
THE SENATE DEBATES

(UNOFFICIAL REPORT)

PARLIAMENT 2003 – 2008

THE SENATE

Wednesday, May 24, 2006

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, May 24, 2006, at 11.10 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. BA (Hons) (PG CE), 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 T. E. BARKER, B.A. (Hons.), M.A. (Econ.) J.P. (Parliamentary Secretary, Ministry of Economic Affairs)

Senator R. W. GRANT, B.A. (Econ.) G.Dip M.A. (Parliamentary Secretary, Ministry of Tourism and International Transport)

Senator I. St.C. LINTON

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 ROY TROTMAN, K.A., M.A.

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.

Madam Deputy PRESIDENT: The Senate is in session.

ANNOUNCEMENTS BY HIS HONOUR MADAM DEPUTY PRESIDENT

Madam Deputy PRESIDENT: I have been asked to offer excuses for absence of Senator Honourable Lynette Eastmond, Senator Sir John Goddard and Senator Sandra Husbands.

PRESENTATION OF PAPERS

SENATOR the Hon. E. R. GRIFFITH: Madam Deputy President, I am commanded to lay the following documents:

1. Duties, Taxes, and Other Payments (Exemption) Barbados Water Authority, Order, 2006.
2. Excise Tax (Rate of Tax) Order, 2006.
3. Custom Tariff (Amendment) Order, 2006
4. Annual Report and Audited Financial Statements of Barbados Conference Services Limited for the Financial Years ended March 31, 2000, March 31, 2001 and March 31, 2002.
5. Report on the Social Investment InvestmentFund for the quarter ended December 31, 2005.
6. Report on the Public Enterprise Fund for the quarter ended December 31, 2005.
7. Annual Report and Audited FinancialStatements of the Transport Board for the year ended March 31, 2005.

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

SUSPENSION OF STANDING ORDERS

SENATOR the Hon. E. R. GRIFFITH: I beg to move that Standing Order 45(2) be suspended for the rest of this Sitting.

The question was put to the Senate and agreed to.

SENATOR HON. E.R. GRIFFITH: Madam Deputy President, in view of the fact of you are sitting in the Chair, as the President is expected to be a bit late, I think that it is in order for us to appoint an acting Chairperson of Committee for the morning session, as necessary, and I beg to move that Senator Newton be appointed to that position in the morning session so that we can continue with our business.

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

INTRODUCTION OF BILLS

SENATOR the Hon. E. R. GRIFFITH: Madam Deputy President, I beg to move that the following Bills be read a first time:

1. Customs (Petroleum Products Bulk Storage) (Validation of Fees) Bill, 2006.
2. Occupational Pension Benefits (Miscellaneous Provisions) Bill, 2006.
3. Banks (Tax on Assets) (validation) Bill, 2006.
4. Barbados Association for Mentally Retarded Children (Amendment) Bill, 2006.

The question was put to the Senate and agreed to.

11.20 a.m.

Wednesday, May 24, 2006

Senate 50, sequence 03, 11.20 a.m.

PUBLIC BUSINESS

Madam DEPUTY PRESIDENT: Public Business is now the order of the day.

OBITUARY SPEECHES

Senator the Hon. E.R. GRIFFITH: Madam Deputy President, before we proceed with Public Business, I think it is appropriate that we should, as Members of this

Chamber, pay our respects to the late Peter Morgan who served in this Chamber as a Senator during the period 1966 to 1970.

All of us, I am sure, will agree that he has made an outstanding contribution to the development of our country. However, I believe that the contribution with which most persons are familiar, is in relation to the development of the tourism industry.

The late Peter Morgan, as you know, was a founding Member of the Barbados Hotel Association, which started in 1952, and served as President of that same Association for three terms over a period of time. He was also a Member of the first Board of Tourism, which started in 1958 and from 1971 to 1976, he served as Minister of Tourism. It was during that time I had the privilege of coming into very close contact with him when I worked in the Ministry of Home Affairs.

I remember well on one occasion when I was coordinating a tour by the Royal Barbados Police Band to the Edinburgh Festival that we had a series of meetings with him, as we were trying to identify various places of interest, where the Band would have played, so that Barbadians who were living in those places would have had the opportunity of hearing the Band again. During those sessions, he always gave us some stories about his service as a Member of the Gurkhas in Nepal and India, which were very interesting. As you know, the Gurkhas is that arm of the British Army that is well-known for its shooting ability.

I, from observing his performance over the years, was in no doubt of his tremendous ability and his keen interest in the development of the tourist product, which we now boast, being of world class order. A lot of the development of that product was because of his effort over time.

At one time I remember that he was the owner of a hotel on the south coast, so that he did not only assist in the development of the industry by being a founding Member of the Tourist Board, and being a founding Member of the Hotel Association, but he also served on the Caribbean Tourism Research Centre and he was President at one time of the Caribbean Tourism Association. In fact, he was President of that Association between 1975 and 1976. Therefore, he took part in the development of the industry from many positions and we are indeed grateful for his contribution over those years.

On behalf of myself and my family, I therefore wish to extend to his wife and his children Jonathan, Tim and Jan our deepest condolences.

Thank you, Madam Deputy Chair.

Madam DEPUTY PRESIDENT: Senator Stuart.

Senator F.J. STUART: Thank you, Madam Deputy President. I rise to associate myself with the sentiments expressed by Senator Griffith, the Honourable Leader of Government Business in this Chamber, in respect of the late Peter Morgan, who made a massive, substantial and wise contribution to the development of Barbados, the better part of 50 years.

When Peter Morgan came to Barbados, he found it a virtually pure one-crop plantation economy. By the time he left it, it was a modern well-diversified commercial economy. He played no small part in that transformation serving as a tourism functionary, as a hotelier in his own right and as a policy maker at the level of Barbados' Cabinet.

He was active over that period as well in the deliberations of the Democratic Labour Party, of which he was a member for many years. His first bit of political activity, as he recalls it, was in the very first General Election fought by the Party in 1956, when he canvassed with Mr. Douglas Lynch, as he then was, now Sir Douglas Lynch, who ran for the Party in the parish of Christ Church. Although Mr. Lynch did not prevail in that election, Peter Morgan is always remembered, their efforts in that campaign, fondly.

The late Peter Morgan was to join the Democratic Labour Party and to be one of its forefrontal figures, contesting the 1966 General Election for the parish of Christ Church, in the days of double member constituencies. His running mate, I seem to recall, was the late Sir Edwy Talma. He did not win his seat. Mr. Talma won his but the popularity and the political energy of the young Harold Bernard St. John, proved unstoppable and, therefore, Morgan was the loser in that election.

However, by 1971, he came back with spirit undaunted and contested the Christ Church North Central seat. By then, of course, we had moved from double member constituencies to single member constituencies and he prevailed in that election. He was one of the 18 persons who won seats in that election. The Democratic Labour Party won 18 of the 24 seats then. He was appointed to the Cabinet as Minister of Tourism and Information and discharged the responsibilities of that office with his accustomed charm and also with quiet and dignified efficiency.

He was not to last very long in the Lower House. Of course, the swing of 1976 proved a bit much for him and he lost his seat in Christ Church North Central in 1976, as did so many others. He went back to doing his normal business of involvement in the hotel industry and in general tourism matters.

He continued to toil in the vineyard of the Democratic Labour Party during those dark days of Opposition, contributing vigorously and energetically to his deliberations.

Senate 50, sequence 03, 11:30:14

Wednesday, May 24, 2006

SENATOR F. J. STUART: In 1986, when the Party was overwhelmingly returned to office, he was appointed High Commissioner to Canada and by that appointment, added a diplomatic dimension to his highly varied career.

Madam Deputy President, his political insights were such that for the 1991 general election, the Party thought it wise to appoint him as its campaign manager. Again, he discharged the responsibilities assigned to him with his quiet, unassuming, unpretentious, but highly dignified efficiency and of course the Party prevailed in that election.

Peter Morgan always remembered with pleasure his service to the world in the Second World War. As Senator Griffith has indicated, he has always enjoyed regaling those who would listen to him with the stories of his own exploits in those parts of the world to which he was assigned. Of course, proof of how much that service meant to him could always be found on Remembrance Day when he would don the regalia appropriate to that occasion and join other servicemen by the Cenotaph where he mixed freely and of course interacted with all who came around to witness the Annual Remembrance Day Parade.

He added to his highly varied career, the art of writing. He was an author as well. In the wake of the death of the late Right Excellent Errol Barrow, he wrote a biography of Barrow, which is still easy reading for laymen and experts alike, and which is widely used, I am given to understand, in our schools. I believe I am correct in saying that he also wrote a novel, the name of which I am not now able to remember.

Of course, he also became a weekly columnist for the Nation Newspaper, where the elegant flow of his pen was a source of enchantment to those who read his weekly column under the caption "Another PM". He administered some very dainty blows to the Barbados Labour Party when he thought they deserve those blows. However, with all of his political fervour, he never moved beyond the frontiers of political decency. Therefore, when we look back at the career of Peter Morgan, we are able to conclude, I think, that Barbados was the better off for having known him and is now the poorer for having lost him.

He has gone to his grave with the gratitude of the Democratic Labour Party embroidered as it were on his

shroud. I am pleased therefore, on this occasion, to extend heartfelt condolences to the bereaved, his wife and his dear children.

I am obliged to you, Ma'am.

SENATOR Sir ROY TROTMAN: Madam Deputy President, I should have liked to hear my colleague of the cloth speak before me, but as you have instructed, I will be guided.

I wish to join the Leader of the Senate and the Chief Spokesperson for the Democratic Labour Party, in paying tribute to the person and the memory of the late Peter Morgan. I, as former speakers have said, would wish to express my condolences to his dear wife and to his family generally. I would wish to express those sentiments not merely on my own behalf and that of my family but on behalf of the family of workers generally in Barbados and organised labour, in particular, in this country.

I know that Peter was a business person and the owner of a hotel and that from time to time he may have had one or two differences with labour, but by and large, I would wish to say that my recollection and my colleagues' recollection of Peter Morgan, was the recollection of a person who was a friend of labour and a supporter of the working-class.

He had significant respect for the labour of persons. He did not concern himself only with association with the high and the mighty. He was quite comfortable with, was respectful of, and was respected by the poor, the lowly and the humble and to a very great extent this made him a very loved and well-respected representative in the constituency of Christ Church and among the workers with whom he associated almost every time that the Barbados Workers' Union had a public function.

Peter Morgan was a person who was prepared to see how settlements could result from differences, but that is a very difficult exercise. Indeed, today there are many employers who take the position that labour is a nuisance and that labour could never be right and whose approach to the matter of labour management relations is one where labour should be tolerated only insofar as it could be put to be part of drudgery.

In my view, Mr. Peter Morgan was not one such person. He was a person who respected the person in the worker and who was able, because of that respect for the person, to bring to the table and to his relationship with people, as an employer but also as a politician and as a person, a level of interpersonal relationship, which was quite commendable and for which I personally hold him in very high esteem.

