
THE

House of Assembly Debates

(OFFICIAL REPORT)

SESSION 1960

HOUSE OF ASSEMBLY

Tuesday 31st May, 1960.

Pursuant to the adjournment, the House of Assembly met at 12 o'clock (noon) 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*); Mr. F. C. GODDARD; Hon. F. E. MILLER, (*Minister of Social Services*); Mr. E. St.A. HOLDER; Mr. H. A. DOWDING, M.B.E.; Mr. C. B. SEARLES and Hon. L. St.A. THORNE, (*Minister of Education*);

Prayers were read.

Mr. J. W. CORBIN and Hon. D. D. GARNER entered the House and took their seats.

MINUTES

Mr. SPEAKER: I have the honour to inform the House that the Minutes of the Meetings held on the 17th and 24th May, 1960, respectively, have been printed and circulated amongst hon. members, and unless there be any objection, those Minutes will be taken as read and confirmed. (*After a pause.*) There being no objection, those Minutes are now taken as read and confirmed.

DOCUMENT

Mr. SPEAKER: I also have the honour to inform the House that I have received the Financial Report of the Accountant General for the month ended 31st December, 1959.

PAPERS LAID

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I am commanded to lay the following Papers:-

The Civil Establishment (General) (Amendment) (No. 7) Order, 1960.

Statement showing gross Customs and Excise Receipts for twelve months ended 31st March, 1960.

Statement showing gross Customs and Excise Receipts for month of April, 1960.

Hon. D. D. GARNER: Mr. Speaker, I am commanded to lay a Statement from the Barbados General Agricultural Society regarding the appropriation of the Legislative Grant for the year 1959-60.

GOVERNMENT NOTICES

Government Notices were given as follows:-

Hon. Dr. H. G. H. CUMMINS: Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) (No. 7) Order, 1960."

Hon. F. E. MILLER: Mr. Speaker, on behalf of the Minister of Communications, Works and Housing, I beg to give notice of a Resolution to place the sum of \$85,426 at the disposal of the Governor-in-Executive Committee to supplement the Estimates 1960-61 Part II- Capital, as shown in the Supplementary Estimate 1960-61, No. 5 which forms the Schedule to the 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 in order to deal with the Money Resolution of which notice has just been given.

REPORT OF SELECT COMMITTEE

Hon. F. E. MILLER: Mr. Speaker, on behalf of the hon. junior member for St. Joseph, who is not now in his place, I beg to present the Report of the Select Committee appointed to consider and report on the Bill to authorise the sale of Glebe Lands and the parsonage house of St. Michael.

ORDERS POSTPONED

Hon. M. E. COX: I am asking leave to postpone Orders Nos. 1 and 2 and that Order No. 3 be taken as the next Order of the Day.

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

Mr. BRANCKER: Mr. Speaker, on a point of order, does the hon. member seek to postpone these Orders until later today or until another day?

Hon. M. E. COX: Mr. Speaker, the Hon. Minister of Communications and Works is absent and that is why I sought the postponement.

Mr. SPEAKER: That deals with Order No. 1. What about Order No. 2?

Hon. M. E. COX: Order No. 2 will be postponed until another day.

Mr. BRANCKER: I thank Your Honour.

THE CIVIL ESTABLISHMENT (GENERAL)
(AMENDMENT) (No. 6) ORDER, 1960

Mr. SPEAKER: Order No. 3 stands in the name of the Hon. Premier; to move the passing of a Resolution to approve the Order entitled "The Civil Establishment (General) (Amendment) (No. 6) Order, 1960.

Hon. Dr. H. G. H. CUMMINS: Order No. 3, Sir, is a Civil Establishment Order which deals with certain posts at the Mental Hospital.

As pointed out in the Addendum, the main object of the Order is to make adjustments in the structure of the Nursing Staff at the Mental Hospital in an effort to retain the services of members of the staff who are at present in the United Kingdom furthering their studies in mental and general nursing, some of whom have already obtained recognised qualifications. The proposed structure as set out in the Addendum would not involve any increase in the actual total number of posts.

In short, in accordance with Mr. Godsall's recommendations, when certain members of the staff have been trained, they are advanced in accordance with their training. Certain of them have returned already and there are others who are still in training and hope to return very soon. Since this is as a result of Mr. Godsall's recommendations, those who have returned have taken up the question of increased salaries and increased status.

As set out, the present staff is one Matron and there is no change there; there is one Tutor and that remains the same. In the male section there is one Head Male Nurse which remains the same. With the two Assistant Head Male Nurses there is an increase in salary from \$2,112 - \$2,400 to \$2,640 - \$3,024. There are seven Charge Male Nurses at a salary of \$1,644 to \$2,124, and it is proposed to change that to three Senior Charge Nurses at a salary of \$1,824 - \$2,400 and four Charge Nurses at the existing salary of \$1,644 - \$2,124. There are 41 Male Nurses and there is no change there.

As I said, the reason for advancing these three Senior Charge Nurses is because these people have returned, but there are others still abroad who have not yet completed their training.

In the case of the females there are two Head Nurses and it is proposed to call them two Senior Sisters because of training, and their salaries have been increased accordingly. There were formerly nine Charge Nurses on the female side and four of them have been advanced to Sisters with an increased salary of \$1,824 to \$2,400 while the other five Charge Nurses remain. There are also 50 nurses and there is no change there. So from the point of view of numbers, there is no increase, but simply some adjustments because of opportunities to go abroad and be trained.

As pointed out in the Addendum, the adjustments in the salary scales are in keeping with the recommendations of paragraphs 227 and 252 of the Godsall Report. Similar changes were made in the establishment of the General Hospital when the main recommendations in the Godsall Report were implemented; so it would appear that this is somewhat overdue and Government is now taking the opportunity to correct it.

There are also two additional posts, one of Long Grade Clerk at a salary of \$960 to \$2,400 and one of Driver at a salary of \$768 to \$912. As far as the Driver is concerned there was an arrangement which proved unsatisfactory. There was one Driver for two vehicles, and when the need for another driver arose, one of the staff in the lower grade was asked to drive the van. That was considered very unsatisfactory because this other gentleman who was driving the van in order to facilitate the work was also needed for his particular work, and the question of the care of the vehicle came into it also.

As pointed out, there is one ambulance and one pick-up at the Institution but only one post of Ambulance

Driver is provided on the Establishment. As a result, when this driver is engaged, essential services requiring the use of the other vehicle are held up unless relief can be obtained by the services of a Male Nurse and this is a most unsatisfactory arrangement. That was done due to economy but it did not work out satisfactorily enough.

I beg to move that this Resolution do now pass.

Hon. L. St. A. THORNE: I beg to second that.

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

THE PENSIONS (AMENDMENT) REGULATIONS 1960

Mr. SPEAKER: Order No. 4 stands in the name of the Hon. Premier; to move the passing of a Resolution to approve the Regulations entitled "The Pensions (Amendment) Regulations 1960."

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this Order seeks the approval of certain Regulations by the House of Assembly, and there are the Pensions (Amendment) Regulations, 1960.

As pointed out in the Addendum, the amendment is the result of a proposal of the Secretary of State as contained in White Paper (Cmd. 9768).

Provision is made in the United Kingdom Overseas Service Act, 1958 to protect the pension rights of members of the Home Service and other United Kingdom Officers, and the Secretary of State has asked that Overseas Governments add service under the Overseas Service Act, 1958, to their pensions legislation in order that Overseas Civil Servants in their employment who transfer to service under the Act may, on their ultimate retirement, receive pensions based on their final salaries and total length of service.
12.35 p.m.

Well, Sir, this is a request from the Secretary of State for the Colonies and I think I can say that it will hardly ever apply to Barbados in view of the fact that we will be probably employing less and less United Kingdom Officers. There is not very much likelihood of it being applied to Barbados practically; it is only in case that it will be found necessary to employ one that this legislation will be there.

I beg to move that this Resolution do now pass.

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

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

THE MAYERS PENSION BILL, 1960

Mr. SPEAKER: The next Order of the day stands in the name of the Hon. Premier; Second reading of a Bill to authorise the payment of a gratuity and a pension to Clifford Audley Mayers.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this is an arrangement which is well known to this House and it concerns one Mr. Clifford Audley Mayers who was employed by the Commissioners of Highways of St. Joseph from 1945 until 1954 and then by the Department of Highways and Transport on the taking over of the roads of St. Joseph by that Department. He was in that capacity from 1954 until he retired in 1959 which is practically five years.

This Bill seeks that he be paid a pension being computed on the years of his service with the Commissioners of Highways of St. Joseph and also with the Government. We have had several cases of this sort and it is a case, as I have said, with which we are quite familiar.

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

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

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

**MR. HOLDER APPOINTED TO ACT CHAIRMAN
OF COMMITTEES**

Hon. M. E. COX: Mr. Speaker, I beg to move that the hon. senior member for St. James be appointed to act as Chairman of Committees during the absence today of the Hon. Chairman.

Hon. L. St. A. THORNE: I beg to second that.
The question was put and resolved in the affirmative without division.

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

Hon. M. E. COX: I beg to second that.
The question was put and resolved in the affirmative without division.

Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. HOLDER in the Chair.

Clause 1 was called and passed.

Clause 2 was called.

Hon. Dr. H. G. H. CUMMINS: I beg to move that Clause 2 stand part.

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

Mr. BRANCKER: Mr. Chairman, perhaps the hon. sponsor of this motion would let us know what is the age of Mr. Clifford Mayers and tell us of his state of health when he retired. I take it that it was not a question of ill-health or his reaching the age of retirement which is the result of this Bill, but that it was only due to the taking over of these various Vestries in that part by the Northern Council. I wonder, if this gentleman was not in bad health or if he did not reach the age of retirement, if there were not any suitable employment which could have been offered him under the present set-up. This is in no way opposing the passage of this Bill, but I am only asking this question as a matter of information. Will the Hon. Premier who is sponsoring this matter give us that data?

Hon. Dr. H. G. H. CUMMINS: This gentleman retired because of having reached 60 years of age.

Mr. BRANCKER: Mr. Chairman, I thank the Hon. Premier.

The question that Clause 2 stand part was put and resolved in the affirmative without division.

Clause 3 was called and passed.

On motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX, Mr. CHAIRMAN reported the passing of the Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. Dr. H. G. H. CUMMINS, seconded in each case by Hon. M. E. COX, the Bill was read a third time and passed.

**SUBSIDIARY LEGISLATION (REMOVAL OF
DIFFICULTIES) BILL, 1960**

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Premier: Second reading of a Bill to remove difficulties occasioned by the provisions of certain Acts of the Island relating to the period during which subsidiary legislation is required to be laid before the House of the Legislature.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this is a Bill to clarify a position with which we are acquainted and it refers to subsidiary legislation which is laid on the Table of this House for forty days.
12.45 p.m.

As is set out in the Objects and Reasons, by certain Acts where either House of the Legislature is adjourned for more than seven days, that period of time shall not be taken into account in computing the standard period of forty days for the laying of subsidiary Legislation in the Houses of the Legislature. By other Acts the time not to be taken into account in computing the standard period of forty days is where both Houses of the Legislature are adjourned for more than seven days.

The Objects and Reasons of the Bill go on to state that as the Legislative Council is frequently adjourned for periods of more than seven days and so as to avoid any miscalculations of time that may occur when both Houses of the Legislature are adjourned for more than seven days, this Bill seeks to amend all Acts in which any such provision is contained for computing the standard period of forty days by providing that periods of adjournments for more than seven days shall not interrupt the standard period of forty days.

In short, what I have said is the situation which exists and it was thought by the Crown Law Officers Department that it should be clarified; and the only way to attain that object of clarification would be to bring about an amendment to the Acts. There is nothing more that I can add to what I have already said; I therefore beg to move that this Bill be now read a second time.

Hon. L. St. A. THORNE: I beg to second that.

Mr. WALCOTT: Mr. Speaker, I have no objection to this Bill but what I do find about this Bill and what it relates to, is that we have this type of legislation which comes before the House and I have been trying to find out by what method we can deal with it. As it now stands, for example, we have Regulations before us dealing with the remuneration for Jurors and these things are laid; we are presented with copies of them, but it is a very difficult thing to deal with them where they are not put on the Order Paper of the House, and you are giving approval to something and, sometimes, the method of discussing it in the House is very difficult. In the old days, there was no difficulty in getting these things put on the Order Paper and on many occasions Regulations which sought the approval of the House used to be put on the Order Paper. Nowadays they are completely omitted from the Order Paper, just as in this Bill we would be giving approval to these things in one way or the other; and if there is anything which should be drawn to the attention of the Government, you find it very difficult to do so. It is my view that such matters that come before this House should be placed on the Order Paper in the normal way for the approval of them by the Legislature, and not merely that the Houses of the Legislature cannot voice their objection to them, or that you would pass a Resolution and if no objection is taken to these things, they become the law of the land.

Hon. M. E. COX: Mr. Speaker, I do not think that the hon. member is quite correct in generalising as far as this item is concerned. I think that if he searches his memory a little bit, he will remember that when we first came to this House there were Regulations which were regarded as dilatory as well as those which were brought into force by positive action. Even today, if the hon. member will look at his Order Paper, he will see that I have something which is to be dealt with by positive action of this House. Regulations dealing with the Motor Vehicles and Road Traffic Act, for example, always had positive action and that position still exists today; but there are some which are dilatory and which are placed on the Table of the House and then they have the force of law; on the other hand, there are those which have the force of law within 21 days and others which have the force of law within forty days. That position still exists in some form and therefore I do not think that the hon. member is strictly correct in what he has said.

There are Regulations which vary the rate of duty and so on and they are dealt with in a positive way; we have to bring down a Resolution to approve the Order.

I would like to assure the hon. member that he is not strictly correct when he says that we are completely abandoning the idea of having Resolutions debated, so to speak, in so far as Regulations are concerned, that we are just allowing them to lie on the Table of the House to be actually forgotten and there is no opportunity afforded for discussing them.

