it deals with the social institutions and the issue of change, two very important matters. It spends time speaking about the role of the family, the role of the church, the role of the school and the impact that all of these institutions and others which are not mentioned, the media, the various youth groups and other things, can have on a society. These are the agents of socialisation.

Mr. President, if we go back in history all of us can speak to some degree about the role which the family played in our time and in other times in socialising children. Children get their first lesson in socialisation in the home. Today, unfortunately, a number of us seek to put that responsibility elsewhere but that is where they start.

Mr. President, while I am not at this stage going to pass judgement on anyone, I have to ask the question: Have our

families failed us or have they played the role they are expected to play in the socialisation of our children? The home is where children get their basic lessons which would stay with them for their lives. Mr. President, even if they do not always react in keeping with all they have in mind, I am sure that at some point in time, it would surface even in their reflection. Mr. President, I have to ask the question, if they have failed us because of what I see sometimes.

Mr. President, from what I have been hearing on the radio up to this morning and from what I have been reading in the newspaper, a number of our families seem to be dysfunctional. If that is true, then it would be no wonder, to me and I am sure to all others, that in some instances the extent of the socialisation process at the stage of the family is limited. Now I am sure that we would all accept that even if they are all functioning appropriately that the degree of socialisation would differ from family to family because of the varying differences and so on that exist among a group of people. However, if they are all functioning appropriately, there would still be some things that are common in terms of the values and so on that are instilled in the children from early. Therefore, I wonder if we do not need to go back to basic and start again.

Mr. President, moving from the family, you get the next agent that would have a profound impact on the children which is the school. Mr. President, maybe it is because of my age and the fact that as one gets nearer to the other end one becomes more reflective and more sober in one's judgement, but I sometimes feel that the influence which the school used to have is no longer there.

Mr. President, when I was a big man working and I pass through St. Patricks and saw my former head teacher, Mr. Everton Dottin, I greeted him with, Good morning, Sir I did that out of the great respect which I had for him as a former head teacher. When I saw any of my former school teachers, I did the same thing, I would always say Good morning Ma'am.

Mr. President, that respect is no longer with us today even when we are big men, even when we are children and even when we are in the school system, from what I saw in the newspaper recently by a head teacher of a secondary school who said that the school system has tried everything, and they have changed the curriculum, they have done this, they have done that and so on.

Mr. President, it seems as if we have lost the respect and the regard in which we held our teachers, our mentors and other persons before. Sir, I wonder if that is a change for the better. I accept that there must always be change,

but change which takes us down the wrong path is not in our interest.

3.40 p.m.

Mr. President, while growing up in a country district, I knew everyone there and as I would pass, I would say good morning to them. In addition, the elderly folk along the way would ask me how my parents were. They would tell me that, on reaching home, I was to tell my parents that Mr. “So-and-So” or Miss “So-and-So”, said good morning to them. Sir, we had that respect for the elders in our community.

Mr. President, when I was allowed to go out of the house, sometimes to go by the Nazarene Church, the older men used to be sitting on a rock called the “Love Rock”, and the boys had to stay a distance away from that rock. We were never allowed to go near that rock, until we had reached a certain age. Despite that, we all played together and lived peacefully in the district.

Mr. President, that community spirit is no longer there. Despite the fact that we have improved economically and otherwise, it seems as though we have cast off some of the glue that used to hold our societies together, which has now caused us to be living in such a manner that we no longer have respect for each other. In those times, we were not as economically well-endowed as we are now but I think we had a quality of life that was somewhat better, in terms of our peace of mind and satisfaction.

Mr. President, many days I would play all day long, and without food. We would enjoy ourselves playing and reading, and would have never known what it was like to be bored. We had no television nor radio but would play and joke around all day long. At that time, the quality of life was different but now we are better off economically, I think the quality of life has gotten worse socially.

Mr. President, as a society we need to ask ourselves, what good can we learn from the past, that we can recapture and bring along with us, as we progress otherwise, to see if we could improve the way we live as a country today.

Asides.

SENATOR THE HON. E. R. GRIFFITH: Mr. President, the Church is still with us. All of the agents of socialisation that existed before, which had an important influence on our society, are still with us. The problem is that we have abandoned them, to some extent, and have disrespected and disregarded them. Sir, the Church is still with us but it is not very frequent that we hear people, who should know better, speaking about it in a very positive way. Instead, we hear people speaking, in very derogatory ways, about a number of these institutions that have done good in the past.

Mr. President, take the Church, for example. If a person does not want to go, that person has that freedom of choice but they must not ignore the good that can come out of it and, therefore, should not persuade others from taking benefit of that possible influence. Sir, the Church is still with us and in the same way that the family and school can be of influence to us, so too can the Church.

Mr. President, there are also youth groups, such as the 4-H Movement and others that are still with us. I am glad too that there are still a number of young people who are part of these groups, though a number of people have forgotten, have abandoned, or have refused to join these groups. These institutions can be of benefit to us, in helping us to socialise our youths, to give them a positive outlook on life, and to help them to develop a spirit that would allow them to focus on where they want to go, instead of simply wasting their time by the sides of the roads.

Mr. President, in my time growing up, there were single-parent families who took good care of their children. Therefore, what is being said today about single parents is no excuse for this type of behaviour. It is simply a question of determining how one would approach life, how one would bring up his or her family, and how that child or children would be guided. Therefore, amiss the greatest of poverty, one could still do things with dignity. One can also respect others and can demand that respect.

Mr. President, what I would say is that, in many ways, I feel sorry for some of these youngsters because some of the challenges which they are having, were not so prevalent in my time. I did not have a radio and when I wanted to listen to cricket, I had to walk a mile to the nearest shop. I did not have a television set where I could have watched violent pictures, neither did I have video games, where I could have watched violent plays.