Madam Deputy President, when I was in the Other Place, as I was for a brief moment or two, I did, with some degree of satisfaction, recall the number of occasions when I was able to pick his brains, perhaps not a very good expression of picking, but I was able to benefit from talking with him and learning from him based on his vast experience as a person who had worked in several areas, had travelled extensively and who from those travels and that work had brought a body of insights into understanding human nature and especially understanding the nature of relations between people of different cultures, of different backgrounds and of different aspirations.

Madam Deputy President, I must say that it is at that time that I learnt to recognise the significant social consciousness that Peter Morgan possessed. Madam Deputy President, it is a commodity which is in very scarce supply today. Therefore, when you find people, especially persons who have been in his field, who were able to exercise a social consciousness, which sometimes you might not have thought would be available and possible, it was something highly to be commended.

Senate 50 Sequence 4

11.40 a.m.

Wednesday, May 24, 2006

SENATOR Sir ROY TROTMAN: Madam Deputy President, Peter Morgan was able to sit with kings and not lose the common touch. This is a very clear expression of a person who was quite diplomatic. We have heard from Senator Stuart of the stint that he has had as a High Commissioner. Madam, even if he had not been given that posting, I would have been inclined to say the diplomat that he was, was not in the posting to Canada but was in his interpersonal relationships, especially at the community level.

He was very polite, which today is an attribute that we would like to see being expressed by people in a greater supply and in a greater degree. It is something from which our society might have learnt many lessons, that is the question of how one is able to move through a society, and have regard for people from all walks of life, giving respect and commanding respect. That was my perception of the late Peter Morgan.

He was a man who always expressed significant qualities, of which dignity was in the forefront. His dignity was always expressed in the way he comported himself, even when he expressed himself on the political platform and expressed views which were not the views that Opposition persons might not have wished to hear. It was still done with a level of dignity, which has to be commended.

I think that his Party would miss him. I am not sure but I think so. I think that Barbados would miss him. I know that the Labour Movement has benefited from the association we have had with him. We have missed him because ever so often, he would telephone. He would also make a number of suggestions or he would write or send a note, expressing his views about something about which the Labour Movement was having some concern.

Madam Deputy President, for this and for the friend that he was, I would wish to record my sincere appreciation for his life and for his assistance. Madam, again I would like to repeat my condolences to his wife and to the rest of his family.

I thank you.

SENATOR Dr. D. S. LOWE: Madam Deputy President, I am honoured to have the opportunity to add my voice to these glowing expressions of memories of a great Barbadian who, in my view, represented and still represents a hallmark performer in the arena of politics and in the social life of Barbados.

Madam Deputy President, I would only have met the late Peter Morgan about 10 years ago and would have benefited significantly from his wisdom, his work and his willingness, to inject whatever knowledge, kindness and love that could have sprung forth from his bosom, into the lives of those persons whom he would have met along the way of life.

Madam Deputy President, Peter Morgan represented a man of great character. His character was best felt in his commitment to humanity. The image left etched in my mind is that he was a man who spared no effort to make all men feel like they belong. As a journeyman from the corridors of Europe into a society where, no doubt, it was important for indigenous Barbadians to find their identities - not so much in images but in hope - I believe Peter Morgan did a very valiant service, in helping Barbadians to see themselves as men and women of worth, irrespective of the journey of the development of this country. Madam, irrespective of a person's station in life, he made us all feel as though we were very important, in the landscape of the development and the future of our country.

His humanity was perhaps best demonstrated with his connection with democratic socialism. I believe he lived that just as good as anyone else who pretended or who claimed to have owned a theoretical basis for their political beliefs in democratic socialism. Madam, it is, therefore, no wonder he became a Member of the Democratic Labour Party and a student of "Barrowism" because he genuinely believed that the goodwill of a society rested significantly upon the character of its

countrymen and countrywomen. His humanity, in my view, was buttressed by a tremendous sense of humility.

I remember in 2003, as I journeyed across the beautiful landscape of Christ Church East, the late Peter Morgan would have taken it upon himself to journey from the hills of St. John, in an old beaten-up Honda Civic, that was as ancient as perhaps one who think he was. Every Saturday morning, he would park it at a particular spot and when I insisted that he rolled the windows up, he would always say to me: "Do you think someone would be bothered to take this away?". Madam, upon reflection, I think he was correct. I do not think anyone would have fancied himself or herself in trying to get away in such a vehicle that could have been so easily identified. Peter, in his usual humourous way, would always say: "I bet you, when we get back here, all of it would still be here, including the rust."

Madam Deputy President, that, indeed, was a fact and a reflection in his belief in the goodness of people and in his belief that if we were willing enough to give of ourselves untiringly to the people, that people would somehow be able to find in themselves, a kind of character trait that represented the best in all of us.

Madam Deputy President, Peter Morgan's character was not defined by his humanity, it was always defined by his humility. You would not imagine that Peter Morgan was a man who was comfortable in his social status because of his persistent reach into the corridors of social disadvantaged conditions, to pull, with himself, persons who he believed deserve to enjoy some level of comfort and good representation in the society.

Madam Deputy President, I remember at times when I was timid in approaching certain locations in my area, Peter Morgan would have always said: "A man's fear is only as significant as what that man believes he should be afraid of." Madam, this is one of the lessons that I would carry with me through to the end. The truth of the matter is that not even the most vicious-looking dog could have turned Peter Morgan back from any door. All he would say to me is: "Denny, let us go", and I would say: "But Peter, they are dogs." He would say: "Let us go. They are dogs and we are men. Let us go."

Madam Deputy President, anyone who would have walked with him anywhere, would know that was a true reflection of a very humble man, who was driven by a sense of duty and a sense of love for people. Madam, his character will be one of the things that I will remember mostly about him. I also remember his courage, which spreads itself across a number of domains in our social realities. I would have seen his courage, not only in fighting the dogs that were fenced in but courageous to fight those persons who would have wanted to bark, as vicious dogs,

but at the end of the day, persons who Peter Morgan believed were as common men and women, just as anyone who would have been in his closest company.

11.50 a.m.

Wednesday, May 24, 2006

SENATOR Dr. D.S. LOWE: Madam Deputy President, he was courageous in getting his message across; he was courageous in expressing his views about the goodness of a society that he always believed that once men and women dedicated themselves to the betterment of this society that it could be one of the greatest societies on earth. Sir, I reflect on his courage because his courage was accentuated by his passion and by his push for men and women of all walks of life.

Madam Deputy President, I see his character and courage as perhaps the highest symbol of his commitment to fulfilling his own journey and seeking to help Barbadians of all walks of life fulfill their own. Madam, I suppose that at the end of the day, how we reflect on the lives of those who have passed is perhaps an apt expression of how we would wish for our lives to be reflected upon.

Madam Deputy President, in a case such as the case of the late Peter Morgan, if I were to be remembered or reflected upon after my journey of life comes to an end, I would want to be remembered as a man of great character, a man of great courage and a man of passionate commitment for what is better, not only for himself but for all.

Madam Deputy President, I reflect on the life of Peter Morgan as a life to be remembered not only by this generation but by generations to come. I applaud anyone who seeks to bring into fruition any effort that would represent a memorial unto the life of this great man. I applaud, for example, a person like Mr. Peter Barrow who has been working with a group to establish the Peter Morgan Trust, an organisation which is intended to grant students assistance to pursue careers in environmental studies, British journalism and tourism. I hope that all Barbadians would join in supporting this worthy effort because a man like Peter Morgan is a man to be remembered forever.

Madam Deputy President, I express my deepest condolences to his family and his friend.

Madam Deputy President, I thank you.

MADAM DEPUTY PRESIDENT: Senator the Very Reverend H.E. Crichlow.

SENATOR the Very Reverend H.E. CRICHLLOW: Madam Deputy President, I would like to associate myself with all those who have paid tribute to the late Peter Morgan and I do not plan to repeat many of the things that have been said. Peter Morgan was a gentleman for whom I had the highest respect. I am glad to hear that a trust is being established because a man like Peter Morgan ought to be remembered and set up as an example to our young people.

Madam Deputy President, I remember preaching a sermon about the tourists who were turning the whole of Barbados into a beach, that is, they wore their beach clothes all over the island and Peter Morgan thought there was something in it and came and discussed it with me. He then brought me a red poster and used his wit and charm, which I did not use in the sermon, to say the same thing which I had said. He congratulated the tourists on their fine shapes and so on but wished that they would cover their shapes when they came off the beach. Madam, today when I pass and see many vendors selling clothes to cover up beach wear on our popular beaches, I always remember the poster. Madam Deputy President, Peter Morgan was a man of conviction. We saw his courage and conviction when he felt that Dame Nita's personality and contribution to this society was being trivialised. He did not mind being arrested because of his convictions. Madam, a man such as this has to be honoured and respected because he would not have minded going to prison for something he believed in.

Madam Deputy President, we want more people of conviction in Barbados and elsewhere but, first of all, we need people who think of the welfare of Barbados before they think of their own welfare and have the conviction to fight and struggle to see this society remains a civilised place with the highest standards.

Madam Deputy President, I know that the age in western culture is against that and we are taking our standards from the ghettos of America and other big countries, that the culture is coming from the bottom up, with vulgarity and all that goes with it. Sir, I do not think that this is making Barbados a nicer place to live.

Madam Deputy President, it is very difficult for me to sit in a theater, watch plays being produced, the characters are using the most obscene language and Dame Nita or Governor-General and his wife are sitting in the front row and listening to it all. I think it is crude, revolting and that it is meant to offend.

Sir, I know that it gives the society a shock when you use revolutionary methods of changing culture but I think more of us should show our disgust for such behaviour in public in protest, by not attending these functions where we know that the high standards we had in

this society and would like to have again are being tampered.

S50/12:00

Sequence 6

Wednesday, May 24, 2006

SENATOR the Very Rev. H.E.CRICHLOW: Madam Deputy President, I am not trying to take joy out of life, but I think that we owe respect to each other. Those of us who have passed through schools and universities and have been exposed to a wider understanding of culture ought to do something to see that some of its culture continues.

Madam Deputy President, when I think of Peter Morgan, I think of one who wanted the best for this country and who respected people of all colours and social backgrounds. That is why I started by saying that Peter Morgan was a gentleman, using the gentleman in the widest sense of that word. Madamn, we in Barbados, are known to be ladies and gentlemen, but sometimes people from other countries and in the Caribbean despise us for that. I am not trying to set Caribbean countries against each other.

Mr. Deputy Speaker, when I was Chaplain at the Mona Campus of West Indies, Barbadian students had the reputation of being decent. The first thing that was done to Barbadian students by others was to try to knock out of them that decency. I must confess that action was successful in many respects, and it is a pity. They are a lot of persons who do not want to have decent people around them. It means that we have to suffer good standards and for civil behaviour.

Mr. Deputy President, we are laughed at and called some of the worst names if we try to promote healthy living, good behaviour, decent standards and calls for integrity in people. Some of us ought to have the courage of Peter Morgan, to stand up for these attributes.

I am happy to join those who have paid such high tributes to the late Peter Morgan. On behalf of my family and many who admired Peter Morgan, I express condolences to his widow and children.