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. 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.

The two Clauses of the Bill were called and passed.

On the motion of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX, the CHAIRMAN reported the passing of the Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Hon. Dr. H. G. H. CUMMINS, seconded by Hon. M. E. COX in each case, the Bill was read a third time and passed.

TRADE DISPUTES (ARBITRATION AND ENQUIRY) (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 Trade Disputes (Arbitration and Enquiry) Act, 1939.

Hon. M. E. COX: Mr. Speaker, as hon. members will see, this Bill seeks to amend the Trade Disputes (Arbitration and Enquiry) Act, 1939, which is contingent upon the recommendations made by an I.L.O. expert in the person of Mr. Matthews, who came to this island sometime in 1955 to draw up a Labour Code for this island.
12.55 p.m.

The principal amendment as hon. members will see is found in Clause 10. Under Clause 10 of the 1939 Act, provision was made for taking evidence, and that is what it says:

"For the purpose of dealing with any matter referred to it, an Arbitration Tribunal or a Board of Enquiry, as the case may be, shall have full power by order to require any person to furnish, in writing or otherwise, such particulars in relation to such matters as the Tribunal or the Board may require, and where necessary to attend before the Tribunal or the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as in the circumstances may be considered necessary, without being bound by the rules of evidence in civil or criminal proceedings: Provided always that, if any witness objects to answer any question or to produce any document on the ground that it will tend to incriminate him or any other lawful ground, he shall not be required to answer the question or to produce such document nor shall he be liable to any penalties for refusing to answer."

Mr. Matthews recommended that that Section be improved to give the same powers which are now held under the Commission of Enquiry Act; he recommends that the Act be amended to give that same power to the Chairman of the Tribunal. As you know, Sir, in cases of Commission of Enquiry, the Commission has the same rights as are given to Magistrates or Higher Courts existing in this Island, so as members will see from the Objects and Reasons it is proposed to amend Section 10 as follows:—

Section 10 seeks to confer on an Arbitration Tribunal or a Board of Enquiry the powers of the Supreme Court to summon witnesses, to call for the production of documents and to hear evidence, and it goes on to state that for any failure to produce these documents or to answer

questions as required from time to time by the Tribunal, the individual is liable to a penalty. Further if the individual wilfully lies, he commits perjury and therefore becomes punishable under the law. That, Mr. Speaker, is an improvement on the old Act.

Paragraph (c) of the Objects and Reasons states "the proposed new section 10 B provides penalties for failing or refusing to attend before a Tribunal or Board in obedience to a summons, for failing to produce any document required to be produced, for leaving the Tribunal or Board without permission, for refusing to answer questions and for wilfully obstructing or interrupting the proceedings of a Board or Tribunal. Paragraph (d) explains that the new Section 10 C seeks to provide for the punishment of perjury committed by a witness before an Arbitration Tribunal or Board of Enquiry; and section (e) seeks to offer to the members and secretary of an Arbitration Tribunal or Board of Enquiry the same protection and privileges which are now obtained in a suit of law before the Magistrate.

Clause 3 of the Bill seeks to amend Section 13 of the Act to substitute the Judicial and Legal Advisory Council for the Governor-in-Executive Committee as the rule-making body. Hitherto, under the present Act, as you will appreciate, the Governor-in-Executive is responsible for making these rules, but that responsibility will now be transferred to the Judicial and Legal Advisory Council.

Clause 4 seeks to dispel all doubts as to whether the Arbitration Act, 1958, is intended to apply to references to arbitration under the Trade Disputes (Arbitration and Enquiry) Act, 1939. Members will remember that when that Bill was under discussion it was felt then that that Bill applied to Trade Unions, and I tried to make it clear that it did not include Trade Unions or rather dealt with arbitrations similar to the one which we had some time ago when the Government took over certain buses from the concessionaires in 1955. However, Sir, this Section places beyond doubt the question as to whether or not the Trade Union comes within the ambit of this Bill.

Clause 5 adds a new Schedule to the Act, prescribing the form of a summons to a witness required to give evidence before an Arbitration Tribunal or a Board of Enquiry.

I do not think, Sir, that it is necessary to say much more on this Bill because it is considered absolutely essential in so far as these disputes are concerned; and no doubt from time to time as long as we have organisations representing employers as well as employees, there must come a time when the necessity will arise for settling these disputes. In support of the recommendations made by Mr. Matthews, this Government feels that a Bill of this sort is an improvement on the old 1939 Act, and therefore has pleasure in introducing it for the favourable consideration of members of this House.

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

Hon. L. St. A. THORNE: I beg to second that.

Mr. WALCOTT: Mr. Speaker, I was very glad to hear the hon. Minister speak as he did about this Bill.
1.05 p.m.

These amendments were submitted to the Trade Union and the Trade Union approved of them. However, there are one or two things which I have to say on the general question of trade disputes and arbitration in order to set this thing in its right perspective.

I do not believe that the members of the Government and the Ministers as a whole understand the clear distinction between a dispute that is to be investigated and the functions of the Government. From what Ministers have said in the past and continue to say, apparently, the members of the Government are of the opinion, when an industrial dispute arises, that the Government has to take part in so far as when an enquiry is set up, in what way to settle the dispute. I want to make it clear to the House and the

public of Barbados that when the Government sets up a Board of Enquiry, it is not the business of the Ministers to say how the dispute is to be settled; it is a matter for the Board to decide what the settlement is going to be and that is one of the reasons which led the Union to agree to these amendments.

These are very serious amendments and I have to point out something here now because of the last enquiry which was made in the Sugar Industry. The Hon. Minister of Agriculture is not in his seat, and although I do not like to say things behind his back, yet on this occasion I will do as the Government does. I am going to say it although the Minister is not in his place. The Hon. Minister of Agriculture may be - and I say 'may be' advisedly - of the opinion that it was part of their right to state how the enquiry which was held in the Sugar Industry on the last occasion should be conducted and the Enquirer had the audacity to come here and say that he was not conducting an enquiry into the Sugar Industry publicly but that he was conducting a private enquiry. The Clerk in this Ministry by innuendo ----

Hon. D. D. GARNER: Mr. Speaker, I rise on a point of order. I do not know where the hon. member got that from. I never said such things. Where has he seen it recorded? I know nothing of it at all.

Mr. WALCOTT: It is true that he does not know what I am really saying because he does not know what I am talking about. For the Hon. Minister's benefit, I will repeat what I said just now. The members of the Government and the Ministers of the Government do not seem to understand the clear distinction between the functions of the Government when a particular enquiry is set up and what the Government must do in so far as it is concerned, and I made mention of the fact that at the last enquiry set up to enquire into the whole sugar industry, a gentleman by the name of Mr. McKenzie who was appointed as the enquirer came here and had the audacity to say that he was enquiring into this thing as a private matter and not as a public matter; and from what by innuendo was stated to me, the Minister agreed that the enquiry should be conducted in private and that is why I say this is a serious business.

Hon. D. D. GARNER: Mr. Speaker, I do not think it is fair for the hon. member to say so when every person, every organisation and everybody else were invited to come and give evidence bringing along everything. As a matter of fact, one of the parties issued a memorandum and everything else, so how could it be private?

Mr. WALCOTT: Mr. Speaker, that is why a clear distinction has to be drawn. The Hon. Minister does not understand that a memorandum being submitted does not make an enquiry public. The Press was kept out and the public did not know what questions were put to the enquirer and all that was because the enquiry was supposed to be held in private. That was one of the reasons why the Union said that they were not going to give evidence to the Board in private. I repeat that by innuendo which I received, the Ministry of Agriculture was in favour of the enquiry being held in private. You must bear in mind that when you have an enquiry like that in private, it is not like a Court of Law where you can call everybody out. As hon. members know, in a Court of Law you can call everybody out except in those special cases such as domestic cases which are held privately. It is very rare when cases are held privately in Court.

The enquirer in cases like this should use his common-sense and say that this case is of such a nature that it affects the total population; therefore, there is no point of holding it in private. There are some disputes which we will not want to be held publicly because the issues concerned are not the same thing as the issues concerned in the Sugar Industry. A few weeks after this enquiry in the Sugar Industry was held here, a similar enquiry was held in Jamaica and that was held in public. People gave evidence in public and everybody could hear and read what was taking place. I say that because we do not believe in compulsory arbitration and the Minister of Labour knows that.

This is where I want it put in its right perspective. Agreeing to a Board of Enquiry is a different thing to agreeing to an Arbitration Tribunal because agreeing to an Arbitration Tribunal is a position where both sides agree. Therefore, our attitude is that if you agree to a Board of Arbitration, you agree to give evidence to that tribunal; therefore, there is no question of your not giving evidence to a Board of Arbitration. Both parties have an obligation to do so. But it is a different thing from a Board of Enquiry. A Board of Enquiry can be set up without any side to the dispute agreeing to it. I want to make my position very clear. All over the world, a Trade Union will always reserve its rights; that is to say, if you set up a Board of Enquiry which does things with which the Union does not agree, we of the Union will not have anything to do with it. If it comes to this that it is a question of imprisonment, every one of us will go to prison. Speaking for myself, I have no intention of seeing a Board of Enquiry being set up willy-nilly which says that you must come and give evidence to that Board.

The reason why I have to make that quite clear is because the majority of agreements which are reached from such Boards are not compulsory and they are not enforceable by law. I do not want you to think now that this is another type of compulsory arbitration because in this case, as in all, the agreements reached are not enforceable by law; therefore, there is no point in sort of imprisoning someone for not giving evidence because the whole structure of the Trade Disputes (Arbitration) Act is that even if you imprison a man or fine him for not coming and giving evidence, what the Arbitration Board agrees to is not punishable by law nor can its decision be carried out if the parties do not agree to it because the agreement is not binding.

1.15 p.m.

If you set up a Board of Enquiry or Arbitration Tribunal and say that you agree to give \$10 a month to John Brown, the employee can decide that he will not take it. There is no penal section in the law to deal with a person for not adhering to what the Tribunal decides; that is so in many of the Commonwealth territories with the exception of Australia and in the Dominion of Canada where the agreements are subject to penal sanction and therefore they have to be carried out. We are not against giving evidence at all because it is necessary, if an enquiry is to be carried out, that the investigator should be allowed to go to the core of the thing, to go to the employers' books. However, it is set out in the Act that you cannot publish the information. The whole Act is not being amended and to this Section we have no objection; but I want to make it quite clear that the agreement in this Clause must be an agreement to be read together with things being done in the normal way.

There is a dispute, an enquiry is to be made into it and the enquiry is of such vast importance that you give evidence in order to let the public see what is taking place. People will object, however, to giving evidence if it is not to be taken in the way in which the enquiry is to be done. As to the last enquiry into the sugar industry, that was not a thorough one, and I hope that this will be the last time when you will have such an investigation, as was the character of the last one, being held in private. This amendment was made by Mr. Matthews before that enquiry was held and therefore there is no suggestion that this amendment is as a result of that. Mr. Matthews did things in his code with which we did not agree and we told the Government so in respect of Labour Enquiry, Advisory Council and things like that. We say: let the Government decide on the legislation that they want to send down and ask the three authorities for their views on it. You will see that we are not suggesting that this Bill has anything to do with the local situation, but that situation concerns me in the way, as it must, where the enquirer has not taken evidence which people can read, and now you have assumptions that the Trade Union is doing things when the Trade Union has not given evidence in any part of the world to that effect. You have an enquirer making an outrageous statement in a document as to what the Trade Union is preventing people from doing when the Trade Union has not given any evidence at the enquiry.

We feel, and the Minister is quite right, that we will

have disputes; but let it be borne in mind that industrial disputes are settled by the climate in which they exist. There are certain things in the island today which the Government cannot rectify; where people are not really organised, the employer takes an advantage of them and pays them whatever wages he likes. The employer depends upon the Government to take these people off him. But the employee cannot ask the Government to take things off his back when he is not organised. When things can be so bad, you have to take the cries up to high heaven. Whenever there is an industrial dispute, it is because the Union or the workers rise up in revolt against something and they are willing to withhold their labour, and that is a most serious situation. There have been three recent disputes which have arisen in Barbados, and in all of these disputes the attitude of the Government towards them was that the Government was a party to the disputes. I want to make it quite clear that the Government is not a party to a dispute; the Government is the Government of the country but in the particular complexion which arbitration laws bear to enquiries - all of these things are set up by Governments to be administered. If the Minister concerned with labour - we know that it is not the Governor any longer, it is the Minister who is responsible for the particular Department and the Governor is only a figure-head. The Governor is told by the Minister who are the persons to be set up as a Board of Enquiry and the Governor has to agree to them. It is not like the old days when the dispute would be a matter for the Governor to enquire into; today it is the Minister and invariably it will be the Minister of Labour.

I sincerely hope that the Minister is becoming fully emancipated to the functions of the Minister within the context of an industrial dispute and that he will not regard himself or the Government as being a party to the dispute; I hope he will regard himself as being the Government within the territory in which the dispute has taken place, and it is not for them to enter the dispute either in one way or in the other except for setting up the machinery for enquiring into the dispute. It is not for the Minister to say: "If it had not been for us, this dispute would not have been settled." I do not want any Minister to come down on my side in a dispute; I want the dispute to be investigated. Let an impartial person investigate the dispute and I may say that the word "impartial" is there in inverted commas. I repeat that I do not want the Minister subsequently to say, as a matter of political argument or expediency, that the result of the dispute was the result of the Government's action and not the action of the Trade Union. I do not want to repeat things which I have said in respect of the sugar enquiry; the Minister knows that I have already said everything in this House.

1.25 p.m.