Mr. President, these are things that are having a negative impact on our society, yet we do not seem to recognise them. I am not saying that people should not have access to television or video games, *et cetera*, because I too bought video games for my children but I chose very carefully what games they would see. I bought them building blocks and puzzles, in order to stimulate their minds.

Asides.

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I had the shock of my life once. Sir, having read the name on a video tape, I took it home. It was a good thing I was watching that tape at the same time as that youngster because that tape contained something I had not expected to be on it. Fortunately, I was able to stop it quickly. Therefore, in such circumstances, supervision in the family context is also very important.

Mr. President, while growing up, I only heard about cocaine when I had to visit the dentist, and this would have been in a favourable context. That is not now the case. Sir, in addition, the media has a tremendous influence on people's lives, either for good or for bad. Unfortunately, in many respects, it is for bad because everybody now seems to be going in the wrong direction, by solving every problem by a fight.

Mr. President, people no longer make an effort to resolve issues by discussion or by reasoning because this is not how they see it being portrayed on television. On television and videoplayers, the 'bad' man is portrayed as the hero. Therefore, if that is what the youth are being fed with, is it any wonder that they believe every solution must be done by fighting? These are things that we have adopted in our society, without recognising that we are creating a number of problems for ourselves and for our future.

Mr. President, that is why I find the conclusion by the Commission on Law and Order to be of importance, which is that this is an issue for us all and not one that is simply for the Government. Of course, Government will put in place the institutions. Government will ensure that there are schools, playing fields, *et cetera*, that will help to provide a sobering influence on our young people, which would help them to focus on reaching for the stars. Sir, despite the fact that Government is doing these things, we, as adults, parents, neighbours and friends, have to play our part in this exercise. 3.50 p.m.

My entreaty to everyone is to let us put our hands to the task quickly before it becomes too late for us to recapture the situation.

Mr. President, the Commission spends quite a bit of time focusing on the role for social institutions and how they need to be strengthened. I think that it is a very important chapter. I am sure that Senator Lowe will speak on length on it the next time we meet.

Mr. President, Chapter 4 then deals with the question of governance and civil society. It makes the distinction between Government and governance and explains what is the difference and speaks about the creation of a structure that would allow civil society organisations to function. It also speaks about a topic that is discussed very often, public sector reform. In my view, it falls into the trap I have seen many fall into. It takes the view that was apparently given by someone in the Office for Public Sector Reform (OPSR). Senator Williams knows the name well because it falls within his jurisdiction. It says that the reform process in the service has not gone as well as it ought to have gone merely because the senior administration staff have not bought into it.

Mr. President, I have heard that many times. When I was in the system I heard people in OPSR say that as well. I always say to them that I could point them to departments where there has been significant reform and where none of them were involved and that was the problem because in that office there was a group of persons who had just left the university and who had never worked before but had all the answers to every problem. They had now convinced the Commission that the head needs to be a Permanent Secretary in order to get work done because only a Permanent Secretary could relate to a Permanent Secretary and, Sir, the head of the office became a Permanent Secretary. Mr. President, if that is the manner in which a person would rise to the level of Permanent Secretary, I think that we too, have lost our way.

Mr. President, I will deal with this matter on another day and not delay the Senate with it today because it is a mistaken approach. I have told you that I can point to significant changes in the public sector in which none of these persons were involved and maybe that is why the change took place. It is like a man coming to my house to tell me how to run it without involving me in the decision. Sir, it will not work because he has to be able to listen to me so that I can have an input and he might discover that seeing my house from the outside is one thing but to know what happens on the inside is a different thing, who does what in my house, how the duties are allocated and what deal of specialisation takes place but that is another matter. Sir, it deals with that and a number of other issues.

Mr. President, Chapter 5 is somewhat akin to Chapter 3 because it talks about cultural values. It is very important to note that it makes the point that culture is not only entertainment and sports but deal with our habits, language, ways, our manner of doing things and so on. It is a wider concept than sports and that is a significant point because it has serious implications for us and how we behave as a people and react to each other in a community. It is an important chapter to which we should all pay attention.

Mr. President, Chapter 6 speaks a lot about an area that I will leave to Senator Stuart and Senator Newton. It deals with the criminal justice system and what it believes should happen to make sure that people have confidence in that system.

Mr. President, Chapter 7 adds to that and deals with the criminal court and punishment. There again, the emphasis is always that punishment must be shared in relation to the crimes committed and without any special regard for one over the other and that all before the law should be treated similarly in similar circumstances. Sir, it is only when people have confidence in the system that they are likely to obey the rules and regulations and laws.

Mr. President, Chapter 8 concludes with a number of what it calls contemporary issues. Sir, these are the dicey ones. It talks about homosexuality, the reaction to that and other things, which I will leave for the time being. It then makes a number of recommendations in its conclusion as to how it thinks that as a nation we should try to improve on our entire system and to make sure that we put in place one that allows everyone to have confidence in it and to be supportive of it.

Mr. President, in concluding, again, I would just like to exhort all our citizens to recognise that the problems which confront us are not problems that are entirely and only at the doorstep of the Government and that all of us must play our part. I listen from time to time, when I cannot do better because I am traveling in my car, to some of the discussions on the radio and hear people trying to justify things like some of the violence that takes place in homes. I also read the newspaper about some of the violent acts perpetrated against vulnerable people especially women. If this is how we behave in the presence of our children there is no wonder that they grow up believing that is how it is to be.

Mr. President, some time ago, I was surprised when I was working in the public service and a member of staff, an adult and I were having a chat about life and the question of cooking came up. The gentleman announced to me that he was a member of a church where women had to silent when men were present. I asked him whether the most sensible woman had to be silent when the most foolish man was speaking and he answered yes to that question. He also told me that he would never cook if a woman lived in that house and things of that nature. Sir, this is how he was taught, not by his parents but by his church. Sir, the women, if they want to speak, had to come a separate night when only women were there. They spoke among their peers. Sir, it is influences like those as well as the bad influences in families, where people settled issues by 'blows', that allowed a number of our youngsters to come up believing that is how we as a society should live.
4.00 p.m.