Thank you very much.

Madam Deputy PRESIDENT: Senator Marville.

SENATOR R.O. MARVILLE: Madam Deputy President, I think it would be remiss of me not to join with all those who have paid lavish and deserved compliments to one of the most beautiful people I have ever known.

I first met Peter Morgan when he was a Minister of Government and I was a functionary. I do not particularly like the words civil servant, since I am neither civil nor servant, in most cases. The point I want to make is that when he spoke to a functionary, he had the ability to communicate as if he were another functionary. It was not that he was humble, even though in a sense he was, it was that the humanity in him reached out to the humanity in just about anybody else. Madam Deputy President, he came from England on an exploratory trip. In fact, he was in Jamaica, passed through Barbados and was about to set up in Trinidad, when he discovered that he ought to go back to Barbados for some reason or the other. That is where he decided to settle.

Madam Deputy President, he had a distinct agenda. Barbados which had become independent, still had considerable overhangs of the plantation society and he wanted personally to break that, and he did that in his personal life, without apology or hesitation.

Madam, what was remarkable was, somebody who had been involved, in a minor way, in tourism was able to translate that experience into, not only owning a hotel here but being what some people consider to be the best Minister of Tourism, we ever had.

Interestingly, Peter was not particularly proud of that. He was just proud to have made a contribution. He was always concerned about other people. As a prolific writer, he always had comments to make on other people's writings. What was most interesting was that even though he would disagree with you on some things, he could still utter that disagreement with accommodation of forcefulness and humanity, which allowed you to believe that he somehow respected your view, even though he differed from you.

Madam Deputy President, Peter was someone whom I can say was a Barbadian who became a Bajan. In fact, at his funeral, one of the anthems played was one that a group that he had loved and loved their work, played for him. It was the Merryman playing Beautiful Barbados. That was such a fitting tribute to the contributions of a great man.

I would like to join all of those who honoured him and to offer my condolences to his family. We celebrate now a life that was truly contributory and great and we miss him.

I thank you.

Madam Deputy PRESIDENT: Peter Morgan was a soldier and a gentleman. As a Parliamentarian, I understand that he was a great listener and he took the thrust of debate with composure even if he was under attack. He was also a great canvasser, as has been mentioned by the Leader of

the Opposition. Even after leaving politics, he would still visit some of the elderly, living in those areas where he had campaigned. He was very hospitable and attempted to breakdown racial barriers and opened his hotel to diverse guests.

In the 1950s, his hotel was famous for his cuisine and his graciousness as a host. I recall on my return from university, in England, in the days when Barbadians as a whole did not eat out, as we would say, my mother and brothers took me there the first Sunday after I returned. They did so gladly, as one of the ways of welcoming me home. I met Mr. Morgan for the first time, and he spoke with me as if he had known me forever. Mr. Morgan was very interested in Barbados and things Barbadian.

12.10 p.m.

Sequence 7

Wednesday, May 24, 2006

Senate 50, sequence 08, 12.10 p.m.

Madam DEPUTY PRESIDENT: Last year sometime, I do not remember the month, I visited his home. It was the only time I visited his home in St. John and a function was being held there, in connected with the Royal Commonwealth Society, of which I was, and am a member, and he greeted me most warmly. Both he and his wife made me feel very welcome.

Members have spoken about his contribution to tourism and therefore there is no need for me to say anything more about that and I hope that more would be written about his contribution in this field.

The Chair joins with Members in expressing sincere sympathy and I direct that the usual Resolution of Condolence be sent to his widow and family.

At this moment, I ask that everyone in the Chamber stands for one minute silence.

One minute silence was observed.

Madam DEPUTY PRESIDENT: Requiescat in pace. May he rest in peace.

PUBLIC BUSINESS

Madam DEPUTY PRESIDENT: Public Business is now the order of the day.

ORDER NO. 2 – CUSTOMS (PETROLEUM PRODUCTS BULK – STORAGE) (VALIDATION OF FEES) BILL, 2006

Senator the Hon. E.R. GRIFFITH: Madam Deputy President, this Bill before us, seeks to validate fees paid to customs officers as travel allowances, in respect of their visitation to petroleum products bulk storage installation sites, between April 1, 2002 and the commencement date of this particular Act.

As you would probably know, Madam Deputy Chair, when custom officers visit these sites, there are seven of them, the owners or operators of those businesses, by law under the Customs Act, are expected to pay their travel allowance for going to the sites. The seven sites are: the Grantley Adams International Airport, Oistins, Bridgetown Port, Spring Garden, Esso at Holborn, Esso in St. James, Mobil at the Garrison.

As salaries increased over time, the unions naturally always seek to ensure that the allowances, including travel allowances paid to public servants are increased as well. As you know, very often these negotiations go on for a long period of time and this is what took place in this case. Therefore, the increases were agreed, effective from 1st April 2002, April 2003, April 2004 and April 2005, came before legislation was put in place to cover the retroactive payments. Sir, under the Customs Act Chapter 66, there is no provision for retroactive payments so it becomes necessary when increases take place for legislation to give effect to those increases, if they are to be made from a prior date. This is what is happening in this case, so that the Customs Department over these years has paid the increases to the workers.

The Bill before us is seeking to validate the payment of those increases to the Customs Officers, dating back from 2002. This is really all that we are being asked to do. It does not appear to me to be a controversial issue.

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

Madam DEPUTY PRESIDENT: Senator Stuart.

Senator F.J. STUART: Madam Deputy President, the Opposition understands the circumstances in which this Bill is before the Chamber. We understand the importance of the work which the Customs Officers have to do to ensure that breaches of the law are kept down to a minimum and the administration of the country is in no way imperilled. Therefore, we understand the circumstances in which this Bill is before the Chamber. In a sense, it is praiseworthy that the Government took the initiative to remunerate the Customs Officers, as they discharge these responsibilities.

I do not know what is the situation with respect to those school meal workers whom, I believe, have worked beyond the call of duty, and beyond their usual remit to provide meals for prisoners in the wake of the destruction of Glendairy Prison, and the transfer of the prison facilities to Harrison Point.

I believe I heard some rumblings from the School Meals Department that school meals workers were being asked to do extra work but were not receiving extra pay. If that information is correct, I should like to hear from the Leader of Government Business, what plans the Government has to deal with that situation. Of course, I am also given to understand that there were reinforcements to the Prison Officer core as a result of the same event, and that there was some horrible delay, in remunerating those reinforcements, the extra persons who were brought on to serve in that veritable emergency.

The Government has to, I believe, be sensitive in these circumstances, and to keep discontent and dissatisfaction down to a minimum. I therefore applaud the Government in respect of paying the Customs Officers but should like to hear from it, in respect of school meals workers, and the reinforcements that were added to the Harrison Point facility, as a result of the destruction of the Prison at Glendairy.

The Opposition has no difficulty with this Bill, except for those concerns raised.

I am obliged to you, Madam DEPUTY PRESIDENT.

Senate 50, sequence 08, 12:20:14

Wednesday, May 24, 2006

SENATOR the Hon. E. R. GRIFFITH: Madam Deputy President, I am sure that Senator Stuart would agree with me that I would first have to get the information relating to that issue which he raised. However, I think that he can rest assured that this Government that is always mindful and sensitive to such issues would make sure that any deserving cases are rewarded justly. Therefore, that is not anything that he needs to fear.

Madam Deputy President, on this matter before us, I appreciate the comments made by Senator Stuart because this is an issue of trying to make sure that the agreements which were reached between the representatives of the workers and the Government, and have been ordered, are clearly being put within the appropriate legal framework taking into account the circumstances which gave rise to the needs for a Validation Bill.

I therefore 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, SENATOR the Hon. Mrs. V. E. NEWTON in the Chair.

COMMITTEE

MADAM CHAIRMAN: The Senate is in Committee.

Clauses 1 to 2 inclusive were called and passed.

On the motion SENATOR the Hon. E. R. GRIFFITH, MADAM CHAIRMAN reported to Her Honour, the DEPUTY PRESIDENT the passing of one Bill in Committee and MADAM DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the separate motion of SENATOR the Hon. E. R. GRIFFITH, the Bill was read a third time and passed and cited as the Customs (Petroleum Products Bulk Storage) (Validation of Fees) Act, 2006.

ORDER No. 3

OCCUPATIONAL PENSION BENEFITS

(MISCELLANEOUS PROVISIONS) BILL, 2006

SENATOR the Hon. E. R. GRIFFITH: Madam Deputy President, this is another straightforward matter. The Bill before us is seeking to ensure that the definition of an actuary is the same in the three pieces of legislation where that term occurs, the Occupational Pension Benefits Act, the Insurance Act and the Exempt Insurance Act.

This became necessary because the individuals who are involved in the industry over time drew to the Government's attention that they were experiencing a difficulty in recruiting actuaries from within the region. It became a problem simply because the definition in the Occupational Pension Benefits Act, 2003 defined an actuary as follows:

"An actuary means a person who has qualified as an actuary by examination of a prescribed actuarial society, institute or professional association;

(a) who is a citizen or a national of any member state of the Caribbean Community; and

(b) a current member of good standing of the Caribbean Association of Actuaries."

That is where the difficulty lies.

There is a scarcity of persons within the Caribbean Community and a number of companies in the industry have had to go outside of the Caribbean region in order to recruit persons. The proposal before us is seeking to change the definition of an actuary in such a way that persons who have qualifications, which are recognised internationally, are now included, so in the future, companies would be able to recruit persons from within the region or from outside of the region if they meet the appropriate qualifications.

Madam Deputy President, the idea is that the same definition should be included in all three pieces of legislation so that there is consistency across the pieces of legislation. Madam Deputy President, that is simply the matter that is before us.

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

SENATOR Sir Allan FIELDS: Madam Deputy President, I wish to make a small point in the interest of accuracy. In the amendment that we are contemplating here in all three pieces of legislation, the Occupational Pension Benefits Act, the Exempt Insurance Act and the Insurance Act, (a) ii, speaks to the Caribbean Association of Actuaries, but it is actually the Caribbean Actuarial Association. Therefore, in the interest of accuracy, I thought I would point that out.

SENATOR the Hon. E. R. GRIFFITH: Madam Deputy President, I accept what Senator Sir Allan has said, but that does not appear to me to be a material change, so that is something that can be dealt with otherwise.

MADAM DEPUTY PRESIDENT: I understand that the Clerk has taken a note of it and the Law Revision will make the change.

Do you wish to comment on it too, Senator Stuart?

Senate 50 Sequence 9

12.30 p.m.

Wednesday, May 24, 2006

SENATOR F. J. STUART: Madam Deputy President, I would wish just make a very brief comment on the Bill. Having dealt with the amendment, I only want to ask a question of the Minister, since we are amending the Occupational Benefits Act. This Act was passed in 2003, but as far as I am aware, it has not yet been proclaimed. I do not know that it is enforced as yet.

Asides.

SENATOR F. J. STUART: I believe I am hearing that perhaps the reason it has not been proclaimed, is that the regulations are not ready and are being waited on.

