

THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1958

HOUSE OF ASSEMBLY

Tuesday, 15th July, 1958.

Pursuant to the adjournment the House of Assembly met at 3 o'clock p.m. today.

PRESENT

His Honour Mr. K. N. R. HUSBANDS (*Speaker*); Mr. J. E. T. BRANCKER, (*Leader of the Opposition*); Hon. Dr. H. G. H. CUMMINS, C.B.E., M.D., C.M., (*Premier*); Hon. M. E. COX, (*Minister of Trade, Industry and Labour*); His Honour Mr. L. E. SMITH, J.P.; (*Deputy Speaker*); Hon. R. G. MAPP, (*Minister of Communications, Works and Housing*); Hon. F. E. MILLER, (*Minister of Social Services*); Mr. E. St. A. HOLDER; Mr. J. C. TUDOR, M.A.; Hon. D. D. GARNER, (*Minister of Agriculture, Lands and Fisheries*); Mr. C. B. SEARLES and Mr. L. St. A. THORNE.

Prayers were read.

HOUSE REPAIRS TO THE OTHER PLACE

The Acting Sergeant-at-Arms entered the Chamber and informed Mr. SPEAKER that His Excellency the Acting Governor was in the Council Chamber, and was ready to receive the members of the House.

Mr. SPEAKER: As His Excellency pleases.

Mr. SPEAKER and the House in pairs according to seniority, preceded by the Marshal carrying the Mace proceeded to the Council Chamber.

Mr. SPEAKER read the Reply of the House to the Speech which was delivered by His Excellency the Governor on the Re-opening of the Legislature on the 21st January, 1958.

His Excellency delivered a rejoinder and handed a copy to Mr. SPEAKER.

Mr. SPEAKER and the House preceded by the Marshal carrying the Mace returned to the Assembly Chamber.

Hon. Members being in their places,

Mr. SPEAKER: I have the honour to inform the House that on the last occasion when His Excellency the Acting Governor was pleased to receive the Hon. House in the Other Place, he was pleased to deliver himself of the following Address:-

"Mr. PRESIDENT and Honourable MEMBERS of the Legislative Council:

Mr. SPEAKER and MEMBERS of the House of Assembly:

I thank you for your respective Addresses in reply to the Speech which was delivered by His Excellency Sir Robert Arundell on the occasion of the Re-opening of the Legislature in January, 1958, and for your assurances that all matters submitted to you will be given your earnest attention."

MINUTES

Mr. SPEAKER: I have the honour to inform the House that the Minutes of the last meeting have not yet been circulated.

PAPERS LAID

Hon. Dr. H. G. H. CUMMINS: I am commanded to lay the following papers:-

The Pensions (Pensionable Officers) (Amendment) Order 1958.

Statement showing the Gross Customs and Excise Receipts for two months ended 31st May, 1958.

Barbados Statistical Service Quarterly Digest No. 6, June, 1958.

Hon. R. G. MAPP: I am commanded to lay Post Office Advances to the payment of Money Orders to the 31st May, this year.
3.25 p.m.

GOVERNMENT NOTICES

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to give notice of the following:-

Resolution to approve the Order entitled "The Pensions (Pensionable Officers) (Amendment) Order, 1958.

Also

Bill to make provision for the change of name of the Town Hall. ((Town Hall (Change of Name) Act, 1958.))

Hon. M. E. COX: Mr. Speaker, I beg to give notice of the following:

Resolution to place the sum of \$114,115 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1958-59 Part 1 - Current as shown in the Supplementary Estimate, 1958-59, No. 7, which forms the Schedule to this Resolution.

Hon. D. D. GARNER: Mr. Speaker, I beg to give notice of the following:

Resolution to place the sum of \$4,425 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1958-59, Part 1 - Current as shown in the Supplementary Estimate, 1958-59, No. 8 which forms the Schedule to this Resolution.

Hon. F. E. MILLER: Mr. Speaker, I beg to give notice of the following:

Resolution to place the sum of \$41.00 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1958-59, Part 1 - Current as shown in the Supplementary Estimate, 1958-59, No. 9, which forms the Schedule to this Resolution.

Hon. M. E. COX: Mr. Speaker, I beg to give notice of my intention to move the House into Committee of Supply at its next meeting to consider the money Resolutions of which notice has just been given.

BILLS READ A FIRST TIME

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that the Bill to make provision for the change of name of the Town Hall ((Town Hall (Change of Name) Act, 1958.)) be now read a first time.

Hon. M. E. COX: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, before you proceed with the Orders of the day, I want to ask leave to announce that I have appointed the hon. senior member for St. Michael, the Minister of Trade, Industry and Labour, as Deputy Premier and Leader of the House. (Cheers.)

Mr. SPEAKER: Order No. 1 is to resume debate on the second reading of a Bill to make provision for Arbitration.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this is the second reading of the Bill, and I do not know if any hon. member on the other side would like to speak.

Mr. TUDOR: Mr. Speaker, I think Your Honour will recall that when the Premier accepted the motion for postponement on the last occasion, I think he did so because an appeal was made to him on two grounds; both grounds, of course, were urged on him by the hon. junior member for St. John who is not now in his place. One ground was that at that time the Bill had not been circulated long enough among members to enable them to be conversant with it. That ground no longer holds; but I think the second and most important ground was that in the view of the hon. member who was speaking, Clause 37 of the Bill carried with it such far-reaching implications for the Trade Union Movement, that he suggested that in the absence of the hon. senior member for St. Peter who is still out of the island, an appeal might be made to the Premier to postpone it. The hon. junior member for St. John went further than that and asked the Premier then for an assurance that the provisions of the Bill, particularly Clause 37, had been discussed or in any way raised with the representatives of the Barbados Workers' Union.

So far as I recall - and the Premier will correct me if I am wrong - he was not then in a position to give that assurance about consultation with the representatives of the Barbados Workers' Union, and he could not assure the House that the hon. senior member for St. Peter, who is still absent, had been asked to make any comment or was consulted in any way in his capacity as representative of the Union. It was for that reason that I think the Premier met the request from the hon. junior member for St. John to postpone further consideration of the Bill.

As I said, Mr. Speaker, one of the reasons for the request no longer holds. A week has elapsed and we have had time to study the Bill more fully, so that would not now be the reason for any further postponement; but I think the second reason is still valid that from the Trade Union point of view the Bill has some serious implications, and unless we can be assured that the Trade Union point of view has been consulted, and that the hon. senior member for St. Peter has been asked in his official capacity on behalf of the Union to make his comments, I think, failing these two reasonable guarantees, that I would appeal to the Premier again to consider a further postponement.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I am asking permission to answer the hon. member before any other hon. member speaks. First of all, I gave no such assurance as far as the Trade Union was concerned. I think I made it quite plain that I accepted the motion for postponement because members said that the Bill was circulated a few days before and they did not have time to give it full consideration.

Mr. BRANCKER: Mr. Speaker, I am sorry that the Hon. Premier did not realise that the requests for postponement was made not only on the ground that the Bill had not been circulated a reasonably long time before hand, but also be-

cause we certainly on this side were looking forward to the views of the accredited representative of the Trade Union in the island on that particular Clause. I realise that your position as Speaker would not permit you to jump into the arena when we go into Committee and to jump from where you are to give us the point of view of at least an important section of the community.

3.35 p.m.

While I would never suggest that the matter be postponed Tuesday after Tuesday or indefinitely, yet due to the fact that I have been reliably informed that the hon. member to whom I have referred is due back in this island sometime this evening or tonight, and a few hours delay I do not think would make any difference to the passage of this Bill, I would appeal to the Hon. Premier to postpone consideration until such time: but failing that, should my appeal fall on deaf ears, I would therefore ask leave to move that we postpone consideration for the reason which I have given, that is, that the hon. senior member for St. Peter would be here later today and if he is not here today - of course, we usually go on until Wednesday morning anyhow - that we postpone it again until next Tuesday. For that reason I beg to move that further consideration of this Bill be postponed.

Mr. TALMA: I beg to second that.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, the hon. senior member for Christ Church has spoken already. He is out of order. He cannot second the motion.

Mr. SPEAKER: The hon. member is out of order and may not second the motion.

The question that the Bill be now read a second time was put and resolved in the affirmative, the House dividing as follows:-

AYES: Mr. BRYAN, Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. R. G. MAPP, Hon. F. E. MILLER, Mr. HOLDER, Mr. THORNE, Mr. SEARLES, Mr. STRAUGHN, Mr. L. E. SMITH and Mr. F. G. SMITH - 12.

NOES: Mr. TUDOR, Mr. TALMA and Mr. BRANCKER-3

On motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. BRYAN being in the Chair.

Mr. TUDOR: Mr. Chairman, I rise to move that you do now report progress and ask for leave to sit again. My reasons are these...

Hon. M. E. COX: Mr. Chairman, I rise on a point of order. There is nothing before the House. We have not started to deal with any Section of the Bill yet.

Mr. CHAIRMAN: I am speaking to the hon. senior member for St. Lucy. Allow the Clerk to call the clause. Clause 1 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 1 stand part of the Bill.

Hon. M. E. COX: I beg to second that.

Mr. TUDOR: Mr. Chairman, I now make the motion that you do now report progress and ask leave to sit again. I am saying in passing that I am sure that the hon. senior member for St. Michael is not quite right in his argument that I cannot do what I am doing as soon as the Committee starts to sit. If he consults the authority he will see that I am right. However, I wish to say that it is not that we are opposed entirely to this Bill. I want to make that quite clear because it is some-times said that when we oppose certain things and we criticise the manner in which the Government handles certain matters, we are obstructing. That may well be true, but it is not true on this occasion. The facts are as follows: we are in Committee on a very important Bill, the implications of which all hon. members do not quite understand. I am one who would want more enlightened knowledge on it. Last week, we asked the Hon. Premier to postpone consideration of the Bill because there were one or two aspects of it which we would have liked to be

thoroughly aired and to hear specialised treatment and discussion on them. My part of it was that when it was drawn by hon. members on this side to the Government that the hon. senior member for St. Peter who himself is a distinguished and well experienced trade unionist was not here and therefore would not have been able to give the House and the Committee the benefit of his experience, I thought that was a good case for the postponement of the measure until such time as he is present. Today, it was pointed out by my colleague that the hon. member whose views we would like to hear would be arriving back in the island during the course of the day and on those grounds we asked the Government to postpone the measure for a few hours and if it were necessary to postpone it for a longer time but for no longer a period than next Tuesday. I do know the Hon. Premier would like to push this matter as a matter of prestige.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I made no such statement. I have said already that this Bill was postponed because other hon. members said that they did not have time to go through it.

Mr. TUDOR: I did not say that he was postponing it for reasons of prestige; I said, apparently he was doing it now because postponing a measure twice on the advice of the Opposition would seem to him as losing some prestige. What we have in mind is that there are certain measures which come before this House which by their very nature call for specialised treatment.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I rise on a point of order. This House is in Committee and Clause 1 was called. Is the hon. member addressing the Committee on Clause 1? He is certainly not addressing this Committee on Clause 1.

Mr. TUDOR: Mr. Chairman, I am sorry that the Hon. Premier who has so recently left the Chair is making such a slip up on the procedure. I moved an amendment to Clause 1 and it is to that amendment which I am speaking. As I was saying, there are certain measures which come before this House and Committee which need specialised treatment and discussion, and it is not every twenty-four members who are conversant with every aspect of public policy. When we had a Bill dealing with financial measures, the hon. junior member for St. John who by common consent is credited with the knowledge of matters economic, made the major speech. If you have a Bill dealing with arbitration, it is only common courtesy that we wish to hear that hon. member who has the most knowledge of such matters, and it is with that in mind that we ask for postponement of this measure. We are unlike them on the other side; we would like to know what is happening to the Bill and what are the far-reaching consequences of it. If that is not a reasonable request from the Opposition to the Government, I do not know what is.

3.45 p.m.

It is because of the disappointment we feel in the Premier's refusal to consider what we regard as a reasonable request that we are taking this step by moving that you do now report progress. We know that they have the numbers and there is not the slightest chance of having our point of view carried; but at least a protest should be made against what we consider to be a very high-handed and dictatorial attitude of the Premier.

Mr. TALMA: I should like to second that motion. In so doing, I should like to remind hon. members of a few points which I intended to make on the last occasion when the second reading of the Bill was before the House. I would like to refresh - (Mr. CHAIRMAN knocked the gavel.) I am taking this stand for this reason.

Mr. CHAIRMAN: I quite appreciate what the hon. member has said, but I do not think he can go back to what he has said on the second reading of the Bill. I am asking the hon. member to confine his remarks to the motion which is before the House. That motion is that I do now report progress and ask for leave for the Committee to sit again.

Mr. TALMA: This Bill deals with a very serious mat-

ter. It deals with arbitration proceedings and it deals with putting the Arbitration Act on a comprehensive basis. When this Bill becomes law, all the Acts on the Statute Book will be governed by this Act and every award given shall have the full force of a judgment of the Court or an execution or Order. To suggest that.....

Mr. CHAIRMAN: The hon. member is now dealing with Clause 28.

Mr. TALMA: The principle of this Bill is a serious one—something which hon. members do not seem to realise. If you want to pass something to set back the hands of Barbados as far as the Trade Union is concerned, well, you can go along with it; but do not say that you did not know or that we were a party to it.

Mr. CHAIRMAN: The question is that Clause 1 stand part of the Bill.

Mr. TUDOR: Oh no, Mr. Chairman.

Mr. CHAIRMAN: I am sorry. The question is that I do now report progress and ask for leave for the Committee to sit again.

The question was put and resolved in the negative, the Committee dividing as follows:-

AYES: Messrs. MOTTLEY, TUDOR, TALMA and BRANCKER - 4.

NOES: Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. R. G. MAPP, Hon. F. E. MILLER, Messrs. HOLDER, THORNE, SEARLES, STRAUGHN, L. E. SMITH and F. G. SMITH - 10.

The question that Clause 1 stand part of the Bill, was put and resolved in the affirmative without division.

Clauses 2 to 14 inclusive were called and passed.

3.55 p.m.

Clauses 15 to 27 inclusive were called and passed.

Clause 28 was called. It reads as follows:-

"An award on an arbitration agreement may, by leave of the Court or a Judge thereof, be enforced in the same manner as a judgement or order to the same effect, and where leave is so given, judgement may be entered in terms of the award."

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I beg to move that Clause 28 stand part.

Hon. M. E. COX: I beg to second that.

Mr. TUDOR: Mr. Chairman, if I rise again in the course of debate since we are in Committee, it is only to re-emphasise that there are certain members of this Committee who do not wish to be associated by their silence with what we know is wrong and which Government is doing to the people of this island.

Now of the whole Bill, there are two really bad Clauses. The one we are now discussing reads as follows:-

"An award on an arbitration agreement may, by leave of the Court or a Judge thereof, be enforced in the same manner as a judgement or order to the same effect, and where leave is so given, judgement may be entered in terms of the award."

I do not think, Mr. Chairman, that you have to be a Lawyer to understand what this means; the language is pretty clear. It is its implications which are not so clear, and the big implication of it is this: that in any manner which is to cause a dispute between the Trade Union and an Employers' Federation, if the matter had to go to arbitration and an award was made as a result of that arbitration, the award is as binding upon both parties as if a purely legal dispute were settled in a Court of Law. Now that may be all right in some instances, Mr. Chairman, but for a community which boasts and wishes to encourage the Trade Union Movement and wishes it to be as strong and as in-

dependent as possible, it is the death-knell of proper Trade Unionism, for it means that no Union will feel that it is free to negotiate as hard as it can, because at the back of its mind will be the knowledge that when once an award has been given, it becomes Law, and in all circumstances the award can nearly always be given in favour of the employers. That is our view on the matter. It does not matter what is in the Law as we read it; it is how the Law is applied and the circumstances governing Trade Union matters or industrial relations in any community.

There is no guarantee in Barbados at the present time that in any dispute of an important nature, in all cases where the workers are right, an award can be made on the basis of rightness of their case, and it is all right to argue that so long as the award is impartially given nobody has anything to fear. That is all right as far as the argument goes; but in practice the Trade Union always complains that no matter how fair and square on the surface an Arbitration Tribunal looks and tries to be, yet in practice something works out to their disadvantage. That may not mean so much if you could accept or reject the arbitration award; but if you cannot reject but must accept it because it has the binding force of a Court of Law, and if there is no appeal against it, then unscrupulous persons who have more influence than a Trade Union might have are quite liable to influence the findings of the Board, and quite likely to influence the whole course of the arbitration to the detriment of the other party. That is the danger as we see it. I may be entirely wrong and I am willing to be convinced; but I cannot be told that I am wrong merely because somebody keeps silent on that side and expect me to keep silent on this.

There are a lot of members of the House who would like to be convinced beyond a shadow of a doubt that we are not doing harm to the Trade Union Movement in this island, and it is for that reason alone that we would have liked to have heard the opinions of the hon. senior member for St. Peter on the Bill. I noticed that when the Bill was being introduced, these two controversial Clauses were not thoroughly explained; as a matter of fact, I do not think they were mentioned at all by the Premier who introduced the Bill, and consequently, now that we are halfway through the Bill, an hon. member is forced to get up and ask for an explanation on something that really bothers him. It would be very difficult for me or my colleagues to support this; it may be that we are too suspicious and see fears, and if that is the case, we would like to be told that there is no reason to feel worried.

4.05 p.m.

Until we receive that assurance, we cannot vote for it. When the day of reckoning comes and the people of this island want the whole twenty-four of us to give an account of our stewardship, some of us would be free of that particular charge.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I will endeavour to set the fears of the hon. members on the other side at rest. It is quite evident that they have not read this Bill. Mr. Chairman, if you will pardon me for any anticipation, I would have to refer to Section 37 and if you will permit me to do so, I will be glad. This Bill which we are now considering has nothing at all to do with arbitration as far as trade unions are concerned. It does not cut across, as has been charged, the present procedure for trade unions.

Clause 37 reads as follows:-

"This Act shall apply in relation to every arbitration under any other enactment passed before or after the coming into operation of this Act as if the arbitration were pursuant to an arbitration agreement and as if that other enactment were an arbitration agreement, except in so far as this act is inconsistent with the other enactment regulating the arbitration or with any rules or procedure authorised or recognised by that other enactment."

Now, Sir, this particular clause was taken verbatim from section 24 of the Imperial Arbitration Act of 1889. It was also taken from section 20 of the 1934 Act - I mean the Imperial Arbitration Act - and again from section 31

of the Imperial Arbitration Act of 1950. It was also taken from the Arbitration Ordinance of Trinidad and from Section 24 of the Jamaica Act. All of those sections are exactly the same as Section 37 of this Bill and in a place like Great Britain where trade unions are live wires and take a keen interest in things for themselves, I am sure this section would not have passed. If that would set the fears of hon. members opposite at rest, I would be glad. As I have said, this does not cut across the previous Act as far as trade unions are concerned. As a matter of fact, it is for them to choose to go to arbitration. I suppose if a trade union want to adopt this method they can; but in any case they have their own Act to which they can refer as regard disputes.

Mr. T. W. MILLER: Mr. Chairman, I do not at all entirely agree with the remarks made by the Hon. Premier. Last Tuesday after hearing the speech of the hon. junior member for St. John relative to this Bill and the effects one way or the other that it would have on trade unionism and in the absence of the hon. senior member for St. Peter, I took it that this Bill was postponed.

Mr. CHAIRMAN: I am speaking to the hon. junior member for the City. We are dealing with Clause 28, not the reasons for the postponement.

Mr. T. W. MILLER: I understand and appreciate that you are not dealing with any postponement of this Bill. It was only incidentally that I was making the remark that the Bill was postponed from last Tuesday until today and that is an indisputable fact, I only wanted to say that the same reason why it was postponed until today is my fervent wish that it should be further postponed.

Mr. CHAIRMAN: The hon. junior member for the City is out of order. That question has already been resolved and the motion before the House is that Clause 28 stand part of the Bill.

Mr. T. W. MILLER: Mr. Chairman, I appreciate that, but I am saying that I feel that this Bill should be further postponed.

Mr. TUDOR: Mr. Chairman, not being a back-bencher, I cannot be brow beaten so easily. The hon. member is entitled to say his say and in order that he may do so I am going to give him full permission to do so by moving that you do now report progress and ask for leave to sit again.

Mr. TALMA: Mr. Chairman, I second the motion. I am also embracing this opportunity, if you will permit me as you did the hon. senior member for St. Michael, to refer to section 28. I presume that I would be granted the same courtesy.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, can the hon. member speak on Section 28 when he has seconded the motion for the postponement?

Mr. TALMA: What is before the Committee is Clause 28. Clause 28 deals with the enforcement of the award. Formerly under the Arbitration Act, an order could not be enforced or have the full judgement of the Court but under this Act it has the weight of a judgment of the court.

Mr. CHAIRMAN: I am speaking to the hon. senior member for Christ Church. The motion moved by the hon. senior member for St. Lucy is that I now report progress and ask for leave to sit again.

Mr. TALMA: I am trying to give my reasons for the postponement.

Mr. CHAIRMAN: I have not yet finished. You have seconded the motion that I do now report progress and that is the motion on which you must speak.

Mr. TALMA: I am giving my reasons. I have seconded the motion for the postponement and am giving my reasons of what has caused and induced me to second the motion. This is the most pernicious section of the entire Bill and

up to now, the Hon. Premier is not fully convinced as to the effect of this Section. As from now an award of an Arbitration Tribunal would have the full force of law as an Order of the court if you fail to carry out that award. As a matter of fact, you can be locked up for it. An award would have the full force of law as a judgment, execution or order of the Court and any infringement or disrespect to the award can be dealt with as contempt of Court. Formerly, Mr. Chairman, an award of an arbitration tribunal never had that force but as from now it will have that force. That is my first point. Now, if that is not cutting across the trade union movement, what is?

Mr. CHAIRMAN: Will the hon. member get back to the motion that I do now report progress?

Mr. TALMA: Mr. Chairman, the Hon. Premier spoke on Clause 37 and I presume that I can be granted a similar privilege. We were dealing with Clause 28 and he spoke on Clause 37.

4.15 p.m.

Mr. CHAIRMAN: Right now, the hon. member is dealing with the motion for the postponement, and he has said that he is giving his reasons for the postponement.

Mr. TALMA: I am now going on to reason number two.

Hon. Dr. H. G. H. CUMMINS: On a point of order. When I quoted or tried to explain Clause 37 - first of all, I asked for Your Honour's permission to do so. because it was all in anticipation and secondly, I tried to explain that Clause in an effort to assure hon. members on the other side and to allay their fears that that Clause would not cut across the Trade Union law. I said that that was not so.

Mr. TALMA: Mr. Chairman, I am asking your permission to reply to the Hon. Premier. The Premier has just spoken and the Opposition has a perfect reply to him. The Hon. Premier has not convinced anybody on this side as to Clause 37; he certainly has not convinced me.

Mr. CHAIRMAN: You gave your reasons for the postponement and when the motion for the postponement has been put, you can still reply to the Premier with regard to Clause 37. There is no need to go into that Clause now.

Mr. TALMA: My second reason for supporting the postponement is that Clause 37 has not been properly interpreted by the Premier. Clause 37 will cut across the Trade Union Law; this Clause will affect the Law and it may apply even before this Act comes into force.

Mr. MOTTLEY: Mr. Chairman, just as I entered the Chamber, I voted for the postponement of this Bill. As a matter of fact, I am supporting the motion for reporting progress with leave for the Committee to sit again. I heard the Hon. Premier refer to the fact that it is obvious that hon. members have not read the Bill. Well, if I can allay his fears in any way, I must say that I did read the Bill; but for my own reasons, I am at a loss to understand how in one breath one set of people can argue when somebody is out of the Island on Government business that you must postpone something, and in the same breath they can say that the one man who knows about Trade Unionism is out of the Island and they can still attempt to railroad something in connection with Trade Unionism through this Chamber.