I will join with all those who will condemn the amount of violence that takes place in our homes, the way that some people react to their children though not providing support and practices like that. All of those are bad habits that are having negative impact on our children. If we really want to recapture this society and to develop a country where we all could feel safe and secure, where all our citizens will feel that they have a role to play and benefit from their endeavors; we, in my view, have to go back to basics, to start over some of the things that we have done in the past. I am not saying that we should go back to all the habits in the past. We need to take out the good things.

Sir, I played cricket in my early days. I was not a star but I knew that you could not do well without following the

basics. Anytime you are pulling against the turn of the ball. You were in danger of getting out. You may get away with it now but at some point in time you are likely to be caught. I saw recently on TV in the match with Barbados and Trinidad and Tobago, people turning the bat the wrong way and expecting to survive. I think that is the situation that we are experiencing now. Therefore, in my view, we have to go back to basics.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Stuart.

SENATOR F. J. STUART: Mr. President, I welcome this opportunity to participate in this debate on a Resolution which calls on the Senate to note the Report of the National Commission on Law and Order, and like Senator Griffith I should like to begin by congratulating the members of the Commission for what I regard as a very comprehensive report, which I think touched the majority of major issues relating to law and order confronting Barbados today.

Sir, I think that the Commission would have pressed into service much painstaking, diligence and discernment and I think that the members of the Commission have placed us for a very long time in their debt. The issues discussed in the report and some of the conclusions reached, certainly, the report as a whole will, I predict, long outlive and outlast the members of the Commission themselves. It will be a report relevant to policy makers in Barbados for many years to come.

Mr. President, I note, of course, that there was no minority report, therefore, one concludes that the views expressed in the report are the views of all the members of the Commission, and it must mean that there were exhaustive discussions on these issues before the conclusions reached were determined.

The Commission, of course, was established around November 2002 and reported in June 2004. It was set up to advise the Attorney-General, if I am to be guided by Page 2 of the report, on strategies for promoting cultural renewal and social cohesion, and in particular for developing positive social behaviour in young people. It was to advise the Attorney-General further on other policies and programmes to promote law and order; the effective communication of policies and programmes; the development of a process for involving civil society in cultural renewal and crime reduction through consultations, feedback, involvement and implementation. It was further to assist in implementation of the policies and programmes by encouraging civil society's commitment to and active involvement in implementation and making available to civil society the information about opportunities and needs, while coordinating practical inputs from civil society.

Mr. President, in any dispassionate study of the report, the members of the Commission, I would suggest, did their best to carry out that very lofty remit.

Sir, we debate this report at a time of what the Minister of Agriculture, the Honourable Leader of Government Business, described as a period of great turmoil in this society. One can scarcely turn a radio on nowadays unless one hears about some form of disruption. The call-in programmes are now dominated by complaints about social breakdown and there seems to be, in my view, a feeling of near panic in the society as people try to understand these strange currents that now flow through Barbados.

Mr. President, I think that I owe it to myself to begin by saying that the problems that we face today did not have their genesis today. The foundations of these problems were being laid for some considerable time and I think that there was a certain state of denial in Barbados. Sir, we believed that these occurrences of which we now complain, the breakdown of law and law, as it is called, was relevant and appropriate to other societies but that somehow we in this country were too sensible to allow ourselves to be overtaken by those currents.

For example, I remember, in the year 1989, being at the Magistrate's Court in Hometown, where the late Magistrate Charles Harris was presiding. As I left the court that afternoon, I ran into a cavalcade of minibuses blocking Hometown. When I enquired what this was about, I was told that it was the protest of minibus owners and drivers over the level of fines being imposed on them by the magistrate at Hometown. I was to hear later that same evening that the then President of the Minibus Association was demanding a meeting with the then Chief Justice of Barbados to discuss this Magistrate's attitude to indiscipline on our roads and, I suppose, to negotiate some kind of justice package for minibus drivers and conductors.

4.10 p.m.

When a few howls of protests were raised in Barbados, the call-in programmes were jammed by persons who complained that the people who were criticising this were unreasonable, and that the drivers and conductors were just trying to 'make a dollar'. Once the 'making of the dollar' was preyed in aid, this was enough to silence the critics.

There were other occurrences dating back many years that suggested to me long ago that we would reach this stage. The stage of near chaos I think, in this society, where if parents are to be believed, children are now the leaders in homes, if teachers are to be believed, students are now leaders in schools, and if the police are to be believed, "drug lords" are now leaders in communities.

Of course, we all know that for sometime our highways have been taken over and have been led by the ZR, minibus axis in Barbados. In the face of all of this, the society seems confused. Perhaps, we are asking the wrong questions, and cannot get at the right answers.

I do not want to sound too anecdotal here but in 1993 I was asked to address a graduation of the St. Philip Primary School and observing all of these things, I had to make up my mind whether I was going to the graduation to talk to students, or to their parents and the teachers.

I came to the conclusion that I should talk to the parents and the teachers and that I should do what I really do not like doing, that is to commit what I had to say to writing. With Your Honour's leave, I am going to quote from what I said then and I am going to make a copy of it, a document of this Chamber.

There was a lot of talk then about how 'lawless' young people in the society had become, and that the real problem in the society was controlling this lawlessness. I did some kind of analysis of mainstream Barbados at the time and then, I went and dealt with the group being described at the time as lawless. I am reading from page 9 of the address and I said as follows:

"...On the other hand, amongst that group which we describe as lawless, a different approach can be seen at work. For the most part, members of this group have either already passed or are now passing through a school system that has made no contact with their talents or abilities. Because of this, they see no prospect of being an integral or significant part of the society in which they live and move and have their being."