The second point I want to raise is that the decisions of many insurance companies and of course, of the National Insurance Department, hinge largely on what actuaries would say, and in recent times the National Insurance Department has had to make a number of decisions, that are of critical importance to the future of Barbados and to the future of the citizens of Barbados.

Madam Deputy President, I think I used to know of a time when every three years, there used to be an actuarial report. The last actuarial report seems to me was in 1999, when the 10th Actuarial Report was published. I do not think we have had an actuarial report in recent times. I think we are in a seven-year lag and, therefore, I am wondering whether decisions are being made by the department, on the basis of an actuarial report made in 1999, or whether there is more current information on the basis of which these major decisions are being made in the National Insurance Department.

Madam Deputy President, when I last spoke in this Honourable Chamber on a matter, in relation to the National Insurance Department, I was careful to enquire when last did we had an actuarial report, and the one given to me was the 10th Actuarial Report, in 1999. Madam, if the Minister could indicate what might be the problem, if I am right. I am not speaking dogmatically and perhaps if I am right, could the Honourable Minister indicate what maybe is the problem in getting a more current actuarial report.

I thank you.

SENATOR A. C. FIELDS: Madam Deputy President, on a point of elucidation, let me assure Senator Stuart that the National Insurance Board has actuarial reports since 1999. These may not have reached Senator Stuart but the Board has been guided by actuarial reports since 1999.

SENATOR the Hon. E. R. GRIFFITH: Madam Deputy President, I can corroborate that information. There was a report recently, which looked at the issue of pensions, and it was on that basis that a number of minor adjustments were made. Therefore, there is very current information provided by the actuaries.

Madam Deputy 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. The Acting CHAIRMAN in the Chair.

COMMITTEE

MADAM ACTING CHAIRMAN: This Senate is now in Committee.

Clauses 1 - 2 were called and passed.

The Schedule was called and passed.

On the motion of SENATOR the Hon. E. R. GRIFFITH, the Acting CHAIRMAN reported to Madam DEPUTY PRESIDENT, the passing of Bill in Committee and Madam DEPUTY 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 Occupational Pension Benefits (Miscellaneous Provisions) Act, 2006.

ORDER NO. 4 – SECOND READING OF THE BANKS (TAX ON ASSETS) (VALIDATION) BILL, 2006.

SENATOR the Hon. E. R. GRIFFITH: Madam Deputy President, the Banks (Tax on Assets) (Validation) Bill, 2006, was introduced in 1982 by the late J.M.G. “Tom” Adams, in his capacity as Minister of Finance. Since then, the tax has been applied and collected. Madam, what was recently discovered was that while an order was made for the first year of collection, that year being 1981, since then no order has been made, even though the tax was being collected.

Madam Deputy President, you would recall in 2002, the present Minister of Finance indicated he was phasing out this tax because Government had decided to introduce insurance coverage, through the setting up of a Deposit Insurance Corporation. Since the setting up of the Deposit Insurance Corporation would have been an additional burden on the banks, we felt that it would have been appropriate to remove the tax on assets, to give way to the Deposit Insurance Corporation. Therefore, the tax is being phased out and very soon legislation dealing with deposit insurance should be available for discussion. Madam, the idea is that in future, persons making deposits to banks would have some coverage in the unlikely event that one of those banks gets into difficulty.

However, it is felt by the Legal Department that it is necessary for us to validate what has taken place over time, that is why the Bill before us is seeking to validate the imposition and collection of the Bank (Tax on Assets) for

the calendar years 1981 to 2005. That is the matter which we are asked to address.

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

The question was put to the Senate and agreed to.

12.40 p.m.

Wednesday, May 24, 2006

MADAM DEPUTY PRESIDENT: Senator Stuart.

SENATOR F.J. STUART: Madam Deputy President, I rise to speak on this Bill. I believe I owe it to the Chamber to indicate that this is about the eighth validation brought by this Government to the Chamber since the 2003 General Election. What we are trying to validate today - as I understand the Leader of Government Business, the Minister of Agriculture, Senator Griffith - is the collection of taxes by the Government for the period 1981 to 2005. Sir, you do not have to validate anything unless you are admitting that a breach of the law had taken place. The question is, which law was in fact breached that would lead the Government to have to come to Parliament today to do this validation.

Madam Deputy President, that law is the Provisional Collection of Taxes Act, 1967, which was passed during the incumbency of the Democratic Labour Party just after Independence. Sir, under the Provisional Collection of Taxes Act, 1967, a Government is permitted to collect taxes arising out of budgetary proposals, new taxes or the increase of existing taxes on the dates specified in the Budget even though no law has been passed.

Madam Deputy President, in times passed when we used to have Financial Statement and Budgetary Proposals in the classical Westminster mode and you heard the Minister of Finance say that as of midnight tonight that the tax on gasoline would be so and so, the Provisional Collection of Taxes Act empowered a Government to collect those taxes even though there was no enabling legislation but there was a condition.

Mr. Deputy President, the Provisional Collection of Taxes Act, 1967, stated that the Government would have bring the legislation on the basis of which the increased taxes were going to be collected within four months of the announcement by the Minister of Finance. If the enabling legislation was not brought within four months, persons from whom the taxes were collected, were entitled to have the taxes which were collected, refunded to them.

Madam Deputy President, if this Bill is correct, that we are trying to validate the collection of taxes on bank

assets for the calendar year 1981 to 2005, and the Government is right, then, it seems to me that the commercial banks of Barbados are entitled to a refund, under the law, under Section 5 of the Provisional Collection of Taxes Act, 1967, to the taxes collected in breach of the law, if the Bill is correct. Madam Deputy President, that is not what we are discussing here today. In spite of the admission that the State, for 24 years was obtaining taxes by false pretenses, we are not discussing a refund...

MADAM DEPUTY PRESIDENT: Senator Stuart, could you rephrase that statement. It is imputing improper motive and is unfortunate coming from someone as eloquent as you and with your knowledge of English.

SENATOR F.J. STUART: I am obliged by Your Honour's ruling. If the expression is indelicate or too indelicate, I unreservedly withdraw the statement. Madam, the point is that the State was collecting taxes or assuming the right to collect taxes or had arrogated to itself the right to collect taxes for which there was no enabling legislation according to what the Leader of Government Business said in his speech today.

Madam Deputy President, this is an unfortunate issue because, as I have said before, the law is clear that if taxes are collected and the enabling legislation is not passed, the persons from whom the taxes are collected are entitled to have refunds.

I know that this four-month period has been a knotty issue for Governments in the past and, in fact, sometime in 1984, the then Barbados Labour Party under the late Tom Adams brought an amendment to Parliament to amend the Provisional Collection of Taxes Act, 1967, to extend that period of four months to the entire financial year. The amendment basically said that the Crown could collect the taxes and that they would have the remainder of the financial year to introduce the legislation.

Madam Deputy President, interestingly enough, the Budget for the year 1983 was delivered on the 31st day of March, I seem to recall, and if that amendment were given full weight as was argued by the Opposition at the time, a Government could be collecting taxes for a whole financial year without any enabling legislation, to bring the enabling legislation in the March of the following year and collecting taxes from people without any enabling legislation.

The then Attorney-General of the Barbados Labour Party and Government, in fact, went on record during that debate to say that as far as he was concerned that even four-month period was too long and that he thought it could all be done within a two-week period but the

Government at the time voted for the extension of the time to the full financial year.

When the Democratic Labour Party came to office in 1986, what the new Democratic Labour Party Government did in 1987, was to amend the legislation again to revert to the four-month period because we felt that it would have been an abuse of Parliament and its powers to give any Government the right to collect taxes for a whole financial year or well-nigh a whole financial year without enabling legislation for that purpose.

Madam Deputy President, I really do not understand, quite frankly, why we are here debating this today because there is a piece of legislation called the Bank Tax and Assets Act, 1983.

S50/12:50

Sequence 11

Wednesday, May 24, 2006

SENATOR F.J. STUART: An order was made by the then Government on January 31, 1983, approving the rate of tax in respect of the calendar year 1981. It was Statutory Instrument No. 15, 1983. The Bank Tax and Asset Act also came into effect on January 31, 1983.

Mr. Deputy President, if anyone checks the Estimates document, the revenue collected from banks is identified in the Estimates document as being collected pursuant to the Bank Tax and Asset Act, 1983 and the Statutory Instrument NO. 15, 1983.

It must make for horrible administration, if a Government that tries to hold other political Parties to high standards, could be collecting taxes from commercial banks, where there is no legal authority or legal right to do so. I am particularly sensitive about this, especially since it comes in the form of a validation.

I remember very well, the extent to which the Democratic Labour Party was held up to national ridicule, in the early 1990s, when pursuant to the need to ensure the peace, order and good Government of Barbados, it exceeded the borrowing limit at the Central Bank, and then subsequently validated it. We were told then that doing wrong and then validating it was sending the wrong signal to young people in the country, and that was, perhaps, the reason there was so much crime in the country, that if the Government was not obeying the law, then young people should not feel any obligation to obey it either.

I remember columnists in the Advocate Newspaper and editorial writers, writing and upgrading the Government for doing a validation after trying to keep the

Barbados economy afloat and maintaining peace, order and good Government.

Madam Deputy President, here we have a regime coming to this Chamber and admitting, given the Objects and Reasons of this Bill, that it has been collecting taxes and bank assets, from 1981 to the year 2005, and did not have the legal authority to do so. That is what this Bill says. As I have already said, and I want to repeat it because I want the word to go forth that under the Provisional Collection of Taxes Act, where taxes are collected without enabling legislation, the right to a refund is guaranteed by Section 5 of the Provisional Collection of Taxes Act.

Madam Deputy President, I really cannot sit in here today and vote for this. I cannot do it. If the State of Barbados has for the last twelve years, and for the period between 1981, when this tax was imposed, and 1986, when the then Government left office, was collecting taxes from banks without the statutory authority to do so. Madam, between 1986 and 1992 the Democratic Labour Party was in office, and we came into office to carry out our Manifesto pledges, which we did, until, of course, things went off course and the term of the Government was cut short.

Madam, I want to make it clear that this is most disgusting. It is reprehensible that any State could be collecting taxes for twenty-four years without the statutory authority to do so. I want to know why the commercial banks do not raise their voices about their rights under Section 5 of the Provisional Collection of Taxes Act and ask to be refunded the millions of dollars that have been taken from them as a result of this dereliction on the part of the Barbados Labour Party in Government.

I am not here to validate wrongdoing. This, from my point of view and from the point of view of the Barbados Labour Party, when it was in Opposition, is wrongdoing. I am not going to countenance it. I am serving early warning that I am not going to vote for this validation.

Madam Deputy President, I am hearing from the other side that the Government does not need my support, and that is the problem. We now have a Government that believes that since it does not need the Opposition's support, it can do what it likes, including collecting taxes without the legal authority to do so.

Madam, the reality is, the commercial banks of Barbados have paid taxes for the last twenty-four years and they were under no legal obligation to do so. Today the Government, rather than talk to the commercial banks, is coming to validate the wrongdoing of twenty-four years.