Mr. Speaker, it takes long for some people to reconcile themselves to certain basic facts, but I hope the Minister has reconciled himself to his constitutional position in regard to his conduct in industrial disputes, because I want to tell him quite clearly that if an industrial dispute is going to arise and I feel the Minister is not going to act in the highest constitutional manner consonant with his ministerial position, and if we refuse to give evidence before a Board of Enquiry, therefore this law that you pass would be null and void, because we would not be participating; so though you pass this into law we would not participate. We would say: "Lock us up", and then you can see where you will get any evidence.

I say that, Mr. Speaker, because it is better for the climate to exist where people are willing to give evidence without fear. If I am right, I am right, and if I am wrong I am wrong; but we do not want to feel that any prejudice is taken one way or the other.

There is also this other aspect of the matter which I think the Minister must bear in mind. I have had experience with many Boards, and I do not believe the passing of this will make people change when it comes to rules of evidence when you are investigating into a dispute. When you cannot ask a man this question or put it to him a certain way - that bogs it down to a Court. As you know, Mr. Speaker, you go into a Court and you cannot say that you were made to understand something or somebody told you something; but in an Industrial Dispute you want to get

the evidence and information from people in such a manner that the Board of Enquiry can come to the decision based on all they have heard.

So far as the aspects of perjury are concerned, those are all right with us because we feel that there is no need for a worker or a Trade Union to go and commit perjury, because it is not a case in which some person is going to be put in prison, but a question of more wages and better conditions of employment. We do not want one-sided legislation, but we know that there are certain instances where the Labour Commissioner can get documents by law, and we know that sometimes people are a bit reluctant to give information. Up to now the employers have not vouchsafed to the Union that they will give us the sort of information we want, and therefore we have, at each stage when we reach a certain point, to say that since you cannot give any more information, we will have to go to an impartial person because you would not give us the information.

I want to make it clear that we support this Bill on the basis that it is not going to be regarded as an aspect of compulsory arbitration, because the awards have no penalties attached to them. Moreover, collective agreements in Barbados have no penalty attached to them and we prefer them that way. When you appoint a lawyer, all he does is to look at what the law says; but sometimes when you appoint somebody who is not a lawyer, he is more willing to look at the matter in a wider perspective. We do not want to see with a Board of Enquiry, which is a little different from an Arbitration Tribunal, that you appoint a man who knows as much about the matter as I know about aeroplane instruments. You cannot compel us to come and give evidence because sometimes it might not be a dispute in which we have any interest, and I say these things so that we can get an agreement on this in its broad terms.

Now the Hon. Minister quoted Mr. Matthews. I am aware of what the Government is doing in some of the Matthews' matters, but I will say that we do not regard this as important to merit priority for putting it into legislative action as we regard the Workmen's Compensation Act. We feel that the Workmen's Compensation Act is vital because it deals with people every day; and in view of the fact that time is passing, the hon. member is aware that every time a worker is killed or injured in an accident, that worker is losing money and it is not going to be retroactive. The present Workmen's Compensation rates are out of line with reality, and we feel that that sort of legislation should come before this. We have been meeting the Government for over a year on this question of Workmen's Compensation, and we felt that by now the Workmen's Compensation Act as a bit of social legislation would find itself on the Statute Book before this Trade Disputes Bill. We can get along with the Trade Disputes Act as it stands without injury to anybody's pocket, but the Workmen's Compensation Act in its present form is not good enough, and I would appeal to the Minister, before this Session is out, to let us have the Workmen's Compensation Act amended in order that the Barbados Workmen's Compensation Laws will bear some better relationship to modern Workmen's Compensation than this one does at present.

I hope, Mr. Speaker, that I have made my position clear on this amendment. We agree with the amendment but we feel that it should be administered. It is an Act to be administered with the full understanding of how Trade Disputes and Arbitration Enquiries are conducted, and in closing I would also ask the Minister to bear in mind that when he is appointing a Chairman to these Boards in a normal way the Union nor the employers are consulted, but we feel that you should appoint persons of such broad views on the particular matter which you have to discuss that they will bring the sort of reasoning to bear and make it possible that both sides would have that confidence that there is no doubt about it whatever if you ever have people giving evidence.

On the last occasion when there was a Board of Enquiry into the Sugar Industry, that was the only occasion in which you had a situation where the Enquirer insisted

having evidence in private, and it was the only occasion in which when one side said that it should be in public, it should have been done. You know that the employers prefer to have these things done in private because they always feel that somebody will rise up if people hear these things in public; so that was the case where the Union refused to give evidence. I do not think that it is necessary for me to say that the sugar industry is so vital to this island that no man should come here and attempt to suggest that an inquiry into it should be done in private unless both sides wanted it in private. If one side said that it should be done in public, the very position should be that it is a public inquiry, and therefore as a public inquiry and one side asked for it to be done in public, the other side saying "no", the Chairman should go along with the side which asked for it to be done in public. The Chairman should agree that the sugar industry is vast and has many ramifications and the Ministers are aware of that.

1.35 p.m.

I have heard a pronouncement by a Minister before the Board of Enquiry arrived at its decision and that pronouncement was the same as that which the Enquirer subsequently wrote. If I may give you an example, the Enquirer wrote that factory workers were getting too much money and I heard that said before. When you hear such things in a small community like this, it makes it very difficult. Before the Enquirer made his recommendations, you heard some of the Ministers, or one of them, saying that the factory workers were getting too much money as compared with what the field workers were getting.

Mr. Speaker, I feel that Barbados is not larger than it was yesterday. When it comes to such a thing as a public enquiry and the matter which we are discussing in here today, I am very glad that it has come to the House at this time when there is no question such as what we were discussing happening at the present moment. It is true that some matters are before the Labour Commissioner, but not any that would provide that great deal of public interest. We agree to these things; but we hope that they will be administered in such a manner that commonsense would prevail. If you know for a fact that a large section of the community does not agree to a matter being held in private, you should not allow that matter to be held in private, and I would go as far as to say that you should not agree to any matter being held in private unless both sides agree that it is a matter which can be settled privately. As I have said, there are certain matters which can be settled in private; but it is a different thing when you are dealing with a matter which goes into all the aspects concerning such an important matter as the Sugar Industry and you ask the whole island to accept a private means of dealing with it as a better means of dealing with it than to deal with it in public. I hope that what the Hon. Minister insists on, as in this Bill, will not be taken to mean that it is an aspect of compulsory arbitration. If that spirit prevails, it will make it very difficult; but if the normal industrial spirit prevails where both sides agree to submit a matter to arbitration, well then, we have absolutely no fear that either side will refuse to give evidence. Where it is a matter before a Board of Enquiry, well then, you will ask the Enquirer to use his commonsense.

Hon. M. E. COX: I would like to reply to one or two points made by the hon. member. As far as the Government is concerned, the Government is an impartial individual, so to speak, and can be regarded as neuter or neutral, either term you care, and it is not Government's business to get into any dispute between employers and employees at first hand, never mind what the circumstances may be. In other words, we do not regard ourselves to be in a dispute until it has been agreed by the two parties in the dispute that no settlement can be reached between them and, therefore, the matter is then referred to the Government.

When the matter is referred to the Government, it is the duty of the Government, no doubt, to get into it and I would like the hon. member to see it from this point of view. However much the two parties may prolong the dispute, more often than not, it is not in the interest of the community generally to have these long drawn-out disputes. It must be borne in mind that both organisations, no doubt,

represent certain sections of the community; but in the last analysis, it is the Government that is responsible to the people of this island as a whole. Therefore, if Government feels, as, no doubt, we did feel on the last occasion when we had a dispute in which the hon. member stated the circumstances, that there should be an early end to the dispute, an agreement would be reached which would benefit the community as a whole and, therefore, Government acts early in that matter. I am convinced that in so doing, Government will be acting in the best interest of the community. Again, I repeat, the Union may be representing 10,000 or 20,000 people, the employers may be representing 2,000 or 5,000 people, but in the last analysis, the Government represents the population of the island which may be 200,000 or more and, therefore, it is the duty of the Government as well as its responsibility to assist as far as possible to bring these disputes to an early settlement and one which can be regarded as reasonable and fair to all concerned.

As far as this Bill is concerned, the hon. member will appreciate that no Government, irrespective of how irresponsible or silly it may be, or may be considered, will take it upon themselves to set up these tribunals without first consulting the parties concerned in the dispute. The hon. member knows very well that on the last occasion when we had a dispute the Union was asked to send a representative or to nominate somebody, and the Sugar Producers' Association was also asked to nominate somebody, and the Government under the Act appointed the Chairman. The Union had its representation, the Sugar Producers' Association had their representation and Government had a Chairman as laid down under the Act. The Government did not decide that Mr. X or Mr. Y should represent the Union or the employers as the case may be. It was left to them; therefore, it is clear that that practice worked satisfactory and also that a similar thing would exist under this amendment. As I have said, this amendment is merely to compel unwilling persons, whether they be employers or employees, to produce the necessary information which may enable a Tribunal or a Board of Enquiry to reach a reasonable and fair settlement or agreement. That is all which this amendment seeks to do.

1.45 p.m.

I can assure the hon. member that as long as we have anything to do with this, we will continue to carry on in the same manner. I would also like to assure the hon. member that these disputes are never welcomed by the Government; as a matter of fact, the Government desires to see peaceful and harmonious relationships existing between employers and employees; but again, I repeat that when these disputes arise, as inevitably they will arise, it is the Government's duty to do its best to effect an early settlement in the interest of the community as a whole.

Now, Sir, there is one point which I would like to make which may be a bit provocative; the hon. member raised the question of the Board of Enquiry which was set up under the chairmanship of Mr. Mc.Kenzie; as a matter of fact, Mr. Mc.Kenzie was the sole Board of Enquiry. The hon. member referred to the question of the arbitrator not agreeing to have the enquiry conducted in public. On the last occasion when I spoke on this question, I made my position quite clear; I said then and I say again, that I do not consider it to be in the interest of the community for an enquiry of that sort to have been conducted in public, in other words, to allow the Press to come in. I made it quite clear that this enquiry was a fact-finding enquiry; it was not a dispute because the dispute which was settled before that, was settled in public. I feel that the hon. member ought to have seen the reasonableness or the sense in the suggestion that if the enquiry were not carried out in private, the information which he got and with which, apparently, he was satisfied in so far as the financial position of the industry was concerned - that information, if it were given in public, the hon. member would not have had.

Mr. WALCOTT: On a point of order. I do not know if the hon. member is aware of this; the financial statement of the sugar industry is precisely what is to be made public. There would be more confidence in the community

if the financial statement of the industry is made known; the whole idea of the enquiry is otherwise lost.

Hon. M. E. COX: I regarded the matter as one between the Trade Union and the Sugar Producers' Association. I repeat, and I make no apology for our supporting the view, that the enquiry should not have been held in public. I am sure that the documents, the accounts, the papers and things of that sort which were produced in private at that enquiry would not have been produced in public; therefore the hon. member would not have been armed with the facts with which to fight the battles of the workers. That is how I saw it and I repeat that it was not an enquiry into a dispute; it was a fact-finding Board of Enquiry. The Board was asked to go into the economics of the sugar industry itself so that all parties could get together and argue how much could be given to us. (Mr. WALCOTT: That is if you were interfering.) It is not a question of interfering; it was a Board which was set up by the Government. I want the hon. member to know that the arbitrator had the right to decide whether or not he was prepared to take the evidence in public. That is the position in the Commission of Enquiry Act and in the Courts. The Board can decide whether it will take the evidence in public, partly in private or otherwise.

As far as this Bill is concerned, as the hon. member has said, various points were submitted to the Trade Union Organisation and the Employers' Organisation, and they were unanimously supported by the Sugar Producers' Association and the Barbados Workers' Union. I say nothing about the other parties to whom copies were sent.

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: I beg to move that Clause 2 stand part.

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

Mr. WALCOTT: Mr. Chairman, I think I will take this opportunity in dealing with this Clause to reply to the hon. member so that he can understand what I said at the beginning. The hon. member has not reconciled his views and he has made the cardinal mistake of a fine distinction as to the terms of reference with respect to the enquiry into the Sugar Industry. Whether it is a dispute or not it does not interfere with what the Board or the Arbitration Tribunal is going to deal with.

Hon. M. E. COX: On a point of order. I have said nothing about the terms of reference during the course of my speech.

Mr. WALCOTT: The hon. member did not know that he was making reference to the terms of reference; he said that it was a fact-finding commission and that is dealing with the terms of reference. It was not a fact-finding Commission. I can read the terms of reference for the hon. member; it was a Commission with the terms of reference to investigate the whole aspect of the sugar industry and to make recommendations. The Commissioner said that he was going into the whole economic aspect of the industry and the fine distinction which the hon. member tried to make is the whole guts of this thing. If you enquire into the facts of the industry those facts have to be brought out into the full glare of the public, not under private eyes.
1.55 p.m.

We did not agree with a one-man Commission anyhow, but we would still have given evidence to a one-man Commission though the terms of reference that were given to one man were too wide for any one man to want to deal with, and we said from the word "go" that we felt it should be a Commission of more than one person; so the hon. member cannot say he submitted it to us. The hon. member must bear in mind that our experience has led us to see

that because Government sets up a Board of Enquiry, it is not a Government Board of Enquiry. I heard the hon. member say that it was a Government Board and the Government paid for it. Do you know of any Commission of Enquiry or Board of Arbitration for which private people pay? You can only set up a Board of Enquiry or Arbitration Tribunal under an Act in Barbados; anything else is a mock Board, so who must pay for it?

There is no point therefore, Mr. Speaker, in the hon. member speaking of the Government within the context as if the Government is a group of people in one sense as paying for it and as if the Government is an entity outside of Barbados and the people. At one stage the Government represents the whole community, the Union represents a section, and the employers represent a section, but now in dealing with a case in which the Government is representing the whole, they did not want the many to hear what was happening, and the hon. member said he agreed.

Hon. M. E. COX: On a point of order, did the hon. member say that the Government did not want the men to hear what was happening?