"The world upon which they despairingly look is a picture of road block, after road block, after road block. This world seems hostile to them and they respond to it with a corresponding hostility. Because their hostility is visible and sometimes tangible, whenever it erupts, it calls forth the unsparing condemnation of the society but nobody sees or cares to see the violence that has been done to them. But although the more comfortable groups in Barbados regard the behaviour of this element as lawless, anti-social and perverse, it is my view that a few features of that behaviour still redeem them. These young men always have clearly defined goals, even though these goals are repugnant to all that we consider descent or acceptable. In addition, they are prepared to take all necessary risks in the pursuit of these perverse objectives. Further, they stand ready to feel any pain that may result from the failure of their pursuits.

And finally, and most important, they are not afraid to give their own lives while pursuing the goals which they consider worthwhile.”

“I ask you to look around Barbados and point to the teachers, journalists, politicians, university lecturers, public servants, trade unionists, priests, lawyers or doctors from whose character these qualities resplendently shine forth in the service of what they believe. For a start, it is never easy to determine what most of these groups believe about anything.”

“Mainstream Barbados forfeits the right, therefore, to be overly critical of this segment of society, in circumstances where no one seems to know what, if any, are the national goals that should claim our collective focus, where no one seems ready to take the chance of leaving the security of his prepared position in pursuit of these goals and, where bearing the pain that flows from failure appeals to us not at all, where, alas, we seem to see nothing about which we feel strongly enough as to want to die for it. Until we construct a viable, an attractive and morally defensible alternative set of values to those we condemn in the lawless, an increasing number of our hopeless young will go where they think genuine, insightful, courageous and purposeful leadership can be found.”

The point I want to make is that these issues are not new, they only got worse with the passage of time. The contents of the report which contents we are called upon to note makes in 2004, the point which I was making in 1993. At page 66 of the report in the first column, the Commissioners state as follows, starting at the second paragraph:
4.20 p.m.

“It is important to note that during our consultations with the public, the Commission came face to face with an attitude of nihilism among the youth, growing feelings of marginalisation, disillusionment and disenfranchisement.

The Commission also encountered a disturbingly high degree of anger. This anger is compounded by uncertainty about the future and a scant regard for life itself.

Some claimed that they were not afraid to die while standing up for their rights. This anger was particularly evident when issues relating to encounters with the Police were being discussed. There were strong anti-police and anti-societal sentiments which are being transmitted to the youngest members of the community”.

On that same page, in the third column, starting at the first paragraph, the Report states as follows:

“At this juncture in our history and development, there are signs that all is not well in Barbadian society. In order to ensure that our value systems promote peace, harmony, social justice and equality, society must employ a wide range of tools ranging from moral suasion through education to legislative solutions and enforcement”.

Mr. President, the picture before us is a very clear one. It is my view that for some time now there has been a complete collapse of leadership in every strategic institution in Barbados. This society no longer insists on high standards. In fact, the distinction between excellence and mediocrity has become blurred and rather than setting standards at which our youth can aim, the tendency is to try to catch the winds of popular favour by allowing standards to be set by the youth, by children and by students for all of us.

Mr. Speaker, what is particularly worrying, is that we now seem so confused about all of this and seem to be in a state of wonderment as to how we should deal with it. One of the problems that we need to confront, but with which we have not come to grips, is the failure in some respects of the education system which we have inherited from our colonial masters.

The quite frank truth is that it was a system that was admirably suited for the purpose of colonialism, since the primary emphasis of all colonialism, is the maintenance of law and order in the areas colonised. So in all colonial education systems you would find that the system teaches you how to answer the question who, how to answer the question where, how to answer the question when, how to answer the question what and how to answer the question whether, but it never focuses, because it does not suit it to focus, on how to answer the question why.

Mr. President, any time colonised people are taught how to answer the question why, the very first question they are going to ask is why they are colonials. That would be a recipe for turning a system upside down that benefits the colonisers. So that this is the system that we have inherited. Mr. President, I like to say quite frankly that it is a system that taught us to perfect the art of gossiping because any time you are answering all the questions I just asked and not why, you are really gossiping, and that is where the system has led us.

Therefore, Mr. President, when I boast sometimes, or rather very often, that my own Party in Government expanded access to secondary education in Barbados and removed the fee-paying in public schools from the

national agenda, I say it and I boast about it fully aware of the fact that what we were doing was making available to a larger number of people a type of education that was designed to keep in place the *status quo*. We are now at this very sorry past where we are not into a problem-solving type of education but rather we are still reciting facts and indulging in anecdotes and narrations as though those solve problems.

Mr. President, the challenge facing Barbados today as I see it is to make some kind of quantum leap away from the gossip-oriented type of education we have had to an education that focuses on trying to get to the bottom of things and trying to solve critical problems. Of course, none of us should be surprised about any of this, it seems to me because the philosophical father of Barbados was the 17th Century Englishman John Locke, for whom questions of why, and for whom, untheological questions as they were called, were not wholly relevant. In fact, he described them as a restless and unnavigable ocean and issues therefore to be left aside so that easier and more manageable problems could be dealt with.

Therefore, Mr. President, we now find ourselves at this critical juncture where mature people in a society, highly qualified men and women – and I do not intend to sound extravagant here, because when one listens to the commentators one comes to this conclusion – find themselves cursing children, attacking the most defenceless elements in the society and trying to blame them for all the society's ills. As I said, children are running homes now and students are running schools.

Mr. President, incidentally, I went to a school where we were constantly reminded that there is nothing call democracy in a school. Therefore, when you came to school, there were deadlines to meet, uniformity to be maintained and standards to be met, and these were all done with a minimum of questions. Sir, key to the maintenance of that kind of arrangement was a set of teachers, who were courageous and who accepted that their role was to lead students and not follow them. Therefore, we were able to make it through because the roles of both students and teachers were clear.

4.30 p.m.