Madam Deputy President, we on this side cannot support this. I want to hear the spin that will come from the

other side on this, because I am following what the Bill says. It says that this Bill validates the imposition and collection of taxes and bank assets for the calendar years 1981 to 2005. As I said earlier, you can only validate if you breached, and the Act that was breached is the Provisional Collection of Taxes Act, which required that enabling legislation be passed within four months...

SENATOR G.P.B. NICHOLLS: Madam Deputy President, I rise on a point of order because I cannot sit and allow the Honourable Senator to continue to mislead the House and by virtue of the media, mislead the nation.

The Government of Barbados has not been collecting taxes in breach of the law. In fact, the Honourable Senator made mention of the Act, which was passed in 1983 which created the basis upon which the tax was to be collected. Madam, what was not done, was the usual order by the Minister of Finance for every financial year to allow for the collection of taxes. The basis for the collection of tax resides in the Act and an Act of Parliament, so it is not in breach of the law. It is to validate the method of collection and the imposition of tax in relation to Section 4 of the said Provisional Collection of Tax and Assets Act. It is wrong to mislead the Senate and the nation to say that the Government is doing it without lawful authority.

SENATOR F.J. STUART: Madam, I would have hoped that my friend, Senator Nicholls, would not have spoken because he has only made the situation worse. The Budget for year 1982 was delivered on the March 31st of that year. The Act of which he speaks was passed in 1983. It cannot be within the four-month period as the law prescribed. It cannot have been passed within the four-month period that the law prescribes, so, to say that the law was passed but the requisite Orders were not done is really to confuse the issue.

13.00 p.m.

Sequence 12

Wednesday, May 24, 2006

Senate 50, sequence 13, 1.00 p.m.

Senator F.J. STUART: The reality is that we are debating a Bill to validate the imposition and collection of taxes for 24 years, because there was no law in place to authorise the Government to do this.

Therefore, we in the Opposition cannot possibly condone this, especially, in light of the Barbados Labour Party's self-righteousness on these issues, and the assurance the country was given many years ago - and certainly during the 1994 Election Campaign - that things

like validations and supplementaries would be things of the past.

We have seen too many supplementaries. I see Senator Grant looking on admirably, because he knows how eloquently he spoke on these matters on Democratic Labour Party platforms. But, the Barbados Labour Party made it clear that supplementaries and validations would be things of the past, and we are now on the eighth or ninth validation since the year 2003, but this is the worse that we had so far, the State collecting taxes for 24 years without any legal authority.

This is not the Opposition that is saying this. It is a Bill brought by the Government that says this Bill will validate the imposition and collection of taxes on Bank assets for the calendar years 1981 to 2005. This is not what Senator Lowe has said. It is not what Senator Stuart has said, it is what the Government has said, that it needs to validate the collection of these taxes because there was no legal authority to do so.

In those circumstances, Madam Deputy President, I send early warning to the Government that the Opposition will not be voting for this, because we consider it a horrible dereliction of duty.

I am obliged to you, Madam Deputy President.

Madam DEPUTY PRESIDENT: Senator Newton.

Senator the Hon. Mrs. V.E. NEWTON: Madam Deputy Chair, I rise to support the Bill before us and to make a few points in relation to legislation as I know it, and I look at legislation on a daily basis. Supplementaries and validations are things that are a common feature of Government. Governments in the United States of America, the UK, Barbados, Trinidad and Tobago and everywhere have to ask for supplementaries. It has been done by the Barbados Labour Party and it has been done by the Democratic Labour Party. When you vote a certain amount to be spent in a Ministry or whatever for a year and it is running low, you have to get a supplementary. I know people keep speaking as if this particular Government asking for supplementaries is something that is unusual, but it is not. It is a common feature of life in Government, and so are validations.

If you look at legislation for the Government of Trinidad and Tobago, Jamaica or anywhere, you would see any number of lists of validations because, as time goes by and people in the Attorney-General's department are doing their research or as Government departments are functioning, it is realised that some error was made or a piece of subsidiary legislation to validate certain expenditure was not passed. The thing to do is to go back,

and you have validating legislation, so it happens all the time.

I do not think there is anything sinister about any Government validating legislation. It is done on a regular basis and it is a correct and legal way of dealing with a problem, so we cannot try to make out that the Government has any underhand motives in passing a Validation Act.

Furthermore, this Bill before us seeks to validate Banks Tax and Assets from 1981 to 2005. If I remember, there were changes of Government between then, so it means that the Government is now doing something that could possibly have been done back in 1986, or 1991 by any administration. It is now doing the right thing and trying to regularise the position. Therefore to me, it is part of good Governance to do something like this.

Thank you, Madam Deputy President.

SUSPENSION OF SITTING

Senator the Hon. E.R. GRIFFITH: Madam Deputy President, I beg to move that this Sitting be suspended for one hour to resume at 2.10 p.m. today.

The question that the Senate be now suspended until 2.10 p.m. was put to the Senate and agreed to and Madam DEPUTY PRESIDENT suspended the Senate accordingly.

Senate 50, sequence 13, 13:05:37

Wednesday, May 24, 2006

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed.

SENATOR Dr. F. L. CHANDLER: Mr. President, I agree with Senator Stuart that this situation should never have been allowed to arise, but since I cannot associate myself with any action which would allow the banks to be refunded their taxes, I support the Validation Bill.

However, Mr. President, I think we need to be more careful about these matters and avoid these situations. This goes for a number of other matters like the accuracy of the Bills, which come to Parliament, which we have talked about previously. Attention must be paid to detail when dealing with matters as important as the laws of our country.

Mr. President, on the subject of banks, I will like to take this opportunity to point out what I consider to be unfair practices which the majority of the banks in Barbados conduct. Although interest rates on savings have risen in recent times, the method of calculating this interest

I think is most unfair. Most banks calculate interest on the minimum quarterly balance, therefore for a quarter running from January 1st to March 31st there is absolutely no advantage to a customer to deposit money after January 1st, since the January 1st balance or a lesser balance, if you remove funds after January 1st, would be used as the balance on which the interest would be calculated. In other words, the bank has access to any additional funds deposited between January 2nd and March 31st without any advantage to the depositor or any return to any customer.

Mr. President, if you are so unfortunate to have an emergency one hour before closing time on March 31st and you need to withdraw most of your savings, then that means that the bank would have had access to these savings for the entire quarter without any returns to the customer, and I think that this is absolutely unfair. There is no wonder that a number of young people especially are turning to the credit unions.

There is one bank that appears to have developed a conscience recently and in addition to its normal savings account on which the interest is calculated on a quarterly basis, they now have a special savings plus account, which is calculated on a daily balance. This of course have some conditions attached to it. To my mind this should be so for all savings accounts or at the very least an average balance should be used over the period.

Mr. PRESIDENT: Senator, as usual, I hate to interrupt you. I think your presentation is not exactly relevant to what is before this Senate but I would give you an opportunity to establish relevance between what you are saying and the Bill. What we are dealing with today has to do with taxes on the assets of banks, and it is rather limited in its scope, but I would permit you to make your point.

SENATOR Dr. F. L. CHANDLER: Thank you, Mr. President. My point was that I quite agree with the banks paying the tax because they do make a lot of profits as we can see every year but I do not think that they treat their customers as well as they should be. That was my connection with this Bill and what I was putting forward. Mr. President, I also feel that the banks have cut their cost by reducing the number of tellers and therefore not only individuals but the country loses productivity when using the banks.

Mr. President, what I find upsetting is that the Central Bank claims that it cannot, under the present legislation, regulate such matters and that they can only use moral suasion. Mr. President, although I support the Banks (Tax on Assets) (Validation) Bill, which is before us, I trust that further regulatory legislation would follow some time soon.

I thank you.

SENATOR the Hon. E. R. GRIFFITH: Mr. President, in closing the debate in this matter, I need to clarify a few issues. First, let me deal with the position taken by Senator Stuart who referred extensively to the Provisional Collection of Taxes Act and stated, if I remember quite correctly, that the Government was in breach of that Act. Mr. President, as a non-lawyer, I still take the courage to disagree with Senator Stuart on that matter because in my view the issue of the Provisional Collection of Taxes Act does not arise. The legislation to give effect to any tax on the assets of banks was passed in 1983, as Senator Stuart has said, and that legislation took care of anything that transpired prior to 1983 and it does exist, so there is no breach of the Provisional Collection of Taxes Act at this stage.

What is the issue now is that that legislation in section 4 anticipates that there would be an Order made from year to year, and that did not happen after 1983. The Order that exists is the order made in 1983 and it makes reference to the collection of the taxes on the income year 1981 because the manner in which the taxes are levied is that you take the average of the assets of the year before and that is the base of the tax, so you are always looking at what happened the year ahead in a subsequent year.

According to section 4 of the Banks (Tax on Assets) Act, an Order should be made imposing the tax and so on. The rate of tax did not change until recently when the Prime Minister indicated in his statement that he was phasing out the tax over a period of time, and that is why a new Order is being made to deal with the phasing out. It would have been quite easy for one to assume that since the rate did not change that the Order was there before apply without taking note of the fact that the Order that was there had a particular year mention.

Senate 50 Sequence 14

2.20 p.m.

Wednesday, May 24, 2006

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I know that it is quite easy for these things to occur, regardless of what others might say. Madam, Senator Stuart knows that too because the Democratic Labour Party held office, from 1986 to 1994, and they collected the taxes. Even after making a change to the Act in 1997, the Democratic Labour Party did not recognise the need to bring a Validation Order, to validate anything that would have transpired during their tenure. Therefore, the Democratic Labour Party is as guilty as anybody else, and that is why Senator Stuart kept making reference to the State.

Asides.

SENATOR the Hon. E. R. GRIFFITH: He had to refer to the State because he did not dare say the Barbados Labour Party, knowing full well that the Democratic Labour Party had done the same thing.

Asides.

SENATOR F. J. STUART: On a point of order. Mr. President, so that Senator Griffith would not continue misleading this Honourable Chamber, I made reference to the State because the Constitution of Barbados does not recognise the existence of any political parties. I could not have referred to the Democratic Labour Party or to the Barbados Labour Party because the Constitution of Barbados does not recognise political parties; it recognises the State.

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I thank Senator Stuart for that clarification but the point is that when the different parties, including the Democratic Labour Party, were responsible for administering the affairs of the State, they collected the taxes and did not see it fit to do what is now being done, that is to have it validated. Therefore, I must say that, administering the affairs of the State, the Party which recognises the need to validate any action, which it thinks ought to be validated, should be commended.

Mr. President, I need to clear up one issue for Senator Stuart's benefit. In his statement, he likened this situation to that when the Democratic Labour Party had breached the Ways and Means legislation. Sir, I would caution him not to do that, they are not the same thing. In fact, Senator Stuart knows quite well that the issue of Ways and Means had a negative impact on the whole economy because borrowing excessively from the Central Bank of Barbados led to the issue of printing money, which damaged the long-term economic situation, which gave rise to many of the problems encountered in 1991 and subsequently.