Mr. WALCOTT: I said the Government did not want the "many" to hear what was happening, because it means that if it were held in private, what could have been divulged in private would not be divulged in public. Are you suggesting that if an enquirer decides that he wants information from an employer, if he can get this information in public because he figures the subject to be of public concern, any figures that are given to people I will submit.

SUSPENSION OF SITTING

Mr. CHAIRMAN left the Chair and Mr. SPEAKER took the Chair.

Mr. SPEAKER: It now being 2 o'clock p.m., this Sitting now stands suspended until 2.30 p.m. o'clock.

On resumption,

Hon. M. E. COX: Mr. Speaker, I beg to draw your attention to the fact that there is no quorum, and ask that you direct the Clerk to ring the Bell.

The Bell was rung and a quorum was obtained.

QUESTION TIME

EMERGENCY RATIONS ON "INVESTIGATOR"

Mr. SPEAKER: Question No. 10 stands in the name of the hon. senior member for St. Lucy.

Mr. TUDOR: Mr. Speaker, the Question reads as follows:-

"To enquire of the Hon. Minister of Agriculture, Lands and Fisheries:

Will the Minister state whether emergency rations are kept on board the Government experimental craft "Investigator"?

(2) Would he further state what provision, if any, is made for feeding the crew?

(3) Would he further state the average daily cost per crew number of such provisioning?"

Hon. D. D. GARNER: Mr. Speaker, the Reply is as follows:-

"1. Yes. One week's supply during operations.

2. Rations are provided when the vessel is at sea. The crew also make use of fish caught during their operations.

3. 77 cents during 1959."

Mr. TUDOR: Mr. Speaker, if the Hon. Minister would just repeat the second part of the answer, there is a question which I would like to ask arising out of that.

Hon. D. D. GARNER: The answer is as follows:

"Rations are provided when the vessel is at sea. The crew also make use of fish caught during their operations."

Mr. TUDOR: Mr. Speaker, will the Minister state whether when rations are provided at sea they are to the average cost of 77 cents per crew member?

Hon. D. D. GARNER: The Reply is that at sea the average cost was 77 cents during 1959.

INCREASED PREMIUMS ON MOTOR VEHICLES

Mr. SPEAKER: Question No. 29 stands in the name of the hon. junior member for St. Lucy.

Mr. BRANCKER: Mr. Speaker, this question, if I rightly recall, was deferred from the last meeting, and reads as follows:-

"To enquire of the Appropriate Minister:-

Is Government aware that insurers of motor vehicles in this colony have announced further substantial increases in rates of premiums?

2. If the answer is in the affirmative, will Government institute this year its own insurance scheme for motor vehicles operated locally, so as to provide thereby a less extravagant rate of premium than is now charged by foreign companies currently in business here?"

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, the Reply is as follows:-

"1. Yes.

2. Under the Public Property Insurance Act, 1959, provision is made from a General Insurance Fund for the insurance of Government owned vehicles. The question of instituting a Government scheme of insurance to benefit private persons and companies who own motor vehicles is one which requires considerable investigation. Such a scheme could only be soundly based on experience and advice, and the Government is not at present in a position to undertake the business."

2.35 p.m.

Mr. BRANCKER: Thanking the Hon. Premier for his reply, I will put this supplementary question:-

Inasmuch as the Hon. Premier states that such a scheme as is mentioned in the second of these questions will require considerable investigation, is the Hon. Premier prepared to take the necessary steps to cause such an investigation to take place, and if so, as soon as possible, in order to try and relieve the small or poor owners of motor vehicles of the heavy rate of insurance which is now, as from this year, being charged in respect of his premium?

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I would like the first part of the question to be repeated.

Mr. BRANCKER: Of course, Sir, I am not reading the supplementary question as the Hon. Premier would have read his answer, but as far as I remember *verbatim*, it was as follows:-

Inasmuch as the Hon. Premier has stated that the scheme proposed in Question 2 would require considerable investigation, will the Hon. Premier, in the interest of motor vehicles operating locally and in view of the extravagant rates of premium which are now being charged by companies operating locally, take the appropriate steps with the minimum of time to institute such investigation as is necessary in the interest of those owners of motor vehicles who find it almost impossible to meet the present rate of premium?

Hon. Dr. H. G. H. CUMMINS: My answer to that is that Government is considering the whole question and is also considering the advisability to take such steps as are mentioned by the hon. member.

Mr. BRANCKER: Mr. Speaker, again, I thank the Hon. Premier for his answer and, as a result of that, will the Hon. Premier give the House the assurance that the consideration of the whole question will be done in an expeditious manner so that within a very short time, the results of the investigation will be made known and, as we hope, the impecunious owners of motor vehicles will be relieved of the burden of the high rates of premiums which now confronts them?

The first part of the question is:-

"Will the Government in considering this matter give us the assurance that it will be done in the most expeditious manner so that as soon as possible the impecunious owners of motor vehicles will have the assurance of some early relief forthcoming."

Hon. Dr. H. G. H. CUMMINS: The Government is not only considering impecunious owners but all owners. We have already started our investigations. We have already begun to make contact with a firm which is interested in the insurance of motor vehicles and with the possible view of getting somebody to come down to Barbados to investigate our peculiar circumstances.

Mr. BRANCKER: Mr. Speaker, once again I thank the Hon. Premier. Will he take the necessary steps to contact Her Majesty's Principal Secretary of State for the Colonies in order to see whether he can get some person? As a matter of fact, he is here now. Will the Hon. Premier take the necessary steps to obtain some advice from a competent authority as to the institution of such a scheme in order that this burden of the owners of motor vehicles, impecunious or otherwise, would be relieved as early as possible?

Mr. CRAWFORD: Mr. Speaker, I should like to enquire this from the Hon. Premier:-

The Hon. Minister has said that he is aware of these substantial increases in the cost of motor vehicles.

Mr. SPEAKER: Has the hon. junior member for St. Lucy asked another question?

Mr. BRANCKER: Yes, Sir. I asked the Hon. Premier if he will take the necessary steps to contact Her Majesty's Principal Secretary of State for the Colonies with a view of discovering some person or persons who will be able to advise the Government on this matter.

Mr. SPEAKER: Well, then, the hon. senior member for St. Philip will have to allow the Hon. Premier the opportunity of answering that question first.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, the Government has no objection of contacting Her Majesty's Principal Secretary of State for the Colonies, but I repeat, the Government has already taken some steps in that direction.

Mr. CRAWFORD: Inasmuch as the Hon. Premier said that the Government is aware of these substantial increases in the cost of motor vehicles, will the Hon. Minister state whether the Government has taken any steps to ascertain whether these increases were warranted?

Hon. Dr. H. G. H. CUMMINS: No, Sir. The Government did not take any steps to ascertain whether these increases were warranted.

Mr. CRAWFORD: In view of that, will the Hon. Minister state what justification the Government has then for even considering embarking itself upon the question of insurance of motor vehicles?

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, the Government never said that it took any steps to investigate embarking on the question of going into the insurance business. The Government never signified its intention of embarking in the insurance business; what the Government says that it is taking steps to get information.

Mr. CRAWFORD: In view of the fact that the Government has taken no steps to discover whether the increases are warranted, on what basis, therefore, is investigation warranted from their own point of view?

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, I do not think this is the first time the hon. junior member for St. Lucy has asked a similar question. The Government is quite aware of the voices of people who are affected by these high rates of vehicular insurance.

Mr. CRAWFORD: Well, Sir, does the Government consider, in view of these incessant and widespread rates of insurance, that the first thing for them to do would be to see whether the increases are justified?

Hon. Dr. H. G. H. CUMMINS: The Government would not answer that question.

Mr. TUDOR: Mr. Speaker, in view of what the Government said, would the Hon. Minister consider some sort of interim scheme while the investigations are being carried on, that is to see whether any scheme of further proposals in increases in premiums can be altered or stopped? 2.45 p.m.

Hon. Dr. H. G. H. CUMMINS: Will the Government consider halting any increases in premiums? Is that the question?

Mr. TUDOR: Not necessarily halting them, but considering what can be done to see that these premiums remain at the level at which they are, pending the Government's decision.

Hon. Dr. H. G. H. CUMMINS: Yes, Sir; that is the position.

Mr. TUDOR: Can we have an assurance from the Premier that the Government will do that?

Hon. Dr. H. G. H. CUMMINS: I am not prepared to go any further than that now, Sir.

Mr. CRAWFORD: Is the Minister aware that these increases in insurance premiums are supposed to be the result of increases in the number of claims which the insurance companies have had to pay out? Is he also aware of the fact that every time there is an increase in the cost of premiums, there is also a corresponding increase in the number of claims?

Hon. Dr. H. G. H. CUMMINS: I have heard that.

Mr. CRAWFORD: Is the Minister further aware that a number of owners of motor vehicles have been driven in desperation, when these increased premiums become due, completely to wreck their vehicles in order not to pay more premiums?

Hon. Dr. H. G. H. CUMMINS: I am not aware of that.

Mr. BRANCKER: Is it the intention of the Government to call insurance companies to a conference at which the Government will impress upon these companies' representatives that the rates of premium proposed to be charged are entirely beyond the means of the average owners of motor vehicles in this colony? If the Premier is prepared to call such a conference, would it be made plain to such people that the Government is considering taking such action as will relieve the owners of these vehicles from the burden which is now placed upon them as a result of the increased cost of premiums made by the Insurance Companies?

Hon. Dr. H. G. H. CUMMINS: Yes, Sir. The Government will consider having a conference with the local

agents of these companies, but the Government, at this stage, will not say to these people that we intend having provision made for insuring motor vehicles for the general public. In short, I am not going to bind myself to that; I will bind myself to having a conference with the local agents of these people who are engaged in motor vehicle insurance.

Mr. CRAWFORD: In view of the fact that we appreciate the Premier's diffidence in having an outright commitment at this time, will the Premier also agree to set up a properly-constituted enquiry into the rates which are now being charged by insurance companies for insuring motor vehicles so as to endeavour to ascertain whether those rates are justified or not? If it is discovered that those rates are unjustified, will he ascertain the possibility of having these insurance companies refund to insurers of motor vehicles any amounts which have been collected in excess of what these rates should reasonably have been within the last four or five years?

Hon. Dr. H. G. H. CUMMINS: I have already said that the Government has taken steps to get information from people abroad, from the United Kingdom, and I am not going any further than that now. I cannot say that I will set up the machinery for enquiring into whether these rates are justified and if they are not justified, ask for a refund. The Government will proceed along the lines as indicated.

Mr. TUDOR: Will the Minister state whether the steps that the Government is taking are in respect only of it being possible for the Government to carry on insurance policies sometime in the future and keeping down the cost of premiums? In other words, is the Government's proposed enquiry to include its future policy as regards the insurance as well as what steps it will take now to keep down the cost of premiums? What is the scope of the proposed enquiry?

Hon. Dr. H. G. H. CUMMINS: When the Government gets the information which it is seeking, then the Government will decide on its next step.

Mr. TUDOR: I am afraid that the Premier has misunderstood the question. The point is, what is the nature of the enquiry? Is it in respect of the immediate problem of keeping down insurance premiums now or is it in respect of its future policy?

Hon. Dr. H. G. H. CUMMINS: It is possibly in respect of keeping down the cost of insurance premiums now. The future action of the Government as to running its own insurance policies will also be determined by the information which the Government is seeking now.

Mr. CRAWFORD: Is the Premier aware that any investigation into any aspect of this matter, whether from the point of view of formulating future policy or of controlling insurance premiums now, is more or less conditioned by the necessity for discovering whether or not the increases are justified? Is the Minister aware that that is the first stage of the enquiry?

Mr. SPEAKER: The hon. member will continue to ask questions and not introduce any debate. 2.55 p.m.

Mr. CRAWFORD: Mr. Speaker, does the Minister not think that an investigation into the circumstances as to whether or not these increases are justified is a prerequisite step to any further investigations into the matter?

Hon. Dr. H. G. H. CUMMINS: To answer the hon. member, hence the step that Government has taken to get information.

PRIVATE MEMBERS' BUSINESS

Private Members' Business was called.

THE SALE OF SAINT MICHAEL GLEBE
LANDS ACT, 1960

Hon. F. E. MILLER: Mr. Speaker, you will remember that early today the Select Committee reported on the Bill to authorise the sale of the Glebe Land and the Parsonage House of the parish of St. Michael, and I have the honour to present the Report which reads as follows:-

- "1. The Committee met on one occasion.
2. The Committee recommend the passing of the said Bill in its present form."

I beg to move, Sir, that the Report be adopted.

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

Mr. BRANCKER: Mr. Speaker, *a propos* the Report, I have not received any copy of it, and I do not know if the Hon. Minister is having copies cyclostyled. It does not appear to be very long, but I did not hear the Minister very well; you know he drops his voice as so many good actors do, and we did not hear it fully over this side.

Hon. F. E. MILLER: Mr. Speaker, it is so simple and just a matter of two lines that I did not think it necessary to put the staff in the office in trouble. I will read it again for the hon. member.

"The Select Committee appointed to consider and report on the Bill to authorise the sale of the Glebe Land and parsonage House of the parish of St. Michael have the honour to present the following Report:-

1. The Committee met on one occasion.
2. The Committee recommend the passing of the said Bill in its present form."

If that will suffice the hon. member, I will be obliged if the Report is adopted.

Mr. BRANCKER: Mr. Speaker, on a point of order - if I may just by the way express my thanks for the Minister's clarity on this occasion - has this Report been presented by the Chairman of that Committee?

Hon. F. E. MILLER: The Chairman of the Committee, the hon. junior member for St. Joseph, was not in his seat earlier today and on behalf of that member I saw fit to lay the Report which at the moment is signed by the Chairman of the Committee.

Mr. TUDOR: Mr. Speaker, I do not think anybody quarrels with the tenor of the Report, but it is just that hon. members apart from those who themselves have sat in Select Committee on it have not seen a copy of the Report, and it would have been a great courtesy had they been able to do so.