Mr. President, I believe Senator Griffith made the point about the importance of the home but the history of Barbados and particularly the 20th Century history of Barbados, on any objective evaluation of it, would disclose that rather than homes feeding schools, except with the physical bodies of the students, it was on the schools that homes depended for their enlightenment. The reason parents have wanted the best of education for their children, has had a lot to do with the fact that they have thought over time – and that view is still current – that if their children can gain access to the kind of

enlightenment which they were denied, that, as parents, they would be better off.

Sir, we as parents would have gone through this. There were certain stages in a child's life when, any time the views expressed by his teacher and those of his parents came into conflict, the teacher's views have never been wrong, it is the views of the parents which that child is prepared to jettison in favour of the teacher. Therefore, in this regard, there are some cases where teachers have made mistakes and the child refused to accept that it was a mistake made by the teacher. That child had such strong belief and commitment to that teacher that if "Mam" or "Sir" says so, it is so.

Mr. President, therefore, our homes have depended and still depend on our schools for the kind of nourishment, which is designed to make this society a better place but somehow there is an abject surrendering of leadership at the institutional leadership in Barbados, and this whole situation has now got ungovernably out of hand. Sir, that is the context within which the National Commission on Law and Order has had to conduct its discussions and interactions with the people of Barbados.

Mr. President, at the level of conceptualisation, the authors of the Report, in my view, made a gallant effort to put certain ideas in a clear and easily intelligible context. At page 10 of the Report, for example, Law and Justice are defined:

"Justice" is a set of ideals based on moral and ethical principles, to which "law" aspires but which it does not always achieve. "Law", on the other hand, is a set of rules made by men and women, for the regulation of every aspect of the life of their communities.

Mr. President, the report goes on to make the point, wisely I think, that law is a barometer, not a mirror of justice, for the simple reason that it does not reflect all the attributes of "justice" at all times and in every respect. It measures the high and low points of its achievements, in the constant quest for justice.

Mr. President, I still think that the best and most relevant definition of justice that I have ever come across in my training as a lawyer or otherwise, is that given by the Roman Jurist Justine, when he said: "Justice is the constant and perpetual search to give every man his due."

Mr. President, wherever the Commission is discussing anger and dissatisfaction in the society, the undercurrent in this Report is the view that there are people who believe they are not getting their due. Sir, whether one looks at the issue of land ownership, the criminal justice system or

whatever else, there is an undercurrent of dissatisfaction with the distribution of rights and responsibilities in Barbados. That is why the Commission has come to the courageous conclusion, that all is not well in the Barbadian society.

Mr. President, Senator Griffith has drawn attention to another conceptual issue, that is, the issue of culture in the society. The Report, at Page 65, defines culture as:

“That complex whole which includes knowledge, moral, belief, art, law, custom, and any other capabilities and habits acquired by man, as a member of society. What really binds us together is our culture, the ideas and the standards we have in common.”

Mr. President, on the basis of that definition, the Commission proceeded to discuss Barbadian culture.

Mr. President, I have a lot of respect for the Report but I have to take leave of it on the question of culture, not because the definition is not a good one, in certain circumstances, but I think it overlooks the fact that culture is herein defined in a particular context.

Mr. President, I said earlier, Barbados is a post-colonial society and we are now approaching 40 years of Independence. There are still many of us around, who have to use Austin Tom Clarke’s pointed expression: “grown up stupid under the Union Jack.” Sir, in any colonial situation, there have always been at least two cultures in contention. There have always been the culture of the coloniser and the culture of the colonised.

Sir, historically and certainly in relation to this region, the culture of the colonisers have always constituted a minority, while the colonised have, for the most part, constituted the majority. That is a fact in Barbados, in Jamaica and across the Caribbean.

Mr. President, the contradiction which these societies have had to face, is that a numerical minority have had the force – the apparatus of coercion – at their disposal, to impose their cultural values on the majority of people in the society. In addition, the numerical majority have had to ‘make do’ with the fact that they would continue to be an economic and sociological minority, which has led to a perpetual conflict between these two culture spheres, a conflict which some have sought to resolve by saying let us put all that behind us, because we are all now Barbadians. 4.40 p.m.

A recent United Nation Report, a few days ago is still talking about social organisation that closely approximates apartheid here in Barbados and this is an issue that we cannot afford to walk away from. We still have two cultures in

contention and there is no cultural fusion in Barbados, such as would entitle the National Commission of Law and Order to rely on this definition to describe the Barbadian reality. This is why for example, mass culture in Barbados is very often contemptuously described by certain elements in the society as being nothing more than culture from the waist down because this expressive black approach, this expressive Afrocentric approach collides with the culture value system of the colonising power and is all the evidence you need that there is a conflict to be resolved.

Mr. President, we ignore the fact that books are written in Barbados, that there is high level of art in Barbados and whenever ‘push comes to shove’, mass culture is dismissed as culture from the waist down.

Sir, in my headier days when I used to spend Friday and Saturday nights listening to music on the hotel circuit, I have seen black waiters and waitresses struggling to keep the tray on balance in their hands as they watch tourists dancing to our music and actually laughing at them because their movement is not attuned to the rhythms to which we have grown accustomed in this society. When we show how well we can do it, that is called culture from the waist down as though there is something wrong with it. I did not know there was something wrong and when we gyrate and are expressive in our own way down, it is called culture from the waist down.

Mr. President, I reject that out of hand...

Asides.

SENATOR F. J. STUART: Yes, I have done some of that in my time but I cannot demonstrate it in this Chamber, Mr. President.

Mr. President, this is a serious issue. I was, in a sense, sorry but, at the same time, not unhappy that recent newspaper reports highlighted this cultural clash that has stood in the way of racial fusion and integration to put this society in a position where the definition of culture contained in the Report of the National Commission on Law and Order could become a more relevant definition.

Mr. President, we have to face the reality that this is an Everest which we have to climb. This is an Everest that has remained unclimbed for 40 years and we have to confront it if a lot of the conflict in Barbados and a lot of the tension in the society is to be removed and we are to have a more peaceful and orderly social environment. If law and order are to become consonant again, this is an issue which we have to confront.