Sir, that is a completely different issue from this situation of collecting taxes from banks. Therefore, I would simply caution him not to compare the two situations because they are as different as cheese is to chalk. This is a case of collecting taxes, while in their case, that was a situation of causing the Central Bank of Barbados to print more money, which eventually led to the destruction of the economic situation in this country.

Asides.

SENATOR F. J. STUART: On a point of order. I want to clear up what I was saying, when I mentioned exceeding of the Ways and Means limit, in 1991/1992. I was

dealing with the attitude of the Opposition of the day, regarding the question of validation, and I made that point very clearly. The Opposition of the day argued that, having breached a law, coming to validate it was sending the wrong signals to the country and that, in fact, it was one of the explanations for what were perceived to be the serious crime situation the country was experiencing at the time.

Sir, all I was saying is that the Validation Order that was done then, would have covered a shorter time-frame than the 24 years we are discussing today. Therefore, if that was wrong at that time, then for this Government to have engaged in wrongdoing 24 years over, must be a horrible dereliction.

Sir, that is the only point I am making. I am obliged to you.

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I still maintain that the situations are different. While the Opposition is talking about the issue of validation, I would not be surprised if what was in their minds was the nature of the offence, and not so much the issue of validation. Therefore, I maintain that the alleged offence then was different from this present situation, as this is a case of collecting taxes and that was a case of forcing the Central Bank of Barbados to print more money.

Mr. President, I will leave that until another time. Anyhow, I rest my case and 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. Madam DEPUTY PRESIDENT in the Chair.

COMMITTEE

Madam DEPUTY PRESIDENT: This Senate is now in Committee.

Clauses 1 - 2 were called and passed.

On the motion of SENATOR the Hon. E. R. GRIFFITH, Madam DEPUTY PRESIDENT reported to His HONOUR the PRESIDENT, the passing of 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 Banks (Tax on Assets) (Validation) Act, 2006.

ORDER No.5

SECOND READING OF THE BARBADOS
ASSOCIATION
FOR MENTALLY RETARDED CHILDREN
(AMENDMENT) BILL, 2006.

SENATOR the Hon. E. R. GRIFFITH: Mr. President, this matter before us is a very straightforward one. The Bill before us is seeking to change the name of the Barbados Association for Mentally Retarded Children, to be renamed the Barbados Association for Intellectually-Challenged Children.

The Barbados Association for Mentally-Retarded Children Act, which was passed in 1969, is being amended to read The Barbados Association for Children with Intellectual Challenges Act.

2.30 p.m.

Wednesday, May 24, 2006

SENATOR THE HON. E.R. GRIFFITH: Sir, internationally names which tend to reflect negatively on persons who suffer with various challenges are being changed so that the individuals involved do not get the feeling that other persons are looking down on them and are trying to put tags on them, which would lead to them being regarded by the society in general as a group which needs to be kept apart from the rest of us. This is what is behind the effort by the Government to change this name to Children with Intellectual Challenges.

Mr. President, I know persons would say that there are other children beside children who are now looked after by the Challenor School and the various bodies under that organisation which encounter challenges. While that is so, it does not mean that an effort should not be made to deal with this present situation and to allow these children to feel good about themselves despite their challenges and to feel that the rest of society does not treat them as people who should be kept apart but feel that they should be embraced by the society as a whole.

Therefore, I think this effort on the part of the Government is one that should receive the support of the full Senate as we try to convey to the individuals in question that we regard them as part of the society and that while we recognise that they have particular challenges that, nonetheless, we believe they are human beings like all of us, that they should be treated with the same degree of sympathy and that they should receive the full support of the entire society.

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

MR. PRESIDENT: Senator Dr. Lowe.

SENATOR Dr. D.S. LOWE: Thank you, Mr. President. We agree with the Honourable Member and Leader of Government Business and the Government in general on this effort. We believe that it is in keeping with international standards and it good that Government has decided to take some action in terms of trying to fix this particular issue.

Mr. President, no one chooses to be born and whatever presenting conditions we bring into the world are the direct results of actions taken by our parents. It is true that we now live in a day of science and the advancement of science where you can predict, based on certain genetic patterns of our parents whether a child may be born with physical or intellectual deficits.

Mr. President, it is unfortunate that a society such as ours did not choose to address this issue before, since this whole matter of mental retardation has been used as a stereotyping instrument to decide the quality of life and education of persons who are the casualties of such deficits and the standard of living they are accorded in the society.

Mr. President, it is our view that as we advance the development of our society that we have an obligation to ensure that we bring along all members of the society irregardless of their station in life and irrespective of their limitations, whatever those limitations may be.

Mr. President, this is a rather unjust and demeaning label, which has been placed on these individuals with intellectual deficits and it is wonderful to know that the State has taken the action that such a label be removed from these individuals.

Sir, we know that intellectual deficits run across the continuum from mild intellectual deficits to severe intellectual deficits. Sir, mild captures those persons with attention deficit disorder, with or without hyperactivity and all away across the continuum to persons who have severe Down Syndrome that would limit their eligibility.

Mr. President, therefore, we owe it our society to ensure that regardless of one's situation in life that there is a place in this society where they can enjoy the highest possible quality of life. Therefore, to remove this stigma from these individuals, in my view, a stigma that has led to the minimisation of their educational opportunities, a stigma that has led to conditions that limit their access to various types of services in the society and a stigma that has caused them to be ostracised. Sir, even in cases where they are being educated, the availability of certain types of services are still found wanted in many cases. Therefore, we hope that this is only the first step in seeking to correct these ills that have been brought to bear on individuals who are not responsible for the conditions which they experience.

Mr. President, the stigmatization of these individuals refer to as being mentally retarded also resulted in the deprivation of psycho-socio needs, educational services and their intellectual needs. Sir, we know from research that there are certain categories of individuals with intellectual deficits where they are almost beyond being educated in the traditional sense while they are some who can be educated if the right educational learning structure is placed at their disposal. Therefore, we want to suggest that the environs that would be necessary to encourage the right type of services and access to quality of living would be made available to these individuals as a result of this laudable effort by the Government to ensure that all of the injustices are eliminated and that the situation is corrected.

Mr. President, I would also like to suggest that we need to act with haste to ensure that there is a proper system where the identification, the diagnosing, the treatment and the placement of these persons are available. We know that a lot of parents seem to become wounded by the fact that they have given birth to offsprings with intellectual deficits, that they are not forthcoming in terms of seeking the kind of assistance necessary as early as possible, so the kind of advice is not forthcoming to these individuals.

Mr. President, I sincerely believe that our educational system has to rethink its modality relative to mainstreaming and relative teacher-training and we have to place a greater emphasis on special education and to ensure that more persons are attracted to that particular speciality so that a variety of services that are necessary can be provided.

S50/14:40

Sequence 16

Wednesday, May 24, 2006

SENATOR Dr. D.S. LOWE: I remember some time, perhaps, ten or fifteen years ago, taking a visit to the Psychiatric Hospital and was alarmed that they had actually lumped a number of persons with varying degrees of intellectual deficit in the same quarters. Indeed, when you interact with these persons who, by the way, are usually extremely curious, you realise that if given the right kind of audience can be led along a path of learning that can accord them with certain skills that are necessary for a good quality of life. Mr. President, I was alarmed to discover that there was just this 'barning' of these people and the kind of diagnostic analyses that were necessary, rehabilitation and educational services were not being provided.

Sir, I hope that Government would take this to another level and, certainly, once that continuum is engaged the Opposition would have absolutely no

difficulty at all, in supporting any measure that would continue, to seek to create the kind of environment that whether you are considered normal or abnormal, because of whatever deficit you may have, we may live in a society, where we feel that all citizens of this country would have an equal opportunity, to operate on the capacity of their intellect, regardless of what distance that journey would take. Therefore, the Opposition places its full support behind this Bill, encouraging the Government to please continue to seek to create a better opportunity for persons with intellectual challenges.

Mr. President, I am much obliged to you.

Mr. PRESIDENT: Senator Dame Patricia Symmonds.

SENATOR Dame Patricia Symmonds: Mr. President, for a long time this change in name has been discussed by what is known as the Barbados Association for the Mentally Retarded, but no definitive action was taken. The name change, as said by previous speakers, is in keeping with international trends. In keeping with the movement to prevent the stigma, to soften the effect of the condition, to be kind, I am a life member of the association, and a former member of its Committee. Sir, in supporting this Bill I wish, with your permission, to make some laudatory remarks about the founders, concerned parents and those dedicated volunteers and workers who contributed to the success of its objectives.

Mr. President, as was mentioned, the association was founded in 1963. Sir, thanks to the foresight of Mr. Stanley Chapman, who also became its first President, and Mr. Cecil DeCaires, was its first Honourary Secretary. There were other able Presidents, such as the late Mrs. Eileen Murray-Ainsley, now deceased, June Clarke and Marina Leacock. Sir, members of the Committee were persons such as Patricia Forde, a former Senator, who also Chaired the Committee of the Very Special Arts, Miss Constance Inniss, Mrs. Mary-Anne Marshall, who was Secretary for over twenty years. Dr. Berty Graham and Margaret Bancroft, played a large part in the early years, and they were others.

Sir, significantly, too, the Association was formed in 1963 and soon after, on September 7, 1964, the Challenor School was opened. Mr. President, three Carmelite sisters came from Trinidad to run the school and they did so devotedly and efficiently. Sir, Margaret Cossou, one of the founder sisters became the Executive Director for eighteen years. The school was set up to provide special education for children with disabilities. I think that is important, because this is done under the aegis of the Barbados Association for the Mentally Retarded. It was the first organisation in Barbados, to address the training needs of children and young persons with disabilities.

Mr. President, although it was called The Association for Mentally Retarded, it also included the word persons. At one time it was called The Association for Mentally Retarded Persons. The word person had at one time replaced the word children.

Sir, I would like to read its objects:

“To provide education and training for children with intellectual challenges. To promote public awareness of the issues affecting persons with disabilities.

To promote and encourage research and development.”

Mr. President, the school grew rapidly and attracted students from some of the islands. It was supported by the public and corporate Barbados. Some students were trained in skills that would help them in their daily living, such as needle craft. The school cultivated a great deal of its own produce, and I think our leader would be interested in hearing this. He probably knows this already, but I should like to mention it for other Senators to hear. Mr. President, they also had sheep, cows, pigs, chickens and rabbits. The meat was used for students, staff and some was sold. In other words, they tried to be self-sufficient as much as possible. In addition, they made fruit juices. Sir, I notice Senator Chandler looking at me, and I should also mention that I know how interested she would be with anything to do with agriculture.

Mr. President, they sold the juices from cherries, guavas, carambola and soursop. They marketed and sold them to supermarkets and parents. I visited the school at Christmas time when they sold many products, and it was amazing the quality of the handicraft and other things that those children who were different could do.

Sir, today the school is known as the Challenor Creative Arts and Training Centre. Its energetic Executive Director, Mrs. Judy Sealy, is in charge. I understand that the President of the association is Dr. Jennifer Campbell and its Secretary is Mr. Anthony Phillips.