I felt last week that when the Government agreed to postpone the consideration of the Bill, they did the correct thing. The hon. senior member for St. Peter is the general Secretary of the only recognised Trade Union in the Island; he is a man of about 15 years' experience in this matter; he is Chairman of a big international body of Trade Unions and so on; but he is a rebel member of the present Government Party. Let us ask ourselves this question: if the hon. member had still been a member of the Government Party and the Opposition had suggested passing this Bill....

Mr. CHAIRMAN: It has already been decided by a vote of this House that we proceed with this Bill; therefore, whether the hon. senior member for St. Peter is in his seat

or not, does not matter. The hon. member is giving reasons for supporting the postponement of this Bill; the absence of the hon. senior member for St. Peter has nothing to do with the motion for the postponement.

Mr. MOTTLEY: That is a matter of opinion; that can hardly be a ruling. This House is in Committee on a Bill and an hon. member is entitled to speak on it as many times as he feels like doing so. Am I not entitled to do that? The hon. member has moved that you do now report progress with leave for the Committee to sit again and the motion, therefore now, is - as a matter of fact, in every case the hon. member has the right which you cannot take away. Any hon. member can give his reasons as to why he thinks that you should report progress and ask for leave for the Committee to sit again. I am saying that, in your opinion, it is a matter of indifference whether the Trade Union Secretary and the most knowledgeable member of this Chamber on this matter is out of the Island or not. I would not say that it is a matter of indifference to me, and you cannot say that I must give reasons which must satisfy other hon. members; we all argue in our own way. With the greatest respect to you, Sir, I never like to clash with the Chair; I hope never to clash with the Chair. (Laughter). (Mr. F. G. SMITH: What happened last week?) Well, if I clash with the Chair, I do so in good faith. What ever criticism I get, I will stand up for my rights. I know what sitting in here and keeping quiet will do with you; you will soon not be in here. (Laughter) The hon. senior member for St. Peter is away on business of the State. You are passing this Bill which is connected with Trade Unions, and we are asking for a postponement of it until the hon. member is here. What I ask is this: if the hon. member had still been a member of the Government Party, would they try to railroad a Bill like this through the House? The Opposition could preach and preach and the Government would say that it should be postponed.

Mr. Chairman, I repeat, that on Section 29, I may move the postponement; on Section 30 another member may move the postponement.

4.25 p.m.

Now I am asking for a postponement not in the same sense as the hon. member who said he does not think we should go any further than this section. When the hon. senior member for St. Peter comes in next week, he may find it difficult in asking you to recommit certain Sections of the Bill, and it is still our right to move that you report progress and ask for leave to sit again. Suppose, for argument's sake, the hon. member was arriving tonight at 8 o'clock and I was sure about it, if I was in a good talking mood, do you know that by 8.30 p.m. we would have him in here? We could move that you report progress on every section. I do not claim to be knowledgeable on this Bill, but I think it is a necessity and those who are knowledgeable on it should be given an opportunity to speak. I do not pretend to know enough about it, but for the benefit of the Hon. Premier, I have read the Bill and I myself feel that the hon. senior member for St. Peter should be given an opportunity to speak on it, and that is why I agree that you should postpone it.

I am not prepared to say whether what the Hon. Premier said is correct, or whether what the hon. senior member for Christ Church said is correct, but I am prepared to listen to the hon. senior member for St. Peter and then make my mind up on this Section. I see nothing wrong with hon. members who are not *au fait* on this asking to report progress and for leave to sit again, because the hon. senior member for St. Peter is out of the island. If the member who is knowledgeable to speak on this is out of the island, and it is not necessary to have a Bill to put into effect or operation within the next two or three weeks, what is wrong with postponing it? There are so many other items on the Order Paper which can be done. No one member in this House knows enough about this except the hon. junior member for St. Joseph who, I understand claims to be the budding Secretary of the Barbados Workers' Union - the potential Secretary, the man to succeed the present Secretary. I hope the hon. member will not take umbrage on that, because I am only saying what I have heard. I am sorry that I did not have a chance to say it to him before I mentioned it here.

I would not contradict what the Hon. Premier or the hon. senior member for Christ Church has said, but whether the hon. senior member for St. Peter is still a member of that Party or whether he is outside the Party, he is the most knowledgeable person. If you have been working at something for fifteen years, you must have some knowledge of it. That is his life-blood; he has been doing that all the time. Why must we rush through this? We are not asking you to postpone or to report progress because we want to get a majority of the Opposition to oppose or to put in or take out any Section which would be detrimental to its working. Are you saying that because of sheer weight of numbers you are not accepting the sound reasoning of the Opposition to give an opportunity to the only Secretary of the Trade Union who will be here at 8 o'clock to discuss a matter of this sort? I am voting for the postponement.

Mr. T. W. MILLER: Mr. Chairman, I am glad that a motion has been made and seconded for the postponement of this Bill. Now I do not mince matters with words and least of all my feelings. Last Tuesday, the hon. junior member for St. John put up an argument as to why this Bill should be postponed. I took it, as I understood it from him, that this Bill would cut across the Trade Union Act; so in the absence of the hon. senior member for St. Peter who, in my opinion, is the "Ripple Can Chief" of Trade Unionism in this island, and despite the fact that he might be a rebel to the Government Party, and even though at times I do not see eye to eye with him politically, you should postpone it. On this occasion I will admit and confess that there is nobody in this House on the left or on the right who is knowledgeable to the extent of the hon. senior member for St. Peter in Trade Union matters. The hon. senior member for St. Peter is returning to the colony tonight and in all fairness to Trade Unionism and to the hon. member as an individual, I agree that the Bill should be postponed because I repeat he is the "Ripple Can Chief" of Trade Unionism in this colony. All I wanted to say was that the Bill was postponed for a week, but of necessity it should be postponed for a further week. It does not matter how anybody else feels about it; in truth and in fact, I cannot discharge what the hon. senior member for St. Peter can discharge on this Bill. It is all well and good for the Premier to say that a Bill of this sort does not cut across Trade Unionism, but I would go so far as to say that despite what the Hon. Premier has said, he is not sure as to what would cut across the Trade Union Act with regard to this Bill. We have always wished it well and I for one would not subscribe to anything that would do harm to Trade Unionism in this colony. (*Cheers from Opposition.*) On Tuesday next when the hon. senior member for St. Peter, the one and only General Secretary of the Barbados Workers' Union, is in his place, he would be able to peruse the Bill and do justice on it here. Then and only then will I agree to its passing. There is nothing more which I want to say on this Bill, but I am in whole-hearted agreement with the motion for further postponement.

Hon. M. E. COX: Mr. Chairman, from the arguments induced by various members, I am convinced that either they did not read the Bill and compare it with the old Bill or they are just trying to waste the time of this Committee.

This Section reads as follows:-

Mr. MOTTLEY: On a point of order, the hon. member cannot speak on the Section now. You have to rule on that. We have made a motion to report progress and ask for leave to sit again, so he cannot now talk on Section 28. It is a matter now for your ruling.

Mr. CHAIRMAN: I take it that the hon. senior member for St. Michael is speaking against the motion.

Hon. M. E. COX: It is not strange, Mr. Chairman, that the hon. member should try that. The Section has teeth in it, but hon. members are saying that it is going to operate against the Trade Union. The hon. senior member for Christ Church, I regret to say, lost sight of that section and said that it was a most iniquitous part of the Bill. 4.35 p.m.

What is the position? What is the sense of having an arbitration without making it binding on both parties? Nobody

compels a trade union or anybody to go to arbitration. In Great Britain there are two types of arbitration - voluntary and compulsory. If you go to voluntary arbitration and an award is being made, that does not bind anybody; but if you go to compulsory arbitration, that binds both sides, and that is as it should be because it is clear that if it were not binding to both sides, the employers need not accept the award made by the arbitrator or arbitration tribunal; neither need the employees accept the award if it were not binding. As we know, even with the last case which you had here, the Union decided not to go to arbitration and it is within its own right to do so; but because arbitration awards in all laws are binding you must make it binding so that each side will honour an award made by the arbitration tribunal.

What says this section? This section does not say that it will hurt a trade union and it will not hurt an employer; this Bill is wider than that. It deals with other types of arbitration altogether. For example, recently we had an arbitration dealing with buses and the award of that tribunal was binding on both sides. The Government had to pay what the arbitration tribunal decided and the people to whom the buses belong must equally accept what the arbitration tribunal rewarded. This Bill has absolutely nothing to do with hurting any trade union and I say at this stage that we on this side will be the last people to do anything to militate against a trade union because we have always from the time we started felt ourselves as part and parcel of the Trade Union when people on the other side were opposing the Trade Union. It is alright to get up and talk about doing something against a trade union and because the hon. senior member for St. Peter is not there. This is not trade unionism; this is arbitration; this is something completely different from trade unionism. This is much wider in scope than trade unionism; therefore I am at a loss to find out the argument used by the Opposition that this Government is doing something to militate against the interest of the Trade Union when, as the Hon. Premier pointed out, a trade union operates under the 1939 Act so far as arbitration is concerned. That is binding just as this is binding.

Sir, I am sorry that Hon. members have wasted so much time on this because it is commonsense to make a decision or an award of an arbitrator or arbitration tribunal binding on both sides. I was amazed to hear some hon. member say just now that the hon. senior member for St. Peter was the only General Secretary or Secretary of the only Trade Union in this Island. As a matter of fact, I was under the impression that the hon. senior member for St. Lucy was the Secretary of a Trade Union.

Mr. TUDOR: You were under the wrong impression as usual.

Hon. M. E. COX: I apologise. I would say now that the hon. member knows absolutely nothing about trade unions. Mr. Chairman, to be serious, this has nothing against a trade union. This section binds both sides; and if you cannot bind them, then any agreement reached need not to be carried out by either side. We want when an agreement is reached that it be carried out by both sides.

Mr. TUDOR: Mr. Chairman, it is always said that it is sometimes a pleasure to listen to the Hon. Minister who has just sat down although he is entirely wrong - and we disagree just as we did formerly; yet he has said more in this discussion than the Minister who introduced the Bill and who had it under his charge. I would like to think that the Hon. Minister who has just spoken to us is fulfilling the high hopes which the Hon. Premier has in him since he raised him to the eminence of Deputy Premier as was announced to us. He had made a good start because he is just as inaccurate and just as courageous with it as the Hon. Premier.

Now, Sir, I moved the motion that you do now report progress and ask for leave to sit again on the ground that so long as doubts exist in the minds of any hon. member of this Committee, it is better for us to hear that member of the Committee who is the accredited expert of the particular matter under discussion. How curious it is that all the hon. members who have spoken on this side have struck

the note that we would like to hear the views of the hon. senior member for St. Peter! That is what we are asking. Two speakers spoke on that side, both of them Ministers and both of them leaders of that Party - one the Hon. Premier and the other the Deputy Premier - and neither of them has made any comment on what we think is a reasonable request. Do they think that there is anything unreasonable in wanting to hear the hon. senior member for St. Peter on this matter? That is all it is which we are asking. It may well be that our doubts can easily be set at rest; but let them set our doubts at rest. I say, let that hon. member who by common consent is the acknowledged authority on trade unionism in this Chamber tell us if the Trade Union suffers as a result of this Bill. When the House or this Committee has anything to do with the water resources of the island, we listen with great pleasure to the hon. senior member for St. Michael because we know he has put water all over St. Michael, if no where else; therefore he is the acknowledged authority on water resources. Likewise, if there is any matter to do with real-estate or housing or administration of poor law or health, we listen to the hon. senior member for the City. Equally; therefore, in a matter which we feel has some significance to the Trade Union, the one member who all of us acknowledge as knowing something about it, we feel should be heard.

I must say this before I sit. I heard with a certain amount of surprise the hon. senior member for St. Michael say that some of us on this side were opposed to trade unions and that party over there had been the foremost Champions of trade unionism in this island. I have no reason to doubt that they were champions sometime or another, but what I would question is his statement that some of us over here were opposed to trade unionism. I still remember, when Sir Grantley Adams influenced the conservative section of this community, that he was the person who was very much opposed to trade unionism then. We all knew of his strictures and his writings on the waterfront workers. They are all on record.
4.45 p.m.

If there is anybody who has passed this way, it is the Ex-Leader of their own Party. I am sorry to see that behind his back they have made such a dastardly attack on him.

Mr. BARROW: Mr. Chairman, it is a great pity that the hon. senior member for St. Michael was not in his place at the last meeting of the House; in that case he would have been able to get a good lesson in Parliamentary practice from the Hon. Premier, who, on the suggestion of hon. members on this side, postponed the consideration of this Bill which we suggested would have far-reaching implications on the Trade Union Movement. The hon. members whom I have heard speak since I have joined the Committee, have all made reference to the absence of the hon. senior member for St. Peter; but I posed a question last time which is not a question relating to personalities, but a question of principle. What I asked the Premier on the last occasion was this: did the Government consult the Trade Union about this Bill? It is a matter of supreme indifference to me whether any particular person in a Trade Union has been consulted. Let me put it in this way: the Government may well have consulted the President of Barbados Workers' Union who would never arrogate to himself, whatever other high offices may have been thrust on him, the role of a legal Trade Union luminary; he would not have considered that title as one of his titles to fame. The Government may very well have consulted one of the rank and file of the Trade Union or somebody who dispatches in the Canteen. That is a matter of indifference to me and to my Party; we want to know whether the Trade Union was consulted at all or consulted in sufficient time so that they could bring their opinion to bear on the Bill which is now before us.

The hon. senior member for St. Michael is bent on crowding in as much ignorance in as short as possible a time as he can in his discussions on the floor of the House for reasons which are obvious to all mankind. I do not want to make any reference to any Swan Songs or anything like that. Hon. members will know to what I am referring. To suggest that the Trade Disputes Act of 1939, is binding in

the same way that Section 28 and the other relevant Sections of the Arbitration Bill, 1958, is binding, is a complete misstatement of the established facts and law on the matter. If the hon. member had been in his place on the last occasion when the Premier so graciously did something which the Government Party is not prone on doing, that is, to postpone the consideration of this matter, he would have heard hon. members refer to Section 3 of the Trade Disputes Act in which the Governor of the Colony can set up an Arbitration Tribunal without reference and without the consent of the parties to the dispute. He would have heard reference made to the industrial dispute which we had in this Island and he would realise that there is nothing in Section 3 or in any other Section of the Act which makes an arbitration award binding on any party either morally or otherwise. He would have heard reference made to the fact that this Arbitration Bill, which is now before us, has come at a very strange time in the history of Barbados. We have been told all along that capital and labour have been getting on well, that you did not get the kind of industrial disputes in Barbados which you get in other colonies. We have had but few cases in the Law Courts of this Island, independent of the Trade Disputes Act, going before the Chief Justice of the Island; and if we had any at all, they have been settled quite satisfactorily within the limited scope of the Law as it is at present.

With the general provisions of the Arbitration Bill, we are not in disagreement. I want to make that point clear; in so far as a matter may be referred to arbitration, any matter of litigation may be referred to arbitration even by the Judge or with the consent of the parties in the Law Courts of this Island. Obviously, the Court could not make an empty Order. Let me put it in this way. The Chief Justice or any Judge in this island after consulting both parties to a matter may, with their consent or request, send a matter to arbitration. After the reference is made back from the Arbitrator to the Court, the Chief Justice has to be in a position to make some kind of order or judgment which is more than an empty or unenforceable order or judgment. Therefore, if the Arbitration Bill makes a finding of the Arbitrator binding on both sides of the dispute in any matter which is before the Law Court, no one in his right senses or who is acquainted with the procedure in the Courts of Law, would have any quarrel with it. Our contention is that the Arbitration Bill which is now before us and particularly Section 28 and another Section which we will be debating in the fullness of time - Section 37 - these two particular Sections are so worded that they can reflect back on the Trade Disputes Act and other similar legislation relating to industrial disputes, and to individual members of a Trade Union, merely because they happen to be members of the Trade Union who are in disagreement with the award made by an Arbitrator and who might be subject to civil and criminal penalties under the Bill which is before us. That is what we are contending.
4.55 p.m.

We are further contending that such an inhibition on the fundamental rights of a Trade Union to negotiate its conditions of employment by the voluntary machinery of collective bargaining is contrary to the spirit of virile Trade Unionism, and it could only be legislation in the interest of the employers and not of the workers. Now I am putting it in unvarnished language.

When I heard the hon. senior member for St. Michael, I am sorry that I have to sit in a Chamber in which such excursions into the unknown are made by members who can hardly walk when it comes to matters of this kind; a question of fools rushing in where angels fear to tread. Some hon. members feel that, invested with the power of their office under Ministerial Status, the louder they shout the more convincing they will be and the more convincingly they will sit with members of the general public; but I want to warn hon. members that there are other people who will be looking at Barbados. There will be Trade Unionists, Legislators, and Legal Advisers of Her Majesty's Government who will be able to read the debates, and I implore them not to expose themselves and to give vent to that kind of ignorance which the hon. senior member for St. Michael has just displayed.

In the Trade Union Act of 1939, no award by an arbitrator is binding on anyone. The hon. member said that the Trade Disputes Act is as enforceable as the Arbitration Bill before us if it passes. That is not so; it is an untruth; it is a misunderstanding of the Law and of the facts; it is a misunderstanding of the ordinary English language in which the Sections of the Bill happen to be drafted. I do not want to make a second reading speech, Mr. Chairman, but for the benefit of the hon. member, the Trade Disputes Act is found at page 439 of Volume 5 of the Laws of Barbados. I think I ought to know a little more about the Trade Disputes Act than the hon. senior member for St. Michael, and therefore I would not risk my reputation by getting up and saying something which I know to be not in accordance with the Law just for the sake of opposing or saying something contrary to what an hon. member has said. I have so much had the courage of my convictions on this Act that I have sent a case before Her Majesty's Judges of the Privy Council on the Trade Union Disputes Act, and since the matter is sub judice I will not make any further reference to it.

Section 3 of the Act reads as follows:-

"Any trade dispute as defined by this Act, whether existing or apprehended, may be reported to the Governor by or on behalf of either of the parties to the dispute, and the Governor shall thereupon take the matter into his consideration and take such steps as seem to him expedient for promoting a settlement thereof."

Sub-section 2 of Section 3 says: "Where a trade dispute exists or is apprehended, the Governor may, subject as hereinafter provided, if he thinks fit and if both parties consent....."

I made reference on the last time and pointed out to the Premier that when he spoke on the radio, he said that the matter was going to arbitration when there could be no arbitration, because no consent was referred to.

Hon. Dr. H. G. H. CUMMINS: On a point of order, I told the hon. member last Tuesday and repeat now for his benefit that I did not say the matter would go to arbitration. Both sides refused arbitration; so I could not have said that. I said it would go to a Board of Inquiry, which is the real position.

Mr. BARROW: Mr. Chairman, it is reported in the Advocate, it is in a Statement published by the Government, printed by the Government Printery, and I heard it with my ears on the radio. There again I do not criticise the Premier for saying "arbitration" because the Premier is never like the member for St. Michael who suggests that he knows everything about everything. The Premier readily prefaces his remarks when he introduces any Bill or Resolution, and with all humility he tells members that he does not profess to know everything about it. I will say that when it comes to medicine, science, mathematics and things like that, I am abysmally ignorant, but when it comes to trade disputes I must join issue with the hon. senior member for St. Michael, because he made a misquotation, misrepresentation and misstatement of the Law and the facts.

Sub-section 2 of Section 3 of the Act reads as follows:-

"Where a trade dispute exists or is apprehended, the Governor may, subject as hereinafter provided, if he thinks fit and if both parties consent, refer the matter for settlement to an Arbitration Tribunal constituted of either -

(a) a sole arbitrator appointed by the Governor; or

(b) an arbitrator appointed by the Governor, assisted by one or more assessors nominated by or on behalf of the employers concerned and an equal number of assessors nominated by or on behalf of the workmen concerned, all of whom shall be appointed by the Governor; provided that the award shall be made and issued by the arbitrator only;"

That is where the Premier got confused because they had an arbitrator, two men and a Chairman appointed by

the Governor, but not appointed under Section 3 (1); they were appointed under Section 8 (1), and that Section reads as follows:-

"Where any trade dispute exists or is apprehended the Governor may, whether or not the dispute is reported to him under this Act, enquire into the causes and circumstances of the dispute, and, if he thinks fit, refer any matters appearing to him to be connected with or relevant to the dispute to a Board of Enquiry (hereinafter referred to as the Board) appointed by him for the purpose of such reference and the Board shall enquire into the matters referred to it and report thereon to the Governor."

And the Board shall consist of a Chairman and such other persons as the Governor thinks fit to appoint, or may, if the Governor thinks fit, consist of one person appointed by the Governor.

Now there are exactly fifteen Sections in the Trade Dispute Act of 1939. In none of those fifteen Sections, Mr. Chairman, is there any reference to the award of the Tribunal or Board of Enquiry or any other Commission set up by the Governor being binding on one or other of the parties. This is completely alien to the principles of the Trade Dispute Act. As I referred to before, for the benefit of the hon. senior member for St. Michael, I will repeat that the first incursion into the freedom of collective bargaining exercised by Trade Unions was made in the Statutory Order, 1305 under the Defence Regulations.

In front of me I have a book; I am not going to make it a document of the House, because it belongs to the House.

Hon. Dr. H. G. H. CUMMINS: On a point of order, Mr. Chairman. The question was that you do now report progress and ask for leave to sit again, but the hon. member is talking about everything and making a second reading speech. I wish you would draw the hon. member's attention to that.

Mr. BARROW: Mr. Chairman, we are dealing with Section 28. Do you have to take orders from them?

Mr. CHAIRMAN: Will the hon. junior member for St. John please take his seat? I am of the opinion that the hon. member is speaking on the motion that Section 28 stand part.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, you should dispose of the question before us which is the one to report progress on this Bill. I think that should be dealt with first.
5.05 p.m.

Mr. CHAIRMAN: The original question was that Clause 28 stand part. There was a subsequent motion which was made by the hon. senior member for St. Lucy that I do now report progress and ask for leave to sit again. Previous speakers supported the question of postponement and asking leave and I take it that you are speaking on the motion for reporting progress. Therefore, I am asking if that is so to confine your remarks to reasons for supporting the motion for reporting progress, and to refrain from dealing with Clause 28 in detail.

Mr. BARROW: Mr. Chairman, with all due respect to you, let me try and get the procedure absolutely clear. I know that you appreciate parliamentary niceties better than the other hon. members over there. You say that I should confine my remarks to the reason why we should report progress and ask leave to sit again. Now, this is not a second reading speech. If there is anything which may sound or may have an element of a second reading speech in the remarks which I make, it is to answer the hon. senior member for St. Michael who on the very motion for reporting progress - and that is the only reason why I read the Trade Disputes Act of 1939, because in speaking on that motion the hon. senior member for St. Michael did not say in *consimili casu* that as it was binding already in the Trade Disputes Act of 1939, it was not binding in the section before us.

Section 28 deals with the enforcement of the order and when you give enforcement on something in the Act, it is as serious as contempt of court. When the hon. member tried to make it appear that these provisions had nothing to do with the 1939-22 Act and therefore we could go on with the Bill and do not ask for leave to sit again - in other words, we could agree that Section 28 do now stand part - in order to support the motion for the reporting of progress I would have to speak against the motion made on that side that Section 28 stand part and on Section 28; so it would only depend on what side of the telescope you are looking at the matter.

I am pointing out another reason, Mr. Chairman, why this Committee should report progress and ask for leave to sit again. I have in my hand a document of this House which has been available to hon. members for as far as I remember six or seven years. It is called "The Worker and the State".

Mr. STRAUGHN: Mr. Chairman, I rise on a point of order. I noticed just now the hon. junior member for St. John asked a question to which I think should have been given an answer. The question was that if he does not speak on Section 28 now what other chance he will get. I am also interested in speaking on Section 28 and I think he will get another chance to speak on it.