Mr. President, the Commission also in that context, highlighted the concerns of Barbadians with the

emergence in this society of what are now popularly called gated communities. It all arises out of this state of uncertainty and fear that is permeating the society in our 40th year of independence. People who now believe that the safest route for them is to move out of the society itself, as it were, and to surround themselves or hide behind a gate. There is a lot behind all of this. It is not only a question of what some might want to dismiss as aloofness and withdrawal but it is really based on a lot of fear. The question is how does one deal with this.

Mr. President, you cannot deal with it by preaching at it. Sir, other societies have passed through as well. Actually, in the late 1960s, when the Hippies were very much in evidence and when the Civil Rights Movement was on the march, American society became a lot less certain about elements in the society than they were accustomed and this same symptom manifested. The very insightful duo, Simon and Garfunkle wrote a song called "I am a rock" and tried to capture this reality. Sir, Paul Simon wrote the song and Art Garfunkle did the singing. There are two verses from that song which I think would be instructive here. One verse says:

"I have built walls, a fortress deep and mighty that none can penetrate,
I have no need of friendship,
Friendship causes pain,
It laughter and its loving, I disdain,
I am a rock, I am an island,
I have my books and poetry to protect me,
I am shielded in my armour,
I am hiding in my room and safe within my womb,
I touch no one and no one touches me,
I am a rock, I am an island,
A rock feels no pain and an island never cries."

Mr. President, those words capture a lot of what we see manifested in the Barbados of 2006. There are now people in this society who, rather than assist with confronting some of its more fundamental problems are opting out of the society. Sir, they would not say they have their books and poetry because books and poetry are not really relevant around here any more. The Honourable George Lamming said sometime ago that Barbados does not have a reading class, I think he said that the Caribbean does not have a reading class. I suppose, as Senator Griffith made mention of it, perhaps, they have their videos and DVDs to protect them. Therefore, they opt out of the society and these problems are treated as though, once they are removed from them, they do not exist.
4.50 p.m.

Sir, the problem of gated communities has to be confronted. You really cannot stop people from living where they want to live, but the issue has to be discussed in a sensible way and these people living behind gates have to be

made to understand that the more dissatisfaction deepens in this society, the less secure their gates are going to become. Therefore, there has to be a collective effort, such as is contained in the conclusion of the Commission – to which Senator Griffith was so kind to draw our attention when he made his speech another indication that there are social and economic contradictions in the society which need to be confronted if issues of law and order are to be harnessed and brought under control.

The Commission also made some interesting observations about ethics and our values. The society's values have everything to do with what that society regards as good, bad, wrong, right, blameless and blameworthy, those types of issues. Ethics are really a theory of morals and morals really a practice of ethics.

One of the problems which the western world faces, and Barbados is a part of the western world, is that in this neo-liberal environment in which we now live, in the aftermath of the cold war, the role of the individual has once again assumed a paramountcy which calls for close analysis. It is not another way of saying that the individual is not important, but all will agree that before the end of the cold war, when there was an ideological contest between east and west, there was a greater focus on group solutions in this part of the world than there are today.

A lot of it has to do with the embrace by the west of what is called positivist philosophy. The view that morals and ethics are really not verifiable by any scientific test based on observation or experiment. So that, as the leading positivist philosopher of the twentieth Century in this part of the world, A. J Ayer, referred to by some part of the report, Alfred Jules Ayer, who wrote a book called "Language, Truth and Logic". He argued that moral and ethical issues are just emotive utterances and that there are issues of individual and not collective concerns. So, if you say that a man is a good man and I agree with you I say hooray. If I disagree with you, I boo, what people believe about that all ethic reduces itself to hooray and boo, what people believe about right and wrong, good and bad, blameless and blameworthy and so on, and that there are no shared values out there on the basis around which planning can take place for a society.

In fact, in Chapter 8 of the report, at Page 135, the report quotes Jonathan Sacks as saying:

"Values are tapes we play on the "walkman" of the mind; any tune we choose so long as it does not disturb others."

Sir, Sacks is quoted later as saying:

“The great moralist of our time has turned out to be Ernest Hemingway” when he said:

“What is moral is what you feel good after, and what is immoral is what you feel bad after.”

Sir, the old world, to which Senator Griffith referred, the good old days, I do not necessarily believe that the old days were as good as they are sometimes represented to be. Sir, he cautioned that not everything about those days was good and we have to select the better things and leave the other things behind. Mr. President, what seemed characteristic of those days was a corpus of shared values in the society to which most of us plugged in to appropriate the voltage, as it were, from those values.

Sir, today there is a high degree of individualism that makes it very difficult to determine on the basis of what set of values the society should be run and on the basis on what values policy should be formulated. That is a reality that we have to face and it really requires us to accept, as I have said so often in this Chamber, that Barbados is now a commercial capitalist society on the periphery of the world economy. We are no longer the old monocrp agricultural society, with a State church and large plantations and those kinds of things. At the heart of a commercial society is the circulation of money and at the heart of a commercial capitalist society as well is the paramountcy of the individual.

Sir, this Government did make some attempt, around 1996, at coming to grips with this issue when the National Task Force on Crime Prevention, I believe this report is already a document of this Chamber, was asked to investigate and prepare a report on criminal risks factors in Barbados.

Mr. President, at Page 53 of this report indications are that some of those persons doing the investigation actually went into Glendairy, as it was then, to find out from inmates what was it that led to their criminal defeat, what was it that led to them being inmates at Glendairy.
5.00 p.m.

I am reading from page 53 of the report. Sir, 31.3 per cent, the highest percentage of the inmates, said they got into crime out of a desire for money. Another 23.4 per cent said they got into crime to support a drug habit. Of course that is a backhand way of saying to get money again because in order to support a drug habit, you must have money, and 14 per cent said that they got into trouble with the law and ended up in prison, as a result of anger.