Mr. SPEAKER: Is there any objection to this Report being adopted now?

The question that the Report be adopted was put and resolved in the affirmative without division.

Hon. F. E. MILLER: Mr. Speaker, with the adoption of the Report, I would like to ask leave to deal with Order No. 12 under Private Members' Business as the first Order of the Day. It is a relatively simple Order, and I do not know that it should entail much time at all.

Mr. SPEAKER: The Hon. Minister is asking leave to deal with Order No. 12 under Private Members' Business as the first Order of the Day under Private Members' Business, and unless there be any objection, leave will be granted.

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

Hon. F. E. MILLER: Mr. Speaker, I beg to move that the Bill be now read a third time.

Hon. L. St. A. THORNE: I beg to second that.

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

Hon. F. E. MILLER: Mr. Speaker, I beg to move that this Bill do now pass.

Hon. L. St. A. THORNE: I beg to second that.

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

Orders Nos. 13, 14 and 15 were called.

HOUSE REVERTS TO GOVERNMENT BUSINESS

Mr. SPEAKER: That ends Private Members' Business. The House will now revert to Government Business.

HOUSE RESUMES COMMITTEE

Mr. SPEAKER left the Chair and the House resumed Committee, Mr. BRYAN being in the Chair.

Mr. CHAIRMAN: On the Suspension, the hon. senior member for St. Peter was speaking.

Mr. WALCOTT: Mr. Chairman, on the Suspension, I was trying to let the Hon. Minister get clear in his mind that the point he made - I am at pains to make this clear because if I do not, then the Minister will unfortunately make a similar mistake again - would not be good for the Island; when an industrial dispute is on, I am not going to be in the sort of mood that I am in now, because when a battle is on, it is on; and if people come across me, whether it be Minister, Governor, employer or anybody else with anything, you know I am 'moving through,' and it is a different thing from these quiet and peaceful occasions.

The Hon. Minister must see that when you are dealing with a big economic question like the sugar industry, you cannot regard that as anything that the people are only interested in just hearing about. You are going into the economic aspects of it; so the Minister must get clear in his mind that this is important so far as these amendments are concerned. If you have these amendments, for example, and you send me a summons saying that I must give evidence to this Board, and I said that I am not going to give evidence to the Board of an economic nature into the sugar industry if the evidence is to be private, what are you going to do? And suppose the whole Union refuses to give evidence; are you going to send the whole Union to Prison? So in industrial matters which are different from ordinary Court matters, you must bear in mind that if thousands of people are involved in a dispute, the law does not apply. 3.05 p.m.

I repeat the point which I made on the last occasion. The hon. member has said that the Union is normally consulted. That is true; but the hon. member knows that the Act which we are amending still stands firm. I think that the whole thing would have to be amended so as to deal with modern trends. The Governor can set up a Court of Enquiry whenever he feels like doing so, but the normal course is that where two organisations are parties to the dispute, you should consult them first. I say that so long as you apply the Act normally, nobody would mind giving evidence; but I do not want the Hon. Minister to insist as he did on the last occasion on putting it in a different context. If other people had said to him ten or fifteen years ago that it should be held in public, even without regarding the fact that the Sugar Industry has improved since then, the Hon. Minister would have listened to that view. The Sugar Industry is the same today as it was 200 years ago from the point of view of having an Enquiry into it. Let us say that we have a dispute in the Sugar Industry around a single issue. We will treat it in the same manner as if it were an issue in some other line of business and deal with it privately, but it is a different matter when you are dealing with the whole industry. What is written in the Act in so far as the public being excluded and the Press being excluded from any of the sittings of an Arbitration Tribunal or a Board of Enquiry, you must take it to mean. I think it would be unthinkable, in the case of a man charged

for murder, to hear a Judge saying that the matter was of so little importance that you can elect to try it in private. Surely, you cannot treat in the same way a case of murder which should come before the Supreme Court as a case of some debt which would come up for hearing in the Petty Debt Court or a case of some divorce suit. The people who constructed this Act in the manner as it is, must have had some good reasons for doing these things. Whenever there is a Trade Dispute, it means that there is a question of a row taking place between two parties. If you believe that the parties must live together after the dispute, then there is no point of your creating an atmosphere where they cannot live together in harmony.

I am of the opinion that the Minister was in agreement with what was done on that occasion because these Commissioners of Enquiries like to hear that the Government is pleased with what they do. I can not see, if the Government did not agree, that the gentleman who was the Commissioner would be so outrageous as to insist.

I say this because I want it put on record. If a similar investigation is to be made in the Sugar Industry, though we agree to this amendment that you should give evidence if called upon, I would risk to break the law and go to prison if they want it to be held in private. Where one side is insisting that the enquiry should be held in public, you should not continue to say that you will hold it in private. It should only be held in private if both sides agree to your holding it in private.

I am not telling the Hon. Ministers not to run the Government in the way they think best; but so far as a Trade Unionist is concerned, he must know how to conduct a Trade Union. A community's interest is not any wider than the interests of those who form the essential part of the same community in which they have to operate. Sir, I hope the hon. member regards his constitutional position mainly in seeing that the administrative arrangements for the institution of a Board of Enquiry or an Arbitration Tribunal are established and that he will see to it that they remain above any of its decisions and that they would only in the last resort, in the case of an emergency, step in. I want to make it very clear that in the cool of the day we are discussing this matter; but in the heat of a dispute it is another matter. As you know, state laws are there to protect property and the rights of employers more so than the rights of the workers. That is one of the things of democracy; therefore, it is part of the things which we have to endure. I hope the Hon. Minister will see that his constitutional position in this matter is the same as his constitutional position in any other matter and that it is his duty, if an Enquiry is to be set up, to see that the suggestions which the Government has put up does not weigh more one side than the other.

Mr. TUDOR: Mr. Chairman, there are one or two matters of detail which arises from consideration of this Bill. We did not make any speech on this Bill before the House because we are all aware of why this or similar legislation is necessary under certain conditions. However, it is the detailed application of certain principles which requires some explanation.

As I understand it, the main thing about this Bill is that it does give the Arbitration Tribunals judiciary and semi-judiciary powers. Persons appearing before a Board of Enquiry or before an Arbitration Tribunal are required under certain penalties to conduct themselves before the Tribunal or before the Board of Enquiry as if they were in a Court of Law.

What I am most anxious to get straight is this. There are certain difficulties which arise when semi-official authorities are given quasi-judicial powers. It says here that a prosecution for an offence under this section cannot be instituted except by or with the consent of the Attorney General and him alone. That is as it should be; but it is quite possible that the Attorney General might be moved to prosecute from a set of circumstances which, had they taken place in a Court of Law, might not merit prosecution. What I mean is this. In an ordinary Court - and if I am wrong my colleague would correct me - there are rules

of evidence and of procedure and the Judges of Her Majesty the Queen are the sole interpreters of the law. That is part of their training, no less than their duty. If you give to a Chairman of a Tribunal judicial powers and authority without the experience, I wonder what is the position as regards interpreting such controversial matters as this. 3.15 p.m.

Now, there is this section which says that if a person who is a witness refuses, without sufficient cause, to answer any questions put to him by or with the permission of the Tribunal or the Board, he shall be guilty of an offence. Now, Sir, who is to determine what is that "sufficient cause"? In a court of law, I believe that the rules of evidence and procedure would be quite clearly seen and understood and the judge would be able to say immediately what is, or what is not, sufficient cause. Mr. Chairman, I am not so sure that a layman having judicial powers and authority would be able to reach a clear-cut interpretation on what constitutes sufficient cause in the same manner as a judge would be able to do. It is a cardinal principle of British law that no one should be called upon to testify in a manner which would incriminate him. It is true that an Arbitration Tribunal is not a Criminal Court, but it is possible that a man may be asked questions which, in his view, might reflect upon the affairs of his Union, his own personal conduct, his culpability or, in one way or another, reflect upon the affairs of his business, and he might deem it prudent not to answer.

The point I am trying to make is this; if a person is in a Court of Law, immediately it can be pointed out to him what is deemed to be sufficient cause, what is an excuse for not answering a question, because the judge would be there to interpret to him and to the court what constitutes evidence. I am not sure that in an Arbitration Tribunal there would be anybody there with the necessary experience, judicial learning and temperament to guide a witness. A witness may wilfully withhold evidence or he may withhold giving it thinking that if he gave it, he might harm his Union or body; therefore it would be as well if these matters could be so arranged that it might be known beforehand what the Tribunal would consider as withholding evidence without due cause. I think that this is a matter of detail which springs up as soon as you give laymen judicial functions. The matter would not arise in Courts of Law because they keep to their rules and procedures; but the moment you transfer judicial powers to a layman, you cannot transfer the temperament, training and experience of judicial authorities as well; it will take some time for a layman to acquire them.

Mr. Chairman, a further point arises. Since by transferring judicial authority to Tribunals, you automatically render to the tribunal the status and privileges of magistrates, they themselves, unless they are people of exceptional restraint and discretion, might misinterpret their status, privileges and functions. The point is not that the Attorney General alone should institute proceedings; that is as it should be; nobody should be allowed to prosecute at this level, at any rate, except the Attorney General. The Attorney General could, in good faith, institute a proceeding as the result of a wrong interpretation of what went on and he may therefore be led to do an obvious injustice, whereas a clearing up of the misunderstanding might meet the case.

What I want to know from the Minister is this: from the point of view of the detailed application of the principles, what guarantees are there that the Trade Union or anybody would be guided by the rules of evidence which are maintained in courts of law? It seems to me that there is the need for some such guidance because it would be illogical to confer judicial authority, status and privileges on the one hand, without at the same time conferring all those powers which judges exercise in discriminating as to whether a witness is wilfully withholding evidence or whether it is a question of a genuine diffidence on the part of the witness.

By any means the most important thing is to discover the facts, even apart from reporting on the merits of the thing, in the case of a dispute. In order to discover the truth the atmosphere of a tribunal should be such that people will be able to testify, either in speech or in writing, with-

out any fear; but as in a Court of Law it sometimes happens that a witness might refuse to answer a question on the ground that it might incriminate him, it might also happen here; but unlike a Court of Law, we have no guarantee that there will be anybody with sufficient knowledge and experience of the rules of evidence so as to be able to direct the witness as to whether he could lawfully withhold an answer. Whereas, in a Court of Law the Judge would immediately say to a witness: "You are not bound to answer that question", we have no guarantee where there is a tribunal presided over by a person exercising judicial functions, but without having judicial knowledge, and experience, that that person would be similarly equipped to detect a witness' integrity before he incriminates himself.

Mr. Chairman, to put the matter in a more concise form, would the same discretion exercised by a judge in a court, be exercised by the chairman or presiding officer of a tribunal with respect to guiding witnesses as to what their legal rights and privileges are? It would be interesting if the Minister could give us some idea as to how the details of this difficulty would be smoothed out.

Hon. M. E. COX: Mr. Chairman, in replying to the hon. member as far as the matter appears to me, it is quite a simple one. In the majority of cases before arbitration tribunals, more often than not the Chairman is a legal man. If it were not so - and I have heard some members of the legal profession say on several occasions that some laymen are very much better on the bench than trained lawyers.

3.25 p.m.

It is to be presumed, Mr. Chairman, that the body which is responsible for setting up a Board of Inquiry or the Tribunal, as the case may be, will try and select or appoint a person who is well informed not only of the method and procedure in carrying out or administering these Boards, but also in some of the Rules at least which govern the question of evidence taken from various people. Frankly speaking, I do not see any insurmountable difficulty, and I repeat, more often than not, you always try to get a person with some integrity who would more or less meet with the approval of both sides, somebody who commands the respect of both sides before that individual is appointed.

I remember well when in the last dispute we referred the name of an individual to the persons concerned, they were not willing to accept the first name that was suggested and then another person was suggested and both sides willingly agreed; so, by and large, I repeat that we do try to select or appoint a person with the knowledge and background as to how these enquiries are conducted, and more particularly you try to get somebody who has a legal flair. I do not see any difficulty there.

Mr. WALCOTT: Mr. Chairman, I am not a lawyer, but I would not like the hon. member to give the impression to the hon. member for St. Lucy that the idea of having a Chairman for a Board of Enquiry or Arbitration Tribunal means that, as the Hon. Minister said, you must in most cases get a lawyer. In many instances you find that lawyers are most suitable owing to their training and background in many issues which are the sort of issues that a legal man is more easily able to deal with than a layman, unless it is a specific matter; but then there are other issues which people who are not lawyers are more suitably qualified to deal with.

Our agreement with this was not based on taking evidence based on rules of evidence; our idea of agreeing with this was based on the fact that any person who agrees to a Board of Enquiry or Arbitration should be bound to attend the Arbitration Tribunal and give evidence; so therefore it makes no sense to agree to something and then say you are not going to do it. I have been to some of these Tribunals where the Chairman was a lawyer, and it is true that the rules of evidence did not apply. I would like to know from the Leader of the Opposition whether you must at all times apply the rules of evidence or the Court may say that it is not going in these things to allow the rules

of evidence to apply, because it wants witnesses more or less to be free to give evidence. I know that that happened with one Judge who was the Chairman of a Board. He said at the meeting that the rules of evidence were not going to apply, but the old Act says in Clause 10 "and to require the production of documents, so as to elicit all such information as in the circumstances may be considered necessary, without being bound by the rules of evidence in civil or criminal proceedings."

In this new Act it says you will have the same power and so forth as in the High Courts and the question of rules of evidence would be applicable. There is only one danger and it is technical, but I will point out to the Minister that we agreed on a non-technical ground. You cannot carry this out unless you have a legal Chairman, because a local Chairman cannot in any way preside over a meeting where two lawyers are going to say rules of evidence must apply, because if the Chairman know nothing about rules of evidence he will find himself in an invidious position. We did not agree with it on that basis; we agree on the basis that if you are giving evidence it should be truthful and you can take the evidence. In some of these cases, they do not make people give evidence on oath. It is true that in this case we agreed with that because it was a question of getting the persons who can give evidence to get in the box and give information, and I do not know what would be the other means of getting the information from people who do not want to give the information in the box; but so far as the rules of evidence are concerned, I would not be able to give a reply to that.