Mr. BARROW: I do not understand what the child over there is saying.

Mr. CHAIRMAN: You may proceed.

Mr. BARROW: I am going to lend back this book to the Librarian for the benefit of the hon. members on the other side. It is written by Sir Frank Tillyard who is one of the greatest authorities on trade union matters, and not only that; he is a member of the profession to which I have the honour to belong. He is also Chairman of the Court of Referees for many years. In his book he says this:-

"In the last chapter consideration has been given to combinations of masters and workmen, their use as means of arriving at collective bargains, and the strikes and lock-outs which at times result from failure to reach agreement. All this presupposes that these combinations can be left to go their way, agree or disagree as the case may be, without the community being concerned in the matter, or having any power to step in and bring about a settlement. It will be generally admitted that the community is, in fact, a sufferer whenever there is a strike or lock-out, and the theory of the general strike is that the community must be driven by suffering to intervene in favour of the strikers, if they cannot get what they demand from the employers. A possible means of limiting the communal loss arising from trade disputes is a system of compulsory arbitration, but until the enactment of the Conditions of Employment and National Arbitration Order, 1940, which was an emergency war provision, such a measure obtained very little if any, support in this country, except in so far as minimum wage legislation can be regarded as an equivalent. A middle course has been steered and provision has been made for third parties or government officials or institutions to be called in either as conciliators, or as arbitrators voluntarily accepted by both parties to the dispute, or even enquirers."

Mr. Chairman, I do not have to read on. You can see here how Sir Frank Tillyard who for many years is one of the most eminent arbitration officials in the British Commonwealth is telling you that this question of compulsory enforcement was a means of limiting the free exercise of the industrial machinery of collective bargaining. I am morally sure of this. I am sure that if any trade union interest in this island has been consulted directly or indirectly by the members of the Government, I make the accusation here now that I am confident that the trade union interest which would have been consulted is the Employers Federation or the Barbados Sugar Producers Association, either by the authorised agents or their supporters, and I am confident that the Barbados Workers' Union as a body was not consulted on the effects of the Arbitration Bill which we are now debating. I am morally certain about it, because I know how they on that side operate. I

am sure that members of the Employers Federation or of the Barbados Sugar Producers Association knew about this Bill long before the accredited representatives of the workers of this country.

5.15 p.m.

That is a very serious state of affairs. I have been making a simple calculation and I would say that two out of every three Bills which have been introduced into this Chamber during the current Session have been inspired by the same Employers' Federation. I shall not say anything more about that, Mr. Chairman, because I see that your hands are moving towards the gravel. I want to say that it is not merely the absence of the hon. senior member for St. Peter which causes alarm on this side of the House; it is that we are not convinced that the Trade Union as a Trade Union has had time, since we ourselves had only a limited time - I think ten days - to consider the effects of this Bill on the machinery of voluntary collective bargaining agreements. It is going to be a very sorry state of affairs in this country; the Combination Acts having been repealed one hundred and seventy years ago, the fine spirit of the Combination Acts is now creeping back into legislation in this island, in open, apparent and obvious legislation, but under the guise of the Arbitration Act which deals substantially with the course of justice in this Island and in industrial disputes *qua* industrial disputes. That is the regrettable thing about it. You never know when the Government will insinuate in the most innocuous legislation matters which will fundamentally impinge on the liberty of the subject. That is what we are opposed to. If this Bill were a Bill to provide for all time against any Trade Union being able to resort to the weapon of a strike in the failure of a collective bargaining agreement and the special title was "The Sugar Industry Strike Provisions Bill, 1958," the Trade Union would have been put on its guard. In the same way that a Bill which was recently passed here should have been entitled "The Electric Company Development Act," instead of the Rate of Interest Bill, so this Bill should have come out in its true colours and disclose to the community at large the real reason for its enactment.

I do not want to make any second reading speech. I made one which was so accurate that it convinced the Premier himself; therefore, there is no further need for me to make a second reading speech. All I am saying is that I am not supporting the passing of Section 28 of this Bill, until the Government satisfies me that they have done everything possible to discuss, as is the common constitutional practice today with a measure which affects a particular Section of the community and which encroaches on the rights of the population at large - it is the common practice of any Democratic Government to approach, discuss and accept the suggestions made by the particular sections or sections of the community which are most likely to be affected by the enactment of such legislation. That is no new principle which I am enunciating; it is so old fashioned that I may be accused of being Victorian for voicing it. It was done as far back as Disraeli's days in constitutional practice among the Commonwealth of Nations.

This Act was discussed with the Mercantile Interests of this country long before it came before this House. They cannot pretend to be alarmed by my suggestion that the section of the community most likely to be affected quite apart from the numerous litigants who are not particularly in one way or another - I speak for the working people of this Island and in the absence of the hon. senior member for St. Peter, I think I have more to do with them from day to day than any hon. member from the opposite side of the House. I am saying that we should postpone the further consideration of this Bill, not so much for the hon. senior member for St. Peter to say whether he agrees or disagrees with it, because it is a matter of indifference to me whether the hon. member agrees or disagrees with it as an individual. I only want to be assured that the organisation substantially representative of the working class interests in this country has been consulted and it has given its consent and approval to the legislation which we are now considering.

Mr. STRAUGHN: If there is one thing which the hon.

member who has just down has done, it is to correct a wrong impression which the mover of this motion has given us. He says that it is not the absence or otherwise of the hon. senior member for St. Peter from his seat which has caused his colleague to make the motion for the postponement. I do remember that when the motion for the postponement was made on the last occasion, it was made on the ground that hon. members had not been given time enough to study the Bill. Today, I notice that the hon. member has swung around to some extent and he is moving that you do now report progress.

Mr. TUDOR: On a point of order. It is not a fact that we have swung around as the hon. member puts it. That is a distortion of our position. The facts are that we asked for a postponement last week, firstly, because the Bill had not been circulated long enough (Mr. BARROW: And that was admitted.) and the second reason was that we felt that the Bill cuts across the Trade Union rights. We wanted to hear from the Government whether they had consulted the Trade Union and from the hon. absent member whether his organisation has been consulted.

Mr. STRAUGHN: I heard when the hon. senior member for St. Lucy was speaking, the hon. junior member for St. John say that the first reason was omitted. Further,.....

Mr. TUDOR: On a point of order. The word which the hon. member used was not "omitted" but "admitted".

Mr. STRAUGHN: I am quite certain that the idea of whether any particular individual was in his place or not - although we would like to feel that people would be in their places to speak on Bills when they reach here - the question of whether or not this Section should be postponed because an hon. member is not in his place, is not really relevant at all.
5.25 p.m.

A lot of speeches have been made on Section 28, which I believe we will get a chance to speak on as the time passes, but on the question as to whether or not you should report progress and ask leave to sit again, I do not think it deserves the support of this House.

The question was put and resolved in the negative the House dividing as follows:-

AYES: Mr. TUDOR: Mr. TALMA and Mr. BARROW - 3

NOES: Hon. Dr. H. G. H. CUMMINS; Hon. M. E. COX; Hon. D. D. GARNER; Mr. HOLDER; Mrs. BOURNE; Mr. THORNE; Mr. SEARLES; Mr. STRAUGHN and Mr. L. E. SMITH - 9.

Mr. TUDOR: Mr. Chairman, I think I can now address myself to the Section under discussion which is Section 28. (A VOICE: You cannot speak now!) Tell me why I cannot?

Mr. CHAIRMAN: Let me call the attention of the hon. senior member for St. Lucy to Rule 142, which reads as follows:

"A member who moves or seconds a motion for the adjournment of a debate which is negatived is not entitled to speak to the main question."

Mr. TUDOR: Not in Committee, Mr. Chairman; only in the House when the Speaker is in the Chair.

Hon. M. E. COX: It does not say that.

Mr. TUDOR: Mr. Chairman, if you would look a little further down the Rules, you will see that there is "8. Committees of the whole House" and the Rules which govern the procedure of the House in Committee start from Rule 153 and go down to Rule 174.

Mr. CHAIRMAN: Rule 142 as I said is in the General Rules and applies both to the House and the Committee. In Rules 137 and 138 you will see reference is made both to the House and the Committee, and Rule 142 states that a

member who moves or seconds a motion for the adjournment of a debate which is negatived is not entitled to speak to the main question. That is what you have done and therefore you cannot speak again.

Mr. TUDOR: Mr. Chairman, may I just tell you this: a motion, when the House is in Committee, to report progress is not a motion for adjournment of the debate. As a matter of fact, a motion for the adjournment of the debate can only take place in the House itself.

Mr. CHAIRMAN: That comes under the same Head.

Mr. TUDOR: As Your Honour will recall, motions to report progress are frequently taken when the debate of the Committee is completed, and Rule 163, as my colleague reminds me, says that "In Committee, members may speak more than once to the same question." In any case, May's is not applicable in this instance.

Mr. CHAIRMAN: On page 609 of May's Parliamentary Practice there is a paragraph which clarifies Rule 142, and it reads as follows:

"It is the practice for Members who desire to close the sitting of a Committee to move that the Chairman do report progress and ask leave to sit again in order to put an end to the proceedings of the Committee on that day, this motion in Committee being analogous to that frequently made in the House for adjourning the debate."

Rule 142 says that a member who moves or seconds a motion for the adjournment of a debate which is negatived is not entitled to speak on the main question, and I therefore rule that under Rule 142 the hon. member is not entitled to speak again.

Mr. TUDOR: Would you look at Rule 163 and give us a ruling on that?

Mr. BRANCKER: Mr. Chairman, Rule 163, despite any erroneous direction which may emanate from any employee of this Chamber

Hon. Dr. H. G. H. CUMMINS: On a point of order, I am surprised to hear the hon. junior member for St. Lucy, the Leader of the Opposition, referring to an employee of the House in such a manner. (A VOICE: Not badly!) The hon. senior member for St. Lucy is always saying that he knows more about Parliamentary Procedure than anybody else.

Mr. TUDOR: On a point of order. If the hon. member will give away.....

Hon. Dr. H. G. H. CUMMINS: When I am finished the hon. member can rise. He has always given the impression that he is well versed in Parliamentary Procedure.
5.35 p.m.

Mr. TUDOR: Mr. Chairman, I rise on a point of order. If the Hon. Premier will give way.

Hon. Dr. H. G. H. CUMMINS: I am on a point of order myself. When I am finished, the hon. member can reply. He has at least given the impression that he is well versed in parliamentary practice and one of the first things is that members should obey the Chair and do not argue with the Chair.

A VOICE: Even if you are wrong?

Hon. Dr. H. G. H. CUMMINS: Yes; even if you are wrong.

Mr. CHAIRMAN: In reply to the question asked about my referring to Rule 163, I just want to say that the hon. senior member for St. Lucy spoke on the question that Clause 28 stand part already. Then he made the motion that I do now report progress and ask leave to sit again. I am ruling in accordance with Rule 142 which is: "a member who moves or seconds a motion for the adjournment of a debate which is negatived is not entitled to speak to the main question."

Mr. TUDOR: Speaking on a point of order, Mr.

Chairman, when I spoke, I spoke in the course of the debate which has just gone by and it was to make the motion that you do now report progress. I have not spoken on the main question and my contention is that I am entitled to do so. I therefore wish to give formal notice that I intend to raise it as a matter of privilege when Mr. Speaker resumes the Chair.

The question that Clause 28 stand part was put and resolved in the affirmative, the Committee dividing as follows:-

AYES: Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. R. G. MAPP, Hon. F. E. MILLER, Mr. HOLDER, Mrs. BOURNE, Mr. THORNE, Mr. T. W. MILLER, Mr. STRAUGHN, Mr. L. E. SMITH, and Mr. F. G. SMITH. - 12.

NOES: Mr. MOTTLEY, Mr. TUDOR, Mr. TALMA, Mr. BARROW and Mr. BRANCKER. - 5

On motion of Hon. M. E. COX, seconded by Hon. D. D. GARNER, Mr. CHAIRMAN reported progress and asked for leave for the Committee to sit again.

Mr. SPEAKER resumed the Chair and reported accordingly.

Mr. TUDOR: Mr. Speaker, I rise to speak on a question of privilege, the question being the interpretation of Rule 142 when the House was in Committee.

The facts were as follows:-

The House was in Committee on the Arbitration Bill and it reached Clause 28. When that Clause was called, before it was put to the vote by the Chairman of Committees, I rose and made a motion that the Committee report progress and that Mr. Chairman ask leave for the Committee to sit again. That motion was seconded and debated and negatived. As soon as Mr. Chairman had declared the negation of the motion, I rose then to speak on the substantive question which was that Clause 28 stand part and on which I had not spoken and which question had not yet been put. When I rose to speak, the Chairman of Committees interrupted me on the ground that as I had spoken on the motion which had been negatived, the Rules of the House did not permit me to speak to the main question and he cited in support of his ruling, Rule 142 which reads as follows:-

"A member who moves or seconds a motion for the adjournment of a debate which is negatived is not entitled to speak on the main question."

I countered with Rule 163 which deals with procedure in a Committee of the House. In it a member may speak more than once to the same question. Despite the intervention of the Hon. Leader of the Opposition emphasizing the cogency of the Rules which deal with the procedure in Committee, the Chairman, nevertheless, repeated his ruling and then I gave formal notice that I would raise the matter in the House before Your Honour as a matter of privilege. If this ruling is enforced, hon. members will find themselves very much restricted in Committee of the House in speaking to the main question when the rules of the House dealing with Committee procedure emphasises what privileges hon. members may have and for Your Honour's benefit, I just repeat this. The Rule Book of this Chamber is subdivided under certain Heads called divisions. It is the Section called 8 which deals with Committees of the whole House and that section starts with Rule 153 and ends with Rule 174. These 22 Rules, as it seems to me, govern the procedure of the House when it is in Committee.

5.50 p.m.

I just want to make a correction; I did say inadvertently that I had spoken on the motion for reporting progress. It is, of course, a fact that I made the motion myself and spoke to it.

Mr. Speaker, I have raised the question so that Your Honour might advise yourself upon it and upon points of

issue, because we would be very careful that hon. members should not be circumscribed in respect of their rights and privileges. I wish to make it clear that I am not complaining against the Chairman of Committees, but it is a question of privilege which has to be safeguarded, especially as Your Honour's tenure of office is enlivened by impartiality at all times. As it appeared to me, when the House was in Committee that pressure was being put on the Chairman of Committees by Government members, I thought it best to raise this question for Your Honour's information.

Mr. SPEAKER: The hon. senior member for St. Lucy is raising a point of privilege which must be attended to immediately. I will not give any sort of ruling at the moment; I will postpone my ruling until after tea time, if there is any tea time, and I hope that there will be tea time. On resumption, I will address the House on the matter.

Mr. TUDOR: As Your Honour pleases.

Hon. M. E. COX: I beg to move that this sitting be now suspended for half an hour.

Hon. D. D. GARNER: I beg to second that.

The question that this sitting be now suspended for half an hour, was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

6.00 p.m.

SPEAKER'S RULING re PRIVILEGE OF THE HOUSE

On resumption:

Mr. SPEAKER: Just before the sitting of this House was suspended for half an hour, the hon. senior member for St. Lucy rose in his place in order to find out whether a privilege of the House had been infringed upon or not. I want to say at the outset that that question arose on account of a ruling made by the Chairman of Committees when the House was in Committee. Although the hon. member did not actually protest against the ruling directly, what he has done in effect comes perilously near to challenging the ruling of the Chairman. That is why I was at pains to discover whether or not a ruling had been made by the Chair. However, since there was a point of privilege, I promised to have it attended to directly after the suspension of the sitting of the House for tea.

Now order in Committee is governed by the same Rules as obtain in the House. The hon. senior member for St. Lucy has made reference to some Rules which deal with the Committee, but these Rules do not in any way destroy the validity of the general Rules for maintaining order as they apply to the House. These Rules apply similarly in Committee. That is borne out in May's Parliamentary Practice. The motion for reporting progress is a dilatory motion which, as the Chairman has pointed out, is analogous to a motion for the Adjournment of the House. That is also borne out in "May's" and the Chairman of Committees was perfectly sound in his judgement and in his pronouncement when he said that Rule 142 dealing with the enforcement of order in the House, applied just as directly in Committee; otherwise the Rules would be pointless if they did not apply also in Committee. Therefore, I must point out to the hon. senior member for St. Lucy that no privilege of any member has been attempted to be destroyed or to be waived by the Chairman of Committees during the sitting of the House in Committee.

I do not believe it is necessary now for me to go back and cite "May's" at page 140 and point out that Rule 142 of the Rules of this House is almost repeated word for word there. Rule 142 says this:

"A member who moves or seconds a motion for the adjournment of a debate which is negatived is not entitled to speak to the main question."

That is almost repeated word for word in "May's" and it is regarded as a motion for reporting progress. I can tell the hon. member that not one iota of privilege has been attempted to be infringed upon, so as to take away the right of any member of this House, by the action of the Chairman of Committees. It is absolutely clear that these

Rules which apply in the House generally also apply in Committee. Order in the House is maintained by the Speaker and order in Committee is maintained by the Chairman. If order is destroyed, neither the House nor the Committee can function in an orderly manner.

Mr. TUDOR: As Your Honour pleases.

6.45 p.m.

Mr. SPEAKER left the Chair and the House resumed Committee,

Mr. BRYAN being in the Chair.

Clauses 29 to 36 inclusive were called and passed.

Clause 37 was called, it reads as follows:

"This Act shall apply in relation to every arbitration under any other enactment passed before or after the coming into operation of this Act as if the arbitration were pursuant to an arbitration agreement and as if that other enactment were an arbitration agreement, except in so far as this Act is consistent with the other enactment regulating the arbitration or with any rules or procedure authorised or recognised by that other enactment."

slant Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I think I should say a few words because it is being represented that this Section of the Bill cuts across Trade Union practice. From my information, Sir, it does not. This Clause was put in clearly to prevent any conflict between this Act and any Act relating to Trade Unions. I said earlier that this Act is taken from the Imperial Arbitration Act, 1950, and the Arbitration Ordinance of Trinidad. This particular Section is based on the following: Section 24 of the Arbitration Act, 1889 (Imperial), Section 20 of the Arbitration Act, 1934 (Imperial), Section 31 of the Arbitration Act, 1950 (Imperial). At the outset I said that this Act was based on the English Act, the Trinidad Act and the Jamaica Act, and Section 37 is taken from all of them; Section 36 is taken from the Arbitration Ordinance of Trinidad, and Section 24 from the Arbitration Act of Jamaica. If in these places it was found that it did not cut across the Trade Disputes Act, how in the name of goodness the same thing that applies to them would apply disadvantageously to the Trade Disputes Act of Barbados?

I want to make it quite clear that despite all they have heard, I have been advised that the Clause does not cut across the Trade Disputes Act, and that it was not considered necessary to refer it to the Union as nothing in the Bill adversely effects the Union.

Before I take my seat, Sir, last Tuesday and again today, the hon. junior member for St. John said that in my broadcast on the radio in relation to the Trade dispute earlier this year, I mentioned that I was sending it to arbitration. I told him then and again today that it was not so, but I suppose he will believe this when I read it. This is an extract taken from the *Advocate* of 20th April, 1958.

"Hon. Dr. Hugh Gordon Cummins, making his first public speech over the service of Rediffusion last night as the new Premier of Barbados, said that the Government had decided to set up a Board of Enquiry to investigate the dispute between the Sugar Producers' Federation and the Barbados Workers' Union."

He said the *Advocate* had it as "arbitration".

Mr. BARROW: On a point of order, Mr. Chairman. That automatically becomes a document of the House. Let the hon. member pass it around and I will draw the hon. member's attention to the part.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 37 stand part.

Hon. M. E. COX: I beg to second that.

Mr. BRANCKER: Has that clipping been made a document of the House? Will you direct the Clerk to let me see it, Sir?

6.55 p.m.

Mr. TUDOR: Mr. Chairman, one of the things that

puzzle me about the many sections of the Bill, as I call it, is the fact that neither of the Ministers who have spoken has been able to give us that clear and unequivocal explanation of the doubtful operations of the sections. Here again, we find that there is room for doubt and what the Hon. Premier just said does not really clear the matter up. What we on this side want, and want very badly, is the assurance that no part of this Bill, no matter how widely or loosely it is interpreted, can bring any harm to bear on trade unions. That is what we are trying to get out of them and they have not satisfied us yet on that score.

It is commonplace that this Bill, or Bills of this sort, are always so worded that even the most contentious, controversial sections are only remedied long after the legislation is passed, when everybody becomes aware of its full impact; and when you say, therefore, that it is damaging, it is certainly not enough for the Hon. Premier to tell us that his advice is that Section 37 is not damaging. It is not for us to prove that the particular section of the Bill is what we feel it should be; it is enough to voice our fears and for the Minister sponsoring the Bill to say in detail why our fears and doubts are groundless. The Attorney General who presumably is the adviser to whom the Hon. Premier made reference cannot be expected to look on this matter in that deep penetrating way as we would look upon it. After all, he is not a politician and when the Hon. Premier asked him: "does this affect a trade union?" and he says "No, it does not," his idea and even the Hon. Premier's idea may be different. The Hon. Premier says that he has been advised. By whom has he been advised? Surely, he has not been advised by somebody whom this Bill effects but by somebody who is an expert on law: and a legal expert is not the fittest or most proper person to tell a politician what can affect a particular person. Suppose, for instance, when the next crop begins in January that the cane cutters decide they would not wish to start reaping the crop until they know what wages they are going to be paid and they decide that because of their uncertainty, they are not going to start cutting. After the second or third week is passed, the Government get sufficiently concerned as to set up an Arbitration Tribunal. Now, suppose the Arbitration Tribunal having been set up, takes the line that the particular case which is put up to it by the Union is a weak one and the Sugar Producers' case is the better one. According to this and the other section, such an award has the force of law and is enforceable as a court judgment, whatever form that may take. If that happens, the workers and their representatives might find themselves bound by the award which, if they disobey it, they do so at their peril and, on the other hand, they may feel it so unjust that they want to disobey it. According to the terms of this section, they will be breaking the law.

I do not feel, and I am not speaking purely as a layman, that any law ought to be so passed that one of the results is that the people would want to disobey it because if they find that they cannot accept the findings of a Tribunal, they may wish to exercise what other democratic rights they have in seeking redress. Suppose they find it impossible to accept the findings, then they will be departing from the provisions of this Act and the fat will be in the fire: and we may find ourselves having to accommodate hundreds of people in jail not because they are reckless or disregarding of the law but because the provisions of the particular Act were so stringent and so unfair that in order to get around the matter of redress of their particular grievance, they had to take that course of action. If the passing of this law is going to make a straight jacket of people, well then, it ought not to be passed. It is that consideration which we are urging on the Government and that is why we cannot support this Section or the other. Although we have listened to the Hon. Premier making his comments on it, all he has said on it is that whereas we have fears that it will cut across the Trade Union, he has been advised that it does not; but that does not get us any further because his advice may be purely legal or formal advice saying that there is nothing controversial in the clause. That is not what we want. What we want to know, apart from the legal terms, politically speaking, is whether it is bad or good, and the Hon. Premier was not in a position to give us that assurance. Failing that assurance from him, we have no choice.

Mr. STRAUGHN: Mr. Chairman, I notice that the hon.

senior member for St. Lucy has made this point more than once, and, as a matter of fact, I am commending him for doing so although it does appear as if he does not seem to understand that. Listening to him, makes me feel that he is talking about a Board of Enquiry rather than a Board of Arbitration because, even just now, he mentioned that suppose in the reaping of the next cane crop, the sugar workers find that they do not want to start reaping the crop until they know what wages they are getting, and that situation developed over a period of time and the Government decided to set up a Board of Arbitration.

Mr. TUDOR: Mr. Chairman, I rise on a point of explanation. He has not fully quoted me. I said suppose the Government in response to a request from one side decided to set up a Board of Arbitration.