Sir, the Challenor Creative Arts and Training Centre, presently caters for forty-five children between the ages of four and eighteen. They students have moderate to severe disabilities that include autism, Down's syndrome, fragile X syndrome and cerebral palsy. Presently, approximately fifteen of them also have physical challenges which require a special programme that is therapy-based. The institution is funded by a Government subvention, which has been increased. The Government is to be commended for all that it is doing to help the centre. The subvention comes from the Ministry of Education, which covers salaries and operational costs.

Mr. President, the adult training facility was started in 2001. There is a Skills Training for Youth Programme, which provides skills training for sixty young men and women with intellectual disabilities.

14.50 p.m.

Sequence 17

Wednesday, May 24, 2006

Senate 50, sequence 18, 2.50 p.m.

Her Honour Senator Dame Patricia SYMMONDS: Training is received in four skills areas: woodwork, sewing and craft, agriculture and landscaping and for preparation. This programme aims at providing trainees with the skill that will increase their prospects of obtaining employment. They also receive instruction in computers - I think that is significant - basic academics, social skills and creative expression or sport.

Interestingly, although I would not dare to explain the reason for it, but there are always more boys than girls. I have been told that it is to do with something in their makeup.

Respite care is also important, and it is something when I was on the Committee that we thought of even from them. There is a Respire Care Unit, which was opened in 1992 and it was built by the Barbados Rotary Club and funded for a time by Cheshire Homes in Britain. Partly through funds, the Unit opens now only during the vacation periods, but it does allow parents to leave their child up to one month and, therefore, it is offering a very valuable service. It enables parents to de-stress and to take a vacation or just sometimes be free from the demands of caring for their children, however much they love them, because the stress associated with such care can overwhelm families and cause, sometimes, even a breakdown in their coping mechanisms.

Sir, there is the BOVIEW Independent Living Home. I do not know how many people, I do not mean in this Chamber, are aware that in 1996, again, with the assistance of the Rotary Club of Barbados, the BOVIEW Home was constructed. The objective is to prepare young adults with intellectual challenges to gain a level of independence, so that not all of them are unable to function independently. They are some who can live on their own in the community. The programme instructs them on how to maintain their own home, pay bills, cook, et cetera. There are six residents, five of whom are fully employed and a number are prepared and ready to live independently, within the community.

I mentioned the very special arts for the handicapped. I have not been hearing anything about that recently and I think it is a pity, because it did bring out the creativity in many of those children and older students. I remember an exhibition at the Grande Salle and the quality of the work done, was in many cases of a very pleasingly high standard. There were paintings, Christmas Cards and other cards shown. I think this is still not being carried on, that it should be restarted. Mrs. Patricia Forde was in charge and she did a great deal to stimulate interest in the student, and in getting this done.

There is the Special Olympics, the brain child here locally of Mrs. Aileen Murray Ainsley, one of the best fund-raisers we ever had in Barbados, and one of the hardest of the workers in many of the organisations to which she belongs. But she did a great deal to get the Special Olympics going and far as I understand, it is still continuing and thriving.

Therefore, Mr. President, I think that parents, staff, volunteers, the Government, deserve the greatest praise for what is being done for the physically and intellectually challenged. Of course, you might say that more can be done, and more can always be done, but when we think before, as Senator Lowe and Senator Griffith hinted, that people were pushed aside and hidden away and some parent, sad to say, but it does not happen nowadays, were always ashamed and embarrassed, not through their fault but because of the way society looked at these persons. Today, there is a great deal of difference in the care and attitude of these children.

The work of all these pioneers, all these dedicated workers has helped, and is helping persons intellectually challenged to live more purposeful lives in the main stream. There are children at the normal schools, who are transferred to the mainstream - I am talking about children who are handicapped - some of them do attend some of these schools. Some of the schools that are being recently built now, are being built with equipment and so to take their condition into consideration.

Therefore, it also encourages people to avoid stigmatisation and discrimination against those whose functioning in the mainstream is different.

Mr. President, there is wide range of individuals whose intellectual functioning is different. Those challenged, those averaged, and those listed. People do not always remember that people sometimes who are handicapped are very gifted. It is important for us to recognise that we, as human beings have different talents. It is important that we exercise the right to use our own God-given talents.

I would say too that I would like to see a history of the association written, not only as part of the history of Barbados but also as an inspiration to us all, as to what can be done for people who are differently able and who can contribute to the society. It is because of these reasons, it is because of my interest in the association, it is because of all that is being done at Government level to assist these children, for all these reasons, I wholeheartedly and without any reservation whatsoever, support this Bill.

Thank you, Mr. President.

Mr. PRESIDENT: Senator Linton

Senator I. St.C. LINTON: Mr. President, I rise in support of the matter that is before the Chamber at this point in time. We should recognise that it is not merely changing names in the particular area of persons that are differently able, but a recognition that this Government has taken, beginning from 1996 when the Committee was set up to bring a policy for persons with disability in this country, of which I was a member for an entire year. Sir, we identified several areas where persons with disability in Barbados were greatly disadvantaged.

Senate 50, sequence 18, 14:59:59

Wednesday, May 24, 2006

SENATOR I. St.C. LINTON: The policy paper that we presented brought about a Green Paper and now before us is a White Paper. Just recently the Ministry of Social Transformation established an Advisory Council particularly to look at the recommendations in the White Paper so that we can look at putting rights in law for persons with disabilities in this country. Mr. President, it is a real new dawn and a new approach.

Mr. President, Senator Dr. Lowe identified the deficiencies, which are true, but there are surpluses. When you meet persons in one way or another challenged as I meet them now, it is amazing the abilities that many of these persons have. Not only that, I want parents in this country to understand what is happening in relation to persons with disabilities. To the extent that there are technologies and systems in place to discover deficiencies in the foetuses, a great lot of work is carried out in Barbados because in a lot of cases foetuses suffer from things parents do too. It occurs normally and naturally, but sometimes people use the wrong things and eat the wrong foods that promote these deficiencies. A programme is also in place during prenatal examinations to discover any deficiencies in the fetus that can be helped prenatally and after the child is born.

Mr. President, a lot of work is going on in Barbados in regard to this and I want persons in this country with

disabilities, whether they are born with them or somehow come about them like myself, to understand that a lot of work is going on, on our behalf. Various institutions, the National Disabilities Unit, the system at Harambee House with a Mrs. Phillip, the University of the West Indies and other institutions are represented on the Advisory Council, which is looking at bringing about firm decision in relation for rights of persons with disabilities.

We need to understand that persons with disabilities are persons with ability and are producing in the development of the economy of Barbados. The Ministry of Labour is working on situations to assist persons who may suffer some measure of disabilities but have gained the necessary education, so that they could take part also in Barbados in its developmental mode.

Mr. President, I am simply saying to us today that it not merely changing names, it is making available to Barbados pluses and attitudes that may not come from normal persons but will enhance the life and understanding of Barbados. I certainly stand in support of this particular venture because the whole landscape is going to be renewed for persons with disabilities and opportunities will occur for them to function at any level in which their capacity can fit.

Therefore, I want all Honourable Senators to recognise that it is not just merely the changing of names.

I thank you.

SENATOR the Very Reverend H. E. CRICHLOW: Mr. President, I agree with the last Senator who spoke as well as with a lot of the things that Senator Dame Patricia said.

Mr. President, it is not only changing names, but changing names is important and I do support the change of name. Of course, I feel that the title could have been the Barbados Association for Intellectually Challenged Children. I think the Barbados Association for Children with Intellectual Challenges is a bit wordy. I know it is bracketed, but even if we had the Barbados Association for Intellectually Challenged Children, that would be BAICC and it would be one syllable instead of two.

Apart from the title, I want to say something about the challenged children, mainly the intellectually challenged. I was very pleased when I saw in the Education Act of 1982 that intellectually challenged children would have the same opportunities in our educational system as all of the other children. A start was made, I am aware of that, but I feel that more could be done for them. In other words, I do not feel that those who are responsible for the intellectually challenged children should not have to raise a lot of funds to keep them going. I feel that intellectually

challenged children should be looked after through funds from the Ministry of Education, Youth Affairs and Sports or from the Treasury.

The health of a society is measured by the way that it treats challenged children or persons and how it treats its poor and so on, those who really needs help. We are moving in the direction of this healthy society, but we are still a society for the strong. In Barbados if you are strong, if you are wealthy, if you have title, if you are highly educated and so on, you could get a lot of things done, but those who are not able to articulate their needs, need others to speak for them, that is why I said that I thought that the Education Act of 1982 was going in the right direction.

Senate 50 Sequence 19

3.10 p.m.

Wednesday, May 24, 2006

Continuation of: SENATOR The Very Reverend H. CRICHLOW: Mr. President, many of the challenged children have come out of their homes and are now being exposed to society. I am glad that those challenged children, who used to be hidden away at one time, have now been brought out. Their abilities are now being developed and they are producing for the benefit of the whole society.

Mr. President, some 25 years ago, when I did research work for a PhD. at Leeds University, one of my supervisors was blind from birth. He had a brilliant career, a Doctorate, and he was very well recognised throughout Britain because he was one of the translators of the collected works of Karl Marx and Friedrich Engels. He was on the editorial committee for Britain for that publication and so his blindness did not prevent him from producing.

We have had a number of incidences in Barbados where people have used their challenges to improve themselves. Mr. President, I hope that parents would remember that they need not feel that because their children might be challenged in some way, that they should be ashamed of them.

Mr. President, in 1990, I had to preach at a Church in Harrowford West, South Wales, where Cecil Logan and his wife were doing some very fine work in this area of the challenged children. They too had a challenged child. Sir, while preparing the sermon for that service, it dawned on me that, in fact, we are all challenged in some way. Some of us are intellectually challenged, others are physical and emotionally challenged, but all of us are spiritually challenged.

Mr. President, the next time I preached at that Church in Wales was 10 years after, in 1990. They had invited me again to a thanksgiving service, where parents were thanking God for their challenged children. Sir, I thought that was wonderful because usually people do not think about thanking God for what they would consider as misfortunes.

Mr. President, it is very sad to see that some people would go through their whole lives, not necessarily in our society but in other societies, without having their spiritual faculties aroused. Just as there are those who are never intellectually aroused, there are those who are never spiritually aroused. I think that is very sad because the best kind of challenge that one could have, is a challenge of what our Maker intended us to be. We are spiritual beings. Too many people believe that we are just material being and that we just want food, clothing and leisure but we are spiritual being and we need to do something about that. The more spiritual we become, the better we become. This can be said of everybody, in every society.

Mr. President, children who are challenged, in anyway, are not misfortunes because those children express a kind of love that we do not find in ordinary relationships. It is an earthly love. If you are a parent of a challenged child, you would understand what I mean. There is no selfishness in this kind of love. It is pure love.

Mr. President, a mother once brought a child to me saying that she wanted me to talk to this 'foolish girl'. I asked that mother how old was she, when that child was born, to which she replied: "12". I then asked her if she was 12 years old, how could she have produced a child, who would have been born with all of her faculties intact because of the fact that mother's body was not yet ready to produce a child. Mr. President, she thought of that child as her foolish child. I did not speak to the child, I spoke to that mother and I think she got the message.