However, I would not like the Hon. Minister too much to give the impression that the Chairmen of these Boards will be lawyers, because as you know there are some things for which lawyers are not as well qualified to be Chairmen. It may be a simple matter in which technical knowledge is required and not interpretation of the law.

Mr. BRANCKER: Mr. Chairman, perhaps the hon. Sponsor of this Bill will refer to Section 10 of the 1939 Act which deals with evidence, and he might inform us whether there is any reason known to him why the Clauses which are contained in Section 10 - one is "without being bound by the rules of evidence in civil or criminal proceedings" and the other "he shall not be required to answer the question or to produce such documents nor shall he be liable to any penalties for refusing to answer" - were left out of this new Section 10. In other words, were they purposely and expressly omitted, particularly that part of the old Section 10 which deals with evidence which you will find at the bottom of page 442 of Volume V of the Laws of Barbados? You will remember how the old Section read:-

"For the purpose of dealing with any matter referred to it, an Arbitration Tribunal or a Board of Enquiry, as the case may be, shall have full power by order to require any person to furnish, in writing or otherwise, such particulars in relation to such matter as the Tribunal or the Board may require, and where necessary to attend before the Tribunal or the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as in the circumstances may be considered necessary" and this is where the material words may come in the old Section which do not appear in this Section which deletes it and substitutes something else...." without being bound by the rules of evidence in civil or criminal proceedings."

I would like to know before I give further determination to answering the question posed by the hon. senior member for St. Peter whether the Minister in charge can tell us whether the words "without being bound by the rules of evidence" have been expressly or inadvertently omitted from the new Section as we had before in civil or criminal proceedings.

3.35 p.m.

There are some proceedings in which a Court of Enquiry or a Tribunal is not bound by the Rules of Evidence. It is expected to follow them as far as possible and to a certain extent but not to be completely bound by them.

For instance, later if we continue with the Order Paper we will be dealing with an amendment to the Coroner's Act and when we come to that you will see that as regards an enquiry before a Coroner, you are not strictly bound by the Rules of Evidence, but the Tribunal takes care not to allow you to go too far beyond the Rules of Evidence.

I am wondering if the Hon. Minister can tell us, or he can refer by telephone or otherwise to the Crown Law Officers to discover, whether these words are expressly left out of this or omitted for other reasons.

Hon. M. E. COX: Mr. Chairman, when I was introducing this Bill I made it clear that this was a recommendation of Mr. Matthews, an expert in these matters of the International Labour Organisation. I pointed out that this Government had been fortunate enough to get the services of this gentleman to come to Barbados to draw up a Labour Code and included in that code is this part which deals with the question of Arbitration Tribunals and board of Enquires.

This was not inadvertently left out; it was deliberate. I cannot say that there is anything which happened either recently or sometime before which has caused this section to be actually redrafted; all I can say is that this is a recommendation by the expert which the Government has considered and the Government is satisfied that it is an improvement on the old Section 10 of the Act. This even goes further so as to provide for compensation or payment to witnesses who attend these Tribunals or Board of Enquiries which does not at present exist. The people who attend these Boards are not entitled under the present Act to any compensation, to any fees, or remuneration for their time, as the case may be; but in this new Bill provision is made also for the remuneration of witnesses. I repeat that this is deliberate. While it is true that this Act was drafted in 1939, I am sure that hon. members will appreciate that we have gone a long way since then. It was drafted under and by a Conservative regime and for some time now the pattern has been completely changed. I think we are all subject to changes and it is our considered judgment, and more particularly the judgment of the expert who has had a lot of dealings in matters such as this, and who has advised us that the law should be amended in order to compel people to produce books, documents and things of that sort and also to give evidence on oath in order to enable a Tribunal or a Board of Enquiry, as the case may be, to arrive at a reasonable and fair decision on all matters which are presented before them. And that is commonsense. As it is now if a witness appears before a Tribunal, he need not answer any questions or he need not give evidence. If books are required for Mr. X's case, in case he said "I have not made more than \$X, therefore, I cannot pay an increase in wages", as the law stands today, you cannot compel him to produce documentary evidence to substantiate his statement. What this Bill now purports to do is to have the individual back up his statement by figures and facts and I cannot see anything wrong with this.

I referred when I was introducing the Bill to part of some sections of the Bill. If the hon. member would look at Section 10 A(1), he would see that it reads as follows:-

"All persons summoned to attend and give evidence or to produce any paper, book, record or document before an Arbitration Tribunal or a Board of Enquiry --

(a) shall be bound to obey the summons served upon them;

(b) shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before a court of law."

The position is that he is in no way inferior before an Arbitration Tribunal or a Board of Enquiry than he is before a Police Magistrates' Court. Again, I repeat, this is an improvement on the old law.

Mr. BRANCKER: I would like, Mr. Chairman, to remind the Hon. Minister that under Section 10 of the exist-

ing Act a Tribunal or Board of Enquiry had full power. It is actually a phrase in that section to require any person to furnish in writing or otherwise such particulars or otherwise, and to give evidence on oath. There is no novelty in the proposed Bill in respect of a Tribunal being empowered to ask any person to give evidence on oath. Under Section 10 of the old Act which we are now proposing to delete, the Tribunal or Board of Enquiry, as the case may be, had full power to require any person to give evidence on oath or otherwise without being bound by the rules of evidence. That means that you can have a much more penetrating enquiry than if you are bound by the rules of evidence in court. That is to say, you can have hearsay evidence. Hearsay evidence is premissible under the existing law. No such Clause appears under this Act and the Hon. Minister says that in his opinion those words have not been left out by inadvertence; therefore, it means that they are purposely left out; therefore, according to his belief, you shall be bound by the rules of evidence. I take it that, from what he has said, it follows that those words which were so material and important under the Act which was passed in 1939 have been purposely excluded.

3.45 p.m.

I can only suggest to the hon. senior member for St. Peter that it is intended that hearsay and other evidence which is generally inadmissible and which was allowable as a result of the express provision in Section 10, may well be excluded in respect of the operation of this new Section.

Hon. M. E. COX: Mr. Chairman, I do not want to prolong the debate, but in view of the fact that the hon. member has drawn attention to the fact that in Section 10 as it is now full power is given to demand documents and so on, I will read Section 10 of the Act, which says this:

"For the purpose of dealing with any matter referred to it, an Arbitration Tribunal or a Board of Enquiry, as the case may be, shall have full power by order to require any person to furnish, in writing or otherwise, such particulars in relation to such matter as the Tribunal or the Board may require, and where necessary to attend before the Tribunal or the Board and give evidence on oath or otherwise, and to require the production of documents, so as to elicit all such information as in the circumstances may be considered necessary, without being bound by the rules of evidence in civil or criminal proceedings....."

That is true; but what is the good of having that without having a penalty attached? The Section goes on to say this:-

"Provided always that, if any witness objects to answer any question or to produce any document on the ground that it will tend to incriminate him or any other lawful ground, he shall not be required to answer the question or to produce such document nor shall he be liable to any penalties for refusing to answer."

By that Section an individual can be asked any sort of question or he can be asked to produce a book. He may feel that he cannot produce that book because it may incriminate him. This amendment before us now abolishes that completely and imposes some powers and authority which are granted in a Court of Law to the Tribunal which can demand that these documents be presented, and then it is a matter for the Court to decide whether or not there is anything which will incriminate the witness. The witness cannot say that he will not answer a question because he feels that it will incriminate him; in the past that could happen, but not in this Bill which is before us now. This Bill is an improvement on the old Act and we are satisfied that it is for the better operation of these Tribunals; therefore we are happy to put it in this way.

Mr. BRANCKER: Mr. Chairman, I am not advocating or confirming that this Bill is an improvement on the old Act; but the old Act says that if any witness objects to answer any question, he shall not be required to answer it; but it also provides that his objection to answering any question or producing any document, would have to be on lawful grounds. It says in express terms: "provided always that, if any witness objects to answer any question or to produce any document on the ground that it will tend

to incriminate him or on any other lawful ground, he shall not be required to answer the question or to produce such document nor shall he be liable to any penalties for refusing to answer." I only got up to put that point to the hon. member.

Hon. M. E. COX: And this Bill gives him the same protection that he gets in a Court of Law.

Mr. CORBIN: Mr. Chairman, in Subsection 10 A (1) of Clause 2 of this Bill, this is what is stated:

"All persons summoned to attend and give evidence or to produce any paper, book, record or document before an Arbitration Tribunal or a Board of Enquiry --

(a) shall be bound to obey the summons served upon them;"

As I sat and listened to the various hon. members who have spoken, I would like to say that in any case like this when a man who is in charge of any firm or of any particular work and there arises a dispute, I quite agree that some pressure should be forced upon him to produce such books and documents; otherwise I do not think that the case will get anywhere. Where a man can withhold whatever he likes, I do not think that there should not be some pressure forced upon him to produce such books so that the judge or Enquirer can be justified by such documents. On the other hand, when it comes to a witness who has been summoned to appear and these penalties are placed upon him, he would be scared to give evidence in such a case; but the man who is in the possession of books and documents, I repeat that some pressure should be forced upon him to produce such books and documents; otherwise there will always be a dispute. I do not have anything against that part of the section and therefore this case does not need to be prolonged. I think we can close this deal. (Laughter)

The question that Clause 2 stand part of the Bill was put and resolved in the affirmative without division.

Clauses 3 to 5 inclusive were called and passed.

On the motion of Hon. M. E. COX, seconded by Hon. L. St. A. THORNE, the CHAIRMAN reported the passing of the Bill in Committee.

Mr. SPEAKER resumed the Chair and reported accordingly.

On motions of Hon. M. E. COX, seconded by Hon. L. St. A. THORNE in each case, the Bill was read a third time and passed.

3.55 p.m.

THE CUSTOMS (AMENDMENT) REGULATIONS, 1960

Mr. SPEAKER: The next Order of the Day stands in the name of the Hon. Minister of Trade, Industry and Labour: to move the passing of a Resolution to sanction the Regulations entitled "The Customs (Amendment) Regulations, 1960."

Hon. M. E. COX: Mr. Speaker, this Resolution seeks to amend the Customs Regulations which we passed in 1958 to permit the duty-free sale of rum to tourists at the kiosks at Seawell and the Baggage Warehouse.

When in 1958 these Regulations were passed to allow liqueur or spirits to be sold to tourists duty free, we did not include rum at the time. The reason for that was that the Comptroller of Customs would have experienced great difficulty in administering these kiosks in so far as rum was concerned. Rum, as hon. members know, is duty paid ex-distillery or ex-bond, and I think the duty is something like \$3.90 per gallon. That rum is moved from the Customs and is broken down to various strengths by the various dealers. If however, that rum is allowed to be sold duty free, it would be difficult for the Comptroller to determine the proof gallons of rum sold, since he could only collect duty on proof rum; so we were advised at the time against including rum in the spirits which were allowed to be sold duty free to tourists.

However, we have since given further consideration to the matter and we are strongly convinced, Sir, that it would help this country considerably if our local product were given similar concessions as are given to whiskey, brandy, gin and things like those which are imported into the island. I would like to say here and now that in pointing out the difficulty of controlling rum, that situation does not exist in respect of those other items, because those items are duty paid on the liquid gallon and not on the proof. However, Sir, we have given further consideration to this matter and the Comptroller has agreed that this rum could be sold ex-bond to tourists at these two kiosks. Since then, Sir, bond houses have been provided at the Baggage Warehouse and at Seawell, Officers are in charge, revenue is collected and so we have decided now to include rum in the items of spirits which will be sold to tourists duty free.

That, Sir, is the position as it stands today.

I now beg to move that this Resolution do now pass.

Hon. L. St. A. THORNE: I beg to second that.

Mr. BRANCKER: Mr. Speaker, at the moment I am under the disadvantage of there not being available to me a copy of Subsidiary Legislation for the year 1958, and I wonder if the Hon. Minister has in his File any Regulations for 1958 which are pertinent to the matter with which we are now dealing. I would like to hear from him, if he has these Regulations dealing with drawback on sale of goods to tourists on his files, whether there is also in these Regulations a definition of the word "Tourist", and if there is if he would be good enough to read that definition. It will be very helpful, Mr. Speaker, in considering this Addendum and there appears to be no copy available here in this Chamber of that Subsidiary Legislation for 1958.

I understand that the Government Printery has not yet made these Regulations available to us. It may well be that in the Minister's File there is a cyclostyled copy with the definition of "tourist".

Hon. M. E. COX: Mr. Speaker, I do not quite agree with the hon. member that these Regulations have not been made available to us, because these Regulations, as I have said, before are not dilatory Regulations; they have to be brought before the House of Assembly and have to be approved by a Resolution similar to what we are doing now; therefore the House would have been circulated with these Regulations before they were passed just as we have Regulations before us now; so I do not agree with the hon. member who said that the Regulations are not out of the hands of the Printery yet. They were on the Table of this House in 1958 before we passed them. I have not got with me a file showing the definition of "tourist". If I remember correctly, Sir, a tourist is regarded as a person who spends approximately twenty-four hours in the country, with the exception of crews of aircraft and ships. They are exempted from the provisions or facilities of these Regulations and, of course, especially in the case of people who operate aircraft for obvious reasons. They are exempted; but as far as tourists are concerned, a tourist is defined as a person spending approximately twenty-four hours in the country.

4.05 p.m.

Although that is so, I do not think, however, from an administrative point of view that you can rule out people who may spend less than that time. It is to be a sort of 24-hour thing but, for example, if a boat comes in here and is leaving within eight or ten hours, nobody would object to tourists or strangers purchasing any amount of rum or anything like that. I regret that I do not have the file with me, but I think I am correct in saying that a tourist is regarded as a person who spends around 24 hours a day in the island.