Mr. STRAUGHN: Well, even there Mr. Chairman, it shows that the hon. senior member for St. Lucy cannot possibly be talking of arbitration. You cannot set up a Board of Arbitration until you get a request from both sides. Even the Government with all the Ministers cannot set up a Board of Arbitration until they get a request from both sides; so, when the hon. senior member for St. Lucy keeps on repeating what he says, he may be talking of a Board of Enquiry. But even with a Board of Enquiry both sides still have to agree.
7.05 p.m.

But a Board of Enquiry can be set up in any case and the findings of that Board need not be binding, as has been proved in the last dispute. If the two sides did not accept the findings of the Board, then the matter would have been left there. The purpose of this Bill is not to give the Governor the privilege of setting up a Board of Enquiry; this is a Bill relative to Arbitration. You cannot force anybody to go into arbitration; both sides have to agree to that. If the Union does not want to go to arbitration, it need not go; it can fight its case, and if it knows what is public opinion, then it can go on strike. I believe that the hon. senior member for St. Lucy is sincere in his misconception and misconstructions; that is why I said that he repeated the statement more than once.

I took the opportunity to speak on this Clause, because the matter has been brought up again. I repeat that both parties have to agree to the setting up of an arbitration.

Mr. TUDOR: Mr. Chairman, it would be a very sad day for me if the hon. member who has just sat down had to teach me anything. It goes without saying that if somebody requests something, in order to have an arbitration the other side must consent to it; I would not have to labour that point. My remarks were not based on his misunderstanding of the premises on which I am arguing; of course, with him it is a matter of understating and not of understanding.

Mr. BARROW: Mr. Chairman, I have listened with a great deal of interest to what the Hon. Premier was at pains to say and he has said that, as far as has been informed, Section 37 of this Bill does not cut across the fundamental rights of a Trade Union to resort to collective bargaining in industrial disputes and take any action as it may think fit in the settlement of a dispute.

Hon. Dr. H. G. H. CUMMINS: On a point of order. I said, trade disputes; not collective bargaining.

Mr. BARROW: I do not think that the hon. member was listening to what I was saying.

Hon. Dr. H. G. H. CUMMINS: I did not say that the Clause cuts across the fundamentals of collective bargaining; I said, trade disputes.

Mr. BARROW: I understood the hon. member to say that he did not say that Section 37 cuts across the existing fundamental rights of collective bargaining. The words he used were "trade disputes", but that makes the matter more confusing. The hon. member is saying that this Clause is in accordance with Section 31 of the Imperial Act, which is the 1950 Arbitration Act of England, not of Great Britain. I believe he said that in Section 26 of the Trinidad Ordinance, the same provision is there; but the statutory interpretation is one which has been engaging the attention of Her Majesty's Judges from legal memory, and that is taking us back somewhere

to the Twelfth Century.

Section 31 of the Imperial Arbitration Act is worded in exactly the same way as Section 37 of this Bill, but the hon. member immediately jumps to the conclusion that because we have worded our Section in the same way as the Section in the Imperial Act, automatically, it does not interfere with trade disputes. Would the hon. member like to hear now what Her Majesty's Judges in the House of Lords said on that point? Section 37 of this Bill reads as follows:-

"This Act shall apply in relation to every arbitration under any other enactment passed before or after the coming into operation of this Act as if the arbitration were pursuant to an arbitration agreement and as if that other enactment were an arbitration agreement, except in so far as this Act is inconsistent with the other enactment regulating the arbitration or with any rules or procedure authorised or recognised by that other enactment."

Let us boil it down to an ordinary layman's language. after the passing of the Act of this legislature the award of an Arbitration Tribunal would become binding on every party whether he is an active party to it or not. If he is a dormant member of the Tribunal, he is bound in the same manner as if he were a member of the party responsible to the tribunal. The hon. member in a flurry of brilliance has said that the last part of the Section safeguards the Trade Unionist and his right under the Act to approbate or to reprobate as the case may be, and that right is not circumscribed or inhibited. That is what the hon. member says, but Her Majesty's Judges in England did not agree with that.

I am reading from Lord Simonds, the Lord High Chancellor of Great Britain from an edition of the Halsbury's Law of England, published only last year at page 63, paragraph 133. You can follow Section 31 of the English Act and you will see that the Premier is right. It is worded in the same way. This is what the Lord Chancellor says as to the application of the Arbitration Act, 1950:-

"With certain exceptions the provisions of Part I of the Arbitration Act, 1950, apply to every Arbitration under any other Act of Parliament (whether passed before or after the commencement of the Arbitration Act, 1950), as if the arbitration were pursuant to an arbitration agreement, and as if the Act under which the arbitration takes place were itself an arbitration agreement, except in so far as the provisions of the Arbitration Act, 1950, are inconsistent with the Act under which the arbitration takes place or with any rules or procedure authorised or recognised thereby."

It is identical to the last punctuation mark.
7.15 p.m.

The case of Paul against the Wheat Commission came up for consideration before Her Majesty's Judges in the House of Lords, and this is what they said:

"The following provisions of the Arbitration Act, 1950, are expressly excluded from application to statutory references." Express words are required to enable the Rule to be made excluding provisions of the Arbitration Act. The general authority under the Statute for the making of rules as to Arbitration is insufficient; that was the ruling given in the case of Paul in 1937 against the Wheat Commission. He should read the judgment handed down by the House of Lords on this particular Section, because this is not the first time; this is as old as the hills. This provision appears in the Imperial Statute of 1889 and is only reenacted from 1934 onwards to 1950, so that there has been a whole series of decisions handed down on the interpretation of that section, and all decisions point to this: that if in the Act which it is sought to bring within the scope of Section 37, there is an express provision that Section 34 or *mutatis mutandis* Section 37 shall not apply, if there is an express rule to that effect, then and only then will the Arbitration Act, Sections 31 to 37 in Barbados be excluded. But it goes a lot further than that. They give a long list of Imperial Acts which contain such a provision, and the Trade Disputes Act and even the

Statutory Orders do not count or occur in that list, and I will read some. The following provisions are expressly excluded from application to Statutory references. This Section reads as follows:-

"In some cases the Act regulating the arbitration expressly provides that the Arbitration Act, 1950, shall not be applicable. Sometimes only part of the Act is expressly excluded;; sometimes only part is expressly applied, the rest being excluded; sometimes the Act is excluded in general terms but may be made applicable by means of rules or other subordinate legislation."

Now the provision to this effect are contained in the Conciliation Act, the Industrial Courts Act, the Transport Act, the Electricity Act, the River Boards Act, the Agricultural Holdings Act, the Gas Act, the Clergy Pensions Measure, the Commonwealth Telegraphs Act, the Patents Act and the National Health Service (Amendment) Act. Thus provisions of the Act which empowers the Court to order the Statement of a special case are excluded by Section 20 of the Building Societies Act and in the Friendly Societies Act. Where the Act is excluded in general terms made applicable by means of rules or other legislation, they go on to mention the Rating and Valuation Act, the Sugar Industry Act, 1936, the Restoration of Pre-War Trade Practices Act, 1942, the Education Act, 1944, the National Insurance (Industrial Injuries) Act, 1946, the National Insurance Act, 1946 and the Children Act, 1948. But the provisions of the Arbitration Act, 1950 are not inconsistent with provisions as to the same subject-matter contained in the Act regulating the arbitration if they can be read together without any conflict. All that is important.

If you take the Trade Dispute Act which is the bone of contention, there is no part of the Trade Disputes Act which excludes the provisions of any other Act such as the Arbitration Act, 1950. There are no rules made in the 1939 Act which exclude the application of Clause 37 of the Bill which we are now considering, and therefore it stands to reason that all the Labour Commissioner, the Attorney General or an Employers Federation would have to argue is that when you read the 1939-6 Trade Disputes Act and the 1939 Arbitration Act, there is nothing inconsistent in the provisions of these two Acts. In other words, the 1939 Act is entirely silent on the question of enforceability, and the 1958 Act, Sections 28 to 37, make provision for matters which were not considered before at all. Far from being excluded, they were not referred to in any way in any part of the Trade Disputes Act, 1939. That is the whole position, and when you get such eminent authorities as Her Majesty's Judges in the House of Lords as they did in the case to which I just referred - and for the benefit of hon. members who did not hear, the case was Paul against the Wheat Commission in 1939 - saying that you have to have an express exclusion of the provisions of the Arbitration Act before you can say we do not come within the ambit of Section 37 in the Imperial Act, then it stands to reason that everything which I have said before retains the validity which it had a week ago.

Nothing that the hon. junior member for St. Thomas has been advised upon, unless that advice has come from the Lord Chancellor of Great Britain, will make the slightest difference to the way I am going to vote in order to exclude Section 37 until we are satisfied, and unless the Premier puts in some specific provision in the Bill itself that Trade Unions will not be restricted or bound by the provisions of the Clause which we now have under consideration.

I do not think I can say anything more on the subject at all except to remind hon. members that they have been misguided by the Premier's remarks. He has been wrongly advised that when a Statute is passed the Statute appears to make the Law, but the real Law resides in the breasts of the Judges and those eminent authorities who have to give effect to the Statute by giving judicial decisions and pronouncements in matters of this kind.

Mr. TALMA: Mr. Chairman, I shall just attempt to clarify certain points made by the hon. member who has just sat down. What the hon. member has said in effect is that if Clause 37 passes here, you will then have to amend the Trade Disputes Act, 1939, saying expressly that this Clause did not apply to the Trade Disputes Act, 1939, be-

cause unless you do that, it means that awards which are granted under the 1939 Act will be enforced under this Act. In other words, unless you amend the 1939 Act, an award which normally today cannot be enforced in the manner suggested in this Act - enforced as a judgment or execution or order of the Court - will be covered by this Act and you will be caught by it.

7.25 p.m.

Unless you do that and bring that amendment under the Trade Disputes Act, 1939, then this Act will cover it and you will be guided by this Act; in other words, the Trade Disputes Act will go by this section. Therefore, an award in the future will not be an award as it is today, but it will be enforced under the provisions of this Act and will do a lot of harm to the Trade Union.

Sir, I have attempted in simple language to reduce the argument introduced by the hon. member for St. John. Unless Clause 37 is amended now to say that this Act does not deal with the Trade Disputes Act, it will affect that Act. Whatever is done under that Act will be guided by this Act and the Trade Union movement will suffer as a result of this Act. All the points made by the Hon. senior member for St. Lucy in so far as the effect of this Act when it is passed are valid and sound because an award made to the detriment of workers if disobeyed by the workers can be regarded under this Act as contempt of court, which can mean imprisonment for the workers. I say, if you want the workers to suffer, go ahead and pass this Bill; but do not at any time say that we on this side were party to it. We have attempted in vain to explain all this to you. Sir, I made the point last Tuesday on Clause 28 and that is the main section which is contentious. Clause 37 is just a comprehensive Clause which embraces all previous awards in any enactment whether before or after the passing of this Act under any Arbitration Tribunal. All will be caught by this Act and will be enforceable as a judgment or order of the Court and the explanation which the Hon. Premier has stated is that there is an exception which is in the same Clause "except in so far as this Act is inconsistent with the other enactment." That does not carry us any further. That is no saving whatsoever. If the Hon. Premier has been given certain legal advice and interpretation, he has not really explained it to the satisfaction of this Committee when he said that he had received advice that it does not cut across the Trade Union and that it is done in other places. He has not explained what effects it would have on the Trade Union. If the Hon. Premier wants to go ahead and fails to explain what he means, do so. I am sure he has not explained it yet. I know that it means that awards of arbitration tribunals in the future will be enforced as a judgment of the Court. Although provision was not made for enforcing them in the past, provision is made in this Act; therefore, all awards can be enforced as a judgment or an execution or an order of the Court.

The question that Clause 37 stand part was put and resolved in the affirmative, the Committee dividing as follows:-

AYES: Hon. Dr. H. G. H. CUMMINS, Hon. D. D. GARNER, Hon. R. G. MAPP, Mr. HOLDER, Mrs. BOURNE, Mr. THORNE, Mr. SEARLES and Mr. STRAUGHN. - 8.

NOES: Mr. TALMA, Mr. TUDOR, Mr. BARROW and Mr. BRANCKER. - 4.

Clauses 38, 39 and 40 were called and passed.

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I beg to move that you do now report the passing of one Bill in Committee.

Hon. M. E. COX: I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:-

AYES: Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. R. G. MAPP, Mr. HOLDER, Mrs. BOURNE, Mr. THORNE, Mr. SEARLES and Mr. STRAUGHN. - 9.

NOES: Mr. TALMA, Mr. TUDOR, Mr. BARROW and Mr. BRANCKER. - 4.

Mr. CHAIRMAN reported to Mr. SPEAKER who resumed the Chair and reported accordingly.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that this Bill be now read a third time.

Hon. M. E. COX: I beg to second that.

The question was put and resolved in the affirmative, the House dividing as follows:—

AYES: Mr. BRYAN, Hon. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. F. E. MILLER, Hon. R. G. MAPP, Mr. HOLDER, Mrs. BOURNE, Mr. THORNE, Mr. SEARLES and Mr. STRAUGHN. - 11.

NOES: Mr. TALMA, Mr. TUDOR, Mr. BARROW and Mr. BRANCKER. - 4.
7.35 p.m.

Hon. Dr. H. G. H. CUMMINS: I beg to move that this Bill do now pass.

Hon. M. E. COX: I beg to second that.

The question that this Bill do now pass was put and resolved in the affirmative, the House dividing as follows:—

AYES: Mr. BRYAN, Hon. Dr. H. G. H. CUMMINS, Hon. M. E. COX, Hon. D. D. GARNER, Hon. F. E. MILLER, Hon. R. G. MAPP, Mrs. BOURNE, Messrs. HOLDER, THORNE, SEARLES and STRAUGHN - 11.

NOES: Messrs. TALMA, TUDOR, BARROW and BRANCKER - 4.

INFANTS' BILL

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier:— To move the second reading of a Bill to amend the Law relating to the guardianship, custody and property of infants.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this Bill is a Bill which seeks to amend the law relating to the guardianship, custody and property of infants, so as to bring it into line with modern law. It seeks also to include certain provisions relating to the property and contracting capacity of infants which are considered necessary if the interests of infants are to be properly served. The Bill is modelled almost completely on the Infants Ordinance of Trinidad which in turn is based on the Imperial legislation on this subject. That is the authority for this Bill.

Clause 8 of this Bill clearly sets out the principle behind the modern approach to legal matters concerning infants, the principle that in all matters the welfare of the infant is the paramount consideration. For the first time the mother of an infant is considered to be on equal footing with the father, as was not the case heretofore. As we go on, hon. members will see from the "Objects and Reasons" the Clauses which are aimed at carrying out the terms of the Bill. Clause 3 preserves the present position at law that on attaining the age of twenty-one years, an infant reaches his majority. Clauses 4 and 5 are concerned with the rights of a surviving parent to guardianship and the appointment of testamentary guardians. At Common Law, the mother of an infant as such has no rights of guardianship, so that, on the death of the father, the father's testamentary guardian has all the rights. The mother only comes into the picture if on the death of the father there are no testamentary guardians appointed by him. As we go on down the "Objects and Reasons" we see that the main object of the Bill is to safeguard the rights of infants. Where the Court, after any objection as to the testamentary guardianship of the infant, makes the testamentary guardian a sole guardian, the Court may make an order that the surviving parent pay a weekly or other periodical sum towards the maintenance of the infant. Clause 6 gives certain powers over the person and property of infants to testamentary guardians and guardians appointed by the Court.

The "Objects and Reasons" of this Bill are clearly set out. I repeat, that this Bill is an attempt to bring the law relating to the guardianship, custody and property of infants in line with modern thought and modern law.

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

Hon. M. E. COX: I beg to second that.

Mr. TALMA: Mr. Speaker, I rise to support the principle expressed in this Bill and more especially, the overriding principle which sets out that the welfare of the infant shall be the first and paramount consideration. In this Bill, greater protection and assistance is provided for the infant, and, as has been explained by the Premier, the mother for the first time is being granted equal status with the father. The Bill is modelled, as the Premier has pointed out, on the Ordinance of Trinidad, and based on Imperial legislation on the same subject. It is really bringing the law into line with the English practice and in so far as the infants' property is concerned, the infant, with the leave of the Court, if the Court thinks fit, can dispose of the property provided that it is for the infant's benefit. There are Clauses which deal with marriage settlements with leave of the Court. The whole position in this Bill is controlled by the leave of the Court and the mother enjoys equal status with the father in so far as the property, custody and maintenance of the infant is concerned. I am in thorough agreement with the overriding principle in this Bill, but it is just one point which I would like the Hon. Premier, before he moves on, to try to explain in respect of Clause 6. I am seeking assistance now. Clause 6 says this:

"Every guardian under the two last preceding sections shall have all such powers over the estate and the person, or over the estate, as the case may be, of an infant as a guardian appointed by will or otherwise has in England under the Act twelve Charles the Second, Chapter 24."
7.45 p.m.

Now I want the Premier to pay attention to what I am saying. Reference is made to the English Act under the Act twelve Charles the Second, chapter 24. Now I cannot tell you, Sir, what that refers to or what it states, and I was wondering whether the Premier could explain to the House what he means by this phrase. I will read the Section again.

"Every guardian under the two last preceding Sections shall have all such powers over the estate and the person, or over the estate, as the case may be, of an infant as a guardian appointed by will or otherwise has in England under the Act twelve Charles the Second, chapter 24."

Unless that is explained here to the satisfaction of this House, how can we pass legislation like this? The general principles are sound, but still you cannot pass legislation not knowing what you are passing. My whole point is that the Act has very far-reaching principles and great benefits to be derived as far as infants are concerned, and also greater facilities in dealing with their property in the case of marriage settlements; yet as the hon. member knows, ignorance of the Law is no excuse. You cannot very well expect the average man or woman to know what Charles the Second, chapter 24 refers to in the English Act, and anyone who commits a breach of the Law is not excused because the old motto is *ignorantia legis non excusat*. That still holds good, and if you insert in this new Bill reference to an English Act without explaining it, it will be very hard on the average member of the community who is expected to know the Law and who, if he infringes the Law, is not excused.

The question that this Bill be now read a second time was put and resolved in the affirmative without division.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I beg to move that Your Honour do now leave the Chair, and the House go into Committee.

Hon. M. E. COX: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER left the Chair, and the House went into Committee Mr. BRYAN being in the Chair.

Clauses 1 to 5 inclusive were called and passed.

Clause 6 was called. It reads as follows:—

"Every guardian under the last two preceding Sections shall have all such powers over the estate and the

person, or over the estate, as the case may be, of an infant as a guardian appointed by will or otherwise has in England under the Act twelve Charles the Second, chapter 24."

Hon. Dr. H. G. H. CUMMINS: The hon. senior member for Christ Church made a point which I am searching for in May's in order to answer. We can pass the Section and then if the hon. member insists, have it re-committed.

I beg to move that Clause 6 stand part.

Hon. M. E. COX: I beg to second that.

Mr. TALMA: Mr. Chairman, I certainly would be very grateful if this Section were postponed because on the face of it none of us understands exactly what is meant. None of us here are historians with the exception possibly of the hon. senior member for St. Lucy; so you cannot expect the average member of the public to know what Act it refers to or what the Act means. This is a bad way of passing legislation, and whoever is the draughtsman has made a mess of it.

Hon. Dr. H. G. H. CUMMINS: I said earlier that I would be willing to re-commit the Section.

Mr. Chairman, I am asking leave to postpone Clause 6.

Mr. CHAIRMAN: The Hon. Premier is asking leave to postpone Clause 6 and unless there be any objection, leave will be granted.

There being no objection, leave was granted.

Clauses 7 to 9 inclusive were called and passed.

7.55. p.m.

Clause 10 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 10 stand part.

Hon. M. E. COX: I beg to second that.

Mr. STRAUGHN: Mr. Chairman, I wanted to make a few points on the second reading of the Bill but I notice that this Clause gives me a fairly equal chance to point out what I wanted to bring out on the second reading of the Bill. I notice in the Bill that there is no provision by which any consultation with the Welfare Service should be gone into when the Court is making some investigation on these matters, and I would like to point out to the Hon. Minister of the Government under whose portfolio this matter would come that it is the general practice that anything relating to the welfare of infants, when the matter is brought into Court, the Court should get the advice and have the consultation of the Welfare Officers. I do say that it would be a very good thing and even though it may not have it specifically written in this Clause, nevertheless, I believe the Hon. Minister of Social Services or any other Minister under whose portfolio it should come should pay careful attention to see that the Welfare Officers should be used judiciously in helping a Court in any decision to which it may come.

The question that Clause 10 stand part was put and resolved in the affirmative without division.

Clauses 11 to 28 inclusive were called separately and passed.

Clause 29 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 29 stand part.

Hon. M. E. COX: I beg to second that.

Mr. TALMA: Mr. Chairman, just before you put the question, I want to point you to something which may be a typographical error. If you read Clause 29, you will see that it really does not make sense. It reads as follows:-

"Rules may be made in like manner as Rules may be Rules made under and for the purpose of the Supreme Court

of Judicature Act, 1956,"

I refer to "Rules may be Rules." I will like the Hon. Premier to take out the words "rules may be" as those words do not make sense. As you can see, I am trying to assist.

Hon. Dr. H. G. H. CUMMINS: I see what has happened. Those words have crept in and I am asking leave to amend the Clause by deleting the words "may be Rules."

There being no objection, leave was granted the Hon. Premier.

The question that Clause 29 as amended stand part was put and resolved in the affirmative without division.

Clauses 30 to 31 were called and passed.

On motion of Hon. Dr. H. G. H. CUMMINS seconded by Hon. M. E. COX, Mr. CHAIRMAN reported progress and asked leave for the Committee to sit again.

Mr. CHAIRMAN reported to Mr. SPEAKER who resumed the Chair and reported accordingly.

8.05 p.m.

QUARRIES (AMENDMENT) BILL

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Minister of Trade, Industry and Labour:- To move the second reading of a Bill to amend the Quarries Act, 1951.

Hon. M. E. COX: Mr. Speaker, this Bill seeks to amend the Quarries Act, 1951. As hon. members will see from the "Objects and Reasons", this Bill seeks to bring up to date the Act of 1951. For example, the definition of "Quarries" is widened in this Bill. The old definition of "Quarry" was, "any excavation from which stone, lime, marl, gravel, tarsand, or sand is obtained."

In this wider definition, "Quarry" means "any place in which excavation is carried out for the purpose of mining stone, slate, granite, or other igneous metamorphic rocks, quartz, marble, flint, chalk, gravel, sand or tar sand, together with all erections, plant, machinery, railways, appliances, stores, waste heaps, and dumps belonging or appertaining thereto and in which one or more persons are employed".

That is a wide definition, and it is as a result of the recommendations made by the I.L.O. expert whom we had down here to go into this question. Then there is the question of the defining of the boundaries. I know that there are cases where two quarry owners operate their quarries on adjacent or adjoining lands, and in that case, it would be difficult at times to find out, if an accident takes place, who is the person liable when the accident may have occurred where there is no delineation of the land as is now proposed in this Bill. This Bill is also an improvement on the Quarries Act of 1951 and provision is also made in this amendment for the cancellation of the licence or certificate to operate a quarry, if, for example, a quarry ceases to operate and matters of that sort. The Labour Commissioner is also given power in this Bill to cancel or revoke any licence in certain circumstances.

Another amendment gives the Labour Commissioner power to transfer the registration of a quarry where the ownership changes hands. Those are a few important amendments which were considered necessary to be made for the purpose of having a more up-to-date system of operating quarries. I hardly think there is anything more for me to say at this stage, because, as I have already said, the points which I have made are the important points. They have been recommended by the I.L.O. expert, Mr. Matthews, in consultation with the Labour Commissioner and other people concerned. I feel that these amendments will meet with our immediate and perhaps our future requirements as far as the safety of the persons who work in these quarries is concerned.

Mr. Speaker, with those few remarks, I beg to move that this Bill be now read a second time.