This report was presented to the Government, I believe, in June 1997 and was laid in Parliament subsequently. This

desire for money – and the fact that in a commercial capitalist society like ours – has been at the bottom of a lot of the problems which we have been experiencing here in Barbados.

Mr. PRESIDENT: Senator, could you wind-up in the next two minutes, please.

SENATOR F. J. STUART: Yes, Sir. Thank you very much. Mr. President, there is a lot more that I wanted to get into but let me just say, in conclusion, that in Barbados, we have to decide on a way forward. We have to decide whether we can still continue with a lopsided emphasis on commercial values to the detriment of humanitarian matters; whether we are going to continue to force people onto a kind of procrustean bed that requires them to ensure that the market works or whether we are going to so manage the market that human needs are properly satisfied; whether we are going to emphasise individualist solutions or whether we are going to get back to collective solutions, which focus on the interest of groups in the society.

I do not think these are issues we can postpone for very much longer because the slide is on in Barbados. I have said in this Chamber already, and I have been misunderstood, misrepresented and needled sometimes for saying that I think this Government's tendency is to treat Barbados too much as an economy and too little as a society. If I needed any persuasion on that, a few evenings ago, a Minister of the Crown was asked on a call-in programme as between the refurbishment of George Washington House at Bush Hill, the Garrison, and the completion of the St. John Polyclinic, which do you think is the more important at this time, and the Minister said, the refurbishment of George Washington House. The reason he gave was that polyclinics do not bring in foreign exchange, George Washington House will.

I am obliged to you, Sir.

Mr. PRESIDENT: Senator Sir Allan Fields.

SENATOR Sir Allan FIELDS: Mr. President, I am very grateful for the opportunity to be here as part of this Honourable Senate this evening to support a Resolution to note the Report of the National Commission on Law and Order. I was very privileged to have the Honour of being one of the Commissioners sitting on this Commission, which was Chaired by Sir Roy Marshall. The Commission was made up of a diverse group of persons, who are familiar with the problems facing the youth, with knowledge of culture, persons qualified in dealing with youth at risk, the church, law enforcement agencies, the media, the private sector and education among others.

Mr. President, it was a most interesting and rewarding experience, as we interacted with members of the public,

from varied backgrounds. I just wish that more Members of this House had been able to participate in some of these meetings, especially the Town Hall meetings. I well remember one in St. Philip, at St. Margaret's School but I did not see any of the 'Philippines' in this House.

Sir, what we have before us is a comprehensive report, covering many diverse areas of our culture and heritage. There are eight chapters, which speak objectives to the plan on justice, peace and security, constitutional support for a just society, social institutions, issues in change, governance and civil society, cultural values, law enforcement, criminal courts and punishment, contemporary issues and a set of conclusions and recommendations.

We had meetings with a wide cross section of the population and invited oral and written submissions. Meetings were held with schools, NGOs, Justices of the Peace, retailers, vendors, Christian Council, and the disabled, 'boys-on-the-block', returning nationals, Barbados Chamber of Commerce, CTUSAB, Fifth and Sixth form students, Barbados Association of Retired persons and the list goes on.

There were also sector specific meetings for the Commissioner of Police, the Bar Association, the Chief Immigration Officer, the Defence Force, Prisons, Probation, Customs and the Judiciary, Town Hall Meetings and 'walkabouts'.

Mr. President, there were all very interesting but the ones with the Town Hall meetings and the walkabouts were extremely enlightening. I well-remember the enthusiasm with which people spoke to problems in our society that they thought should be addressed.

At all of the meetings with the 'boys-on-the-block', there were recurrent themes running through. The dialogue was extremely useful and frank. It is one thing to see this in its written format and it is another thing to have lived it but the themes that kept coming up time and time again, were the work of the police force, poverty, unemployment, public service vehicles, the educational system, legislation of marijuana, lack of support for the community and the concept of our law, your law.

Time does not permit me to do justice to the document here today and therefore I would like to highlight a few areas, particularly the impact of the public service vehicles, education, the drug culture, the youth and the work environment. I will start with unemployment and the work environment.

A couple of weekends ago, I had a 'little bit' of masonry work that I wanted done at home. I called a guy whom I knew to be an extremely good mason. He thanked me for calling him and told me he was out of work and had

no money. I went for him. He did the job in an exemplary fashion and I said to him, how is it possible that you could have no work in this day and age, you are an excellent craftsman. I asked him why he did not go down to Kensington and ask for a job because he was sure to have had one because Barbadians took the job first. He said that down there is too confused and they are going to take National Insurance out of his money.

We found a lot of Barbadians, Mr. President, who are living for today and not too worried about tomorrow. Once they have money to go to the fete tonight, they are happy. First and foremost, Sir, we must accept that treating the problems in our society is everyone's business. I think Senator Griffith spoke very ably to that and that is one of the wrap-up parts of the conclusions of the Commission.

During our Town Hall meetings, one of the areas that always caused great emotional outbursts were the discussions, with respect to the minibus culture. Some drivers of ZR vans are guilty of brazing, 'bare-faced' and dangerous lawlessness. Bursts of short-term activities by the police are effective, only as long as they lasts but the police do not have enough officers to sustain long-term activities, so more manpower is needed.

There is a backlog of traffic offences and the judicial system has not yet provided an additional magistrate, whose work would be dedicated solely to traffic offences. The current traffic laws do not make provision for impounding radio equipment, which is used to play loud, lewd music at earsplitting levels. The equipment is said to be necessary to allow the driver to receive traffic and other relevant information from the police and other appropriate services. The demerit or penalty points system is worthless for lack of effective implementation.

5.10 p.m.

Mr. President, some years ago, the then Minister of Public Works made a valiant attempt to remove these radios from the PSVs. I well-remember that at that time the PSVs owners claimed that the elderly going home on the vehicles needed to hear the weather report.