Mr. WALCOTT: I agree with this Regulation. I have two conflicting points to draw to your attention. You put here in the Addendum to this Resolution something which I do not think applies to rum. What happened, Mr. Speaker, was this. When we passed Regulations dealing with these

Kiosks and your maintaining things for tourists, they applied to different sorts of items completely. Cameras and certain things like that were named in the last Regulations. The question of rum has been one of the things which came up before those Regulations came into being, because before those Regulations came into being a man could take away any amount of rum out of bond and he was given the privilege of taking out of the country any amount. That applied not necessarily to tourists because you said that a Barbadian travelling to the United States purchasing rum out of bond is not cheating the Barbados Government out of anything. Yet he is not a tourist. That is why I say that the word "tourist" does not apply when dealing with rum. However, a Barbadian is not allowed to buy the other things which you put in the last Regulations, such as cameras from these kiosks. I say that as regards rum because I know for myself that it is one of the only things which you can carry to North America to give anybody without let or hindrance. You can buy a whole carton of rum so long as you have space to carry it. It is only in the United Kingdom where they are more restrictive on the question of your bringing it in. That is something which I have done frequently and I do not think it was expressly allowed to me as a privilege.

I think this is a Regulation arising out of Section 177 of the Trade Act of 1910 which permits rum to be sold out of bond, but it does not give these kiosks the facility. What the Minister is doing now is giving these kiosks the same privilege. It is just that you regard it as buying it out of bond and the reason why you did not do it before is because you did not regard these kiosks as places which you could control.

I do not think that is what the Hon. Leader of the Opposition asked. I do not think that applies, because anybody leaving Barbados is entitled to buy rum ex-bond. That was done before the tourist Regulations were passed. Therefore, I say this is a privilege which you are allowed whether you are a tourist or not. You can go to Shannon Airport in Ireland and whether you are an Irishman or not, as soon as you are leaving that Airport you can go to the counter and call for any amount of whiskey or gin and pay for it and take it with you. There is no restriction.

Rum is one of the things which people like to buy from Barbados. As a matter of fact, my fear is that Barbados likes to laden you down too much with it. I am therefore asking the Hon. Minister to check with what is in the Adendum.

Mr. CRAWFORD: Mr. Speaker, what has always intrigued me about this arrangement is that a Barbadian leaving the country more or less on holiday is not permitted to buy anything at Seawell from that kiosk. It seems to me an unfair distinction to say only a tourist can purchase anything up there free of duty. It seems to me in the interest of business that it should be allowed to any person leaving the country. Naturally, you are not going to allow Barbadians to go up there indiscriminately and buy stocks of liquors because you will not have enough to sell; but certainly the word "tourist" in this context should mean not necessarily somebody who is paying a short visit to the country but more or less anybody who is departing.

There can be no justifiable reason in my opinion why Barbadians should be debarred from this accommodation providing that they are leaving the country immediately. Of course, naturally, things like this are degrading because it is known to many of us here that Barbadians going abroad who want to take liquor with them have to get some non-Barbadian to buy it from this place so as to get it duty free; but this is no reason why people should be compelled to disobey the law.

4.15 p.m.

Any duty-free store at Seawell should be allowed to sell articles, the only requirement being proof that the purchaser is going to leave the island immediately. One of the most unfortunate omissions at these duty-free places at Seawell is the absence of local rum; we get all the imported gin, brandy and Scotch as we want, but, funny enough, not one gill of the local product. This Resolution seeks to amend that position, but since the attention of

the Government has been drawn to the importance of permitting locally-manufactured rum to be sold up there duty-free, it only requires similar directions to be given to the authorities to make them understand that there should be no earthly reason why somebody who is born in the country should be penalised for enjoying the same facilities at Seawell as somebody who happens to be born somewhere else. The only reason for the restrictions of duty-free sale at Seawell is to ensure that the stuff is to be taken outside immediately; otherwise there would be unfair competition in respect of articles on which duty has already been paid; but from all angles - I have discussed the matter at Seawell and elsewhere - for the life of me I cannot see why there should be an embargo against natives purchasing articles up there. It should be most interesting to hear from the Minister why, on the one hand, the sale of rum duty-free was prohibited for such a long time and, on the other hand, why Barbadians are prohibited from purchasing articles duty free provided that they are leaving the colony immediately.

Mr. CORBIN: Mr. Speaker, I am glad for the privilege of speaking in this Resolution. The object of this Resolution is to amend the regulations so as to permit the sale of rum to tourists free of duty. I believe that by doing so we will be able to encourage more tourists here, because the higher the duty on articles the more it will hinder the tourists from coming in. Therefore, this step which the Government has taken today is a good one; there is no objection from me to this Resolution, but wherever there is a licence in Barbados to sell rum every Barbadian should have the right to purchase that commodity wherever he sees it because it is one of our chief products. I agree that the Barbadian should have the privilege at Seawell, at the Baggage Warehouse or wherever it is, to purchase this commodity and I would say that this Resolution needs no further comment. I am glad for it.

Mr. SPEAKER: The question is that this Resolution do now pass

Mr. CRAWFORD: Mr. Speaker, I was waiting for a reply to my question.

Mr. SPEAKER: The only way in which the hon. member can reply is with the permission of the House.

Mr. CRAWFORD: I was waiting for the Minister to reply.

Mr. SPEAKER: He has already replied and he can only speak again with the permission of the House; therefore I will put the question. The question is that this Resolution do now pass. Hon. members in favour of that will please say "Aye", those against will please say "No". I think the "Ayes" have it.

CORONERS (AMENDMENT) 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 Coroners Act, 1932.

Hon. Dr. H. G. H. CUMMINS: Mr. Speaker, this Bill seeks to amend the Coroners Act, 1932. The object of it is to bring our Act into line with similar legislation obtaining in England, which requires the holding of an inquest whenever a person dies while in official custody. Looking at our present Act, there is no such provision. The object of this Bill therefore, is, as I said, to extend the holding of an inquest to cases of this sort. This Bill seeks to delete the present Section 6 and to replace it by a new Section.

As hon. members will see from this Bill, Section 2, which refers to Section 6 (1) (2) (3) of the Act is, in substance, the wording of the present Section; Section 6A (1) (2) is the operative amendment to the present Section. It seeks to make the holding of an inquest compulsory where persons die from an unnatural death or where the death of a person occurs while he is in custody. I beg to move that this Bill be now read a second time.

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

Mr. BRANCKER: Mr. Speaker, I am not opposing the second reading of this Bill, but there is a great deal more which needs to be done in connection with amending the Coroners Act, and it is a great pity that this amending Bill is not on comprehensive lines. As a matter of fact, I know that the Judicial Advisory Council is strongly in favour of adequate amendments to this Act so as to bring it up to date and in line with similar legislation existing in other places. There is one thing which, in any event, I had thought that the Government would have given effect to even in making a comparatively slight amendment. I am submitting that nothing comprehensive would have to take place in order to give favourable consideration to the amendment of the Schedule (b) paragraph 5, of the Act, and that is that paragraph which lays it down that for every jurymen who shall attend an inquest to which he shall be duly summoned the fee or remuneration shall be 2/6.

4.25 p.m.

Now, Sir, that fee or remuneration of half-crown was fixed in 1932 and it still, so far as I know, stands today, and there is the greatest difficulty in getting jurymen to attend Coroners' Inquests. The usual practice is to look around for nine people who are near the scene and implore them to come along, without letting them know when they go the next day to the inquest that they will only get half-crown which may only just cover their bus fare. The result is that you will find people in the City of Bridgetown more often than not on the same panel of jurymen, rather hoping that there may be two or three inquests the same day when they will be entitled to three half-crowns. One sees the same faces, the old rellables, usually people with small pensions, more often than not ex-policemen and ex-postmen. I missed one lately, and perhaps that ex-postman is now numbered among his fathers. When this consideration is to be given to remuneration to other jurymen bringing them up to \$3 or whatever it is from 6/8 which was formerly there, certainly this figure merits consideration by Government, and a Bill such as this might well make provision for it.

You will recall, Sir, that the fee for attendance is 60¢ but the penalty for non-attendance is \$12, if a magistrate saw fit to enforce it occasionally when an inquest takes two or three days - they usually take not less than two days - and a juror attends the first day and something turns up more remunerative than half-crown, and he does not come back the second day; but the inquest can go on so long as there are not less than seven of the original nine, and the Coroner makes no fuss about it; he does not intend to mulct the non-attending juror the maximum fine of \$12 which the Law provides. It is rather interesting in the old Act of 1932 because Section 9 says that if he does not appear after having been duly summoned, every such Coroner shall be empowered to impose such fine upon every person so making default as he shall think fit, not exceeding fifty shillings. It is made early on in the Act for non-appearing jurymen to be fined up to \$12, but when you go on to Schedule B, after having said that the Medical Practitioner shall be paid a fee of one guinea for attending to give evidence, and a fee of two guineas for making a *post mortem* examination and other provisions dealing with qualified medical men, yet in the last Section of the Schedule to the Act there is a part which says that for every jurymen who shall attend, there shall be a fee of 2/6.

I must therefore commend to Government, Sir, when they receive a request from the Judicial Advisory Council or when they have given this matter further consideration because our Coroners' legislation is certainly out of date, to bear in mind that that half-crown still remains since twenty-eight years ago as the fee payable to a juror at a Coroner's inquest. In England, of course, Mr. Speaker, the most important body of rules which has the same force and effect as the Judges' Rules are operated in the Coroners' Court. There are known as the Coroners' Rules of 1953, Mr. Speaker, and these Rules might well be adopted by us and followed in the Coroners' Courts of this island. The Judges' Rules, as they are called, have the force of Law and are followed by Her Majesty's Courts within and without the United Kingdom. The Coroners' Rules of 1953 of England are as weighty and valuable to the proceedings of a Coroner's Court as are the Judges' Rules in respect of Courts of Law, and I hope there will soon be another

practice whereby Coroners of this Island will follow and adopt the Rules of 1953; but in respect of that I trust the Medical Practitioner's request will not fall on deaf ears and the Cabinet will have a word with the Crown Law Officer and have as soon as possible an up-to-date Coroner's legislation. Even before they produce an all-embracing and comprehensive legislation, I am looking forward to another main Bill, a shorter Bill and not as controversial as this, to give an increase and adequate remuneration to the people who serve as jurors at Coroners' Courts.

There is only one small matter which will fittingly be reserved for Section 2 of the Bill.

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. It reads as follows:—

"(1) Where there is any case of sudden death the cause of which is unknown, the Coroner, if he is of the opinion that a *post mortem* examination may prove an inquest to be unnecessary, may order that a *post mortem* examination be made by a qualified medical practitioner who shall after identification of the body report the result of such examination to the Coroner.

(2) If as a result of any such *post mortem* examination the Coroner is satisfied that an inquest is unnecessary he may dispense with the holding of an inquest and authorize the body to be buried.

(3) Where, however, the Coroner is not satisfied as to the cause and circumstances of death after such *post mortem* examination and report, he shall hold an inquest and may summon the medical practitioner who made the *post mortem* examination to give evidence at such inquest.

6A.(1) Where there is any case of unnatural death or where the death occurs of any person confined in any prison, lock up, or place of confinement for persons accused or convicted of having committed any offence, the Coroner shall hold an inquest as to the cause and circumstances of such death and shall cause a *post mortem* examination of the body to be made by a qualified medical practitioner, and it shall be lawful for the Coroner to summon the medical practitioner who made the *post mortem* examination and such other medical witnesses as may appear necessary and expedient to the Coroner and the greater number of the jurymen sitting at the inquest.

(2) Where an inquest is held on the body of any person who dies while confined in a prison, lock up, or place of confinement as aforesaid, an officer of the prison, lock up, or place of confinement as aforesaid, or a prisoner therein, or a person engaged in any sort of trade or dealing with the prison, lock up or place of confinement as aforesaid, shall not sit as a juror at such inquest."

Hon. Dr. H. G. H. CUMMINS: Mr. Chairman, I beg to move that Clause 2 stand part.

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

Mr. BRANCKER: Mr. Chairman, the original Section of the 1932 Act says "whenever there is any case of sudden death" and that appears to me to be a much more suitable phrase than the one with which this new Section starts. I do not suppose the Hon. Introducer can tell us the reason why the word "where" has been substituted for what I considered a more appropriate word. This is really not in his line and there will hardly be anything in his file, but I certainly would not let it pass without comment.

The question that Clause 2 stand part was put and resolved in the affirmative without division.

On the motion of Hon. Dr. H. G. H. CUMMINS seconded by Hon. D. D. GARNER, Mr. CHAIRMAN reported the passing of the Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. Dr. H. G. H. CUMMINS seconded in each case by Hon. L. S. A. THORNE, the Bill was read a third time and passed.
4.35 p.m.

THE ADJOURNMENT

Hon. M. E. COX fixed the Order Paper for Government Business.

Mr. BRANCKER: Mr. Speaker, under Private Members' Business, I am asking that No. 15 be set down as Order No. 1. As Your Honour knows, it is recognised parliamentary procedure that such a motion as that should be given precedence.

Mr. BRYAN: Mr. Speaker, before consent is given, I would like to draw attention to Order No. 2 which stands in my name. It is not a controversial matter and I am asking that that be made Order No. 1 and then the Item in the hon. member's name be taken next.

Mr. SPEAKER: I think that can be dealt with quite easily. The hon. member can ask leave of the House to deal with that matter before it proceeds with Order No. 1.

I have the honour to discharge the Select Committee appointed to consider the Bill to authorise the sale of Glebe Lands in the parish of St. Michael.

Hon. M. E. COX: Mr. Speaker, I beg to move that this House do now adjourn until Tuesday, 14th June, 1960 at 12 o'clock noon.