Hon. D. D. GARNER: I beg to second that.

Mr. BARROW: Mr. Speaker, ever since 1951, we have had the Quarries Act on the Statute Book of this Island. There are numerous quarries in the Island of Barbados, and most of them are quarries from which stone is cut for the purpose of building roads, houses and other erections of that kind. I use the word "houses" in the widest sense—Government buildings and other purposes for which the building industry may want to use stones from time to time. What is remarkable is that since the passing of this Act I cannot think of a single quarry in this Island which has either voluntarily attempted or which has been compelled by the powers vested in the Labour Commissioner under the Act, to comply with the provisions particularly with Section 9 in relation to the fencing of quarries which are 50 yards from the highway or any other place where the public is allowed to pass.

In the new amendment, the hon. member has substituted the words "tenantry or other" for the words "over which the public is allowed to pass." I do not see any reason why the words "over which the public is allowed to pass" should be deleted from the strictly legalistic point of view. The hon. member well knows that school children and other members of the public may be in the habit of passing along the side of a quarry by day or by night or both by day and by night. The effect of the amendment which has been introduced by the hon. member is that the owner of a quarry will only be under compulsion to erect a fence if the quarry is within 50 yards of the highway. I do not see why they should delete these words "over which the public is allowed to pass". If I may quote the particular Section of the Act, this is how it reads:—

"The owner of any quarry which is in open or unenclosed land within fifty yards of any highway or place over which the public is allowed to pass, or to which the public has access, and is not separated therefrom by a secure and sufficient fence shall if required by the Labour Commissioner keep the same reasonably fenced to the satisfaction of the Labour Commissioner for the prevention of accidents."

8.15. p.m.

Now there are two things which I object to in that Section and in the amendment, and therefore I am going to ask the hon. member to consider amending Clause 9 to make something worthwhile and something which is not only discretionary but absolutely enforceable.

I can think of several quarries in the island; there are quite a few in the vicinity of Bank Hall in the metropolitan area. There is one at the Pine on Government land; they have not fenced that, and there is a tenantry road passing in close proximity to the enormous cavity in the ground which is not now in operation as a quarry, but which is certainly of a very dangerous nature. I do not often go into that district, Mr. Speaker, and I do not have to reverse my car up there and there is no danger of my falling into it; but I can see that school children who might be riding bicycles around there may very well fall into the quarry.

There are several quarries in the vicinity of Kew Road, Mansion Road and Bush Hall which are not fenced. As a matter of fact, I cannot think of a single quarry which is within fifty yards of the highway or a place over which the public is allowed to pass which is fenced around, and I would like to ask the member who introduced the Resolution why it is that the Labour Commissioner has taken no steps to ensure that these quarries are fenced. I think it should be the absolute liability of a quarry owner to fence a quarry within a certain distance of the highway. I see no reason why it should be left to the discretion of the Labour Commissioner. I am not suggesting that the Labour Commissioner may act in an unjust manner in that he would give preference to his friends and give the Governor-in-Executive Committee or the Housing Authority a special dispensation, because each case would have to be judged on its merits; but I think it is dangerous to have a quarry unfenced within fifty yards of the highway or a place over which the public is allowed to pass, or else it

is not dangerous as a general principle. I do not see why it should be in the discretion of the Labour Commissioner at all.

There is a quarry at Chapel; that is a very dangerous quarry; it is in the constituency of the Minister of Agriculture. It is true that it is on private land, but part of that quarry is certainly within fifty yards of the highway and it is not fenced. There is no danger of running into that quarry because there is some kind of cutting or embankment which would make it virtually impossible for a motor car to run off the main road and go into the quarry; but if you go through Chapel Yard, it is a different matter altogether. If anyone as a stranger to the district, took a detour through Chapel Yard to visit the Hon. Minister and he took the wrong turning, he could run into the quarry at Chapel because there is a road over which the public is allowed to pass and there is no fence around it.

If you go up to Dash Valley in St. George, Mr. Speaker, there is another enormous cavity in the ground. There are houses all around it—not a laid out tenantry in the sense of the term, but houses are scattered on the brink of the quarry. There is no fencing and school children have to pass there, and people have to travel within inches of the precipice to reach their houses. There is no fencing and no attempt has been made, as far as I can understand, by the Labour Commissioner to enforce the provisions vested in him under Section 9 of the Quarries Act. What is the use of passing the Quarries Act or amending it now? The most important provision is the question of fencing.

The Mount quarry is in a slightly different category from the others, because that is one which is quarried up and not down. It is a most unusual quarry because you dig from the bottom and come up. There is no danger of running into the Mount quarry but I have had disquieting news from friends in that vicinity, and it is that the Absentee Proprietor whom we know to be closely related to the Imperial Royal Family decided to close it down, and I wonder whether this would not be a propitious stage for Government to take over the operation of all the quarries in the island of Barbados—of course, after paying compensation to the owners. It is very important, because a quarry is what we call a wasting asset. That is the one other wasting asset apart from natural gas whose resource we have not begun to tap properly. When you finish digging out a quarry, it is not like mining coal. A quarry is our mineral source in Barbados, and most of them are stone quarries, or what we call soft stone quarries, and are wasting assets; and the significant thing about a quarry is that you do not have to throw out sulphate ammonia to get money from it. The Absentee Proprietor can sit in England and exploit the land in Barbados in every sense of the term, deplete it, and leave a big hole in the ground with no provisions in the Act to fill it back in. The Bauxite Company in Jamaica is bound by law to re-condition the land after they have dug out the bauxite, but in Barbados you can dig a big cavity in the ground and leave it to be a danger to the public, pass along and buy a piece of land elsewhere or exploit another portion of the estate and the domains over which you may preside by digging another hole in the ground. Barbados is being cut down in every sense of the term; money is going out of the country and coming back to be invested at 6%. It is a vicious circle; they get the profit, send the money out of the island and return it to be invested at 6%; so the money is gone, the stones are gone, the books are gone, everything is gone; it is a very serious matter.

I have conducted a little investigation into the gold mining industry, and I have found that this is more profitable than gold mining; that may sound fantastic. You cannot get out of a cubic foot of a mine what you would get out of a cubic foot of coral stone dug at the Mount in St. George. Sometimes it takes several tons of excavation of earth to get an ounce of gold worth \$35; one man can dig \$35 in soft stone in two days for the owner; the usual apportionment is 50% to the owner, 25% to the worker and 25% to the lorry-driver. That is more profitable than gold mining, and whether or not the owner is closely related to the Imperial Sovereign, it is time that we in Barbados stop

despising our own mineral resources. I understand from the hon. senior member for St. Philip that the apportionment is 50% to the labourer, and 25% each to the owner and lorry driver. I think the hon. member is right, but I had it in the reverse. If 25% of the selling price of the stone goes to the owner of the quarry, what has he done for that? He has not thrown out any sulphate ammonia to get money from it.
8.25 p.m.

I just want to emphasize that in an enactment dealing with quarries it should be of a more comprehensive nature than the Act which we now have before us. As I was saying - and which was quite rightly agreed to by the hon. senior member for St. Philip - we tend to despise the resources which we have near our doorstep and we fail to recognise such an important resource as the quarry resources. What is more regrettable is that a resource like that is not more rigidly controlled by the Government.

What I would like to draw to the attention of the Hon. Minister in charge is that Clause 7 needs an amendment. Section 7 (a) says: "by deleting the word 'or' appearing in sub-section (1) thereof immediately after the word 'highway' and substituting therefor the words 'tenantry or other'". This would make the section read as follows:-

"(1) The owner of any quarry which is in open or unenclosed land within fifty yards of any highway, tenantry or other place over which the public is allowed to pass, or to which the public has access, and is not separated therefrom by a secure and sufficient fence shall if required by the Labour Commissioner keep the same reasonably fenced to the satisfaction of the Labour Commissioner for the prevention of accidents."

What I would suggest is that if the Hon. Minister wants the words "tenantry or other place" inserted it seems to me surplusage to have the words after "over which the public is allowed to pass, or to which the public has access." Therefore, I would delete all those words which come after, and go right on to the words "to the satisfaction of the Labour Commissioner." We do not need those words "and is not separated therefrom by a secure and sufficient fence." It would mean that everybody who has a quarry, other than the statutory distance or where there is no road or no place over the public is allowed to pass, shall keep the same quarry fenced.

I invite the Hon. Minister of Labour to tell me of any one quarry in Barbados which has been fenced. That is a disgrace. It is allowing the people in the first place to deplete the natural resources of the island without any particular relative responsibility or liability on their part to do something to prevent members of the public from going to quarries. Are we going to wait until a bus load of excursionists topples over in a quarry again before we try and enforce Section 9 or make it more enforceable by its terminology? It should be absolutely mandatory for the owner of a quarry to fence it. That is how it is in other countries.

I just like to conclude by saying that we would like to see some comprehensive legislation dealing with quarries brought before this House - and I am sure it would be acceptable on this side - which would vest some kind of royalties in the Government of this island. I see no reason if you make people pay royalties for exploiting gas, oil or other things which are not immediately visible and which cannot be calculated as an immediate wastage, that the same thing should not apply to persons who take out soil of Barbados and transfer it to another place where in many cases after the sub-soil has been removed it has caused the cutting down on building and agricultural land being available for the inhabitants of the island. I think some system of royalties should be payable by the owner, that is to say, if the owner is getting 28% for the soil excavated, I see no reason why Government should not get 8%. At any rate, some stringent regulation should be introduced.

I would say further that there is grave dissatisfaction

amongst the persons employed in the quarry industry over their wages and conditions of work. Whether that is due to the importation of Trinidad cement or whether it is due to some other factors about which we have not heard, I am not prepared to state at this stage but I am just issuing a note of warning which Government should investigate.

Mr. STRAUGHN: Mr. Speaker, I rise to speak along the same lines as the hon. member who has just sat down. I however would confine my remarks to the problem of safety which I think in this matter of dealing with quarries is of paramount importance. I do not believe in half-way measures of safety; I believe that the safety clauses in this Bill should be tightened up as much as possible because I just feel that in any matter of safety we should make assurance doubly sure. With that in mind, I shall be inclined when the time comes to make an amendment to a certain part of Clause 5 which refers to Section 6 of the principal Act. My amendment would in my opinion tighten up some of the regulations for safety in the fencing of quarries.

Sir, I do not think that there should be that regulation of 50 yards from the highway. I feel all quarries should be properly fenced and a proper sign put up as a safeguard to the community so that at anytime they happen to go there, they would know that it is dangerous. There should not be the idea of whether it is used or whether it is 50 yards away from the highway. If you want to protect the public, let us leave no avenue open which may cause an accident to take place. Let us take all safeguards against accidents. Let us tighten up all regulations so far as quarries are concerned. I think the Government will be well advised, and I do not think anything would be lost by tightening up on the regulations. Certainly, everything will be gained by making quarries safe for the people thereby.

On that principle, I think as far as this amendment is concerned, I can stress—not the nationalisation of the quarry business, but certainly in these amendments all safety measures should be employed.
8.35 p.m.

Mr. TALMA: Mr. Speaker, I rise to agree with the principles as set out in this Bill. Like the hon. member who has just sat down, I take the view that this Bill is not going far enough in providing for the safety of the workmen and the general public. The application of registration, the notification for abandonment, transfer of registration, notification and application for which are to be made to the Labour Commissioner, all the various safety Clauses have been set out. I would like to draw to the attention of the Hon. Minister that quarry workers have not been taken care of as many other sections of workers have been, and having regard to the dangers to which they are exposed—for instance, in the hauling up of the stones from the quarries—it may be a good thing if the Hon. Minister were to consider inserting in this Bill an amendment on which I am working up to the present time, whereby each quarry owner shall be expected to provide a winch or some other device for the hauling up of stones. The laborious work involved at the present time in bringing the stones to the surface would no longer be encountered if that amendment were inserted in this Bill. A provision like that would be regarded as a safety provision. We all know the danger involved if a stone which is being hauled up to the surface by manual force, were to slip and fall back down in the quarry. We were hoping that a provision like that would have been thought out and worked out now that we are trying to safeguard the lives of quarry workers.

In agreeing with the comments of my colleague, the hon. junior member for St. John, I would like to state that certain provisions are contained in Clause 5, Subclause (1B), but these provisions only apply in cases where the quarry ceases to exist. There is provision as to fencing arrangements and as to a notice being set up for the benefit of the public; but no such provision is made in the case of existing quarries. If the Minister could amplify this Clause and make it apply to the existing quarries and not merely to quarries which have ceased to exist, the point which has been made by the hon. junior member for St. John would probably be covered; that is, the necessity

for fencing not only quarries which have ceased to exist, but those which are in existence. We all feel that this Bill is a move in the right direction, but it does not go far enough. It is not sufficiently comprehensive so as to provide enough protection for the benefit of quarry workers and the public generally.

The question that this Bill be now read a second time was put and resolved in the affirmative without division.

On the motion of Hon. M. E. COX, seconded, by Hon. D. D. GARNER, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. BRYAN being in the Chair.

Clause 1 — was called and passed.

Clause 2 — was called.

Hon. M. E. COX: Mr. Chairman, I am asking leave to amend this Clause as follows:-

(i) insert marginal note "Amendment to section 2 of Act 1951-9"

(ii) Substitute "quartz" for "quarts".

There being no objection, leave was granted the Hon. Minister.

Hon. M. E. COX: I beg to move that Clause 2 as amended stand part of the Bill.

Hon. D. D. GARNER: I beg to second that.

The question was put and agreed to.

Clause 3 — was called.

Hon. M. E. COX: Mr. Chairman, I am asking leave to insert in this Clause the following amendments:-

(i) remove the marginal note "repeal of section 3 of 1951-9 and substitution of new section" to the level of the beginning of the Clause.

(ii) insert the figure "3" before (1) a) in the new section 3.

(iii) delete the closing inverted commas in the marginal note to the new section 3(1)(a).

There being no objection, leave was granted the Hon. Minister.

Hon. M. E. COX: I beg to move that Clause 3 as amended stand part of the Bill.

Hon. D. D. GARNER: I beg to second that.

The question was put and agreed to.

Clause 4 — was called.

Hon. M. E. COX: Mr. Chairman, I am also asking leave to amend this Clause as follows:-

(i) insert a semi-colon after "Inspection for licensing".

(ii) delete the full stop at the end of the new insertion after the word "section".

(iii) substitute "licensee" for "license" in paragraph (a) of the new subsection (7) of section 5.

There being no objection, leave was granted the Hon. Minister.

Hon. M. E. COX: I beg to move that Clause 4 as amended stand part of the Bill.

Hon. D. D. GARNER: I beg to second that.

The question was put and agreed to.

8.45 p.m.

Hon. M. E. COX: Mr. Chairman, I am asking leave to insert the following amendments in Clause 5.

(i) delete the closing inverted commas in the marginal

note to the new subsection (1) - "Safety", and close the inverted commas after the new subsection (1C) at the end of Clause 5.

(ii) move the figures and letters (1A), (1B) and (1C) to directly underneath the figure (1).

(iii) in subsection (1A) delete "maybe" and substitute "may be".

There being no objection, leave was granted.

Hon. M. E. COX: Mr. Chairman, I beg to move that Clause 5 as amended stand part.

Hon. D. D. GARNER: I beg to second that.

Mr. TALMA: Mr. Chairman, in this Section I was attempting to draw to the Minister's attention that quarry workers generally complained about having to use physical force in loading the stones to the surface, and I was wondering whether, in dealing with the Safety Clauses and knowing the great amount of danger involved in bringing stones to the surface this would not be an appropriate place to insert another Safety Clause. I intend making a motion to that effect which I am hoping will take the place of (1C), so that the present (1C) will become (1D). I am adopting the phraseology as is adopted here and it reads as follows:-

"Every owner or occupier of a quarry shall provide the quarry with a suitable winch or other device for the purpose of hauling stones to the surface and during the operation of such a winch or other device shall exercise due care and caution for the safety and welfare of the workers employed therein."

I understand that in most of the big quarries there are winches or some other mechanical device for assisting workers in this particular sphere of activity, because in these modern days, — and slavery has been abolished over 100 years — you cannot expect quarry workers to adopt the old slave tactics in bringing stones to the surface. The Minister said that this is adopting mechanisation, but I am expressing the feeling of quarry workers in that this should be something which would not put anybody out of work, but would be a means of making their labour less laborious. I am saying that there should be an insertion of a Clause to this effect, and if the Government cannot iron it out now, they can postpone and come back next Tuesday. I am not a Legal Draughtsman but this is a Clause which will redound to the benefit of the workers in that industry, and it is my duty to bring it to your attention that quarry workers all over the island would welcome a provision such as this to relieve them of some of the great drudgery of hauling stones to the surface where a mechanical device can do so. It does not matter how you word it, but it would certainly go to some extent in relieving the quarry workers in their present plight.

I am suggesting, Sir, that the Minister, who, I believe, is approachable, will see the wisdom of the inclusion of a provision such as this which gives added protection and safety to quarry workers in lifting stones from the bottom of the quarry to the surface. I am hoping that the Minister will pay it due regard.

While I am on this Clause, I am hoping that the Government will not continue in pursuing the policy whereby quarry stones which normally are used for foundation purposes in the construction of buildings are being replaced by block stone in the Government Housing Programme. 8.35 p.m.

In recent years we have found that soft stone is being used for foundation purposes under the Government programme of building. I am drawing it to the Minister's attention — I am not censuring him — that quarry workers are deprived of work because Government can utilise a great deal more quarried stone for building purposes but is using soft stone and it is a fact that quarried stone makes a better foundation than soft stone. To pursue a policy like that is a short-sighted policy because you will be doing the owners of the building an injustice, and you would be also doing a greater injustice to the quarry owners and workers therein by de-

priving them of work.

Mr. TUDOR: Mr. Chairman, in seconding the amendment which has been moved by my colleague, the hon. member for Christ Church, I just like on this score to make one or two points. We urge this amendment on Government not because we wish in any way to embarrass them, but because we feel in a Bill of this sort that opportunity should be taken to tighten up all those matters which have been neglected for so long.

Now, for people who work in sugar factories there is provision that the machinery should be fenced and that the factory should be inspected, and that anything which exposes the workers to danger should be removed and should be put right. While quarries are not a factory—and we do not expect that all the provisions, or indeed any of them of the Factories Act with respect to the safety of workers, could be employed in a blanket form with respect to the Quarries Act—yet we have the right to expect that workers in quarries—stone cutters and blasters—should be working under conditions of the maximum safety measures which properly belong to that kind of work.

Now, the provision of a device for hauling stones or rubble which comes out of the particular quarry from the ground to the surface not only saves laborious exertions on the part of the quarrier but it is a safety device in this way. It reduces the hazard to which the worker might be exposed while pushing or lifting or hauling the stone by whatever-it-may-be up to the surface; therefore, if you have something to lift them, you not only save exertion but you save life. You will be killing two birds with one stone.

If the Government would accept that amendment, let them word it however they like. I think they would find it a most popular measure and one which would redound very much to their credit. If I wished to be controversial or wished to reduce their rapidly vanishing popularity, I would not have done it in this way. We are not urging them because we want to get any of the credit; it is because we are anxious to see, as the hon. junior member for St. John has pointed out, that the maximum safeguards be adopted so that persons engaged in the trade will work with a freer mind and conscience, and that is the reason why I support the Bill.

Mr. Chairman, before I sit down, there is just one other point which I wish to make. It has been drawn to my attention just the other day by four stone cutters that the quarry on which they worked last week has ceased its operations and they were informed that the quarry was going to be closed. I understand that there are rather more than one dozen men involved, and the quarry of which I am speaking is in the constituency of the Hon. Minister of Social Services. I suppose he is familiar with the circumstances. Sir, there is just in connection with the question of safety measures that you have to tie in the matter of the old quarrier who has worked for a number of years and who has to retire. All of these things have to be taken into account. A man working for twenty-four years and working in one of the hardest jobs in the island through no fault of his is turned off the job. That is a matter which can be gone into on another occasion, but it is a matter which should be given serious consideration. This thing has happened at the Mount Quarry.

As far as this amendment is concerned, people who are now actually working and lifting stone and rubble from the bottom of the quarry to the top should be given a device for lifting. I am saying that it is a necessary device. I think the Government has to take that also into account because, as extensive as quarrying is done now, it is possible that it would be more extensively done in the future. The housing programme which the Government has in operation, as the years go by, will call for more stone; and as we cease to use wood and lumber and use more stone, more stone would be required not only by the Housing Authority, but by private builders as well. When that happens, instead of less people being employed in cutting stone, there would be more; and in consequence of that, the need for a safety device of the type we have been urging would be more

clearly seen. If there is any hesitation for the necessity of this amendment, you can be sure that there would be ample need for the amendment shortly from now; and if you are going to do it a year from now or two years from now, you might as well be a bit anticipatory and put in the provision now so that people going in the quarry industry as from now will know that one of the things which they must provide is a hauling and carrying device. If they know it, it will help them in the setting out of their expenses, and they would know what sums they will have to acquire. We feel that the measure will be popular with the stone cutters and will be appreciated in the long run by the owners themselves because through it they might avoid accidents which sometime are fatal.

Mr. MOTTLEY: Mr. Chairman, I would just like to say this. This is a very necessitous Bill: but when you get Bills of such a nature, you are bound to make suggestions. I am supporting the amendment by the hon. senior member for Christ Church but I also wish to draw to the attention of the Hon. Minister that while this section provides for quarries in operation, we also need provision for quarries out of operation. I will read (1B):-
9.05 p.m.

Clause 5 (1B) reads as follows:-

"Every owner or occupier of a quarry having in any part an overhanging roof, who ceases or has ceased to use or permit in any case the use of such quarry, shall as often as is necessary either remove the overhanging roof or properly fence such quarry so as to prevent persons going therein, or give some notice near the entrance thereof that the use of such quarry is dangerous."

What is the use of putting up a sign saying that a quarry is dangerous, taking into account that you have a dark night and a quarry is situated along the highway and it is 75 feet deep? (ASIDE:) I hear the hon. member say that you cannot provide for that; surely, the hon. member will pay great regard to what I am saying. I have been going around all these quarries and I know what I am talking about. You have three alternatives; you can cease to permit the use of the quarry; the overhanging roof is dangerous and you can remove it if you like. If you do not remove it, you can fence the quarry properly or you can put up a notice. But what prevents people in the district from digging marl still, and down comes the roof of the quarry and a child is killed? Quarries with overhanging roofs are rare. Nobody knows that better than the hon. junior member for St. George - the Minister of Social Services. Only a few days ago in visiting quarries in the parish of St. Michael for the purpose of using them as refuse dumps, the Health Commissioners discovered a quarry which had become so deep that it is not preferable to bring out the stone. Right alongside the highway there is an open quarry about 120 feet deep without any fencing around it or without any notice having been posted up! You can fence around a quarry or put up a sign; but you do not compel anybody to carry a light in his forehead so as to see a quarry at night, and somebody falls into this quarry! You really want to do justice to people and not merely to pass a Bill for the benefit of quarry owners. This Sub-clause says that every owner or occupier of a quarry having in any part an overhanging roof, who ceases or has ceased to use or permit in any case the use of such quarry, shall as often as is necessary either remove the overhanging part or properly fence such quarry so as to prevent persons going therein. If you tell the owner of Bulkeley's quarry or the owner of the Mount quarry or the owner or Mottley's quarry, for that matter, that if he likes to do so, he can remove the overhanging cliff, if he does not do that, he can say that the law says he can put up a notice; but what about the night time when there is no light? You may have a quarry in one place and the entrance to that quarry might be somewhere else.