Mr. President, I do not think there is anywhere else in the world that the type of music that our school children are subjected to on a daily basis is played in any form of public transport. Therefore, I really would like to see some of the recommendations of the Commission dealt with urgently.

The Commission's recommendation to deal with this issue is that:

1. Owners of these vehicles must assume liability and responsibility for the conduct of their crews;

- 2. A national school transportation system should be implemented and that public service vehicles should not be allowed to transport school children whether they are in uniform or not;
- 3. The points demerit system should be re-activated and employed for both owners and operators of PSVs;
- 4. The impounding of vehicles and the removal of sound systems be implemented forthwith;
- 5. A special police unit responsible solely for the effective policing of the highways with a special emphasis on PSVs to be implemented; and
- 6. The body established to work with the relevant Government agency to set standards for the conduct of PSVs should be set to work immediately.

As an aside to this, it was also suggested, during our meetings, that measures should be implemented to ensure the orderly conduct of taxi operators as they ply their trade but more important that steps should be taken to ensure that tour operators are not given an unfair advantage *vis-à-vis* independent taxi drivers operating at the port of entry.

Mr. President, I will now talk briefly about education. We are witnessing a significant lack of respect for law and order across our society, and this is particularly true in the educational system. Let me hasten to add that all school children are not deviant. However, let us not forget the saying that it only takes one rotten apple to spoil a barrel of apples. We are today witnessing violence among young people, lack of respect for authority, indiscipline, poor parenting, poor reading, comprehension and writing skills among school leavers, and the list goes on.

Mr. President, the Commission noted that there has been an erosion of the authority of the school principals over time. The Commission has made recommendations for some remedies among which are:

- 1. A separate school transportation system free from music, timely, quiet and orderly;
- 2. The selection process to be reviewed as the present 11-plus system has too fundamental an effect on those children who are labeled as “failures” at an early age;
- 3. The number, power and presence of School Attendance Officers need to be strengthened; and

- 4. The Commission noted that there exist adequate measures and strategies in place to ensure and maintain discipline in the schools. These are part of the Education Act and its Regulations.

In fact, I heard the Minister of Education, Youth Affairs and Sports reminding those who would listen of this very recently.

The Commission further recommends that:

- 1. These measures must be used judiciously by the principals with full support from the Ministry of Education, Youth Affairs and Sports;
- 2. Parental interaction with the school must always be within the bounds of propriety and mutual respect. Far too many reports of incursions, verbal abuse and threatened violence on teachers and this adult deviant behaviour is transferred to their children;
- 3. A concerted programme for public information about the excellent work that is being done in education, both in schools and in the Ministry of Education, Youth Affairs and Sports should be implemented. This would tend to reduce the ignorance of what is taking place at this time.

Mr. President, it is not all bad news. The Report of the Commission on this subject matter is extensive, but I would like to mention another aspect of this topic that found favour among the majority of those with whom we interacted, and that is, a compulsory National Youth Service. It is felt that this would turn back the clock with respect to discipline and inculcate a sense of self-worth among the youth. It is recommended that this programme should be a part of the whole educational experience and it must not only be for those associated with deviance and non-achieving students.

Mr. President, to move on from education and the public service vehicles, there is another area which was not explicitly touched on in the Report but which nevertheless had a great deal of bearing on all of the problems that we are seeing. The work environment has a significant impact on the productivity of persons working. Unfortunately, in this country, we have a problem where it is obvious that the Government, whichever administration is in power, has access to borrowed money to construct buildings but seemingly no access to money to maintain them.

The news media today suggests that the Auditor-General’s Report also speaks to this issue. Throughout the country with few exceptions, we can see Government owned buildings that are badly in need of repairs, housing, schools, the judiciary, police stations, post offices, libraries and some ministries. In the advent of a hurricane

hitting Barbados there has to be a concern with respect to the ability of the hurricane shelters to protect those who seek shelter. Some of us will remember that nine persons lost their lives in Hurricane Janet due to hurricane shelters roofs collapsing. Even relatively new buildings, the police stations, post offices and Magistrate's Courts in Oistins and Holetown are in a sad state of disrepair. Compare this situation with the buildings housing statutory corporations, such as the National Insurance building, the Insurance Corporation of Barbados building, the Central Bank of Barbados building and others. This must not be allowed to continue.

Mr. President, we would be debating the Estimates in this House shortly. Is it too much to ask that adequate funding be provided to ensure the proper upkeep of Government buildings? How could Government agencies, teachers, police and the judiciary to name a few, carry out their job function in such poor working conditions.

Mr. President, the problems at one school in particular has been in the news lately. This poor work environment is not conducive to a productive working day and does have a direct impact on the well-being and productivity of everyone in our society and must be corrected.

Mr. President, this Report, which I had the distinct honour to be part of, is wide-ranging and covers many topics. I would recommend it to all Barbadians. The response from the public as we gather the information that went into the Report was significant, frank and extremely informative. The Town Hall meetings were well-attended

and we heard from persons with first-hand experiences on the subjects covered here. Some were very passionate in their belief that changes have to be made in the way we conduct ourselves. This is not a Report that should gather dust on shelves. It is too important to be read and put aside. It was almost two years in the making and was delivered to Government almost two years ago.

Mr. President, I am aware that a start has been made on some of the recommendations, however, I long for the day in the not too distant future when the pieces of legislation supporting these recommendations would be debated in this Honourable Chamber.

Mr. President, I give my full support to this Resolution and I am much obliged to you.

On the motion of SENATOR THE HON. E. R. GRIFFITH further debate on the Resolution was postponed.

The question was put to the Senate and agreed to.

ADJOURNMENT

SENATOR THE HON. E. R. GRIFFITH: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, February 15, 2006 at 11.00 a.m. in the morning.

The question that the Senate do now adjourn until Wednesday, February 15, 2006 at 11.00 a.m. was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.
5.20 p.m.

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