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

Mr. BRANCKER: Mr. Speaker, I beg to move as an amendment to that motion that "14th" be deleted in order to substitute "21st". I say that not because the 21st, as I see in my diary, is the longest day of the year - that is really not the reason - but it is well known that Her Majesty's Principal Secretary of State for the Colonies is due to arrive in the island to have discussions with certain parliamentarians - those who have anything worthwhile saying - on the 13th and 14th June. The discussions which start on the 13th June may not be concluded until the 14th June and he will be here for those two days only. There is also the possibility that his arrival may be delayed by a few hours.

I hope the Hon. Leader of the House will agree to the amendment because I do not think he would like to proceed with the business of the House knowing that our side of the Opposition will be vacant, no matter how controversial the measures might be. I also realise that today week, the Hon. Leader of the House and other members of the Government might be rather tired after their Whit-Monday activities and I do suggest that the Whitsun recess might well on this occasion be for three weeks because the members opposite me may be fatigued today week and today fortnight because of the visit of the Secretary of State for the Colonies, we of the Official Opposition may still be in conference with him; therefore my motion is that the 21st June be substituted for the 14th June.

Hon. M. E. COX: Mr. Speaker, I can very well see and appreciate the amendment made because the Secretary of State for the Colonies would be visiting us and there will be some discussion among the various political groups and probably some other members. But I do not agree with the motion in its entirety. I wonder if the Hon. Leader of the Opposition would substitute the 16th for the 21st. The 16th is a Thursday. I think we may very well meet on that Thursday and get some business done. We have a Resolution for \$144,000 to deal with and the only reason why it has not been dealt with today is because of the absence of the Minister of Communications.

Mr. WALCOTT: Mr. Speaker, I believe that the House can be adjourned until the end of the year so far as what we come in here and do. I think the time has come for a general election because for Parliament to be meeting Tuesday after Tuesday and doing what we are doing when we meet, all I can say is that we are only wasting public funds. The amount of money that is being provided for lunch for us on Tuesdays and then we come in here for only this length of time, surely, that money could be very well left in the Treasury to be more usefully utilised for other purposes.

You have had ministerial status for six years now and the Ministers have not yet got down to a programme of business whereby we can meet for two or three days a week and then adjourn for a period. We met here last Tuesday and today, and you are adjourning today's meeting before five o'clock. Can anybody tell me that you are thinking in terms of productivity by this type of legislation we are talking about? This is a positive waste of time.
4.45 p.m.

We do not have enough business before us to command our attention meeting as a Parliament; therefore, let us have an Election and come back here; let us have something to put before the public. The hon. member has said that the Minister of Communications is out of the island and therefore he does not propose to deal with this Resolution in connection with the Deep Water Harbour. But this is a Resolution of the Government. Resolutions have been dealt with in the past when the Minister was out of the island. You have an important bit of legislation to deal with; the Deep Water Harbour is an important matter and you said that we had to get a Port Manager. The Government has sent down this Resolution for \$144,000; it is the Government's collective responsibility, but you say that the Minister is out of the Island and you cannot deal with it; you say that it is important to postpone it until next week until the Minister comes back and we are being treated like little children.

Mr. Speaker, I am not coming to this House just for the sake of coming and sitting down here and looking at hon. members; you had eight or nine Orders on the Order Paper today and if the Government were serious about its work, another of these Orders could have been debated. You have disposed of some six or seven of the nine items on the Order Paper and you are leaving back one which is a Resolution to provide more money for the Deep Water Harbour. You have a Cabinet of six Ministers, one Minister is out of the island and you have to wait until he comes back. This is not a matter of a vote of "No confidence" which cannot be proceeded with when the Minister is out of the island; this is a Resolution which is the Ministers' collective responsibility. The Deep Water Harbour belongs to Barbados and you are postponing a Resolution dealing with it. Apart from helping the caterer with the food which he provides, well, the House of Assembly has no work to do and I think it will help the staff if they have more time available to themselves so that they can do their work.

The Government has made such serious statements that I would like to have some time to discuss with them some of these pertinent questions; I would like some time or other to deal with them but, unfortunately, in the way in which we have been meeting, when we come to discuss something like this Resolution, they postpone it. I am saying that it is not fair to this House that sometimes the Ministers implore Your Honour to send out a Resolution saying that it is in the interest of the community to have it dealt with, and now we are postponing this Resolution dealing with the Deep Water Harbour. Mr. Speaker, I would like to make a motion that this House be adjourned for a year because they have no business to do. The Government does not seem to be grappling with the situation; what leadership are we giving to the people of this community? Are we showing them by example how we can waste time? You have dealt with seven Orders on the Order Paper today and I must say that it costs money each time this House meets. You have to provide food, equipment and the like and we cannot afford to waste money. I think that we should sit two or three days a week and clear up the Order Paper; we are not following, we do not want to follow the example of the Federal Government; enough money is being wasted. I have examples to show that if you are going to improve,

you do not have to be looking about for this, that or the other; you are really not ready to do what you are doing.

Mr. Speaker, as to the purpose for which the Minister of Communications has gone to Puerto Rico, anybody could have gone. If you were to count the money which the Ministers are spending on travelling, you will find that the Ministers have spent more money in travelling than what they get in salaries. All these things you want to check; I say that, for the past twelve months, if you were to make a check, you will find some Ministers would have drawn more in travelling allowance than what they got in salary. I beg to second the motion of the hon. junior member for St. Lucy.

Hon. M. E. COX: Mr. Speaker, I am sure that Your Honour would give me permission to reply to the remarks which have been made by the hon. member who has just sat down. I would regard those remarks as being most uncharitable imputations made against the Government. The hon. member does not appear to be aware of the fact that when Ministers are not in this Assembly, the office work has to be done. When the hon. member talks about having an Election, I would like to say that I was never afraid of an Election, and if one were to take place tomorrow or now I would welcome it. Some people talk about elections but they do not take them as kindly as they appear to talk about them. (Laughter). However, the position is that the Government has completed the business which it had before the House and the only other money Resolution which is on the Order Paper before us stands in the name of the Hon. Minister of Communications (Mr. WALCOTT: It stands in the name of the Government). It is not true to say that no other member of the Government knows about the Deep Water Harbour; as a matter of fact, I was dealing with that Ministry before; I brought down Resolutions dealing with the establishment, the policy and principle of the Deep Water Harbour. However, every Minister has allocated to him a certain portfolio and that Minister is supposed to be up-to-date on what appropriately concerns him. If questions are asked, the answers to them can only be given by the Minister whom the matter directly concerns, and if he deals with that every day, what can we do now?
5.05 p.m.

We thought it better, therefore, to allow the Resolution to remain until the Minister returns, but it is not fair to say that we are wasting time, because sometimes we come to this House of Assembly with some of the most simple Resolutions, Bills or whatever the case may be, and to our surprise what would take us, say, five minutes to dispose of, drags on till the early hours of the morning from 12 o'clock in the day. As a matter of fact, we have had two marathon sittings, and the hon. senior member for St. Lucy is well aware of that, until after 6 o'clock in the morning; so on simple questions this Government does not know when it comes here how soon a debate will end on a particular item. I repeat that more often than not when we think that an item will take five or ten minutes as the case may be, a discussion arises and it drags on until 12 o'clock in the night and so on; therefore we cannot be said to be wasting the time of the taxpayers because we are adjourning early this afternoon, and because we may not be coming back before the 21st of June. The hon. member will discover that I even suggested an amendment to the proposed amendment by the Leader of the Opposition, and it is that we should come back on the 16th which is before the 21st, in order that we can get work done.

Mr. WALCOTT: On a point of order, I did not say that you are wasting time because you are adjourning at 5 o'clock. I said you are wasting time because Tuesday after Tuesday we come here without completing the Order Paper. Last Tuesday we adjourned at 7 o'clock after doing four Bills and now today without completing the Order Paper we are adjourning, and I say that is a positive waste of time; so it is not because you are adjourning at 5 o'clock, because you can complete an Order Paper and adjourn at 5 o'clock.

Hon. M. E. COX: Mr. Speaker, if we were like the hon. member we could drag on until 9 o'clock the same way. We

could talk and talk, but what is the point of talking and overburdening the people at the Printery, causing the taxpayers to pay more for a lot of trash you read in the debates from time to time - unnecessary verbosity and endless generalisations on simple matters in the House. What is the point of wasting time? That is where a lot of money is wasted in all these lengthy, unfounded and silly discussions. We are not wasting the time of this House, and I must say when the hon. member refers to the question of coming here and getting lunch and all that, I could not care less if they provide lunch. As a matter of fact, I believe I eat less in here than anybody else, and since, Mr. Speaker, it is provided for in the Estimates - I am not saying who partakes and who does not - I do not see any reason why members cannot with dignity go and enjoy lunch. It is *infra dig* for a member to talk about a little lunch which the members eat sometimes.

However, Sir, I am not prepared to argue that because it is a vote of the Legislature, and although sometimes a member criticises it, yet I generally find him sitting among the seats which the old Conservatives always occupied in the western part of the Lunch Room. But now to be serious, Sir, it is not fair to us to say that it is a waste of time. I could not care less about the lunch, but when we come here to this House and have to sit for long hours, especially the Government Ministers who have to remain and listen to what is being said both from the Opposition and from our own Party, when others can talk and run around and stretch their feet, it is not fair to say that we come here Tuesday after Tuesday and waste the time of the House, because in addition to the work of this House, work has to be done in all these Ministries day in and day out, even on Sundays when some of the others may be picnicking at Bathsheba.

There is another point, Mr. Speaker, which I know the hon. member ought to be aware of because he used to be a member of this Government. (Mr. WALCOTT: That is ancient history.) It is not as ancient as that; it is only from 1954, so it is not a decade yet. Mr. Speaker, the hon. member knows, even before there was so much legislation to be drafted as there is now, the difficulty we experienced in getting these Bills drafted from time to time. It is only recently that we have been able to get two or three Legal Draughtsmen recruited into the Legal Department, and as soon as one comes in, one or two go out on vacation. I can tell you that only today they have to attend Sessions and things of that sort. The hon. member today referred to the Workmen's Compensation Bill; that Bill was with the Crown Law Officer for some time now. There are very important Bills which we would like to have brought to this House to be introduced and debated and passed before the Session ends, but we cannot do any better. We are being held up, but we have to push them as quickly as possible; whenever we get through them from the Ministers' angle, they are bogged down in the Drafting Department. What else can we do? The hon. member is not as willing, I am sure, as I am for the business of the Government to be expedited, and I would meet Tuesday, Thursday Friday and even Sunday if you want me to. I suggested to the member just now to let us meet on Thursday 16th because we want to get rid of as many items as we possibly can when we come to this House. The public must know, therefore, that we are not to blame, that the Drafting Department was short-staffed for a long time, and it is only recently that we have been able to recruit staff. Only this year we have been able to get Mr. Husbands, Mr. Browne and Mr. Nicholls, and I think we are up to what we can regard as full strength, but just now somebody else may be going on leave; so it is not fair, I repeat, to lay blame on the Government because we have not got a Bill today and call it a waste of time.

We have to wait on the Legal Department, Mr. Speaker, and as soon as we get our Bills from them we bring them to the House, introduce them and they are debated; so I would like to make that statement so that the public will not get the impression that we are just coming here to get lunch and wasting the time of the taxpayers, but that it is because of the fact that we have not got as many items prepared by the Drafting Department as we desire to have, plus the fact that we do not know when we will be bogged down on any item which we bring here.
5.05 p.m.

You come here and you get through with one Resolution after a whole day's sitting. The Order Paper may have ten, fifteen, twenty or thirty items of Government Business and you only get rid of one item after spending ten hours. So, we do not know when we would be bogged down; therefore, we have to meet as regularly as possible to get through with as much work as we can in the interest of the people. The hon. senior member for St. Peter has made a grave mistake and the statement which he made of our wasting time is unfounded.

Mr. TUDOR: Mr. Speaker, I rise especially to answer the Hon. Minister and to understand his explanation or rather to understand his point of view on this matter. Unfortunately, I was not here when the Leader of the Opposition reached his compromise with the Leader of the House. Our point of view is a simple one. It is this. We would like an extension because the entire Official Opposition will be taken up for nearly two days in conference with the Secretary of State for the Colonies between the 13th and 14th June. When the Government goes on its own conferences, as has happened recently when two Ministers left the Island, the House was adjourned for a period covering the period of the business of those two Ministers who went on that conference. We think it is but right that if four of us will be taken up in an important conference on the 13th and may be the 14th June, it is courtesy that the House give understanding to us by meeting on a day when we are not in conference with the Secretary of State for the Colonies.

We are willing, if the Government so desires, to meet a date before the 21st June, so that any urgent items or any item which is outstanding can be got through with. Therefore, if the 16th June is appropriate, that day would be quite satisfactory to us.

The motion which the hon. Leader of the Opposition made for meeting on the 21st has been seconded. What is going to be the case? I would like to know if the Hon. Leader of the House wants to compromise on the motion which was made of the date between the 14th and the 21st.

Hon. M. E. COX: Mr. Speaker, I rise on a point of order. I could not have made that motion because I had already made the original motion.

Mr. TUDOR: Mr. Speaker, I beg to move that this House do now adjourn until Thursday 16th June, 1960, at 12 o'clock (noon).

Hon. L. St. A. THORNE: I beg to second that.

Hon. M. E. COX: Mr. Speaker, I accept that motion made by the hon. senior member for St. Lucy.

Mr. BRANCKER: Mr. Speaker, may I ask leave to withdraw my motion?

There being no objection, leave was granted the hon. member.

Mr. WALCOTT: Sir, before the motion is put, I would like to ask leave of absence from the House for myself as from the date of the adjournment for a period of six weeks.

The question that the House do now adjourn until Thursday, 16th June, 1960, at 12 o'clock noon, was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.