Let us go the Mount, that portion of St. George which has produced the illustrious Minister of Health and Social Services. - (Laughter) This is no flattery, Mr. Chairman. Going into Workman's district, you may have a quarry, 25 feet, 40 feet, or 60 feet deep and the entrance may be

somewhere from where the quarry actually is; but the owner has put up a little notice; are you really protecting the people? The answer is clear; you are not doing that. While I support the amendment, I should like to say in passing that this quarry work is a hard job, barring none. A man said to me: "Tell me one of the jobs for which you do not have to get a recommendation." I said: "Search me;" he said, "A softstone cutter; you only want hard hands and a drill." (Laughter)

The people who have drafted this Bill do not know Barbados sufficiently well. I know what I am talking about. If you go to Storey's Gap, you will see a quarry alongside the public highway; why are you giving people the right to do either of these things as set out in this Sub-clause? In 18% of the cases of quarries, you use soft stone for building. Why should I have the right to take a chance with human life and put up a notice or fence a quarry? You are protecting the lives of the workers in these quarries; well, let us pass legislation which will really benefit the workers. 9.15 p.m.

I contend, Sir, that the hon. member should accept the amendment, but I want to hear what he has to say about it. If he says that the Legal Draughtsmen and those responsible assure him that it is all right, that would not convince me because there are some people in everyday life who can tell him that it is not right. Since you have these alternatives, it is absolutely not right and therefore I cannot vote for it as it is.

Mr. F. G. SMITH: Mr. Chairman, I am not completely satisfied with the draughtsmanship of this particular section. To me it leaves too much as a matter of opinion, and I am not satisfied in my own mind who is the person to decide under this Section when the question of an offence is committed. You will notice that it reads as follows:-

"Every owner or occupier of every quarry shall operate the said quarry in such a manner as not to cause any undue risk of bodily injury to any person employed or working therein."

If you charge a man for being injured in a quarry and bring him before a Court, he can say that he does not have a winch or any means of bringing stones to the top, but that if the workman had exercised sufficient care he would not have been injured. What standards are you going to set up? Are you going to ask the Trial Judge to decide what is a matter likely to cause injury to anybody? Can a Magistrate who has not worked in a quarry get up and say "I convict you because in my opinion you did not operate this quarry in a manner as not to cause undue risk?"

In Section (1A) you will find the same sort of nebulous and vague wording which leaves so much unsaid and which exposes the Section to interpretation both by Courts and Lawyers not in the interest of the working class. It reads as follows:-

"Every owner or occupier of a quarry who uses the same or permits the use thereof in any case shall without delay and as often as may be necessary remove any overhanging part thereof which is likely to cause danger to any person employed by the owner or occupier of such quarry or working in the same with his permission or otherwise prevent such overhanging part being a cause of danger."

The owner can say that in my opinion that overhanging part was not likely to cause danger to anybody, so how can you convict him? You are leaving too much to the expert knowledge of a Magistrate who might never have seen a quarry. It is not bad draughtsmanship, but it leaves much to the imagination; and when you make Laws they should be certain because you will get a quarry owner who will come in and say in his opinion it was not dangerous, and the Magistrate is going to substitute his opinion for that of the man who owns the quarry. There is no presumption that because an overhanging part falls on a worker, that it was a part likely to cause danger. I would suggest to Government that the Section itself, even though not badly worded, does not carry protection for the worker for whom we should seek protection.

The hon. senior member for the City is entirely correct. The word "either" should be removed and these three conditions should be placed on the employer. He must remove the overhanging part, he must fence it and he must put up a notice.

The definition of the word "entrance" is not quite clear; it might mean the entrance to the road, but you really mean the mouth of the quarry; that is the Barbadian word for it - that is, when you are about to go down in the quarry. Mr. Chairman, the entrance can be interpreted to mean the road leading to the quarry and not necessarily what we call the mouth of the quarry. It is a question of draughtsmanship, and I am suggesting that this Section be taken back to the Attorney General and explained to him that it has been brought to your notice that if a dangerous quarry is kept by a man and he removes the overhanging part of it and somebody goes into it and is injured, you cannot get a conviction under this Section. If he puts up a fence and does not remove the overhanging part and says that in his opinion it is not likely to cause danger, you cannot get a conviction; and if he puts up a little notice which cannot be read at night, he has satisfied the requirements of the Law. I would suggest to Government that these are not controversial matters, but matters which the Opposition has brought to Government's attention to protect the person for whom the Act was intended. The sooner we in this Legislature are prepared, except for the times when matters are obviously controversial, to see on matters of this nature where the true interest of the working class lies, then legislation in this country will pass with greater ease and much more harmony. I am saying this not as a criticism of the Government, but this Section leaves too much doubt. As I have said before, hasty legislation does not benefit anybody except the lawyers who can run holes through it. You have had legislation passed in this same Legislature by a Lawyer who was eventually able to pick holes in the same Law. I am not calling any names, but people flocked to him because he drafted the Laws and knew the loopholes. In this matter, the Leader of the Opposition can relax because he is in the position of being among the leading juniors at the Bar, and would make a fortune at the Bar especially as in his constituency there are so many quarries. But to be serious, we are just drawing to your attention that if you follow the line of our argument, who is to decide whether the overhanging part is likely to cause danger to a person? The Magistrate or the owner? Who is to decide, Mr. Chairman, that a quarry is not worked in a manner such as to cause undue risk? A thing which is likely to cause injury is a matter of opinion. A man may roll a stone from the bottom and never get injured; a clumsy man may roll one and break his foot. The owner has only to say that the quarry has worked without winches and mechanical devices and nobody has ever been injured. Will you convict him for that? You want a definite standard.

If a draughtsman would sit down with the ideas you take back to him, he can word this Section in such a way as not to leave the sort of likely danger to the owner or occupier of the quarry, but that the law itself should set up the standard. You should not leave it to the opinion of the Magistrate or the opinion of the quarry owner; the law should be certain and definite, and I am not prepared to say that at this stage draughtsmen cannot be found in this country to give to this particular Section the certainty which we all require. 9.25 p.m.

Mr. STRAUGHN: Mr. Chairman, I had indicated in my second reading speech that I considered that Clause 5 of this Bill did not give proper safety regulations and I think I am in a happier position than the hon. member who has just sat down because he was not here for the second reading of the Bill. I am very glad that I have got that much assistance also from the hon. senior member for the City, because having indicated that, I want to make a very definite motion that the consideration of this Bill be postponed and that this section be completely redrafted so that it would give adequate provision not only for fencing of a quarry but that the quarry be adequately fenced; not only for putting up a notice but for a proper notice; and not only for being sure that safe working goes on in the quarry, but put-

ting it in the position where more burden is placed on the quarry owner for the safe working of the quarry. Mr. Chairman, there are so many loop holes in this clause 5 that I feel quite justified in making the motion that Clause 5 be postponed for further consideration and that the section be completely redrafted to give more adequate safety regulations.

Hon. M. E. COX: Mr. Chairman, in reply to the last hon. member first, I wish to say that I am sorry he did not hint last night or during this afternoon that he intended making these suggestions. I can appreciate the attitude of hon. members on the opposite side; but I thought that members of the Government Party would consult the Minister in charge as regards an amended motion. However, Sir, I should like to say that in so far as the points made by the hon. senior member for St. Lucy are concerned, I am deeply in sympathy with the point he made about providing mechanical apparatus for lifting stones from deep quarries, but I think he will appreciate that if we make it as wide as his suggestion that all quarries should have this adequate lifting apparatus, it would more or less create a great hardship on many small people who, for example, have an half acre or quarter acre of land and who cut a few stones and get a few shillings from it to keep the home going. If you insist on that mechanical apparatus, you have to bear in mind that it is a very expensive item. I feel that in the case of the large quarry owner - the one to which he referred not long ago, a place like the Chapel or the Mount or a place like that - he will be quite in order to enforce something like that on those large quarry operators; but if you want to make it general by saying that it should also apply to all, the small people in the business would have to close down and that would be the end of them. I think the hon. member would appreciate that point. For that reason, I am afraid I would not be able to accept the amendment as proposed by the hon. member at this stage. But what I promise him is that I would go into it very carefully with a view to seeing whether something can be done to meet his point, even if we have to come back at a later stage and introduce an amendment.

Now, quite a few points have been raised as to Section 5 which no doubt gives the owner of the quarry or would appear to give to the owner, the opportunity of choosing as to whether he should fence off the quarry or whether he should remove the overhang, and so on; but as I have said earlier when I was introducing this Bill, I told hon. members that this Bill had been gone into very thoroughly by the recent Labour Commissioner in conjunction or collaboration with the I.L.O. expert, Mr. Matthews, who was down here sometime ago and who prepared the Labour Code for the Barbados Government which would shortly come before the House in a Bill to seek the approval of the House. We went into the matter very carefully and it was decided that the draft should take this form.

As regards the point made by the hon. junior member for St. Joseph, I can appreciate the point he made and I can see the reasonableness of the points made by hon. members who spoke on the fencing of quarries; but the person who is to decide whether or not a quarry should be fenced or whether an overhang should be removed is not the owner of a quarry; that person is the Labour Commissioner or the Deputy Labour Commissioner or the Labour Officers themselves. Those are the people who have to see about it. In the first place, the Labour Commissioner is the person who is going to issue a licence to the quarry owner, and he or his staff has to pay periodical visits to the various quarries to see whether those quarries are operating in a manner which is safe, not only to those persons who work in the quarry, but also to those persons who pass over and around a quarry. If the owner fails to comply he is subjected to a complete cancellation of his licence and that is not the only thing. He is also subject to a fine in default of which he can also be imprisoned.

Section 5 which contains the amendments to Section 6 of the principal Act makes provision for safety. Subsection (1) reads as follows:-

"Every owner or occupier of every quarry shall operate the said quarry in such manner as not to cause any

undue risk of bodily injury to any person employed or working therein."

Section (1A) reads as follows:-

"Every owner or occupier of a quarry who uses the same or permits the use thereof in any case shall without delay and as often as may be necessary remove any overhanging part thereof which is likely to cause danger to any person employed by the owner or occupier of such quarry or working in the same with his permission or otherwise prevent such overhanging part being a cause of danger." 9.35 p.m.

Again, I repeat that it is not a matter for the owner of the quarry to say: "I do not consider this to be dangerous to the community." It is not within his authority, jurisdiction or power to do so; it is a question purely and solely for the Labour Commissioner. (A MEMBER: Postpone this Section.) I would be a bit hesitant in accepting the amendment, because if a quarry is in use and you insist that it should be fenced, there may be a difficulty in getting around that quarry in order to work it properly. I am saying that these things must be followed very closely. I know that this legislation has been under consideration since 1956. I am sure that the matter has been gone into very carefully now, and it has come to this House at this stage. In the case of an old quarry which is not in use and there is an overhanging roof, there is an option which has to be agreed to by the Labour Commissioner. The option is whether you allow it to be overhanging or whether you fence it.

Again, a quarry may be situated in such a manner that it may be easier and more effective if it is fenced, or perhaps on the contrary, to remove the overhanging roof. I am not an expert on quarries; I may not have had the experience of some other hon. members, but I would appeal to the Committee that inasmuch as I have already informed hon. members that great care has been taken in this matter with the assistance of the Labour Commissioner and Mr. Matthews - this matter has been gone into very carefully and, as a result, this Bill has now been put before this House. I appeal to hon. members to pass this Bill as it stands now, and if it is proved, after it comes into force, that there is any difficulty arising, then we will unhesitatingly come back to this House and have the Act amended. I appeal to hon. members not to play with this Bill. (Mr. TUDOR: Play with it?) Well, I appeal to hon. members not to tamper with this Bill. I would not be averse from a postponement, but I would like hon. members to tell me what useful purpose would be served by a postponement.

Mr. MOTTLEY: I can always tell when the hon. member who has just sat down is feeling his way and is not serious in what he is saying. He has answered the hon. junior member for St. Andrew on the question as to who is the authority to deal with this question, but the only attempt which he made to answer the point I have raised is that he would not be averse from a postponement. God help the world if Mr. Matthews gave instructions to draft this legislation for the benefit of labourers. This Bill is nothing but something which will help the capitalists. I hope it will not go down in history that Mr. Matthews gave these instructions for drafting this Bill. A person who is the owner of a quarry, is not a pauper or a worker and he can say whether he will pull down an overhanging roof in a quarry, or whether he will fence around the quarry! I thought that when you talked about Mr. Matthews and his instructions for bringing down legislation, that legislation would be brought down in favour of the workers.

The Hon. Leader of the House was not serious in his remarks. There stands a Socialist Government. The Hon. Minister has said that if we were to insist on this amendment - well, the only thing that I see wrong with the hon. member's amendment is that I would say - "a quarry beyond a certain depth." If a quarry owner only had half an acre of land, or if he had ten, fifteen or twenty acres of land, the principle must remain; the principle must remain whether it is Bulkeley, the Mount or anywhere else. If workers are bringing stones from a quarry, whether it is Bulkeley or any other quarry owner, the distance down

in the quarry remains the same. The hon. senior member for Christ Church has suggested the use of a winch. He does not say that you must have a steel winch; he said that as long as you are bringing stones up from a certain depth, you should employ some mechanical device. The answer to that point made by the hon. member is that if you were to do that, you would put some quarry owner out of existence.

I want to say that a capitalist is a capitalist whether he is a miniature capitalist or not. I cannot agree with the hon. member's answer that what was suggested by the hon. senior member for Christ Church would put the small man out of existence. My quarry is the same as anybody else's but it is the principle which is at stake. I personally feel that the hon. member's amendment is timely; but if the Hon. Minister feels that you cannot play with this Bill by putting such an amendment, that is a matter for him. I am supporting the amendment of the hon. senior member for Christ Church. I am asking the Hon. Minister to amend this Section. Let us read it carefully. It says this:-

"Every owner or occupier of a quarry having in any part an overhanging roof, who ceases or has ceased to use or permit in any case the use of such quarry, shall as often as is necessary either remove the overhanging roof or properly fence such quarry so as to prevent persons going therein, or give some notice near the entrance thereof that the use of such quarry is dangerous."
9.45 p.m.

Let the hon. member make his asides louder; I can take up anything in this House.

Hon. M. E. COX: I said if that is all you have to say the Bill could have been passed.

Mr. MOTTLEY: Yes, that is all I have to say because this is the most ignorant thing that has ever been brought here. The hon. junior member for St. Andrew does not find fault with the draughtsmanship. There are a number of quarries in this island, and as soon as you reach a certain depth you get stones not suitable for building; so you either use the quarry for digging marl or you abandon it. The Hon. Minister should be able to tell me how many abandoned quarries there are, and certainly the Labour Commissioner should have that information. The hon. member mentioned "Bakers Quarry", but that does not now exist. Let my colleague tell you that we drove alongside a quarry which is over 200 feet deep and has no fencing in Storey's Gap.

You are saying that in passing this legislation a man has three alternatives; if he has an overhanging roof he can blow it down; if he does not want to blow it down he can fence it; if he does not want to fence it, he can put up a sign. He should have to do all three. The hon. member says: "Let us pass it" and if anything happens he will bring it back. Let me ask you something. Do you think a Socialist Government should pass legislation to give permission to a person owning a quarry to do one of these things? If you own a quarry which is alongside the road and it is dangerous, you could put a sign for \$2, blow up the roof for \$50 or put up a fence for \$500; which would you do? If you are really considering the interest of humanity, you would say all three. If it is a dangerous quarry and it has an overhanging roof, you can blow it off, because it is no longer a working quarry; but a child or a person may go in it digging marl. We have often heard in this country of people sending their children to get marl and the roof falling in. Not only should you blow off the roof but you should fence it, because there is still the danger of the quarry being open and being dangerous to pedestrians. Let me tell the hon. member that when the Deep Water Harbour is finished, there will be a tremendous lot more quarries. Do you realise that Georgetown is built up on quarries? If a quarry is abandoned there is no reason why it should remain as a danger to people. You are giving a quarry owner the right to elect one of three alternatives. Is it enough to say that the Labour Commissioner should give orders to do this or that?

Let us use the name "Baker Quarry" though it does not now exist. Suppose it has an overhanging roof and is

alongside the road, Baker can put up a sign saying that the quarry is dangerous and that no one should use it. I should like the hon. junior member for St. Andrew to say what would be the position in a Court with these three alternatives. I find no fault with the other parts of the Bill, but why should you allow people to have a quarry which constitutes a danger to people? My colleague went to five or six quarries and saw that danger. Surely this could not have gone to L.L.O. and Mr. Matthews suggesting that you should enact such legislation which is not in the interest of the workers.

This is an absolutely necessitous Bill; it is long overdue. There are quarries all over the island and I would like to see something done about them, and I strongly support the hon. senior member for Christ Church. The hon. junior member for St. Joseph said in his second reading speech that he was somewhat worried about Section 5 of this Bill. When we make a criticism of a Bill, we do not pick out the Draughtsman or the Minister, but it is our duty to point out anything which we see is wrong. Can the Minister really convince his colleagues that this particular Section is right? I cannot agree to the passing of this Bill, and the Minister must appreciate when we make points like these.

9.55 p.m.

The Hon. Minister said in answer to a back-bencher that it was a pity he did not tell him last night or did not tell him that privately this afternoon. Your own back-bencher has seen the point. It is not a criticism of the Minister; it is something which we see in the Bill which we feel would not serve the purpose which is intended it should serve.

We suggest strongly that you postpone this Bill and put it to the Crown Law Officers. All that might be necessary is to take out the alternatives. Why should I be an owner of a quarry which is not in use - a quarry which I can sell for fifteen times more than for what I bought it but must keep it, fence it and put it aside? I do not see any reason for it. Another thing is that you cannot pass legislation to suit a small person and leave out the big person. A principle is involved and that is how I see it.

Hon. M. E. COX: Sir, in view of the lateness of the hour I would accept the postponement at this stage, but I think that the hon. member is trying to magnify the situation because, so to speak, the majority of quarries which were abandoned have been by now filled up or used as dumping grounds by scavengers. I am sure that the situation could never be as bad as what he made it out to be.

Mr. MOTTLEY: Mr. Chairman, I rise on a point of explanation. I do not think the Hon. Minister means to mislead but what he says is not true. As a Commissioner of Health for the parish of St. Michael I have visited all the quarries in St. Michael and have seen the dangers they constitute. I am not trying to magnify the situation; I am saying that all the dangers of the known working quarries can be remedied.

Hon. M. E. COX: The power under Section 3 is vested in the Labour Commissioner and he is the person to decide what should be done with a quarry. I presume a quarry of the kind to which the hon. member referred would be one which the Labour Commissioner would order that it be fenced. As I have said, the power is vested in the Labour Commissioner and it is not at the sweet will of the owner of a quarry to say whether he should fence it or not. He cannot say: "I am only putting up a sign which cost me \$2," or "I am only putting up a fence." It is not as the hon. senior member for the City put it; however, I accept the motion for the postponement at this stage.

Mr. TALMA: I am afraid that the hon. member is referring to quarries which are at present in use.

Mr. CHAIRMAN: I understand from the Hon. Minister that he is accepting the postponement; therefore, there is no further debate.

Hon. M. E. COX: Mr. Chairman, I beg to move that Your Honour do now report progress and ask leave for the Committee to sit again.

Hon. D. D. GARNER: I beg to second that.

The question was put and resolved in the affirmative without division.

Mr. CHAIRMAN reported to Mr. DEPUTY SPEAKER who took the Chair and reported accordingly.

Hon. M. E. COX: Mr. Deputy Speaker, I beg to move...

Mr. MOTTLEY: What are you doing?

Hon. M. E. COX: I am moving the adjournment.

Mr. MOTTLEY: Mr. Deputy Speaker, with the greatest respect, the Hon. Minister says that he is moving the adjournment. I am asking that we be allowed to do Private Members' Business.

Mr. DEPUTY SPEAKER: You will have your chance as soon as the Minister speaks and finishes.

Hon. M. E. COX: Mr. Deputy Speaker, I am sure that some hon. members have already taken their dinner, but there are other hon. members who would like to have dinner. If it is the wish of the House to come back, I shall be inclined to move the suspension of the sitting but if hon. members do not want to come back, I am moving the adjournment until next Tuesday.

Mr. DEPUTY SPEAKER: The hon. senior member for the City said that he wanted to do Private Members' Business. For your benefit, I think it will be unfair not to allow him the opportunity of doing it.

Mr. FRANK WALCOTT entered the House and took his seat. (Cheers).

Hon. M. E. COX: Mr. Deputy Speaker, I beg to move that the sitting of the House be now suspended for three-quarters of an hour.

Hon. D. D. GARNER: I beg to second that.
10.05 p.m.

Mr. MOTTLEY: Mr. Deputy Speaker, I am moving the adjournment of the House and that motion takes precedence over any other motion. Let us get it straight here and now. When Government Business is over, it is the duty of the Government to say "that concludes Government Business" and see if the Opposition has anything to do. If that is the attitude of the Government, if this state of affairs goes on, then our respect for Parliamentary procedure and order will cease in here. Let me make it clear; whether it is a question of postponement or whatever you like, I still have the right to move the adjournment of the House and talk on whatever I like. I kept myself in here for twelve years and I will keep myself in here for another twelve years. If it is the idea of the Government to walk out after dinner and not come back in here, I will move the adjournment of the House to speak on a matter of public importance now. If you go on like this, it will have to go on until I die.

Last week I was decent enough to postpone this matter which I wanted to raise on the adjournment, because the hour was late. I am dealing with a most important matter. Sir, surely the public.....

Mr. DEPUTY SPEAKER: A motion has been made that this sitting of the House be suspended for three quarters of an hour.

Mr. MOTTLEY: I am speaking on the motion for adjournment which takes precedence over anything else. (ASIDES:) I am moving the adjournment of the House which supersedes the motion for the suspension of the sitting and I am discussing an important matter. Am I right, Sir? I am speaking on the motion for the adjournment of the House for five minutes. Am I in order? I have just risen to move the adjournment; I have not yet moved it. Let me make my position quite clear. On the Order Paper under the Head "Notices", Your Honour will see that I gave notice of my intention to move the adjournment of the House at its next meeting to discuss the Ambulance Service of the General Hospital and of the Police Department. Am I in order?

Mr. DEPUTY SPEAKER: If I am back in the Chair, I will be able to tell the hon. member if he is in order.

The question that this sitting be now suspended for three quarters of an hour was put and resolved in the affirmative without division, and Mr. DEPUTY SPEAKER suspended the sitting accordingly.

10.15 p.m.

On re-assembling.

Hon. M. E. COX: Mr. Speaker, that closes Government business.

MR. MOTTLEY DISCUSSES AMBULANCE SERVICE

Mr. MOTTLEY: Mr. Speaker, as I intimated earlier, I beg to move the adjournment of the House to discuss the Ambulance Service of the General Hospital and of the Police Department.

I am going to be very calm in this matter. Some weeks ago a matter was drawn to my attention by one of my parishioners. For the benefit of this Hon. Chamber I propose to mention names in this matter. The facts as revealed to me were that a man whose name was Elton Grant, a Porter by calling, visited the Casualty of the Hospital on Monday not feeling well. It is alleged that he was examined by the doctor on duty at the Casualty; he got some tablets from the doctor and returned home. This man was married and was the father of seven children, and his wife is presently pregnant. The man was in such a humble walk of life that he rents a house at six shillings a week. The following Tuesday night after he left the Hospital he took ill, and his wife, trying to get to the nearest telephone, went to the Taxi Company in Bay Street. She did not telephone herself, but asked the watchman at the Taxi Company to telephone the General Hospital describing the condition of her husband and asking that an ambulance be sent. The reply received was that no ambulance could be sent unless at the request or by the instruction of a doctor. Desperate as this woman was, it was suggested to her to try the Police Department, and her story to me and my colleagues at the Board of Guardians in this Parish was that the Police Department was telephoned and the message received from them was that there was no 999 Van around, and they suggested that she should hire a taxi. It was represented that she had no money and could not afford a taxi fare. All this happened around 1 o'clock in the night and when she got back home she found her husband dead. She notified the Police who said that they would remove the body and they did so at 7 o'clock in the morning; a post-mortem was performed and the man was buried; the result is that she was left a widow with seven children. Now that is one case.