Mr. President, I think a society grows in humane feeling, when it learns how to treat those who are challenged. One of the worst things I think we could do is to pretend to be challenged, in some way, when we are not. People go around pretending to be blind, just to get money. They wear dark shades, carry canes and so on. I remember once saying to a verger: "You see that blind man who just came in here, look at him going down the road now." When that man thought that he was out of sight, he threw away the cane, took off his dark shades and was striding like a soldier. When that man first came into my vestry, he had to be shown where to sit.

Sir, I think for people to pretend to be physically challenged, is very sad because when people see this happening, it prevents them from offering help to those people who are indeed physically challenged.

I also found people going around saying they have HIV/AIDS and are begging for money. They seem to think that to say they have HIV/AIDS would help them to get help. I think that is very sad. People exploit these conditions. I am saying for the benefit of those persons who pretend that they are physically-challenged or suffering from HIV/AIDS, that it makes it very hard for those persons who are seriously challenged, to get any help.

Mr. President, I have no hesitation in supporting the change to the title of this Bill. I thank you, Mr. President.

On the motion of SENATOR the Hon. E. R. GRIFFITH the Bill was read a second time.

On the motion of SENATOR the Hon. E. R. GRIFFITH the Senate resolved itself into Committee on the Bill.

Madam DEPUTY PRESIDENT assumed the Chair.

3.20 p.m.

Wednesday, May 24, 2006

MADAM DEPUTY PRESIDENT: The Senate is in Committee.

Clauses 1 - 3 were called and passed.

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

On the separate motions of SENATOR THE HON. E.R. GRIFFITH, the Bill was read a third time and passed and cited as Barbados Association for Mentally Retarded Children (Amendment) Act, 2006.

ADJOURNMENT

SENATOR THE HON. E.R. GRIFFITH, Mr. President, I beg to move that this Sitting be adjourned sine die.

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

S50/15:24

Sequence 21

CONTENTS

ANNOUNCEMENTS BY HIS HONOUR MADAM
DEPUTY
PRESIDENT

PRESENTATION OF PAPERS

SENATOR the Hon. E. R. GRIFFITH.....	1
1. Duties, Taxes, and Other Payments (Exemption) Barbados Water Authority, Order, 2006.	
2. Excise Tax (Rate of Tax) Order, 2006.	
3. Custom Tariff (Amendment) Order, 2006	
4. Annual Report and Audited Financial Statements of Barbados Conference Services Limited for the Financial Years ended March 31, 2000, March 31, 2001 and March 31, 2002.	
5. Report on the Social Investment InvestmentFund for the quarter ended December 31, 2005.	
6. Report on the Public Enterprise Fund for the quarter ended December 31, 2005.	
7. Annual Report and Audited FinancialStatements of the Transport Board for the year ended March 31, 2005.	

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

SUSPENSION OF STANDING ORDERS

SENATOR the Hon. E. R. GRIFFITH.....	2
---	----------

INTRODUCTION OF BILLS

SENATOR the Hon. E. R. GRIFFITH.....	2
1. Customs (Petroleum Products Bulk Storage) (Validation of Fees) Bill, 2006.	
2. Occupational Pension Benefits (Miscellaneous Provisions) Bill, 2006.	
3. Banks (Tax on Assets) (validation) Bill, 2006.	
4. Barbados Association for Mentally Retarded Children (Amendment) Bill, 2006.	

PUBLIC BUSINESS

OBITUARY SPEECHES

SENATOR the Hon. E. R. GRIFFITH.....	2
Senator F. J. Stuart, 3; Senator Sir Roy Trotman, 4; Senator Dr. D.S. Lowe, 5, 6; Senator the Very Reverend H.E. Crichlow, 6; Senator the Very Rev. H.e.crichlow, 7; Senator R.O. Marville, 7.	

PUBLIC BUSINESS

ORDER NO. 2 – CUSTOMS (PETROLEUM PRODUCTS BULK – STORAGE) (VALIDATION OF FEES) BILL, 2006.....	8
Senator the Hon. E. R. Griffith, 8, 9; Senator F. J. Stuart, 8; Madam Chairman.	

OCCUPATIONAL PENSION BENEFITS

(MISCELLANEOUS PROVISIONS) BILL, 2006

SENATOR the Hon. E. R. GRIFFITH.....	9
Senator Sir Allan Fields, 10; Senator F. J. Stuart, 10.	

ORDER NO. 4 – SECOND READING OF THE BANKS (TAX ON ASSETS) (VALIDATION) BILL, 2006. 11	
Senator the Hon. E. R. Griffith, 11; Senator F. J. Stuart, 11, 12, 13; Senator G.P.B. Nicholls, 13; Senator the Hon. Mrs. V.E. Newton, 14.	

RESUMPTION

ORDER NO. 4 (resumed)

Senator Dr. F. L. Chandler, 14, 15; Senator the Hon. E. R. Griffith, 15, 16; Senator F. J. Stuart, 16.	
---	--

SECOND READING OF THE BARBADOS
ASSOCIATION
FOR MENTALLY RETARDED CHILDREN
(AMENDMENT) BILL, 2006.

SENATOR the Hon. E. R. GRIFFITH.....	17
Senator Dr. D.S. Lowe, 17, 18; Senator Dame Patricia Symmonds, 18, 19; Senator I. St.C. Linton, 20; Senator the Very Reverend H.E. Crichlow, 21.	

SUSPENSION.....	14
ADJOURNMENT.....	22

SPEAKERS IN THIS ISSUE

CHAIRMAN, MADAM
CHANDLER, Senator Dr. F. L.
CRICHLLOW, Senator the Very Reverend H.E.
FIELDS, Senator Sir Allan
GRIFFITH, Senator the Hon. E. R.
H.E.CRICHLLOW, Senator the Very Rev.
LINTON, Senator I. St.C.
LOWE, Senator Dr. D.S.
MARVILLE, Senator R.O.
NEWTON, Senator the Hon. Mrs. V.E.
NICHOLLS, Senator G.P.B.
STUART, Senator F. J.
Symmonds, Senator Dame Patricia
TROTMAN, Senator Sir ROY

DISCLAIMER. *This transcript was prepared with the assistance of artificial intelligence tools and is provided for reference only. It has not been reviewed, verified or approved by the Hansard Department of the Parliament of Barbados and does not constitute an official parliamentary record. It may contain errors or omissions, including inaccuracies in wording or speaker identification. For authoritative quotations or confirmation of proceedings, consult the official Hansard record when available.*

EDITORIAL NOTES — NOT PART OF THE REPORT

Prepared with the transcript; for checking against the recording and the Minutes.

EDITORIAL QUERIES

Points noted while preparing this report from the edited transcript. The text has not been altered except where stated.

Q1. Masthead. The session is not stated in the source, so no session line is printed.

Q2. Adjournment. Senator the Hon. E. R. Griffith's motion to adjourn sine die is typed without a speech heading ('SENATOR THE HON. E.R. GRIFFITH, Mr. President, I beg to move...') and so prints as an ordinary paragraph. Printed as in the source.

Q3. PRESENT. The first line of the PRESENT list runs together the President, His Honour Senator Sir Fred Gollop, the Deputy President, Her Honour Senator Dame Patricia Symmonds, Senator the Hon. E. R. Griffith and Senator T. E. Barker. Printed as in the source.

Q4. Order No. 3, speech labels. Senator Sir Allan Fields is labelled 'SENATOR Sir Allan FIELDS' and, on a point of elucidation, 'SENATOR A. C FIELDS'. Printed as in the source.

Q5. Order No. 4, Senator F. J. Stuart's speech. With Madam Deputy President in the Chair, Senator Stuart twice addresses 'Mr. Deputy President', and Senator the Hon. Mrs. V. E. Newton addresses 'Madam Deputy Chair'. Printed as in the source.

Q6. Papers, item 5. The title reads 'Report on the Social Investment InvestmentFund for the quarter ended December 31, 2005'. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The Senate met on Wednesday, 24th May, 2006 at 11.10 a.m., with Madam Deputy President in the Chair for the morning; prayers were led by Rev. Father Errington Massiah. Excuses were offered for Senator the Hon. Lynette Eastmond, Senator Sir John Goddard and Senator Sandra Husbands. The Leader of the Senate, Senator the Hon. E. R. Griffith, laid seven papers, among them the Excise Tax (Rate of Tax) Order, 2006. Standing Order 45(2) was suspended, Senator the Hon. Mrs. V. E. Newton was appointed acting Chairman of Committees for the morning as the President was expected to be late, and four Bills were read a first time.

Senator Griffith led tributes to the late Peter Morgan, a Senator from 1966 to 1970, a founding member of the Barbados Hotel Association in 1952 and Minister of Tourism from 1971 to 1976. Senators F. J. Stuart, who recalled his appointment as High Commissioner to Canada in 1986, Sir Roy Trotman, Dr. D. S. Lowe, the Very Reverend H. E. Crichlow and R. O. Marville joined in, and Madam Deputy President added her own recollections.

The Customs (Petroleum Products Bulk Storage) (Validation of Fees) Bill, 2006 validates travel allowances paid to customs officers visiting petroleum bulk storage sites since 1st April, 2002. Senator Stuart said the Opposition understood the circumstances, and the Bill passed all stages. The Occupational Pension Benefits (Miscellaneous Provisions) Bill, 2006 makes the definition of an actuary the same in the Occupational Pension Benefits Act, the Insurance Act and the Exempt Insurance Act; Senator Sir Allan Fields pointed out that the body named should be the Caribbean Actuarial Association, which the Chair said Law Revision would correct, and Senator Stuart asked why the 2003 Act had not been proclaimed. The Bill passed.

Senator Griffith explained that the Banks (Tax on Assets) (Validation) Bill, 2006 validates the imposition and collection of the tax for the calendar years 1981 to 2005, because the yearly orders had not been made after the first. Senator Stuart called it about the eighth validation brought since the 2003 General Election and argued that under the Provisional Collection of Taxes Act, 1967 the banks might be entitled to refunds; he withdrew an expression that Madam Deputy President ruled imputed improper motive. Senator G. P. B. Nicholls, on a point of order, said the tax rested on the 1983 Act, and Senator Newton said validations were common to Governments everywhere.

After the suspension, with Mr. President in the Chair, Senator Dr. F. L. Chandler supported the Bill so that the banks would not be refunded, and was reminded of relevance. In reply Senator Griffith said that section 4 of the Act anticipated orders from year to year which had not been made after 1983, and that earlier Governments had collected the tax without validating it; Senator Stuart raised two points of order on what he had said about the Ways and Means limit in 1991-1992. The Bill passed all stages.

The Barbados Association for Mentally Retarded Children (Amendment) Bill, 2006 renames the body the Barbados Association for Intellectually-Challenged Children. Senator Dr. Lowe, Senator Dame Patricia Symmonds Senator I. St.C. Linton, who spoke of the White Paper on persons with disabilities, and Senator Crichlow

supported it, and it passed all stages. The Senate was then | adjourned sine die.

|