During the same week another case was reported to me by an eminent physician of a man who works at the Advocate by the name of Griffith, who at one o'clock telephoned for an ambulance from the Hospital and could not get one. Incidentally the man used to live in Dunlow Lane but now lives at Halls Road. About two hours after he succeeded in getting a doctor who, when he came, found that the man's aunt had had a stroke and was haemorrhaging on the floor, and only with the consent or request of a doctor could one of the ambulances of the Hospital be sent to remove her.

Hon. members may have noticed that in bringing this to the attention of the public through the Press, I said that it was a matter for the Minister of Social Services and the Director of Medical Services to investigate. Nothing I can say or any other member might say by expression of regret can bring this man back to life. We dare not even say that had the ambulance arrived, this man would not have died; but what we want to be assured of is that you do not have a similar occurrence. Nothing which I have discussed privately with the Minister or Director of Medical Services will I mention until a statement is made on the floor of this House.

I feel very strongly on this matter, because there are those of us who are fortunate enough to have telephones in our houses, automobiles at our disposal, and be in a position to get doctors to come out to us at night without even the thought of money; but there are those who are not so

fortunate, and I think it is our common duty, regardless of Party, to make it so good that such persons who are not in a position to get medical aid whether or not by ambulance be given such assistance.

Let me first of all deal with the Police. I will say here and now that as soon as this matter went to the Press, the Commissioner of Police got in touch with me and said that he had made diligent inquiries; and in truth and in fact he did, because I have been making inquiries.
11.10 p.m.

He mentioned to me that it is the custom to record all conversations between persons asking for the 999 and the officer receiving the message. He could find no such message on record; therefore, he could give no further account of it. He acted further by going to the taxi company and he told me that from what he was told there seemed to be some misunderstanding about the telephone message. Be that as it may, he has taken sufficient trouble to go into the matter and to treat me with that regard as a member of this Assembly to give me some satisfaction for the benefit of the public.

As far as the other case is concerned, what has happened is that a man 36 years of age is dead, leaving seven children and a wife who is pregnant. It can be said, though it cannot be argued, that if his wife had got the ambulance service her husband would not have died; but what is important is that for the want of the ambulance and if it had arrived, at least he would have got to the hospital. You can say that no attempt was made to save the life of a person who could not get a doctor at night or who could go to the expense of hiring a taxi to take him to the hospital.

A few months ago, it was suggested on the floor of the House that at least medical aid should be made available to persons who could not pay, or even to persons who could pay but could not acquire a doctor at night, because it was difficult for any person who did not have a family doctor to get a doctor at night. I do not think I am overstating the case. On making enquiries it is true to say that if a person, not being able to acquire a medical practitioner, regardless of his walk of life, telephones the General Hospital to say that someone is ill and they need an ambulance to take them to the Hospital, the reply will be "I can only take orders from a doctor in the Hospital to go to a patient or to a person outside." Mr. Speaker, I want to be quite calm on this matter. If we accept that it is a most difficult thing for 90% of the people who take suddenly ill at night to get in touch with a doctor at all, and that 98% of the people who would normally use the Hospital do not have any telephone communications of their own but have to go to someone to get a telephone call, then it is denying that 98% the service of an ambulance if you tell them that you can only use the ambulance service if a doctor sends and asks them to supply it. I hope I will hear a reply from the Hon. Minister who has had ample time to investigate the matter. I am hoping he will be able to tell us that since this case has arisen there is a proper ambulance service at the Hospital. It is very well for some of us to criticise and do nothing more, and that is the reason why I am very calm. Quite recently, the Hon. Minister of Health said that the General Hospital is completely staffed and that it had a full complement of doctors.

Hon. F. E. MILLER: Mr. Speaker, I rise on a point of order, if the hon. member would give way. What I did say was that in the history of the General Hospital it was the first time that we had anything approaching a full complement of doctors. We had ten out of eleven doctors. I said that we were enjoying for the first time the services of ten out of eleven doctors.

Mr. MOTTLEY: In other words, you are saying that you are short of one doctor. If the Hon. Minister would bear with me, I am trying to make my point. I am hoping that with this improvement in service at the General Hospital there would be a proper ambulance service there for the benefit of persons who cannot get any other medical service. The Hon. Minister has said that there is only the shortage of one doctor. I am not blessed, as some hon. members who have had the experience of going to the

United Kingdom, in seeing what happens there so far as medical services are concerned, but I can boast of having that experience in the U.S.A. This House and the public of Barbados will not accept from any Government or any Minister any suggestion that only a doctor can call an ambulance for you. If I understand rightly that there is only the shortage of one doctor at the Hospital, then a doctor must be on duty during his term of duty at night. For some reason or another, if a doctor is in his room or if it is the policy which prevailed a few years ago that the doctors are at clubs when they are supposed to be on duty, then we condemn that very strongly. I am not saying it is so. I am only saying that a doctor should be on duty at all times; he should be on duty between 1 o'clock and 6 o'clock in the morning because that is the time when people find difficulty in getting a doctor.

We are suggesting for the benefit of the public that you reorganise your ambulance service so that a telephone call coming from anybody to the Hospital should be plugged in to the doctor on duty wherever he is. It is quite in order for him to be able to discuss the case with the person making the call, because what we think of is that the 98% of persons who are making the call are persons in a humble walk of life. He could discuss with them the symptoms of the case so as to decide whether the ambulance should go for that person.
11.20 p.m.

It might help the Hon. Minister if I tell him that in a small way at the St. Michael's Infirmary, there is an ambulance service of 24 hours a day. At night a driver and porter are kept there; and I was at pains to get the figures from him, because I heard mentioned by one eminent physician what I am thinking of. How impossible it would be to allow any and everybody to call for an Ambulance to go on a wild goose chase? I got these figures, because I wanted the Hon. Minister to know that a similar service is operated at the St. Michael's Infirmary where anybody can get an Ambulance. There were 126 calls from March 1957 to March 1958, and only one call was found to be what the Medical Practitioners would call frivolous, and that call was thought to be that of a drunkard. If you had 26 calls which were considered to be frivolous and at the expense of the parish to the tune of \$50 or \$100 in gasoline, there would still be compensation if the other 100 cases were cases of necessity. I am suggesting to the Hon. Minister that when we have an Ambulance Service, we contribute to the taxation of this country and we pay for that service. I read with amusement an article which stated that the service cannot be done in this way, because of the expense. Well, I do not consider expense when it is a question of dealing with the lives of human beings. You talk about expense in consideration of the needs of the country! We hear and we know what happens in the United States of America and in England. The fact remains that a man who was 36 years of age has died; he had gone to the Hospital and was examined on the day before and the next day he died and a *post mortem* examination was performed. I presume that his case was diagnosed or that he was examined and then he died; yet a *post mortem* examination was performed. The Hon. Minister would be able to tell us what were the findings of Dr. Ashby who was called upon to perform that *post mortem* examination.

I am not contending on the floor of this House that if the man had been able to get the services of an Ambulance he would not have died; but we must respect human feelings. His widow, who is left behind with seven children, cannot help feeling that the Hospital refused her the services of an Ambulance, because she could not get a doctor to send an Ambulance or because her husband was unable to get to the Hospital with the aid of an Ambulance and that if he had been able to get that service he would not have died then. I am suggesting that, in the circumstances, a proper Ambulance service be organised and we will not accept from any Government that a doctor is the person to say that a Hospital Ambulance must come from the Hospital. If I went down the street at one o'clock in the morning and I saw that somebody was suffering and I telephoned the Hospital - let us say that you saw a man in the street bleeding and it was one o'clock in the morning and there was no doctor to be obtained; are you suggesting that if any reputable citizen or any person, for that matter, who got on a telephone and

stated what this case was, that person must be told that he can only get a Ambulance if a doctor says so? We are not accepting that. In this case, this man was living in Halls Road near the Nazarene Church.

I am hoping that, as a result of this matter being raised on the floor of this House, the Hon. Minister will give us a proper explanation of the matter, because he has had the opportunity of investigating it and he ought to know the facts. I hope that I have given him chapter and verse on this matter and I also hope that he will give an assurance tonight that there will be at the Hospital a reorganised Ambulance Service with an Orderly on duty. We are prepared to pay for it. We have thrown away more money than would pay £200 a year for the services of an Orderly to go on with the Ambulance when the service is needed at night. We also feel that any doctor who is doing his duty at the Hospital, in whatever part of the Institution he is, and there is an emergency call such as the one I have described here - a woman getting up at one o'clock in the morning and seeing her husband in a hysterical condition and vomiting - the call should be plugged in to the doctor on duty and he should wake up to render his services as is done in big countries, when the particular case is described to him. We would feel infinitely better if you had 10,000 calls, the majority of them being those in the nature of a wild goose chase and 1,000 being genuine calls where we could save human suffering and human life. The cases I have cited are only two and I will reserve others for my reply after the Minister has spoken.

Mr. TUDOR: Mr. Speaker, I do not think that any member of this Hon. House ought to refrain from voicing his opinion.....

Mr. SPEAKER: Is the hon. member seconding the motion?

Mr. TUDOR: Yes, I am. I was saying that every member of this House should voice his opinion in regard to any defects in the administration of the Hospital; that is why I have risen to second the motion for the adjournment of the House, which motion has been made by the hon. senior member for the City.
11.30 p.m.

I cannot promise to be restrained or moderate. The hon. member doubtlessly has his reasons for his restraint, but I have a different approach to the matter and I am afraid at times I may have to speak with warmth.

When you study the bald facts, Mr. Speaker, that a poor man who lives, so to speak, within a stone's throw of the Hospital died because an ambulance could not go to him, the facts just set out like that are bad enough; but properly interpreted, they serve to warn members of this House and the public generally, that poor people have a very dusty time in our community. There is not a single member of this Chamber, whether present or absent, who would not have commanded sufficient attention to his distress if he personally or if a member of his family had been ill and an ambulance was required for him. I have had the experience myself of having a relative of mine take ill in my house and I myself ringing up the hospital - this happened some months ago - to request an ambulance and was told just what Mrs. Grant was told, that no ambulance can come out unless a doctor says it can. My reply was that I had not the time to find out if they were telling me the truth, but that if I do not get an ambulance within a reasonable time I would know what to do. I am different from Mrs. Grant in this respect, that Mrs. Grant belongs to that walk of life in which people do not yet understand that the things they are asking for from the public institutions are their own things, and that within reason they can command them when they want them. Poor people just do not understand and they think they are asking favours, and allow themselves to be put off with all sorts of excuses and with all sorts of routine explanations which might serve in their own place, but which in matters of life and death weigh the scales more heavily in favour of death than life. That is the root of the trouble.

The fact is that somehow or other we have not managed to get it across to poor people that these services come

out of their taxes, and are bought and paid for out of their resources and are at their command whenever they are reasonably required. If we could only get them to understand that, Mr. Speaker, we should do two things; we should avoid instances like this one; we cannot avoid death but we can avoid that people should die neglected and unattended. That is one thing we should achieve. But the second is more important, and it is that if people understood that the things were theirs, they would realise in using them they should exercise the utmost care and responsibility in commanding the services.

I know what the fear of the Director of Medical Services and the Hospital authorities is; they fear that if they were to say that the ambulance can go to all and sundry when it is required, all and sundry would ask for it whether or not they require it. Now it is a genuine fear; but you cannot meet and overcome that fear by restricting the number of persons who should give permission for the ambulance to go out; you cannot do it that way. You can meet and overcome that fear by telling the public that there is a wide category of persons through whom they may apply for the use of the ambulance service if they themselves cannot speak to telephones; tell them that any policeman they meet, a district nurse or midwife, a well-known person in the community who lives in their district, the Minister of the parish in which they live or any Minister of the Church which they attend, and you would have a category of six or seven persons, any one of whom can be called on at a moment's notice, and who would use his or her authority and prestige to command the service in a responsible way, and would be intelligent enough to explain the nature of the illness, which sometimes a poor person cannot. If it happened that you met the problem in that way and people were still frivolous and irresponsible in bringing the ambulance out at night, it is far better that you go out on 99 frivolous calls and one genuine one than that you should refuse to go out to one genuine call on the grounds that you had been out on ninety-nine frivolous ones.

No matter what you do or what routine is worked out, no matter what organisation prevails in the Hospital, you must always lean in the direction of bringing the service to the needy, and you cannot tell from the Hospital that this or that case is or is not a deserving case. It is better to investigate first, and then to relieve. Now I know that institutions and the people who run them take the view that if you do not have half a dozen clearly defined and clearly drawn up rules, you cannot run a Hospital or any such institution thoroughly. That might be true in matters of routine, but in these imponderables the force and implications of which you cannot gauge, it is better to exercise a wide discretion to the application of these rules so that human beings may not suffer thereby. Now that the House of Assembly is discussing this matter tonight, we are not discussing it because we want to run the Minister up a tree; that might give some temporary satisfaction, but it cannot bring back the life of the man and it would not prevent a similar occurrence perhaps even tonight while we are speaking.

What we would like the Minister to do is to point out to the authorities of the Hospital perhaps on consultation with the Director of Medical Services that first of all the House of Assembly is fully prepared to grant the necessary supplies for the increase, if needs be, of the ambulance units. If you now have three and you feel that six or eight will meet the case, we are prepared to provide them; we are also prepared to pay people to drive them, if needs be. You know that the Hospital must work out a system under which the ambulances would operate. We expect that even if we give you what you want, you would operate in the most economical way, always provided that in working it out in the most economical way human suffering is not caused thereby. We further would like Government to consult the authorities of the St. John Ambulance Council to see whether further help could not be given to them in increasing their units, bringing their ambulance service up to date, because I suspect that if there could be close co-operation between the Hospital and the St. John Ambulance Brigade people, it might not be necessary except in very grave cases to call upon the Police for help. It is for the Minister to say what he can do in that direction.

One other point is this: if the doctors who are sup-

posed to be on duty when these things occur cannot be reached, unless one's failure to reach them is due to their own illness, I think all these circumstances need investigation. It is incredible to me, Mr. Speaker, that whoever answers the telephone in the Casualty Department and says he cannot send an ambulance unless a doctor tells him to do it, will not at the same time get in touch with the doctor and ask his permission to send it. Why should there be such an air of heavy finality to the pronouncement that an ambulance cannot go out unless a doctor sends it without at the same time a hasty investigation as to whether or not the doctor who is supposed to be there will or will not send the ambulance?

11.40 p.m.

I can understand your saying, "well I cannot send it but I told the doctor of the circumstances and with his permission it will be dispatched within the next quarter of an hour." It is not good enough to say that the doctor is not here and that you cannot get the ambulance, and then for the telephone to be clicked off with that information in your ear. We are saying that a doctor should be there on all occasions, and it is not a question that he or she could not be located. If that is the case, then that doctor should be called up to give what were his reasons for not being on the spot so that he could be consulted. A few weeks ago this House was very generous to Government and very reasonable in its approach to this whole Hospital staff and problem and this has been borne out by the Hon. Minister who interrupted the hon. senior member for the City to say, as I understand him, that he has nearly got all the staff he wants for the Hospital. Out of eleven doctors, he has got ten. That is good. We expect, if we staff that institution without stint, that there must be doctors available to attend to the people and to make the necessary on-the-spot decisions. I do not know how many members of this House are connected with the Hospital. One of my hon. friends has a wife who is a doctor at the Hospital. We pay her a salary and if it were that particular officer who was not on duty on that occasion when she should have been - I am not saying it was - even with the closest friends of hon. members of this House, we should see to it that they do not blunt the edge of public duty; and if it were she who was on duty during that time, we would like to know why she could not give the necessary decision to send the ambulance for this person. That is a matter which can be checked up on.

In a community like ours where we spend large sums on our medical service, we must not allow the impression to get around that poor people can be pushed up and down and can have these things happening to them without any redress. I hope that this instance - it is the second one brought to our attention - would serve notice on the Hon. Minister of Social Services or to the Director of Medical Services and to the Medical Superintendent and all that numerous staff of doctors now serving at that institution that we want them to pull their socks up, and the next time any similar thing happens, we are not going to be as calm as we are now.

Hon. F. E. MILLER: Mr. Speaker I must thank the hon. members for the way in which they have made their criticisms. I was promised that I would be threatened with a debate in a most rude form but my colleague, the hon. senior member for the City, said tonight he wanted to be calm. I expected to hear quite a lot more by way of criticisms from him. Now, Sir, let us examine the ambulance service at the General Hospital. It started in 1950 nearly eight years ago and the case to which the hon. senior member for the City made reference is the first case because of which on examination the service merits some criticism. Again, I believe I am correct in saying that all hon. members of this Chamber share our sympathy with Mrs. Grant and her children as the result of the death of Mr. Grant. As the hon. member has said, had the ambulance arrived a life may have been saved; but I will point out that Mr. Grant visited that institution some three times previously, and just the day before his death he was served at the Out Patients Department. I understand that he was given tablets and an injection. The morning after he was ready to go to work. However, Sir, the report we had was that at 2 o'clock on the morning of the 18th he called at the institution, as is a usual thing to call the Gate for ambulance relief. The position at the moment is not the availability of the ambulance

service, but we have a bottleneck in the institution itself. I know that the hon. member will appreciate that that is our real trouble. We are still operating with two units, but the bottleneck is in the institution.

We are not saying that the two ambulances are enough. Just imagine your operating an ambulance service to all parts of this island with two units! It is unfortunate and I am very sorry about it. I did not know if the hon. senior member for the City can feel more sorry about it than I do, but what can we do under these circumstances? If it can make the hon. member feel any happier, I can tell this House that we have been reviewing this ambulance service. Prior to that case we have had several discussions on the matter. We have had talks with the Fire Officer and the Commissioner of Police as regards centralising the ambulance service. We have also had talks with the Director of Medical Services. We are considering whether we can take an ambulance from the Police Department or whether we should continue to keep them decentralised as we are doing now. The hon. senior member for the City would probably understand that the two units which we have now operating at the General Hospital do an average of 1800 miles a month. I wish to say that it is not denying the people of the service of the ambulance; as a matter of fact, that is to the contrary. I think I am correct in saying that we are coming down soon to this House for an additional ambulance. There is need for it. However, with all that, you must always remember that the trouble is not whether you can take people to that institution; the trouble is the bottleneck you have at that institution. If you take the case of Mr. Grant, if you had got him to the institution you could not have treated him and sent him out. Even if you were satisfied that if he had got an injection, he would be all right, yet you will have to keep him if only you put him to sit on a crib until you had seen his condition for some time. You would have had to keep him in for a day or two. We must face the facts. If Mrs. Grant called the police on that unfortunate night, you must bear in mind that she was away from home not more than half an hour and when she returned she found her husband dead. As I have said, in a period of eight years of the operation of this ambulance service we have had only one case for complaint and that is this case. 11.50 p.m.

I would hesitate to have a discussion on the Hospital. You have people in this Institution and I would call the Institution a Sweat Shop. We have had doctors working for 100 hours a week which is more than any civilised person is expected to bear. For the waterfront worker and the factory worker, objection would be made today to a working week of more than 44 hours; but you have a doctor working 100 hours a week! Right now, in order to keep the institution going, we have decided to use part-time doctors and we have private practitioners coming in and serving for three or four hours. It is unfortunate that Mr. Grant had to die without the services of the Institution. There is an old regulation in the Hospital which has been in operation for a number of years; whatever happens, you must remember there is still the question of a bottleneck at the institution and that is something with which we must concern ourselves with a view to getting a better state of affairs. Now, today we are still operating with two persons occupying one bed in surgical cases. I made that clear on the last occasion when I spoke of the Waiting List. In the Medical Wards, "no", but in the Surgical Ward, "yes". For the past eight years since we have had this service, we have had one case of this sort taking place and an issue is made of it! This man was at the Hospital before he died.

On the question of the 999 service, we are told that something is wrong. There is the temptation for a criticism of the Hospital, but it is a fact that you have doctors working for 70 and 80 hours a week. I repeat, that there is some mistake about this call of the 999. I do not believe that the call was ever attempted, and what is more, if the lady had called a policeman in the street, I am reasonably sure that, apart from an order of the doctor of the Institution, there is a regulation that in an emergency the Police are free to call for an Ambulance. I have here, a note from the Commissioner of Police and it is as follows:-

"I have had this matter investigated and I am of the

opinion that no such call was ever received by the Police. Fortunately, there is an automatic tape-recording service; all calls are received from the 999 in the Control Room and the Tape Recorder is played back. No requests were received during the early hours of Wednesday morning, the 18th June, for the Ambulance."

Now, this man was alleged to have put through the call. The Note goes on to say this:-

"Every call from the 999 is switched on to the Tape Recorder and during the whole period of the morning of the 18th June, there was no call put through to the 999; but on investigation by the Police, it was alleged that the call was made."

This is the statement from the person who is alleged to have put through the call; he informed us that he made several attempts to do so, but on each occasion he was told that he had called the wrong number. But that is a very unusual thing with the 999. I believe that you would feel in the same way as I feel. The final call which he thought went through to the 999 was apparently the wrong number, and the person at the other end told him to get a taxi. That is the position; he made several attempts to call the 999 and when the final call was made, the person told him that he should get a taxi. The recording unit in the 999 would have to record this call. If that lady, Mrs. Grant had called a policeman in the road, I am reasonably sure that she would have got the services of an Ambulance. It is not that that would have saved her husband's life; I sympathise with the widow and the children, but what would you expect in the circumstances?

We have been operating two ambulances at the Institution. We carry people to their homes and we also use an ambulance as an out-patient vehicle. There is one Ambulance which goes to all parts of the Island and back to the Institution. We have also made an order for a Volkswagen to assist in these services.
12.00 midnight

Now as to the question of routine in that institution, there is no reason to believe that there is an attempt by the administration of the Hospital and for that matter by the Ministry to deny the people of this community the ambulance service. The member said that it was only a question of a telephone call. What would the hon. member think of an ambulance service in St. Andrew or St. George where there are no telephones? Would it be able to serve anybody? (A VOICE: Whose fault is that?) It is the Government's fault as you would say. Let us think of a case way out in St. Peter with somebody in a village wishing to get an ambulance; what would the person do? If they had to get a motor car to get to a person who had a telephone, they might as well come directly to the Hospital.

There is need for the service, but I would be the last person to persuade you that six or eight ambulances would solve our problem. I do not know that we have a problem to frighten this Chamber tonight, because as I have said, this is only one case in eight years. I do not know if it would mean anything to the hon. member if I told him that the Police Ambulance was given to the Police by the St. John Ambulance Brigade; it is a free gift and the Police has been operating that ambulance to the Hospital since 1957. Last year, 669 calls were made to the Hospital by that unit alone, not to speak of the two ambulances at the Hospital. We want to improve the service, and believe me, if I had my way and the country could afford it, I would like to see a free health service such as is known in the United Kingdom; but we must face facts. It is not possible, and no matter how we dream and yearn for it, we must admit that there is a limit. The country's recurrent commitments, to say nothing of the major development programme, to say nothing of the cost of the new Hospital, will not afford it. I do not say this as an attempt to fool the Chamber, and I do not know that I would find any solace or satisfaction in attempting to fool this Chamber that we can provide a free medical service for the country which would include, as you would appreciate, a free ambulance service. If you are going to bring 200 people to the Hospital to save the life of one individual, by all means do it; but we want to be practical. There is no point in fooling ourselves and satisfying the public by say-

ing that ten or twelve ambulances would meet the problem. There are other things to be considered. (A VOICE: Sit down.) I do not sit down yet. I believe I can call the hon. member my friend because we have a lot in common when you think of public health, but this can be regarded as a criticism on the Hospital, to say nothing of the ambulance service. We are discussing a case which happened on the 18th June, but there is another case which has occurred. This is the case of a pensioner by the name of Mr. Harold Pounder which I do not think the hon. senior member for the City knows. This man lives at Lakes Folly and an ambulance would have been required from the Almshouse. The hon. member said that all you have to do is to telephone the gate at the Almshouse and an ambulance will be sent. I happened to be on my way to the Esplanade at Speightstown with Captain Tomlin and my Permanent Secretary to pick up Miss Nell Manning, and in Lakes Folly I saw the Police Ambulance. I called the Officer in charge and asked him what had happened and he related the story of this pensioner Harold Pounder. It is so easy to get an ambulance from the Infirmary, but a call had to be put through the Inspector of Poor and he was expected to move to the site and investigate before the ambulance could come. When I saw the Police Van, I was squeezing the brake of M. 22 when Mr. Thorpe was pulling up behind me. The man was already dead, but Mr. Thorpe had just arrived to decide whether or not he should send an ambulance. This is not a criticism; this will happen over and over again, in spite of the easy access to the St. Michael's Infirmary. The man lived alone in a house and I believe he was discovered dead long before the call was put through. This is not a criticism and I know it will probably happen tomorrow in spite of the statement by the member that all you have to do is to ring the gate at the Almshouse and an ambulance will be sent.

I would not attempt to criticise the Church Warden because I know it has happened before and would happen again, and no promise by any Minister in this Chamber can stave off a recurrence even if you follow the advice of the hon. senior member for St. Lucy by buying eight or ten units. We will do our best to improve the service, and I might say that we have been working on it for a long time. If you are expecting me to tell you that there will be another ten units, the answer is "no".

Mr. Speaker, I was armed with all the facts to answer the questions raised by the hon. member. I remember some years ago, a statement was made by the hon. senior member for the City to the effect that it was the layman who was responsible for the advance in public health. After serving in the Ministry, I would like to shake his hands on it. When it comes to public health and medicine, I must agree with the member that it is the strong arm of the layman that would bring about an advance.
12.10 a.m.

Before this sad occurrence of the loss of Mr. Grant - and I think we are all quite sad about it - we had been working on the question of getting a better ambulance service. I promise hon. members that we will announce something further with regard to this ambulance service in a couple of weeks. The hon. member will appreciate that I cannot tell him anything further about the matter despite the fact that it is under my portfolio until we discuss it. The Cabinet should be consulted first. When that happens, I promise hon. members that we will bring in something to the satisfaction of the hon. member who is now so concerned about the ambulance service.

Mr. Speaker, I probably will have to ask you for leave to reply to any further questions which may be put by the hon. senior member for the City.

Mr. MOTTLEY: Sir, I wonder why the Hon. Minister is anticipating that I am giving him chance to reply further. God help me, if I should be fortunate enough to become a Minister, if I were to allow my mentality to become so warped as to indulge in the gymnastics of the Hon. Minister as if I were a four-flusher.

Hon. F. E. MILLER: Mr. Speaker, I object to the unpleasant words of the hon. member. He talked of gymnastics and being a four-flusher. I have no room in my

make-up or character for gymnastics. However, I am not asking the hon. member to withdraw the statement. I may have something to say later.

Mr. MOTTLEY: Mr. Speaker, I moved the adjournment of the House for five minutes. Is this the way in which you abide by the Rules that you claim the right to speak on every occasion? It is my right to speak now.

Mr. SPEAKER: The Hon. Minister of Social Services said that he would be claiming permission to speak later. It is not just a claim as of right. It is permission which must be granted by the House and not by the Speaker.

Mr. MOTTLEY: Mr. Speaker, after listening to the hon. member with all the gymnastics indulged in by him, what has he said? All I have said is that I was dealing with the question of the ambulance service at the General Hospital on an occasion of emergency. What am I to do with the ambulance doing an average of 1800 miles a month? If I tell him that they use these ambulances to cart salt fish, or if I tell him that they are removing people's furniture with these ambulances, would he answer that? Sir, I refrained from making such statements. I was trying to deal with the hon. member in a way in which I thought he should deal with this question. I am the first person to grant the hon. member this. I know that the Hon. Minister deep down in his heart is sincere and I believe he means well in doing his job. Sir, what was I dealing with? What was I saying? I was asking for an ambulance service at the General Hospital for the unfortunate people who could not get doctors to come to them at night. I have not said that your ambulance does not do an average of 1800 miles a month. What is that to do with it? I never said that the man died because he could not get an ambulance. The Hon. Minister gets up and talks all this nonsense. Let me tell him that you had an ambulance down for three months and you have never even worried to repair it.

Hon. F. E. MILLER: Mr. Speaker, I rise on a point of explanation. An ambulance there was down for three months as a result of an accident, and we were told by the engineers not to repair it.

Mr. MOTTLEY: But did you borrow one? You say you are running an efficient service. Did you borrow one? Have you borne in mind that you are dealing with human lives? Do you know that that other one was hauling salt fish from off the Wharf to the Hospital when people were lying down and could not get the ambulance? When people outside were calling for the ambulance service, the only one you had was down on the Wharf picking up salt fish. Prevarication may be the right word to use for the ways of some hon. members, but you have to be very artful to get over it with me. Sir, listen to the irrelevancies of the Hon. Minister. Apparently, he thinks that he has been in this House before me. Let me tell him that I came in here with the reputation for criticising people. I made it quite clear that I am no social climber. Doctor or no doctor; it is a matter of indifference to me. I came here on the floor of the House on an occasion when the Government was bringing a man who was a retired doctor to take charge of the General Hospital and criticised the Resolution. The man came and I saw him at work. I have not seen any retired man like that doctor. I just like to know that a doctor treats people in a way as if I were in that position, I would be treated. All the Hon. Minister said was: "it appals his heart; it appals his soul." I am sorry it did not burn him more. He further said that the doctors are doing more than 100 hours a week and in the same breath he tells you that he is only short of one doctor at the Hospital; he has ten out of eleven. He is only short of the Medical Registrar. That bleeds his soul; all over him bleeds because of that.

Hon. F. E. MILLER: Sir, I rise on a point of order. I said when I joined the Ministry some doctors were working one hundred hours a week, some eighty hours a week.

Mr. MOTTLEY: Mr. Speaker, I was at pains to listen to what the Hon. Minister was saying. Let him get up and object all the time. He gets me in a better mood when he does that. I repeat, he said that doctors were working one hundred hours a week then. Why should he draw a red her-

ring across the trail? This matter with which we are dealing is something which the Hon. Minister can sit down around a table and let us decide what best can be done. He is the Minister of Health and I am asking a simple question. Have you got an ambulance service at the General Hospital? The answer is "yes". The Hon. Minister was not born in Hong Kong, in London or in New York; he was born here like me. All I am asking the Hon. Minister to do is to get an ambulance service for the people who would like it at night and cannot get a doctor. He says that he is going to buy a Volkswagen now.

I will deal with the Pounder case to which the Hon. Minister referred to at this stage. I know the Hon. Minister has admitted that at one time of his life he decided to write a story.

Mr. SPEAKER: What has that to do with this matter?

Mr. MOTTLEY: Sir, you know when you see me calm as I was tonight, we can look for trouble.
12.20 a.m.

But even the Minister himself, in dealing with the Police, said that there must have been some misunderstanding. The fact is that a man was sick and his wife attempted to put through a call. As a matter of fact, the question of the Police is only a secondary matter. I was dealing with the Hospital. The Hon. Minister has said that he was worried about the man not having seen a doctor; the fact is that this woman feels that her husband died as a result of his not being able to see a doctor on that morning. The Hon. Minister talks about the service and about the woman getting a taxi, but what I am asking the hon. member to do is this; let us forget all the wrangling and think of what I am asking. It is difficult for people in Barbados to get the services of a Medical Practitioner at night. Was the Hon. Minister born in Hong Kong or not? Am I to forget where I was born, because I have been made a member of this House? And let me say that if it had not been for the grace of God I would not have been in this position. (ASIDES) Does God remember you? Some of us do not seem to remember (ASIDES)

Mr. SPEAKER: The hon. member must not make any unbecoming reference to members of this House.

Mr. MOTTLEY: The Hon. Minister has said that for eight years since they were operating this service, of all the cases, they have had only one of this sort. Has the hon. member not heard complaints as to how hard it is to get the services of a doctor? Does the hon. member realise that there was a motion made on the floor of this House asking the Government to put at the disposal of people, the services of doctors at night? Who is talking about the services to somebody in St. Lucy or in St. Michael or in St. Andrew during the day? There is no difficulty there, because if somebody is taken ill and a doctor cannot come to him, he can get the means of transport and go to the doctor. I should like to say this; when I look at a doctor I am looking at just another man and in some cases not even a whole man. (Laughter) Does the Hon. Minister think that because you have to talk about a doctor you are talking about God Almighty?

Hon. F. E. MILLER: On a point of order. The hon. member must not misquote me; he knows me well enough. I referred to the working of the Hospital as a whole. I was not criticising, or that was not a criticism of, anything he said.

Mr. MOTTLEY: If a person is elected to this House and something happens, must he sit here and do not talk? God help him! I have always said that when there is a time for praise, I praise people, but when there is a time for criticism, I am shoulder to shoulder with them. I was asking about the Ambulance Service, and the hon. member is carrying it to St. Lucy and St. Andrew; all that is good. However, I am raising the question that it is an advantage for people to get the services of a doctor at night. Some doctors will tell you to ring them. You ring and ask: "Is the doctor in?" And he asks: "Who is speaking?" If it is Mr. Mottley, "yes". If anyone else rings and asks "Is the

doctor in?" He asks: "Who is speaking?" and if it is Mr. Brown from Belmont Road, the answer is "No". (Laughter) there is another ring: "my child has just taken ill." It is eleven o'clock. "Is the doctor in?" The answer is, "Have you got the money?" I am pointing out that the Hon. Minister has as good a knowledge of conditions in Barbados as I have.

12.30 a.m.

I would like the hon. member to consult the other members of his Party. This is a most pathetic case; but the thirst of hon. members has been quenched, so they care not of those who are thirsty; that is the trouble with some people. If the Hon. Minister had listened to the story, dramatic as he is, I think I see the tears coming from his eyes. This is one case he has heard about; but I can mention several others. I am not worried about your day ambulance service. If tomorrow at 9 o'clock or 12 o'clock you could not get a doctor, at least you could get a taxi and go to the Hospital; but we are asking for an ambulance service at night for those persons who cannot get a doctor. Will the Minister tell me what percentage of people can get a doctor tonight to come out? The point is that not only cannot the ambulance come out at night without the permission of a doctor of a hospital, but it cannot come out unless a doctor from outside requests it. In other words, "make friends with the mammon of unrighteousness" and you know the balance. Why confine it to a doctor only? Do you think that they are the only persons contributing to this ambulance service? I understand that if a Registered Medical Practitioner rings the gate of the Hospital and asks to send an ambulance to Black Rock where there might be a case which is considered an emergency, that would be done. I am not asking you to do this for those persons who can pay for a motor car, but for those persons who cannot get a doctor at night. If a doctor or anybody on the staff of the Hospital is coming in at the Airport, arrangements are made to send an ambulance. That is all right; but I am here pleading the case of the unfortunate who cannot plead the case for themselves. There is a type of person who cannot get a doctor at night, and therefore the only thing they can do is to get to the nearest person in the area with a telephone and call the Hospital, and I am asking you to make the ambulance service available to that person without the necessity of having a Registered Medical Practitioner from outside to telephone for it. These people will rarely come from outside St. Michael, and all we are asking you to do is to have an ambulance service for those people who cannot get a doctor but who might be able to get somebody to wake up and telephone the Hospital saying his child is dying or his brother is sick and requesting an ambulance to come.

If what I am saying is going to displease a doctor and make him an enemy, let him or her be my enemy. It is a fact that you have a doctor on duty between 8 p.m. and 4 a.m.? I am not saying, Mr. Speaker, that if a doctor is on duty he is bound to sit down and twiddle his thumbs; he might be in his house reading his Medical Journal. What is wrong therefore with plugging in the service and telling him that there is a call from Barbarees Hill, Browns Gap or anywhere, that a person in the village has taken ill and let him decide whether it is a case for sending an ambulance? Is that asking too much? Your policy should be to let people telephone the gate from where you can then plug to the doctor on duty. How would the Minister feel if an orderly or porter from his Ministry gave an order for an ambulance and could not get one?

I will not risk to say that the man would have lived, but you cannot get out of the wife's mind that had he seen a doctor he might not have died. Those of us who know better realise that this might not have been so; but the Minister says that this is the only case, and to think he is ridiculing me he talks about Mr. Pounder.

Hon. F. E. MILLER: Mr. Speaker, again I must interrupt the hon. member. There was no attempt to ridicule the hon. member, and I was at pains to make that clear. I said it would happen in spite of the easy access to the Alms-house Ambulance.

Mr. MOTTLEY: All that the hon. member has said is untrue. I am not mincing any matters about that. I made a statement here and I am making out a case asking him to

change the policy at the Hospital by allowing the ambulance to go for people, because there is a system which exists at the St. Michael's Infirmary through which 126 calls came in over the period of a year from persons other than doctors.

12.40 a.m.

I said that the 126 calls over a period of a year, were the calls which were made by persons other than doctors. They were cases of emergency and I further said that out of these calls one turned out to be a case of a drunkard but the others were real cases of emergency. He talks about Mr. Pounder. For his information, I can tell him that he knew about that case when he was on his way from the Government Headquarters with Capt. Tomlin going for some lady to visit some site in St. Peter, and fate would have it in that way that the road he took from the Government Headquarters to go to St. Peter was down through Lakes Folly and through Chapman's Lane to St. Peter!

Hon. F. E. MILLER: I did not mention that.

Mr. MOTTLEY: I do not know how the hon. member got into Lakes Folly but he said that he was going from the office of his Ministry to St. Peter with Capt. Tomlin to pick up Miss Nell Manning. The route taken by him was down in the back of Chapman's Lane and through Lakes Folly and when he was passing there, he was in time to see Mr. Pounder dead on the spot and Mr. Thorpe still making enquiries. Let him tell that to the Marines.

Hon. F. E. MILLER: The hon. member is reducing this to a comedy. I did not say that I arrived in Lakes Folly to see Mr. Pounder dead; that is not correct.

Mr. MOTTLEY: The Hon. Minister talks of reducing this to a comedy. He is a born comedian: so I excuse him. He said that when he arrived there he saw Mr. Thorpe making enquiries to see whether an ambulance from the Infirmary should go for Mr. Pounder. Let me tell him that it is an order by us when you are dealing with the poor that you relieve them first and then investigate. I would fire Mr. Thorpe if I thought it was the other way around. Is this 1902? A thing like that could not be done under my administration. My policy is that you relieve first and then investigate.

Hon. F. E. MILLER rose to speak.

Mr. SPEAKER: The Hon. Minister is out of order.

Mr. MOTTLEY: Is he a marionette?

Hon. F. E. MILLER: Mr. Speaker, I rise on a point of order. I was looking in your direction just now when I said so, but there again Mr. Speaker you know the strength of his voice and you know I have a tendency to be soft spoken. I said nothing of the sort.

Mr. MOTTLEY: The Hon. Minister distinctly said that there was Mr. Thorpe making the investigation. He said that he pressed his brakes and there Mr. Thorpe was making enquiries when Mr. Pounder was dead already. I say that no such state of affairs exist. It is the right of every pensioner in this island to produce his pension card as a means of getting medical attention and he does not have to produce it to any Mr. Thorpe or any Inspector of Poor. All he has to do is to produce it to one of the three Medical Officers for St. Michael and that entitles him to medical attention. I challenge the Hon. Minister to say that that existed twenty years ago. It has been a policy of the Vestry of St. Michael that as long as the Government has decided that someone is a pensioner, that is sufficient to entitle that person to free medical attention; and so long as the pensioner can produce his card to a P.M.O., it is the duty of the P.M.O. to attend to that pensioner. The Hon. Minister tries to insinuate that when he drew up his car, there was Mr. Thorpe investigating.

Hon. F. E. MILLER: Mr. Speaker, it pains me.

Mr. MOTTLEY: Sir, on what is he speaking?

Hon. F. E. MILLER: Mr. Speaker, I have not said that. When I arrived, the inspector was then arriving and the man

was already dead. Sir, I am quite willing to answer anything.

Mr. MOTTLEY: I am saying again that that is untrue and that no inspector would be arriving or would have any right there. He has only said that to draw a red herring across the trail. So long as the man was a pensioner, there would be no cause for an inspector to go to him. All that the man would have to do is to present his pension card. That is sufficient evidence and you want nothing more than that. Do not let the Hon. Minister risk that statement with me, because I will tell him over and over again that that statement is untrue.

Sir, let us forget all the rancour; let us realise that both of us work for the good of the community and that we are willing to see something better done at the General Hospital. I am saying that you have an ambulance service there in the day. Let the Hon. Minister take my remarks seriously and follow them. There is no trouble with anybody needing medical attention in the day. I have given instructions, and Dr. Manning can tell you that I have said to them that rather than they allow anyone to go away without getting medical attention, I prefer to see them examine and attend to someone who can pay. My remarks are addressed to the Hon. Minister in respect of his laying down some policy for the ambulance service at night. What is their policy today as regards night calls for the ambulance service? If somebody from Halls Road or as far as St. Joseph telephones the Hospital for an ambulance, all that happens is that the gate-man would say "I cannot send you the ambulance unless some doctor phones for it or some doctor at the hospital says that it should go for the person." We are begging the Hon. Minister to see that that is not good enough. Until you can get a proper health service, I am making this appeal on behalf of the people who cannot afford to call a doctor or cannot get a doctor at night. Let it be understood that when a call for the service is received, all that is necessary is that the call be plugged in to the doctor who is on duty and who by virtue of his profession would be able to ask the person on the telephone certain questions such as, "is the person vomiting? Is the person unable to walk?" He will be able to ask the necessary questions in order to see whether the ambulance should go for the person with some orderly or somebody else to bring the person to the Hospital. The Hon. Minister answered that by saying that the whole difficulty is at the spearhead. He asked if you brought those people in, where would you put them.

Hon. F. E. MILLER: Mr. Speaker, I must rise again. I did not say that.

Mr. MOTTLEY: He said that distinctly.
12.50 a.m.

I saw that difficulty and the Hon. Minister distinctly said that they now have still two persons in a bed, not in the Medical ward but in the Surgical ward. He even said that a doctor may only be able to give an injection and even that would be something. All I am asking the Hon. Minister to do is to change his system of night calls; let these calls be plugged in to the Medical Officer in charge. I do not intend to discuss any other matter surrounding the Hospital while the Hon. Minister is investigating other things; but the hon. member knows that all is not well with the working of the Hospital when these persons are on duty during the wee hours of the morning. I will not discuss that, but I will say that a doctor is either on duty or he is not on duty. Gone are the days when we are afraid to discuss people when they are not on duty. A man was carried to the Hospital on one occasion and there was a big case made of it; he was put on a bed and he fell off and when a charge was made, it was a question as to whether he died of concussion, or not, because he was put there without any doctor having seen him.

Do you realise that I would be betraying my trust if I saw that something was going wrong and failed to criticise people, because they are doctors? It would surprise the Hon. Minister to know that I knew who was on duty and who examined this man on the day before he died. I have asked the Hon. Minister a question and he has not answered me; it would be interesting to know if a man who had been seen by a doctor on the day before, died the next night, whether he should be cut open. We pay for the service which people get at the Hospital. However, I am shunning every person-

ality in this matter and I am not dealing with the person who was on duty; I am not questioning whether the man was properly examined or not. It would surprise the Hon. Minister to know that I have my friends too. All I am asking the Hon. Minister to see is this: he is a wide-awake Minister and I believe he is highly interested in these matters; but do not allow anybody to fool you that you cannot give an order. When a call goes to the Hospital gate from anybody, please let that call be plugged on to the doctor. You must make a decision; wherever a doctor is in the Institution he is on duty. I say that it would have been much better to know that an Ambulance went on a wild goose chase or that it was just a case of drunkenness, rather than not have the services of the Ambulance at all. Those of us who are knowledgeable—well, we do not know whether the man would have lived if he had been admitted to the Hospital.

Mr. SPEAKER: I think the hon. member has exhausted that point over and over again.

Mr. MOTTLEY: It is difficult to get anything in the minds of the members opposite. I appeal to the Hon. Minister to see that the Ambulance service must be changed, that you must give the right to people to call for an Ambulance and you should allow the Medical Officer in charge to make the decision. I ask the Hon. Minister not to use the Ambulance at the Hospital for the things for which they are using the Ambulance. On several occasions, the Ambulance was wanted and it was out not on the service of an Ambulance, but it was out on a trip.

My final remark is this: I am suggesting to the Hon. Minister that they should not investigate first and help after; that should not be the case. We must always help first and investigate after.

With those remarks, Mr. Speaker, I ask leave to withdraw my motion, as is the customary practice.

Hon. F. E. MILLER: Before the motion is withdrawn, Mr. Speaker, I should like to reply to a few remarks which have been made by the Hon. member.

Mr. SPEAKER: The hon. member has asked leave to withdraw his motion. If there is no objection, leave will be granted the hon. member. (After a Pause). There being no objection, leave is granted the hon. member to withdraw the motion.

THE ADJOURNMENT

Hon. M. E. COX: I beg to move that this House do now adjourn until Tuesday next, 22nd July, 1958, at 3 o'clock p.m.

Hon. R. G. MAPP: I beg to second that.

1.00 a.m.

Hon. F. E. MILLER: On the motion for the adjournment I must reply to one important statement made by the hon. member. Now I was at pains during his reply to make some notes because I thought he had something new to add, but as I said, his speech was exhaustive like a gramophone record winding round and round. He said he would get around to Pounder in about 15 minutes but he never did. He accused me of gymnastics when he himself was like a man from a flying trapeze doing the Death Slide on to the ground in a clown's costume. He said nothing about Mr. Pounder except that he would fire Mr. Thorpe. He also said that what I said was untrue about arriving at Lakes Folly.

Mr. MOTTLEY: I did not say he did not arrive there, but I am still saying that it was not a coincidence that he arrived there and that Mr. Thorpe came after him to investigate.

Hon. F. E. MILLER: I would like the hon. member to check and at some stage tell me whether or not it is true. Why I am insisting on replying is because during the debate on the Hospital he said that he held in his hand a letter of dismissal for the Chef at the Hospital.

Mr. MOTTLEY: On a point of order. Is the hon. mem-

ber dreaming? Did I say that I held a letter in my hand for the dismissal of the Chef at the Hospital? What is the hon. member saying at all?

Hon. F. E. MILLER: I am only asking the hon. member to investigate the case with Mr. Pounder and say whether or not what I said is true. It is awkward to be accused of lying. I repeat for the benefit of the House that I happened to be there when the Inspector was arriving and that I called the Officer on the Police Ambulance and enquired what had happened. The man, Harold Pounder, was already dead.

Mr. MOTTLEY: On a point of order. If the hon. member is asking me to investigate

Mr. SPEAKER: That is not a point of order, and I cannot allow a member to speak if he is not on a point of order.

Hon. F. E. MILLER: I am only asking the hon. member to investigate and make a statement on the floor of this House showing that I was wrong. It is a normal routine and I made it clear that this will go on and on to the end of

time. Again I say the hon. member was exhaustive like a gramophone record and I was like the dog on His Master's Voice looking into the horn to learn something new, but he was like a man on a flying trapeze doing the Death Slide on to the ground in a clown's costume. I think he will telephone me and say "Freddie, at least you were correct."

Mr. MOTTLEY: Speaking on the adjournment, if the hon. member comes in here again, I am going to reply. Let me tell the hon. member what happened. The man died and the Police went to the scene called the Board to find out about the burial. There was no case of calling for an ambulance at all; so do not let the hon. member fool you. Because I am criticising the rotten service at the Hospital, he is talking about the Almshouse. You can do that until you get sense in your head and let people do what they should do. There is no truth in his saying that Mr. Thorpe went to investigate and then to send an ambulance for Mr. Pounder. The Police came on the spot and asked Mr. Thorpe to find out about a post mortem and burial.

The question that this House do now adjourn until Tuesday, 22nd July, at 3.00 o'clock p.m. was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.

1.10 a.m.